

House Resolution 158

By: Representative Powell of the 29<sup>th</sup>

## 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 conditions and limitations; to  
 5 provide for the submission of this amendment for ratification or rejection; and for other  
 6 purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

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

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

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 22 that any taxation of intangible personal property may be repealed by general law without  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

25 (2) Subject to the conditions and limitations specified by law, each of the following  
 26 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)(1) Except as otherwise provided in this subparagraph and subparagraphs (c) and  
19 (d) of this Paragraph, the value of residential real property and interests therein with  
20 respect to which a homestead exemption has been claimed and allowed shall not be  
21 changed from the valuation of such residential real property established for the 2009  
22 taxable year.

23 (2) If residential real property is transferred or sold to a person other than the owner's  
24 spouse, such residential real property shall be appraised for ad valorem tax purposes at  
25 its fair market value as of the date of the transferee's or buyer's acquisition thereof.

26 (3) This subparagraph shall not apply to the valuation of a residential real property for  
27 purposes of a local taxing jurisdiction if such local taxing jurisdiction is one in which a  
28 local Act has become effective prior to January 1, 2009, which provides a homestead  
29 exemption with respect to such ad valorem taxes in an amount equal to the amount by  
30 which the current year assessed value of a homestead exceeds the base year assessed  
31 value of such homestead and such homestead exemption is currently claimed and allowed  
32 with respect to such property."

## 33 SECTION 2.

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

1       " YES   Shall the Constitution be amended so as to authorize the freezing of  
2                           existing residential real property values until property is sold and once  
3        NO     sold provide that such residential real property shall be appraised for ad  
4                           valorem taxation purposes at fair market value as of the date of the  
5                           owner's acquisition thereof?"

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