

Senate Resolution 311

By: Senators Johnson of the 1st, Lamutt of the 21st, Balfour of the 9th, Price of the 56th, Williams of the 19th and others

ADOPTED SENATE

A RESOLUTION

1 Proposing an amendment to the Constitution so as to require the freezing of existing
 2 residential real property values and to provide that residential real property and interests
 3 therein shall be appraised for ad valorem taxation purposes at their fair market value as of
 4 the date of the owner's acquisition thereof; to provide for valuation increases; to provide for
 5 conditions and limitations; to provide for authority of the General Assembly with respect to
 6 the foregoing; to provide for the submission of this amendment for ratification or rejection;
 7 and for other purposes.

8 **BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article VII, Section I of the Constitution is amended in Paragraph III by striking the catchline
 11 and subparagraphs (a) and (b) and inserting in their places a new catchline and subparagraphs
 12 (a), (b), and (b.1) to read as follows:

13 "Paragraph III. ~~*Uniformity; classification of property; assessment of agricultural land;*~~
 14 ~~*utilities.*~~ *Uniformity; classification of property; assessment of residential real property,*
 15 *agricultural land, historic property, standing timber, and utilities.* (a) All taxes shall be
 16 levied and collected under general laws and for public purposes only. Except as otherwise
 17 provided in subparagraphs (b), (b.1), (c), (d), and (e) of this Paragraph, all taxation shall
 18 be uniform upon the same class of subjects within the territorial limits of the authority
 19 levying the tax.

20 (b)(1) Except as otherwise provided in this subparagraph ~~(b)~~, classes of subjects for
 21 taxation of property shall consist of residential real property, other tangible property, and
 22 one or more classes of intangible personal property, including money; provided, however,
 23 that any taxation of intangible personal property may be repealed by general law without
 24 approval in a referendum effective for all taxable years beginning on or after January 1,
 25 1996.

26 (2) Subject to the conditions and limitations specified by law, each of the following
 27 types of property may be classified as a separate class of property for ad valorem property

1 tax purposes and different rates, methods, and assessment dates may be provided for such
2 properties:

3 (A) Trailers;:-

4 (B) Mobile homes other than those mobile homes which qualify the owner of the
5 home for a homestead exemption from ad valorem taxation; and:-

6 (C) Heavy-duty equipment motor vehicles owned by nonresidents and operated in
7 this state.

8 (3) Motor vehicles may be classified as a separate class of property for ad valorem
9 property tax purposes, and such class may be divided into separate subclasses for ad
10 valorem purposes. The General Assembly may provide by general law for the ad
11 valorem taxation of motor vehicles including, but not limited to, providing for different
12 rates, methods, assessment dates, and taxpayer liability for such class and for each of its
13 subclasses and need not provide for uniformity of taxation with other classes of property
14 or between or within its subclasses. The General Assembly may also determine what
15 portion of any ad valorem tax on motor vehicles shall be retained by the state. As used
16 in this subparagraph, the term 'motor vehicles' means all vehicles which are
17 self-propelled.

18 (b.1) This subparagraph shall not apply to any ad valorem taxes in a local taxing
19 jurisdiction in which a local Act has become effective prior to January 1, 2005, which
20 provides a homestead exemption with respect to such ad valorem taxes in an amount equal
21 to the amount by which the current year assessed value of a homestead exceeds the base
22 year assessed value of such homestead. Except as otherwise provided in subparagraphs (c)
23 and (d) of this Paragraph:

24 (1) The value of residential real property and interests therein shall not be changed
25 from the valuation of such property established for the 2004 taxable year except as a
26 result of new construction, additions, or improvements to the property of the taxpayer
27 which require a building permit unless such property is sold or transferred to a person
28 other than the owner's spouse in which event such spouse shall retain the valuation
29 pursuant to this subparagraph; and

30 (2) Once transferred or sold as provided in subparagraph (b.1)(1), residential real
31 property and interests therein shall be appraised for ad valorem taxation purposes at their
32 fair market values as of the date of the owner's acquisition thereof. Such property shall
33 be subject to annual revaluation, but any such annual increase in the value of such
34 residential real property shall not exceed an inflation percentage established by the state
35 revenue commissioner for the current taxable year. The state revenue commissioner shall
36 annually establish an inflation percentage to reflect the effect of economic inflation on
37 individual taxpayers, and for such purpose, the state revenue commissioner may use the

1 Consumer Price Index for all urban consumers published by the Bureau of Labor
 2 Statistics of the United States Department of Labor and any other reliable economic
 3 indicator determined by the state revenue commissioner to be appropriate.
 4 The General Assembly shall be authorized to provide by local Act that a local taxing
 5 jurisdiction shall not be subject to the annual revaluation provided for in this
 6 subparagraph."

7 **SECTION 2.**

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

11 " YES Shall the Constitution be amended so as to authorize the freezing of
 12 existing residential real property values until property is sold and once
 13 NO sold provide that such residential real property shall be appraised for ad
 14 valorem taxation purposes at fair market value as of the date of the
 15 owner's acquisition thereof subject only to valuation increases at the
 16 inflation rate?"

17 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 18 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 19 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 20 become a part of the Constitution of this state.