

_____ offers the following
substitute to SB 349:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to define a term; to revise a definition; to provide requirements for ad
3 valorem property tax bills; to provide for minimum mandatory reappraisal of parcels; to
4 provide that county boards of tax assessors shall have the right to appeal concerning sales
5 ratio studies under certain conditions; to revise the limitation on increasing new
6 valuations established through appeals or agreements; to revise the required contents of
7 annual notices of assessment; to revise requirements for notices of current assessment; to
8 provide for a statewide adjusted base year ad valorem homestead exemption and provide
9 procedures for opting out of such homestead exemption at the local level; to revise
10 provisions for the maximum allowable sales and use tax rate; to authorize a new local
11 option sales tax for the purpose of property tax relief in those political subdivisions that
12 have in effect a base year value or adjusted base year value homestead exemption; to
13 provide for authorization of tax and applicability; to provide for local authorization and
14 referenda; to provide for imposition and termination of tax; to provide for administration
15 and collection of tax; to provide for returns; to provide for distribution of tax proceeds; to
16 provide for to provide for an effective date, applicability, and a contingent, automatic
17 repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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PART I

SECTION 1-1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-5-2, relating to definitions, by revising the introductory paragraph of paragraph (3) and by adding a new paragraph to read as follows:

"(2.1) 'Estimated roll-back rate' means the current year's estimated millage rate minus the millage equivalent of the total net assessed value added by reassessments:

(A) As calculated and certified to the tax commissioner by the levying authority for county and educational tax purposes; and

(B) As calculated and certified to the collecting officer of the municipality by the levying authority for municipal tax purposes.

(3) 'Fair market value of property' means the amount a knowledgeable buyer would pay for the property and a willing seller would accept for the property at an arm's length, bona fide sale. The income approach, if data are available, shall be considered in determining the fair market value of income-producing property. If actual income and expense data are voluntarily supplied by the property owner, such data shall be considered in such determination. ~~Notwithstanding any other provision of this chapter to the contrary, the transaction amount of the most recent arm's length, bona fide sale in any year shall be the maximum allowable fair market value for the next taxable year.~~ With respect to the valuation of equipment, machinery, and fixtures when no ready market exists for the sale of the equipment, machinery, and fixtures, fair market value may be determined by resorting to any reasonable, relevant, and useful information available, including, but not limited to, the original cost of the property, any depreciation or obsolescence, and any increase in value by reason of inflation. Each tax assessor shall have access to any public records of the taxpayer for the purpose of discovering such information."

SECTION 1-2.

Said title is further amended by adding a new Code section to read as follows:

"48-5-34.

50 (a) In addition to any other requirements provided by law, the ad valorem property tax
51 bill form shall be prepared annually by the county tax commissioner or collector and
52 furnished to each taxpayer who owes state, county, or county school tax for the current
53 tax year. The form shall provide the total amount of such taxes levied on property
54 owned by the taxpayer, the amount of property tax credit granted by Act of the 1973
55 Session of Georgia's General Assembly, and the net amount of such taxes due for the
56 current tax year.

57 (b) In addition to the requirements of subsection (a) of this Code section, regarding any
58 ad valorem property tax bill where the millage rate adopted by a tax authority exceeds
59 the estimated roll-back rate, such tax bill shall include a notice containing the name of
60 such taxing authority and the following statement in bold print:

61 'The adopted millage rate exceeds the estimated roll-back rate as stated in the annual
62 notice of assessment that you previously received for this taxable year, which will
63 result in an increase in the amount of property tax that you will owe.'
64

65 **SECTION 1-3.**

66 Said title is further amended in Code Section 48-5-264, relating to designation and duties
67 of chief appraiser, by adding a new subsection to read as follows:

68 "(d) The chief appraiser shall ensure that every parcel in his or her respective county is
69 appraised at least every three years."
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71 **SECTION 1-4.**

72 Said title is further amended by revising paragraph (1) of subsection (f) of Code Section
73 48-5-274 of the Official Code of Georgia Annotated, relating to the establishment of
74 equalized adjusted property tax digest, establishment and use of average ratio,
75 information to be furnished by state auditor, grievance procedure, and information to be
76 furnished by commissioner, as follows:

77 "(f)(1) Each county governing authority, each governing authority of a municipality
78 having an independent school system, ~~and~~ each local board of education, ~~and~~ each

79 county board of tax assessors, when aggrieved or when having an aggrieved constituent,
80 shall have a right, upon written request made within 30 days after receipt of the digest
81 information, to refer the question of correctness of the current equalized adjusted
82 property tax digest of the local school system to the state auditor. The state auditor shall
83 take any steps necessary to make a determination of the correctness of the digest and to
84 notify all interested parties of the determination within 45 days after receiving the
85 request questioning the correctness of the digest.”

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SECTION 1-5.

88 Said title is further amended by revising subsection (c) of Code Section 48-5-299 of the
89 Official Code of Georgia Annotated, relating to ascertainment of taxable property,
90 assessments against unreturned personal property, penalty for unreturned property, and
91 changing real property values established by appeal in prior year or stipulated by
92 agreement, as follows:

93 “(c) When the value of real property is reduced ~~or is unchanged~~ from the value on the
94 initial annual notice of assessment or a corrected annual notice of assessment issued by
95 the board of tax assessors and such reduced valuation has been established as the result
96 of an appeal decision rendered by the board of equalization, hearing officer, arbitrator,
97 or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement
98 signed by the board of tax assessors and taxpayer or taxpayer’s authorized
99 representative, the new valuation so established by appeal decision or agreement may
100 not be increased by the board of tax assessors during the next two successive years,
101 unless otherwise agreed in writing by both parties, subject to the following exceptions:

102 (1) This subsection shall not apply to a valuation established by an appeal decision if
103 the taxpayer or his or her authorized representative failed to attend the appeal hearing
104 or provide the board of equalization, hearing officer, or arbitrator with some written
105 evidence supporting the taxpayer’s opinion of value;

106 (2) This subsection shall not apply to a valuation established by an appeal decision or
107 agreement if the taxpayer files a return at a different valuation during the next two
108 successive years;

109 (3) Unless otherwise agreed in writing by both parties, if the taxpayer files an appeal
110 pursuant to Code Section 48-5-311 during the next two successive years, the board of
111 tax assessors, the board of equalization, hearing officer, or arbitrator may increase or
112 decrease the value of the real property based on the evidence presented by the
113 taxpayer during the appeal process; and

114 (4) The board of tax assessors may increase or decrease the value of the real property
115 if, after a visual on-site inspection of the property, it is found that there have been
116 substantial additions, deletions, or improvements to such property or that there are
117 errors in the board of tax assessors' records as to the description or characterization
118 of the property, or the board of tax assessors finds an occurrence of other material
119 factors that substantially affect the current fair market value of such property."

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SECTION 1-6.

122 Said title is further amended in Code Section 48-5-306, relating to annual notice of
123 current assessment, contents, posting notice, and new assessment description, by revising
124 paragraphs (1) and (2) of subsection (b) as follows:

125 "(1) The annual notice of current assessment required to be given by the county board
126 of tax assessors under subsection (a) of this Code section shall be dated and shall
127 contain the name and last known address of the taxpayer. The annual notice shall
128 conform with the state-wide uniform assessment notice which shall be established by
129 the commissioner by rule and regulation and shall contain:

130 (A) The amount of the previous assessment;

131 (B) The amount of the current assessment;

132 (C) The year for which the new assessment is applicable;

133 (D) A brief description of the assessed property broken down into real and personal
134 property classifications;

135 (E) The fair market value of property of the taxpayer subject to taxation and the
136 assessed value of the taxpayer’s property subject to taxation after being reduced;

137 (F) The name, phone number, and contact information of the person in the assessors’
138 office who is administratively responsible for the handling of the appeal and who the
139 taxpayer may contact if the taxpayer has questions about the reasons for the
140 assessment change or the appeals process;

141 (G) If available, the website address of the office of the county board of tax
142 assessors; ~~and~~

143 (H) A statement that all documents and records used to determine the current value
144 are available upon request; and

145 (I) The current year’s estimated roll-back rate.

146 (2)(A) In addition to the items required under paragraph (1) of this subsection, the
147 notice shall contain a statement of the taxpayer’s right to an appeal ~~and an estimate of~~
148 ~~the current year’s taxes for all levying authorities~~ which shall be in substantially the
149 following form:

150 “The amount of your ad valorem tax bill for this year will be based on the appraised
151 and assessed values specified in this notice. You have the right to appeal these values
152 to the county board of tax assessors. At the time of filing your appeal you must select
153 one of the following options:

154 (i)(A) An appeal to the county board of equalization with appeal to the superior
155 court;

156 (ii)(B) To arbitration without an appeal to the superior court; or

157 (iii)(C) For a parcel of nonhomestead property with a fair market value in excess of
158 \$500,000.00 as shown on the taxpayer’s annual notice of current assessment under
159 this Code section, or for one or more account numbers of wireless property as
160 defined in subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair
161 market value in excess of \$500,000.00 as shown on the taxpayer’s annual notice of
162 current assessment under this Code section, to a hearing officer with appeal to the
163 superior court.

164 If you wish to file an appeal, you must do so in writing no later than 45 days after the
165 date of this notice. If you do not file an appeal by this date, your right to file an
166 appeal will be lost. For further information on the proper method for filing an appeal,
167 you may contact the county board of tax assessors which is located at: (insert
168 address) and which may be contacted by telephone at: (insert telephone number).”

169 ~~(B) The notice shall also contain the following statements in bold print:~~

170 ~~“The estimate of your ad valorem tax bill for the current year is based on the previous~~
171 ~~or most applicable year’s millage rate and the fair market value contained in this~~
172 ~~notice. The actual tax bill you receive may be more or less than this estimate. This~~
173 ~~estimate may not include all eligible exemptions.””~~

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175 **SECTION 1-7.**

176 Said title is further amended by revising division (e)(6)(D)(iii) of Code Section 48-5-311,
177 relating to creation of county boards of equalization, duties, review of assessments, and
178 appeals, as follows:

179 “(2) An appeal by the taxpayer as provided in paragraph (1) of this subsection shall be
180 effected by emailing, if the county board of tax assessors has adopted a written policy
181 consenting to electronic service, or by mailing to or filing with the county board of tax
182 assessors a written petition for review. An appeal by the county board of tax assessors
183 shall be effected by giving a petition for review to the taxpayer. The petition for review
184 given to the taxpayer shall be dated and shall contain the name and the last known
185 address of the taxpayer. The petition for review shall specifically state the grounds for
186 appeal. The petition for review shall be mailed or filed within 30 days from the date on
187 which the decision of the county board of equalization, hearing officer, or arbitrator is
188 delivered pursuant to subparagraph (e)(6)(D), paragraph (7) of subsection (e.1), or
189 division (f)(3)(C)(ix) of this Code section. Within 45 days of receipt of a taxpayer’s
190 petition for review and before the petition for review is filed in superior court, the
191 county board of tax assessors shall send to the taxpayer notice that a settlement
192 conference, in which the county board of tax assessors and the taxpayer shall confer in

193 good faith, will be held at a specified date and time which shall be no later than 30 days
194 from the notice of the settlement conference, and notice of the amount of the filing fee
195 for a petition for review, if any, required by the clerk of the superior court. A taxpayer
196 may appear for the settlement conference in person, by his or her authorized agent or
197 representative, or both. The county board of tax assessors, in their discretion and with
198 the consent of the taxpayer, may alternatively conduct the settlement conference by
199 audio or video teleconference or any other remote communication medium. The
200 taxpayer may exercise a one-time option to reschedule the settlement conference to a
201 different date and time acceptable to the taxpayer during normal business hours. After a
202 settlement conference has convened, the parties may agree to continue the settlement
203 conference to a later date. If at the end of the 45 day review period the county board of
204 tax assessors elects not to hold a settlement conference, then the appeal shall terminate
205 and the taxpayer's stated value shall be entered in the records of the board of tax
206 assessors as the fair market value for the year under appeal and the provisions of
207 subsection (c) of Code Section 48-5-299 shall apply to such value. ~~If the taxpayer~~
208 ~~chooses not to participate in the settlement conference, he or she may not seek and shall~~
209 ~~not be awarded fees and costs at such time when the petition for review is reviewed in~~
210 ~~superior court.~~ If neither the taxpayer nor his or her authorized agent or representative
211 attends a properly scheduled settlement conference or does not confer with the board of
212 tax assessors in good faith on the matter, then such taxpayer shall not receive the
213 benefits of any temporary reduction in the amount of taxes due pending the outcome of
214 the appeal and shall not be awarded attorney's fees or costs of litigation in connection
215 with the appeal to the superior court. If at the conclusion of the settlement conference
216 the parties reach an agreement, the settlement value shall be entered in the records of the
217 county board of tax assessors as the fair market value for the tax year under appeal and
218 the provisions of subsection (c) of Code Section 48-5-299 shall apply to such value. If at
219 the conclusion of the settlement conference the parties cannot reach an agreement, then
220 written notice shall be provided to the taxpayer that the filing fees for the superior court
221 must be paid by the taxpayer by submitting to the county board of tax assessors a check,

222 money order, or any other instrument payable to the clerk of the superior court within
223 20 days of the date of the conference. Notwithstanding any other provision of law to the
224 contrary, the amount of the filing fee for an appeal under this subsection shall be \$25.00.
225 An appeal under this subsection shall not be subject to any other fees or additional costs
226 otherwise required under any provision of Title 15 or under any other provision of law.
227 Within 30 days of receipt of the taxpayer’s payment made out to the clerk of the
228 superior court, or, in the case of a petition for review filed by the county board of tax
229 assessors, within 30 days of giving notice of the petition for review to the taxpayer, the
230 county board of tax assessors shall file with the clerk of the superior court the petition
231 for review and any other papers specified by the person appealing, including, but not
232 limited to, the staff information from the file used by the county board of tax assessors,
233 the county board of equalization, the hearing officer, or the arbitrator. Immediately
234 following payment of such \$25.00 filing fee to the clerk of the superior court, the clerk
235 shall remit the proceeds thereof to the governing authority of the county which shall
236 deposit the proceeds into the general fund of the county. All papers and information
237 filed with the clerk shall become a part of the record on appeal to the superior court. At
238 the time of the filing of the petition for review, the county board of tax assessors shall
239 serve the taxpayer and his or her attorney of record, if any, with a copy of the petition
240 for review filed in the superior court and with the civil action file number assigned to
241 the appeal. Such service shall be effected in accordance with subsection (b) of Code
242 Section 9-11-5. No discovery, motions, or other pleadings may be filed by the county
243 board of tax assessors in the appeal until such service has been made.”

244
245 **PART II**

246 **SECTION 2-1**

247 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
248 amended by adding a new Code section to read as follows:

249 "48-5-44.2.

250 (a) For purposes of this Code section, the term:

251 (1) 'Ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the
252 state or any county, consolidated government, municipality, or local school district in
253 this state, except for any ad valorem taxes levied to pay interest on and to retire
254 bonded indebtedness.

255 (2) 'Adjusted base year value' means the sum of:

256 (A) The previous adjusted base year assessed value;

257 (B) An amount equal to the difference between the current year assessed value of the
258 homestead and the base year assessed value of the homestead, provided that such
259 amount shall not exceed the total of the previous adjusted base year assessed value of
260 the homestead multiplied by the inflation reate for the prior year; and

261 (C) The value of any substantial property change, provided that no such value added
262 improvements to the homestead shall be duplicated as to the same addition or
263 improvement.

264 (3) 'Base year assessed value' means:

265 (A) With respect to an exemption under this Code section which is first granted to a
266 person on such person's homestead for the 2025 taxable year, the assessed value for
267 taxable year 2024, including any final determination of value on appeal pursuant to
268 Code Section 48-5-311, of the homestead; or

269 (B) In all other cases, the assessed value, including any final determination of value
270 on appeal pursuant to Code Section 48-5-311, of the homestead from the taxable year
271 immediately preceding the taxable year in which the exemption under this Code
272 section is first granted to the applicant.

273 (4) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

274 (5) 'Inflation rate' means the annual inflationary index rate as determined for a given
275 year by the commissioner in accordance with subsection (g) of this Code section.

276 (6) 'Previous adjusted base year assessed value' means:

277 (A) With respect to the year for which the exemption under this Code section is first
278 granted to a person on such person's homestead, the base year assessed value; or

279 (B) In all other cases, the adjusted base year assessed value of the homestead as
280 calculated in the taxable year immediately preceding the current year, including any
281 final determination of value on appeal pursuant to Code Section 48-5-311.

282 (7) 'Substantial property change' means any increase or decrease in the assessed value
283 of a homestead derived from additions or improvements to, or the removal of real
284 property from, the homestead which occurred after the year in which the base year
285 assessed value is determined for the homestead. The assessed value of the substantial
286 property changes shall be established following any final determination of value on
287 appeal pursuant to Code Section 48-5-311.

288 (b)(1) Subject to the limitations provided in this Code section, each resident of this
289 state is granted an exemption on that person's homestead from ad valorem taxes in an
290 amount equal to the amount by which the current year assessed value of that
291 homestead, including any final determination of value on appeal pursuant to Code
292 Section 48-5-311, exceeds its previous adjusted base year assessed value.

293 (2) Except as provided for in subsection (c) of this Code section, no exemption
294 provided for in this subsection shall transfer to any subsequent owner of the property,
295 and the assessed value of the property shall be as provided by law.

296 (c) The surviving spouse of the person who has been granted the exemption provided
297 for in subsection (b) of this Code section shall continue to receive the exemption
298 provided under subsection (b) of this Code section, so long as such surviving spouse
299 continues to occupy the residence as a homestead.

300 (d) No person shall receive the exemption granted by subsection (b) of this Code
301 section unless such person or person's agent files an application with the tax receiver or
302 tax commissioner of his or her respective local government or governments charged
303 with the duty of receiving returns of property for taxation giving such information
304 relative to receiving such exemption as will enable such tax receiver or tax
305 commissioner to make a determination regarding the initial and continuing eligibility of
306 such person for such exemption; provided, however, that any person who had
307 previously applied for a homestead exemption, was allowed such homestead exemption

308 for the 2024 tax year, and remains eligible for a homestead exemption for that same
309 homestead property in the 2025 tax year, shall be automatically allowed the exemption
310 granted under subsection (b) of this Code section for that homestead without further
311 application. Such tax receiver or tax commissioner shall provide application forms for
312 this purpose.

313 (e) The exemption granted by subsection (b) of this Code section shall be claimed and
314 returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically
315 renewed from year to year so long as the owner occupies the residence as a homestead.
316 After a person or a person's agent has filed the proper application or is automatically
317 granted the homestead exemption as provided in subsection (d) of this Code section, it
318 shall not be necessary to make application thereafter for any year, and the exemption
319 shall continue to be allowed to such person. It shall be the duty of any person granted
320 the homestead exemption under subsection (b) of this Code section to notify the tax
321 receiver or tax commissioner of the local government or governments in the event such
322 person for any reason becomes ineligible for such exemption.

323 (f)(1) Except as otherwise provided in paragraph (2) of this subsection, the homestead
324 exemption granted by subsection (b) of this Code section shall be in addition to and
325 not in lieu of any other homestead exemption applicable to ad valorem taxes.

326 (2) The homestead exemption granted by subsection (b) of this Code section shall not
327 be applied in addition to any other base year value homestead exemption provided by
328 law with respect to the given taxing jurisdiction to which the such law applies. In any
329 such event, the tax receiver or tax commissioner of the taxpayer's respective local
330 government or governments charged with the duty of receiving returns of property for
331 taxation shall apply only the base year value homestead exemption that is larger or
332 more beneficial for the taxpayer with respect to the particular taxing jurisdictions to
333 which more than one base year value homestead exemption applies.

334 (g) For the purposes of this Code section, the commissioner shall promulgate a
335 standardized method for determining annual inflationary index rates which reflect the
336 effects of inflation and deflation on the cost of living for residents of this state for a

337 given calendar year. Such method may utilize the Consumer Price Index as reported by
338 the Bureau of Labor Statistics of the United States Department of Labor or any other
339 similar index established by the federal government if the commissioner determines that
340 such federal index fairly reflects the effects of inflation and deflation on residents of this
341 state.

342 (h) The exemption granted by subsection (b) of this Code section shall apply to all
343 taxable years beginning on or after January 1, 2025, provided that:

344 (1) A constitutional amendment is ratified and becomes effective on January 1, 2025,
345 which authorizes the General Assembly to provide by general law for a homestead
346 exemption that shall not be applicable to certain political subdivisions, which elect to
347 opt out of the homestead exemption by a date certain; and

348 (2) The exemption granted by subsection (b) of this Code section shall not be
349 applicable for any county, consolidated government, municipality, or school district for
350 which the governing authority of such political subdivision adopts an opt-out
351 resolution in accordance with subsection (i) of this Code section.

352 (i) The governing authority of any county, consolidated government, municipality, or
353 school district may elect to opt out of the homestead exemption otherwise granted by
354 subsection (b) of this Code section with respect to such political subdivision through the
355 adoption of a resolution to do the same by March 1, 2025, after completing the
356 following steps:

357 (1) The governing authority shall advertise its intent to do so and shall conduct at least
358 three public hearings thereon, at least one of which shall commence between the hours
359 of 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. The governing authority
360 shall place an advertisement in a newspaper of general circulation serving the residents
361 of the political subdivision and post such advertisement on its website, which shall
362 read as follows:

363 “INTENT TO OPT OUT OF HOMESTEAD EXEMPTION

364 The (name of governing authority) intends to opt out of the statewide adjusted base
365 year ad valorem homestead exemption for (name of the political subdivision).

366 All concerned citizens are invited to the public hearing on this matter to be held at
367 (place of meeting) on (date and time).

368 Times and places of additional public hearings on this matter are at (place of
369 meeting) on (date and time).”

370 Simultaneously with this notice the governing authority shall provide a press release to
371 the local media.

372 (2) The advertisement required by paragraph (1) of this subsection shall appear at least
373 one week prior to each hearing, be prominently displayed, not be less than 30 square
374 inches, and not be placed in that section of the newspaper where legal notices appear
375 and shall be posted on the appropriate website at least one week prior to each hearing.
376 In addition to the advertisement specified under this paragraph, the levying or
377 recommending authority may include in the notice reasons or explanations for its
378 intention to opt out of the homestead exemption.

379 (3) No resolution to opt out of the homestead exemption shall become effective with
380 respect to a political subdivision unless the procedures and hearings required by this
381 subsection are completed and a copy of such resolution is filed with the Secretary of
382 State by March 1, 2025.”

383

384

PART III

385

SECTION 3-1.

386 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
387 amend by revising subsection (a) of Code section 48-8-6, relating to prohibition of
388 political subdivisions from imposing various taxes, ceiling on local sales and use taxes,
389 and taxation of mobile telecommunications, as follows:

390 "48-8-6.

391 ~~(a) There shall not be imposed in any jurisdiction in this state or on any transaction in~~
392 ~~this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2~~
393 ~~percent. For purposes of this prohibition, the taxes affected are any sales tax, use tax, or~~
394 ~~sales and use tax which is levied in an area consisting of less than the entire state,~~

395 ~~however authorized, including such taxes authorized by or pursuant to constitutional~~
396 ~~amendment, except that the following taxes shall not count toward or be subject to such~~
397 ~~2 percent limitation:~~

398 ~~(1) A sales and use tax for educational purposes exempted from such limitation under~~
399 ~~Article VIII, Section VI, Paragraph IV of the Constitution;~~

400 ~~(2) Any tax levied for purposes of a metropolitan area system of public transportation,~~
401 ~~as authorized by the amendment to the Constitution set out at Georgia Laws, 1964,~~
402 ~~page 1008; the continuation of such amendment under Article XI, Section I,~~
403 ~~Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such~~
404 ~~constitutional amendment; provided, however, that the exception provided for under~~
405 ~~this paragraph shall only apply:~~

406 ~~(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of~~
407 ~~Code Section 48-8-111 in whole or in part for the purpose or purposes of a water~~
408 ~~capital outlay project or projects, a sewer capital outlay project or projects, a water~~
409 ~~and sewer capital outlay project or projects, water and sewer projects and costs as~~
410 ~~defined under paragraph (4) of Code Section 48-8-200, or any combination thereof~~
411 ~~and with respect to which the county has entered into an intergovernmental contract~~
412 ~~with a municipality, in which the average waste water system flow of such~~
413 ~~municipality is not less than 85 million gallons per day, allocating proceeds to such~~
414 ~~municipality to be used solely for water and sewer projects and costs as defined~~
415 ~~under paragraph (4) of Code Section 48-8-200. The exception provided for under~~
416 ~~this subparagraph shall apply only during the period the tax under such subparagraph~~
417 ~~(a)(1)(D) is in effect. The exception provided for under this subparagraph shall not~~
418 ~~apply in any county in which a tax is being imposed under Article 2A of this chapter;~~

419 ~~(B) In a county in which the tax levied for purposes of a metropolitan area system of~~
420 ~~public transportation is first levied after January 1, 2010, and before January 1, 2021.~~
421 ~~Such tax shall not apply to the following: (i) The sale or use of jet fuel; and (ii) The~~
422 ~~sale of motor vehicles; or~~

423 ~~(C) In a county in which a tax is levied and collected pursuant to Part 2 of Article 2A~~
424 ~~of this chapter;~~

425 ~~(3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the~~
426 ~~amount in excess of the initial 1 percent sales and use tax and in the event of a newly~~
427 ~~imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1~~
428 ~~percent sales and use tax;~~

429 ~~(4) A sales and use tax levied under Article 4 of this chapter;~~

430 ~~(5) Either a sales and use tax levied under Article 5 of this chapter or a sales and use~~
431 ~~tax levied under Article 5B of this chapter;~~

432 ~~(6) A sales and use tax levied under Article 5A of this chapter;~~

433 ~~(7) A sales and use tax levied under Article 2 of Chapter 9 of Title 32; and~~

434 ~~(8) A sales and use tax levied under Part 3 of Article 3 of this chapter.~~

435 ~~If the imposition of any otherwise authorized local sales tax, local use tax, or local sales~~
436 ~~and use tax would result in a tax rate in excess of that authorized by this subsection,~~
437 ~~then such otherwise authorized tax may not be imposed.~~

438 ~~(a)(1) Except as provided in this subsection, on and after January 1, 2025, there shall not~~
439 ~~be imposed in any jurisdiction in this state or on any transaction in this state local sales~~
440 ~~taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes~~
441 ~~of this 2 percent limitation, the taxes affected are any sales tax, use tax, or sales and use~~
442 ~~tax which is levied in an area consisting of less than the entire state, however~~
443 ~~authorized, including such taxes authorized by or pursuant to constitutional amendment,~~
444 ~~and regardless of whether another provision of law purports to the contrary, except for~~
445 ~~the following:~~

446 ~~(A) A 1 percent sales and use tax for educational purposes exempted from such~~
447 ~~limitation under Article VIII, Section VI, Paragraph IV of the Constitution;~~

448 ~~(B) Up to 1 percent in aggregate of any of the transportation related sales and use taxes~~
449 ~~authorized under Articles 5, 5A, and 5B of this chapter and Article 2 of Chapter 9 of~~
450 ~~Title 32; and~~

451 (C) Up to 1 percent in aggregate of any sales and use taxes authorized under Code
452 Section 48-8-96, Code Section 48-8-97, Article 2B of this chapter, and Article 4 of this
453 Chapter.

454 (2) Notwithstanding any provision of law to the contrary, any tax that does not comply
455 with the limitations provided in paragraph (1) of this subsection as of July 1, 2025, but
456 was initiated in compliance with the law in effect prior to January 1, 2025, shall be
457 allowed to continue as authorized under laws that existed prior to July 1, 2025;
458 provided, however, that upon the expiration or termination of any such tax, such tax
459 shall not be renewed and the jurisdiction that levied such tax shall be fully subject to the
460 limitations imposed by this subsection.

461 (3) This subsection shall not limit the imposition of any local excise tax, which is
462 separately authorized under Chapter 13 of this title.

463 (4) Except as provided in paragraph (2) of this subsection, if the imposition of any
464 otherwise authorized local sales tax, local use tax, or local sales and use tax would result
465 in a tax rate in excess of that authorized by this subsection, then such otherwise
466 authorized tax shall not be imposed."

467

468

SECTION 3-2.

469 Said title is further amended in Chapter 8, relating to sales and use taxes, by adding a new
470 article to read as follows:

471

"Article 2B

472

48-8-109.30.

473 (a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the
474 Constitution of this state, there are created within this state 159 special districts. The
475 geographical boundaries of each county shall correspond with and shall be
476 conterminous with the geographical boundary of the 159 special districts.

477 (b) The territory of each special district shall include all of the territory within the
478 county including all municipalities, to the extent the municipal boundaries lie within
479 the geographical boundaries of the county and any consolidated government.

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48-8-109.31.

(a) The General Assembly shall be authorized by local Act, subject to the requirement of approval by local referendum and the other requirements of this article, to impose within any given special district a special sales and use tax for a limited period of time for the limited purpose of property tax relief.

(b) Except as to rate, a tax imposed under this part shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to sales of motor fuels as prepaid local tax as defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and alcoholic beverages as provided for in Code Section 48-8-3.

(c) The special sales and use tax provided for in subsection (a) of this Code section may be imposed by a special district in 0.05 percent increments, but in no event shall such tax exceed 1 percent in total. The levy of such tax upon sales of motor fuels as defined in Code Section 48-9-2 shall only be imposed on the retail sales price of the motor fuel which is not more than \$3.00 per gallon.

(d)(1) As a condition precedent to the passage of a local act as provided for in subsection (a) of this Code section and issuance of the call for the referendum, the governing authority of the county whose geographical boundary is conterminous with that of the special district and the governing authority of at least and the governing authority or authorities, if any, that represent at least 50 percent of the special district's residents of municipalities that levy an ad valorem tax on property, shall:

- (A) Have in effect a base year value or adjusted base year value homestead exemption; and
- (B) Enter into an intergovernmental agreement calling for the tax authorized under this article and specifying the proposed rate of the tax and the proposed maximum period of time that the tax is to be levied.

508 (2) If the combined total of the populations of all such absent municipalities is less
509 than one-half of the aggregate population of all municipalities located within the
510 special district that levy an ad valorem tax on property, the political subdivisions
511 entering into the intergovernmental agreement shall, in behalf of such absent
512 municipalities, specify a percentage of that portion of the remaining proceeds which
513 each municipality that levies an ad valorem tax on property shall receive, which
514 percentage shall not be less than that proportion which each such absent
515 municipality's population bears to the total population of all municipalities that levy ad
516 valorem taxes on property within the special district multiplied by that portion of the
517 remaining proceeds which are received by all such municipalities within the special
518 district. No portion of the tax shall be apportioned to municipalities that do not levy
519 an ad valorem tax on property or have a base year value or adjusted base year value
520 homestead exemption in effect

521

522 48-8-109.32.

523 (a) Each local Act that imposes the tax authorized by this article within a special district
524 shall specify the maximum period of time of the tax, to be stated in calendar years or
525 calendar quarters not to exceed five years in total.

526 (b) Each such local Act shall prescribe that the county election superintendent shall
527 issue the call for an election for the purpose of submitting the question of the imposition
528 of the tax authorized by this article to the voters of the county. The call for and conduct
529 of any such election shall be in the manner authorized under Code Section 21-2-540, on
530 a date specified by the local Act from among the dates allowed under paragraph (2) of
531 subsection (c) of Code Section 21-2-540. Such election superintendent shall cause the
532 date and purpose of the election to be published once a week for four weeks
533 immediately preceding the date of the election in the legal organ of the county or in a
534 newspaper having general circulation in the county at least equal to that of the legal
535 organ.

536 (c) The exact ballot language shall be prescribed in the local Act which imposes the tax
537 authorized by this article, but shall contain, at a minimum, the purpose of the tax, the
538 rate of the tax, and the duration for which the tax shall be imposed.

539 (d) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all
540 persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes
541 cast are in favor of imposing the tax, then the tax shall be imposed as provided in this
542 article; otherwise, the tax shall not be imposed and the question of imposing the tax
543 shall not again be submitted to the voters of the special district until after 12 months
544 immediately following the month in which the election was held; provided, however,
545 that, if an election date authorized under paragraph (2) of subsection (c) of Code Section
546 21-2-540 occurs during the twelfth month immediately following the month in which
547 such election was held, the question of imposing the tax may be submitted to the voters
548 of the special district on such date. The county election superintendent shall hold and
549 conduct the election under the same rules and regulations as govern special elections.
550 Such election superintendent shall canvass the returns, declare the result of the election,
551 and certify the result to the Secretary of State and to the commissioner. The expense of
552 the election shall be paid from county funds.

553

554 48-8-109.33.

555 (a)(1) If the imposition of the tax is approved by referendum, the tax shall be imposed
556 on the first day of the next succeeding calendar quarter which begins more than 50 days
557 after the date of the election at which the tax was approved by the voters.

558 (2) With respect to services that are regularly billed on a monthly basis, however, the
559 resolution or ordinance imposing the tax shall become effective and the tax shall apply
560 to the first regular billing period coinciding with or following the effective date
561 specified in paragraph (1) of this subsection. A certified copy of the ordinance or
562 resolution imposing the tax shall be forwarded to the commissioner to ensure it is
563 received within five business days after certification of the election results.

564 (b) The tax shall cease to be imposed on the final day of the maximum period of time
565 specified for the imposition of the tax.

566 (c) For any special district in which a tax authorized by this article is in effect may,
567 while such tax is in effect, the General Assembly may pass a local Act calling for a
568 reimposition of a tax as authorized by this article upon the termination of the tax then in
569 effect, and a referendum may be held for this purpose while the tax is in effect.
570 Proceedings for such reimposition shall be in the same manner as proceedings for the
571 initial imposition of the tax as provided for in Code Section 48-8-109.32. Such newly
572 authorized tax shall not be imposed until the expiration of the tax then in effect.

573

574 48-8-109.34.

575 A tax levied pursuant to this article shall be exclusively administered and collected by
576 the commissioner for the use and benefit of the special district imposing the tax. Such
577 administration and collection shall be accomplished in the same manner and subject to
578 the same applicable provisions, procedures, and penalties provided in Article 1 of this
579 chapter except that the sales and use tax provided in this article shall be applicable to
580 sales of motor fuels as prepaid local tax as defined in Code Section 48-8-2; provided,
581 however, that all moneys collected from each taxpayer by the commissioner shall be
582 applied first to such taxpayer's liability for taxes owed the state; and provided, further,
583 that the commissioner may rely upon a representation by or in behalf of the county
584 government or the Secretary of State that such a tax has been validly imposed, and the
585 commissioner and the commissioner's agents shall not be liable to any person for
586 collecting any such tax which was not validly imposed. Dealers shall be allowed a
587 percentage of the amount of the tax due and accounted for and shall be reimbursed in
588 the form of a deduction in submitting, reporting, and paying the amount due if such
589 amount is not delinquent at the time of payment. Such dealer deduction shall be at the
590 rate and subject to the requirements specified under subsections (b) through (f) of Code
591 Section 48-8-50.

592

593 48-8-109.35.

594 Each sales and use tax return remitting sales and use taxes collected under this article
595 shall separately identify the location of each retail establishment at which any of the
596 sales and use taxes remitted were collected and shall specify the amount of sales and the
597 amount of taxes collected at each establishment for the period covered by the return to
598 facilitate the determination by the commissioner that all sales and use taxes imposed by
599 this article are collected and distributed according to situs of sale.

600

601 48-8-109.36.

602 The proceeds of the tax collected by the commissioner under this article shall be
603 disbursed as soon as practicable after collection as follows:

604 (1) One percent of the amount collected shall be paid into the general fund of the state
605 treasury to defray the costs of administration; and

606 (2) The remaining proceeds of the tax shall be distributed to the county whose
607 boundary is conterminous with the boundary of the special district to be distributed
608 thereafter by such county among the political subdivisions within the special district in
609 accordance with the distribution schedule, which shall be prescribed in the local Act
610 imposing the tax.

611

612 48-8-109.37.

613 Where a local sales or use tax has been paid with respect to tangible personal property
614 by the purchaser either in another local tax jurisdiction within the state or in a tax
615 jurisdiction outside the state, the tax may be credited against the tax authorized to be
616 imposed by this article upon the same property. If the amount of sales or use tax so paid
617 is less than the amount of the use tax due under this article, the purchaser shall pay an
618 amount equal to the difference between the amount paid in the other tax jurisdiction and
619 the amount due under this article. The commissioner may require such proof of
620 payment in another local tax jurisdiction as the commissioner deems necessary and
621 proper. No credit shall be granted, however, against the tax imposed under this article

622 for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to
623 obtain a credit against any other local sales and use tax levied in the special district or
624 any political subdivision within the special district; and taxes so paid in another
625 jurisdiction shall be credited first against the tax levied under Article 2 of this chapter, if
626 applicable, then against the tax levied under Part 1 of Article 3 of this chapter, if
627 applicable, then against the tax levied under Part 2 of Article 3 of this chapter, if
628 applicable, and then against the tax levied under this article.

629

630 48-8-109.38.

631 No tax provided for in this article shall be imposed upon the sale of tangible personal
632 property which is ordered by and delivered to the purchaser at a point outside the
633 geographical area of the special district in which the tax is imposed regardless of the
634 point at which title passes, if the delivery is made by the seller's vehicle, and including
635 United States mail or common carrier or by a private or contract carrier licensed by the
636 Federal Motor Carrier Safety Administration or the Georgia Department of Public
637 Safety.

638

639 48-8-109.39.

640 No tax provided for in this article shall be imposed upon the sale or use of building and
641 construction materials when the contract for which the materials are purchased or used
642 was advertised for bid prior to the voters' approval of the levy of the tax and the contract
643 was entered into as a result of a bid actually submitted in response to the advertisement
644 prior to approval of the levy of the tax.

645

646 48-8-109.40.

647 The commissioner shall have the power and authority to promulgate such rules and
648 regulations as shall be necessary for the effective and efficient administration and
649 enforcement of the collection of the tax authorized by this article.

650

651 48-8-109.41.

652 The tax authorized by this article shall be in addition to any other local sales and use
653 tax. The imposition of any other local sales and use tax within a county, municipality, or
654 special district shall not affect the authority of a county, municipality, or special district
655 to impose the tax authorized by this article, and the imposition of the tax authorized by
656 this article shall not affect the imposition of any otherwise authorized local sales and use
657 tax within a county, municipality, or special district.

658

659 48-8-109.42.

660 (a) Any proceeds received by a political subdivision from the tax authorized by this
661 article shall be used by such political subdivision exclusively for tax relief and in
662 conjunction with all limitations provided in the local Act authorizing the tax for such
663 political subdivision.

664 (b)(1) Each taxpayer's ad valorem tax bill shall clearly state the dollar amount by
665 which the property tax has been reduced as a result of the imposition of the tax
666 imposed under this article.

667 (2) The roll-back rate for the political subdivision, which is calculated under Code
668 Section 48-5-32.1, shall be reduced annually by the millage equivalent of the net
669 proceeds of the tax authorized under this article, which proceeds were received by the
670 political subdivision during the prior taxable year.

671 (c) If any political subdivision is not in compliance with the use of the proceeds of a tax
672 levied under this article, the commissioner shall not certify the tax digest of such political
673 subdivision until it complies with this Code section."

674

675

PART IV.

676

SECTION 4-1.

677 This Act shall become effective on January 1, 2025, and applicable to taxable years
678 beginning on or after January 1, 2025; provided, however, that, if a constitutional
679 amendment which becomes effective on such date and which authorizes the General

680 Assembly to provide by general law for a homestead exemption that applies statewide,
681 but that permits political subdivisions to individually opt out of such homestead
682 exemption, has not been ratified, then this Act shall stand automatically repealed on such
683 date.

684

685

SECTION 4-2.

686

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