House Bill 1798 (AS PASSED HOUSE AND SENATE)

By: Representatives Smith of the 13th, Post 2, Childers of the 13th, Post 1, and Reece of the 11th

A BILL TO BE ENTITLED

AN ACT

To amend an Act providing for a homestead exemption from City of Rome independent school district ad valorem taxes for educational purposes for certain residents of that school district, approved March 25, 1986 (Ga. L. 1986, p. 4530), as amended, particularly by an Act approved April 13, 2001, (Ga. L. 2001, p. 4006), so as to change the definition of homestead for purposes of the homestead exemption for persons who are 62 to 64 years of age and whose household income does not exceed $25,000.00 and the homestead exemption for persons who are 65 years of age or over regardless of income; to provide for a referendum, effective dates, and automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for a homestead exemption from City of Rome independent school district ad valorem taxes for educational purposes for certain residents of that school district, approved March 25, 1986 (Ga. L. 1986, p. 4530), as amended, particularly by an Act approved April 13, 2001, (Ga. L. 2001, p. 4006), is amended by striking Sections 2 and 2A and inserting in their places new Sections 2 and 2A to read as follows:

″SECTION 2.

(a)(1) Each resident of the City of Rome independent school district who is at least 62 years of age but less than 65 years of age is granted an exemption on that person´s homestead from all City of Rome independent school district ad valorem taxes for educational purposes in the greater of the following amounts:

(A) One-half of the full value of that homestead; or

(B) Ten thousand dollars of the assessed value of that homestead.

(2) For purposes of this subsection, the term 'homestead' shall include the dwelling in which the applicant resides, and a detached garage adjacent thereto, and not more than one acre of the land immediately surrounding such dwelling and garage.

(b) The homestead exemption granted by subsection (a) of this section shall only be granted if that person´s income, together with the income of all members of that person´s family residing within such homestead, does not exceed $25,000.00 for the immediately preceding taxable year.

(c) The value of the homestead in excess of such exempted amount shall remain subject to taxation.

SECTION 2A.

(a) Each resident of the City of Rome independent school district who is 65 years of age or older is granted an exemption on that person´s homestead from all City of Rome independent school district ad valorem taxes for educational purposes in the amount of $40,000.00 of the assessed value of that homestead. For purposes of this subsection, the term 'homestead' shall include the dwelling in which the applicant resides, and a detached garage adjacent thereto, and not more than one acre of the land immediately surrounding such dwelling and garage.

(b) The value of the homestead in excess of such exempted amount shall remain subject to taxation.″

SECTION 2.

The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 2004.

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the municipal election superintendent of the City of Rome 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 Rome independent school district for approval or rejection. The municipal election superintendent shall conduct that election on the date of the state-wide general primary in July, 2004, 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 Floyd County. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which changes the current homestead exemptions from City of Rome independent school district ad valorem taxes for educational purposes for that school district for residents of that school district who are 62 to 64 years of age and whose household income does not exceed $25,000.00 and for residents who are 65 years of age or older regardless of income to also apply to adjacent detached garages?"

( ) NO

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, then Sections 1 and 2 of this Act shall become of full force and effect immediately, and shall be applicable to all taxable years beginning on or after January 1, 2004. If Sections 1 and 2 of this Act are not so approved or if the election is not conducted as provided in this section, Sections 1 and 2 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 Rome. It shall be the municipal election superintendent´s duty to certify the result thereof to the Secretary of State.

SECTION 4.

Except as otherwise specified in Section 3 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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