

House Resolution 12

By: Representative Setzler of the 35th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the sales and use tax for
2 educational purposes may include a tax credit reduction of the ad valorem tax liability for
3 educational purposes of qualified homestead property or other ad valorem tax liability of
4 qualified homestead property; to provide for the submission of this amendment for
5 ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7
8 Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising
9 subparagraphs (a), (b), and (c) and adding new subparagraphs to read as follows:

10 "(a) The board of education of each school district in a county in which no independent
11 school district is located may by resolution and the board of education of each county
12 school district and the board of education of each independent school district located within
13 such county may by concurrent resolutions impose, levy, and collect a sales and use tax for
14 educational purposes of such school districts conditioned upon approval by a majority of
15 the qualified voters residing within the limits of the local taxing jurisdiction voting in a
16 referendum thereon. This tax shall be at the rate of 1 percent and shall be imposed for a
17 period of time not to exceed five years, but in all other respects, except as otherwise
18 provided in this Paragraph, shall correspond to and be levied in the same manner as the tax
19 provided for by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia
20 Annotated, relating to the special county 1 percent sales and use tax, as now or hereafter
21 amended. Proceedings for the reimposition of such tax shall be in the same manner as
22 proceedings for the initial imposition of the tax, but the newly authorized tax shall not be
23 imposed until the expiration of the tax then in effect.

24 (b) The purpose or purposes for which the proceeds of the tax are to be used and may be
25 expended include:

26 (1) Capital outlay projects for educational purposes;

(2) The retirement of previously incurred general obligation debt with respect only to capital outlay projects of the school system; provided, however, that the tax authorized under this Paragraph shall only be expended for the purpose authorized under this subparagraph (b)(2) if all ad valorem property taxes levied or scheduled to be levied prior to the maturity of any such then outstanding general obligation debt to be retired by the proceeds of the tax imposed under this Paragraph shall be reduced by a total amount equal to the total amount of proceeds of the tax imposed under this Paragraph to be applied to retire such bonded indebtedness. In the event of failure to comply with the requirements of this subparagraph (b)(2), as certified by the Department of Revenue, no further funds shall be expended under this subparagraph (b)(2) by such county or independent board of education and all such funds shall be maintained in a separate, restricted account and held solely for the expenditure for future capital outlay projects for educational purposes; ~~or~~

(3) A credit amount to reduce the ad valorem tax liability for educational purposes of qualified homestead property within the school district; or

~~(3)~~(4) A combination of the foregoing.

(c) The resolution calling for the imposition of the tax and the ballot question shall each describe:

(1) The specific capital outlay projects to be funded, or the specific debt to be retired, or both, if applicable;

(2) The maximum cost of such project or projects and, if applicable, the maximum amount of debt to be retired, which cost and amount of debt shall also be the maximum amount of net proceeds to be raised by the tax; ~~and~~

(3) The maximum period of time, to be stated in calendar years or calendar quarters and not to exceed five years; and

(4) The percentage of net proceeds to be applied to the credit amount to reduce the ad valorem tax liability for educational purposes of qualified homestead property within the school district.

(c.1) For purposes of this Paragraph, qualified homestead property means a homestead qualified for and receiving any statewide homestead exemption provided for by general law.

(c.2) In the event a taxpayer has no ad valorem tax liability for educational purposes of the taxpayer's qualified homestead property, the credit amount shall be applied to ad valorem tax liability of that taxpayer for qualified homestead property.

(c.3) If a concurrent resolution is required under subparagraph (a) of this Paragraph, the items enumerated under subparagraphs (c)(1), (c)(2), and (c)(4) of this Paragraph shall be specified separately for the board of education of the county school district and the board

64 of education of an independent school district. The same maximum period of time under
65 subparagraph (c)(3) of this Paragraph shall be specified by the board of education of the
66 county school district and the board of education of an independent school district."

67 **SECTION 2.**

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

71 "() YES Shall the Constitution of Georgia be amended so as to provide that the sales
72 () NO and use tax for educational purposes may include a tax credit reduction of
73 ad valorem tax liability of qualified homestead property?"

74 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."

75 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
76 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
77 become a part of the Constitution of this state.