

The Senate Finance Committee offered the following substitute to SR 453:

#### A RESOLUTION

1 Creating the Georgia Tax Reform Commission of 2009; providing for access by the  
2 commission and its staff to certain otherwise confidential Department of Revenue  
3 information; and for other purposes.

4 WHEREAS, the population and economy of the State of Georgia has undergone dynamic  
5 growth during the last several decades, and current projections show continued growth  
6 throughout the 21st Century; and

7 WHEREAS, changes in Georgia's economy have created the potential for a more diverse  
8 revenue mix for the state and local governments; and

9 WHEREAS, the reliance on traditional tax revenue sources, when coupled with the rapid  
10 increase in the demand for governmental services, has yielded a strained revenue structure  
11 unable to respond to current and future fiscal needs in a balanced, equitable fashion and has  
12 increasingly troubled and financially burdened the individual taxpayers of the state; and

13 WHEREAS, the various inequities and imperfections cannot be ignored, as the tax burden on  
14 the citizens of our state rises; and

15 WHEREAS, the revenue structure of Georgia, like that of other states, has received only  
16 sporadic, piecemeal revision over the years, and these changes too frequently have been made  
17 in an isolated context without due regard for the overall tax system and the principle of  
18 neutrality; and

19 WHEREAS, the last comprehensive review of the revenue structure of Georgia was made by  
20 the Joint Study Commission on Revenue Structure created pursuant to Ga. L. 1993, p. 1965;  
21 and

22 WHEREAS, the ideal tax structure necessarily varies from state to state depending on the  
23 employment mix, the economic base, and the developmental patterns in the particular state,  
24 and each of these variables has changed significantly in Georgia in the absence of a current  
25 comprehensive and exhaustive review and study of the consequences and fairness of the  
26 resulting system; and

27 WHEREAS, the goal of designing a balanced tax system with the fewest inequities will  
28 enable decisions of individuals and businesses with respect to location, investment, and  
29 spending to proceed unclouded by or be minimally influenced by tax consequences.

30 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF  
31 GEORGIA:

32 **SECTION 1.**

33 There is created the Georgia Tax Reform Commission of 2009. The commission shall be  
34 composed of 18 members as follows:

35 (a) Six members to be appointed by the Speaker of the House of Representatives at least  
36 one of whom shall be a taxpaying member of the public who shall represent the interest of  
37 citizen taxpayers of Georgia;

38 (b) Six members to be appointed by the President of the Senate at least one of whom shall  
39 be a taxpaying member of the public who shall represent the interest of citizen taxpayers of  
40 Georgia; and

41 (c) Six members to be appointed by the Governor at least one of whom shall be a taxpaying  
42 member of the public who shall represent the interest of citizen taxpayers of Georgia.

43 **SECTION 2.**

44 The commission shall conduct a comprehensive and exhaustive study of the tax laws and tax  
45 policy of this state with a view toward modernizing and revitalizing the revenue structure so  
46 as to create an equitable and flexible tax system which properly balances the taxes based on  
47 fixed wealth, current expenditures, and current flow of income.

48 **SECTION 3.**

49 The Governor shall appoint a member of the commission to serve as the chairperson of the  
50 commission. The commission shall meet upon the call of the chairperson.

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**SECTION 4.**

The commission may request and, upon such request, shall be afforded the assistance and cooperation of the Department of Revenue, the Department of Law, the Carl Vinson Institute of Government, and each other agency or institution of the state.

**SECTION 5.**

The commission is encouraged to seek the active cooperation and assistance in its work of the Georgia Municipal Association, the Association County Commissioners of Georgia, the Business Council of Georgia, the Georgia Farm Bureau Federation, the Georgia League of Women Voters, Common Cause, the Georgia Forestry Commission, the Georgia Society of Certified Public Accountants, the Georgia School Boards Association, the Tax Section of the State Bar of Georgia, and other interested organizations and individuals, and the commission is expressly encouraged to take advantage of the expertise and experience in matters affecting taxation and tax policy which is available through institutions of higher learning in this state.

**SECTION 6.**

The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The legislative members of the committee shall receive the allowances provided for in Code Section 28-1-8 of the Official Code of Georgia Annotated. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 of the Official Code of Georgia Annotated as well as the mileage or transportation allowance authorized for state employees. Members of the committee who are state officials, other than legislative members, and state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in their capacities as state officials or employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the Senate and the House of Representatives. The expenses and allowances authorized by this resolution shall not be received by any member of the commission for more than ten days unless additional days are authorized.

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## SECTION 7.

(a) Employees or agents of the commission may inspect, duplicate, take information from, and disseminate confidential materials, confidential documents, and other confidential information within the custody of the Department of Revenue or the state revenue commissioner but may do so only when acting in accordance with the following limitations:

(1) No employee or agent of the commission may have such access to confidential materials, confidential documents, or other confidential information unless he or she is acting within the reasonable limitations guaranteeing against unauthorized disclosure of such materials, documents, and information as are agreed to in writing by the state revenue commissioner and the chairperson of the commission;

(2) No employee or agent of the commission may have such access unless his or her name is certified in writing to the state revenue commissioner by the chairperson of the commission; and

(3) No confidential information or confidential document obtained by, or coming into the possession of, an employee or agent of the commission as provided in this section may be disseminated to any other person except an employee or agent of the commission whose name has been certified to the state revenue commissioner as provided in paragraph (2) of this subsection or to an authorized employee of the Department of Revenue, except that the employee and the commission may publish statistical information taken from such materials, documents, and other information when the publication does not reveal the name or identity of any particular taxpayers. Any unauthorized disclosure of such confidential materials, confidential documents, and other confidential information except as provided in this paragraph shall subject the offending employee or agent to the same penalties specified by law for unauthorized disclosure of confidential information by an agent or employee of the Department of Revenue.

(b) The provisions of this section, to the extent of any conflict, shall supersede the provisions of any other law to the contrary.

## SECTION 8.

The commission shall make a comprehensive report of its findings, recommendations, and suggestions of proposed legislation to the 2011 session of the General Assembly. The commission shall be abolished on January 1, 2011.

## SECTION 9.

This resolution shall become effective upon its approval by the Governor or upon its becoming law without such approval. Appointments to the commission shall be made as

117 provided in this resolution as soon as practicable after its approval or otherwise becoming a  
118 law.