

House Bill 143 (AS PASSED HOUSE AND SENATE)

By: Representatives O`Neal of the 146th, Keen of the 179th, Burkhalter of the 50th, Harbin of the 118th, and Ehrhart of the 36th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 and Title 45 of the Official Code of Georgia Annotated, relating,
2 respectively, to local government and public officers and employees, so as to change the
3 manner and method of appropriating funds for homeowner tax relief grants; to provide for
4 procedures, conditions, and limitations; to change certain provisions regarding certain
5 reservation authority for appropriations; to provide an effective date; to repeal conflicting
6 laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
10 by revising Code Section 36-89-3, relating to appropriations for homeowner tax relief grants,
11 as follows:

12 "36-89-3.

13 (a) In each the fiscal year ending on June 30, 2009, the General Assembly shall
14 appropriate to the Department of Revenue funds to provide homeowner tax relief grants
15 to counties, municipalities, and county or independent school districts. When funds are so
16 appropriated, the General Appropriations Act shall specify the amount appropriated and
17 the eligible assessed value of each qualified homestead in the state for the specified tax
18 year, which eligible assessed value shall, subject to annual appropriation by the General
19 Assembly, be not less than that specified in the Fiscal Year 2004 General Appropriations
20 Act. If for any reason the amount appropriated in the General Appropriations Act is
21 insufficient to fund the eligible assessed value stated in the General Appropriations Act,
22 the amount appropriated may be adjusted in amendments to the General Appropriations
23 Act. If the amount appropriated in the General Appropriations Act is sufficient to fund the
24 eligible assessed value stated in the General Appropriations Act, that amount shall not be
25 reduced or withdrawn for any reason.

26 (b) In the fiscal year ending on June 30, 2009, the General Assembly shall appropriate to
27 the Department of Revenue funds to provide homeowner tax relief grants to counties,
28 municipalities, and county or independent school districts. When funds are so
29 appropriated, the supplemental appropriation bill shall specify the amount appropriated and
30 the eligible assessed value of each qualified homestead in the state for the specified tax
31 year. If for any reason the amount appropriated in the supplemental appropriation bill is
32 insufficient to fund the eligible assessed value stated in the supplemental appropriation bill,
33 the amount appropriated is authorized to be, but is not required to be, adjusted in the
34 General Appropriations Act for the next succeeding fiscal year. If the amount appropriated
35 in the General Appropriations Act is sufficient to fund the eligible assessed value stated in
36 the General Appropriations Act, that amount shall not be reduced or withdrawn for any
37 reason.

38 (c) Subject to the limitations of subsection (d) of this Code section, in each fiscal year
39 beginning on or after July 1, 2009, the General Assembly shall appropriate to the
40 Department of Revenue funds to provide homeowner tax relief grants to counties,
41 municipalities, and county or independent school districts. When funds are so
42 appropriated, the supplemental appropriation bill shall specify the amount appropriated and
43 the eligible assessed value of each qualified homestead in the state for the specified tax
44 year. If for any reason the amount appropriated in the supplemental appropriation bill is
45 insufficient to fund the eligible assessed value stated in the supplemental appropriation bill,
46 the amount appropriated is authorized to be, but is not required to be, adjusted in the
47 General Appropriations Act for the next succeeding fiscal year. If the amount appropriated
48 in the General Appropriations Act is sufficient to fund the eligible assessed value stated in
49 the General Appropriations Act, that amount shall not be reduced or withdrawn for any
50 reason.

51 (d)(1) As used in this subsection, the term 'budget report' means the budget report
52 prepared pursuant to Code Section 45-12-74.

53 (2) For each fiscal year beginning on or after July 1, 2009, no funds shall be appropriated
54 under subsection (c) of this Code section in any supplemental appropriation bill or
55 General Appropriations Act unless the amount of estimated total revenues available for
56 appropriation enumerated in the budget report for the current fiscal year exceeds the
57 amount of estimated total revenues available for appropriation enumerated in the budget
58 report for the most recent fiscal year in which homeowner tax relief grant funds were
59 appropriated by 3 percent plus the percent change in the rate of economic inflation on
60 individual taxpayers as determined under the Consumer Price Index for all urban
61 consumers published by the Bureau of Labor Statistics of the United State Department
62 of Labor.

63 (e) When funds are appropriated as provided in this Code section, each fiscal authority
 64 shall follow the procedures specified in Code Section 36-89-4. When funds are not
 65 appropriated, each fiscal authority shall not follow the procedures specified in Code
 66 Section 36-89-4 and shall not include a notice on each tax bill regarding the unavailability
 67 of the credit."

68 **SECTION 2.**

69 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
 70 is amended by revising Code 45-12-86, relating to the Governor's reservation authority for
 71 appropriations, as follows:

72 "45-12-86.

73 (a) ~~The~~ Except as otherwise provided in subsection (c) of this Code section, the Governor,
 74 during the first six months of a fiscal year period in which the current revenue estimate on
 75 which appropriations are based is expected to exceed actual revenues, is authorized to
 76 require state agencies to reserve such appropriations as specified by the Governor for
 77 budget reductions to be recommended to the General Assembly at its next regular session.

78 (b) ~~The~~ Except as otherwise provided in subsection (c) of this Code section, the Governor,
 79 during any fiscal year by which the current revenue estimate ~~or~~ on which appropriations
 80 are based is expected to exceed actual revenues, is authorized to withhold a percentage of
 81 agency allotment requests as necessary to maintain spending within actual revenues.

82 (c) During any fiscal year beginning on or after July 1, 2009, in which the current revenue
 83 estimate on which appropriations are based is expected to exceed actual revenues and an
 84 appropriation for homeowner tax relief grants pursuant to Chapter 89 of Title 36 has been
 85 made which does not comply with the limitations specified under subsection (d) of Code
 86 Section 36-89-3, the Governor shall either require the state agency to which the
 87 appropriation was made to reserve such appropriations as specified by the Governor for
 88 budget reductions to be recommended to the General Assembly at its next regular session
 89 or withhold the agency allotment request for such appropriation as necessary to maintain
 90 spending within actual revenues."

91 **SECTION 3.**

92 This Act shall become effective upon its approval by the Governor or upon its becoming law
 93 without such approval.

94 **SECTION 4.**

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