

House Resolution 1034

By: Representatives Burns of the 159<sup>th</sup>, McCall of the 33<sup>rd</sup>, Roberts of the 155<sup>th</sup>, and Tankersley of the 160<sup>th</sup>

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

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

25 (1) The unincorporated area of the county. In the case of a consolidated government,  
26 such area shall consist of the entire county except for any qualified municipality that  
27 retained its separate existence; and

28 (2) The corporate limits of each qualified municipality located in such special district.  
 29 (c)(1) The portion of the proceeds of such tax which are distributed to the unincorporated  
 30 area of the county shall be used for the equivalent reduction upon taxable property within  
 31 the unincorporated area of the county of the ad valorem millage rate for county services  
 32 which are provided within the unincorporated area of the county. In the event the millage  
 33 rate is reduced to zero and excess proceeds of such distribution remain, such excess  
 34 proceeds shall be used for other indebtedness applicable to the unincorporated area of the  
 35 county. In the event there is no such other indebtedness, such excess proceeds may be  
 36 expended for the unincorporated area for any lawful purpose for which ad valorem tax  
 37 proceeds may be expended.

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

50 (d)(1) The distribution of proceeds within a special district among the unincorporated  
 51 area of the county shall be according to the ratio the total population of the  
 52 unincorporated area of the county bears to the total population of the entire county.

53 (2) The distribution of proceeds within a special district to each qualified municipality  
 54 shall be according to the ratio the total population of each qualified municipality bears  
 55 to the total population of the entire county.

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

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

59 (2) Only the population of a qualified municipality which is located within such special  
 60 district shall be counted.

61 (f) Such general law shall require that the tax authority of the county and each qualified  
 62 municipality shall cause to be shown in a prominent manner on the ad valorem tax bill of  
 63 each taxpayer the dollar amount reduction of ad valorem property taxes which the taxpayer

64 has received as a result of the political subdivision's sharing in the proceeds of the tax  
65 under this Paragraph.  
66 (g) The General Assembly shall be authorized to further define and implement the  
67 provisions of such tax except as otherwise provided in this Paragraph."

68 **SECTION 2.**

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

72 "( ) YES Shall the Constitution of Georgia be amended so as to provide for the  
73 comprehensive revision of the joint county and municipal local option sales  
74 ( ) NO and use tax for the purpose of property tax relief ?"

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