Senate Bill 493

By: Senator Beatty of the 47th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To provide a homestead exemption from City of Jefferson independent school district ad valorem taxes for educational purposes in the amount of $10,000.00 of the assessed value of the homestead for certain residents of that school district who are 62 years of age or over and an additional homestead exemption in the amount of $20,000.00 of the assessed value of the homestead for certain residents of that school district who are 65 years of age or over and whose net income, excluding certain retirement income, does not exceed $18,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

For purposes of this Act, the term:

(1) "Ad valorem taxes for educational purposes" means all ad valorem taxes for educational purposes levied by, for, or on behalf of the City of Jefferson independent school district, including, but not limited to, taxes to pay interest on and to retire independent school district bonded indebtedness.

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

(3) "Net income" means Georgia taxable net income for state income tax purposes, except net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his or her spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as net income for the purposes of this Act.

SECTION 2.

(a)(1) Each resident of the City of Jefferson independent school district who is at least 62 years of age or over on or before January 1 of the year in which application for the exemption under this paragraph is made is granted an exemption on that person´s homestead from all City of Jefferson independent school district ad valorem taxes for educational purposes in the amount of $10,000.00 of the assessed value of that homestead.

(2) In addition to the exemption provided for in paragraph (1) of this subsection, each resident of the City of Jefferson independent school district who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this paragraph is made is granted an exemption on that person´s homestead from all City of Jefferson independent school district ad valorem taxes for educational purposes in the amount of $20,000.00 of the assessed value of that homestead.

(3) The exemptions under this subsection shall only be granted if that person´s net income together with the income of the spouse who also occupies and resides at such homestead does not exceed $18,000.00 for the immediately preceding year.

(4) The value of that property in excess of such exempted amount shall remain subject to taxation.

(b) A person shall not receive the homestead exemptions granted by subsection (a) of this section unless the person or person´s agent files an affidavit with the governing authority of the City of Jefferson, or the designee thereof, giving the person´s age, income, and such additional information relative to receiving such exemptions as will enable the governing authority of the City of Jefferson, or the designee thereof, to make a determination as to whether such owner is entitled to such exemptions. The governing authority of the City of Jefferson, or the designee thereof, shall provide affidavit forms for this purpose.

SECTION 3.

The governing authority of the City of Jefferson, or the designee thereof, shall provide application forms for the exemptions granted by this Act and shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for the exemptions.

SECTION 4.

The exemptions shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. The exemptions shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (b) of Section 2 of this Act, it shall not be necessary to make

application and file such affidavit thereafter for any year, and the exemptions shall continue to be allowed to such person. It shall be the duty of any person granted one or both of the homestead exemptions under this Act to notify the governing authority of the City of Jefferson, or the designee thereof, in the event that person for any reason becomes ineligible for either or both exemptions.

SECTION 5.

The exemptions granted by this Act shall not apply to or affect any state taxes, county taxes for county purposes, municipal taxes, or county school district taxes for educational purposes. The homestead exemptions granted by this Act shall be in lieu of and not in addition to any other homestead exemption applicable to the City of Jefferson independent school district ad valorem taxes for educational purposes.

SECTION 6.

The exemptions granted by this Act shall apply to all taxable years beginning on or after January 1, 2003.

SECTION 7.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Jefferson shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the City of Jefferson independent school district for approval or rejection. The municipal election superintendent shall conduct that election on the date of the November, 2002, state-wide general election and shall issue the call and conduct that election as provided by general law. The municipal election superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Jackson County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides a homestead exemption from the City of Jefferson independent school district ad valorem taxes for
( ) NO educational purposes in the amount of $10,000.00 of the assessed value of the homestead for residents of that school district who are 62 years of age or over and an additional $20,000.00 exemption for residents of that school district who are 65 years of age or over and, for both exemptions, whose net income, not including certain retirement income, does not exceed $18,000.00?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes

cast on such question are for approval of the Act, Sections 1 through 6 shall become of full force and effect on January 1, 2003. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 through 6 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Jefferson. It shall be the election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 8.

Except as otherwise provided in Section 7 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9.

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