

Senate Resolution 277

By: Senator Mullis of the 53rd

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for the comprehensive revision  
 2 of the joint county and municipal local option sales and use tax and specify the distribution  
 3 and use of the proceeds thereof for property tax relief; to provide for the submission of this  
 4 amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 6 SECTION 1.

7 Article IX, Section IV of the Constitution is amended by adding a new Paragraph to read as  
 8 follows:

9 "Paragraph V. *Local option sales and use tax.* (a) The General Assembly shall provide  
 10 by general law for the comprehensive reenactment of the joint county and municipal local  
 11 option sales and use tax. Pursuant to the authority of this Paragraph, such reenactment  
 12 shall become effective in each special district in which such tax is in effect upon the  
 13 effective date of this Paragraph and without the need of an individual referendum within  
 14 each such special district on January 1 of the year immediately following the year in which  
 15 this Paragraph is approved in a state-wide referendum. Such reenactment shall apply in  
 16 any special district in which such tax is subsequently reimposed following termination  
 17 thereof, or where newly imposed, only after approval in a referendum by the qualified  
 18 electors of such special district in the manner provided by such general law.

19 (b) The general law required by this Paragraph shall create special districts the  
 20 geographical boundary of which shall correspond with and be conterminous with each  
 21 county in this state. Within each special district in which such tax is levied, the distribution  
 22 of the proceeds of such tax shall be made in two distinct areas as follows:

23 (1) The unincorporated area of the county; and

24 (2) The corporate limits of each qualified municipality located in such special district.

25 (c)(1) The portion of the proceeds of such tax which are distributed to the unincorporated  
 26 area of the county shall be used for the equivalent reduction upon taxable property within  
 27 the unincorporated area of the county of the ad valorem millage rate for county services

28 which are provided within the unincorporated area of the county. In the event the millage  
29 rate is reduced to zero and excess proceeds of such distribution remain, such excess  
30 proceeds shall be used for other indebtedness applicable to the unincorporated area of the  
31 county. In the event there is no such other indebtedness, such excess proceeds may be  
32 expended for the unincorporated area for any lawful purpose for which ad valorem tax  
33 proceeds may be expended.

34 (2) The portion of the proceeds of such tax which are distributed to each qualified  
35 municipality located in such special district shall be used for the equivalent reduction  
36 upon taxable property of such qualified municipality of the ad valorem millage rate for  
37 municipal purposes. Such reduction shall apply only in that portion of such qualified  
38 municipality that is located within such special district. In the event the millage rate is  
39 reduced to zero and excess proceeds of such distribution remain, such excess proceeds  
40 shall be used for other indebtedness applicable to that portion of the qualified  
41 municipality located within such special district. In the event there is no such other  
42 indebtedness, such excess proceeds shall be transferred to the governing authority of the  
43 county and shall be used solely for the equivalent reduction upon taxable property within  
44 that portion of the qualified municipality located within such special district of the ad  
45 valorem millage rate for county-wide purposes.

46 (d) Such general law shall provide for the distribution of proceeds within a special  
47 district among the unincorporated area of the county and each qualified municipality  
48 according to the ratio the total population of the unincorporated area of the county or each  
49 qualified municipality bears to the total population of the entire county.

50 (e) For purposes of the distribution specified under subparagraph (d) of this Paragraph:

51 (1) Population shall be determined in accordance with the adjusted figures of the most  
52 recent United States decennial census; and

53 (2) Only the population of a qualified municipality which is located with such special  
54 district shall be counted.

55 (f) Such general law shall require that the tax authority of the county and each qualified  
56 municipality shall cause to be shown in a prominent manner on the ad valorem tax bill of  
57 each taxpayer the dollar amount reduction of ad valorem property taxes which the taxpayer  
58 has received as a result of the political subdivision's sharing in the proceeds of the tax  
59 under this Paragraph.

60 (g) The General Assembly shall be authorized to further define and implement the  
61 provisions of such tax except as otherwise provided in this Paragraph."

62

**SECTION 2.**

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

66 "( ) YES Shall the Constitution of Georgia be amended so as to provide for the  
67 comprehensive revision of the joint county and municipal local option sales  
68 ( ) NO and use tax and specify the distribution and use of the proceeds thereof for  
69 property tax relief ?"

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

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