The House Committee on Ways and Means offers the following substitute to HB 98:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to provide for a state-wide homestead exemption from ad valorem taxes for certain senior citizens who volunteer with local governments in an amount to be determined by such local governments; 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 approval and identification of additional terms and conditions by local governing authorities; to provide for related matters; to provide for compliance with constitutional requirements; to provide for a referendum, effective dates, and automatic repeal; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, is amended by adding a new Code section to read as follows:

"48-5-44.2.

(a) For purposes of this Code section, the term:

(1) 'Ad valorem taxes' means all ad valorem taxes levied by, for, or on behalf of the state or any county, consolidated government, municipality, or local school district in this state, except for any ad valorem taxes levied to pay interest on and to retire bonded indebtedness.

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

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

(4) 'Volunteer work' means the performance of work by an individual as a volunteer, during the year prior to the year in which application for the exemption under subsection (b) of this Code section is made, for the local government from which the applicant seeks an exemption pursuant to this Code section.

(b)(1) Subject to local approval as provided for in paragraph (3) of this subsection, each resident of this state who is a senior citizen is granted an exemption on that person's homestead from ad valorem taxes in an amount as provided for pursuant to the ordinance or resolution adopted pursuant to paragraph (3) of this subsection.

(2) Except as provided for in subsection (c) of this Code section, no exemption provided for in this subsection shall transfer to any subsequent owner of the property, and the assessed value of the property shall be as provided by law.

(3)(A) The exemption provided for in paragraph (1) of this subsection shall not be applicable to any county, consolidated government, municipality, or local school district in this state until January 1 of the calendar year after which the governing authority of the county, consolidated government, municipality, or local school district adopts such exemption by ordinance or resolution as provided for in subparagraph (B) of this paragraph.

(B) An ordinance or resolution adopted pursuant to subparagraph (A) of this paragraph shall include:

(i) The maximum dollar amount of the available exemption, which amount shall not exceed the lesser of $500.00 or the total amount of the tax owed per year;

(ii) The maximum number of senior citizens who may claim the exemption in any taxable year, or if there is no such maximum;

(iii) The hourly credit for volunteer work, which shall not exceed $10.00 per hour;

(iv) The date in each taxable year by which application shall be made for the exemption; and

(v) The types of volunteer work that shall be eligible toward the exemption.

(c) The surviving spouse of the person who was granted the exemption provided for in subsection (b) of this Code section shall continue to receive such exemption so long as such surviving spouse continues to occupy the residence as a homestead.

(d) A person shall not receive the homestead exemption granted by subsection (b) of this Code section for any taxable year unless and until such person or such person's agent annually files an application with the tax receiver or tax commissioner that person's respective local government or governments charged with the duty of receiving returns of property for taxation. Such application shall provide the person's age and such additional information relative to receiving such exemption as will enable such tax receiver or tax commissioner to make a determination regarding the eligibility of such person for such exemption. Such tax receiver or tax commissioner shall provide application forms for this purpose.

(e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. It shall be the duty of any person granted the homestead exemption under subsection (b) of this Code section to notify the tax receiver or tax commissioner of the local government or governments charged with the duty of receiving returns of property for taxation in the event such person for any reason becomes ineligible for such exemption.

(f) The homestead exemption granted by subsection (b) of this Code section shall be in addition to and not in lieu of any other homestead exemption applicable to ad valorem taxes.

(g) The exemption granted by subsection (b) of this Code section shall apply to all taxable years beginning on or after January 1, 2025."

SECTION 2.

In accordance with the requirements of Article VII, Section II of the Constitution of the State of Georgia, this Act shall not become law unless it receives the requisite two-thirds' majority vote in both the Senate and the House of Representatives.

SECTION 3.

The Secretary of State shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the entire state for approval or rejection. The Secretary of State shall conduct such election no later than the Tuesday next following the first Monday in November, 2024, and shall issue the call and conduct such election as provided by general law. The Secretary of State 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 each county in the state. The ballot shall have written or printed thereon the words:

"( ) YES Shall the Act be approved which provides a state-wide homestead
( ) NO exemption from ad valorem taxes for certain senior citizens who volunteer with local governments in an amount to be determined by such local governments, but not to exceed the lesser of $500.00 or the total amount of the tax owed per year, subject to approval of and enactment of additional terms and conditions by the applicable local governing authority?"

All persons desiring to vote for approval of the Act shall vote "Yes," and all 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 of this Act shall become of full force and effect on January 1, 2025; provided, however, that an amendment to the Constitution to provide for local governments to have the option to offer a state-wide homestead exemption from ad valorem taxes in an amount equal to any amount by which the current year assessed value of a homestead exceeds the inflation rate from the adjusted base year value of such homestead as provided by general law is ratified by the voters at the November, 2024, state-wide general election. If such an amendment is not so ratified, then this Act shall not become effective and shall stand repealed on January 1, 2025. If the Act is not so approved, if the election is not conducted, or if the constitutional amendment is not ratified 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 such election date. It shall be the duty of each county election superintendent to certify the results thereof to the Secretary of State.

SECTION 4.

Except as otherwise provided 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.