

House Bill 502 (AS PASSED HOUSE AND SENATE)

By: Representative Jenkins of the 8th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from Towns County School District ad valorem taxes
2 for educational purposes in an amount equal to the amount by which the current year
3 assessed value of a homestead exceeds the adjusted base year assessed value of such
4 homestead; to provide for definitions; to specify the terms and conditions of the exemption
5 and the procedures relating thereto; to allow such exemption to continue to be received by
6 an unremarried surviving spouse or the child, children, grandchild, or grandchildren of the
7 deceased spouse; to provide for applicability; to provide for a referendum, effective dates,
8 and automatic repeal; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

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

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

16 (2) "Base year" means the taxable year immediately preceding the taxable year in which
17 the exemption under this Act is first granted to the most recent owner of such homestead;
18 provided, however, that in the event a reassessment of the homestead causes the actual
19 assessed value of that homestead to be increased, the tax commissioner shall adjust the
20 base year assessed value by the lesser of 3 percent or the actual percentage increase in the
21 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.

24 (b)(1) Each resident of the Towns County School District is granted an exemption on
25 that person's homestead from Towns County School District ad valorem taxes for
26 educational purposes in an amount equal to the amount by which the current year

1 assessed value of that homestead exceeds the adjusted base year assessed value of the
2 homestead. This exemption shall not apply to taxes assessed on improvements to the
3 homestead or additional land that is added to the homestead after January 1 of the base
4 year. If any real property is added to or removed from the homestead, the base year
5 assessed value shall be adjusted to reflect such addition or removal and the exemption
6 shall be recalculated accordingly. The value of that property in excess of such exempted
7 amount shall remain subject to taxation.

8 (2) The unremarried surviving spouse or the child, children, grandchild, or grandchildren
9 of the deceased spouse who has been granted the exemption provided for in paragraph
10 (1) of this subsection shall continue to receive the exemption provided under paragraph
11 (1) of this subsection so long as that unremarried surviving spouse or child, children,
12 grandchild, or grandchildren of the deceased spouse continue to occupy the home as a
13 residence 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 tax commissioner of
16 Towns County giving such information relative to receiving such exemption as will enable
17 the tax commissioner to make a determination regarding the initial and continuing eligibility
18 of such owner for such exemption. The tax commissioner of Towns County shall provide
19 application forms for this purpose.

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

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

34 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
35 beginning on or after January 1, 2008.

SECTION 2.

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 2 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 3 superintendent of Towns County shall call and conduct an election as provided in this section
 4 for the purpose of submitting this Act to the electors of the Towns County School District
 5 for approval or rejection. The election superintendent shall conduct that election on the
 6 Tuesday after the first Monday in November, 2007, and shall issue the call and conduct that
 7 election as provided by general law. The election superintendent shall cause the date and
 8 purpose of the election to be published once a week for two weeks immediately preceding
 9 the date thereof in the official organ of Towns County. The ballot shall have written or
 10 printed thereon the words:

11 " YES Shall the Act be approved which provides a homestead exemption from
 12 Towns County School District ad valorem taxes for educational purposes
 13 NO in an amount equal to the amount by which the current year assessed value
 14 of a homestead exceeds the adjusted base year assessed value of such
 15 homestead?"

16 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 17 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 18 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 19 effect on January 1, 2008. If the Act is not so approved or if the election is not conducted
 20 as provided in this section, Section 1 of this Act shall not become effective and this Act shall
 21 be automatically repealed on the first day of January immediately following that election
 22 date. The expense of such election shall be borne by Towns County. It shall be the election
 23 superintendent's duty to certify the result thereof to the 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.