

Senate Bill 40

By: Senator Johnson of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from City of Pembroke ad valorem taxes for
2 municipal purposes in an amount equal to the amount by which the current year assessed
3 value of a homestead exceeds the adjusted base year assessed value of such homestead; to
4 provide for definitions; to specify the terms and conditions of the exemption and the
5 procedures relating thereto; to provide for a referendum, effective dates, and automatic
6 repeal; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

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

10 (1) "Ad valorem taxes for municipal purposes" means all municipal ad valorem taxes for
11 municipal purposes levied by, for, or on behalf of the City of Pembroke, including, but
12 not limited to, ad valorem taxes to pay interest on and to retire municipal bonded
13 indebtedness.

14 (2) "Base year" means the taxable year immediately preceding the taxable year in which
15 the exemption under this Act is first granted to the most recent owner of such homestead;
16 provided, however, that in the event a reassessment of the homestead causes the actual
17 assessed value of that homestead to be increased, the governing authority of the City of
18 Pembroke, or the designee thereof, shall adjust the base year assessed value by the lesser
19 of 3 percent; the percentage change in the Consumer Price Index as reported by the
20 United States Department of Labor Bureau of Labor Statistics; or the actual percentage
21 increase in the actual assessed value.

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

1 (b)(1) Each resident of the City of Pembroke is granted an exemption on that person's
2 homestead from City of Pembroke ad valorem taxes for municipal purposes in an amount
3 equal to the amount by which the current year assessed value of that homestead exceeds
4 the adjusted base year assessed value of that homestead. This exemption shall not apply
5 to taxes assessed on improvements to the homestead or additional land that is added to
6 the homestead after January 1 of the base year. If any real property is removed from the
7 homestead, the base year assessed value shall be recalculated accordingly. The value of
8 that property in excess of such exempted amount shall remain subject to taxation.

9 (2) In all other cases, the unremarried surviving spouse of the deceased spouse who has
10 been granted the exemption provided for in paragraph (1) of this subsection shall
11 continue to receive the exemption provided under paragraph (1) of this subsection, so
12 long as that unremarried surviving spouse continues to occupy the home as a residence
13 and homestead.

14 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
15 section unless the person or person's agent files an application with the governing authority
16 of the City of Pembroke, or the designee thereof, giving such information relative to
17 receiving such exemption as will enable the governing authority of the City of Pembroke, or
18 the designee thereof, to make a determination regarding the initial and continuing eligibility
19 of such owner for such exemption. The governing authority of the City of Pembroke, or the
20 designee thereof, shall provide application forms for this purpose.

21 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
22 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
23 as long as the owner occupies the residence as a homestead. After a person has filed the
24 proper application as provided in subsection (c) of this section, it shall not be necessary to
25 make application thereafter for any year and the exemption shall continue to be allowed to
26 such person. It shall be the duty of any person granted the homestead exemption under
27 subsection (b) of this section to notify the governing authority of the City of Pembroke, or
28 the designee thereof, in the event that person for any reason becomes ineligible for that
29 exemption.

30 (e) The exemption granted by subsection (b) of this section shall not apply to or affect state
31 ad valorem taxes, county ad valorem taxes for county purposes, or county or independent
32 school district ad valorem taxes for educational purposes. The homestead exemption granted
33 by subsection (b) of this section shall be in addition to and not in lieu of any other homestead
34 exemption applicable to municipal ad valorem taxes for municipal purposes.

35 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
36 beginning on or after January 1, 2007.

SECTION 2.

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2 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
3 election superintendent of the City of Pembroke shall call and conduct an election as
4 provided in this section for the purpose of submitting this Act to the electors of the City of
5 Pembroke for approval or rejection. The municipal election superintendent shall conduct that
6 election on the date of the November, 2006, state-wide general election, and shall issue the
7 call and conduct that election as provided by general law. The municipal superintendent
8 shall cause the date and purpose of the election to be published once a week for two weeks
9 immediately preceding the date thereof in the official organ of Bryan County. The ballot
10 shall have written or printed thereon the words:

11 "() YES Shall the Act be approved which provides a homestead exemption from City
12 of Pembroke ad valorem taxes for municipal purposes in an amount equal
13 () NO to the amount by which the current year assessed value of a homestead
14 exceeds the adjusted base year assessed value of such 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, Section 1 of this Act shall become of full
18 force and effect on January 1, 2007. If the Act is not so approved or if the election is not
19 conducted as provided in this section, Section 1 of this Act shall not become effective and
20 this Act shall be automatically repealed on the first day of January immediately following
21 that election date. The expense of such election shall be borne by the City of Pembroke. It
22 shall be the municipal election superintendent's duty to certify the result thereof to the
23 Secretary of State.

SECTION 3.

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

SECTION 4.

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