

House Bill 729 (AS PASSED HOUSE AND SENATE)

By: Representatives Harrell of the 106th, Frye of the 118th, Corbett of the 174th, Bentley of the 139th, and Teasley of the 37th

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 repeal certain provisions relating to state ad valorem tax; to clarify a certain
3 provision regarding the application of the intangible recording tax; to provide for related
4 matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Title 48 of the Official Code of Georgia Annotated, relating revenue and taxation, is
8 amended by repealing Code Section 48-5-8, relating to the manner and time of making the
9 state ad valorem tax levy, as follows:

10 "48-5-8.

11 ~~(a) Subject to the conditions specified in subsection (b) of this Code section, the levy for~~
12 ~~state taxation shall be made by the Governor with the assistance of the commissioner.~~
13 ~~Each year, as soon as the value of the taxable property is substantially known by the~~
14 ~~commissioner, the commissioner shall assist the Governor in making the state levy.~~
15 ~~Immediately after the Governor has made the state levy, the commissioner shall send to~~
16 ~~each tax collector and tax commissioner written or printed notices of the Governor's order.~~

17 ~~(b)(1) For taxable years beginning on or after January 1, 2011, and prior to January 1,~~
18 ~~2012, the levy under subsection (a) of this Code Section shall be 0.25 mills.~~

19 ~~(2) For taxable years beginning on or after January 1, 2012, and prior to January 1, 2013,~~
20 ~~the levy under subsection (a) of this Code Section shall be 0.2 mills.~~

21 ~~(3) For taxable years beginning on or after January 1, 2013, and prior to January 1, 2014,~~
22 ~~the levy under subsection (a) of this Code Section shall be 0.15 mills.~~

23 ~~(4) For taxable years beginning on or after January 1, 2014, and prior to January 1, 2015,~~
24 ~~the levy under subsection (a) of this Code Section shall be 0.1 mills.~~

25 ~~(5) For taxable years beginning on or after January 1, 2015, and prior to January 1, 2016,~~
26 ~~the levy under subsection (a) of this Code Section shall be 0.05 mills.~~

27 ~~(6)(A) For taxable years beginning on or after January 1, 2016, there shall be no levy~~
 28 ~~for state taxation under subsection (a) of this Code section.~~

29 ~~(B) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years~~
 30 ~~shall not be affected by this subsection and shall continue to be governed by the~~
 31 ~~provisions of this Code section as it existed immediately prior to May 12, 2010.~~

32 ~~(C) This subsection shall not abate any prosecution, punishment, penalty,~~
 33 ~~administrative proceedings or remedies, or civil action related to any violation of law~~
 34 ~~committed prior to May 12, 2010.~~

35 ~~(c) Each fiscal authority issuing an ad valorem property tax bill shall place a prominent~~
 36 ~~notice on each taxpayer's ad valorem tax bill in substantially the following form:~~

37 ~~"This gradual reduction and elimination of the state property tax and the reduction in your~~
 38 ~~tax bill this year is the result of property tax relief passed by the Governor and the House~~
 39 ~~of Representatives and the Georgia State Senate." Reserved."~~

40 **SECTION 2.**

41 Said title is further amended by revising subsection (a) of Code Section 48-6-65, relating to
 42 the extension, transfer, assignment, modification, or renewal of certain instruments, as
 43 follows:

44 "(a) No tax other than as provided for in this article shall be required to be paid on any
 45 instrument which is an extension, transfer, assignment, modification, or renewal of, or
 46 which only adds additional security for, any original indebtedness or part of original
 47 indebtedness secured by an instrument subject to the tax imposed by Code Section 48-6-61
 48 when:

49 (1) It affirmatively appears that the tax as provided by this article has been paid on the
 50 original security instrument recorded; provided, however, that the tax required by Code
 51 Section 48-6-61 shall be due on any portion of the instrument which is an additional
 52 advance of indebtedness secured by a previously recorded instrument, without regard to
 53 whether the original security instrument has been assigned; or

54 (2) The original instrument or the holder of the original instrument was exempt from the
 55 tax provided for in Code Section 48-6-61 by virtue of any other law."

56 **SECTION 3.**

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