

The House Committee on Regulated Industries offers the following substitute to SB 369:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
2 transportation, so as to provide for the levy of a retail sales and use tax by the City of Atlanta
3 for the purpose of providing public transportation of passengers for hire in the metropolitan
4 area of the City of Atlanta; to provide for definitions, procedures, conditions, and limitations
5 for the imposition of such tax; to provide for selection of projects for such purposes; to
6 provide for a referendum; to provide for an additional referendum in certain instances; to
7 provide for a limitation on the collection of a tax for transportation purposes in certain
8 counties in certain instances; to amend Article 5A of Chapter 8 of Title 48 of the Official
9 Code of Georgia Annotated, relating to the special district mass transportation sales and use
10 tax, so as to provide for the levy of a tax for transportation purposes in metropolitan county
11 special districts; to provide for definitions, procedures, conditions, and limitations for the
12 imposition of such tax; to provide for selection of projects for such purposes; to provide for
13 a referendum; to provide for the levy of a tax for transportation purposes in metropolitan
14 municipality special districts; to provide for definitions, procedures, conditions, and
15 limitations for the imposition of such tax; to provide for selection of projects for such
16 purposes; to provide for a referendum; to provide for related matters; to provide for an
17 effective date; to repeal conflicting laws; and for other purposes.

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

19 **PART I**
20 **MARTA Tax**
21 **SECTION 1-1.**

22 Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass
23 transportation, is amended by adding a new Code section to read as follows:

24 "32-9-13.

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

S. B. 369 (SUB)

26 (1) 'Authority' means the authority created by the MARTA Act.
27 (2) 'City' means the City of Atlanta.
28 (3) 'MARTA Act' means an Act known as the 'Metropolitan Atlanta Rapid Transit
29 Authority Act of 1965,' approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended.
30 (b) Any provisions to the contrary in the MARTA Act notwithstanding and pursuant to the
31 authority granted under a provision of the Constitution enacted by Ga. L. 1964, p. 1008,
32 the city shall be authorized to levy a retail sales and use tax up to .50 percent under the
33 provisions set forth in this Code section. Such tax shall be in addition to any tax which is
34 currently authorized and collected under the MARTA Act. The city may elect to hold a
35 referendum in 2016 as provided for by this Code section by the adoption of a resolution or
36 ordinance by its governing body on or prior to June 30, 2016; provided, however, that if
37 the city does not adopt a resolution or ordinance on or prior to June 30, 2016, it may elect
38 to hold a referendum at the November, 2017, municipal general election by the adoption
39 of a resolution or ordinance by its governing body to that effect on or prior to June 30,
40 2017. Such additional tax shall not count toward any local sales tax limitation provided for
41 by Code Section 48-8-6. Any tax imposed under this part at a rate of less than .50 percent
42 shall be in an increment of .05 percent. Any tax imposed under this part shall run
43 concurrently as to duration of the levy with the 1 percent tax currently levied pursuant to
44 the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' approved March 10, 1965
45 (Ga. L. 1965, p. 2243), as amended.
46 (c)(1) No later than May 31 of the year a referendum is to be called for as provided in
47 this Code section, the authority shall submit to the city a preliminary list of new rapid
48 transit projects within or serving the geographical area of the city which may be funded
49 in whole or in part by the proceeds of the additional tax authorized by this Code section.
50 (2) No later than July 31 of the year a referendum is to be called for as provided in this
51 Code section, the authority shall submit to the city a final list of new rapid transit projects
52 within or serving the city to be funded in whole or in part by the proceeds of the tax
53 authorized by this Code section. Such final list of new rapid transit projects shall be
54 incorporated into the rapid transit contract established under Section 24 of the MARTA
55 Act between the authority and the city upon approval by the qualified voters of the city
56 of the referendum to levy the additional tax authorized by this Code section.
57 (d) Before the additional tax authorized under this Code section shall become valid, the
58 tax shall be approved by a majority of qualified voters of the city in a referendum thereon.
59 The procedure for holding the referendum called for in this Code section shall be as
60 follows: There shall be published in a newspaper having general circulation throughout the
61 city, once each week for four weeks immediately preceding the week during which the
62 referendum is to be held, a notice to the electors thereof that on the day named therein an

63 election will be held to determine the question of whether or not the tax authorized by this
 64 Code section should be collected in the city for the purpose of expanding and enhancing
 65 the rapid transit system. Such election shall be held in all the election districts within the
 66 territorial limits of the city. The question to be presented to the electorate in any such
 67 referendum shall be stated on the ballots or ballot labels as follows:

68 ' YES Shall an additional sales tax of (insert percentage) percent be collected in
 69 the City of Atlanta for the purpose of significantly expanding and
 70 NO enhancing MARTA transit service in Atlanta?'

71 The question shall be published as a part of the aforesaid notice of election. Each such
 72 election shall be governed, held, and conducted in accordance with the provisions of law
 73 from time to time governing the holding of special elections. After the returns of such an
 74 election have been received, and the same have been canvassed and computed, the result
 75 shall be certified to the governing body of the city, in addition to any other person
 76 designated by law to receive the same, and such governing body shall officially declare the
 77 result thereof. Each election called by the governing body of the city under the provisions
 78 of this Code section shall be governed by and conducted in accordance with the provisions
 79 of law governing the holding of elections by the city. The expense of any such election
 80 shall be paid by the city.

81 (e) If a majority of those voting in such an election vote in favor of the proposition
 82 submitted, then the rapid transit contract between the authority and the city shall authorize
 83 the levy and collection of the tax provided for by this Code section, and the final list
 84 provided for in paragraph (2) of subsection (c) of this Code section shall be incorporated
 85 therein. All of the proceeds derived from the additional tax provided for by this Code
 86 section shall be first allocated for payment of the cost of the rapid transit projects
 87 incorporated in such contract, except as otherwise provided by the terms of such rapid
 88 transit contract, and thereafter, upon completion and payment of such rapid transit projects,
 89 as provided for in such contract and this Code section. It shall be the policy of the
 90 authority to provide that the tax collected under this Code section in an amount exceeding
 91 the cost of the rapid transit projects incorporated in the contract shall be expended solely
 92 within and for the benefit of the city. When a tax is imposed under this Code section, the
 93 rate of any tax approved as provided for by Article 5A of Chapter 8 of Title 48 shall and
 94 the tax provided for by this Code section, in aggregate, shall not exceed a rate of 1 percent.

95 (f) If a majority of those voting in an election provided for by this Code section in 2016
 96 vote against the proposition submitted, the city may elect to resubmit such proposition on
 97 the date of the November, 2017, municipal general election by the adoption of a resolution
 98 or ordinance to that effect on or prior to June 30, 2017, subject to the provisions of this
 99 Code section.

100 (g)(1) Except as provided for to the contrary in this Code section, the additional tax
 101 provided for by this Code section shall be collected in the same manner and under the
 102 same conditions as set forth in Section 25 of the MARTA Act.

103 (2) The tax provided for by this Code section shall not be subject to any restrictions as
 104 to rate provided for by the MARTA Act and shall not be subject to the provisions of
 105 paragraph (2) of subsection (b) or subsection (k) of Section 25 of the MARTA Act.

106 (3) A tax levied under this paragraph shall be added to the state sales and use tax
 107 imposed by Article 1 of Chapter 8 of Title 48 and the state revenue commissioner is
 108 authorized and directed to establish a bracket system by appropriate rules and regulations
 109 to collect the tax imposed under this paragraph in the city."

110 **PART II**

111 **Special District Transportation Taxes**

112 **SECTION 2-1.**

113 Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the
 114 special district mass transportation sales and use tax, is amended by revising such article as
 115 follows:

116 "ARTICLE 5A

117 Part 1

118 48-8-260.

119 As used in this article, the term:

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

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

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

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

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

141 48-8-261.

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

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

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

149 (2) That is not defined as a metropolitan county special district that is governed by the
 150 provisions of Part 2 of this article;

151 ~~(2)~~(3) That is a mass transportation regional system participant; and

152 ~~(3)~~(4) In which a tax is currently being levied and collected pursuant to:

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

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

157 (C) Code Section 48-8-96

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

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

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

165 (2) That is not defined as a metropolitan county special district that is governed by the
 166 provisions of Part 2 of this article; and

167 ~~(2)~~(3) In which a tax is currently being levied and collected pursuant to:

- 168 (A) Part 1 of Article 3 of this chapter;
 169 (B) A local constitutional amendment for purposes of a metropolitan area system of
 170 public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted pursuant to
 171 such local constitutional amendment; or
 172 (C) Code Section 48-8-96

173 may, by following the procedures required by this ~~article part~~, impose for a limited period
 174 of time within the special district under this ~~article part~~ a transportation special purpose
 175 local option sales and use tax, the proceeds of which shall be used only for transportation
 176 purposes.

177 48-8-262.

178 ~~(a)(1) Except as otherwise provided in paragraph (2) of this subsection, prior~~ Prior to the
 179 issuance of the call for the referendum required by Code Section 48-8-263, any county that
 180 desires to levy a tax under this ~~article part~~ shall deliver or mail a written notice to the
 181 mayor or chief elected official in each qualified municipality located within the special
 182 district. Such notice shall contain the date, time, place, and purpose of a meeting at which
 183 the governing authorities of the county and of each qualified municipality are to meet to
 184 discuss possible projects for inclusion in the referendum and the rate of tax. The notice
 185 shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting
 186 shall be held at least 30 days prior to the issuance of the call for the referendum.

187 ~~(2) When 90 percent or more of the geographic area of a special district is located within~~
 188 ~~one or more qualified municipalities and when a qualified municipality or combination~~
 189 ~~of qualified municipalities within the special district whose combined population within~~
 190 ~~the special district is 60 percent or more of the aggregate population of all qualified~~
 191 ~~municipalities within the special district desires to levy a tax under this article, such~~
 192 ~~qualified municipality or municipalities may deliver or mail written notice to the chief~~
 193 ~~elected official of the governing authority of the county located within the special district~~
 194 ~~calling for a meeting to discuss projects for inclusion in the referendum and the rate of~~
 195 ~~levy of the tax. Such notice shall contain the date, time, place, and purpose of the~~
 196 ~~meeting and shall be delivered or mailed at least ten days prior to the date of the meeting.~~
 197 ~~The meeting shall be held at least 30 days prior to the issuance of the call for a~~
 198 ~~referendum. If the county and all qualified municipalities within the special district do~~
 199 ~~not enter into an intergovernmental agreement meeting the requirements of subsection~~
 200 ~~(b) of this Code section within 30 days after the meeting, when 90 percent or more of the~~
 201 ~~geographic area of a special district is located within one or more qualified municipalities~~
 202 ~~the qualified municipality or combination of qualified municipalities within the special~~
 203 ~~district whose combined population within the special district is 60 percent or more of the~~

204 ~~aggregate population of all qualified municipalities within the special district may adopt~~
 205 ~~a resolution as provided in subsection (d) of this Code section and issue the call for a~~
 206 ~~referendum on the levy of a tax under this article.~~

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

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

213 (A) A list of the projects and purposes qualifying as transportation purposes proposed
 214 to be funded from the tax, including an expenditure of at least 30 percent of the
 215 estimated revenue from the tax on projects ~~included in~~ consistent with the state-wide
 216 strategic transportation plan as defined in paragraph (6) of subsection (a) of Code
 217 Section 32-2-22;

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

220 (C) The procedures for distributing proceeds from the tax to qualified municipalities;

221 (D) A schedule for distributing proceeds from the tax to qualified municipalities which
 222 shall include the priority or order in which transportation purposes will be fully or
 223 partially funded;

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

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

228 (G) Record-keeping and audit procedures necessary to carry out the purposes of this
 229 ~~article~~ part; and

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

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

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

236 (d)(1) As soon as practicable after the meeting between the governing authorities of the
 237 county and qualified municipalities and the execution of an intergovernmental agreement,
 238 if applicable, the governing authority of the county shall by a majority vote on a
 239 resolution offered for such purpose submit the list of transportation purposes and the
 240 question of whether the tax should be approved to electors of the special district in the

241 next scheduled election and shall notify the county election superintendent within the
 242 special district by forwarding to the superintendent a copy of such resolution calling for
 243 the imposition of the tax. Such list, or a digest thereof, shall be available during regular
 244 business hours in the office of the county clerk.

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

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

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

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

252 48-8-263.

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

255 '() YES Shall a special ___ percent sales and use tax be imposed in the special
 256 district consisting of _____ County for a period of time not to exceed

257 () NO _____ and for the raising of not more than an estimated amount of
 258 \$_____ for transportation purposes?'

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

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

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

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

273 (d)(1) If the intergovernmental agreement, if applicable, and proposal include the
 274 authority to issue general obligation debt and if more than one-half of the votes cast are
 275 in favor of the proposal, then the authority to issue such debt in accordance with Article
 276 IX, Section V, Paragraph I of the Constitution is given to the proper officers of the

277 county; otherwise, such debt shall not be issued. If the authority to issue such debt is so
 278 approved by the voters, then such debt may be issued without further approval by the
 279 voters.

280 (2) If the issuance of general obligation debt is included and approved as provided in this
 281 Code section, then the governing authority of the county may incur such debt either
 282 through the issuance and validation of general obligation bonds or through the execution
 283 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 284 through the issuance of general obligation bonds, such bonds and their issuance and
 285 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 286 specifically provided otherwise in this ~~article~~ part. If such debt is incurred through the
 287 execution of a promissory note or notes or other instrument or instruments, no validation
 288 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 289 through 36-80-14 except as specifically provided otherwise in this ~~article~~ part. In either
 290 event, such general obligation debt shall be payable first from the separate account in
 291 which are placed the proceeds received by the county from the tax. Such general
 292 obligation debt shall, however, constitute a pledge of the full faith, credit, and taxing
 293 power of the county; and any liability on such debt which is not satisfied from the
 294 proceeds of the tax shall be satisfied from the general funds of the county.

295 48-8-264.

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

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

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

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

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

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

313 (c)(1) At any time, no more than a single tax under this ~~article~~ part shall be imposed
 314 within a special district. Any tax imposed under this ~~article~~ part may, subject to the
 315 requirements of subsection (c) of Code Section 48-8-262, be imposed at a rate of up to
 316 1 percent but shall not exceed 1 percent. Any tax imposed under this ~~article~~ part at a rate
 317 of less than 1 percent shall be in an increment of .05 percent.

318 (2) In any special district in which a tax is in effect under this ~~article~~ part, proceedings
 319 may be commenced, while the tax is in effect, calling for the reimposition of the tax upon
 320 the termination of the tax then in effect; and an election may be held at the next scheduled
 321 election for this purpose while the tax is in effect. Such proceedings for the reimposition
 322 of a tax under this ~~article~~ part shall be in the same manner as proceedings for the initial
 323 imposition of the tax, but the newly authorized tax shall not be imposed until the
 324 expiration of the tax then in effect.

325 (3) Following the expiration of a tax under this ~~article~~ part, proceedings for the
 326 reimposition of a tax under this ~~article~~ part may be initiated in the same manner as
 327 provided in this ~~article~~ part for initial imposition of such tax.

328 48-8-265.

329 A tax levied pursuant to this ~~article~~ part shall be exclusively administered and collected by
 330 the commissioner for the use and benefit of the county and qualified municipalities within
 331 the special district imposing the tax. Such administration and collection shall be
 332 accomplished in the same manner and subject to the same applicable provisions,
 333 procedures, and penalties provided in Article 1 of this chapter; provided, however, that all
 334 moneys collected from each taxpayer by the commissioner shall be applied first to such
 335 taxpayer's liability for taxes owed the state; and provided, further, that the commissioner
 336 may rely upon a representation by or on behalf of the special district or the Secretary of
 337 State that such a tax has been validly imposed, and the commissioner and the
 338 commissioner's agents shall not be liable to any person for collecting any such tax which
 339 was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax
 340 due and accounted for and shall be reimbursed in the form of a deduction in submitting,
 341 reporting, and paying the amount due if such amount is not delinquent at the time of
 342 payment. The deduction shall be at the rate and subject to the requirements specified under
 343 subsections (b) through (f) of Code Section 48-8-50.

344 48-8-266.

345 Each sales tax return remitting taxes collected under this ~~article~~ part shall separately
 346 identify the location of each retail establishment at which any of the taxes remitted were
 347 collected and shall specify the amount of sales and the amount of taxes collected at each

348 establishment for the period covered by the return in order to facilitate the determination
 349 by the commissioner that all taxes imposed by this ~~article~~ part are collected and distributed
 350 according to situs of sale.

351 48-8-267.

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

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

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

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

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

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

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

365 (2) Utilizing the audit information under paragraph (1) of this subsection, the county and
 366 each qualified municipality shall receive a proportional amount of proceeds of the tax
 367 based upon the amount of expenditures made for transportation in the most recent three
 368 fiscal years. The proportional amount for the county and each qualified municipality
 369 shall be determined by dividing the average expended on transportation during the most
 370 recent three fiscal years by the county or qualified municipality by the aggregate average
 371 expended on transportation by the county and all qualified municipalities in the special
 372 district during the most recent three fiscal years. Amounts expended on transportation
 373 include transportation maintenance and operation costs and shall correspond with
 374 classifications and subclassifications specified in the local government uniform chart of
 375 accounts under subsection (e) of Code Section 36-81-3 within section 4200, including
 376 noncapital expenditures within sections 4210-4270, and shall be reported in the local
 377 government audit. Total general fund expenditures by the local government within these
 378 categories shall be specified in the footnotes of the audited financial statement. If such
 379 transportation expenditures include maintenance and operation costs to support local
 380 government airport and transit operations, reported in functions 7561 and 7563 of the
 381 uniform chart, the general fund costs for those functions shall be included in the footnotes
 382 of the local government's audited financial report; and

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

387 48-8-268.

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

391 (b) The approval of the tax under this ~~article~~ part shall not in any way diminish the
 392 percentage of state or federal funds allocated to any of the local governments under Code
 393 Section 32-5-27 within the special district levying the tax. The amount of state or federal
 394 funds expended in the county or any qualified municipality within the special district shall
 395 not be decreased or diverted due to the use of proceeds from the tax levied under this ~~article~~
 396 part for transportation purposes that have a high priority in the state-wide strategic
 397 transportation plan.

398 48-8-269.

399 (a) Except as to rate, a tax imposed under this ~~article~~ part shall correspond to the tax
 400 imposed by Article 1 of this chapter. No item or transaction which is not subject to
 401 taxation under Article 1 of this chapter shall be subject to a tax imposed under this ~~article~~
 402 part, except that a tax imposed under this ~~article~~ part shall not apply to:

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

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

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

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

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

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

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

418 48-8-269.1.

419 Where a local sales or use tax has been paid with respect to tangible personal property by
420 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
421 outside this state, the tax may be credited against the tax authorized to be imposed by this
422 ~~article part~~ upon the same property. If the amount of sales or use tax so paid is less than
423 the amount of the tax due under this ~~article part~~, the purchaser shall pay an amount equal
424 to the difference between the amount paid in the other tax jurisdiction and the amount due
425 under this ~~article part~~. The commissioner may require such proof of payment in another
426 local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted,
427 however, against the tax under this ~~article part~~ for tax paid in another jurisdiction if the tax
428 paid in such other jurisdiction is used to obtain a credit against any other local sales and use
429 tax levied in the county or in a special district which includes the county.

430 48-8-269.2.

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

436 48-8-269.3.

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

440 48-8-269.4.

441 Except as provided in Code Section 48-8-6, the tax authorized under this ~~article part~~ shall
442 be in addition to any other local sales and use tax. Except as otherwise provided in this
443 ~~article part~~ and except as provided in Code Section 48-8-6, the imposition of any other
444 local sales and use tax within a county or qualified municipality within a special district
445 shall not affect the authority of a county to impose the tax authorized under this ~~article part~~,
446 and the imposition of the tax authorized under this ~~article part~~ shall not affect the
447 imposition of any otherwise authorized local sales and use tax within the special district.

448 48-8-269.5.

449 (a)(1) The proceeds received from the tax shall be used by the county and qualified
450 municipalities within the special district exclusively for the transportation purposes

451 specified in the resolution calling for imposition of the tax. Such proceeds shall be kept
452 in a separate account from other funds of any county or qualified municipality receiving
453 proceeds of the tax and shall not in any manner be commingled with other funds of any
454 county or qualified municipality prior to the expenditure.

455 (2) The governing authority of each county and the governing authority of each qualified
456 municipality receiving any proceeds from the tax under this ~~article~~ part shall maintain a
457 record of each and every purpose for which the proceeds of the tax are used. A schedule
458 shall be included in each annual audit which shows for each purpose in the resolution
459 calling for imposition of the tax the original estimated cost, the current estimated cost if
460 it is not the original estimated cost, amounts expended in prior years, and amounts
461 expended in the current year. The auditor shall verify and test expenditures sufficient to
462 provide assurances that the schedule is fairly presented in relation to the financial
463 statements. The auditor's report on the financial statements shall include an opinion, or
464 disclaimer of opinion, as to whether the schedule is presented fairly in all material
465 respects in relation to the financial statements taken as a whole.

466 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
467 unless the county governing authority determines that, and if the debt is to be validated it
468 is demonstrated in the validation proceedings that, during each year in which any payment
469 of principal or interest on the debt comes due, the county will receive from the tax net
470 proceeds sufficient to fully satisfy such liability. General obligation debt issued under this
471 ~~article~~ part shall be payable first from the separate account in which are placed the proceeds
472 received by the county from the tax. Such debt, however, shall constitute a pledge of the
473 full faith, credit, and taxing power of the county; and any liability on such debt which is
474 not satisfied from the proceeds of the tax shall be satisfied from the general funds of the
475 county.

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

481 (d) The intergovernmental agreement, if applicable, and resolution calling for the
482 imposition of the tax may specify that a part of the proceeds of the tax will be used for
483 payment of general obligation debt issued in conjunction with the imposition of the tax.
484 The intergovernmental agreement, if applicable, and resolution shall specifically state the
485 other purposes for which such proceeds will be used. In such a case, no part of the net
486 proceeds from the tax received in any year shall be used for such other purposes until all

487 debt service requirements of the general obligation debt for that year have first been
488 satisfied from the account in which the proceeds of the tax are placed.

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

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

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

502 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
503 48-8-264 by reason of denial of validation of debt, then all net proceeds received by the
504 special district from the tax shall be excess proceeds subject to paragraph (2) of this
505 subsection.

506 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
507 reducing any indebtedness of any county or qualified municipality within the special
508 district other than indebtedness incurred pursuant to this ~~article~~ part. If there is no such
509 other indebtedness or if the excess proceeds exceed the amount of any such other
510 indebtedness, then the excess proceeds shall next be paid into the general fund of such
511 county or qualified municipality, it being the intent that any funds so paid into the general
512 fund of such county or qualified municipality be used for the purpose of reducing ad
513 valorem taxes.

514 48-8-269.6.

515 Not later than December 31 of each year, the governing authority of each county and each
516 ~~qualifying~~ qualified municipality receiving any proceeds from the tax under this ~~article~~ part
517 shall publish annually, in a newspaper of general circulation in the boundaries of such
518 county or municipality, a simple, nontechnical report which shows for each purpose in the
519 resolution calling for the imposition of the tax the original estimated cost, the current
520 estimated cost if it is not the original estimated cost, amounts expended in prior years, and
521 amounts expended in the current year. The report shall also include a statement of what
522 corrective action the county or qualified municipality intends to implement with respect to

523 each purpose which is underfunded or behind schedule and a statement of any surplus
 524 funds which have not been expended for a purpose.

525 Part 2

526 48-8-269.7.

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

531 (b) The provisions of this part shall only be applicable to special districts in which:

532 (1) A tax is currently being levied and collected pursuant to a local constitutional
 533 amendment for purposes of a metropolitan area system of public transportation set out
 534 at Ga. L. 1964, p. 1008, and the laws enacted pursuant to such local constitutional
 535 amendment; and

536 (2) Eighty percent or more of the geographic area of the special district is located within
 537 one or more qualified municipalities as defined in paragraph (4) of Code Section
 538 48-8-260.

539 (c) Any special district in this state meeting the qualifications contained in subsection (b)
 540 of this Code section shall be known as a metropolitan county special district.

541 48-8-269.8.

542 (a) After July 1, 2016, any part of a metropolitan county special district that is outside the
 543 boundaries of a metropolitan municipality special district, as provided for in Code Section
 544 48-8-269.995, may, by following the procedures required by this part, impose for a limited
 545 period of time within such part of the metropolitan county special district a transportation
 546 special purpose local option sales and use tax, the proceeds of which shall be used only for
 547 transportation purposes.

548 (b) Prior to the issuance of the call for the referendum required by Code Section
 549 48-8-269.9, the governing authority of the county in which the part of a metropolitan
 550 county special district that desires to levy a tax under this part is located shall deliver or
 551 mail a written notice to the mayor or chief elected official in each qualified municipality
 552 located within such part of the metropolitan county special district. Such notice shall
 553 contain the date, time, place, and purpose of a meeting at which the governing authority of
 554 such county and of each qualified municipality are to meet to discuss possible projects for
 555 inclusion in the referendum and the rate of tax. The notice shall be delivered or mailed at

556 least ten days prior to the date of the meeting. The meeting shall be held at least 30 days
 557 prior to the issuance of the call for the referendum.

558 (c)(1) Upon approval of the qualified municipalities or county representing at least 60
 559 percent of the population of the part of the metropolitan county special district not within
 560 the boundaries of a metropolitan municipality special district, the governing authority of
 561 the county by a majority vote on a resolution offered for such purpose shall submit the
 562 list of transportation purposes, as approved by the qualified municipalities or county
 563 representing at least 60 percent of the population of the part of the metropolitan county
 564 special district and the question of whether the tax should be approved to electors of the
 565 part of the metropolitan county special district not within the boundaries of a
 566 metropolitan municipality special district in the next scheduled election and shall notify
 567 the county election superintendent by forwarding to the superintendent a copy of such
 568 resolution calling for the imposition of the tax. Such list, or a digest thereof, shall be
 569 available during regular business hours in the office of the county clerk and in the offices
 570 of the governing authorities of the qualified municipalities participating in the election.

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

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

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

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

578 (D) A list of the projects and purposes qualifying as transportation purposes proposed
 579 to be funded from the tax, including an expenditure of at least 30 percent of the
 580 estimated revenue from the tax on projects consistent with the state-wide strategic
 581 transportation plan as defined in paragraph (6) of subsection (a) of Code Section
 582 32-2-22.

583 48-8-269.9.

584 (a)(1) The ballot submitting the question of the imposition of the tax to the voters within
 585 the part of the metropolitan county special district shall have written or printed thereon
 586 the following:

587 ' () YES Shall an additional _____ percent sales tax be collected in part of _____

588 County _____ for _____ years for the purpose of transportation

589 () NO improvements and congestion reduction?'

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

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

595 (b) The election superintendent shall issue the call and conduct the election in the manner
 596 authorized by general law. The superintendent shall canvass the returns, declare the result
 597 of the election, and certify the result to the Secretary of State and to the commissioner. The
 598 expense of the election shall be paid from county funds. All persons desiring to vote in
 599 favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall
 600 vote 'No.' If more than one-half of the votes cast throughout the part of the metropolitan
 601 county special district are in favor of imposing the tax, then the tax shall be imposed as
 602 provided in this part.

603 (c) Where such question is not approved by the voters, the metropolitan county special
 604 district may resubmit such question from time to time upon compliance with the
 605 requirements of this part.

606 (d)(1) If the proposal includes the authority to issue general obligation debt and if more
 607 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
 608 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given
 609 to the proper officers of the county; otherwise, such debt shall not be issued. If the
 610 authority to issue such debt is so approved by the voters, then such debt may be issued
 611 without further approval by the voters.

612 (2) If the issuance of general obligation debt is included and approved as provided in this
 613 Code section, then the governing authority of the county may incur such debt either
 614 through the issuance and validation of general obligation bonds or through the execution
 615 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 616 through the issuance of general obligation bonds, such bonds and their issuance and
 617 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 618 specifically provided otherwise in this part. If such debt is incurred through the execution
 619 of a promissory note or notes or other instrument or instruments, no validation
 620 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 621 through 36-80-14 except as specifically provided otherwise in this part. In either event,
 622 such general obligation debt shall be payable first from the separate account in which are
 623 placed the proceeds received by the county from the tax. Such general obligation debt
 624 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 625 county; and any liability on such debt which is not satisfied from the proceeds of the tax
 626 shall be satisfied from the general funds of the county.

627 48-8-269.91.

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

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

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

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

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

641 (3) As of the end of the calendar quarter during which the commissioner determines that
 642 the tax will have raised revenues sufficient to provide to the metropolitan county special
 643 district net proceeds equal to or greater than the amount specified as the maximum
 644 amount of net proceeds to be raised by the tax.

645 (c)(1) At any time, no more than a single tax under this part shall be imposed within a
 646 metropolitan county special district. Any tax imposed under this part may be imposed
 647 at a rate of up to .75 percent. Any tax imposed under this part at a rate of less than .75
 648 percent shall be in an increment of .05 percent.

649 (2) In any metropolitan county special district in which a tax is currently being levied
 650 and collected pursuant to a local constitutional amendment for purposes of a metropolitan
 651 area system of public transportation set out at Ga. L. 1964, p. 1008, and the laws enacted
 652 pursuant to such local constitutional amendment, and such tax is levied at a percentage
 653 over 1 percent, then the combined amount of the percentage over 1 percent of such tax
 654 and the tax levied pursuant to this part shall not exceed 1 percent.

655 (3) In any metropolitan county special district in which a tax is in effect under this part,
 656 proceedings may be commenced, while the tax is in effect, calling for the reimposition
 657 of the tax upon the termination of the tax then in effect; and an election may be held at
 658 the next scheduled election for this purpose while the tax is in effect. Such proceedings
 659 for the reimposition of a tax under this part shall be in the same manner as proceedings
 660 for the initial imposition of the tax, but the newly authorized tax shall not be imposed
 661 until the expiration of the tax then in effect.

662 (4) Following the expiration of a tax under this part, proceedings for the reimposition of
 663 a tax under this part may be initiated in the same manner as provided in this part for
 664 initial imposition of such tax.

665 48-8-269.92.

666 A tax levied pursuant to this part shall be exclusively administered and collected by the
 667 commissioner for the use and benefit of the county and qualified municipalities within the
 668 part of the metropolitan county special district imposing the tax. Such administration and
 669 collection shall be accomplished in the same manner and subject to the same applicable
 670 provisions, procedures, and penalties provided in Article 1 of this chapter; provided,
 671 however, that all moneys collected from each taxpayer by the commissioner shall be
 672 applied first to such taxpayer's liability for taxes owed the state; and provided, further, that
 673 the commissioner may rely upon a representation by or on behalf of the metropolitan
 674 county special district or the Secretary of State that such a tax has been validly imposed,
 675 and the commissioner and the commissioner's agents shall not be liable to any person for
 676 collecting any such tax which was not validly imposed. Dealers shall be allowed a
 677 percentage of the amount of the tax due and accounted for and shall be reimbursed in the
 678 form of a deduction in submitting, reporting, and paying the amount due if such amount
 679 is not delinquent at the time of payment. The deduction shall be at the rate and subject to
 680 the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

681 48-8-269.93.

682 Each sales tax return remitting taxes collected under this part shall separately identify the
 683 location of each retail establishment at which any of the taxes remitted were collected and
 684 shall specify the amount of sales and the amount of taxes collected at each establishment
 685 for the period covered by the return in order to facilitate the determination by the
 686 commissioner that all taxes imposed by this part are collected and distributed according to
 687 situs of sale.

688 48-8-269.94.

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

- 691 (1) One percent of the amount collected shall be paid into the general fund of the state
 692 treasury in order to defray the costs of administration; and
 693 (2) Except for the percentage provided in paragraph (1) of this Code section, the
 694 remaining proceeds of the tax shall be distributed pursuant to the terms of an
 695 intergovernmental agreement.

696 48-8-269.95.

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

700 (b) The approval of the tax under this part shall not in any way diminish the percentage of
 701 state or federal funds allocated to any of the local governments under Code Section 32-5-27
 702 within the metropolitan county special district levying the tax. The amount of state or
 703 federal funds expended in the county or any qualified municipality within the metropolitan
 704 county special district shall not be decreased or diverted due to the use of proceeds from
 705 the tax levied under this part for transportation purposes that have a high priority in the
 706 state-wide strategic transportation plan.

707 48-8-269.96.

708 (a) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by
 709 Article 1 of this chapter. No item or transaction which is not subject to taxation under
 710 Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax
 711 imposed under this part shall not apply to:

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

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

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

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

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

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

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

726 48-8-269.97.

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

731 amount of the tax due under this part, the purchaser shall pay an amount equal to the
732 difference between the amount paid in the other tax jurisdiction and the amount due under
733 this part. The commissioner may require such proof of payment in another local tax
734 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
735 against the tax under this part for tax paid in another jurisdiction if the tax paid in such
736 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
737 in the metropolitan county special district.

738 48-8-269.98.

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

744 48-8-269.99.

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

748 48-8-269.991.

749 Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in
750 addition to any other local sales and use tax. Except as otherwise provided in this part and
751 except as provided in Code Section 48-8-6, the imposition of any other local sales and use
752 tax within a county or qualified municipality within a metropolitan county special district
753 shall not affect the authority of a metropolitan county special district to impose the tax
754 authorized under this part, and the imposition of the tax authorized under this part shall not
755 affect the imposition of any otherwise authorized local sales and use tax within the
756 metropolitan county special district.

757 48-8-269.992.

758 (a)(1) The proceeds received from the tax shall be used by the county and qualified
759 municipalities within the part of the metropolitan county special district levying the tax
760 exclusively for the transportation purposes specified in the resolution calling for
761 imposition of the tax. Such proceeds shall be kept in a separate account from other funds
762 of any county or qualified municipality receiving proceeds of the tax and shall not in any

763 manner be commingled with other funds of any county or qualified municipality prior to
764 the expenditure.

765 (2) The governing authority of each county and the governing authority of each qualified
766 municipality receiving any proceeds from the tax under this part shall maintain a record
767 of each and every purpose for which the proceeds of the tax are used. A schedule shall
768 be included in each annual audit which shows for each purpose in the resolution calling
769 for imposition of the tax the original estimated cost, the current estimated cost if it is not
770 the original estimated cost, amounts expended in prior years, and amounts expended in
771 the current year. The auditor shall verify and test expenditures sufficient to provide
772 assurances that the schedule is fairly presented in relation to the financial statements. The
773 auditor's report on the financial statements shall include an opinion, or disclaimer of
774 opinion, as to whether the schedule is presented fairly in all material respects in relation
775 to the financial statements taken as a whole.

776 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
777 unless the county governing authority determines that, and if the debt is to be validated it
778 is demonstrated in the validation proceedings that, during each year in which any payment
779 of principal or interest on the debt comes due, the county will receive from the tax net
780 proceeds sufficient to fully satisfy such liability. General obligation debt issued under this
781 part shall be payable first from the separate account in which are placed the proceeds
782 received by the county from the tax. Such debt, however, shall constitute a pledge of the
783 full faith, credit, and taxing power of the county; and any liability on such debt which is
784 not satisfied from the proceeds of the tax shall be satisfied from the general funds of the
785 county.

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

791 (d) The intergovernmental agreement, if applicable, and resolution calling for the
792 imposition of the tax may specify that a part of the proceeds of the tax will be used for
793 payment of general obligation debt issued in conjunction with the imposition of the tax.
794 The intergovernmental agreement, if applicable, and resolution shall specifically state the
795 other purposes for which such proceeds will be used. In such a case, no part of the net
796 proceeds from the tax received in any year shall be used for such other purposes until all
797 debt service requirements of the general obligation debt for that year have first been
798 satisfied from the account in which the proceeds of the tax are placed.

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

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

807 (B) If the metropolitan county special district receives from the tax net proceeds in
 808 excess of the maximum cost of the transportation projects and purposes stated in the
 809 resolution calling for the imposition of the tax or in excess of the actual cost of such
 810 projects and purposes, then such excess proceeds shall be subject to and applied as
 811 provided in paragraph (2) of this subsection unless otherwise specified in the
 812 intergovernmental agreement, if applicable.

813 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
 814 48-8-269.91 by reason of denial of validation of debt, then all net proceeds received by
 815 the special district from the tax shall be excess proceeds subject to paragraph (2) of this
 816 subsection.

817 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
 818 reducing any indebtedness of any county or qualified municipality within the
 819 metropolitan county special district other than indebtedness incurred pursuant to this part.
 820 If there is no such other indebtedness or if the excess proceeds exceed the amount of any
 821 such other indebtedness, then the excess proceeds shall next be paid into the general fund
 822 of such county or qualified municipality, it being the intent that any funds so paid into the
 823 general fund of such county or qualified municipality be used for the purpose of reducing
 824 ad valorem taxes.

825 48-8-269.993.

826 Not later than December 31 of each year, the governing authority of the county and each
 827 qualified municipality receiving any proceeds from the tax under this part shall publish
 828 annually, in a newspaper of general circulation in the boundaries of such metropolitan
 829 county special district, a simple, nontechnical report which shows for each purpose in the
 830 resolution calling for the imposition of the tax the original estimated cost, the current
 831 estimated cost if it is not the original estimated cost, amounts expended in prior years, and
 832 amounts expended in the current year. The report shall also include a statement of what
 833 corrective action the metropolitan county special district intends to implement with respect

834 to each purpose which is underfunded or behind schedule and a statement of any surplus
 835 funds which have not been expended for a purpose.

836 Part 3

837 48-8-269.994.

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

842 (b) The provisions of this part shall only be applicable to special districts in which:

843 (1) A tax is currently being levied and collected by a municipality that is specifically
 844 authorized to levy such tax pursuant to a local constitutional amendment for purposes of
 845 a metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and
 846 the laws enacted pursuant to such local constitutional amendment; and

847 (2) Such municipality contains within its boundaries 15 percent or more of the
 848 geographic area of a metropolitan county special district.

849 (c) The territory of any municipality in this state meeting the qualifications contained in
 850 subsection (b) of this Code section shall be a metropolitan municipality special district, the
 851 geographic boundary of which shall be coterminous with the geographic boundary of such
 852 municipality.

853 48-8-269.995.

854 (a) After July 1, 2016, any metropolitan municipality special district may, by following
 855 the procedures required by this part, impose for a limited period of time within such
 856 metropolitan municipality special district a transportation special purpose local option sales
 857 and use tax, the proceeds of which shall be used only for transportation purposes.

858 (b)(1) Prior to the issuance of the call for the referendum required by Code Section
 859 48-8-269.996, the governing authority of the metropolitan municipality special district
 860 that desires to levy a tax under this part shall by a majority vote on a resolution offered
 861 for such purpose approve the submission of a list of transportation purposes and the
 862 question of whether the tax should be approved to the governing authority of the county
 863 in which the metropolitan municipality special district is located. In the event a
 864 metropolitan municipality special district is located in more than one county, such
 865 resolution shall be forwarded to the governing authority of the county which contains the
 866 highest percentage of the geographic area of the metropolitan municipality special
 867 district. The governing authority of the county after approval of the resolution by a

868 majority vote shall notify the county election superintendent by forwarding to the
 869 superintendent a copy of such resolution calling for the imposition of the tax and for the
 870 proposal to be presented to the qualified voters in the metropolitan municipality special
 871 district at the next scheduled election. Such resolution, or a digest thereof, shall be
 872 available during regular business hours in the office of the county clerk and in the offices
 873 of the metropolitan municipality special district calling for the election.

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

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

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

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

881 (D) A list of the projects and purposes qualifying as transportation purposes proposed
 882 to be funded from the tax, including an expenditure of at least 30 percent of the
 883 estimated revenue from the tax on projects consistent with the state-wide strategic
 884 transportation plan as defined in paragraph (6) of subsection (a) of Code Section
 885 32-2-22.

886 48-8-269.996.

887 (a)(1) The ballot submitting the question of the imposition of the tax to the voters within
 888 the metropolitan municipality special district shall have written or printed thereon the
 889 following:

890 ' () YES Shall an additional _____ percent sales tax be collected in the City of
 891 _____ for _____ years for the purpose of transportation

892 () NO improvements and congestion reduction?'

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

895 'If imposition of the tax is approved by the voters, such vote shall also constitute
 896 approval of the issuance of general obligation debt of _____ the municipality
 897 in the principal amount of \$ _____ for the above purpose.'

898 (b) The election superintendent shall issue the call and conduct the election in the manner
 899 authorized by general law. The superintendent shall canvass the returns, declare the result
 900 of the election, and certify the result to the Secretary of State and to the commissioner. The
 901 expense of the election shall be paid from municipal funds. All persons desiring to vote
 902 in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax
 903 shall vote 'No.' If more than one-half of the votes cast throughout the metropolitan

904 municipality special district are in favor of imposing the tax, then the tax shall be imposed
 905 as provided in this part.

906 (c) Where such question is not approved by the voters, the metropolitan municipality
 907 special district may resubmit such question from time to time upon compliance with the
 908 requirements of this part.

909 (d)(1) If the proposal includes the authority to issue general obligation debt and if more
 910 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
 911 debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given
 912 to the proper officers of the municipality; otherwise, such debt shall not be issued. If the
 913 authority to issue such debt is so approved by the voters, then such debt may be issued
 914 without further approval by the voters.

915 (2) If the issuance of general obligation debt is included and approved as provided in this
 916 Code section, then the governing authority of the municipality may incur such debt either
 917 through the issuance and validation of general obligation bonds or through the execution
 918 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 919 through the issuance of general obligation bonds, such bonds and their issuance and
 920 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 921 specifically provided otherwise in this part. If such debt is incurred through the execution
 922 of a promissory note or notes or other instrument or instruments, no validation
 923 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 924 through 36-80-14 except as specifically provided otherwise in this part. In either event,
 925 such general obligation debt shall be payable first from the separate account in which are
 926 placed the proceeds received by the municipality from the tax. Such general obligation
 927 debt shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 928 municipality; and any liability on such debt which is not satisfied from the proceeds of
 929 the tax shall be satisfied from the general funds of the municipality.

930 48-8-269.997.

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

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

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

938 (1) If the resolution calling for the imposition of the tax provided for the issuance of
 939 general obligation debt and such debt is the subject of validation proceedings, as of the

940 end of the first calendar quarter ending more than 80 days after the date on which a court
 941 of competent jurisdiction enters a final order denying validation of such debt;

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

944 (3) As of the end of the calendar quarter during which the commissioner determines that
 945 the tax will have raised revenues sufficient to provide to the metropolitan municipality
 946 special district net proceeds equal to or greater than the amount specified as the maximum
 947 amount of net proceeds to be raised by the tax.

948 (c)(1) At any time, no more than a single tax under this part shall be imposed within a
 949 metropolitan municipality special district. Any tax imposed under this part may be
 950 imposed at a rate of up to .75 percent. Any tax imposed under this part at a rate of less
 951 than .75 percent shall be in an increment of .05 percent.

952 (2) In any metropolitan municipality special district in which a tax is currently being
 953 levied and collected pursuant to a local constitutional amendment for purposes of a
 954 metropolitan area system of public transportation set out at Ga. L. 1964, p. 1008, and the
 955 laws enacted pursuant to such local constitutional amendment, and such tax is levied at
 956 a percentage over 1 percent, then the combined amount of the percentage over 1 percent
 957 of such tax and the tax levied pursuant to this part shall not exceed 1 percent;

958 (3) In any metropolitan municipality special district in which a tax is in effect under this
 959 part, proceedings may be commenced, while the tax is in effect, calling for the
 960 reimposition of the tax upon the termination of the tax then in effect; and an election may
 961 be held at the next scheduled election for this purpose while the tax is in effect. Such
 962 proceedings for the reimposition of a tax under this part shall be in the same manner as
 963 proceedings for the initial imposition of the tax, but the newly authorized tax shall not be
 964 imposed until the expiration of the tax then in effect.

965 (4) Following the expiration of a tax under this part, proceedings for the reimposition of
 966 a tax under this part may be initiated in the same manner as provided in this part for
 967 initial imposition of such tax.

968 48-8-269.998.

969 A tax levied pursuant to this part shall be exclusively administered and collected by the
 970 commissioner for the use and benefit of the metropolitan municipal special district
 971 imposing the tax. Such administration and collection shall be accomplished in the same
 972 manner and subject to the same applicable provisions, procedures, and penalties provided
 973 in Article 1 of this chapter; provided, however, that all moneys collected from each
 974 taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes
 975 owed the state; and provided, further, that the commissioner may rely upon a representation

976 by or on behalf of the metropolitan municipal special district or the Secretary of State that
 977 such a tax has been validly imposed, and the commissioner and the commissioner's agents
 978 shall not be liable to any person for collecting any such tax which was not validly imposed.
 979 Dealers shall be allowed a percentage of the amount of the tax due and accounted for and
 980 shall be reimbursed in the form of a deduction in submitting, reporting, and paying the
 981 amount due if such amount is not delinquent at the time of payment. The deduction shall
 982 be at the rate and subject to the requirements specified under subsections (b) through (f)
 983 of Code Section 48-8-50.

984 48-8-269.999.

985 Each sales tax return remitting taxes collected under this part shall separately identify the
 986 location of each retail establishment at which any of the taxes remitted were collected and
 987 shall specify the amount of sales and the amount of taxes collected at each establishment
 988 for the period covered by the return in order to facilitate the determination by the
 989 commissioner that all taxes imposed by this part are collected and distributed according to
 990 situs of sale.

991 48-8-269.9991.

992 The proceeds of the tax collected by the commissioner in each metropolitan municipality
 993 special district under this part shall be disbursed as soon as practicable after collection;
 994 provided, however, that 1 percent of the amount collected shall be paid into the general
 995 fund of the state treasury in order to defray the costs of administration.

996 48-8-269.9992.

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

1000 (b) The approval of the tax under this part shall not in any way diminish the percentage of
 1001 state or federal funds allocated to any municipality under Code Section 32-5-27. The
 1002 amount of state or federal funds expended in the metropolitan municipality special district
 1003 shall not be decreased or diverted due to the use of proceeds from the tax levied under this
 1004 part for transportation purposes that have a high priority in the state-wide strategic
 1005 transportation plan.

1006 48-8-269.9993.

1007 (a) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by
 1008 Article 1 of this chapter. No item or transaction which is not subject to taxation under

1009 Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax
 1010 imposed under this part shall not apply to:

1011 (1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road
 1012 farm or agricultural equipment, or locomotives;

1013 (2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

1014 (3) The sale or use of fuel that is used for propulsion of motor vehicles on the public
 1015 highways;

1016 (4) The sale or use of energy used in the manufacturing or processing of tangible goods
 1017 primarily for resale;

1018 (5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2
 1019 for public mass transit; or

1020 (6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

1021 (b) Except as otherwise specifically provided in this part, the tax imposed pursuant to this
 1022 part shall be subject to any sales and use tax exemption which is otherwise imposed by law;
 1023 provided, however, that the tax levied by this part shall be applicable to the sale of food and
 1024 food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

1025 48-8-269.9994.

1026 Where a local sales or use tax has been paid with respect to tangible personal property by
 1027 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
 1028 outside this state, the tax may be credited against the tax authorized to be imposed by this
 1029 part upon the same property. If the amount of sales or use tax so paid is less than the
 1030 amount of the tax due under this part, the purchaser shall pay an amount equal to the
 1031 difference between the amount paid in the other tax jurisdiction and the amount due under
 1032 this part. The commissioner may require such proof of payment in another local tax
 1033 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
 1034 against the tax under this part for tax paid in another jurisdiction if the tax paid in such
 1035 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
 1036 in the county or in a metropolitan municipality special district which includes the county.

1037 48-8-269.9995.

1038 No tax shall be imposed upon the sale of tangible personal property which is ordered by
 1039 and delivered to the purchaser at a point outside the geographical area of the metropolitan
 1040 county special district in which the tax is imposed regardless of the point at which title
 1041 passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier
 1042 or by private or contract carrier.

1043 48-8-269.9996.

1044 The commissioner shall have the power and authority to promulgate such rules and
1045 regulations as shall be necessary for the effective and efficient administration and
1046 enforcement of the collection of the tax.

1047 48-8-269.9997.

1048 Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in
1049 addition to any other local sales and use tax. Except as otherwise provided in this part and
1050 except as provided in Code Section 48-8-6, the imposition of any other local sales and use
1051 tax within a metropolitan municipality special district shall not affect the imposition of any
1052 otherwise authorized local sales and use tax within the metropolitan municipality special
1053 district.

1054 48-8-269.9998.

1055 (a)(1) The proceeds received from the tax shall be used by the metropolitan municipality
1056 special district levying the tax exclusively for the transportation purposes specified in the
1057 resolution calling for imposition of the tax. Such proceeds shall be kept in a separate
1058 account from other funds of the municipality receiving proceeds of the tax and shall not
1059 in any manner be commingled with other funds.

1060 (2) The governing authority of any municipality receiving any proceeds from the tax
1061 under this part shall maintain a record of each and every purpose for which the proceeds
1062 of the tax are used. A schedule shall be included in each annual audit which shows for
1063 each purpose in the resolution calling for imposition of the tax the original estimated cost,
1064 the current estimated cost if it is not the original estimated cost, amounts expended in
1065 prior years, and amounts expended in the current year. The auditor shall verify and test
1066 expenditures sufficient to provide assurances that the schedule is fairly presented in
1067 relation to the financial statements. The auditor's report on the financial statements shall
1068 include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly
1069 in all material respects in relation to the financial statements taken as a whole.

1070 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
1071 unless the municipal governing authority determines that, and if the debt is to be validated
1072 it is demonstrated in the validation proceedings that, during each year in which any
1073 payment of principal or interest on the debt comes due, the municipality will receive from
1074 the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued
1075 under this part shall be payable first from the separate account in which are placed the
1076 proceeds received by the municipality from the tax. Such debt, however, shall constitute
1077 a pledge of the full faith, credit, and taxing power of the municipality; and any liability on

1078 such debt which is not satisfied from the proceeds of the tax shall be satisfied from the
1079 general funds of the municipality.

1080 (c) The resolution calling for the imposition of the tax may specify that all of the proceeds
1081 of the tax will be used for payment of general obligation debt issued in conjunction with
1082 the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose
1083 except as otherwise provided in subsection (f) of this Code section.

1084 (d) The resolution calling for the imposition of the tax may specify that a part of the
1085 proceeds of the tax will be used for payment of general obligation debt issued in
1086 conjunction with the imposition of the tax. The resolution shall specifically state the other
1087 purposes for which such proceeds will be used. In such a case, no part of the net proceeds
1088 from the tax received in any year shall be used for such other purposes until all debt service
1089 requirements of the general obligation debt for that year have first been satisfied from the
1090 account in which the proceeds of the tax are placed.

1091 (e) The resolution calling for the imposition of the tax may specify that no general
1092 obligation debt is to be issued in conjunction with the imposition of the tax. The resolution
1093 shall specifically state the purpose or purposes for which the proceeds will be used.

1094 (f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of
1095 payment of general obligation debt issued in conjunction with the imposition of the tax,
1096 then any net proceeds of the tax in excess of the amount required for final payment of
1097 such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

1098 (B) If the metropolitan municipality special district receives from the tax net proceeds
1099 in excess of the maximum cost of the transportation projects and purposes stated in the
1100 resolution calling for the imposition of the tax or in excess of the actual cost of such
1101 projects and purposes, then such excess proceeds shall be subject to and applied as
1102 provided in paragraph (2) of this subsection.

1103 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
1104 48-8-269.997 by reason of denial of validation of debt, then all net proceeds received
1105 by the metropolitan municipality special district from the tax shall be excess proceeds
1106 subject to paragraph (2) of this subsection.

1107 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
1108 reducing any indebtedness of the metropolitan municipality special district other than
1109 indebtedness incurred pursuant to this part. If there is no such other indebtedness or if
1110 the excess proceeds exceed the amount of any such other indebtedness, then the excess
1111 proceeds shall next be paid into the general fund of such municipality, it being the intent
1112 that any funds so paid into the general fund of such municipality be used for the purpose
1113 of reducing ad valorem taxes.

1114 48-8-269.9999.
 1115 Not later than December 31 of each year, the governing authority of the municipality
 1116 receiving any proceeds from the tax under this part shall publish annually, in a newspaper
 1117 of general circulation in the boundaries of such municipality, a simple, nontechnical report
 1118 which shows for each purpose in the resolution calling for the imposition of the tax the
 1119 original estimated cost, the current estimated cost if it is not the original estimated cost,
 1120 amounts expended in prior years, and amounts expended in the current year. The report
 1121 shall also include a statement of what corrective action the municipality intends to
 1122 implement with respect to each purpose which is underfunded or behind schedule and a
 1123 statement of any surplus funds which have not been expended for a purpose."

1124 **PART III**
 1125 **Effective Date; General Repealer.**
 1126 **SECTION 3-1.**

1127 This Act shall become effective upon its approval by the Governor or upon its becoming law
 1128 without such approval.

1129 **SECTION 3-2.**
 1130 All laws and parts of laws in conflict with this Act are repealed.