

House Bill 215

By: Representatives Hanson of the 80th, Powell of the 171st, Tanner of the 9th, Coomer of the 14th, Blackmon of the 146th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia
2 Annotated, relating to the special district mass transportation sales and use tax, so as to
3 clarify the ability of counties and qualified municipalities to issue general obligation bonds
4 as necessary; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
9 relating to the special district mass transportation sales and use tax, is amended by revising
10 Code Section 48-8-263, relating to the ballot question, expenses of election, and general
11 obligation debt, as follows:

12 "48-8-263.

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

15 '() YES Shall a special ___ percent sales and use tax be imposed in the special
16 district consisting of _____County for a period of time not to exceed

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

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

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

24 (b) The election superintendent shall issue the call and conduct the election in the manner
25 authorized by general law. The superintendent shall canvass the returns, declare the result
26 of the election, and certify the result to the Secretary of State and to the commissioner. The

27 expense of the election shall be paid from county funds. All persons desiring to vote in
 28 favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax shall
 29 vote 'No.' If more than one-half of the votes cast throughout the entire special district are
 30 in favor of imposing the tax, then the tax shall be imposed as provided in this part.

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

33 (d)(1) If the intergovernmental agreement, if applicable, and proposal include the
 34 authority to issue general obligation debt and if more than one-half of the votes cast are
 35 in favor of the proposal, then the authority to issue such debt in accordance with Article
 36 IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county
 37 or qualified municipality; otherwise, such debt shall not be issued. If the authority to
 38 issue such debt is so approved by the voters, then such debt may be issued without further
 39 approval by the voters.

40 (2) If the issuance of general obligation debt is included and approved as provided in this
 41 Code section, then the governing authority of the county or qualified municipality may
 42 incur such debt either through the issuance and validation of general obligation bonds or
 43 through the execution of a promissory note or notes or other instrument or instruments.
 44 If such debt is incurred through the issuance of general obligation bonds, such bonds and
 45 their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36
 46 except as specifically provided otherwise in this part. If such debt is incurred through the
 47 execution of a promissory note or notes or other instrument or instruments, no validation
 48 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 49 through 36-80-14 except as specifically provided otherwise in this part. In either event,
 50 such general obligation debt shall be payable first from the separate account in which are
 51 placed the proceeds received by the county or qualified municipality from the tax. Such
 52 general obligation debt shall, however, constitute a pledge of the full faith, credit, and
 53 taxing power of the county or qualified municipality; and any liability on such debt which
 54 is not satisfied from the proceeds of the tax shall be satisfied from the general funds of
 55 the county or qualified municipality."

56 **SECTION 2.**

57 Said part is further amended by revising Code Section 48-8-269.2, relating to delivery
 58 outside of geographical area, as follows:

59 "48-8-269.2.

60 No tax shall be imposed upon the sale of tangible personal property which is ordered by
 61 and delivered to the purchaser at a point outside the geographical area of the county special
 62 district in which the tax is imposed regardless of the point at which title passes, if the

63 delivery is made by the seller's vehicle, United States mail, or common carrier or by private
64 or contract carrier."

65 **SECTION 3.**

66 Said part is further amended by revising subsection (b) of Code Section 48-8-269.5, relating
67 to accounting and record-keeping requirements, as follows:

68 "(b) No general obligation debt shall be issued in conjunction with the imposition of the
69 tax unless the county or qualified municipality governing authority determines that, and
70 if the debt is to be validated it is demonstrated in the validation proceedings that, during
71 each year in which any payment of principal or interest on the debt comes due, the county
72 or qualified municipality will receive from the tax net proceeds sufficient to fully satisfy
73 such liability. General obligation debt issued under this part shall be payable first from
74 the separate account in which are placed the proceeds received by the county or qualified
75 municipality from the tax. Such debt, however, shall constitute a pledge of the full faith,
76 credit, and taxing power of the county or qualified municipality; and any liability on such
77 debt which is not satisfied from the proceeds of the tax shall be satisfied from the general
78 funds of the county or qualified municipality."

79 **SECTION 4.**

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