

House Bill 1

By: Representative Royal of the 171st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona
2 fide conservation use property, so as to provide for additional acts which shall not constitute
3 a breach of a conservation use covenant; to repeal conflicting laws; and for other purposes.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide
7 conservation use property, is amended by striking subsection (p) and inserting in its place a
8 new subsection (p) to read as follows:

9 "(p) The following shall not constitute a breach of a covenant:

10 (1) Mineral exploration of the property subject to the covenant or the leasing of the
11 property subject to the covenant for purposes of mineral exploration if the primary use
12 of the property continues to be the good faith production from or on the land of
13 agricultural products;

14 (2) Allowing all or part of the property subject to the covenant to lie fallow or idle for
15 purposes of any land conservation program, for purposes of any federal agricultural
16 assistance program, or for other agricultural management purposes;

17 (3) Allowing all or part of the property subject to the covenant to lie fallow or idle due
18 to economic or financial hardship if the owner notifies the board of tax assessors on or
19 before the last day for filing a tax return in the county where the land lying fallow or
20 idle is located and if such owner does not allow the land to lie fallow or idle for more
21 than two years of any five-year period; or

22 (4)(A) Any property which is subject to a covenant for bona fide conservation use
23 being transferred to a place of religious worship or burial or an institution of purely
24 public charity if such place or institution is qualified to receive the exemption from ad
25 valorem taxation provided for under subsection (a) of Code Section 48-5-41. No person
26 shall be entitled to transfer more than 25 acres of such person's property in the
27 aggregate under this paragraph.

(B) Any property transferred under subparagraph (A) of this paragraph shall not be used by the transferee for any purpose other than for a purpose which would entitle such property to the applicable exemption from ad valorem taxation provided for under subsection (a) of Code Section 48-5-41 or subsequently transferred until the expiration of the term of the covenant period. Any such use or transfer shall constitute a breach of the covenant;

(5) Leasing a portion of the property subject to the covenant for the purpose of placing thereon a cellular telephone transmission tower; or

(6) Allowing all or part of the property subject to the covenant on which a corn crop is grown to be used for the purpose of constructing and operating a maze so long as the remainder of such corn crop is harvested and sold."

SECTION 2.

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