

House Resolution 58

By: Representatives Keen of the 179th, Richardson of the 19th, Burmeister of the 119th, Jamieson of the 28th, Smith of the 168th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to eliminate the provisions requiring the
 2 local funding of education by ad valorem taxation and provide for the imposition of a state
 3 sales and use tax at a rate not to exceed 3 percent, as determined by the General Assembly,
 4 the proceeds of which shall be used exclusively for educational programs and purposes prior
 5 to the college or postsecondary level; 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 adding a new paragraph at the end
 10 thereof, to be designated Paragraph V, to read as follows:

11 "Paragraph V. *Ad valorem taxation power limited.* The authority provided under this
 12 Constitution to local school systems to levy and collect ad valorem taxes for educational
 13 purposes shall continue on and after January 1, 2008, but only for the purpose of retiring
 14 any outstanding public debt or any bonds or obligations issued or incurred by a local school
 15 system of this state for educational purposes on or before December 31, 2007. Once such
 16 debt is retired with respect to a local school system, the provisions of Section VIA of this
 17 article shall become applicable."

18 **SECTION 2.**

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

1 **"SECTION VIA.**

2 **STATE TAXATION FOR EDUCATION**

3 Paragraph I. *State taxation for education.* (a) Except as otherwise provided in
 4 Paragraph V of Section VI of this article, the authority provided under this Constitution to
 5 levy and collect ad valorem taxes for educational purposes shall continue until December
 6 31, 2007, and, on and after January 1, 2008, such authority shall cease and no ad valorem
 7 taxes for educational purposes shall be levied in this state.

8 (b) In addition to any state or local sales and use tax in effect on January 1, 2008, there
 9 is imposed effective on that date and thereafter a state sales and use tax at a rate not to
 10 exceed 3 percent, as determined by the General Assembly. The sales and use tax imposed
 11 by this subparagraph shall correspond to the state sales and use tax imposed by the revenue
 12 laws of this state, as now or hereafter amended, except as otherwise provided in this
 13 Paragraph. The tax shall not apply to sales of motor fuels. The tax imposed pursuant to
 14 this subparagraph shall not be subject to any sales and use tax exemption provided by
 15 general law unless expressly provided otherwise by the General Assembly. The tax
 16 imposed by this subparagraph shall be levied and collected in the same manner as the other
 17 state sales and use tax is levied and collected. The total proceeds derived by the state from
 18 the sales and use tax imposed by this subparagraph shall be used exclusively for
 19 educational programs and purposes prior to the college or postsecondary level. The
 20 General Assembly shall appropriate all proceeds of the tax for the educational programs
 21 and purposes authorized under this subparagraph prior to the college or postsecondary
 22 level."

23 **SECTION 3.**

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

27 "() YES Shall the Constitution be amended so as to eliminate local ad valorem
 28 property taxes for education and replace them with a sales and use tax not
 29 () NO to exceed 3 percent, to be used exclusively for educational programs and
 30 purposes?"

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