

House Bill 161

By: Representatives Day of the 126<sup>th</sup>, Stephens of the 123<sup>rd</sup> and Roberts of the 131<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia  
2 Annotated, relating to tax exemptions, so as to provide a homestead exemption to certain  
3 residents with respect to state ad valorem taxes; to provide qualifications; to provide  
4 procedures for obtaining such exemption; to provide for the taxes to which such homestead  
5 exemption is applicable; to provide for a referendum; to provide for effective dates; to  
6 provide for applicability; to provide for automatic repeal under certain circumstances; to  
7 repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
11 relating to tax exemptions, is amended by adding between Code Sections 48-5-48.2 and  
12 48-5-49 a new Code Section 48-5-48.3 to read as follows:

13 "48-5-48.3.

14 (a) Any person who is a resident of Georgia is granted upon application an exemption on  
15 his or her homestead which such person owns and actually occupies as a residence and  
16 homestead in an amount equal to the actual levy for state ad valorem taxation made  
17 pursuant to Code Section 48-5-8 with respect to that homestead, such exemption being  
18 from all ad valorem taxation for state purposes. The value of all property in excess of the  
19 exempted amount cited above shall remain subject taxation.

20 (b) The exemption shall be claimed and returned in the same manner as otherwise required  
21 under Code Section 48-5-50.1. Each person shall file for the exemption only once in the  
22 county of his or her residence. Once filed, the exemption shall automatically be renewed  
23 from year to year.

24 (c) The exemption granted by this Code section shall not apply to or affect county taxes,  
25 municipal taxes, or school district taxes.

1 (d) The exemption granted by this Code section shall be in addition to and not in lieu of  
2 any other homestead exemption from state taxes."

3 **SECTION 2.**

4 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of  
5 State shall call and conduct a referendum as provided in this section for the purpose of  
6 submitting this Act to the electors of the State of Georgia for approval or rejection. The  
7 Secretary of State shall conduct that election on the date of and in conjunction with the  
8 November, 2004, state-wide general election. The Secretary of State shall cause the date and  
9 purpose of the election to be published once a week for two weeks immediately preceding  
10 the date thereof in the official organ of each county in the state. The ballot shall have written  
11 or printed thereon the words:

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

15 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons  
16 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes  
17 cast on such question are for approval of the Act, then Section 1 of this Act shall become  
18 effective on January 1, 2005, and shall be applicable to all taxable years beginning on or after  
19 that date. If Section 1 of this Act is not so approved or if the election is not conducted as  
20 provided in this section, Section 1 of this Act shall not become effective and this Act shall  
21 be automatically repealed on the first day of January immediately following that election  
22 date.

23 **SECTION 3.**

24 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
25 its approval by the Governor or upon its becoming law without such approval.

26 **SECTION 4.**

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