

House Bill 1049

By: Representatives Day of the 163<sup>rd</sup>, Stephens of the 164<sup>th</sup>, and Hugley of the 133<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia  
2 Annotated, relating to tax exemptions, so as to allow the state-wide homestead exemption  
3 for disabled veterans to be received by unremarried surviving spouses on a subsequent  
4 homestead; to provide for applicability; to provide for a referendum; to provide for automatic  
5 repeal under certain circumstances; to provide for effective dates; to repeal conflicting laws;  
6 and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
10 relating to tax exemptions, is amended by revising Code Section 48-5-48, relating to the  
11 state-wide homestead exemption for disabled veterans, as follows:

12 "48-5-48.

13 (a) As used in this Code section, the term 'disabled veteran' means:

14 (1) A wartime veteran who was discharged under honorable conditions and who has been  
15 adjudicated by the Department of Veterans Affairs of the United States as being totally  
16 and permanently disabled and entitled to receive service connected benefits so long as he  
17 or she is 100 percent disabled and receiving or entitled to receive benefits for a 100  
18 percent service connected disability;

19 (2) An American veteran of any war or armed conflict in which any branch of the armed  
20 forces of the United States engaged, whether under United States command or otherwise,  
21 ~~and that he or she~~ who is disabled due to the loss or loss of use of both lower extremities  
22 such as to preclude locomotion without the aid of braces, crutches, canes, or a  
23 wheelchair; due to blindness in both eyes, having only light perception, together with the  
24 loss or loss of use of one lower extremity; or due to the loss or loss of use of one lower  
25 extremity together with residuals of organic disease or injury which so affect the

1 functions of balance or propulsion as to preclude locomotion without resort to a  
2 wheelchair;

3 (3) Any disabled veteran who is not entitled to receive benefits from the Department of  
4 Veterans Affairs but who qualifies otherwise, as provided for by Article VII, Section I,  
5 Paragraph IV of the Constitution of Georgia of 1976;

6 (4) An American veteran of any war or armed conflict who is disabled due to loss or loss  
7 of use of one lower extremity together with the loss or loss of use of one upper extremity  
8 which so affects the functions of balance or propulsion as to preclude locomotion without  
9 the aid of braces, crutches, canes, or a wheelchair; or

10 (5) A veteran becoming eligible for assistance in acquiring housing under Section 2101  
11 of Title 38 of the United States Code as hereafter amended on or after July 1, 1999.

12 (b) Any disabled veteran ~~as defined in any paragraph of subsection (a) of this Code section~~  
13 who is a citizen and resident of Georgia is shall be granted an exemption of the greater of  
14 \$32,500.00 or the maximum amount which may be granted to a disabled veteran under  
15 Section 2102 of Title 38 of the United States Code, as amended, on his or her homestead  
16 which such veteran owns and ~~actually~~ occupies as a residence and homestead, such  
17 exemption being from all ad valorem taxation for state, county, municipal, and school  
18 purposes. As of January 1, ~~2004~~ 2008, the maximum amount which may be granted to a  
19 disabled veteran under ~~the above-stated federal law~~ Section 2102 of Title 38 of the United  
20 States Code, as amended, is \$50,000.00. The value of all property in excess of ~~the such~~  
21 exempted amount ~~cited above~~ shall remain subject to taxation. The unremarried surviving  
22 spouse or minor children of any such disabled veteran ~~as defined in this Code section~~ shall  
23 also be entitled to an exemption of the greater of \$32,500.00 or the maximum amount  
24 which may be granted to a disabled veteran under Section 2102 of Title 38 of the United  
25 States Code, as amended, on ~~the such~~ homestead, or any subsequent homestead, so long  
26 as the unremarried surviving spouse or minor children continue ~~actually~~ to occupy the  
27 home as a residence and homestead, such exemption being from all ad valorem taxation  
28 for state, county, municipal, and school purposes. As of January 1, ~~2004~~ 2008, the  
29 maximum amount which may be granted to the unremarried surviving spouse or minor  
30 children of any such disabled veteran under ~~the above-stated federal law~~ Section 2102 of  
31 Title 38 of the United States Code, as amended, is \$50,000.00. The value of all property  
32 in excess of such exemption granted to such unremarried surviving spouse or minor  
33 children shall remain subject to taxation.

34 (c)(1) Any disabled veteran qualifying pursuant to paragraph (1) or (2) of subsection (a)  
35 of this Code section for the homestead exemption provided for in this Code section shall  
36 file with the tax commissioner or tax receiver a letter from the Department of Veterans  
37 Affairs or the Department of Veterans Service stating the qualifying disability.

1 (2) Any disabled veteran qualifying pursuant to paragraph (3) of subsection (a) of this  
 2 Code section for the homestead exemption provided for in this Code section shall file  
 3 with the tax commissioner or tax receiver a copy of his DD form 214 (discharge papers  
 4 from his military records) along with a letter from a doctor who is licensed to practice  
 5 medicine in this state stating that he or she is disabled due to loss or loss of use of both  
 6 lower extremities such as to preclude locomotion without the aid of braces, crutches,  
 7 canes, or a wheelchair; due to blindness in both eyes, having only light perception,  
 8 together with the loss or loss of use of one lower extremity; or due to the loss or loss of  
 9 use of one lower extremity together with residuals of organic disease or injury which so  
 10 affect the functions of balance or propulsion as to preclude locomotion without resort to  
 11 a wheelchair. Prior to approval of an exemption, a county board of tax assessors may  
 12 require the applicant to provide not more than two additional doctors' letters if the board  
 13 is in doubt as to the applicant's eligibility for the exemption.

14 (3) Any disabled veteran qualifying pursuant to paragraph (4) of subsection (a) of this  
 15 Code section for the homestead exemption provided for in this Code section shall file  
 16 with the tax commissioner or tax receiver a letter from a doctor who is licensed to  
 17 practice medicine in this state stating the qualifying disability. Prior to approval of an  
 18 exemption, a county board of tax assessors may require the applicant to provide not more  
 19 than two additional doctors' letters if the board is in doubt as to the applicant's eligibility  
 20 for the exemption.

21 (4) Any disabled veteran qualifying pursuant to paragraph (5) of subsection (a) of this  
 22 Code section for the homestead exemption provided for in this Code section shall file  
 23 with the tax commissioner or tax receiver a letter from the Department of Veterans  
 24 Affairs or Department of Veterans Service stating the eligibility for such housing  
 25 assistance.

26 (d) Each disabled veteran shall file for the exemption provided for in this Code section  
 27 only once in the county of his or her residence. Once filed, the exemption shall  
 28 automatically be renewed from year to year, except as provided in subsection (e) of this  
 29 Code section. Such exemption shall be extended to the unremarried surviving spouse or  
 30 minor children at the time of his such disabled veteran's death so long as they such  
 31 unremarried surviving spouse or minor children continue to occupy the that home, or any  
 32 subsequent homestead, as a residence and homestead. In the event a disabled veteran who  
 33 would otherwise be entitled to the exemption dies or becomes incapacitated to the extent  
 34 that he or she cannot personally file for such exemption, the his or her spouse, the  
 35 unremarried surviving spouse, or the minor children at the time of the disabled veteran's  
 36 death may file for the exemption, and such exemption may be granted as if the disabled  
 37 veteran had made personal application therefor.

1 (e) Not more often than once every three years, the county board of tax assessors may  
 2 require the holder of an exemption granted pursuant to this Code section to substantiate his  
 3 or her continuing eligibility for the such exemption. In no event may the board require  
 4 more than three doctors' letters to substantiate eligibility.

5 ~~(f) Any person who as of January 1, 1991, has applied and is eligible for the exemption for~~  
 6 ~~disabled veterans, their surviving spouses, and minor children formerly provided for by the~~  
 7 ~~sixth unnumbered subparagraph of Article VII, Section I, Paragraph IV of the Constitution~~  
 8 ~~of 1976; the exemption for disabled veterans provided for in Article VII, Section II,~~  
 9 ~~Paragraph V of the Constitution of 1983; or the exemption for disabled veterans formerly~~  
 10 ~~provided for by Code Section 48-5-48.3 as enacted by an Act approved April 11, 1986 (Ga.~~  
 11 ~~L. 1986, p. 1445), shall be eligible for the exemption granted by subsection (b) of this Code~~  
 12 ~~section without applying for such exemption."~~

### 13 SECTION 2.

14 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of  
 15 State shall call and conduct a referendum as provided in this section for the purpose of  
 16 submitting this Act to the electors of the State of Georgia for approval or rejection. The  
 17 Secretary of State shall conduct that election on the date of the November, 2008, state-wide  
 18 general election. The Secretary of State shall issue the call and conduct that election as  
 19 provided by general law. The Secretary of State shall cause the date and purpose of the  
 20 election to be published in the official organ of each county in the state once a week for two  
 21 weeks immediately preceding the date of the referendum. The ballot shall have written  
 22 thereon the following:

23 "( ) YES Shall the Act be approved which allows the state-wide homestead  
 24 exemption for disabled veterans to be received by unremarried surviving  
 25 ( ) NO spouses on a subsequent homestead?"

26 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 27 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 28 such question are for approval of the Act, then Section 1 of this Act shall become effective  
 29 on January 1, 2009, and shall apply to all tax years beginning on or after that date. If the Act  
 30 is not so approved or if the election is not conducted as provided in this section, Section 1  
 31 of this Act shall not become effective, and this Act shall be automatically repealed on the  
 32 first day of January immediately following that election date.

### 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.

1 **SECTION 4.**

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