

House Bill 1411 (AS PASSED HOUSE AND SENATE)

By: Representatives Mills of the 25th, Rogers of the 26th, Collins of the 27th, and Benton of the 31st

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for homestead exemptions from Hall County school district ad valorem taxes for educational purposes for certain residents of that school district who are senior citizens, approved April 6, 1998 (Ga. L. 1998, p. 4281), as amended, so as to allow any person who is 62 to 70 years of age who receives the first exemption to automatically receive the second exemption upon reaching 70 years of age; 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.

An Act providing for homestead exemptions from Hall County school district ad valorem taxes for educational purposes for certain residents of that school district who are senior citizens, approved April 6, 1998 (Ga. L. 1998, p. 4281), as amended, is amended by revising Section 2 as follows:

"SECTION 2.

(a) Each resident of the Hall County school district who is disabled or at least 62 years of age but less than 70 years of age on or before January 1 of the year in which application for the exemption under this subsection is made is granted an exemption on that person's homestead from all Hall County school district ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of that homestead if that person's income, together with the income of the spouse of such person who resides within such homestead, does not exceed \$25,000.00 for the immediately preceding taxable year. The unremarried surviving widow or widower who is at least 55 years of age shall continue to receive the exemption provided under this subsection so long as that unremarried surviving widow or widower continues to occupy the home as a residence and homestead, until such unremarried surviving widow or widower becomes 70 years of age or older and is

1 otherwise qualified to receive the exemption under subsection (b) of this section. With
2 respect to the exemption under this subsection, such unremarried surviving widow or
3 widower shall remain subject to the income limitations specified in this subsection. The
4 value of that property in excess of such exempted amount shall remain subject to taxation.

5 (b) Each resident of the Hall County school district who is 70 years of age or older on or
6 before January 1 of the year in which application for the exemption under this subsection
7 is made is granted an exemption on that person's homestead from all Hall County school
8 district ad valorem taxes for educational purposes for the full value of that homestead. The
9 unremarried surviving widow or widower who is at least 65 years of age shall continue to
10 receive the exemption provided under this subsection so long as that unremarried surviving
11 widow or widower continues to occupy the home as a residence and homestead.

12 (c)(1) In order to qualify for the exemption provided for in subsection (a) of this section
13 as being disabled, the person claiming such exemption shall be required to obtain a
14 certificate from not more than three physicians licensed to practice medicine under
15 Chapter 34 of Title 43 of the O.C.G.A., as amended, certifying that in the opinion of such
16 physician or physicians such person is mentally or physically incapacitated to the extent
17 that such person is unable to be gainfully employed and that such incapacity is likely to
18 be permanent. Such certificate or certificates shall constitute part of and be submitted
19 with the application provided for in paragraph (2) of this subsection.

20 (2) Any person who has applied for or is receiving the exemption under subsection (a)
21 of this section shall be automatically eligible for the exemption under subsection (b) of
22 this section upon properly meeting the age qualification without applying therefor.
23 Otherwise, a person shall not receive the homestead exemption granted by subsection (a)
24 or (b) of this section unless such person or person's agent files an affidavit with the tax
25 commissioner of Hall County giving such person's age and, if required, the amount of
26 income which such person and such person's spouse residing within such homestead
27 received during the last taxable year and such additional information relative to receiving
28 such exemption as will enable the tax commissioner to make a determination as to
29 whether such owner is entitled to such exemption. The tax commissioner shall provide
30 affidavit forms for this purpose."

31 **SECTION 2.**

32 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election
33 superintendent of Hall County shall call and conduct an election as provided in this section
34 for the purpose of submitting this Act to the electors of the Hall County school district for
35 approval or rejection. The election superintendent shall conduct that election on the date of
36 the November, 2008, general election and shall issue the call and conduct that election as

provided by general law. The 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 Hall County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved which amends the Hall County school district homestead exemptions for senior citizens by allowing any person who is 62 () NO to 70 years of age who receives the first exemption to automatically receive the second exemption upon reaching 70 years of age?"

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, Section 1 shall become of full force and effect on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 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 Hall County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 3.

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

SECTION 4.

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