

House Resolution 1265

By: Representatives Keen of the 146th, Richardson of the 26th, Jamieson of the 22nd, Houston of the 139th, Rogers of the 20th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to eliminate the provisions requiring the
 2 funding of education by ad valorem taxation and provide for replacement fundings through
 3 the imposition of a state sales and use tax at a rate not to exceed 3 percent, as determined by
 4 the General Assembly; to provide for procedures, conditions, and limitations; to provide for
 5 the submission of this amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article VIII, Section VI of the Constitution is amended by adding a new paragraph at the end
 9 to be designated Paragraph V, to read as follows:

10 "Paragraph V. *Ad valorem power limited.* The authority provided under this Constitution
 11 to levy and collect ad valorem taxes for educational purposes shall continue on and after
 12 January 1, 2006, but only for the purpose of retiring any outstanding public debt or any
 13 bonds or obligations issued or incurred by a local school system of this state for educational
 14 purposes on or before December 31, 2005. Once such debt is retired, the provisions of
 15 Section VIA shall become applicable."

16 **SECTION 2.**

17 Article VIII of the Constitution is amended by adding a new section immediately following
 18 Section VI, to be designated Section VIA to read as follows:

19 **"SECTION VIA.**20 **STATE TAXATION FOR EDUCATION**

21 Paragraph I. *State Taxation for Education.* (a) Except as otherwise provided in
 22 Paragraph V of Section VI, the authority provided under this Constitution to levy and
 23 collect ad valorem taxes for educational purposes shall continue until December 31, 2005,

1 and, on and after January 1, 2006, such authority shall cease and no ad valorem taxes for
2 educational purposes shall be levied in this state.

3 (b) In addition to any state or local sales and use tax in effect on January 1, 2006, there
4 is imposed effective on that date and thereafter a state sales and use tax at a rate not to
5 exceed 3 percent as determined by the General Assembly. The sales and use tax imposed
6 by this subparagraph shall correspond to the state sales and use tax imposed by the revenue
7 laws of this state, as now or hereafter amended, except as otherwise provided in this
8 Paragraph. The tax shall not apply to sales of motor fuels. The tax imposed pursuant to
9 this subparagraph shall not be subject to any sales and use tax exemption provided by
10 general law unless expressly provided otherwise by the General Assembly. The tax
11 imposed by this subparagraph shall be levied and collected in the same manner as the other
12 state sales and use tax is levied and collected. Such proceeds shall be deposited in
13 appropriate accounts as may be established by general law. All or any portion of such
14 proceeds shall be used for educational programs and purposes prior to the college or
15 postsecondary level in such manner as determined by the General Assembly or other
16 appropriate uses."

17 SECTION 3.

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

21 "() YES Shall the Constitution be amended so as to eliminate local ad valorem
22 property taxes for education and replace them with a sales and use tax not
23 () NO to exceed 3 percent?"

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.