

House Resolution 1418

By: Representatives Washburn of the 144th, Dickey of the 134th, Carpenter of the 4th, Corbett of the 174th, Williams of the 148th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to impose a 1 percent, state-wide sales and
2 use tax for which the proceeds shall be distributed to the governing authorities of the counties
3 and consolidated governments of this state on a population basis for the purpose of providing
4 property tax relief in such counties or consolidated governments; to provide for conditions
5 and limitations; to provide for legislative findings, determinations, and declarations; to
6 provide for related matters; to provide for the submission of this amendment for ratification
7 or rejection; and for other purposes.

8 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 (a) The General Assembly finds and determines that it is appropriate and advisable to
11 provide for a state-wide sales and use tax for counties and consolidated governments to be
12 able to offset ad valorem taxes on real property in such counties or consolidated
13 governments.

14 (b) The General Assembly further finds and declares that allowing for such sales and use tax
15 would:

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

18 (2) Help address the property tax burden which may, in some circumstances, force
19 people from their homes.

20 **SECTION 2.**

21 The Constitution of the State of Georgia is amended in Article IX by adding a new section
22 to read as follows:

23 **SECTION VIII.**

24 **STATE-WIDE SALES AND USE TAX FOR REAL PROPERTY TAX RELIEF**

25 Paragraph I. *State-wide sales and use tax for real property tax relief purposes.* (a) The
26 state shall impose, levy, and collect a sales and use tax for property tax relief. This tax
27 shall be at the rate of 1 percent and shall correspond to and be levied in the same manner
28 as the tax provided for by Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia
29 Annotated, relating to state sales and use taxes, as now or hereafter amended.

30 (b) The proceeds of the tax shall be used and expended to provide for a dollar-for-dollar
31 decrease in the amount of ad valorem tax imposed on real property in such county or
32 consolidated government and only as provided in this section. The proceeds of the tax
33 shall be collected by the state and shall be paid on an annual basis to the governing
34 authority of each county and consolidated government on the basis of population as
35 established by the most recent United States decennial census.

36 (c) The proceeds of the sales and use tax shall be used:

37 (1) First, to reduce ad valorem taxes on residential homestead real property in the
38 county or consolidated government;

39 (2) Second, if the sales taxes revenues distributed to a county or consolidated
40 government are in excess of the funds necessary to fully offset and reduce residential

41 homestead ad valorem taxes for such county or consolidated government, to reduce ad
 42 valorem taxes on all other real property in such county or consolidated government; and

43 (3) Third, if sales tax revenues remain after fully reducing and offsetting all real
 44 property ad valorem taxes for such county or consolidated government, for such other
 45 purposes as the governing authority of the county or consolidated government deems
 46 appropriate.

47 (d) Nothing in this section shall prohibit the state or a county or consolidated government
 48 from imposing additional local sales and use taxes authorized by general law.

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

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

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

57 **SECTION 3.**

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

61 "() YES Shall the Constitution of Georgia be amended so as to impose a 1 percent
 62 () NO state-wide sales and use tax for the purpose of reducing ad valorem taxes on
 63 real property in counties or consolidated governments based upon
 64 population?"

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

66 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If

67 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
68 become a part of the Constitution of this state.