

House Bill 445

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
2 current use assessment for bona fide conservation use property, residential transitional
3 property, application procedures, penalties for breach of covenant, classification on tax
4 digest, and annual report, so as to change certain provisions relating to buffers adjacent to
5 rivers or perennial streams; to provide for current use assessment for certain undeveloped
6 land areas within buffer zones established by law or local ordinance adjacent to rivers,
7 perennial streams, or reservoirs; to provide for exemptions from certain covenant and penalty
8 provisions; to provide for loss current use assessment in certain circumstances; to provide
9 a contingent effective date; to provide for applicability; to provide for contingent repeal; to
10 repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to current use
14 assessment for bona fide conservation use property, residential transitional property,
15 application procedures, penalties for breach of covenant, classification on tax digest, and
16 annual report, is amended by revising subparagraph (a)(2)(F) as follows:

17 "(F) River or stream corridors or buffers which shall be defined as those undeveloped
18 lands which are:

- 19 (i) Adjacent to buffer zones described in division (ii) of this subparagraph along
20 rivers and, reservoirs, or perennial streams that are within the 100 year flood plain as
21 depicted on official maps prepared by the Federal Emergency Management Agency
22 and which adjacent lands remain in their natural, undisturbed state of vegetation; or
23 (ii) Within buffer zones adjacent to rivers, reservoirs, or perennial streams, which
24 buffer zones are established by law or local ordinance and within which
25 land-disturbing activity is prohibited and which lands remain in their natural,
26 undisturbed state of vegetation. For purposes of this division, the term

1 'land-disturbing activity' has the meaning provided by Code Section 12-7-3; provided,
 2 however, that lands subjected to agricultural operations and forestry land
 3 management operations that are exempted by Code Section 12-7-17 from the
 4 provisions of Chapter 7 of Title 12, the 'Erosion and Sedimentation Act of 1975,' shall
 5 not be considered disturbed for purposes of this division;"

6 SECTION 2.

7 Said Code section is further amended by revising subsection (u) as follows:

8 "(u) Reserved: (1) Land areas within buffer zones that qualify as bona fide conservation
 9 use property under division (a)(2)(F)(ii) of this Code section shall be exempt from any
 10 covenant requirements under this Code section and any procedures or penalties related
 11 to such covenants or breaches thereof, including but not limited to the provisions of
 12 subsections (d), (e), (g), (h), (i), (j), (l), (m), (n), (p), (q), and (x) of this Code section.
 13 (2) If any land-disturbing activity is conducted on land within such a buffer zone by or
 14 with the permission of the property owner after the current use assessment for such land
 15 has been claimed by and allowed to such owner, the current use assessment shall not, for
 16 the taxable year in which such land-disturbing activity occurred and all taxable years
 17 thereafter, apply for the same owner as to all such buffer zone areas required by law or
 18 local ordinance that are within a buffer zone on the same contiguous tract."

19 SECTION 3.

20 This Act shall become effective on January 1, 2009, and shall apply to all taxable years
 21 beginning on or after such date; except that if an amendment to the Constitution of the State
 22 of Georgia authorizing an exemption from the covenant requirement for bona fide
 23 conservation use property as to stream buffer areas is not ratified at the general election in
 24 2008, this Act shall not become effective and shall be repealed in its entirety on January 1,
 25 2009.

26 SECTION 4.

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