

House Bill 1332

By: Representative Smith of the 113th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to ad valorem taxation of property generally, so as to change certain provisions
3 relating to certification of assessed taxable value of property and method of computation,
4 resolution or ordinance required for millage rate, and advertisement of intent to increase
5 property tax; to provide an effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
9 valorem taxation of property generally, is amended by revising Code Section 48-5-32.1,
10 relating to certification of assessed taxable value of property and method of computation,
11 resolution or ordinance required for millage rate, and advertisement of intent to increase
12 property tax, as follows:

13 "48-5-32.1.

14 (a) As used in this Code section, the term:

15 (1) 'Ad valorem tax' or 'property tax' means a tax imposed upon the assessed value of real
16 property.

17 (2) 'Certified tax digest' means the total net assessed value on the annual property tax
18 digest certified by the tax commissioner of a taxing jurisdiction to the department and
19 authorized by the commissioner for the collection of taxes, or, in the case where the
20 governing authority of a county whose digest has not been approved by the commissioner
21 has petitioned the superior court of the county for an order authorizing the immediate and
22 temporary collection of taxes, the temporary digest so authorized.

23 (3) 'Levying authority' means a county, a municipality, or a consolidated city-county
24 governing authority or other governing authority of a political subdivision of this state
25 that exercises the power to levy ad valorem taxes to carry out the governing authority's
26 purposes.

27 (4) 'Mill' means one one-thousandth of a United States dollar.

28 (5) 'Millage' or 'millage rate' means the levy, in mills, which is established by the
 29 governing authority for purposes of financing, in whole or in part, the taxing jurisdiction's
 30 expenses for ~~their~~ its fiscal year. The millage represents the amount of tax, in dollars, on
 31 every \$1,000.00 of net assessed value within the taxing jurisdiction required to fund the
 32 portion of the budget that must be funded by ad valorem property tax revenues for the
 33 fiscal year.

34 (6) 'Millage equivalent' means the number of mills which would result when the total net
 35 assessed value added by reassessments is divided by the certified tax digest and the result
 36 is multiplied by the previous year's millage rate.

37 (7) 'Net assessed value' means the taxable assessed value of property after all
 38 exemptions.

39 (8) 'Recommending authority' means a county, independent, or area school board of
 40 education that exercises the power to cause the levying authority to levy ad valorem taxes
 41 to carry out the purposes of such board of education.

42 ~~(9) 'Roll-back rate' means the previous year's millage rate minus the millage equivalent~~
 43 ~~of the total net assessed value added by reassessments.~~

44 ~~(10)~~ (9) 'Taxing jurisdiction' means all the real property subject to the levy of a specific
 45 levying authority or the recommended levy of a specific recommending authority.

46 ~~(11) 'Total net assessed value added by reassessments' means the total net assessed value~~
 47 ~~added to the certified tax digest as a result of revaluation of existing real property that has~~
 48 ~~not been improved since the previous tax digest year.~~

49 ~~(b) At the time of certification of the digest, the tax receiver or tax commissioner shall also~~
 50 ~~certify to the recommending authority and levying authority of each taxing jurisdiction the~~
 51 ~~total net assessed value added by reassessments contained in the certified tax digest for that~~
 52 ~~tax digest year of the taxing jurisdiction.~~

53 (b) Whenever a recommending authority or levying authority proposes to adopt a millage
 54 rate, it shall calculate the proposed millage as follows:

55 (1) A dollar figure representing the portion of the budget for the fiscal year that must be
 56 funded by ad valorem property tax revenues shall be determined;

57 (2) A dollar figure representing the taxing jurisdiction's net tax digest shall be
 58 determined, and that figure shall be multiplied by 40 percent;

59 (3) The amount determined under paragraph (1) of this subsection shall be divided by
 60 the amount determined under paragraph (2) of this subsection; and

61 (4) The result of the calculation under paragraph (3) of this subsection shall be multiplied
 62 by 1,000, and the resulting figure shall be the millage rate.

63 (c)(1) ~~Whenever a recommending authority or levying authority shall propose to adopt~~
 64 ~~a millage rate which does not exceed the roll-back rate, it shall adopt that millage rate at~~
 65 ~~an advertised public meeting and at a time and place which is convenient to the taxpayers~~
 66 ~~of the taxing jurisdiction, in accordance with the procedures specified under Code Section~~
 67 ~~48-5-32.~~

68 (2) ~~In those instances in which the recommending authority or levying authority~~
 69 ~~proposes to establish any millage rate which would require increases beyond the roll-back~~
 70 ~~rate~~ Prior to establishing any millage rate, the recommending authority or levying
 71 authority shall advertise its intent to do so and shall conduct at least three public hearings
 72 thereon, at least one of which shall commence between the hours of 6:00 P.M. and 7:00
 73 P.M., inclusive, on a business weekday. The recommending authority or levying
 74 authority shall place an advertisement in a newspaper of general circulation serving the
 75 residents of the unit of local government, which shall read as follows:

76 'NOTICE OF PROPERTY TAX INCREASE MILLAGE RATE

77 The (name of recommending authority or levying authority) has tentatively adopted
 78 proposed to adopt a millage rate which will require an increase in property taxes by
 79 (percentage increase over roll-back rate) percent of _____.

80 All concerned citizens are invited to the public hearing on this tax increase millage rate
 81 to be held at (place of meeting) on (date and time).'

82 Simultaneously with this notice the recommending authority or levying authority shall
 83 provide a press release to the local media.

84 (3) (2) The advertisement shall appear at least one week prior to each hearing and shall
 85 be prominently displayed and shall not be placed in that section of the newspaper where
 86 legal notices appear.

87 (4) ~~No recommending authority shall recommend and no levying authority shall levy a~~
 88 ~~millage rate in excess of the proposed millage rate as established pursuant to paragraph~~
 89 ~~(2) of this subsection without beginning anew the procedures and hearings required by~~
 90 ~~this Code section and those required by Code Section 48-5-32.~~

91 (5) (3) Any notice or hearing required under this Code section may be combined with
 92 any notice or hearing required under Article 1 of Chapter 81 of Title 36 or Code Section
 93 48-5-32.

94 (d) Nothing contained in this Code section shall serve to extend or authorize any millage
 95 rate in excess of the maximum millage rate permitted by law ~~or to prevent the reduction of~~
 96 ~~the millage rate.~~

97 (e) The commissioner shall not accept for review the digest of any county which does not
 98 submit simultaneously with such digest evidence of compliance with this Code section by
 99 the levying authorities and recommending authorities with the exception of municipal

100 governing authorities. In the event a digest is not accepted for review by the commissioner
101 pursuant to this subsection, it shall be accepted for review upon satisfactory submission by
102 such authorities of such evidence. The levies of each of the levying authorities other than
103 the county governing authority shall be invalid and unenforceable until such time as the
104 provisions of this Code section have been met.

105 (f) The commissioner shall promulgate such rules and regulations as may be necessary for
106 the administration of this Code section."

107 **SECTION 2.**

108 This Act shall become effective on January 1, 2011.

109 **SECTION 3.**

110 All laws and parts of laws in conflict with this Act are repealed.