

House Bill 461

By: Representatives Kaiser of the 59<sup>th</sup>, Ashe of the 56<sup>th</sup>, McKillip of the 115<sup>th</sup>, Buckner of the 130<sup>th</sup>, and Baker of the 78<sup>th</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 ad valorem tax exemptions, so as to provide a homestead exemption  
3 in an amount equal to the median value of a homestead in the county with respect to all ad  
4 valorem taxes for all residents of the state; to provide for definitions; to specify the terms and  
5 conditions of the exemption and the procedures relating thereto; to provide for a referendum;  
6 to provide for effective dates; to provide for applicability; to provide for automatic repeal  
7 under certain circumstances; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
11 relating to ad valorem tax exemptions, is amended by adding a new Code section to read as  
12 follows:

13 "48-5-47.2.

14 (a) As used in this Code section, the term:

15 (1) 'Ad valorem taxes' means all state ad valorem taxes; all county ad valorem taxes  
16 for county purposes levied by, for, or on behalf of a county, including, but not limited to,  
17 taxes to pay interest on and to retire county bonded indebtedness; all county school  
18 district and independent school district taxes for educational purposes levied by, for, or  
19 on behalf of a school district, including, but not limited to, taxes to pay interest on and  
20 to retire school district bonded indebtedness; and all municipal taxes for municipal  
21 purposes levied by, for, or on behalf of a municipality, including, but not limited to, taxes  
22 to pay interest on and to retire municipal bonded indebtedness.

23 (2) 'Homestead' means homestead as defined and qualified in Code Section 48-5-40.

24 (3) 'Median value' means the median value of a homestead according to the county tax  
25 digest for the immediately preceding taxable year of the county of residence of the person  
26 granted the homestead exemption under this Code section.

27 (b) Each resident of the state is granted an exemption on that person's homestead from all  
 28 ad valorem taxes in an amount equal to the median value of a homestead in the county of  
 29 such resident. The value of that property in excess of such exempted amount shall remain  
 30 subject to taxation.

31 (c) A person shall not receive the homestead exemption granted by subsection (b) of this  
 32 Code section unless the person or person's agent files an application with the tax  
 33 commissioner of the county in which that person resides giving such information relative  
 34 to receiving such exemption as will enable the tax commissioner to make a determination  
 35 regarding the initial and continuing eligibility of such person for such exemption. The tax  
 36 commissioner shall provide application forms for this purpose.

37 (d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1.  
 38 The exemption shall be automatically renewed from year to year as long as the person  
 39 occupies the residence as a homestead. After a person has filed the proper application as  
 40 provided in subsection (c) of this Code section, it shall not be necessary to make  
 41 application thereafter for any year and the exemption shall continue to be allowed to such  
 42 person. It shall be the duty of any person granted the homestead exemption under this  
 43 Code section to notify the tax commissioner in the event that person for any reason  
 44 becomes ineligible for that exemption.

45 (e) The homestead exemption granted by subsection (b) of this section shall be in addition  
 46 to and not in lieu of any other homestead exemption notwithstanding any provision of any  
 47 other homestead exemption to the contrary.

48 (f) The exemption granted by this Code section shall apply to all taxable years beginning  
 49 on or after January 1, 2011."

50 **SECTION 2.**

51 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of  
 52 State shall call and conduct a referendum as provided in this section for the purpose of  
 53 submitting this Act to the electors of the State of Georgia for approval or rejection. The  
 54 Secretary of State shall conduct that election on the date of the November, 2010, state-wide  
 55 general election. The Secretary of State shall cause the date and purpose of the election to  
 56 be published once a week for two weeks immediately preceding the date thereof in the  
 57 official organ of each county in the state. The ballot shall have written or printed thereon the  
 58 words:

59 "( ) YES Shall the Act be approved which provides a homestead exemption in the  
 60 amount of the median value of homestead in the county with respect to all  
 61 ( ) NO ad valorem taxes for all residents of the state?"

62 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
63 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
64 such question are for approval of the Act, then Section 1 of this Act shall become effective  
65 on January 1, 2011. If Section 1 of this Act is not so approved or if the election is not  
66 conducted as provided in this section, Section 1 of this Act shall not become effective and  
67 this Act shall be automatically repealed on the first day of January immediately following  
68 that election date.

69 **SECTION 3.**

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

72 **SECTION 4.**

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