

House Bill 106 (AS PASSED HOUSE AND SENATE)

By: Representatives Roberts of the 155th, Burns of the 159th, and McCall of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to provide for a limitation on the joint county and municipal sales and use tax
3 on motor fuel; to provide for a state fee on the rental of a hotel or motel room; to provide for
4 an additional transportation special purpose local option sales and use tax by counties and
5 municipalities; to provide for definitions, procedures, conditions, and limitations for the
6 imposition, collection, disbursement, and termination of the tax; to provide for powers,
7 duties, and authority of the state revenue commissioner; to provide for related matters; to
8 provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

11 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
12 amended by revising Code Section 48-8-82, relating to authorization of counties and
13 municipalities to impose a joint sales and use tax, as follows:

14 "48-8-82.

15 (a) When the imposition of a joint county and municipal sales and use tax is authorized
16 according to the procedures provided in this article within a special district, the county
17 whose geographical boundary is conterminous with that of the special district and each
18 qualified municipality located wholly or partially within the special district shall levy a
19 joint sales and use tax at the rate of 1 percent, except as provided in subsection (b) of this
20 Code section. Except as to rate, the joint tax shall correspond to the tax imposed and
21 administered by Article 1 of this chapter. No item or transaction which is not subject to
22 taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article,
23 except that the joint tax provided in this article shall be applicable to sales of motor fuels
24 as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable
25 to the sale of food and food ingredients and alcoholic beverages only to the extent provided
26 for in paragraph (57) of Code Section 48-8-3.

27 (b) On or after July 1, 2015, such joint sales and use tax levied on sales of motor fuels as
 28 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
 29 the motor fuel which is not more than \$3.00 per gallon; provided, however, that in any
 30 consolidated government levying a joint sales and use tax at 2 percent pursuant to Code
 31 Section 48-8-96, on or after July 1, 2015, any such joint sales and use tax levied on sales
 32 of motor fuels as defined in Code Section 48-9-2 shall be at the rate of 2 percent of the
 33 retail sales price of the motor fuel which is not more than \$3.00 per gallon."

34 **SECTION 2.**

35 Said title is further amended by adding a new article in Chapter 8, relating to state sales and
 36 use taxes, to read as follows:

37 "ARTICLE 5A

38 48-8-260.

39 As used in this article, the term:

40 (1) 'Intergovernmental agreement' means a contract entered into pursuant to Article IX,
 41 Section III, Paragraph I of the Constitution.

42 (2) 'Mass transportation' means any mode of transportation serving the general public
 43 which is appropriate to transport people by highways or rail.

44 (3) 'Mass transportation regional system participant' means any county within a special
 45 district created pursuant to Article 5 of this chapter in which mass transportation service
 46 is provided within such special district, to such special district, or from such special
 47 district by a multicounty regional transportation authority created by an Act of the
 48 General Assembly, including but not limited to the Georgia Regional Transportation
 49 Authority or the Metropolitan Atlanta Rapid Transit Authority.

50 (4) 'Qualified municipality' means a qualified municipality as defined in paragraph (4)
 51 of Code Section 48-8-110 which is located wholly or partly within a special district.

52 (5) 'Transportation purposes' means and includes roads, bridges, public transit, rails,
 53 airports, buses, seaports, including without limitation road, street, and bridge purposes
 54 pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all
 55 accompanying infrastructure and services necessary to provide access to these
 56 transportation facilities, including new general obligation debt and other multiyear
 57 obligations issued to finance such purposes. Such purposes shall also include the
 58 retirement of previously incurred general obligation debt with respect only to such
 59 purposes, but only if an intergovernmental agreement has been entered into under this
 60 article.

61 48-8-261.

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

66 (b) On or after July 1, 2016, any county:

67 (1) That is not located within a special district levying a special sales and use tax
 68 pursuant to Article 5 of this chapter;

69 (2) That is a mass transportation regional system participant; and

70 (3) In which a tax is currently being levied and collected pursuant to:

71 (A) Part 1 of Article 3 of this chapter;

72 (B) A local constitutional amendment for purposes of a metropolitan area system of
 73 public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to
 74 such local constitutional amendment; or

75 (C) Code Section 48-8-96

76 may, by following the procedures required by this article, impose for a limited period of
 77 time within the special district under this article a transportation special purpose local
 78 option sales and use tax, the proceeds of which shall be used only for transportation
 79 purposes.

80 (c) On or after July 1, 2017, any county:

81 (1) That is not located within a special district levying a special sales and use tax
 82 pursuant to Article 5 of this chapter; and

83 (2) In which a tax is currently being levied and collected pursuant to:

84 (A) Part 1 of Article 3 of this chapter;

85 (B) A local constitutional amendment for purposes of a metropolitan area system of
 86 public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to
 87 such local constitutional amendment; or

88 (C) Code Section 48-8-96

89 may, by following the procedures required by this article, impose for a limited period of
 90 time within the special district under this article a transportation special purpose local
 91 option sales and use tax, the proceeds of which shall be used only for transportation
 92 purposes.

93 48-8-262.

94 (a)(1) Except as otherwise provided in paragraph (2) of this subsection, prior to the
 95 issuance of the call for the referendum required by Code Section 48-8-263, any county

96 that desires to levy a tax under this article shall deliver or mail a written notice to the
97 mayor or chief elected official in each qualified municipality located within the special
98 district. Such notice shall contain the date, time, place, and purpose of a meeting at
99 which the governing authorities of the county and of each qualified municipality are to
100 meet to discuss possible projects for inclusion in the referendum and the rate of tax. The
101 notice shall be delivered or mailed at least ten days prior to the date of the meeting. The
102 meeting shall be held at least 30 days prior to the issuance of the call for the referendum.
103 (2) When 90 percent or more of the geographic area of a special district is located within
104 one or more qualified municipalities and when a qualified municipality or combination
105 of qualified municipalities within the special district whose combined population within
106 the special district is 60 percent or more of the aggregate population of all qualified
107 municipalities within the special district desires to levy a tax under this article, such
108 qualified municipality or municipalities may deliver or mail written notice to the chief
109 elected official of the governing authority of the county located within the special district
110 calling for a meeting to discuss projects for inclusion in the referendum and the rate of
111 levy of the tax. Such notice shall contain the date, time, place, and purpose of the
112 meeting and shall be delivered or mailed at least ten days prior to the date of the meeting.
113 The meeting shall be held at least 30 days prior to the issuance of the call for a
114 referendum. If the county and all qualified municipalities within the special district do
115 not enter into an intergovernmental agreement meeting the requirements of subsection (b)
116 of this Code section within 30 days after the meeting, when 90 percent or more of the
117 geographic area of a special district is located within one or more qualified municipalities
118 the qualified municipality or combination of qualified municipalities within the special
119 district whose combined population within the special district is 60 percent or more of the
120 aggregate population of all qualified municipalities within the special district may adopt
121 a resolution as provided in subsection (e) of this Code section and issue the call for a
122 referendum on the levy of a tax under this article.

123 (b)(1) Following the meeting required by subsection (a) of this Code section and prior
124 to any tax being imposed under this article, the county and all qualified municipalities
125 therein may execute an intergovernmental agreement memorializing their agreement to
126 the levy of a tax and the rate of such tax.

127 (2) If an intergovernmental agreement authorized by paragraph (1) of this subsection is
128 entered into, it shall, at a minimum, include the following:

129 (A) A list of the projects and purposes qualifying as transportation purposes proposed
130 to be funded from the tax, including an expenditure of at least 30 percent of the
131 estimated revenue from the tax on projects included in the state-wide strategic

132 transportation plan as defined in paragraph (6) of subsection (a) of Code Section
 133 32-2-22;

134 (B) The estimated or projected dollar amounts allocated for each transportation
 135 purpose from proceeds from the tax;

136 (C) The procedures for distributing proceeds from the tax to qualified municipalities;
 137 (D) A schedule for distributing proceeds from the tax to qualified municipalities which
 138 shall include the priority or order in which transportation purposes will be fully or
 139 partially funded;

140 (E) A provision that all transportation purposes included in the agreement shall be
 141 funded from proceeds from the tax except as otherwise agreed;

142 (F) A provision that proceeds from the tax shall be maintained in separate accounts and
 143 utilized exclusively for the specified purposes;

144 (G) Record-keeping and audit procedures necessary to carry out the purposes of this
 145 article; and

146 (H) Such other provisions as the county and qualified municipalities choose to address.

147 (c)(1) If an intergovernmental agreement is entered into by the county and all qualified
 148 municipalities, the rate of the tax may be up to 1 percent.

149 (2) If an intergovernmental agreement is not entered into by the county and all qualified
 150 municipalities, the maximum rate of the tax shall not exceed .75 percent and shall be
 151 determined by the governing authority of the county.

152 (d)(1) As soon as practicable after the meeting between the governing authorities of the
 153 county and qualified municipalities and the execution of an intergovernmental agreement,
 154 if applicable, the governing authority of the county shall by a majority vote on a
 155 resolution offered for such purpose submit the list of transportation purposes and the
 156 question of whether the tax should be approved to electors of the special district in the
 157 next scheduled election and shall notify the county election superintendent within the
 158 special district by forwarding to the superintendent a copy of such resolution calling for
 159 the imposition of the tax. Such list, or a digest thereof, shall be available during regular
 160 business hours in the office of the county clerk.

161 (2) The resolution authorized by paragraph (1) of this subsection shall describe:

162 (A) The specific transportation purposes to be funded;

163 (B) The approximate cost of such transportation purposes, which shall also be the
 164 maximum amount of net proceeds to be raised by the tax; and

165 (C) The maximum period of time, to be stated in calendar years, for which the tax may
 166 be imposed and the rate thereof. The maximum period of time for the imposition of the
 167 tax shall not exceed five years.

168 48-8-263.

169 (a)(1) The ballot submitting the question of the imposition of the tax to the voters within
 170 the special district shall have written or printed thereon the following:

171 '() YES Shall a special _____ percent sales and use tax be imposed in the special
 172 district consisting of _____ County for a period of time not to exceed
 173 () NO _____ and for the raising of not more than an estimated amount of
 174 \$ _____ for transportation purposes?'

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

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

180 (b) The election superintendent shall issue the call and conduct the election in the manner
 181 authorized by general law. The superintendent shall canvass the returns, declare the result
 182 of the election, and certify the result to the Secretary of State and to the commissioner. The
 183 expense of the election shall be paid from county funds. All persons desiring to vote in
 184 favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall
 185 vote 'No.' If more than one-half of the votes cast throughout the entire special district are
 186 in favor of imposing the tax, then the tax shall be imposed as provided in this article.

187 (c) Where such question is not approved by the voters, the county may resubmit such
 188 question from time to time upon compliance with the requirements of this article.

189 (d)(1) If the intergovernmental agreement, if applicable, and proposal include the
 190 authority to issue general obligation debt and if more than one-half of the votes cast are
 191 in favor of the proposal, then the authority to issue such debt in accordance with Article
 192 IX, Section V, Paragraph I of the Constitution is given to the proper officers of the
 193 county; otherwise, such debt shall not be issued. If the authority to issue such debt is so
 194 approved by the voters, then such debt may be issued without further approval by the
 195 voters.

196 (2) If the issuance of general obligation debt is included and approved as provided in this
 197 Code section, then the governing authority of the county may incur such debt either
 198 through the issuance and validation of general obligation bonds or through the execution
 199 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 200 through the issuance of general obligation bonds, such bonds and their issuance and
 201 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 202 specifically provided otherwise in this article. If such debt is incurred through the
 203 execution of a promissory note or notes or other instrument or instruments, no validation
 204 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10

205 through 36-80-14 except as specifically provided otherwise in this article. In either event,
 206 such general obligation debt shall be payable first from the separate account in which are
 207 placed the proceeds received by the county from the tax. Such general obligation debt
 208 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 209 county; and any liability on such debt which is not satisfied from the proceeds of the tax
 210 shall be satisfied from the general funds of the county.

211 48-8-264.

212 (a)(1) If the imposition of the tax is approved at the election, the tax shall be imposed on
 213 the first day of the next succeeding calendar quarter which begins more than 80 days after
 214 the date of the election at which the tax was approved by the voters.

215 (2) With respect to services which are regularly billed on a monthly basis, however, the
 216 resolution shall become effective with respect to and the tax shall apply to services billed
 217 on or after the effective date specified in paragraph (1) of this subsection.

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

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

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

225 (3) As of the end of the calendar quarter during which the commissioner determines that
 226 the tax will have raised revenues sufficient to provide to the special district net proceeds
 227 equal to or greater than the amount specified as the maximum amount of net proceeds to
 228 be raised by the tax.

229 (c)(1) At any time, no more than a single tax under this article shall be imposed within
 230 a special district. Any tax imposed under this article may, subject to the requirements of
 231 subsection (c) of Code Section 48-8-262, be imposed at a rate of up to 1 percent but shall
 232 not exceed 1 percent. Any tax imposed under this article at a rate of less than 1 percent
 233 shall be in an increment of .05 percent.

234 (2) In any special district in which a tax is in effect under this article, proceedings may
 235 be commenced, while the tax is in effect, calling for the reimposition of the tax upon the
 236 termination of the tax then in effect; and an election may be held at the next scheduled
 237 election for this purpose while the tax is in effect. Such proceedings for the reimposition
 238 of a tax under this article shall be in the same manner as proceedings for the initial
 239 imposition of the tax, but the newly authorized tax shall not be imposed until the
 240 expiration of the tax then in effect.

241 (3) Following the expiration of a tax under this article, proceedings for the reimposition
 242 of a tax under this article may be initiated in the same manner as provided in this article
 243 for initial imposition of such tax.

244 48-8-265.

245 A tax levied pursuant to this article shall be exclusively administered and collected by the
 246 commissioner for the use and benefit of the county and qualified municipalities within the
 247 special district imposing the tax. Such administration and collection shall be accomplished
 248 in the same manner and subject to the same applicable provisions, procedures, and
 249 penalties provided in Article 1 of this chapter; provided, however, that all moneys collected
 250 from each taxpayer by the commissioner shall be applied first to such taxpayer's liability
 251 for taxes owed the state; and provided, further, that the commissioner may rely upon a
 252 representation by or on behalf of the special district or the Secretary of State that such a tax
 253 has been validly imposed, and the commissioner and the commissioner's agents shall not
 254 be liable to any person for collecting any such tax which was not validly imposed. Dealers
 255 shall be allowed a percentage of the amount of the tax due and accounted for and shall be
 256 reimbursed in the form of a deduction in submitting, reporting, and paying the amount due
 257 if such amount is not delinquent at the time of payment. The deduction shall be at the rate
 258 and subject to the requirements specified under subsections (b) through (f) of Code
 259 Section 48-8-50.

260 48-8-266.

261 Each sales tax return remitting taxes collected under this article shall separately identify
 262 the location of each retail establishment at which any of the taxes remitted were collected
 263 and shall specify the amount of sales and the amount of taxes collected at each
 264 establishment for the period covered by the return in order to facilitate the determination
 265 by the commissioner that all taxes imposed by this article are collected and distributed
 266 according to situs of sale.

267 48-8-267.

268 (a) The proceeds of the tax collected by the commissioner in each special district under
 269 this article shall be disbursed as soon as practicable after collection as follows:

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

272 (2) Except for the percentage provided in paragraph (1) of this subsection, the remaining
 273 proceeds of the tax shall be distributed:

274 (A) Pursuant to the terms of the intergovernmental agreement, if applicable; or

275 (B) If no intergovernmental agreement has been entered into, in accordance with
 276 subsection (b) of this Code section.

277 (b) In the event an intergovernmental agreement has not been entered into, then
 278 distribution of the proceeds shall be as follows:

279 (1) The state auditor shall determine the most recent three fiscal years for which an audit
 280 under Code Section 36-81-7 has been made;

281 (2) Utilizing the audit information under paragraph (1) of this subsection, the county and
 282 each qualified municipality shall receive a proportional amount of proceeds of the tax
 283 based upon the amount of expenditures made for transportation in the most recent three
 284 fiscal years. The proportional amount for the county and each qualified municipality
 285 shall be determined by dividing the average expended on transportation during the most
 286 recent three fiscal years by the county or qualified municipality by the aggregate average
 287 expended on transportation by the county and all qualified municipalities in the special
 288 district during the most recent three fiscal years. Amounts expended on transportation
 289 include transportation maintenance and operation costs and shall correspond with
 290 classifications and subclassifications specified in the local government uniform chart of
 291 accounts under subsection (e) of Code Section 36-81-3 within section 4200, including
 292 noncapital expenditures within sections 4210-4270, and shall be reported in the local
 293 government audit. Total general fund expenditures by the local government within these
 294 categories shall be specified in the footnotes of the audited financial statement. If such
 295 transportation expenditures include maintenance and operation costs to support local
 296 government airport and transit operations, reported in functions 7561 and 7563 of the
 297 uniform chart, the general fund costs for those functions shall be included in the footnotes
 298 of the local government's audited financial report; and

299 (3) Following the determinations made pursuant to paragraph (2) of this subsection and
 300 at least 30 days prior to the referendum, the state auditor shall certify the appropriate
 301 distribution percentages to the commissioner and the commissioner shall utilize such
 302 percentages for the distribution of proceeds for the term of the tax.

303 48-8-268.

304 (a) The proceeds of a tax under this article shall not be subject to any allocation or
 305 balancing of state and federal funds provided for by general law, and such proceeds shall
 306 not be considered or taken into account in any such allocation or balancing.

307 (b) The approval of the tax under this article shall not in any way diminish the percentage
 308 of state or federal funds allocated to any of the local governments under Code Section
 309 32-5-27 within the special district levying the tax. The amount of state or federal funds
 310 expended in the county or any qualified municipality within the special district shall not
 311 be decreased or diverted due to the use of proceeds from the tax levied under this article
 312 for transportation purposes that have a high priority in the state-wide strategic
 313 transportation plan.

314 48-8-269.

315 (a) Except as to rate, a tax imposed under this article shall correspond to the tax imposed
 316 by Article 1 of this chapter. No item or transaction which is not subject to taxation under
 317 Article 1 of this chapter shall be subject to a tax imposed under this article, except that a
 318 tax imposed under this article shall not apply to:

319 (1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road
 320 farm or agricultural equipment, or locomotives;

321 (2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

322 (3) The sale or use of fuel that is used for propulsion of motor vehicles on the public
 323 highways;

324 (4) The sale or use of energy used in the manufacturing or processing of tangible goods
 325 primarily for resale;

326 (5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2
 327 for public mass transit; or

328 (6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

329 (b) Except as otherwise specifically provided in this article, the tax imposed pursuant to
 330 this article shall be subject to any sales and use tax exemption which is otherwise imposed
 331 by law; provided, however, that the tax levied by this article shall be applicable to the sale
 332 of food and food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

333 48-8-269.1.

334 Where a local sales or use tax has been paid with respect to tangible personal property by
 335 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
 336 outside this state, the tax may be credited against the tax authorized to be imposed by this
 337 article upon the same property. If the amount of sales or use tax so paid is less than the
 338 amount of the tax due under this article, the purchaser shall pay an amount equal to the
 339 difference between the amount paid in the other tax jurisdiction and the amount due under
 340 this article. The commissioner may require such proof of payment in another local tax
 341 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,

342 against the tax under this article for tax paid in another jurisdiction if the tax paid in such
 343 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
 344 in the county or in a special district which includes the county.

345 48-8-269.2.

346 No tax shall be imposed upon the sale of tangible personal property which is ordered by
 347 and delivered to the purchaser at a point outside the geographical area of the county in
 348 which the tax is imposed regardless of the point at which title passes, if the delivery is
 349 made by the seller's vehicle, United States mail, or common carrier or by private or contract
 350 carrier.

351 48-8-269.3.

352 The commissioner shall have the power and authority to promulgate such rules and
 353 regulations as shall be necessary for the effective and efficient administration and
 354 enforcement of the collection of the tax.

355 48-8-269.4.

356 Except as provided in Code Section 48-8-6, the tax authorized under this article shall be
 357 in addition to any other local sales and use tax. Except as otherwise provided in this article
 358 and except as provided in Code Section 48-8-6, the imposition of any other local sales and
 359 use tax within a county or qualified municipality within a special district shall not affect
 360 the authority of a county to impose the tax authorized under this article, and the imposition
 361 of the tax authorized under this article shall not affect the imposition of any otherwise
 362 authorized local sales and use tax within the special district.

363 48-8-269.5.

364 (a)(1) The proceeds received from the tax shall be used by the county and qualified
 365 municipalities within the special district exclusively for the transportation purposes
 366 specified in the resolution calling for imposition of the tax. Such proceeds shall be kept
 367 in a separate account from other funds of any county or qualified municipality receiving
 368 proceeds of the tax and shall not in any manner be commingled with other funds of any
 369 county or qualified municipality prior to the expenditure.

370 (2) The governing authority of each county and the governing authority of each qualified
 371 municipality receiving any proceeds from the tax under this article shall maintain a record
 372 of each and every purpose for which the proceeds of the tax are used. A schedule shall
 373 be included in each annual audit which shows for each purpose in the resolution calling
 374 for imposition of the tax the original estimated cost, the current estimated cost if it is not

375 the original estimated cost, amounts expended in prior years, and amounts expended in
376 the current year. The auditor shall verify and test expenditures sufficient to provide
377 assurances that the schedule is fairly presented in relation to the financial statements. The
378 auditor's report on the financial statements shall include an opinion, or disclaimer of
379 opinion, as to whether the schedule is presented fairly in all material respects in relation
380 to the financial statements taken as a whole.

381 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
382 unless the county governing authority determines that, and if the debt is to be validated it
383 is demonstrated in the validation proceedings that, during each year in which any payment
384 of principal or interest on the debt comes due, the county will receive from the tax net
385 proceeds sufficient to fully satisfy such liability. General obligation debt issued under this
386 article shall be payable first from the separate account in which are placed the proceeds
387 received by the county from the tax. Such debt, however, shall constitute a pledge of the
388 full faith, credit, and taxing power of the county; and any liability on such debt which is
389 not satisfied from the proceeds of the tax shall be satisfied from the general funds of the
390 county.

391 (c) The intergovernmental agreement, if applicable, and resolution calling for the
392 imposition of the tax may specify that all of the proceeds of the tax will be used for
393 payment of general obligation debt issued in conjunction with the imposition of the tax,
394 and, in that event, such proceeds shall be solely for such purpose except as otherwise
395 provided in subsection (f) of this Code section.

396 (d) The intergovernmental agreement, if applicable, and resolution calling for the
397 imposition of the tax may specify that a part of the proceeds of the tax will be used for
398 payment of general obligation debt issued in conjunction with the imposition of the tax.
399 The intergovernmental agreement, if applicable, and resolution shall specifically state the
400 other purposes for which such proceeds will be used. In such a case, no part of the net
401 proceeds from the tax received in any year shall be used for such other purposes until all
402 debt service requirements of the general obligation debt for that year have first been
403 satisfied from the account in which the proceeds of the tax are placed.

404 (e) The resolution calling for the imposition of the tax may specify that no general
405 obligation debt is to be issued in conjunction with the imposition of the tax. The
406 intergovernmental agreement, if applicable, and resolution shall specifically state the
407 purpose or purposes for which the proceeds will be used.

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

412 (B) If the special district receives from the tax net proceeds in excess of the maximum
 413 cost of the transportation projects and purposes stated in the resolution calling for the
 414 imposition of the tax or in excess of the actual cost of such projects and purposes, then
 415 such excess proceeds shall be subject to and applied as provided in paragraph (2) of this
 416 subsection unless otherwise specified in the intergovernmental agreement, if applicable.

417 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
 418 48-8-264 by reason of denial of validation of debt, then all net proceeds received by the
 419 special district from the tax shall be excess proceeds subject to paragraph (2) of this
 420 subsection.

421 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
 422 reducing any indebtedness of any county or qualified municipality within the special
 423 district other than indebtedness incurred pursuant to this article. If there is no such other
 424 indebtedness or if the excess proceeds exceed the amount of any such other indebtedness,
 425 then the excess proceeds shall next be paid into the general fund of such county or
 426 qualified municipality, it being the intent that any funds so paid into the general fund of
 427 such county or qualified municipality be used for the purpose of reducing ad valorem
 428 taxes.

429 48-8-269.6.

430 Not later than December 31 of each year, the governing authority of each county and each
 431 qualifying municipality receiving any proceeds from the tax under this article shall publish
 432 annually, in a newspaper of general circulation in the boundaries of such county or
 433 municipality, a simple, nontechnical report which shows for each purpose in the resolution
 434 calling for the imposition of the tax the original estimated cost, the current estimated cost
 435 if it is not the original estimated cost, amounts expended in prior years, and amounts
 436 expended in the current year. The report shall also include a statement of what corrective
 437 action the county or qualified municipality intends to implement with respect to each
 438 purpose which is underfunded or behind schedule and a statement of any surplus funds
 439 which have not been expended for a purpose."

440 **SECTION 3.**

441 Said title is further amended by adding a new Code section to read as follows:

442 "48-13-50.3.

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

444 (1) 'Extended stay rental' means providing for value to the public a hotel or motel room
 445 for longer than 30 consecutive days to the same customer.

446 (2) 'Innkeeper' means any person who is subject to taxation under this article for the
 447 furnishing for value to the public a hotel or motel room.

448 (3) 'Transportation purposes' means and includes roads, bridges, public transit, rails,
 449 airports, buses, seaports, including without limitation road, street, and bridge purposes
 450 pursuant to paragraph (1) of subsection (b) of Code Section 48-8-121, and all
 451 accompanying infrastructure and services necessary to provide access to these
 452 transportation facilities, including general obligation debt and other multiyear obligations
 453 issued to finance such purposes.

454 (b) On or after July 1, 2015, each innkeeper in this state shall charge a \$5.00 per night fee
 455 to the customer, unless it is an extended stay rental, for each calendar day a hotel or motel
 456 room is rented or leased. The innkeeper shall collect the fee at the time the customer pays
 457 for the rental or lease of such hotel or motel room. The innkeeper collecting the fee shall
 458 remit the fee on a monthly basis to the department.

459 (c) The commissioner shall promulgate and make available forms for the use of innkeepers
 460 to assist in compliance with this Code section. The commissioner shall promulgate rules
 461 and regulations as necessary to implement and administer the provisions of this Code
 462 section.

463 (d) It is the intention of the General Assembly, subject to appropriations, that the fees
 464 collected pursuant to subsection (b) of this Code section shall be made available and used
 465 exclusively for transportation purposes in this state.

466 (e) If the amount collected under this Code section is ever not appropriated for a fiscal year
 467 as provided by subsection (d) of this Code section, as determined jointly by the House
 468 Budget and Research Office and the Senate Budget and Evaluation Office, then the amount
 469 collected shall be reduced by 50 percent. Upon the conclusion of a second fiscal year in
 470 which the amount collected is not so appropriated, this Code section shall stand repealed
 471 and reserved, and such fees shall cease to be collected, on the date the appropriations Act
 472 for such fiscal year becomes effective. Such budget offices shall certify any such lack of
 473 appropriation to the Code Revision Commission for purposes of updating the Code in
 474 accordance with this subsection."

475 **SECTION 4.**

476 This Act shall become effective on July 1, 2015.

477 **SECTION 5.**

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