

Senate Bill 83

By: Senators Rogers of the 21st, Williams of the 19th, Chance of the 16th, Pearson of the 51st, Hill of the 4th and others

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 increase the amount of the state-wide
3 homestead exemption from all ad valorem taxation for state, county, and school purposes
4 from \$2,000.00 to \$4,000.00 with automatic future adjustments; to specify the terms and
5 conditions of the exemption and the procedures relating thereto; to provide for applicability;
6 to provide for a special election; to provide for automatic repeal under certain circumstances;
7 to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
12 relating to tax exemptions, is amended by revising Code Section 48-5-44, relating to the
13 state-wide \$2,000.00 homestead exemption from state, county, and school district ad valorem
14 taxes, as follows:

15 "48-5-44.

16 (a) The homestead of each resident of this state actually occupied by the owner as a
17 residence and homestead shall be exempted from all ad valorem taxation for state, county,
18 and school purposes, except taxes levied by municipalities for school purposes and except
19 to pay interest on and to retire bonded indebtedness, for as long as the residence and
20 homestead is actually occupied by the owner primarily as a residence and homestead. The
21 exemption shall not exceed ~~\$2,000.00~~ \$4,000.00 of the value of the homestead for the
22 taxable year beginning January 1, 2009. For all taxable years beginning on or after
23 January 1, 2010, the exemption amount shall be increased by a percentage equal to the
24 cost-of-living index. No adjustment shall be made in any year in which the cost-of-living
25 index decreases from the percentage amount of such index for the preceding year. The
26 commissioner shall establish and maintain rules governing cost-of-living adjustments. Such

27 rules shall include the determination and use of an appropriate cost-of-living index which
 28 reflects the effects of inflation and deflation on persons receiving benefits in the State of
 29 Georgia. The rules may use for this purpose the Consumer Price Index as reported by the
 30 Bureau of Labor Statistics of the United States Department of Labor or any other similar
 31 index established by the federal government, if the commissioner determines that such
 32 federal index reflects the effects of inflation and deflation on persons receiving benefits in
 33 the State of Georgia.

34 (b) Should the owner of a dwelling house on a farm who is already entitled to a homestead
 35 exemption participate in the program of rural housing and obtain a new house under
 36 contract with the local housing authority, ~~he~~ such owner shall be entitled to receive the
 37 same homestead exemption as allowed before making the contract.

38 (c) Except as otherwise specifically provided by law, the value of all homestead property
 39 in excess of ~~\$2,000.00~~ the amount exempted under subsection (a) of this Code section shall
 40 remain subject to taxation. The exemption shall be returned and claimed in the manner
 41 prescribed by law. This exemption shall not apply to taxes levied by municipalities."

42 SECTION 2.

43 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
 44 State shall call and conduct a special election as provided in this section for the purpose of
 45 submitting this Act to the electors of the State of Georgia for approval or rejection. The
 46 Secretary of State shall conduct that special election on the third Tuesday in September,
 47 2009. The Secretary of State shall issue the call and conduct that special election as provided
 48 by general law. The Secretary of State shall cause the date and purpose of the special
 49 election to be published in the official organ of each county in the state once a week for two
 50 weeks immediately preceding the date of the special election. The ballot shall have written
 51 thereon the following:

52 "() YES Shall the Act be approved which increases the state-wide ad valorem tax
 53 exemption from all ad valorem taxation for state, county, and school
 54 () NO purposes from \$2,000.00 to \$4,000.00 with automatic future adjustments?"

55 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 56 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 57 cast on such question are for approval of the Act, then Section 1 of this Act shall become
 58 effective immediately and shall be applicable to all taxable years beginning on or after
 59 January 1, 2009. If the Act is not so approved or if the special election is not conducted as
 60 provided in this section, Section 1 of this Act shall not become effective and this Act shall
 61 be automatically repealed on the first day of January immediately following that special
 62 election date.

63

SECTION 3.

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

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SECTION 4.

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