



Bill:	HB 106	Sponsor:	Representative Roberts of the 155 th
Version:	LC # Not Yet Assigned	Amends:	Title 48
Status:	As Passed Senate As Amended	Committee:	Transportation

Transportation Special Purpose Local Option Sales and Use Tax

SUMMARY

- Authorizes counties to impose a transportation special purpose local option sales and use tax, of up to 1 percent, subject to voter approval, the proceeds of which must be used for transportation purposes.¹

ANALYSIS

This bill revises current law relating to the special district transportation sales and use tax to so that on or after July 1, 2015, any newly-imposed tax may imposed at a rate of up to 1 percent, but must not be more than 1 percent. Any rate less than 1 percent must be in an increment of .05 percent. Further, the tax may now be imposed upon the adoption of resolutions by the governing bodies of a majority of the counties within a special tax district without approval and enactment by the General Assembly of a Special Regional Transportation Funding Act.

Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the State Constitution, this bill creates 159 districts within the state, the geographic boundaries of which correspond, and are conterminous, to each county:

- On or after July 1, 2015, any county: that is not located within a special district with a special district transportation sales and use tax; is currently levying the special purpose location option sales and use tax, the joint county and municipality tax, or the tax collected pursuant to the constitutional authority for MARTA; and is a mass transportation regional system participant², may, subject to referendum approval, impose within the district a special sales and use tax, for up to 1 percent, not to exceed five years, the proceeds of which must be used for transportation purposes.
- On or after July 1, 2017, any county: that is not located within a special district with a special district transportation sales and use tax; and, is currently levying the special purpose location option sales and use tax, the joint county and municipality tax, or the tax collected pursuant to the constitutional authority for MARTA may, subject to referendum approval, impose within the district a special sales and use tax, for up to 1 percent, not to exceed five years, the proceeds of which must be used for transportation purposes.

Prior to the referendum, the county must meet with each qualified municipality³ to discuss possible projects for inclusion in the referendum, and may enter into an intergovernmental agreement that details the projects and procedures for distributing proceeds. After execution of the intergovernmental agreement, if applicable, the governing authority of the county may, by majority vote on a resolution, submit the list of transportation purposes and the question of whether the levy should be approved to electors of the district in an election. If the intergovernmental agreement is not entered into, the maximum rate of the tax must not exceed .75 percent and must be determined by the county governing authority. If the proposal includes the authority to issue general obligation debt, and if more than one-half of the votes cast are in favor of the proposal, then the authority to issue such debt in accordance with Article IX, Section V, Paragraph I of the Constitution is given to the proper officers of the county; otherwise, debt must not be issued. Dealers are allowed a percentage of the amount of the tax due at the rate provided for in current law. The proceeds of the tax must be disbursed as follows: one percent of the amount collected must be paid into the general fund of the state treasury in order to defray the costs of administration; and the remaining proceeds must be distributed pursuant to the terms of the intergovernmental agreement, if applicable. The bill provides certain exemptions, and provides that the tax is not subject to any allocation or balancing of state and federal funds provided by general law. Finally, the bill provides certain limitations on the taxing of tangible personal property by and between counties. **House Vote: 166-0; Analyst: Angie Fiese**

¹ "Transportation purposes" means and includes roads, bridges, public transit, rails, airports, buses, seaports, including without limitation road, street, and bridge purposes, and all accompanying infrastructure and services necessary to provide access to these transportation facilities, including general obligation debt and other multiyear obligations issued to finance such purposes.

² "Mass transportation regional participant" is defined in the bill as any county wherein mass transportation service is provided within the district, to the district, or from the district, by a multicounty regional transportation authority created by an Act of the General Assembly, including but not limited to, the Georgia Regional Transportation Authority or the Metropolitan Atlanta Rapid Transit Authority. "Mass transportation" is defined in the bill as any mode of transportation serving the general public which is appropriate to transport people by highways or rail.

³ The term "qualified municipality" is one wholly within a district, defined in current law as an incorporated municipality that provides at least three of the specifically-defined list of governmental services.