

House Resolution 1112

By: Representative Williams of the 5th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to repeal the provisions requiring the
 2 funding of education by ad valorem taxation and provide for the imposition of a sales and use
 3 tax of 1 percent in each county in this state, the proceeds of which shall be used exclusively
 4 for educational purposes prior to the college or postsecondary level; to provide for
 5 procedures, conditions, and limitations; to provide for the submission of this amendment for
 6 ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article VIII, Section VI of the Constitution is amended by striking Paragraphs I and II and
 10 inserting in their place new Paragraphs I and II to read as follows:

11 "Paragraph I. *Local taxation for education.* (a) The board of education of each school
 12 system shall annually certify to its fiscal authority or authorities a school tax not greater
 13 than ~~20~~ 15 mills per dollar for the support and maintenance of education. Said fiscal
 14 authority or authorities shall annually levy said tax upon the assessed value of all taxable
 15 property within the territory served by said school system, provided that the levy made by
 16 an area board of education, which levy shall not be greater than ~~20~~ 15 mills per dollar, shall
 17 be in such amount and within such limits as may be prescribed by local law applicable
 18 thereto.

19 (b) School tax funds shall be expended only for the support and maintenance of public
 20 schools, ~~public vocational-technical schools~~, public education, and activities necessary or
 21 incidental thereto, including school lunch purposes.

22 (c) The ~~20~~ 15 mill limitation provided for in subparagraph (a) of this Paragraph shall ~~not~~
 23 apply to ~~those~~ all school systems ~~which are authorized on June 30, 1983, to levy a school~~
 24 ~~tax in excess thereof.~~

25 ~~(d) The method of certification and levy of the school tax provided for in~~
 26 ~~subparagraph (a) of this Paragraph shall not apply to those systems that are authorized on~~
 27 ~~June 30, 1983, to utilize a different method of certification and levy of such tax, but the~~

1 General Assembly may by law require that such systems be brought into conformity with
2 the method of certification and levy herein provided.

3 (d) In addition to any state or local sales and use tax in effect on January 1, 2003, there
4 is imposed effective on that date and thereafter in each county a sales and use tax of 1
5 percent. The sales and use tax imposed by this subparagraph shall correspond to the state
6 sales and use tax imposed by the revenue laws of this state, as now or hereafter amended,
7 except that the rate shall be as specified in this subparagraph and except that the tax shall
8 apply to all sales of motor fuels and shall not be subject to Article III, Section IX,
9 Paragraph VI(b) of this Constitution. The tax imposed by this subparagraph shall be levied
10 and collected without the necessity for further action by the General Assembly. The total
11 proceeds derived by each county from the sales and use tax imposed by this subparagraph
12 shall be used exclusively for educational purposes prior to the college or postsecondary
13 level. In the event of an independent school district, the net proceeds of the tax shall be
14 distributed between the county school district and the independent school districts, or
15 portion thereof, located in such county according to the ratio the student enrollment in each
16 school district, or portion thereof, bears to the total student enrollment of all school districts
17 in the county. The General Assembly may provide by general law for any matters the
18 General Assembly finds necessary or appropriate in implementing this subparagraph;
19 provided, however, that the tax imposed pursuant to the subparagraph shall not be subject
20 to and shall not count with respect to any general law limitation regarding the maximum
21 amount of local sales and use taxes which may be levied in any jurisdiction in this state and
22 shall not be subject to any sales and use tax exemption with respect to the sale or use of
23 food and beverages which is imposed by law. For the year following the initial year in
24 which it is levied and for all subsequent years, the board of education of a school district
25 shall adjust annually the millage rate for ad valorem taxation of tangible property within
26 such school district as provided in this subparagraph. Each board of education shall
27 compute the millage rate necessary to produce revenue from taxation of tangible property
28 in its respective school district which, when combined with other revenues reasonably
29 expected to be received by the school district during the year other than revenues derived
30 from the tax imposed pursuant to this subparagraph, would provide revenues sufficient to
31 defray the expenses of the school district for the year. The millage rate so ascertained shall
32 then be reduced by a millage rate which, if levied against the tangible property within the
33 school district, would produce an amount equal to the distribution of the proceeds of the
34 tax imposed by this subparagraph which were received by the school district during the
35 preceding year. The tax bill of each ad valorem taxpayer in the school district shall show
36 in a prominent manner the millage rate first ascertained as provided in this subparagraph
37 and shall show such millage rate reduced by the millage rate required to raise an amount

1 of revenue equal to the distribution of the proceeds of the tax imposed by this subparagraph
 2 during the previous year. The remainder shall be the millage rate upon which each
 3 taxpayer's bill shall be based. The tax authority of each school district shall cause to be
 4 shown in a prominent manner on the tax bill of each ad valorem taxpayer the dollar amount
 5 of reduction of ad valorem property taxes which the taxpayer has received as a result of the
 6 school district's sharing in the proceeds of the tax authorized to be imposed by this
 7 subparagraph. This subparagraph shall not be construed to require a county or municipality
 8 to prepare and mail ad valorem property tax bills when the ad valorem property tax millage
 9 rate for educational purposes in the county or municipality has been reduced to zero as a
 10 result of the receipt of proceeds from the tax levied pursuant to this subparagraph.

11 Paragraph II. *Increasing or removing tax rate.* The 15 mill limitation ~~in effect on June~~
 12 ~~30, 1983~~, for any school system may be increased or removed by action of the respective
 13 boards of education, but only after such action has been approved by a majority of the
 14 qualified voters voting thereon in the particular school system to be affected in the manner
 15 provided by law."

16 SECTION 2.

17 The above proposed amendment to the Constitution shall be published and submitted as
 18 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 19 above proposed amendment shall have written or printed thereon the following:

20 "() YES Shall the Constitution be amended so as to provide for the imposition of a
 21 sales and use tax of 1 percent in each county in this state, the proceeds of
 22 () NO which shall be used exclusively for educational purposes prior to the college
 23 or postsecondary level?"

24 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

25 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 26 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 27 become a part of the Constitution of this state.