House Bill 946

By: Representatives Hawkins of the 27th, Dunahoo of the 31st, McCollum of the 30th, Cox of the 28th, Erwin of the 32nd, and others

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special district mass transportation sales and use tax, so as to revise requirements for intergovernmental agreements between counties and qualified municipalities for collection of such tax; to provide for standards for disbursement of proceeds for municipalities absent from an intergovernmental agreement; to revise the maximum amount and time frame for the collection of such tax when an intergovernmental agreement has been entered into between a county and all qualified municipalities; to provide for definitions; to provide for related matters; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 5A of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the special district mass transportation sales and use tax, is amended in Code Section 48-8-262, relating to notice, agreement memorializing levy and rate of tax, rate, and resolution required, by revising subsections (b) through (d) as follows:

16 ″(b)(1) Following the meeting required by paragraph (2) of subsection (a) of this Code
17 section and prior to any tax being imposed under this part, the county and ~~all~~ qualified
18 municipalities therein may execute an intergovernmental agreement memorializing their
19 agreement to the levy of a tax and the rate of such tax.
20 (2) If an intergovernmental agreement authorized by paragraph (1) of this subsection is
21 entered into, it shall, at a minimum, include the following:
22 (A) A list of the projects and purposes qualifying as transportation purposes proposed
23 to be funded from the tax, including an expenditure of at least 30 percent of the
24 estimated revenue from the tax on projects consistent with the state-wide strategic
25 transportation plan as defined in paragraph (6) of subsection (a) of Code
26 Section 32-2-22;
27 (B) The estimated or projected dollar amounts allocated for each transportation
28 purpose from proceeds from the tax;
29 (C) The procedures for distributing proceeds from the tax to qualified municipalities;
30 (D) A schedule for distributing proceeds from the tax to qualified municipalities which
31 shall include the priority or order in which transportation purposes will be fully or
32 partially funded;
33 (E) A provision that all transportation purposes included in the agreement shall be
34 funded from proceeds from the tax except as otherwise agreed;
35 (F) A provision that proceeds from the tax shall be maintained in separate accounts and
36 utilized exclusively for the specified purposes;
37 (G) Record-keeping and audit procedures necessary to carry out the purposes of this
38 part; and
39 (H) Such other provisions as the county and qualified municipalities choose to address.
40 (c)(1) If an intergovernmental agreement is entered into by the county and all qualified
41 municipalities <u>therein</u>, the rate of the tax may be up to 1 percent.

(2) Except as otherwise provided for in paragraph (3) of this subsection, if ~~If~~ an intergovernmental agreement is not entered into by the county and all qualified municipalities, the maximum rate of the tax shall not exceed 0.75 percent and such rate shall be determined by the governing authority of the county.

(3)(A) If an intergovernmental agreement is entered into by the county and one or more qualified municipalities within the special district, and the combined population of the territory of all qualified municipalities lying within the special district which are absent from the agreement is less than one-half of the total population of the territory of all qualified municipalities lying within the special district, then the rate of the tax may be up to 1 percent, provided that such intergovernmental agreement provides for the percentage or the proceeds of the tax collected pursuant to this part that each absent municipality is to receive, which shall not be less than the absent municipality minimum percentage.

(B) As used in this paragraph, the term:

(i) 'Absent municipality minimum percentage' means, for any given absent municipality, the product of the absent municipality ratio and the percentage of the total proceeds in the intergovernmental agreement that are not allocated to the county.

(ii) 'Absent municipality ratio' means, for any given municipality, the sum of its municipal population ratio and its municipal centerline mile ratio.

(iii) 'Municipal centerline mile ratio' means, for any given municipality, the product of 0.67 multiplied by the quotient of the municipality's total paved and unpaved centerline road miles within the special district divided by the total paved and unpaved centerline road miles for all municipal roads within the special district.

(iv) 'Municipal population ratio' means, for any given municipality, the product of 0.33 multiplied by the quotient of the municipality's population which is located inside the special district divided by the total municipal population of the special district.

69 (C)(i) For purposes of determining population in this paragraph, the most recent
70 census estimates published by the Bureau of the Census of the United States
71 Department of Commerce prior to the date the intergovernmental agreement was
72 entered into shall be used.
73 (ii) For purposes of determining the paved and unpaved centerline road miles, the
74 most recent annual certification of paved and unpaved centerline road miles submitted
75 by a local government to the Georgia Department of Transportation prior to the date
76 the intergovernmental agreement was entered into shall be used.
77 (D) Any intergovernmental agreement entered into pursuant to this paragraph shall
78 provide for the disbursement of proceeds in an amount which shall account for
79 100 percent.
80 (d)(1) As soon as practicable after the meeting between the governing authorities of the
81 county and qualified municipalities and the execution of an intergovernmental agreement,
82 if applicable, the governing authority of the county shall by a majority vote on a
83 resolution offered for such purpose submit the list of transportation purposes and the
84 question of whether the tax should be approved to electors of the special district in the
85 next scheduled election and shall notify the county election superintendent within the
86 special district by forwarding to the superintendent a copy of such resolution calling for
87 the imposition of the tax. Such list, or a digest thereof, shall be available during regular
88 business hours in the office of the county clerk.
89 (2) The resolution authorized by paragraph (1) of this subsection shall describe:
90 (A) The specific transportation purposes to be funded;
91 (B) The approximate cost of such transportation purposes, which shall be the
92 maximum amount of net proceeds to be raised by the tax; provided, however, that, if
93 an intergovernmental agreement has been entered into pursuant to subsection (b) of this
94 Code section, the maximum amount of net proceeds to be raised shall correspond to the

95 period of time the tax shall be imposed as set forth in subparagraph (C) of this
96 paragraph; and
97 (C) The maximum period of time, to be stated in calendar years, for which the tax may
98 be imposed and the rate thereof. The maximum period of time for the imposition of the
99 tax shall not exceed five years; provided, however, that, if an intergovernmental
100 agreement is entered into by a county and all qualified municipalities within the special
101 district pursuant to paragraph (1) of subsection (c) of this Code section, the maximum
102 period of time for the imposition of the tax shall not exceed six years."

103 **SECTION 2.**

104 This Act shall become effective upon its approval by the Governor or upon its becoming law
105 without such approval. This Act shall not be applicable to or affect any intergovernmental
106 agreement entered into prior to such effective date.

107 **SECTION 3.**

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