

House Bill 1146 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 134th

A BILL TO BE ENTITLED
AN ACT

1 To provide a homestead exemption from Clay County school district ad valorem taxes for
2 educational purposes for certain residents of that school district who are senior citizens; to
3 provide for definitions; to specify the terms and conditions of the exemption and the
4 procedures relating thereto; to provide for applicability; to provide for a referendum,
5 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 (a) As used in this Act, the term:

9 (1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for
10 educational purposes levied by, for, or on behalf of the Clay County school district,
11 including, but not limited to, ad valorem taxes to pay interest on and to retire county
12 school district bonded indebtedness.

13 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
14 the O.C.G.A., as amended, with the additional qualification that it shall include only the
15 primary residence and not more than five contiguous acres of land immediately
16 surrounding such residence.

17 (3) "Senior citizen" means a person who is 66 years of age or over on or before January
18 1 of the year in which application for the exemption under this Act is made.

19 (b) Each resident of the Clay County school district who is a senior citizen is granted an
20 exemption on that person's homestead from all Clay County school district ad valorem taxes
21 for educational purposes in the amount of the full value of that homestead.

22 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
23 section unless the person or person's agent files an application with the tax commissioner of
24 Clay County giving the person's age and such additional information relative to receiving
25 such exemption as will enable the tax commissioner to make a determination regarding the

1 initial and continuing eligibility of such owner for such exemption. The tax commissioner
2 shall provide application forms for this purpose.

3 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
4 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
5 as long as the owner occupies the residence as a homestead. After a person has filed the
6 proper application as provided in subsection (c) of this section, it shall not be necessary to
7 make application thereafter for any year, and the exemption shall continue to be allowed to
8 such person. It shall be the duty of any person granted the homestead exemption under this
9 Act to notify the tax commissioner of Clay County in the event that person for any reason
10 becomes ineligible for that exemption.

11 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
12 state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem
13 taxes for municipal purposes, or independent school district ad valorem taxes for educational
14 purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu
15 of and not in addition to any other homestead exemption applicable to Clay County school
16 district ad valorem taxes for educational purposes.

17 (f) The exemption granted by this Act shall apply to all taxable years beginning on or after
18 January 1, 2005.

19 **SECTION 2.**

20 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
21 superintendent of Clay County shall call and conduct an election as provided in this section
22 for the purpose of submitting this Act to the electors of the Clay County school district for
23 approval or rejection. The election superintendent shall conduct that election on the date of
24 the general election in November, 2004, and shall issue the call and conduct that election as
25 provided by general law. The superintendent shall cause the date and purpose of the election
26 to be published once a week for two weeks immediately preceding the date thereof in the
27 official organ of Clay County. The ballot shall have written or printed thereon the words:

28 "() YES Shall the Act be approved which provides a homestead exemption from
29 Clay County school district ad valorem taxes for educational purposes for
30 () NO the full value of the homestead for residents of that school district who are
31 66 years of age or over?"

32 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
33 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
34 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
35 force and effect on January 1, 2005. If the Act is not so approved or if the election is not
36 conducted as provided in this section, Section 1 of this Act shall not become effective and

1 this Act shall be automatically repealed on the first day of January immediately following
2 that election date. The expense of such election shall be borne by Clay County. It shall be
3 the election superintendent's duty to certify the result thereof to the Secretary of State.

4 **SECTION 3.**

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

7 **SECTION 4.**

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