

Senate Bill 369

By: Senators Mullis of the 53rd, Harper of the 7th, Watson of the 1st, Albers of the 56th,
Ginn of the 47th and others

AS PASSED

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:
- 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, unless there is a vote against the resolution by a majority plus one of the
 562 members of such governing authority of the county, shall sign a resolution offered for
 563 such purpose and shall submit the list of transportation purposes, as approved by the
 564 qualified municipalities or county representing at least 60 percent of the population of the
 565 part of the metropolitan county special district and the question of whether the tax should
 566 be approved to electors of the part of the metropolitan county special district not within
 567 the boundaries of a metropolitan municipality special district in the next scheduled
 568 election and shall notify the county election superintendent by forwarding to the
 569 superintendent a copy of such resolution calling for the imposition of the tax. Such list,
 570 or a digest thereof, shall be available during regular business hours in the office of the
 571 county clerk and in the offices of the governing authorities of the qualified municipalities
 572 participating in the election.

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

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

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

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

580 (D) A list of the projects and purposes qualifying as transportation purposes proposed
 581 to be funded from the tax, including an expenditure of at least 30 percent of the
 582 estimated revenue from the tax on projects consistent with the state-wide strategic
 583 transportation plan as defined in paragraph (6) of subsection (a) of Code Section
 584 32-2-22.

585 48-8-269.9.

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

589 '() YES Shall an additional _____ percent sales tax be collected in part of
 590 County _____ for _____ years for the purpose of transportation
 591 () NO improvements and congestion reduction?'

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

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

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

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

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

614 (2) If the issuance of general obligation debt is included and approved as provided in this
 615 Code section, then the governing authority of the county may incur such debt either
 616 through the issuance and validation of general obligation bonds or through the execution
 617 of a promissory note or notes or other instrument or instruments. If such debt is incurred
 618 through the issuance of general obligation bonds, such bonds and their issuance and
 619 validation shall be subject to Articles 1 and 2 of Chapter 82 of Title 36 except as
 620 specifically provided otherwise in this part. If such debt is incurred through the execution
 621 of a promissory note or notes or other instrument or instruments, no validation
 622 proceedings shall be necessary, and such debt shall be subject to Code Sections 36-80-10
 623 through 36-80-14 except as specifically provided otherwise in this part. In either event,
 624 such general obligation debt shall be payable first from the separate account in which are
 625 placed the proceeds received by the county from the tax. Such general obligation debt

626 shall, however, constitute a pledge of the full faith, credit, and taxing power of the
 627 county; and any liability on such debt which is not satisfied from the proceeds of the tax
 628 shall be satisfied from the general funds of the county.

629 48-8-269.91.

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

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

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

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

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

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

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

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

657 (3) In any metropolitan county special district in which a tax is in effect under this part,
 658 proceedings may be commenced, while the tax is in effect, calling for the reimposition
 659 of the tax upon the termination of the tax then in effect; and an election may be held at
 660 the next scheduled election for this purpose while the tax is in effect. Such proceedings
 661 for the reimposition of a tax under this part shall be in the same manner as proceedings

662 for the initial imposition of the tax, but the newly authorized tax shall not be imposed
 663 until the expiration of the tax then in effect.

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

667 48-8-269.92.

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

683 48-8-269.93.

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

690 48-8-269.94.

691 The proceeds of the tax collected by the commissioner in each metropolitan county special
 692 district under this part shall be disbursed as soon as practicable after collection as follows:
 693 (1) One percent of the amount collected shall be paid into the general fund of the state
 694 treasury in order to defray the costs of administration; and

695 (2) Except for the percentage provided in paragraph (1) of this Code section, the
 696 remaining proceeds of the tax shall be distributed pursuant to the terms of an
 697 intergovernmental agreement.

698 48-8-269.95.

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

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

709 48-8-269.96.

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

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

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

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

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

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

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

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

728 48-8-269.97.

729 Where a local sales or use tax has been paid with respect to tangible personal property by
 730 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
 731 outside this state, the tax may be credited against the tax authorized to be imposed by this
 732 part upon the same property. If the amount of sales or use tax so paid is less than the
 733 amount of the tax due under this part, the purchaser shall pay an amount equal to the
 734 difference between the amount paid in the other tax jurisdiction and the amount due under
 735 this part. The commissioner may require such proof of payment in another local tax
 736 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
 737 against the tax under this part for tax paid in another jurisdiction if the tax paid in such
 738 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
 739 in the metropolitan county special district.

740 48-8-269.98.

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

746 48-8-269.99.

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

750 48-8-269.991.

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

759 48-8-269.992.

760 (a)(1) The proceeds received from the tax shall be used by the county and qualified
 761 municipalities within the part of the metropolitan county special district levying the tax

762 exclusively for the transportation purposes specified in the resolution calling for
763 imposition of the tax. Such proceeds shall be kept in a separate account from other funds
764 of any county or qualified municipality receiving proceeds of the tax and shall not in any
765 manner be commingled with other funds of any county or qualified municipality prior to
766 the expenditure.

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

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

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

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

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

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

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

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

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

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

827 48-8-269.993.

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

835 corrective action the metropolitan county special district intends to implement with respect
 836 to each purpose which is underfunded or behind schedule and a statement of any surplus
 837 funds which have not been expended for a purpose.

838 Part 3

839 48-8-269.994.

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

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

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

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

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

855 48-8-269.995.

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

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

869 district. The governing authority of the county, unless there is a vote against the
 870 resolution by a majority plus one of the members of such governing authority of the
 871 county, shall sign a resolution offered for such purpose and shall notify the county
 872 election superintendent by forwarding to the superintendent a copy of such resolution
 873 calling for the imposition of the tax and for the proposal to be presented to the qualified
 874 voters in the metropolitan municipality special district at the next scheduled election.
 875 Such resolution, or a digest thereof, shall be available during regular business hours in
 876 the office of the county clerk and in the offices of the metropolitan municipality special
 877 district calling for the election.

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

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

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

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

885 (D) A list of the projects and purposes qualifying as transportation purposes proposed
 886 to be funded from the tax, including an expenditure of at least 30 percent of the
 887 estimated revenue from the tax on projects consistent with the state-wide strategic
 888 transportation plan as defined in paragraph (6) of subsection (a) of Code Section
 889 32-2-22.

890 48-8-269.996.

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

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

896 () NO improvements and congestion reduction?'

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

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

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

905 expense of the election shall be paid from municipal funds. All persons desiring to vote
 906 in favor of imposing the tax shall vote 'Yes,' and all persons opposed to imposing the tax
 907 shall vote 'No.' If more than one-half of the votes cast throughout the metropolitan
 908 municipality special district are in favor of imposing the tax, then the tax shall be imposed
 909 as provided in this part.

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

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

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

934 48-8-269.997.

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

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

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

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

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

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

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

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

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

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

972 48-8-269.998.

973 A tax levied pursuant to this part shall be exclusively administered and collected by the
 974 commissioner for the use and benefit of the metropolitan municipal special district
 975 imposing the tax. Such administration and collection shall be accomplished in the same
 976 manner and subject to the same applicable provisions, procedures, and penalties provided

977 in Article 1 of this chapter; provided, however, that all moneys collected from each
 978 taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes
 979 owed the state; and provided, further, that the commissioner may rely upon a representation
 980 by or on behalf of the metropolitan municipal special district or the Secretary of State that
 981 such a tax has been validly imposed, and the commissioner and the commissioner's agents
 982 shall not be liable to any person for collecting any such tax which was not validly imposed.
 983 Dealers shall be allowed a percentage of the amount of the tax due and accounted for and
 984 shall be reimbursed in the form of a deduction in submitting, reporting, and paying the
 985 amount due if such amount is not delinquent at the time of payment. The deduction shall
 986 be at the rate and subject to the requirements specified under subsections (b) through (f)
 987 of Code Section 48-8-50.

988 48-8-269.999.

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

995 48-8-269.9991.

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

1000 48-8-269.9992.

1001 (a) The proceeds of a tax under this part shall not be subject to any allocation or balancing
 1002 of state and federal funds provided for by general law, and such proceeds shall not be
 1003 considered or taken into account in any such allocation or balancing.

1004 (b) The approval of the tax under this part shall not in any way diminish the percentage of
 1005 state or federal funds allocated to any municipality under Code Section 32-5-27. The
 1006 amount of state or federal funds expended in the metropolitan municipality special district
 1007 shall not be decreased or diverted due to the use of proceeds from the tax levied under this
 1008 part for transportation purposes that have a high priority in the state-wide strategic
 1009 transportation plan.

1010 48-8-269.9993.

1011 (a) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by
 1012 Article 1 of this chapter. No item or transaction which is not subject to taxation under
 1013 Article 1 of this chapter shall be subject to a tax imposed under this part, except that a tax
 1014 imposed under this part shall not apply to:

1015 (1) The sale or use of any type of fuel used for off-road heavy-duty equipment, off-road
 1016 farm or agricultural equipment, or locomotives;

1017 (2) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport;

1018 (3) The sale or use of fuel that is used for propulsion of motor vehicles on the public
 1019 highways;

1020 (4) The sale or use of energy used in the manufacturing or processing of tangible goods
 1021 primarily for resale;

1022 (5) The sale or use of motor fuel as defined under paragraph (9) of Code Section 48-9-2
 1023 for public mass transit; or

1024 (6) The purchase or lease of any motor vehicle pursuant to Code Section 48-5C-1.

1025 (b) Except as otherwise specifically provided in this part, the tax imposed pursuant to this
 1026 part shall be subject to any sales and use tax exemption which is otherwise imposed by law;
 1027 provided, however, that the tax levied by this part shall be applicable to the sale of food and
 1028 food ingredients as provided for in paragraph (57) of Code Section 48-8-3.

1029 48-8-269.9994.

1030 Where a local sales or use tax has been paid with respect to tangible personal property by
 1031 the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction
 1032 outside this state, the tax may be credited against the tax authorized to be imposed by this
 1033 part upon the same property. If the amount of sales or use tax so paid is less than the
 1034 amount of the tax due under this part, the purchaser shall pay an amount equal to the
 1035 difference between the amount paid in the other tax jurisdiction and the amount due under
 1036 this part. The commissioner may require such proof of payment in another local tax
 1037 jurisdiction as he or she deems necessary and proper. No credit shall be granted, however,
 1038 against the tax under this part for tax paid in another jurisdiction if the tax paid in such
 1039 other jurisdiction is used to obtain a credit against any other local sales and use tax levied
 1040 in the county or in a metropolitan municipality special district which includes the county.

1041 48-8-269.9995.

1042 No tax shall be imposed upon the sale of tangible personal property which is ordered by
 1043 and delivered to the purchaser at a point outside the geographical area of the metropolitan
 1044 county special district in which the tax is imposed regardless of the point at which title

1045 passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier
 1046 or by private or contract carrier.

1047 48-8-269.9996.

1048 The commissioner shall have the power and authority to promulgate such rules and
 1049 regulations as shall be necessary for the effective and efficient administration and
 1050 enforcement of the collection of the tax.

1051 48-8-269.9997.

1052 Except as provided in Code Section 48-8-6, the tax authorized under this part shall be in
 1053 addition to any other local sales and use tax. Except as otherwise provided in this part and
 1054 except as provided in Code Section 48-8-6, the imposition of any other local sales and use
 1055 tax within a metropolitan municipality special district shall not affect the imposition of any
 1056 otherwise authorized local sales and use tax within the metropolitan municipality special
 1057 district.

1058 48-8-269.9998.

1059 (a)(1) The proceeds received from the tax shall be used by the metropolitan municipality
 1060 special district levying the tax exclusively for the transportation purposes specified in the
 1061 resolution calling for imposition of the tax. Such proceeds shall be kept in a separate
 1062 account from other funds of the municipality receiving proceeds of the tax and shall not
 1063 in any manner be commingled with other funds.

1064 (2) The governing authority of any municipality receiving any proceeds from the tax
 1065 under this part shall maintain a record of each and every purpose for which the proceeds
 1066 of the tax are used. A schedule shall be included in each annual audit which shows for
 1067 each purpose in the resolution calling for imposition of the tax the original estimated cost,
 1068 the current estimated cost if it is not the original estimated cost, amounts expended in
 1069 prior years, and amounts expended in the current year. The auditor shall verify and test
 1070 expenditures sufficient to provide assurances that the schedule is fairly presented in
 1071 relation to the financial statements. The auditor's report on the financial statements shall
 1072 include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly
 1073 in all material respects in relation to the financial statements taken as a whole.

1074 (b) No general obligation debt shall be issued in conjunction with the imposition of the tax
 1075 unless the municipal governing authority determines that, and if the debt is to be validated
 1076 it is demonstrated in the validation proceedings that, during each year in which any
 1077 payment of principal or interest on the debt comes due, the municipality will receive from
 1078 the tax net proceeds sufficient to fully satisfy such liability. General obligation debt issued

1079 under this part shall be payable first from the separate account in which are placed the
 1080 proceeds received by the municipality from the tax. Such debt, however, shall constitute
 1081 a pledge of the full faith, credit, and taxing power of the municipality; and any liability on
 1082 such debt which is not satisfied from the proceeds of the tax shall be satisfied from the
 1083 general funds of the municipality.

1084 (c) The resolution calling for the imposition of the tax may specify that all of the proceeds
 1085 of the tax will be used for payment of general obligation debt issued in conjunction with
 1086 the imposition of the tax, and, in that event, such proceeds shall be solely for such purpose
 1087 except as otherwise provided in subsection (f) of this Code section.

1088 (d) The resolution calling for the imposition of the tax may specify that a part of the
 1089 proceeds of the tax will be used for payment of general obligation debt issued in
 1090 conjunction with the imposition of the tax. The resolution shall specifically state the other
 1091 purposes for which such proceeds will be used. In such a case, no part of the net proceeds
 1092 from the tax received in any year shall be used for such other purposes until all debt service
 1093 requirements of the general obligation debt for that year have first been satisfied from the
 1094 account in which the proceeds of the tax are placed.

1095 (e) The resolution calling for the imposition of the tax may specify that no general
 1096 obligation debt is to be issued in conjunction with the imposition of the tax. The resolution
 1097 shall specifically state the purpose or purposes for which the proceeds will be used.

1098 (f)(1)(A) If the proceeds of the tax are specified to be used solely for the purpose of
 1099 payment of general obligation debt issued in conjunction with the imposition of the tax,
 1100 then any net proceeds of the tax in excess of the amount required for final payment of
 1101 such debt shall be subject to and applied as provided in paragraph (2) of this subsection.

1102 (B) If the metropolitan municipality special district receives from the tax net proceeds
 1103 in excess of the maximum cost of the transportation projects and purposes stated in the
 1104 resolution calling for the imposition of the tax or in excess of the actual cost of such
 1105 projects and purposes, then such excess proceeds shall be subject to and applied as
 1106 provided in paragraph (2) of this subsection.

1107 (C) If the tax is terminated under paragraph (1) of subsection (b) of Code Section
 1108 48-8-269.997 by reason of denial of validation of debt, then all net proceeds received
 1109 by the metropolitan municipality special district from the tax shall be excess proceeds
 1110 subject to paragraph (2) of this subsection.

1111 (2) Excess proceeds subject to this subsection shall be used solely for the purpose of
 1112 reducing any indebtedness of the metropolitan municipality special district other than
 1113 indebtedness incurred pursuant to this part. If there is no such other indebtedness or if
 1114 the excess proceeds exceed the amount of any such other indebtedness, then the excess
 1115 proceeds shall next be paid into the general fund of such municipality, it being the intent

1116 that any funds so paid into the general fund of such municipality be used for the purpose
1117 of reducing ad valorem taxes.

1118 48-8-269.9999.

1119 Not later than December 31 of each year, the governing authority of the municipality
1120 receiving any proceeds from the tax under this part shall publish annually, in a newspaper
1121 of general circulation in the boundaries of such municipality, a simple, nontechnical report
1122 which shows for each purpose in the resolution calling for the imposition of the tax the
1123 original estimated cost, the current estimated cost if it is not the original estimated cost,
1124 amounts expended in prior years, and amounts expended in the current year. The report
1125 shall also include a statement of what corrective action the municipality intends to
1126 implement with respect to each purpose which is underfunded or behind schedule and a
1127 statement of any surplus funds which have not been expended for a purpose."

1128 **PART III**

1129 **Effective Date; General Repealer.**

1130 **SECTION 3-1.**

1131 This Act shall become effective upon its approval by the Governor or upon its becoming law
1132 without such approval.

1133 **SECTION 3-2.**

1134 All laws and parts of laws in conflict with this Act are repealed.