

## House Resolution 956

By: Representatives Graves of the 12<sup>th</sup>, Scott of the 2<sup>nd</sup>, Lunsford of the 110<sup>th</sup>, Coan of the 101<sup>st</sup>, Lewis of the 15<sup>th</sup>, and others

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for limitations on state  
 2 government taxation and expenditures; to provide for a short title; to provide for definitions;  
 3 to provide for spending limits; to provide for excess revenues; to provide for the authority  
 4 of the General Assembly with respect to the foregoing; to provide for the submission of this  
 5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 The Constitution is amended by adding a new Article IXA to read as follows:

9 **"ARTICLE IXA.**

10 **TAXPAYER PROTECTION AMENDMENT OF 2007**

11 **SECTION I.**

12 **TAX AND EXPENDITURE LIMITATIONS**

13 Paragraph I. *Definitions.* As used in this article, the term:

14 (1) 'Annual population change' means the most recent available annual percentage  
 15 change in population for the State of Georgia.

16 (2) 'Fiscal year' means the state fiscal year specified under Article III, Section I,  
 17 Paragraph II(b).

18 (3) 'Fiscal year spending' means the total amount of moneys appropriated in the  
 19 General Appropriations Act by the General Assembly and recommended by the Governor  
 20 as determined by the revenue estimate under Article III, Section IX, Paragraph IV(b)  
 21 except:

22 (A) Appropriations funded by moneys received from the federal government;

23 (B) Appropriations funded by discretionary user charges to the extent that such  
 24 charges do not exceed the cost of the goods or services;

1 (C) Proceeds of gifts or bequests made for purposes specified by the donor;

2 (D) Lottery funds;

3 (E) Motor fuel tax proceeds;

4 (F) Tobacco settlement funds;

5 (G) Care management organization fees and nursing home provider fees; and

6 (H) Moneys appropriated for homeowner's incentive adjustment tax relief under  
7 Article VII, Section IIA.

8 (4) 'Population' means the number of people residing in Georgia, excluding armed  
9 forces stationed overseas, as determined by the United States Bureau of Census.

10 (5) 'State government inflation' means the most recent available annual percentage  
11 change in the gross output of state and local governments as defined by the National  
12 Income and Product Accounts and determined by the United States Bureau of Economic  
13 Analysis.

14 Paragraph II. **Spending limits.** For any fiscal year that commences on or after July 1,  
15 2010, the fiscal year spending as determined by the revenue estimate under Article III,  
16 Section IX , Paragraph IV(b) shall not exceed:

17 (1) An amount equal to the fiscal year spending in any preceding fiscal year; or

18 (2) An amount equal to the immediately preceding fiscal year spending adjusted for  
19 state government inflation and annual population change.

20 Paragraph III. **Excess revenues.** For any fiscal year that commences on or after July 1,  
21 2010, if revenue from sources not excluded from total state revenues exceeds the limit on  
22 total state fiscal year spending calculated in accordance with Paragraph II of this article,  
23 for that fiscal year the excess shall be appropriated by vote of the General Assembly and  
24 shall first fund increases due to student enrollment for local school systems, then excess  
25 revenues shall be transferred to the Revenue Shortfall Reserve to the extent necessary to  
26 ensure that the fund balance is equal to 10 percent of the fiscal year spending for the  
27 previous fiscal year, and then excess revenues shall be used to reduce state indebtedness  
28 or shall be refunded to the taxpayers or any combination of such purposes.

29 Paragraph IV. **Spending limit override.** The General Assembly shall be authorized to  
30 exceed the limits specified under this article, but only upon the exhaustion of the Revenue  
31 Shortfall Reserve and the adoption of a joint resolution by a two-thirds' vote of both houses  
32 of the General Assembly voting in a roll-call vote. The General Assembly by law shall set  
33 forth the amount of the spending limit override and the method by which it shall be  
34 defrayed. In no event shall such expenditures be included in the computation of the  
35 limitation imposed by Paragraph II of this section for any other year.

36 Paragraph V. **Implementation.** The General Assembly shall enact legislation that may  
37 be necessary to implement and enforce the provisions of this article."

**SECTION 2.**

1  
2 The above proposed amendment to the Constitution shall be published and submitted as  
3 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the  
4 above proposed amendment shall have written or printed thereon the following:

5 "( ) YES Shall the Constitution of Georgia be amended so as to provide for  
6 ( ) NO limitations on state government taxation and expenditures?"

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