

House Bill 935

By: Representatives Lumsden of the 12th, Harrell of the 106th, Reeves of the 34th, Watson of the 172nd, and Kelley of the 16th

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia
2 Annotated, relating to county special purpose local option sales tax, so as to add that certain
3 payments to cloud based software services may be funded; to provide for related matters; to
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
8 relating to county special purpose local option sales tax, is amended by revising
9 paragraph (1) of subsection (a) of Code Section 48-8-111, relating to the procedure for
10 imposition of the special purpose local option sales tax, as follows:

11 "(1) The purpose or purposes for which the proceeds of the tax are to be used and may
12 be expended, which purpose or purposes may consist of capital outlay projects located
13 within or outside, or both within and outside, any incorporated areas in the county in the
14 special district or outside the county, as authorized by subparagraph (B) of this paragraph
15 for regional facilities, and which may include any of the following purposes:

16 (A) A capital outlay project consisting of road, street, and bridge purposes, which
17 purposes may include sidewalks and bicycle paths;

18 (B) A capital outlay project or projects in the special district and consisting of a
19 courthouse; administrative buildings; a civic center; a local or regional jail, correctional
20 institution, or other detention facility; a library; a coliseum; local or regional solid waste
21 handling facilities as defined under paragraph (27.1) or (35) of Code Section 12-8-22,
22 as amended, excluding any solid waste thermal treatment technology facility, including,
23 but not limited to, any facility for purposes of incineration or waste to energy direct
24 conversion; local or regional recovered materials processing facilities as defined under
25 paragraph (26) of Code Section 12-8-22, as amended; or any combination of such
26 projects;

- 27 (C) A capital outlay project or projects which will be operated by a joint authority or
 28 authorities of the county and one or more qualified municipalities within the special
 29 district;
- 30 (D) A capital outlay project or projects, to be owned or operated or both either by the
 31 county, one or more qualified municipalities within the special district, one or more
 32 local authorities within the special district, or any combination thereof;
- 33 (E) A capital outlay project consisting of a cultural facility, a recreational facility, or
 34 a historic facility or a facility for some combination of such purposes;
- 35 (F) A water capital outlay project, a sewer capital outlay project, a water and sewer
 36 capital outlay project, or a combination of such projects, to be owned or operated or
 37 both by a county water and sewer district and one or more qualified municipalities in
 38 the county;
- 39 (G) The retirement of previously incurred general obligation debt of the county, one
 40 or more qualified municipalities within the special district, or any combination thereof;
- 41 (H) A capital outlay project or projects within the special district and consisting of
 42 public safety facilities, airport facilities, or related capital equipment used in the
 43 operation of public safety or airport facilities, or any combination of such purposes;
- 44 (I) A capital outlay project or projects within the special district, consisting of capital
 45 equipment for use in voting in official elections or referendums;
- 46 (J) A capital outlay project or projects within the special district consisting of any
 47 transportation facility designed for the transportation of people or goods, including, but
 48 not limited to, railroads, port and harbor facilities, mass transportation facilities, or any
 49 combination thereof;
- 50 (K) A capital outlay project or projects within the special district and consisting of a
 51 hospital or hospital facilities that are owned by a county, a qualified municipality, or
 52 a hospital authority within the special district and operated by such county,
 53 municipality, or hospital authority or by an organization which is tax exempt under
 54 Section 501(c)(3) of the Internal Revenue Code, which operates the hospital through
 55 a contract or lease with such county, municipality, or hospital authority;
- 56 (L) The repair of capital outlay projects, including, but not limited to, roads, streets,
 57 and bridges, located, in part or in whole, within the special district that have been
 58 damaged or destroyed by a natural disaster;
- 59 (M) A capital outlay project or projects that are owned, operated, or administered by
 60 the state and located, in part or in whole, within the special district; ~~or~~
- 61 (N) A capital outlay project consisting of payments to a provider of cloud based
 62 software or software as a service to administer a governmental function of a county or
 63 municipal government within the special district, provided that such payments will end

64 without further obligation to the county or municipal government prior to the end of the
65 period for which the tax is levied; or
66 (O) Any combination of two or more of the foregoing;
67 provided, however, that a tax authorized under this part which is submitted to the voters
68 for approval in connection with an equalized homestead option sales tax pursuant to
69 Part 2 of Article 2A of this chapter shall be used for transportation purposes which shall
70 include roads, bridges, public transit, rails, airports, buses, seaports, and including
71 without limitation road, street, and bridge purposes pursuant to paragraph (1) of
72 subsection (b) of Code Section 48-8-121, for public safety facilities and related capital
73 equipment used in the operation thereof, for debt service purposes for which a
74 municipality used proceeds from the homestead option sales and use tax, and for the
75 repair of capital outlay projects; provided, however, that the amount of proceeds used for
76 the repair of capital outlay projects shall not exceed 15 percent of the total proceeds
77 which are collected under this part for a capital outlay project or projects authorized
78 under this paragraph;"

79 **SECTION 2.**

80 This Act shall become effective on July 1, 2018.

81 **SECTION 3.**

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