

House Bill 1531 (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 Stephens County school district ad valorem taxes
2 for educational purposes for residents of that school district who are unremarried surviving
3 spouses of United States service members killed in action to be received on a current or
4 subsequent homestead; to provide for definitions; to specify the terms and conditions of the
5 exemption and the procedures relating thereto; to provide for applicability; to provide for a
6 referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other
7 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 Stephens 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) "Unremarried surviving spouse" of a member of the armed forces includes the
18 unmarried widow or widower of a member of the armed forces who is receiving spousal
19 benefits from the United States Department of Veterans Affairs.

20 (b) Any person who is a resident of Stephens County and who is an unremarried surviving
21 spouse of a member of the armed forces of the United States, which member has been killed
22 in or has died as a result of any war or armed conflict in which the armed forces of the United
23 States engaged, whether under United States command or otherwise, shall be granted a
24 homestead exemption from all Stephens County ad valorem taxation for educational
25 purposes in the amount of the greater of \$32,500.00 or the maximum amount which may be
26 granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as

1 amended. As of January 1, 2006, the maximum amount which may be granted to a disabled
2 veteran under Section 2102 of Title 38 of the United States Code, as amended, is \$50,000.00.
3 The exemption shall be on the homestead which the unremarried surviving spouse owns and
4 actually occupies as a residence and homestead at the time such United States service
5 member was killed in action or any subsequent homestead which such unremarried surviving
6 spouse actually occupies as a residence and homestead. In the event such surviving spouse
7 remarries, such person shall cease to be qualified to continue the exemption under this Act
8 effective December 31 of the taxable year in which such person remarries. The value of all
9 property in excess of such exemption granted to such unremarried surviving spouse shall
10 remain subject to taxation.

11 (c) In order to qualify for the exemption provided for in this Act, the unremarried surviving
12 spouse shall furnish to the tax commissioner of Stephens County documents from the
13 Secretary of Defense evidencing that such unremarried surviving spouse receives spousal
14 benefits as a result of the death of such person's spouse who as a member of the armed forces
15 of the United States was killed or died as a result of a war or armed conflict while on active
16 duty or while performing authorized travel to or from active duty during such war or armed
17 conflict in which the armed forces of the United States engaged, whether under United States
18 command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter
19 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal
20 law which provides survivor benefits for spouses of members of the armed forces who were
21 killed or who died as a result of any war or armed conflict.

22 (d) An unremarried surviving spouse filing for the exemption under this Act shall be
23 required to file with the tax commissioner of Stephens County information relative to marital
24 status and other such information which the Stephens County board of tax assessors deems
25 necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall
26 file for the exemption only once with the tax commissioner. Once filed, the exemption shall
27 automatically be renewed from year to year, except that the county board of tax assessors
28 may require annually that the holder of an exemption substantiate his or her continuing
29 eligibility for the exemption. It shall be the duty of any person granted the homestead
30 exemption under this Act to notify the tax commissioner in the event that person for any
31 reason becomes ineligible for such exemption.

32 (e) The exemption granted by this Act shall be in lieu of and not in addition to any other
33 exemption from ad valorem taxation for educational purposes which is equal to or lower in
34 amount than such exemption granted by this Act. If the amount of any other exemption from
35 ad valorem taxation for county purposes applicable to any resident qualifying under this Act
36 is greater than or is increased to an amount greater than the amount of the applicable

1 exemption granted by this Act, such other exemption shall apply and shall be in lieu of and
 2 not in addition to the exemption granted by this Act.

3 (f) The exemptions granted by this Act shall apply to all tax years beginning on or after
 4 January 1, 2007.

5 **SECTION 2.**

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

15 " YES Shall the Act be approved which provides a homestead exemption from
 16 Stephens County school district ad valorem taxes for educational purposes
 17 NO for residents of that school district who are unremarried surviving spouses
 18 of United States service members killed in action to be received on a current
 19 or subsequent homestead?"

20 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 21 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 22 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 23 effect on January 1, 2007. If the Act is not so approved or if the election is not conducted
 24 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
 25 be automatically repealed on the first day of January immediately following that election
 26 date. The expense of such election shall be borne by Stephens County. It shall be the
 27 election 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.