

Senate Bill 422

By: Senator Douglas of the 17th

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To provide a homestead exemption from City of Porterdale ad valorem taxes for municipal
 2 purposes in the amount of \$10,000.00 of the assessed value of the homestead for each lawful
 3 resident of the City of Porterdale, which is in lieu of and not in addition to any other
 4 homestead exemption applicable to City of Porterdale ad valorem taxes for municipal
 5 purposes; to provide for conditions and procedures relating thereto; to provide for related
 6 matters; to provide for a referendum; to provide for applicability; to provide an effective date
 7 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 (a) For purposes of this Act, the term:

11 (1) "Ad valorem taxes for municipal purposes" means all ad valorem taxes for municipal
 12 purposes levied by, for, or on behalf of the City of Porterdale, except for taxes to pay
 13 interest on or retire bonded indebtedness.

14 (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of
 15 the O.C.G.A.

16 (b) Each lawful resident of the City of Porterdale is granted an exemption on that person's
 17 homestead from all City of Porterdale ad valorem taxes for municipal purposes in the amount
 18 of \$10,000.00 of the assessed value of that homestead. The value of the homestead in excess
 19 of the amount exempted by this section shall remain subject to taxation.

20 (c) A person shall not receive the homestead exemption granted by subsection (b) of this
 21 section unless the person or person's agent files an application with the governing authority
 22 of the City of Porterdale, or the designee thereof, giving such information relative to
 23 receiving such exemption as will enable the tax commissioner to make a determination as to
 24 whether such owner is entitled to such exemption.

25 (d) The governing authority of the City of Porterdale, or the designee thereof, shall provide
 26 application forms for the exemption granted by subsection (b) of this section and shall

27 require such information as may be necessary to determine the initial and continuing
28 eligibility of the owner for the exemption.

29 (e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1 of
30 the O.C.G.A. The exemption shall be automatically renewed from year to year as long as the
31 owner occupies the residence as a homestead. After a person has filed the proper application
32 as provided in subsection (c) of this section, it shall not be necessary to make application for
33 any year thereafter and the exemption shall continue to be allowed to such person. It shall
34 be the duty of any person granted the homestead exemption under subsection (b) of this
35 section to notify the governing authority of the City of Porterdale, or the designee thereof,
36 in the event that person for any reason becomes ineligible for that exemption.

37 (f) The exemption granted by this Act shall not apply to or affect state ad valorem taxes,
38 county ad valorem taxes for county purposes, or school district ad valorem taxes for
39 educational purposes. The homestead exemption granted by subsection (b) of this section
40 shall be in lieu of and not in addition to any other homestead exemption applicable to
41 municipal ad valorem taxes.

42 (g) The exemption granted by subsection (b) of this section shall apply to all taxable years
43 beginning on or after January 1, 2011.

44 **SECTION 2.**

45 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
46 superintendent of the City of Porterdale shall call and conduct an election as provided in this
47 section for the purpose of submitting this Act to the electors of the City of Porterdale for
48 approval or rejection. The municipal election superintendent shall conduct that election at
49 the state-wide general election held November, 2010, and shall issue the call and conduct that
50 election as provided by general law. The superintendent shall cause the date and purpose of
51 the election to be published once a week for two weeks immediately preceding the date
52 thereof in the official organ of the Newton County. The ballot shall have written or printed
53 thereon the words:

54 "() YES Shall the Act be approved which provides to residents of a homestead a
55 \$10,000.00 homestead exemption from certain City of Porterdale ad
56 () NO valorem taxes?"

57 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
58 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
59 cast on such question are for approval of the Act, it shall become of full force and effect on
60 January 1, 2011. If the Act is not so approved or if the election is not conducted as provided
61 in this section, the remaining sections of this Act shall not become effective and this Act
62 shall be automatically repealed on the first day of January immediately following that

63 election date. The expense of such election shall be borne by the City of Porterdale. It shall
64 be the election superintendent's duty to certify the result thereof to the Secretary of State.

65 **SECTION 3.**

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

68 **SECTION 4.**

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