

House Bill 1527 (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 ad valorem taxes for county purposes
2 in the amount of \$5,000.00 of the assessed value of the homestead for residents of that
3 county who are 62 years of age or over and whose income, excluding certain retirement
4 income, does not exceed \$10,000.00; to provide for definitions; to specify the terms and
5 conditions of the exemption and the procedures relating thereto; to provide for applicability;
6 to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws;
7 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 county purposes" means all ad valorem taxes for county
12 purposes levied by, for, or on behalf of Banks County, including, but not limited to, ad
13 valorem taxes to pay interest on and to retire county bonded indebtedness.

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

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

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

1 (b) Each resident of Banks County who is a senior citizen is granted an exemption on that
2 person's homestead from all Banks County ad valorem taxes for county purposes in the
3 amount of \$5,000.00 of the assessed value of that homestead. The exemption under this
4 subsection shall only be granted if that person's income, together with the income of the
5 spouse who also occupies and resides at such homestead does not exceed \$10,000.00 for the
6 immediately preceding year. The value of that property in excess of such exempted amount
7 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, income, and such additional information relative to
11 receiving such exemption as will enable the tax commissioner to make a determination
12 regarding the initial and continuing eligibility of such owner for such exemption. The tax
13 commissioner 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
20 subsection (b) of this section to notify the tax commissioner of Banks County in the event
21 that person for any reason 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 or independent school district ad valorem taxes for educational
24 purposes, or municipal ad valorem taxes for municipal purposes. The homestead exemption
25 granted by this Act shall be in lieu of and not in addition to any other homestead exemption
26 applicable to Banks County ad valorem taxes for county purposes.

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

29 **SECTION 2.**

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

1 thereof in the official organ of Banks County. The ballot shall have written or printed
2 thereon the words:

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

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

16 **SECTION 3.**

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

19 **SECTION 4.**

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