

PROPOSED
CONSTITUTIONAL AMENDMENTS
AND
STATE-WIDE REFERENDUM QUESTIONS
GENERAL ELECTION
NOVEMBER 7, 2006

Constitutional Amendments 1-3
Summary of Amendments and
State-wide Referendum Questions

This booklet contains copies of the three proposed amendments to the Constitution in their entirety. These amendments will be submitted at the general election on November 7, 2006. As required by the Constitution, these proposed amendments in their entirety are on file in the office of the judge of the probate court in each county and are available for public inspection. This booklet also includes summaries of the three proposals as prepared by Attorney General Thurbert E. Baker, Secretary of State Cathy Cox, and Legislative Counsel Sewell R. Brumby and published in the newspaper which is each county's official legal organ. In addition, a summary of the six state-wide referendum questions prepared by Secretary of State Cathy Cox is included.

CONSTITUTIONAL
AMENDMENTS
1-3

House Resolution No. 1306
Resolution Act No. 445
Ga. L. 2006, p. 1111

A RESOLUTION

Proposing an amendment to the Constitution so as to require that the condemnation of property for redevelopment purposes must be approved by vote of the elected governing authority of the county or city in which the property is located; to restrict the use of eminent domain for redevelopment purposes to the elimination of harm; to provide that the use of eminent domain by counties and municipalities shall be subject to limitation by general law; to prohibit the use of eminent domain by certain nonelected local authorities; to provide for submission of this amendment for ratification or rejection; and for other purposes. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IX, Section II of the Constitution is amended by striking subparagraphs (a) and (b) of Paragraph VII and inserting in lieu thereof the following:

"(a) Each condemnation of privately held property for redevelopment purposes must be approved by vote of the elected governing authority of the city within which the property is located, if any, or otherwise by the governing authority of the county within which the property is located. The power of eminent domain shall not be used for redevelopment purposes by any entity, except for public use, as defined by general law.

(b) The General Assembly is authorized to grant to counties or municipalities for redevelopment purposes and in connection with redevelopment programs, as such purposes

and programs are defined by general law, the power to issue tax allocation bonds, as defined by such law, and the power to incur other obligations, without either such bonds or obligations constituting debt within the meaning of Section V of this article, and the power to enter into contracts for any period not exceeding 30 years with private persons, firms, corporations, and business entities. Notwithstanding the grant of these powers pursuant to general law, no county or municipality may exercise these powers unless so authorized by local law and unless such powers are exercised in conformity with those terms and conditions for such exercise as established by that local law. The provisions of any such local law shall conform to those requirements established by general law regarding such powers. No such local law, or any amendment thereto, shall become effective unless approved in a referendum by a majority of the qualified voters voting thereon in the county or municipality directly affected by that local law."

SECTION 2.

Said Article IX, Section II of the Constitution is further amended by striking Paragraph V and inserting in lieu thereof the following:

"Paragraph V. **Eminent domain.** The governing authority of each county and of each municipality may exercise the power of eminent domain for any public purpose subject to any limitations on the exercise of such power as may be provided by general law. Notwithstanding the provisions of any local amendment to the Constitution continued in effect pursuant to Article XI, Section I, Paragraph IV or any existing general law, each exercise of eminent domain by

a nonelected housing or development authority shall be first approved by the elected governing authority of the county or municipality within which the property is located."

SECTION 3.

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

- "() YES Shall the Constitution of Georgia be amended so as to prohibit the use of eminent domain by certain nonelected authorities and to prohibit the contested use of eminent domain except for public use as defined by general law?"
- () NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

Senate Resolution No. 67
Resolution Act No. 314
Ga. L. 2005, p. 1533

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good; to provide for submission of amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section I of the Constitution is amended by renumbering Paragraph XXVIII as Paragraph XXIX and inserting a new Paragraph XXVIII to read as follows:

"Paragraph XXVIII. **Fishing and hunting.** The tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good."

SECTION 2.

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

- "() YES Shall the Constitution of Georgia be amended so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good?"
- () NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

House Resolution No. 1564
Resolution Act No. 917
Ga. L. 2006, p. 1112

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide for special motor vehicle license plates and dedicate the revenue from such plates for stated purposes, including dedications for the ultimate use of agencies, funds, or nonprofit corporations where it is found that there will be a benefit to the state; to provide for related matters; to provide for submission of this amendment for ratification or rejection; and for other purposes. BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution, relating to appropriations for specific sums, is amended by adding a new subparagraph to read as follows:

"(n) The General Assembly may provide by law for the issuance and renewal of special motor vehicle license plates that motor vehicle owners may optionally purchase and renew for additional fees. The General Assembly may provide for all or a portion of the net revenue, as defined by the General Assembly, derived from the additional fees charged for any such special license plate to be dedicated to an agency, fund, or nonprofit corporation to implement or support programs related to the nature of the special license plate, as intended by the authorizing statute. Any dedication of funds enacted pursuant to the authority of this subparagraph may be in whole or in part for the ultimate use of a nonprofit corporation, without limitation by Article III, Section VI, Paragraph VI, if the General Assembly determines that the license plate program and such appropriation will benefit both the state and the nonprofit corporation. Any law enacted pursuant to the authority of this

subparagraph may provide that funds dedicated pursuant to such law shall not lapse as otherwise required by Article III, Section IX, Paragraph IV(c). Any law enacted pursuant to the authority of this subparagraph shall be required to receive a two thirds' majority vote in both the Senate and the House of Representatives."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution.

The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide for special motor vehicle license plates and dedicate the revenue from such plates for stated purposes, including dedications for the ultimate use of agencies, funds, or nonprofit corporations where it is found that there will be a benefit to the state?"
() NO

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

SUMMARY OF PROPOSED
CONSTITUTIONAL AMENDMENTS
AND
STATE-WIDE REFERENDUM QUESTIONS
ON THE GENERAL ELECTION BALLOT
NOVEMBER 7, 2006

Constitutional Amendments 1-3
and
State-wide Referendum Questions A - F

**SUMMARY OF PROPOSED
CONSTITUTIONAL
AMENDMENTS**

Pursuant to requirements of the Georgia Constitution, Attorney General Thurbert E. Baker, Secretary of State Cathy Cox, and Legislative Counsel Sewell R. Brumby hereby provide the summaries of the proposed constitutional amendments that will appear on the November 7, 2006, general election ballot for consideration by the people of Georgia:

- 1 -

To restrict the use of eminent domain.

House Resolution No. 1306
Resolution Act No. 445
Ga. L. 2006, p. 1111

"() YES Shall the Constitution
() NO of Georgia be amended so as to prohibit the use of eminent domain by certain nonelected authorities and to prohibit the contested use of eminent domain except for public use as defined by general law?"

This proposal provides several limitations with respect to the exercise of the power of eminent domain and the taking of private property for public purposes. The proposal provides that any taking of private property for redevelopment purposes must be

approved by vote of the appropriate elected city or county governing authority. The proposal provides that any taking of private property for redevelopment purposes must be for a public use as defined by general state law. The proposal provides that the exercise of eminent domain by cities and counties can be restricted by general state law and that any exercise of eminent domain by a nonelected housing or development authority must be approved by vote of the appropriate elected city or county governing authority.

A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 2 -

To protect the traditions of fishing and hunting.

Senate Resolution No. 67
Resolution Act No. 314
Ga. L. 2005, p. 1533

"() YES Shall the Constitution
() NO of Georgia be amended so as to provide that the tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good?"

This proposal provides that the

tradition of fishing and hunting and the taking of fish and wildlife shall be preserved for the people and shall be managed by law and regulation for the public good.

A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection.

- 3 -

To authorize the General Assembly to dedicate revenue from special motor vehicle license plates.

House Resolution No. 1564
Resolution Act No. 917
Ga. L. 2006, p. 1112

"() YES Shall the Constitution
() NO of Georgia be amended so as to authorize the General Assembly to provide for special motor vehicle license plates and dedicate the revenue from such plates for stated purposes, including dedications for the ultimate use of agencies, funds, or nonprofit corporations where it is found that there will be a benefit to the state?"

This proposal authorizes the General Assembly to provide for special motor vehicle license plates to be made available for optional purchase. The General Assembly is authorized to dedicate some or all revenue

from the sale of the special plates for programs relating to the subject of the special plate. The dedicated revenue may go to an agency, a fund, or a nonprofit corporation and may be for the ultimate use of a nonprofit corporation if found to benefit both the state and the nonprofit corporation. Such dedicated revenue shall not be paid into or lapse to the general fund of the state treasury. Any law of this type will have to be passed by a two thirds' majority in both the Senate and House of Representatives.

A copy of this entire proposed amendment is on file in the office of the judge of the probate court and is available for public inspection.

**SUMMARY OF
PROPOSED STATE-WIDE
REFERENDUM
QUESTIONS**

Pursuant to Code Section 21-2-4 of the O.C.G.A., the Secretary of State is authorized to include with the summary of proposed constitutional amendments a summary of any state-wide referendum questions to be voted on at the same general election:

- A -

To expand the ad valorem tax exemption for farm equipment.

House Bill No. 203
Act No. 26
Ga. L. 2005, p. 140

"() YES Shall the Act be approved
() NO which expands the ad valorem tax exemption for agricultural products and equipment to include certain additional farm equipment held under a lease purchase agreement?"

This Act expands eligibility for the existing ad valorem tax exemption for farm tractors, combines, and other farm equipment so that the exemption will apply to equipment which is held under a lease purchase agreement.

If approved by a majority of the voters, the Act becomes effective on January 1, 2007, and applies to all tax years beginning on or after that date.

- B -

To expand the ad valorem exemption for veterans organizations to include organizations which refurbish and operate historic military aircraft for educational purposes.

House Bill No. 173
Act No. 524
Ga. L. 2006, p. 235

"() YES Shall the Act be approved
() NO which expands the ad valorem tax exemption for veterans organizations to include certain additional nonprofit veterans organizations which refurbish and operate historic military aircraft for educational purposes?"

This Act expands the existing ad valorem tax exemption for certain veterans organizations to include property which is owned by and used exclusively by any veterans organization which is qualified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which has been organized for the purpose of refurbishing and operating historic military aircraft acquired from the federal government and other sources, making such aircraft airworthy, and putting such aircraft on display to the public for educational purposes.

If approved by a majority of the voters, the Act becomes effective on January 1, 2007, and applies to all tax years beginning on or after that date.

- C -

To expand the ad valorem tax exemption for property of charitable institutions.

House Bill No. 848 §1
Act No. 570
Ga. L. 2006, p. 376

"() YES Shall the Act be approved
() NO which grants an exemption from ad valorem taxation on property owned by a

charitable institution which generates income when that income is used exclusively for the operation of such charitable institution?"

This section of this Act expands the ad valorem tax exemption for property of charitable institutions so that the exemption will apply to real estate or buildings which are owned by a charitable institution that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code and used by such charitable institution for the purpose of securing income so long as such income is used exclusively for the operation of that charitable institution.

If approved by a majority of the voters, this section of the Act becomes effective on January 1, 2007, and applies to all tax years beginning on or after that date.

- D -

To provide a homestead exemption to certain residents who are senior citizens with respect to state ad valorem taxes.

House Bill No. 848 §3
Act No. 570
Ga. L. 2006, p. 376

"() YES Shall the Act be approved
() NO which provides a homestead exemption for senior citizens in an amount equal to the actual levy for state ad valorem tax purposes on the homestead?"

This section of this Act grants an exemption from all state ad valorem property taxes to the homestead of a person who is 65 years of age or over, to include the primary residence and not

more than ten contiguous acres of land. This exemption applies to state ad valorem taxes but not those levied by local governments.

If approved by a majority of the voters, this section of the Act becomes effective on January 1, 2007, and applies to all tax years beginning on or after that date.

- E -

To provide a homestead exemption for the surviving spouse of a peace officer or firefighter killed in the line of duty.

House Bill 81 §2
Act No. 948
Ga. L. 2006, p. 1104

"() YES Shall the Act be approved
() NO which provides a homestead exemption for the full value of the homestead with respect to all ad valorem taxes for the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty?"

This section of this Act provides that the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty shall be entitled to a total exemption of the homestead from all ad valorem taxes.

If approved by a majority of the voters, this section of the Act becomes effective on January 1, 2007, and applies to all tax years beginning on or after that date.

- F -

To provide that a surviving spouse shall be entitled to a continuation of the base year value under a base year assessed value homestead exemption.

"() YES Shall the Act be approved
() NO which provides that,
 with respect to base
 year assessed value
 h o m e s t e a d
 e x e m p t i o n s , the
 surviving spouse of a
 deceased spouse who
 has been granted such a
 homestead exemption
 shall receive that
 exemption at the same
 base year valuation that
 applied to the deceased
 spouse so long as that
 surviving spouse
 continues to occupy the
 home as a residence
 and homestead.

This section of this Act relates to base year assessed value homestead exemptions, also known as homestead freeze exemptions. These are exemptions which increase so long as a person owns a homestead with the effect that the owner does not have an increase in tax liability because of increases in the assessed value of the homestead. This section of the Act provides that when a property owner with an existing base year assessed value homestead exemption dies, his or her surviving spouse who otherwise meets the requirements for the exemption shall be entitled to continue the exemption with the previously established base year amount. The effect is that the surviving spouse will not incur increased tax liability due to increases in assessed value since the exemption was granted to the deceased spouse.