

House Bill 768 (AS PASSED HOUSE AND SENATE)

By: Representatives Williams of the 165th, Barnard of the 166th, and Stephens of the 164th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act entitled "An Act to provide a homestead exemption from Liberty County
2 School District ad valorem taxes for educational purposes in an amount equal to the amount
3 by which the current year assessed value of a homestead exceeds the adjusted base year
4 assessed value of such homestead," approved May 17, 2004 (Ga. L. 2004, p. 3821), so as to
5 define a certain term so that such exemption shall extend to repairs or improvements to the
6 homestead not exceeding 5 percent; to provide for a referendum, effective dates,
7 applicability, and automatic repeal; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act entitled "An Act to provide a homestead exemption from Liberty County School
11 District ad valorem taxes for educational purposes in an amount equal to the amount by
12 which the current year assessed value of a homestead exceeds the adjusted base year assessed
13 value of such homestead," approved May 17, 2004 (Ga. L. 2004, p. 3821), is amended by
14 revising subsection (a) as follows:

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

16 (1) 'Ad valorem taxes for educational purposes' means all ad valorem taxes for
17 educational purposes levied by, for, or on behalf of the Liberty County School District,
18 including, but not limited to, any ad valorem taxes to pay interest on and to retire school
19 district bonded indebtedness.

20 (2) 'Base year' means the taxable year immediately preceding the taxable year in which
21 the exemption under this Act is first granted to the most recent owner of such homestead;
22 provided, however, that the tax commissioner shall adjust the base year assessed value
23 annually by the lesser of 3 percent or the percentage change in the Consumer Price Index
24 for all urban consumers, U. S. City Average, all items 1967-100, or successor report as
25 reported by the United States Department of Labor Bureau of Labor Statistics.

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

5 (4) 'Improvement' means repairs or improvements or both during any 12 month period
 6 which combined exceed 5 percent of the adjusted base year assessed value of the
 7 homestead."

8 SECTION 2.

9 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
 10 superintendent of Liberty County shall call and conduct an election as provided in this
 11 section for the purpose of submitting this Act to the electors of Liberty County for approval
 12 or rejection. The election superintendent shall conduct that election on the Tuesday next
 13 following the first Monday in November, 2007, and shall issue the call and conduct that
 14 election as provided by general law. The election superintendent shall cause the date and
 15 purpose of the election to be published once a week for two weeks immediately preceding
 16 the date thereof in the official organ of Liberty County. The ballot shall have written or
 17 printed thereon the words:

18 "() YES Shall the Act be approved which provides that the homestead exemption
 19 from Liberty County School District ad valorem taxes for educational
 20 () NO purposes in an amount equal to the amount by which the current year
 21 assessed value of a homestead exceeds the adjusted base year assessed value
 22 of such homestead shall extend to improvements up to 5 percent of the
 23 value of the homestead?"

24 All those persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 25 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 26 cast on such question are for approval of the Act, Section 1 of this Act shall become of full
 27 force and effect on January 1, 2008 and shall apply to the 2008 and subsequent tax years.
 28 If the Act is not so approved or if the election is not conducted as provided in this section,
 29 Section 1 of this Act shall not become effective and this Act shall be automatically repealed
 30 on the first day of January immediately following that election date. The expense of such
 31 election shall be borne by Liberty County. It shall be the election superintendent's duty to
 32 certify the result thereof to the Secretary of State.

33 SECTION 3.

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

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SECTION 4.

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