

House Bill 1111

By: Representatives Leverett of the 123rd, Williams of the 148th, Rhodes of the 124th, and Gunter of the 8th

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales
2 and use taxes, so as to provide for a new special purpose local option sales tax dedicated to
3 certain healthcare purposes; to provide for definitions; to provide for authorization of tax and
4 applicability; to provide for local authorization and referenda; to provide for the issuance of
5 general obligation debt; to provide for imposition and termination of tax; to provide for
6 administration and collection of tax; to provide for limitations; to provide for reimposition;
7 to provide for returns; to provide for distribution of tax proceeds; to provide for
8 intergovernmental agreements; to provide for personal property in other jurisdictions; to
9 prohibit taxation of products ordered and delivered outside of jurisdiction; to prohibit
10 taxation of certain construction materials; to provide for records and reports; to provide for
11 rules and regulations; to provide for impact on other taxes; to provide for infeasibility; to
12 provide for modification of certain healthcare purposes; to provide for related matters; to
13 repeal conflicting laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

15

16 Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use
17 taxes, is amended by revising subparagraph (a)(1)(C) of Code Section 48-8-6, relating to
18 prohibition of political subdivisions from imposing various taxes, ceiling on local sales and
19 use taxes, and taxation of mobile telecommunications, as follows:

20 "(C) Up to 1 percent in aggregate of any sales and use taxes authorized under Code
21 Section 48-8-96, Code Section 48-8-97, Article 2B of this chapter, Part 3 of Article 3
22 of this chapter, and ~~Article~~ Articles 4 and 7 of this chapter."

SECTION 2.

23

24 Said chapter is further amended by adding a new article to read as follows:

25

"ARTICLE 7

26 48-8-280.

27 As used in this article, the term:

28 (1) 'Capital outlay project' means major, permanent, or long-lived improvements or
29 betterments, such as land and structures, such as would be properly chargeable to a
30 capital asset account and as distinguished from current expenditures and ordinary
31 maintenance expenses. Such term shall include, but not be limited to, buildings and
32 appurtenances thereto, ambulances, and other major equipment.

33 (2) 'Cost of the project' means:

34 (A) All costs of acquisition, by purchase or otherwise, construction, assembly,
35 installation, modification, renovation, extension, rehabilitation, operation, or
36 maintenance incurred in connection with any project of the special district or any part
37 thereof;

38 (B) All costs of real property or rights in property, fixtures, or personal property used
39 in or in connection with or necessary for any project of the special district or for any
40 facilities related thereto, including but not limited to the cost of all land, interests in
41 land, estates for years, easements, rights, improvements, water rights, and connections
42 for utility services; the cost of fees, franchises, permits, approvals, licenses, and
43 certificates; the cost of securing any such franchises, permits, approvals, licenses, or
44 certificates; the cost of preparation of any application therefor; and the cost of all
45 fixtures, machinery, equipment, furniture, and other property used in or in connection
46 with or necessary for any project of the special district;

47 (C) All costs of engineering, surveying, planning, environmental assessments, financial
48 analyses, and architectural, legal, and accounting services and all expenses incurred by
49 engineers, surveyors, planners, environmental scientists, fiscal analysts, architects,
50 attorneys, accountants, and any other necessary technical personnel in connection with
51 any project of the special district;

52 (D) All expenses for inspection of any project of the special district;

53 (E) All fees of any type charged to the special district in connection with any project
54 of the special district;

55 (F) All expenses of or incidental to determining the feasibility or practicability of any
56 project of the special district;

57 (G) All costs of plans and specifications for any project of the special district;

58 (H) All costs of title insurance and examinations of title with respect to any project of
59 the special district;

60 (I) Repayment of any loans for the advance payment of any part of any of the
61 foregoing costs, including interest thereon and any other expenses of such loans;

62 (J) Administrative expenses of the special district and such other expenses as may be
63 necessary or incidental to any project of the special district or the financing thereof; and

64 (K) The establishment of a fund or funds or such other reserves as the commissioner
65 may approve with respect to the financing and operation of any project of the special
66 district.

67 Any cost, obligation, or expense incurred for any of the purposes specified in this
68 paragraph shall be a part of the cost of the project of the special district and may be paid
69 or reimbursed as otherwise authorized by this article.

70 (3) 'Healthcare enhancement purpose' means any capital outlay project for hospitals,
71 operation and maintenance costs of hospitals, and providing for bad debt, indigent care,
72 and any other shortfalls associated with providing healthcare services to the community.

73 (4) 'Hospital' means a nonprofit hospital, a hospital owned or operated by a hospital
74 authority, or a nonprofit corporation formed, created, or operated by or on behalf of a
75 hospital authority.

76 (5) 'Hospital authority' mean any authority created by Article 4 of Chapter 7 of Title 31.

77 48-8-281.

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

82 (b) When the imposition of a special district sales and use tax is authorized according to
83 the procedures provided in this article within a special district, the governing authority of
84 any county in this state may, subject to the requirement of referendum approval and the
85 other requirements of this article, impose within the special district a special sales and use
86 tax for a limited period of time which tax shall be known as the county hospital special
87 purpose local option sales tax.

88 (c) Except as provided in subsection (d) of this Code section, any tax imposed under this
89 article shall be at the rate of up to 1 percent. Except as to rate, a tax imposed under this

90 article shall correspond to the tax imposed by Article 1 of this chapter. An item or
91 transaction which is not subject to taxation under Article 1 of this chapter shall not be
92 subject to a tax imposed under this article, except that a tax imposed under this article shall
93 apply to sales of motor fuels as prepaid local tax as such term is defined in Code Section
94 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic
95 beverages as provided for in Code Section 48-8-3.

96 (d) The sales and use tax levied pursuant to this article on sales of motor fuel as defined
97 in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of the motor
98 fuel which is not more than \$3.00 per gallon.

99 48-8-282.

100 (a) Prior to the issuance of the call for the referendum and prior to the vote of a county
101 governing authority within a special district to impose the tax under this article, such
102 governing authority may enter into an intergovernmental agreement with any hospital
103 authority operating within such special district governing the use of the proceeds of the sale
104 and use tax levied pursuant to this article. The governing authority of the county within
105 the special district voting to impose the tax authorized by this article shall notify the county
106 election superintendent by forwarding to the superintendent a copy of the resolution or
107 ordinance of the governing authority calling for the imposition of such tax. Such ordinance
108 or resolution shall specify eligible expenditures identified by the county and any hospital
109 authority for use of proceeds distributed pursuant to subsection (b) of Code Section
110 48-8-286. Such ordinance or resolution shall also specify:

111 (1) The healthcare enhancement purpose or purposes for which the proceeds of the tax
112 are to be used and may be expended within the special district;

113 (2) The maximum period of time the tax will be levied, to be stated in calendar years or
114 calendar quarters and not to exceed five years, unless the provisions of Code

115 Section 48-8-286 are applicable, in which case the maximum period of time for which
116 the tax may be levied shall not exceed six years;

117 (3) The estimated cost of the project or projects which will be funded from the proceeds
118 of the tax, which estimated cost shall also be the estimated amount of net proceeds to be
119 raised by the tax, unless the provisions of Code Section 48-8-286 are applicable, in which
120 case the final day of the tax shall be based upon the length of time for which the tax was
121 authorized to be levied by the referendum; and

122 (4) If general obligation debt is to be issued in conjunction with the imposition of the tax,
123 the principal amount of the debt to be issued, the purpose for which the debt is to be
124 issued, the local government issuing the debt, the interest rate or rates or the maximum
125 interest rate or rates which such debt is to bear, and the amount of principal to be paid in
126 each year during the life of the debt.

127 (b) Upon receipt of the resolution or ordinance, the election superintendent shall issue the
128 call for an election for the purpose of submitting the question of the imposition of the tax
129 to the voters of the county within the special district. The election superintendent shall
130 issue the call and shall conduct the election on a date and in the manner authorized under
131 Code Section 21-2-540. The election superintendent shall cause the date and purpose of
132 the election to be published once a week for four weeks immediately preceding the date of
133 the election in the official organ of the county. If general obligation debt is to be issued by
134 the county in conjunction with the imposition of the tax, the notice published by the
135 election superintendent shall also include, in such form as may be specified by the county
136 governing authority imposing the tax within the special district, the principal amount of the
137 debt, the purpose for which the debt is to be issued, the rate or rates of interest or the
138 maximum rate or rates of interest the debt will bear, and the amount of principal to be paid
139 in each year during the life of the debt. The publication of such notice by the election
140 superintendent shall take the place of the notice otherwise required by Code

141 Section 36-80-11 or by subsection (b) of Code Section 36-82-1, which notice shall not be
 142 required.

143 (c)(1) The ballot submitting the question of the imposition of the tax authorized by this
 144 article to the voters of the county within the special district shall have written or printed
 145 thereon the following:

146 '() YES Shall a special _____ percent sales and use tax be imposed in the special
 147 district of _____ County for a period of time not to exceed _____ for
 148 () NO the raising of an estimated amount of \$ _____ for the purpose of
_____?'

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

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

154 (d) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all persons
 155 opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in
 156 favor of imposing the tax, then the tax shall be imposed as provided in this article;
 157 otherwise, the tax shall not be imposed and the question of imposing the tax shall not again
 158 be submitted to the voters of the county within the special district until after 12 months
 159 immediately following the month in which the election was held; provided, however, that,
 160 if an election date authorized under Code Section 21-2-540 occurs during the twelfth month
 161 immediately following the month in which such election was held, the question of
 162 imposing the tax may be submitted to the voters of the county within the special district on
 163 such date. The election superintendent shall hold and conduct the election under the same
 164 rules and regulations as govern special elections. The superintendent shall canvass the
 165 returns, declare the result of the election, and certify the result to the Secretary of State and
 166 to the commissioner. The expense of the election shall be paid from county funds.

167 (e)(1) If the proposal includes the authority to issue general obligation debt and if more
168 than one-half of the votes cast are in favor of the proposal, then the authority to issue such
169 debt in accordance with Article IX, Section V, Paragraph I or Article IX, Section V,
170 Paragraph II of the Constitution is given to the proper officers of the county issuing such
171 debt; otherwise, such debt shall not be issued. If the authority to issue such debt is so
172 approved by the voters, then such debt may be issued without further approval by the
173 voters.

174 (2) If the issuance of general obligation debt is included and approved as provided in this
175 Code section, then the governing authority of the county issuing such debt may incur
176 such debt either through the issuance and validation of general obligation bonds or
177 through the execution of a promissory note or notes or other instrument or instruments.
178 If such debt is incurred through the issuance of general obligation bonds, such bonds and
179 their issuance and validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36
180 except as specifically provided otherwise in this article. If such debt is incurred through
181 the execution of a promissory note or notes or other instrument or instruments, no
182 validation proceedings shall be necessary and such debt shall be subject to Code
183 Sections 36-80-10 through 36-80-14 except as specifically provided otherwise in this
184 article. In either event, such general obligation debt shall be payable first from the
185 separate account in which are placed the proceeds received by the county issuing such
186 debt from the tax authorized by this article. Such general obligation debt shall, however,
187 constitute a pledge of the full faith, credit, and taxing power of the county issuing such
188 debt, and any liability on such debt which is not satisfied from the proceeds of the tax
189 authorized by this article shall be satisfied from the general funds of the county issuing
190 such debt.

191 48-8-283.

192 (a) If the imposition of the tax is approved at a special election provided for in Code
193 Section 48-8-282, the tax shall be imposed and any services regularly billed on a monthly
194 basis shall become effective with respect to such tax on the first day of the next succeeding
195 calendar quarter which begins more than 80 days after the date of the election at which the
196 tax was approved by the voters.

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

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

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

205 (3) As of the end of the calendar quarter during which the commissioner determines that
206 the tax will have raised revenues sufficient to provide to the county net proceeds equal
207 to or greater than the amount specified as the estimated amount of net proceeds to be
208 raised by the tax, unless the provisions in Code Section 48-8-286 are applicable, in which
209 case the final day of the tax shall be based upon the length of time for which the tax was
210 authorized to be levied by the referendum.

211 (c)(1) At any time no more than a single tax of up to 1 percent under this article may be
212 imposed within a special district.

213 (2) The governing authority of a county within a special district in which a tax authorized
214 by this article is in effect may, while the tax is in effect, adopt a resolution or ordinance
215 calling for the reimposition of a tax as authorized by this article upon the termination of
216 the tax then in effect, and a special election may be held for this purpose while the tax is
217 in effect. Proceedings for the reimposition of a tax shall be in the same manner as

218 proceedings for the initial imposition of the tax, provided that the newly authorized tax
219 shall not be imposed until the expiration of the tax then in effect; provided, further,
220 however, that, in the event of emergency conditions under which a county is unable to
221 conduct a referendum so as to continue the tax then in effect without interruption, the
222 commissioner may, if feasible administratively, waive the limitations of subsection (a)
223 of this Code section to the minimum extent necessary so as to permit the reimposition of
224 a tax, if otherwise approved as required under this Code section, without interruption,
225 upon the expiration of the tax then in effect.

226 (3) Following the expiration of a tax under this article, the governing authority of a
227 county within a special district may initiate proceedings for the reimposition of a tax
228 under this article in the same manner as provided in this article for initial imposition of
229 such tax.

230 48-8-284.

231 A tax levied pursuant to this article shall be exclusively administered and collected by the
232 commissioner for the use and benefit of the county imposing the tax. Such administration
233 and collection shall be accomplished in the same manner and subject to the same applicable
234 provisions, procedures, and penalties provided in Article 1 of this chapter except that the
235 sales and use tax provided in this article shall be applicable to sales of motor fuels as
236 prepaid local tax as such term is defined in Code Section 48-8-2; provided, however, that
237 all moneys collected from each taxpayer by the commissioner shall be applied first to such
238 taxpayer's liability for taxes owed the state; and provided, further, that the commissioner
239 may rely upon a representation by or on behalf of the county or the Secretary of State that
240 such a tax has been validly imposed, and the commissioner and the commissioner's agents
241 shall not be liable to any person for collecting any such tax which was not validly imposed.
242 Dealers shall be allowed a percentage of the amount of the tax due and accounted for and
243 shall be reimbursed in the form of a deduction in submitting, reporting, and paying the

244 amount due if such amount is not delinquent at the time of payment. The deduction shall
245 be at the rate and subject to the requirements specified under subsections (b) through (f)
246 of Code Section 48-8-50.

247 48-8-285.

248 Each sales tax return remitting taxes collected under this article shall separately identify
249 the location of each retail establishment at which any of the taxes remitted were collected
250 and shall specify the amount of sales and the amount of taxes collected at each
251 establishment for the period covered by the return so as to facilitate the determination by
252 the commissioner that all taxes imposed by this article are collected and distributed
253 according to situs of sale.

254 48-8-286.

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

258 (1) One percent of the amount collected shall be paid into the general fund of the state
259 treasury so as to defray the costs of administration; and

260 (2) Except for the percentage provided in paragraph (1) of this subsection, the remaining
261 proceeds of the tax shall be distributed to the governing authority of the county within the
262 special district imposing the tax as specified in subsection (b) of this Code section.

263 (b) The county within the special district shall distribute any proceeds provided for in
264 subsection (a) of this Code section as follows:

265 (1) To the county governing authority and any hospital authority as specified in an
266 intergovernmental agreement. When an intergovernmental agreement has been entered
267 into, the agreement shall, at a minimum, include:

- 268 (A) The specific healthcare enhancement purpose or purposes to be funded pursuant
269 to the agreement;
- 270 (B) The estimated or projected dollar amounts allocated for each healthcare
271 enhancement purpose from tax proceeds from the tax authorized by this article;
- 272 (C) The procedures for distributing proceeds from the tax authorized by this article to
273 the hospital authorities;
- 274 (D) A schedule for distributing proceeds from the tax authorized by this article to the
275 hospital authorities, which schedule shall include the priority or order in which
276 healthcare enhancement purposes will be fully or partially funded;
- 277 (E) A provision that all capital outlay projects included in the agreement shall be
278 funded from proceeds from the tax authorized by this article except as otherwise
279 agreed;
- 280 (F) A provision that proceeds from the tax authorized by this article shall be
281 maintained in separate accounts and utilized exclusively for the specified healthcare
282 enhancement purposes;
- 283 (G) Record keeping and audit procedures necessary to carry out the purposes of this
284 article; and
- 285 (H) Such other provisions as the county and participating hospital authorities choose
286 to address; or
- 287 (2) When an intergovernmental agreement has not been entered into pursuant to
288 paragraph (1) of this subsection, the county within the special district shall distribute the
289 proceeds of the tax authorized by this article to the governing authority of the county for
290 one or more county-wide healthcare enhancement purposes specified by the governing
291 authority of the county in the ordinance or resolution.

292 48-8-287.

293 (a) When a local sales or use tax has been paid with respect to tangible personal property
294 by the purchaser either in another local tax jurisdiction within the state or in a tax
295 jurisdiction outside the state, the tax may be credited against the tax authorized to be
296 imposed by this article upon the same property. If the amount of sales or use tax so paid
297 is less than the amount of the use tax due under this article, the purchaser shall pay an
298 amount equal to the difference between the amount paid in the other tax jurisdiction and
299 the amount due under this article. The commissioner may require such proof of payment
300 in another local tax jurisdiction as he or she deems necessary; provided, however, that no
301 credit shall be granted against the tax imposed under this article for tax paid in another
302 jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any
303 other local sales and use tax levied in the county or in a special district which includes the
304 county; and, provided, further, that taxes so paid in another jurisdiction shall be credited
305 first against the tax levied under Article 2 of this chapter, if applicable, and then against the
306 tax levied under this article.

307 (b) No tax provided for in this article shall be imposed upon the sale of tangible personal
308 property which is ordered by and delivered to the purchaser at a point outside the
309 geographical area of the county in which the tax is imposed regardless of the point at which
310 title passes, if the delivery is made by the seller's vehicle, United States mail, or common
311 carrier or by private or contract carrier licensed by the Federal Motor Carrier Safety
312 Administration or the Georgia Department of Public Safety.

313 (c)(1) As used in this subsection, the term 'building and construction materials' means
314 all building and construction materials, supplies, fixtures, or equipment, any combination
315 of such items, and any other leased or purchased articles when the materials, supplies,
316 fixtures, equipment, or articles are to be utilized or consumed during construction or are
317 to be incorporated into construction work pursuant to a bona fide written construction
318 contract.

319 (2) No tax provided for in this article shall be imposed upon the sale or use of building
320 and construction materials when the contract pursuant to which the materials are
321 purchased or used was advertised for bid prior to the voters' approval of the levy of the
322 tax and the contract was entered into as a result of a bid actually submitted in response
323 to the advertisement prior to approval of the levy of the tax.

324 48-8-288.

325 The commissioner shall have the power and authority to promulgate such rules and
326 regulations as shall be necessary for the effective and efficient administration and
327 enforcement of the collection of any tax authorized to be imposed by this article.

328 48-8-289.

329 Except as provided in Code Section 48-8-6, the tax authorized by this article shall be in
330 addition to any other local sales and use tax. Except as provided in Code Section 48-8-6,
331 the imposition of any other local sales and use tax within a county shall not affect the
332 authority of such a county to impose the tax authorized by this article and the imposition
333 of such tax shall not affect the imposition of any otherwise authorized local sales and use
334 tax within the county within the special district.

335 48-8-290.

336 The governing authority of the county and each hospital authority receiving any proceeds
337 from the tax under this article shall maintain a record of each and every healthcare
338 enhancement purpose for which the proceeds of the tax are used. Not later than 180 days
339 following the close of each fiscal year, the governing authority of each county receiving
340 any proceeds from the tax under this article shall publish annually, in a newspaper of
341 general circulation within the boundaries of such county and in a prominent location on the
342 county website, if such county maintains a website, a simple, nontechnical report which

343 shows for each healthcare enhancement purpose in the resolution or ordinance calling for
344 imposition of the tax the original estimated cost, the current estimated cost if it is not the
345 original estimated cost, amounts expended in prior fiscal years, amounts expended in the
346 most recently completed fiscal year, any excess proceeds which have not been expended
347 for healthcare enhancement purposes, estimated completion date, and the actual completion
348 cost of any healthcare enhancement purposes completed during the most recently
349 completed fiscal year. The report shall also include a statement of what corrective action
350 the county intends to implement with respect to each healthcare enhancement purpose
351 which is underfunded or behind schedule.

352 48-8-291.

353 (a) As used in this Code section, the term 'infeasible' means that the healthcare
354 enhancement purposes have, in the judgment of the governing authority as expressed in the
355 resolution or ordinance required by subsection (b) of this Code section, become
356 impracticable, unserviceable, unrealistic, or otherwise not in the best interests of the
357 citizens of the county or special district.

358 (b)(1) Notwithstanding any other provision of this article to the contrary, if the tax
359 authorized by this article has been imposed within a special district for a healthcare
360 enhancement purpose or purposes authorized by this article and one or more such
361 purposes authorized therein become or are determined to be infeasible, then the
362 provisions of this Code section shall apply; provided, however, that this Code section
363 shall not apply until and unless the governing authority specified under paragraph (2) of
364 this subsection adopts a resolution or ordinance determining that the healthcare
365 enhancement purpose or purposes for which the levy has been approved have become
366 infeasible in accordance with paragraph (2) of this subsection.

367 (2)(A) If a healthcare enhancement purpose that has become infeasible is a purpose for
368 which the county is responsible, an ordinance or resolution of the county shall be
369 required determining that the purpose or purposes have become infeasible.

370 (B) If a healthcare enhancement purpose that has become infeasible is a hospital
371 authority purpose, a resolution of the hospital authority responsible for the purpose shall
372 be required determining that the purpose has become infeasible. Upon its approval by
373 the hospital authority, such resolution shall be transmitted to the governing authority
374 of the county. The county governing authority shall rely on the determination by the
375 hospital authority that the purpose has become infeasible.

376 (3) If the governing authority desiring to determine that a healthcare enhancement
377 purpose is infeasible has incurred or entered into financing for such purpose, whether
378 through an intergovernmental contract, a multiyear lease or purchase contract under Code
379 Section 36-60-13, or other form of indebtedness, no such ordinance or resolution shall
380 be adopted until the governing authority of the county discharges in full the obligation
381 incurred or provides for the defeasance of such obligation.

382 (c) Upon the adoption of the resolution or ordinance required by subsection (b) of this
383 Code section, the tax shall continue to be imposed for the same period of time and for the
384 raising of the same amount of revenue as originally authorized. Subject to approval in a
385 referendum required by subsection (d) of this Code section, the county, or hospital
386 authority, if the infeasible healthcare enhancement purpose is a purpose owned or operated
387 by the hospital authority, or those entities that are part of a joint project, may expend the
388 previously collected and future proceeds of the tax, or such portion thereof as was intended
389 for the purpose that has been determined to be infeasible if the tax were imposed for more
390 than one healthcare enhancement purpose, to reduce any general obligation indebtedness
391 of the affected county within the special district other than indebtedness incurred pursuant
392 to this article, or by paying such proceeds into the general fund of such county to be used
393 for the purpose of reducing ad valorem taxes, or both. In the event of a joint healthcare

394 enhancement purpose in which there is an intergovernmental agreement apportioning the
395 purposes, the proceeds shall be divided among the entities to such joint agreement
396 according to such apportionment. In the event of a joint healthcare enhancement purpose
397 in which there is no agreement apportioning the purposes, the proceeds shall be divided
398 equally among the entities to the joint healthcare enhancement purposes.

399 (d)(1) Upon the adoption of the resolution or ordinance required by subsection (b) of this
400 Code section, the governing authority of the county shall notify the county election
401 superintendent by forwarding to the superintendent a copy of a resolution or ordinance
402 calling for the modification of the healthcare enhancement purposes for which proceeds
403 of the tax authorized by this article may be expended. Such ordinance or resolution shall
404 specify the modified healthcare enhancement purposes for which the balance of proceeds
405 of the tax are to be used and an estimate of the amount of the proceeds available to be
406 used for the modified purpose.

407 (2) Upon receipt of the resolution or ordinance required by this subsection, the election
408 superintendent shall issue the call for an election for the purpose of submitting to the
409 voters of the county within the special district the question of modifying the healthcare
410 enhancement purposes for which the proceeds of the levy may be expended. The election
411 superintendent shall issue the call and shall conduct the election, in conjunction with the
412 next election held, to submit to the electors of the special district the imposition of a tax
413 under this article and shall conduct the election in the manner specified in subsection (b)
414 of Code Section 48-8-282.

415 (3) The ballot submitting a question of the approval of the modified purpose for a levy
416 previously approved by the electors of the county within the special district as authorized
417 by this Code section shall have written or printed thereon the following:

418 '() YES Shall the healthcare enhancement purposes consisting of
 419 _____ approved for use of proceeds of the special
 420 () NO _____ percent sales and use tax imposed in the special district of
 421 _____ County in a referendum on _____ be modified so
 422 as to authorize use of such proceeds for the purpose of (reducing debt,
 423 reducing ad valorem taxes, or reducing debt and ad valorem taxes) of the
 424 county?'

425 (4) If there are multiple healthcare enhancement purposes to be submitted to the electors
 426 for approval of modified purpose, there shall be one question for all healthcare
 427 enhancement purposes.

428 (5) All persons desiring to vote in favor of modifying the healthcare enhancement
 429 purposes shall vote 'Yes,' and all persons opposed to modifying the healthcare
 430 enhancement purposes shall vote 'No.' If more than one-half of the votes cast are in favor
 431 of modifying the healthcare enhancement purposes, then the proceeds of the tax imposed
 432 as provided in this article shall be used for such modified purposes; otherwise, the
 433 proceeds of the tax shall not be used for such modified purposes. The election
 434 superintendent shall hold and conduct the election under the same rules and regulations
 435 as govern special elections. The superintendent shall canvass the returns, declare the
 436 result of the election, and certify the result to the Secretary of State and to the
 437 commissioner. The expense of the election shall be paid from county funds."

438 **SECTION 2.**

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