

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, so as to provide for a local option sales and use tax for general educational purposes; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, is amended by adding a new Part 3 to read as follows:

"Part 3

48-8-150.

This part is enacted pursuant to the authority of Article VIII, Section VI, Paragraph V of the Constitution of Georgia and it is the intent of the General Assembly in the enactment of this part to further define and implement such provision of the Constitution.

48-8-151.

Except as otherwise expressly provided in Article VIII, Section VI, Paragraph V of the Constitution of Georgia, the sales and use tax for general educational purposes which may be levied by a board of education of a county school district or concurrently by the board of education of a county school district and the board of education of each independent school district located within such county shall be imposed and levied by such board or boards of education and collected by the commissioner on behalf of such board or boards of education in the same manner as provided for under Part 1 of this article, in particular, but without limitation, the provisions regarding the authority of the commissioner to administer and collect this tax, retain the 1 percent administrative fee, and promulgate rules

24 and regulations governing this tax shall apply equally to such board or boards of education.
 25 The report required pursuant to Code Section 48-8-122 shall be applicable; provided,
 26 however, that in addition to posting such report in a newspaper of general circulation as
 27 required by such Code section, such report shall be posted on the searchable website
 28 provided for under Code Section 50-6-32.

29 48-8-152.

30 (a) The ballot submitting the question of the imposition of the tax authorized by this part
 31 to the voters of the county within the special district shall have written or printed thereon
 32 the following:

33 () YES Shall a special 1 percent sales and use tax be imposed in the special district
 34 of _____ County for a period of _____ years for general
 35 () NO educational purposes?'

36 (b) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all persons
 37 opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in
 38 favor of imposing the tax, then the tax shall be imposed as provided in this part; otherwise
 39 the tax shall not be imposed and the question of imposing the tax shall not again be
 40 submitted to the voters of the county within the special district until after 12 months
 41 immediately following the month in which the election was held; provided, however, that
 42 if an election date authorized under Code Section 21-2-540 occurs during the twelfth month
 43 immediately following the month in which such election was held, the question of
 44 imposing the tax may be submitted to the voters of the county within the special district on
 45 such date. The election superintendent shall hold and conduct the election under the same
 46 rules and regulations as govern special elections. The superintendent shall canvass the
 47 returns, declare the result of the election, and certify the result to the Secretary of State and
 48 to the commissioner. The expense of the election shall be paid from county funds.

49 (c) If the imposition of the tax is approved at the special election, the tax shall be imposed
 50 at the beginning of the calendar quarter selected by the board or boards of education that
 51 will receive the proceeds of the tax that is more than 80 days following the date of the
 52 election at which the tax was approved by the voters. With respect to services which are
 53 regularly billed on a monthly basis, however, the tax shall become effective and apply to
 54 services billed on or after the effective date of the tax as specified in the preceding
 55 sentence. If the tax is initially imposed in a calendar quarter that begins after January 1,
 56 the proceeds of the tax collected in such partial year shall be used in the following calendar
 57 year school budget.

58 48-8-153.

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

60 (1) 'Local charter school' means a local charter school as defined in paragraph (7) of
 61 Code Section 20-2-2062.

62 (2) 'State chartered special school' means a state chartered special school as defined in
 63 paragraph (16) of Code Section 20-2-2062 and with respect to which the referendum
 64 required under Article VIII, Section V, Paragraph VII of the Constitution has been
 65 conducted and approved.

66 (b) A county or independent board of education shall be authorized to include local charter
 67 schools, state chartered special schools, or both in the ballot language for a proposed tax
 68 under Article VIII, Section VI, Paragraph V of the Constitution and this part.

69 48-8-154.

70 (a) As a condition precedent for authority to levy the tax or to collect any proceeds from
 71 the tax authorized by this part for the year following the initial year in which it is levied
 72 and for all subsequent years, each school district receiving any proceeds of the tax shall
 73 adjust annually the millage rate for ad valorem taxation of tangible property within such
 74 political subdivisions as provided in this subsection. Each such school system shall
 75 compute the millage rate necessary to produce revenue from taxation of tangible property
 76 in its respective school district which, when combined with other revenues reasonably
 77 expected to be received by the school district during the year other than revenues derived
 78 from the tax imposed pursuant to this part, would provide revenues sufficient to defray the
 79 expenses of the school system for the year. The millage rate so ascertained shall then be
 80 reduced by a millage rate which, if levied against the tangible property within the school
 81 district, would produce an amount equal to 30 percent of the distribution of the proceeds
 82 of the tax imposed by this part which were received by the school system during the
 83 preceding year. The tax bill of each ad valorem taxpayer in the school district shall show
 84 in a prominent manner the millage rate first ascertained as provided in this subsection and
 85 shall show such millage rate reduced by the millage rate required to raise an amount of
 86 revenue equal to 30 percent of the distribution of the proceeds of the tax imposed by this
 87 part during the previous year. The remainder shall be the millage rate upon which each
 88 taxpayer's bill shall be based.

89 (b) Each local school system may, upon approval by the board of education of the school
 90 district, increase the amount of the proceeds received from the sales and use tax under this
 91 part that are allocated to reducing the millage rate for property taxes beyond the 30 percent
 92 specified in subsection (a) of this Code section but shall not be authorized to reduce such
 93 allocation.

94 48-8-155.

95 The board of education of each school district receiving distributions of sales and use tax
96 proceeds under this part shall provide for the allocation and use of such tax proceeds
97 annually."

98 **SECTION 2.**

99 This Act shall become effective on January 1, 2015, provided that a constitutional
100 amendment authorizing the imposition of a local option sales and use tax for general
101 educational purposes in accordance with this Act is passed by the General Assembly in the
102 2014 regular session and is ratified by the voters in the 2014 November general election. If
103 such amendment is not passed by the General Assembly and ratified by the voters in 2014,
104 then this Act shall stand repealed by operation of law on January 1, 2015.

105 **SECTION 3.**

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