

House Bill 462

By: Representatives Peake of the 137th, Smith of the 131st, and Harbin of the 118th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to
2 property exempt from ad valorem taxation, so as to revise and change an ad valorem tax
3 exemption for certain charitable institutions; to provide for a referendum, applicability, and
4 effective dates; to provide for automatic repeal under certain circumstances; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property exempt
9 from ad valorem taxation, is amended by revising paragraph (2) of subsection (d) as follows:
10 "(2) With respect to paragraph (4) of subsection (a) of this Code section, ~~a building~~
11 buildings which ~~is~~ are owned by a charitable institution that is otherwise qualified as a
12 purely public charity and that is exempt from taxation under Section 501(c)(3) of the
13 federal Internal Revenue Code and which ~~building is~~ buildings are used by such
14 charitable institution ~~exclusively~~ for the charitable purposes of such charitable institution,
15 and not more than ~~15~~ eight acres of land on which such ~~building is~~ buildings are located,
16 may be used for the purpose of securing income so long as such income is used
17 exclusively for the operation of that charitable institution."

18 **SECTION 2.**

19 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
20 State shall call and conduct an election as provided in this section for the purpose of
21 submitting Section 1 of this Act to the electors of the State of Georgia for approval or
22 rejection. The Secretary of State shall conduct that election on the date of the November,
23 2010, state-wide general election. The Secretary of State shall issue the call and conduct that
24 special election as provided by general law. The Secretary of State shall cause the date and
25 purpose of the special election to be published in the official organ of each county in the state

26 once a week for two weeks immediately preceding the date of the referendum. The ballot
27 shall have written or printed thereon the following:

28 "() YES Shall the Act be approved which changes an exemption from ad valorem
29 () NO taxation on property owned by a charitable institution which generates
30 income when that income is used exclusively for the operation of such
31 charitable institution so that the exemption is limited to buildings and not
32 more than eight acres of land on which the buildings are located?"

33 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
34 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
35 such question are for approval of the Act, then Section 1 of this Act shall become effective
36 on January 1, 2011, and shall apply to all taxable years beginning on or after that date. If
37 Section 1 of this Act is not so approved or if the election is not conducted as provided in this
38 section, Section 1 of this Act shall not become effective and this part shall be automatically
39 repealed on the first day of January immediately following that election date.

40 **SECTION 2.**

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

43 **SECTION 3.**

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