

House Bill 1731 (AS PASSED HOUSE AND SENATE)

By: Representatives Bordeaux of the 125th, Stephens of the 123rd, Jackson of the 124th, Post 1, Stephens of the 124th, Post 2, Day of the 126th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act providing for a base year assessed value homestead exemption from
2 Chatham County and City of Savannah School District ad valorem taxes for educational
3 purposes, approved April 12, 1999 (Ga. L. 1999, p. 4215), as amended, so as to allow an
4 unremarried surviving spouse to reapply for such exemption and receive the base year
5 assessed value of the deceased spouse; to allow such exemption to continue to be received
6 by that unremarried surviving spouse; to provide for applicability; to provide for a
7 referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 An Act providing for a base year assessed value homestead exemption from Chatham County
12 and City of Savannah School District ad valorem taxes for educational purposes, approved
13 April 12, 1999 (Ga. L. 1999, p. 4215), as amended, is amended in Section 1 by adding a new
14 subsection immediately following subsection (b), to be designated subsection (b.1), to read
15 as follows:

16 "(b.1)(1) In the case of an unremarried surviving spouse of a deceased spouse who had
17 been granted the exemption provided for in subsection (b) of this section, if such
18 unremarried surviving spouse applies for and is granted such exemption in the 2005
19 taxable year, notwithstanding any other provision of this Act to the contrary, the base
20 year for that unremarried surviving spouse shall be the same as the base year of the
21 deceased spouse, so long as that unremarried surviving spouse continues to occupy the
22 home as a residence and homestead.

23 (2) In all other cases, the unremarried surviving spouse of the deceased spouse who has
24 been granted the exemption provided for in subsection (b) of this section shall continue
25 to receive the exemption provided under subsection (b) of this section, so long as that

1 unremarried surviving spouse continues to occupy the home as a residence and
2 homestead."

3 **SECTION 2.**

4 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
5 superintendent of Chatham County shall call and conduct an election as provided in this
6 section for the purpose of submitting this Act to the electors of the Chatham County and City
7 of Savannah School District for approval or rejection. The election superintendent shall
8 conduct that election on the date of the November, 2004, general election and shall issue the
9 call and conduct that election as provided by general law. The superintendent shall cause the
10 date and purpose of the election to be published once a week for two weeks immediately
11 preceding the date thereof in the official organ of Chatham County. The ballot shall have
12 written or printed thereon the words:

13 "() YES Shall the Act be approved which allows the base year assessed value
14 homestead exemption from Chatham County and City of Savannah School
15 () NO District ad valorem taxes for educational purposes to be granted to an
16 unremarried surviving spouse who reapplies for such exemption at the same
17 level as received by the deceased spouse and which allows such exemption
18 to continue to be received by that unremarried surviving spouse?"

19 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
20 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
21 cast on such question are for approval of the Act, Section 1 shall become of full force and
22 effect on January 1, 2005, and shall be applicable to all taxable years beginning on or after
23 January 1, 2005. If the Act is not so approved or if the election is not conducted as provided
24 in this section, Section 1 of this Act shall not become effective and this Act shall be
25 automatically repealed on the first day of January immediately following that election date.
26 The expense of such election shall be borne by Chatham County. It shall be the election
27 superintendent's duty to certify the result thereof to the Secretary of State.

28 **SECTION 3.**

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

31 **SECTION 4.**

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