

House Resolution 1104

By: Representatives Washburn of the 144th, Dickey of the 134th, Rhodes of the 124th, Corbett of the 174th, Frye of the 122nd, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that the governing authority of
2 any county or consolidated government shall be authorized to impose a sales and use tax in
3 such county or consolidated government for the purpose of providing property tax relief in
4 such county or consolidated government; to provide for conditions and limitations; to provide
5 for legislative findings; to provide for related matters; 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 (a) The General Assembly finds and determines that it is appropriate and advisable to
10 provide for an optional local sales and use tax for counties and consolidated governments to
11 be able to offset ad valorem taxes on real property in such counties or consolidated
12 governments.

13 (b) The General Assembly further finds and declares that allowing for an optional local sales
14 and use tax would:

15 (1) Spread the tax burden for the funding of counties and consolidated governments over
16 a larger number of persons, thereby reducing the burden on property owners;

17 (2) Help eliminate the annual discussions on capping value increases on real property;

- 18 (3) Eliminate the need for exemptions that attempt to cap or freeze property value
19 increases, which are administratively cumbersome and confusing to taxpayers; and
20 (4) Help address the property tax burden which may, in some circumstances, force
21 people from their homes.

22 **SECTION 2.**

23 The Constitution of the State of Georgia is amended in Article IX by adding a new Section
24 to read as follows:

25 **SECTION VIII.**

26 **OPTIONAL SALES AND USE TAX FOR REAL PROPERTY TAX RELIEF**

27 Paragraph I. *Optional sales and use tax for real property tax relief purposes.* (a) The
28 governing authority of each county or consolidated government in this state may by
29 resolution impose, levy, and collect a sales and use tax for property tax relief in such
30 county or consolidated government conditioned upon approval by a majority of the
31 qualified voters residing within the limits of the local taxing jurisdiction voting in a
32 referendum thereon. This tax shall be at the rate of 1 percent and shall be imposed for a
33 period of time not to exceed five years, but in all other respects, except as otherwise
34 provided in this Section, shall correspond to and be levied in the same manner as the tax
35 provided for by Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia
36 Annotated, relating to the special county 1 percent sales and use tax, as now or hereafter
37 amended. Proceedings for the reimposition of such tax shall be in the same manner as
38 proceedings for the initial imposition of the tax, but the newly authorized tax shall not be
39 imposed until the expiration of the tax then in effect.

40 (b) The proceeds of the tax shall be used and expended only to provide for a
41 dollar-for-dollar decrease in the amount of ad valorem tax imposed on real property in such
42 county or consolidated government.

43 (c) The resolution calling for the imposition of the tax and the ballot question shall each
44 describe that the sales and use tax shall be used:

45 (1) Only for the purpose of reducing ad valorem taxes on real property in the county
46 or consolidated government; and

47 (2) For a maximum period of time, to be stated in calendar years or calendar quarters,
48 not to exceed five years.

49 (d) Nothing in this Section shall prohibit a county or consolidated government from
50 imposing additional local sales and use taxes authorized by general law.

51 (e) The tax imposed pursuant to this Section shall not be subject to and shall not count
52 with respect to any general law limitation regarding the maximum amount of local sales
53 and use taxes which may be levied in any jurisdiction in this state.

54 (f) The tax imposed pursuant to this Section shall not be subject to any sales and use tax
55 exemption with respect to the sale or use of food and beverages which is imposed by law.

56 (g) The tax authorized by this Section may be imposed, levied, and collected as provided
57 in this Section without further action by the General Assembly, but the General Assembly
58 shall be authorized by general law to further define and implement its provisions."

59 **SECTION 3.**

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

63 " YES Shall the Constitution of Georgia be amended so as to authorize the
64 NO governing authority of a county or consolidated government to adopt an
65 optional local sales and use tax for the purpose of reducing ad valorem taxes
66 on real property in such county or consolidated government conditioned
67 upon approval by the electors of such county or consolidated government
68 in a referendum?"

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