

House Bill 581 (AS PASSED HOUSE AND SENATE)

By: Representatives Blackmon of the 146th and Crowe of the 118th

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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 language 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.

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

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

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

SECTION 1-3.

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

"(d) The chief appraiser shall ensure that every parcel in his or her respective county is appraised at least every three years."

SECTION 1-4.

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

"(f)(1) Each county governing authority, each governing authority of a municipality having an independent school system, ~~and each local board of education, and each county board of tax assessors,~~ when aggrieved or when having an aggrieved constituent, shall have a right, upon written request made within 30 days after receipt of the digest information, to refer the question of correctness of the current equalized adjusted property tax digest of the local school system to the state auditor. The state auditor shall take any steps necessary to make a determination of the correctness of the digest and to notify all interested parties of the determination within 45 days after receiving the request questioning the correctness of the digest."

SECTION 1-5.

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

"(c) When the value of real property is reduced ~~or is unchanged~~ from the value on the initial annual notice of assessment or a corrected annual notice of assessment issued by the board of tax assessors and such reduced valuation has been established as the result of an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement signed by the board of tax assessors and taxpayer or taxpayer's authorized representative, the new valuation so established by appeal decision or agreement may not be increased by the board

91 of tax assessors during the next two successive years, unless otherwise agreed in writing
92 by both parties, subject to the following exceptions:

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

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

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

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

111 **SECTION 1-6.**

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

115 "(1) The annual notice of current assessment required to be given by the county board of
116 tax assessors under subsection (a) of this Code section shall be dated and shall contain

the name and last known address of the taxpayer. The annual notice shall conform with the state-wide uniform assessment notice which shall be established by the commissioner by rule and regulation and shall contain:

(A) The amount of the previous assessment;

(B) The amount of the current assessment;

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

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

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

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

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

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

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

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

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

(i)(A) An appeal to the county board of equalization with appeal to the superior court;
(ii)(B) To arbitration without an appeal to the superior court; or
(iii)(C) For a parcel of nonhomestead property with a fair market value in excess of \$500,000.00 as shown on the taxpayer's annual notice of current assessment under this Code section, or for one or more account numbers of wireless property as defined in subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair market value in excess of \$500,000.00 as shown on the taxpayer's annual notice of current assessment under this Code section, to a hearing officer with appeal to the superior court.

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

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

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

SECTION 1-7.

Said title is further amended in Code Section 48-5-311, relating to creation of county boards of equalization, duties, review of assessments, and appeals, by revising paragraph (2) of subsection (g) as follows:

"(2) An appeal by the taxpayer as provided in paragraph (1) of this subsection shall be effected by emailing, if the county board of tax assessors has adopted a written policy consenting to electronic service, or by mailing to or filing with the county board of tax

assessors a written petition for review. An appeal by the county board of tax assessors shall be effected by giving a petition for review to the taxpayer. The petition for review given to the taxpayer shall be dated and shall contain the name and the last known address of the taxpayer. The petition for review shall specifically state the grounds for appeal. The petition for review shall be mailed or filed within 30 days from the date on which the decision of the county board of equalization, hearing officer, or arbitrator is delivered pursuant to subparagraph (e)(6)(D), paragraph (7) of subsection (e.1), or division (f)(3)(C)(ix) of this Code section. Within 45 days of receipt of a taxpayer's petition for review and before the petition for review is filed in superior court, the county board of tax assessors shall send to the taxpayer notice that a settlement conference, in which the county board of tax assessors and the taxpayer shall confer in good faith, will be held at a specified date and time which shall be no later than 30 days from the notice of the settlement conference, and notice of the amount of the filing fee for a petition for review, if any, required by the clerk of the superior court. A taxpayer may appear for the settlement conference in person, by his or her authorized agent or representative, or both. The county board of tax assessors, in their discretion and with the consent of the taxpayer, may alternatively conduct the settlement conference by audio or video teleconference or any other remote communication medium. The taxpayer may exercise a one-time option to reschedule the settlement conference to a different date and time acceptable to the taxpayer during normal business hours. After a settlement conference has convened, the parties may agree to continue the settlement conference to a later date. If at the end of the 45 day review period the county board of tax assessors elects not to hold a settlement conference, then the appeal shall terminate and the taxpayer's stated value shall be entered in the records of the board of tax assessors as the fair market value for the year under appeal and the provisions of subsection (c) of Code Section 48-5-299 shall apply to such value. ~~If the taxpayer chooses not to participate in the settlement conference, he or she may not seek and shall not be awarded fees and costs at such time~~

197 ~~when the petition for review is reviewed in superior court. If neither the taxpayer nor his~~
198 ~~or her authorized agent or representative attends a properly scheduled settlement~~
199 ~~conference or fails to confer with the board of tax assessors in good faith on the matter,~~
200 ~~then such taxpayer shall not receive the benefits of any temporary reduction in the~~
201 ~~amount of taxes due pending the outcome of the appeal and shall not be awarded~~
202 ~~attorney's fees or costs of litigation in connection with the appeal to the superior court.~~
203 If at the conclusion of the settlement conference the parties reach an agreement, the
204 settlement value shall be entered in the records of the county board of tax assessors as the
205 fair market value for the tax year under appeal and the provisions of subsection (c) of
206 Code Section 48-5-299 shall apply to such value. If at the conclusion of the settlement
207 conference the parties cannot reach an agreement, then written notice shall be provided
208 to the taxpayer that the filing fees for the superior court must be paid by the taxpayer by
209 submitting to the county board of tax assessors a check, money order, or any other
210 instrument payable to the clerk of the superior court within 20 days of the date of the
211 conference. Notwithstanding any other provision of law to the contrary, the amount of
212 the filing fee for an appeal under this subsection shall be \$25.00. An appeal under this
213 subsection shall not be subject to any other fees or additional costs otherwise required
214 under any provision of Title 15 or under any other provision of law. Within 30 days of
215 receipt of the taxpayer's payment made out to the clerk of the superior court, or, in the
216 case of a petition for review filed by the county board of tax assessors, within 30 days of
217 giving notice of the petition for review to the taxpayer, the county board of tax assessors
218 shall file with the clerk of the superior court the petition for review and any other papers
219 specified by the person appealing, including, but not limited to, the staff information from
220 the file used by the county board of tax assessors, the county board of equalization, the
221 hearing officer, or the arbitrator. Immediately following payment of such \$25.00 filing
222 fee to the clerk of the superior court, the clerk shall remit the proceeds thereof to the
223 governing authority of the county which shall deposit the proceeds into the general fund

of the county. All papers and information filed with the clerk shall become a part of the record on appeal to the superior court. At the time of the filing of the petition for review, the county board of tax assessors shall serve the taxpayer and his or her attorney of record, if any, with a copy of the petition for review filed in the superior court and with the civil action file number assigned to the appeal. Such service shall be effected in accordance with subsection (b) of Code Section 9-11-5. No discovery, motions, or other pleadings may be filed by the county board of tax assessors in the appeal until such service has been made."

PART II

SECTION 2-1.

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

"48-5-44.2.

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

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

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

(A) The previous adjusted base year assessed value;

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

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

(3) 'Base year assessed value' means:

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

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

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

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

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

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

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

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

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

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

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

(d) No person shall receive the exemption granted by subsection (b) of this Code section unless such person or person's agent files an application with the tax receiver or tax commissioner of his or her respective local government or governments charged with the duty of receiving returns of property for taxation giving such information relative to receiving such exemption as will enable such tax receiver or tax commissioner to make a determination regarding the initial and continuing eligibility of such person for such exemption; provided, however, that any person who had previously applied for a homestead exemption, was allowed such homestead exemption for the 2024 tax year, and remains eligible for a homestead exemption for that same homestead property in the 2025 tax year shall be automatically allowed the exemption granted under subsection (b) of this Code section for that homestead without further application. Such tax receiver or tax commissioner shall provide application forms for this purpose.

(e) The exemption granted by subsection (b) of this Code section shall be claimed and returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead.

301 After a person or a person's agent has filed the proper application or is automatically
302 granted the homestead exemption as provided in subsection (d) of this Code section, it shall
303 not be necessary to make application thereafter for any year, and the exemption shall
304 continue to be allowed to such person. It shall be the duty of any person granted the
305 homestead exemption under subsection (b) of this Code section to notify the tax receiver
306 or tax commissioner of the local government or governments in the event such person for
307 any reason becomes ineligible for such exemption.

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

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

319 (g) For the purposes of this Code section, the commissioner shall promulgate a
320 standardized method for determining annual inflationary index rates which reflect the
321 effects of inflation and deflation on the cost of living for residents of this state for a given
322 calendar year. Such method may utilize the Consumer Price Index as reported by the
323 Bureau of Labor Statistics of the United States Department of Labor or any other similar
324 index established by the federal government if the commissioner determines that such
325 federal index fairly reflects the effects of inflation and deflation on residents of this state.

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

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

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

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

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

'INTENT TO OPT OUT OF HOMESTEAD EXEMPTION

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

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

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

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

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

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

367 **PART III**
368 **SECTION 3-1.**

369 Said title is further amended in Code Section 48-8-6, relating to prohibition of political
370 subdivisions from imposing various taxes, ceiling on local sales and use taxes, and taxation
371 of mobile telecommunications, by revising subsection (a) as follows:

372 "48-8-6.

373 ~~(a) There shall not be imposed in any jurisdiction in this state or on any transaction in this~~
374 ~~state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent.~~
375 ~~For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and~~
376 ~~use tax which is levied in an area consisting of less than the entire state, however~~
377 ~~authorized, including such taxes authorized by or pursuant to constitutional amendment,~~

except that the following taxes shall not count toward or be subject to such 2 percent limitation:

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

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

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

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before January 1, 2021. Such tax shall not apply to the following:

(i) The sale or use of jet fuel; and

(ii) The sale of motor vehicles; or

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

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

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

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

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

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

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

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

(a)(1) Except as provided in this subsection, on and after July 1, 2024, there shall not be imposed in any jurisdiction in this state or on any transaction in this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes of this 2 percent limitation, the taxes affected are any sales tax, use tax, or sales and use tax which is levied in an area consisting of less than the entire state, however authorized, including such taxes authorized by or pursuant to constitutional amendment, and regardless of whether another provision of law purports to the contrary, except for the following:

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

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

(C) Up to 1 percent in aggregate of any sales and use taxes authorized under Code Section 48-8-96, Code Section 48-8-97, Article 2B of this chapter, Part 3 of Article 3 of this chapter, and Article 4 of this chapter.

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

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

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

SECTION 3-2.

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

"Article 2B

48-8-109.30.

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

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

48-8-109.31.

(a) 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 issuance of the call for the referendum:

477 (A) The governing authority of the county whose geographical boundary is
478 conterminous with that of the special district and the governing authority or authorities
479 of all municipalities that levy an ad valorem tax on property, other than those
480 municipalities that are excluded from the special district pursuant to paragraph (3) of
481 this subsection, shall have in effect a base year value or adjusted base year value
482 homestead exemption; and

483 (B) The governing authority of the county whose geographical boundary is
484 conterminous with that of the special district and the governing authority or authorities,
485 if any, that represent at least 50 percent of the special district's residents of
486 municipalities that levy an ad valorem tax on property, other than those municipalities
487 that are excluded from the special district pursuant to paragraph (3) of this subsection,
488 shall enter into an intergovernmental agreement calling for the tax authorized under this
489 article and specifying the proposed rate of the tax, the proposed maximum period of
490 time that the tax is to be levied, and the proposed distribution of the tax.

491 (2) If the combined total of the populations of all such absent municipalities is less than
492 one-half of the aggregate population of all municipalities located within the special
493 district that levy an ad valorem tax on property, the political subdivisions entering into
494 the intergovernmental agreement shall, on behalf of such absent municipalities, specify
495 a percentage of that portion of the remaining proceeds which each municipality that
496 levies an ad valorem tax on property shall receive, which percentage shall not be less than
497 that proportion which each such absent municipality's population bears to the total
498 population of all municipalities that levy ad valorem taxes on property within the special
499 district multiplied by that portion of the remaining proceeds which are received by all
500 such municipalities within the special district. No portion of the tax shall be apportioned
501 to counties and municipalities that do not levy an ad valorem tax on property or do not
502 have a base year value or adjusted base year value homestead exemption in effect.

(3) Subject to the limitation provided for in Code Section 48-8-6, any special district which wholly or partially contains a jurisdiction levying the tax provided for under Article 4 of this chapter is authorized to levy the tax authorized under this article. Such tax authorized under this article may only be levied in the areas of the special district outside of the jurisdiction levying the tax provided for under Article 4 of this chapter. Any jurisdiction levying the tax provided for under Article 4 of this chapter shall not be considered within the procedure necessary to levy the tax under this article and shall not be entitled to any portion of said tax.

48-8-109.32.

(a) The intergovernmental agreement required by this article shall specify the maximum period of time of the tax, to be stated in calendar years or calendar quarters not to exceed five years in total.

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

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

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

48-8-109.33.

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

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

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

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

48-8-109.34.

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

578 48-8-109.35.

579 Each sales and use tax return remitting sales and use taxes collected under this article shall
580 separately identify the location of each retail establishment at which any of the sales and
581 use taxes remitted were collected and shall specify the amount of sales and the amount of
582 taxes collected at each establishment for the period covered by the return to facilitate the
583 determination by the commissioner that all sales and use taxes imposed by this article are
584 collected and distributed according to situs of sale.

585 48-8-109.36.

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

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

590 (2) The remaining proceeds of the tax shall be distributed to the county whose boundary
591 is conterminous with the boundary of the special district to be distributed thereafter by
592 such county among the political subdivisions within the special district in accordance
593 with the distribution schedule, which shall be prescribed in the intergovernmental
594 agreement imposing the tax.

595 48-8-109.37.

596 Where a local sales or use tax has been paid with respect to tangible personal property by
597 the purchaser either in another local tax jurisdiction within the state or in a tax jurisdiction
598 outside the state, the tax may be credited against the tax authorized to be imposed by this
599 article upon the same property. If the amount of sales or use tax so paid is less than the
600 amount of the use tax due under this article, the purchaser shall pay an amount equal to the
601 difference between the amount paid in the other tax jurisdiction and the amount due under
602 this article. The commissioner may require such proof of payment in another local tax

603 jurisdiction as the commissioner deems necessary and proper. No credit shall be granted,
604 however, against the tax imposed under this article for tax paid in another jurisdiction if the
605 tax paid in such other jurisdiction is used to obtain a credit against any other local sales and
606 use tax levied in the special district or any political subdivision within the special district;
607 and taxes so paid in another jurisdiction shall be credited first against the tax levied under
608 Article 2 of this chapter, if applicable, then against the tax levied under Part 1 of Article
609 3 of this chapter, if applicable, then against the tax levied under Part 2 of Article 3 of this
610 chapter, if applicable, and then against the tax levied under this article.

611 48-8-109.38.

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

618 48-8-109.39.

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

624 48-8-109.40.

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

628 48-8-109.41.

629 The tax authorized by this article shall be in addition to any other local sales and use tax.
630 The imposition of any other local sales and use tax within a county, municipality, or special
631 district shall not affect the authority of a county, municipality, or special district to impose
632 the tax authorized by this article, and the imposition of the tax authorized by this article
633 shall not affect the imposition of any otherwise authorized local sales and use tax within
634 a county, municipality, or special district.

635 48-8-109.42.

636 (a) Any proceeds received by a political subdivision from the tax authorized by this article
637 shall be used by such political subdivision exclusively for tax relief and in conjunction with
638 all limitations provided in the intergovernmental agreement authorizing the tax for such
639 political subdivision.

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

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

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

650 **PART IV**
651 **SECTION 4-1.**

652 This Act shall become effective on January 1, 2025, and shall be applicable to taxable years
653 beginning on or after January 1, 2025; provided, however, that, if a constitutional amendment
654 which becomes effective on such date and which authorizes the General Assembly to provide
655 by general law for a homestead exemption that applies statewide, but that permits political
656 subdivisions to individually opt out of such homestead exemption, has not been ratified, then
657 this Act shall stand automatically repealed on such date.

658 **SECTION 4-2.**
659 All laws and parts of laws in conflict with this Act are repealed.