

House Bill 1151

By: Representatives Hill of the 180th and Smith of the 168th

A BILL TO BE ENTITLED
AN ACT

1 To provide for a homestead exemption from City of St. Marys ad valorem taxes for
2 municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for
3 residents of that city who are 65 years of age or older; to provide for definitions; to specify
4 the terms and conditions of the exemption and the procedures relating thereto; to provide for
5 the specific repeal of a prior homestead exemption; to provide for applicability; to provide
6 for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for
7 other purposes.

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

9 **SECTION 1.**

10 (a) As used in 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 St. Marys, including, but not limited
13 to, any ad valorem taxes to pay interest on and to retire municipal bonded indebtedness.

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

16 (3) "Senior citizen" means a person who is 65 years of age or older on or before January
17 1 of the year in which application for the exemption under subsection (b) of this section
18 is made.

19 (b) Each resident of the City of St. Marys who is a senior citizen is granted an exemption on
20 that person's homestead from City of St. Marys ad valorem taxes for municipal purposes in
21 the amount of \$25,000.00 of the assessed value of that homestead. The value of that property
22 in excess of such exempted amount shall remain subject to taxation.

23 (c) Any person who, as of December 31, 2010, has applied for and is eligible to receive the
24 homestead exemption from all City of St. Marys ad valorem taxes for any city purposes,
25 including, but not limited to, taxes to retire bonded indebtedness, in the amount of
26 \$25,000.00 of the assessed value of the homestead for residences of the City of St. Marys

27 who are 65 years of age or older and whose income does not exceed \$25,000.00, approved
28 September 18, 1991 (Ga. L. 1991, Ex. Sess., p. 460), shall be eligible automatically for the
29 exemption granted by subsection (b) of this section without apply therefor. Otherwise, a
30 person shall not receive the homestead exemption granted by subsection (b) of this section
31 unless such person or person's agent files an application with the governing authority of the
32 City of St. Marys, or the designee thereof, giving the person's age and such additional
33 information relative to receiving such exemption as will enable the governing authority of
34 the City of St. Marys, or the designee thereof, to make a determination regarding the initial
35 and continuing eligibility of such person for such exemption. The governing authority of the
36 City of St. Marys, or the designee thereof, 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 of
38 the O.C.G.A., as amended. The exemption shall be automatically renewed from year to year
39 as long as the person granted the homestead exemption under subsection (b) of this section
40 occupies the residence as a homestead. After a person has filed the proper application as
41 provided in subsection (c) of this section, it shall not be necessary to make application
42 thereafter for any year and the exemption shall continue to be allowed to such person. It
43 shall be the duty of any person granted the homestead exemption under subsection (b) of this
44 section to notify the governing authority of the City of St. Marys, or the designee thereof, in
45 the event that person for any reason becomes ineligible for that exemption.

46 (e) The exemption granted by subsection (b) of this section shall not apply to or affect any
47 state ad valorem taxes, county ad valorem taxes for county purposes, or county or
48 independent school district ad valorem taxes for educational purposes. The homestead
49 exemption granted by subsection (b) of this section shall be in addition to and not in lieu of
50 any other homestead exemption applicable to City of St. Marys ad valorem taxes for
51 municipal purposes.

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

54 (g) An Act to provide a homestead exemption from all City of St. Marys ad valorem taxes
55 for any city purposes, including, but not limited to, taxes to retire bonded indebtedness, in
56 the amount of \$25,000.00 of the assessed value of the homestead for residences of the City
57 of St. Marys who are 65 years of age or older and whose income does not exceed \$25,000.00,
58 approved September 18, 1991 (Ga. L. 1991, Ex. Sess., p. 460), is repealed effective at the last
59 moment of December 31, 2010.

60

SECTION 2.

61 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal
62 election superintendent of the City of St. Marys shall call and conduct an election as provided

63 in this section for the purpose of submitting this Act to the electors of the City of St. Marys
 64 for approval or rejection. The municipal election superintendent shall conduct that election
 65 on the date of the 2010 state-wide general primary and shall issue the call and conduct that
 66 election as provided by general law. The municipal election superintendent shall cause the
 67 date and purpose of the election to be published once a week for two weeks immediately
 68 preceding the date thereof in the official organ of Camden County. The ballot shall have
 69 written or printed thereon the words:

70 " YES Shall the Act be approved which replaces the current homestead exemption
 71 from City of St. Marys ad valorem taxes for municipal purposes in the
 72 NO amount of \$25,000.00 of the assessed value of the homestead for residents
 73 of that city who are 65 years of age or older whose income does not exceed
 74 \$25,000.00 with a new exemption in the amount of \$25,000.00 for residents
 75 who are 65 years of age or older without regard to income?"

76 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 77 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 78 such question are for approval of the Act, Section 1 of this Act shall become of full force and
 79 effect on January 1, 2011. If the Act is not so approved or if the election is not conducted
 80 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall
 81 be automatically repealed on the first day of January immediately following that election
 82 date. The expense of such election shall be borne by the City of St. Marys. It shall be the
 83 municipal election superintendent's duty to certify the result thereof to the Secretary of State.

84 **SECTION 3.**

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

87 **SECTION 4.**

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