

House Resolution 21

By: Representatives Buck of the 112th and Royal of the 140th

A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide for additional types of family
 2 owned farm entities which can qualify to receive the preferential assessment for property
 3 which is devoted to bona fide agricultural purposes; and to provide for the submission of this
 4 amendment for ratification or rejection; and for other purposes.

5 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 SECTION 1.

7 Article VII, Section I, Paragraph III is amended by striking subparagraph (c) and inserting
 8 in its place a new subparagraph (c) to read as follows:

9 "(c) Tangible real property, but no more than 2,000 acres of any single property owner,
 10 which is devoted to bona fide agricultural purposes shall be assessed for ad valorem
 11 taxation purposes at 75 percent of the value which other tangible real property is assessed.
 12 No property shall be entitled to receive the preferential assessment provided for in this
 13 subparagraph if the property which would otherwise receive such assessment would result
 14 in any person who has a beneficial interest in such property, including any interest in the
 15 nature of stock ownership, receiving the benefit of such preferential assessment as to more
 16 than 2,000 acres. No property shall be entitled to receive the preferential assessment
 17 provided for in this subparagraph unless the conditions set out below are met:

18 (1) The property must be owned by:

19 (A)(i) One or more natural or naturalized citizens;

20 (ii) An estate of which the devisee or heirs are one or more natural or naturalized
 21 citizens; or

22 (iii) A trust of which the beneficiaries are one or more natural or naturalized citizens;
 23 or

24 ~~(B) A family-owned farm corporation, the controlling interest of which is owned by~~
 25 ~~individuals related to each other within the fourth degree of civil reckoning, or which is~~
 26 ~~owned by an estate of which the devisee or heirs are one or more natural or naturalized~~
 27 ~~citizens, or which is owned by a trust of which the beneficiaries are one or more natural~~

1 ~~or naturalized citizens, and such corporation derived 80 percent or more of its gross~~
 2 ~~income from bona fide agricultural pursuits within this state within the year immediately~~
 3 ~~preceding the year in which eligibility is sought. A family owned farm entity, such as a~~
 4 ~~family corporation, a family partnership, a family general partnership, a family limited~~
 5 ~~partnership, a family limited corporation, or a family limited liability company, all of the~~
 6 ~~interest of which is owned by one or more natural or naturalized citizens related to each~~
 7 ~~other by blood or marriage within the fourth degree of civil reckoning, except that, solely~~
 8 ~~with respect to a family limited partnership, a corporation, limited partnership, limited~~
 9 ~~corporation, or limited liability company may serve as a general partner of the family~~
 10 ~~limited partnership and hold no more than a 5 percent interest in such family limited~~
 11 ~~partnership, an estate of which the devisees or heirs are one or more natural or naturalized~~
 12 ~~citizens, or a trust of which the beneficiaries are one or more natural or naturalized~~
 13 ~~citizens and which family owned farm entity derived 80 percent or more of its gross~~
 14 ~~income from bona fide agricultural pursuits, including earnings on investments directly~~
 15 ~~related to past or future bona fide agricultural pursuits, within this state within the year~~
 16 ~~immediately preceding the year in which eligibility is sought; provided, however, that in~~
 17 ~~the case of a newly formed family farm entity, an estimate of the income of such entity~~
 18 ~~may be used to determine its eligibility."~~

19 SECTION 2.

20 The above proposed amendment to the Constitution shall be published and submitted as
 21 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
 22 above proposed amendment shall have written or printed thereon the following:

23 "() YES Shall the Constitution be amended so as to provide for additional types of
 family owned farm entities which can qualify to receive the preferential
 24 () NO assessment for property which is devoted to bona fide agricultural
 25 purposes?"

26 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
 27 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
 28 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
 29 become a part of the Constitution of this state.