

House Bill 1524 (AS PASSED HOUSE AND SENATE)

By: Representative Jamieson of the 28th

A BILL TO BE ENTITLED
AN ACT

1 To provide a homestead exemption from Banks County school district ad valorem taxes for
2 educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for
3 residents of that school district who are 62 years of age or over and whose income, excluding
4 certain retirement income, does not exceed \$10,000.00; to provide for definitions; to specify
5 the terms and conditions of the exemption and the procedures relating thereto; to provide for
6 applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

15 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
16 the O.C.G.A., as amended.

17 (3) "Income" means Georgia taxable net income determined pursuant to Chapter 7 of
18 Title 48 of the O.C.G.A., as amended, for state income tax purposes, except income shall
19 not include income received as retirement, survivor, or disability benefits under the
20 federal Social Security Act or under any other public or private retirement, disability, or
21 pension system, except such income which is in excess of the maximum amount
22 authorized to be paid to an individual and such individual's spouse under the federal
23 Social Security Act. Income from such sources in excess of such maximum amount shall
24 be included as income for the purposes of this Act.

25 (4) "Senior citizen" means a person who is 62 years of age or over on or before January
26 1 of the year in which application for the exemption under this Act is made.

1 (b) Each resident of the Banks County school district who is a senior citizen is granted an
2 exemption on that person's homestead from all Banks County school district ad valorem
3 taxes for educational purposes in the amount of \$20,000.00 of the assessed value of that
4 homestead. The exemption under this subsection shall only be granted if that person's
5 income, together with the income of the spouse who also occupies and resides at such
6 homestead does not exceed \$10,000.00 for the immediately preceding year. The value of
7 that property in excess of such exempted amount shall remain subject to taxation.

8 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
9 section unless the person or person's agent files an application with the tax commissioner of
10 Banks County giving the person's age and such additional information relative to receiving
11 such exemption as will enable the tax commissioner to make a determination regarding the
12 initial and continuing eligibility of such owner for such exemption. The tax commissioner
13 shall provide application forms for this purpose.

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

22 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
23 state ad valorem taxes, county ad valorem taxes for county purposes, municipal ad valorem
24 taxes for municipal purposes, or independent school district ad valorem taxes for educational
25 purposes. The homestead exemption granted by subsection (b) of this section shall be in lieu
26 of and not in addition to any other homestead exemption applicable to Banks County school
27 district ad valorem taxes for educational purposes.

28 (f) The exemption granted by this Act shall apply to all taxable years beginning on or after
29 January 1, 2007.

30 **SECTION 2.**

31 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
32 superintendent of Banks County shall call and conduct an election as provided in this section
33 for the purpose of submitting this Act to the electors of the Banks County school district for
34 approval or rejection. The election superintendent shall conduct that election on the date of
35 the November, 2006, state-wide general election and shall issue the call and conduct that
36 election as provided by general law. The election superintendent shall cause the date and

1 purpose of the election to be published once a week for two weeks immediately preceding
 2 the date thereof in the official organ of Banks County. The ballot shall have written or
 3 printed thereon the words:

4 " YES Shall the Act be approved which provides a homestead exemption from
 5 Banks County school district ad valorem taxes for educational purposes in
 6 NO the amount of \$20,000.00 of the assessed value of the homestead for
 7 residents of that school district who are 62 years of age or over and whose
 8 income, not including certain retirement income, does not exceed
 9 \$10,000.00?"

10 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 11 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 12 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 13 effect on January 1, 2007. If the Act is not so approved or if the election is not conducted
 14 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
 15 be automatically repealed on the first day of January immediately following that election
 16 date. The expense of such election shall be borne by Banks County. It shall be the election
 17 superintendent's duty to certify the result thereof to the Secretary of State.

18 **SECTION 3.**

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

21 **SECTION 4.**

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