

House Bill 1321 (FLOOR SUBSTITUTE)

By: Representatives Royal of the 164th and Westmoreland of the 104th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding ad valorem taxation of property, so as to provide for
3 an additional case where a bona fide agricultural purposes or bona fide conservation use
4 renewal covenant may be terminated without certain penalties applying; to provide for
5 additional rules applicable to the qualification of certain conservation use property for current
6 use assessment; to provide an effective date; to repeal conflicting laws; and for other
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to
11 general provisions regarding ad valorem taxation of property, is amended by adding a new
12 subsection immediately following subsection (r) of Code Section 48-5-7.1, relating to
13 preferential assessment of bona fide agricultural purposes property, to be designated
14 subsection (r.1) to read as follows:

15 "(r.1) Any case in which a covenant is breached solely as a result of an owner electing to
16 discontinue the property in its qualifying use, provided such owner has renewed without
17 an intervening lapse at least once the covenant under this Code section, has reached the age
18 of 65 or older, and has kept the property in a qualifying use under the renewal covenant for
19 at least three years such election shall be in writing and shall not become effective until
20 filed with the county board of tax assessors. In such case, the penalty specified by
21 subsection (g) of this Code section shall not apply and the penalty imposed shall be the
22 amount by which preferential assessment has reduced taxes otherwise due for the year in
23 which the covenant is breached, such penalty to bear interest at the rate specified in Code
24 Section 48-2-40 from the date of the breach."

1 (3) Any case in which a covenant is breached solely as a result of an owner electing to
2 discontinue the property in its qualifying use, provided such owner has renewed without
3 an intervening lapse at least once the covenant for bona fide conservation use, has
4 reached the age of 65 or older, and has kept the property in a qualifying use under the
5 renewal covenant for at least three years such election shall be in writing and shall not
6 become effective until filed with the county board of tax assessors."

7 **SECTION 4.**

8 This Act shall become effective upon its approval by the Governor or upon its becoming law
9 without such approval.

10 **SECTION 5.**

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