

The Senate Finance Committee offered the following substitute to HB 233:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, related to revenue and  
2 taxation, so as to provide for a moratorium period during which valuation increases of  
3 property shall be limited; to provide for legislative findings; to provide for the authority for  
4 this Act; to provide for procedures, conditions, limitations, and exclusions; to provide for  
5 related matters; to provide for an effective date; to provide for automatic repeal; to repeal  
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

8 Title 48 of the Official Code of Georgia Annotated, related to revenue and taxation, is  
9 amended by adding a new chapter to read as follows:  
10

"CHAPTER 5B

11 48-5B-1.

12 (a) The General Assembly finds that the citizens and property owners of this state are  
13 experiencing a crisis in the reduction of value of tangible property of unprecedented  
14 magnitude and that it is in the best interests of this state that immediate action be taken to  
15 secure the economic stability of all Georgians. This crisis is having a devastating effect on  
16 the economy of the State of Georgia, and this Code section is enacted in order to provide  
17 for more effective regulation and management of the finance and fiscal administration of  
18 the state and pursuant to and in furtherance of the provisions of Article III, Section IX,  
19 Paragraph II(c) of the Constitution and other provisions of the Constitution.

20 (b) In recognition of the emergency situation and fiscal conditions set forth in  
21 subsection (a) of this Code section and pursuant to the authority specified in subsection (a)  
22 of this Code section, for taxable years beginning on or after January 1, 2009, and  
23 continuing only until the Sunday immediately preceding the second Monday in January,  
24

25 2011, a moratorium is declared on all increases in the assessed value of all classes of all  
 26 subjects of property which are subject to ad valorem taxation property except as  
 27 specifically permitted under this Code section. The rate of increase of the assessed value  
 28 of property for county, county school district, municipal, or independent school district ad  
 29 valorem tax purposes shall not exceed from one taxable year to the succeeding taxable year  
 30 0 percent except as otherwise permitted in this Code section.

31 (c) The limitations of this Code section shall not apply to the correction by local tax  
 32 officials, pursuant to Chapter 5 of this title, of any manifest, factual error or omission in the  
 33 valuation of property. The limitations of this Code section shall only take effect for taxable  
 34 years beginning on or after January 1, 2010, for any county which performed or had  
 35 performed on its behalf a county-wide revaluation in 2008 or any county which in 2009 is  
 36 performing or was under contract prior to January 1, 2009, to have performed on its behalf  
 37 a county-wide revaluation.

38 (d) Nothing in this Code section shall be construed to prohibit the assessed value of  
 39 property from decreasing.

40 (e) If property or interests therein are sold or transferred, the assessed value of such  
 41 property for ad valorem tax purposes shall not exceed the most recent value established  
 42 under subsection (b) of this Code section.

43 (f) Additions or improvements to property shall be valued for ad valorem tax purposes at  
 44 their fair market value and shall be added to the owner's valuation amount under this  
 45 subsection.

46 (g) If property is rezoned, subdivided, or combined with other property at the request of  
 47 the owner of such property and the use of such property is changed to conform with the use  
 48 authorized or caused by such rezoning, subdivision, or combination with other property,  
 49 such property shall be valued for ad valorem tax purposes at its fair market value.

50 (h) Nothing in this Code section shall be construed to alter or affect in any manner the  
 51 authority granted to the General Assembly under Article VII, Section II, Paragraph II of  
 52 the Constitution to enact homestead exemptions.

53 (i) This chapter shall be repealed in its entirety on the second Monday in January, 2011."

54 **SECTION 2.**

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

57 **SECTION 3.**

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