

Senate Bill 561

By: Senator Mullis of the 53rd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To provide for a homestead exemption from City of Fort Oglethorpe ad valorem taxes for
2 municipal purposes in the amount of \$10,000.00 of the assessed value of the homestead for
3 residents of that city; to provide an exemption in the amount of \$40,000.00 of the assessed
4 value of the homestead for residents of that city who are at least 60 but less than 70 years of
5 age; to provide an exemption in the amount of the full value of the assessed value of the
6 homestead for residents of that city who are 70 years of age or older or who are totally
7 disabled; to provide for definitions; to specify the terms and conditions of the exemption and
8 the procedures relating thereto; to provide for applicability; to provide for a referendum,
9 effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

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

13 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
14 purposes levied by, for, or on behalf of the City of Fort Oglethorpe, including, but not
15 limited to, any ad valorem taxes to pay interest on and to retire municipal bonded
16 indebtedness.

17 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
18 the O.C.G.A., as amended, with the additional qualification that it shall include not more
19 than five contiguous acres of homestead property.

20 (b)(1) Each resident of the City of Fort Oglethorpe is granted an exemption on that
21 person's homestead from City of Fort Oglethorpe ad valorem taxes for municipal
22 purposes in the amount of \$10,000.00 of the assessed value of that homestead. For
23 residents of the City of Fort Oglethorpe who are at least 60 years of age but less than 70
24 years of age on or before January 1 of the year in which application for the exemption
25 under this subsection is made, such exemption shall be in the amount of \$40,000.00 of
26 the assessed value of that homestead. For residents of the City of Fort Oglethorpe who

1 are totally disabled or who are 70 years of age or older on or before January 1 of the year
2 in which application for the exemption under this subsection is made, such exemption
3 shall be the full value of the assessed value of that homestead.

4 (2) The value of that property in excess of such exempted amount shall remain subject
5 to taxation.

6 (c)(1) In order to qualify for the exemption provided for in subsection (b) of this section
7 as being totally disabled, the person claiming such exemption shall be required to obtain
8 a certificate from not more than three physicians licensed to practice medicine under
9 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
10 physician or physicians, such person is mentally or physically incapacitated to the extent
11 that such person is unable to be gainfully employed and that such incapacity is likely to
12 be permanent. Such certificate or certificates shall constitute part of and be submitted
13 with the application provided for in paragraph (2) of this subsection.

14 (2) A person shall not receive the homestead exemption granted by subsection (b) of this
15 section unless such person or person's agent files an application with the governing
16 authority of the City of Fort Oglethorpe, or the designee thereof, giving the person's age
17 and such additional information relative to receiving such exemption as will enable the
18 governing authority of the City of Fort Oglethorpe, or the designee thereof, to make a
19 determination regarding the initial and continuing eligibility of such person for such
20 exemption. The governing authority of the City of Fort Oglethorpe, or the designee
21 thereof, shall provide application forms for this purpose.

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

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

1 (f) The exemption granted by subsection (b) of this section shall apply to all taxable years
2 beginning on or after January 1, 2009.

3 **SECTION 2.**

4 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
5 election superintendent of the City of Fort Oglethorpe shall call and conduct an election as
6 provided in this section for the purpose of submitting this Act to the electors of the City of
7 Fort Oglethorpe for approval or rejection. The municipal election superintendent shall
8 conduct that election in conjunction with the 2008 November general election and shall issue
9 the call and conduct that election as provided by general law. The municipal election
10 superintendent shall cause the date and purpose of the election to be published once a week
11 for two weeks immediately preceding the date thereof in the official organ of Catoosa
12 County. The ballot shall have written or printed thereon the words:

13 " YES Shall the Act be approved which provides a homestead exemption from City
14 of Fort Oglethorpe ad valorem taxes for municipal purposes in the amount
15 NO of \$10,000.00 of the assessed value of the homestead for residents of that
16 city; in the amount of \$40,000.00 of the assessed value of the homestead for
17 residents of that city who are at least 60 years of age, but less than 70 years
18 of age; and in the full amount of the assessed value of the homestead for
19 residents of that city who are disabled or who are 70 years of age or older?"

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, 2009. 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 the City of Fort Oglethorpe. It shall be
27 the municipal election superintendent's duty to certify the result thereof to the Secretary of
28 State.

29 **SECTION 3.**

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

32 **SECTION 4.**

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