

House Bill 778

By: Representative Turner of the 21<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia  
2 Annotated, relating to ad valorem tax exemptions, so as to exempt certain personal property  
3 of businesses from state ad valorem taxation; to provide for a referendum; to provide for  
4 effective dates, applicability, and automatic repeal; to provide for compliance with  
5 constitutional requirements; to provide for related matters; to repeal conflicting laws; and for  
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
10 relating to ad valorem tax exemptions, is amended by revising Code Section 48-5-41.2,  
11 relating to exemption from taxation of personal property in inventory for business, as  
12 follows:

13 "48-5-41.2.

14 All tangible personal property ~~constituting the inventory~~ of a business, excluding motor  
15 vehicles and mobile homes taxed pursuant to Article 10 of this chapter, shall be exempt  
16 from state ad valorem taxation."

17 **SECTION 2.**

18 The Secretary of State shall call and conduct an election as provided in this section for the  
19 purpose of submitting this Act to the electors of the entire state for approval or rejection. The  
20 Secretary of State shall conduct such election on the Tuesday next following the first  
21 Monday in November, 2020, and shall issue the call and conduct that election as provided  
22 by general law. The Secretary of State shall cause the date and purpose of the election to be  
23 published once a week for two weeks immediately preceding the date thereof in the official  
24 organ of each county in the state. The ballot shall have written or printed thereon the words:

25 "( ) YES Shall the Act be approved which provides an exemption from state ad  
26 ( ) NO valorem taxes for certain personal property of businesses?"

27 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
28 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
29 such question are for approval of the Act, Section 1 of this Act shall become of full force and  
30 effect on January 1, 2021, and shall be applicable to all tax years beginning on or after such  
31 date. If the Act is not so approved or if the election is not conducted as provided in this  
32 section, Section 1 of this Act shall not become effective, and this Act shall be automatically  
33 repealed on the first day of January immediately following that election date. It shall be the  
34 duty of each county election superintendent to certify the result thereof to the Secretary of  
35 State.

36 **SECTION 3.**

37 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
38 its approval by the Governor or upon its becoming law without such approval.

39 **SECTION 4.**

40 In accordance with the requirements of Article VII, Section II, Paragraph II of the  
41 Constitution of the State of Georgia, Section 1 of this Act shall not become law unless it  
42 receives the requisite two-thirds' majority vote in both the Senate and the House of  
43 Representatives.

44 **SECTION 5.**

45 All laws and parts of laws in conflict with this Act are repealed.