

House Resolution 342

By: Representatives Clark of the 98th, Cooke of the 18th, Braddock of the 19th, Taylor of the 79th, Casas of the 103rd, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the prioritized expenditure
 2 of excess state revenues, including income tax relief, in the event of a budget surplus; to
 3 provide for a short title; to provide for definitions; to provide for limitations on
 4 appropriations from the Revenue Shortfall Reserve; to provide for the authority of the
 5 General Assembly with respect to the foregoing; to provide for the submission of this
 6 amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 The Constitution is amended by adding a new Article IXA to read as follows:

10 **"ARTICLE IXA.**

11 **TAXPAYER DIVIDEND AMENDMENT OF 2012**

12 Paragraph I. *Definitions.* As used in this article, the term:

13 (1) 'Fiscal year' means the state fiscal year specified under Article III, Section IX,
 14 Paragraph II(b).

15 (2) 'Fiscal year spending' means the total amount of moneys appropriated in the
 16 General Appropriations Act by the General Assembly and recommended by the Governor
 17 as determined by the revenue estimate under Article III, Section IX, Paragraph IV(b)
 18 except:

19 (A) Appropriations funded by moneys received from the federal government;

20 (B) Appropriations funded by discretionary user charges to the extent that such
 21 charges do not exceed the cost of the goods or services;

22 (C) Proceeds of gifts or bequests made for purposes specified by the donor;

23 (D) Lottery funds;

24 (E) Motor fuel tax proceeds;

25 (F) Tobacco settlement funds; and

26 (G) Care management organization fees and nursing home provider fees.

27 Paragraph II. *Excess revenues.* For any fiscal year that commences on or after
 28 July 1, 2014, if the amount of state revenues exceeds the amount of fiscal year spending
 29 for that fiscal year, the excess amount of such state revenues shall be expended by the
 30 General Assembly in the following order of priority with an item being fully funded before
 31 any funds are expended for the next following item:

32 (1) An appropriation funding unaccounted for increases in student enrollment for local
 33 school systems;

34 (2) An appropriation of excess revenues to the Revenue Shortfall Reserve to the extent
 35 necessary to ensure that the fund balance is equal to 10 percent of the fiscal year spending
 36 for the previous fiscal year;

37 (3) Retirement of general obligation indebtedness; provided, however, that not more
 38 than 20 percent of the remaining fund shall be expended for this purpose and any amount
 39 in excess shall be expended for the increase of the personal income tax exemption; and

40 (4) The increase, by general law, of the personal tax exemption from Georgia income
 41 tax.

42 Paragraph III. *Revenue Shortfall Reserve.* Appropriations from the Revenue Shortfall
 43 Reserve may be made only for one-time expenditures and not for ongoing programs or
 44 continuing expenditures. Any appropriation from the fund shall require a general law
 45 adopted by a two-thirds' vote of each house of the General Assembly.

46 Paragraph IV. *Implementation.* The General Assembly shall provide by general law for
 47 such matters as may be necessary to implement and enforce the provisions of this article."

48 **SECTION 2.**

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

52 "() YES Shall the Constitution of Georgia be amended so as to provide for the
 53 () NO prioritized expenditure of excess state revenues, including income tax relief,
 54 in the event of a budget surplus and for limitations on appropriations from
 55 the Revenue Shortfall Reserve?"

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

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