

House Bill 1391

By: Representative Keen of the 174th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to
2 property exempted from ad valorem taxation, so as to exempt from taxation certain
3 commercial fishing vessels whose primary use is the catching of seafood; to provide for
4 nonapplicability of certain limitations; to provide for a referendum, applicability, and
5 effective dates; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to property
9 exempted from ad valorem taxation, is amended by striking "and" at the end of paragraph
10 (14) of subsection (a) thereof, striking the period and inserting "; and" at the end of paragraph
11 (15) of said subsection, and adding immediately thereafter the following:

12 "(16) Commercial fishing vessels whose primary use is the catching of seafood. As used
13 in this paragraph, the term 'commercial fishing vessels' means all vessels other than a
14 seaplane used or capable of being used as a means of transportation on water for the
15 purpose of catching seafood which require federal vessel documentation or certification."

16 **SECTION 2.**

17 Said Code section is further amended by striking subsections (c) and (d) and inserting in their
18 place new subsections (c) and (d) to read as follows:

19 "(c) The property exempted by this Code section, excluding property exempted by
20 paragraph (1) or (16) of subsection (a) of this Code section, shall not be used for the
21 purpose of producing private or corporate profit and income distributable to shareholders
22 in corporations owning such property or to other owners of such property, and any income
23 from such property shall be used exclusively for religious, educational, and charitable
24 purposes or for either one or more of such purposes and for the purpose of maintaining and
25 operating such religious, educational, and charitable institutions.

1 (d) This Code section, excluding paragraph (1) or (16) of subsection (a) of this Code
 2 section, shall not apply to real estate or buildings which are rented, leased, or otherwise
 3 used for the primary purpose of securing an income thereon and shall not apply to real
 4 estate or buildings which are not used for the operation of religious, educational, and
 5 charitable institutions. Donations of property to be exempted shall not be predicated upon
 6 an agreement, contract, or other instrument that the donor or donors shall receive or retain
 7 any part of the net or gross income of the property."

8 **SECTION 3.**

9 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
 10 State shall call and conduct a special election for the approval or disapproval of this Act on
 11 the date of the November, 2002, general election. The Secretary of State shall cause the date
 12 and purpose of the special election to be published in the official organ of each county in the
 13 state once a week for two weeks immediately preceding the date of the referendum. The
 14 ballot shall have written thereon the following:

15 "() YES Shall the Act be approved which grants an exemption from ad valorem
 16 taxation on commercial fishing vessels whose primary use is the catching
 17 () NO of seafood?"

18 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
 19 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
 20 cast on such question are for approval of the Act, then Sections 1 and 2 of this Act shall
 21 become effective on January 1, 2003, and shall apply to all tax years beginning on or after
 22 that date; otherwise Sections 1 and 2 of this Act shall be void and this Act shall stand
 23 repealed in its entirety on January 1, 2003.

24 **SECTION 4.**

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

27 **SECTION 5.**

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