

House Bill 788 (AS PASSED HOUSE AND SENATE)

By: Representatives Riley of the 50th, Ramsey of the 72nd, Abrams of the 89th, Smyre of the 135th, Williams of the 119th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
2 valorem taxation of property, so as to provide for an ad valorem tax exemption for private
3 interests in property of the Board of Regents of the University System of Georgia that is
4 operated by a private party; to provide that such arrangements shall not constitute special
5 franchises; to provide for a state-wide referendum; to provide for an effective date; to provide
6 for automatic repeal under certain circumstances; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem
11 taxation of property, is amended by adding a new subparagraph in paragraph (1) of
12 subsection (a) of Code Section 48-5-41, relating to property exempt from ad valorem
13 taxation, as follows:

14 "(F) All interests in property on a campus of the Board of Regents of the University
15 System of Georgia primarily used for student housing or parking held by a private party
16 that is contractually obligated to operate such property primarily for the use or benefit
17 of a public college or university shall be considered to be public property within the
18 meaning of this paragraph, provided that such interest of the private party resulted from
19 a competitive procurement."

20 **SECTION 2.**

21 Said chapter is further amended by revising Code Section 48-5-421.1, relating to
22 public-private transportation projects not being designated as special franchises, as follows:

23 "48-5-421.1.

24 Any property which is exempt from ad valorem taxation pursuant to ~~subparagraph~~
25 subparagraphs (a)(1)(E) or (a)(1)(F) of Code Section 48-5-41 shall not constitute a special

26 franchise for purposes of this article and shall not be subject to the provisions of this
27 article."

28 **SECTION 3.**

29 The Secretary of State shall call and conduct a referendum for the approval or disapproval
30 of Section 1 of this Act on the date of and in conjunction with the November, 2014, general
31 election. The Secretary of State shall issue the call and conduct that special election as
32 provided by general law. The Secretary of State shall cause the date and purpose of the
33 referendum to be published in the official organ of each county in the state once at least 60
34 days prior to the date of the referendum and once a week for two weeks immediately
35 preceding the date of the referendum. The ballot shall have written thereon the following:

36 "() YES Shall property owned by the University System of Georgia and utilized by
37 providers of college and university student housing and other facilities

38 () NO continue to be exempt from taxation to keep costs affordable?"

39 All persons desiring to vote for approval of this Act shall vote "Yes" and those persons
40 desiring to vote for disapproval of this Act shall vote "No". If more than one-half of the
41 votes cast on such question are for approval of this Act, then Section 1 of this Act shall
42 become effective on January 1, 2015, and shall apply to all tax years beginning on or after
43 that date; otherwise Section 1 of this Act shall not become effective and shall be
44 automatically repealed on January 1, 2015.

45 **SECTION 4.**

46 This Act shall become effective upon its approval by the Governor or upon its becoming law
47 without such approval; provided, however, that if Section 1 of this Act does not become
48 effective and is automatically repealed pursuant to Section 3 of this Act, Section 2 of this Act
49 shall also not become effective and shall be automatically repealed on January 1, 2015.

50 **SECTION 5.**

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