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House Bill 1145 (AS PASSED HOUSE AND SENATE)

By: Representatives Scoggins of the 14th and Gambill of the 15th

A BILL TO BE ENTITLED AN ACT

1 To amend an Act to provide a homestead exemption from certain Bartow County School

2 District ad valorem taxes for education purposes in the amount of \$28,000.00 of the assessed

value of the homestead for certain residents of that school district who are disabled and who

4 do not have a gross income from all sources, including Social Security and any other

5 retirement or disability income and including the income of all members of the family

6 residing within said homestead, exceeding \$20,000.00 per annum for the immediately

preceding year, approved April 5, 1994 (Ga. L. 1994, p. 4900), so as to increase the income

8 cap to \$36,000.00; to provide for a referendum, effective dates, and automatic repeal,

mandatory execution of election, and judicial remedies regarding failure to comply; to repeal

10 conflicting laws; and for other purposes.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 An Act to provide a homestead exemption from certain Bartow County School District ad

valorem taxes for education purposes in the amount of \$28,000.00 of the assessed value of

15 the homestead for certain residents of that school district who are disabled and who do not

have a gross income from all sources, including Social Security and any other retirement or

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disability income and including the income of all members of the family residing within said 17

18 homestead, exceeding \$20,000.00 per annum for the immediately preceding year, approved

19 April 5, 1994 (Ga. L. 1994, p. 4900), is amended by revising subsection (a) of Section 2 as

20 follows:

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"(a) Each resident of the Bartow County School District who is disabled and who does not 22 have a gross income from all sources, including Social Security and any other retirement 23 or disability income and including the income of all members of the family residing within 24 said homestead, exceeding \$36,000.00 per annum for the immediately preceding year is 25 granted an exemption on that person's homestead from all Bartow County School District 26 ad valorem taxes for educational purposes in the amount of \$28,000.00 of the assessed

28 **SECTION 2.**

value of that homestead."

29 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

31 vote in both the Senate and the House of Representatives.

32 **SECTION 3.**

The election superintendent of Bartow County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the Bartow County School District for approval or rejection. The election superintendent shall conduct that election on the Tuesday after the first Monday in November, 2024, and shall issue the call and conduct such election as provided by general law. The 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 Bartow County. The ballot shall have written or printed thereon the words:

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41 "() YES Shall the Act be approved which increases the income cap on the homestead 42 exemption from Bartow County School District ad valorem taxes for () NO 43 educational purposes granted to certain residents of that school district who 44 are disabled from \$20,000.00 to \$36,000.00?" 45 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring 46 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on 47 such question are for approval of the Act, Section 1 of this Act shall become of full force and 48 effect on January 1, 2025. If the Act is not so approved or if the election is not conducted 49 as provided in this section, Section 1 of this Act shall not become effective, and this Act shall 50 be automatically repealed on the first day of July immediately following that election date. 51 The expense of such election shall be borne by Bartow County. It shall be the election 52 superintendent's duty to certify the result thereof to the Secretary of State. The provisions 53 of this section shall be mandatory upon the election superintendent and are not intended as directory. If the election superintendent fails or refuses to comply with this section, any 54 elector of the Bartow County school district may apply for a writ of mandamus to compel the 55 election superintendent to perform his or her duties under this section. If the court finds that 56 57 the election superintendent has not complied with this section, the court shall fashion 58 appropriate relief requiring the election superintendent to call and conduct such election on 59 the date required by this section or on the next date authorized for special elections provided 60 for in Code Section 21-2-540 of the O.C.G.A.

SECTION 4.

62 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.

64 SECTION 5.

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