

House Bill 1282

By: Representatives Mueller of the 152<sup>nd</sup>, Day of the 153<sup>rd</sup>, Stephens of the 150<sup>th</sup>, Bordeaux of the 151<sup>st</sup> and Pelote of the 149<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-5-52 of the Official Code of Georgia Annotated, relating to  
2 homestead exemptions from school district ad valorem taxation for educational purposes for  
3 residents who are 62 years of age or older, so as to change the income limitation provisions  
4 of such exemption; to authorize certain disabled persons of any age to receive such  
5 exemption; to specify certain terms, conditions, and procedures relating thereto; to provide  
6 for applicability; to provide for effective dates; to repeal an Act approved April 27, 2001 (Ga.  
7 L. 2001, p. 1092); to provide for a referendum; to provide effective dates; to provide for  
8 applicability; to provide for automatic repeal under certain circumstances; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 48-5-52 of the Official Code of Georgia Annotated, relating to homestead  
13 exemptions from school district ad valorem taxation for educational purposes for residents  
14 who are 62 years of age or older, is amended by striking subsections (a) and (b) and inserting  
15 their place new subsections (a) and (b) to read as follows:

16 "(a) The homestead of each resident of each independent school district and of each county  
17 school district within this state who is 62 years of age or ~~over~~ older or disabled and who,  
18 for the purposes of all tax years beginning on or after January 1, ~~1988~~ 2003, ~~has a gross~~  
19 whose net ~~income from all sources, including the income of all members of the family~~  
20 residing within the together with the net income of the spouse who also occupies and  
21 resides at such homestead, ~~not exceeding \$10,000.00 per annum~~ as net income is defined  
22 by Georgia law from all sources, except as otherwise provided in this subsection, does not  
23 exceed \$15,000.00 for the immediately preceding taxable year for income tax purposes, is  
24 exempted from all ad valorem taxes for educational purposes levied by, for, or on behalf  
25 of any such school system, including taxes to retire school bond indebtedness. For the  
26 purposes of this subsection, net income shall not include income received as retirement,

1 survivor, or disability benefits under the federal Social Security Act or under any other  
 2 public or private retirement, disability, or pension system, except such income which is in  
 3 excess of the maximum amount authorized to be paid to an individual and his or her spouse  
 4 under the federal Social Security Act. Income from such sources in excess of such  
 5 maximum amount shall be included as net income for the purposes of this subsection. The  
 6 exemption shall not exceed \$10,000.00 of the homestead's assessed value. Except as  
 7 otherwise specifically provided by law, the value of that property in excess of such  
 8 exempted amount shall remain subject to taxation.

9 (b)(1)(A) The exemption provided for in subsection (a) of this Code section shall not  
 10 be granted unless an affidavit of the owner of the homestead, prepared upon forms  
 11 prescribed by the commissioner for that purpose, is filed with either the tax receiver or  
 12 tax commissioner, in the case of residents of county school districts, or with the  
 13 governing authority of the owner's city, in the case of residents of independent school  
 14 districts.

15 (B) In order to qualify for the exemption provided for in subsection (a) of this Code  
 16 section as being disabled, the person claiming such exemption shall be required to  
 17 obtain a certificate from not more than three physicians licensed to practice medicine  
 18 under Chapter 34 of Title 43, relative to medical practitioners, as now or hereafter  
 19 amended, certifying that in the opinion of such physician or physicians such person is  
 20 mentally or physically incapacitated to the extent that such person is unable to be  
 21 gainfully employed and that such incapacity is likely to be permanent.

22 (2) The affidavit shall in the first year for which the exemption is sought be filed on or  
 23 before the last day for making a tax return and shall show the:

24 (A) Age of the owner on January 1 immediately preceding the filing of the affidavit;

25 (B) Total amount of income received by the owner from all sources during the  
 26 immediately preceding calendar year;

27 (C) Total amount of income received from all sources by ~~each individual member of~~  
 28 ~~the owner's family~~ the spouse residing within the homestead; and

29 (D) The qualifying incapacity if disabled; and

30 ~~(E)~~(E) Such additional information as may be required by the commissioner.

31 (3) Copies of all affidavits received or extracts of the information contained in the  
 32 affidavits shall be forwarded to the commissioner by the various taxing authorities with  
 33 whom the affidavits are filed. The commissioner is authorized to compare such  
 34 information with information contained in any income tax return, sales tax return, or  
 35 other tax documents or records of the department and to report immediately to the  
 36 appropriate county or city taxing authority any apparent discrepancies between the

1 information contained in any affidavit and the information contained in any other tax  
2 records of the department.

3 (4) After the owner has filed the affidavit and, if the disabled, the certificate, and has  
4 once been allowed the exemption provided for in this Code section, it shall not be  
5 necessary to make application and file the affidavit thereafter for any year and the  
6 exemption shall continue to be allowed to such owner; provided, however, that it shall  
7 be the duty of any such owner to notify the tax commissioner or tax receiver in the event  
8 the owner becomes ineligible for any reason for the exemption provided for in this Code  
9 section."

## 10 SECTION 2.

11 An Act amending Code Section 48-5-2 by changing the income limitation provisions of such  
12 exemption, approved April 27, 2001 (Ga. L. 2001, p. 1092), is repealed in its entirety.

## 13 SECTION 3.

14 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of  
15 State shall call and conduct a referendum as provided in this section for the purpose of  
16 submitting this Act to the electors of the State of Georgia for approval or rejection. The  
17 Secretary of State shall conduct that election on the date of the November, 2002, state-wide  
18 general election. The Secretary of State shall issue the call and conduct that election as  
19 provided by general law. The Secretary of State shall cause the date and purpose of the  
20 election to be published in the official organ of each county in the state once a week for two  
21 weeks immediately preceding the date of the election. The ballot shall have written thereon  
22 the following:

23 "( ) YES Shall the Act be approved which changes the state-wide \$10,000.00  
24 homestead exemption from all school district ad valorem taxation for  
25 ( ) NO educational purposes for persons 62 years of age or older by changing the  
26 \$10,000.00 gross household income limitation to a \$15,000.00 net income,  
27 excluding certain retirement income, of the applicant and spouse thereof  
28 and which extends such exemption to qualified disabled persons of any  
29 age?"

30 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
31 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
32 cast on such question are for approval of the Act, then Section 1 of this Act shall become  
33 effective on January 1, 2003, and shall be applicable to all taxable years beginning on or after  
34 that date. If the Act is not so approved or if the election is not conducted as provided in this

1 section, Section 1 of this Act shall not become effective and this Act shall be automatically  
2 repealed on the first day of January immediately following that election date.

3 **SECTION 4.**

4 Except as otherwise provided in Section 3 of this Act, this Act shall become effective upon  
5 its approval by the Governor or upon its becoming law without such approval.

6 **SECTION 5.**

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