

House Bill 90

By: Representatives Efrstration of the 104<sup>th</sup>, Dickey of the 134<sup>th</sup>, Hagan of the 156<sup>th</sup>, and Buckner of the 137<sup>th</sup>

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 preferential assessment for bona fide conservation use property and bona fide residential  
3 transitional property, so as to increase the maximum acreage to qualify for assessment and  
4 taxation as a bona fide conservation use property; to provide for related matters; to provide  
5 for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to preferential  
10 assessment for bona fide conservation use property and bona fide residential transitional  
11 property, is amended by revising the introductory language of paragraph (1) of  
12 subsection (a), division (a)(1)(A.1)(ii), the introductory language of paragraph (2) of  
13 subsection (a), paragraph (3) of subsection (b), and subsections (e) and (r) as follows:

14 "(a) For purposes of this article, the term 'bona fide conservation use property' means  
15 property described in and meeting the requirements of paragraph (1) or (2) of this  
16 subsection, as follows:

H. B. 90

17 (1) Not more than ~~2,000 acres~~ 4,000 acres of tangible real property of a single person,  
18 the primary purpose of which is any good faith production, including but not limited to  
19 subsistence farming or commercial production, from or on the land of agricultural  
20 products or timber, subject to the following qualifications:

21 (A) Such property includes the value of tangible property permanently affixed to the  
22 real property which is directly connected to such owner's production of agricultural  
23 products or timber and which is devoted to the storage and processing of such  
24 agricultural products or timber from or on such real property;

25 (A.1) In the application of the limitation contained in the introductory language of this  
26 paragraph, the following rules shall apply to determine beneficial interests in bona fide  
27 conservation use property held in a family owned farm entity as described in  
28 division (1)(C)(iv) of this subsection:

29 (i) A person who owns an interest in a family owned farm entity as described in  
30 division (1)(C)(iv) of this subsection shall be considered to own only the percent of  
31 the bona fide conservation use property held by such family owned farm entity that  
32 is equal to the percent interest owned by such person in such family owned farm  
33 entity; and

34 (ii) A person who owns an interest in a family owned farm entity as described in  
35 division (1)(C)(iv) of this subsection may elect to allocate the lesser of any unused  
36 portion of such person's ~~2,000-acre~~ 4,000 acre limitation or the product of such  
37 person's percent interest in the family owned farm entity times the total number of  
38 acres owned by the family owned farm entity subject to such bona fide conservation  
39 use assessment, with the result that the family owned farm entity may receive bona  
40 fide conservation use assessment on more than ~~2,000 acres~~ 4,000 acres;"

41 "(2) Not more than ~~2,000 acres~~ 4,000 acres of tangible real property, excluding the value  
42 of any improvements thereon, of a single owner of the types of environmentally sensitive  
43 property specified in this paragraph and certified as such by the Department of Natural

44 Resources, if the primary use of such property is its maintenance in its natural condition  
45 or controlling or abating pollution of surface or ground waters of this state by storm-water  
46 runoff or otherwise enhancing the water quality of surface or ground waters of this state  
47 and if such owner meets the qualifications of subparagraph (C) of paragraph (1) of this  
48 subsection, subject to the following qualifications:"

49 "(3) No property shall qualify as bona fide conservation use property if such current use  
50 assessment would result in any person who has a beneficial interest in such property,  
51 including any interest in the nature of stock ownership, receiving in any tax year any  
52 benefit of current use assessment as to more than ~~2,000 acres~~ 4,000 acres. If any taxpayer  
53 has any beneficial interest in more than ~~2,000 acres~~ 4,000 acres of tangible real property  
54 which is devoted to bona fide conservation uses, such taxpayer shall apply for current use  
55 assessment only as to ~~2,000 acres~~ 4,000 acres of such land;"

56 "(e) A single owner shall be authorized to enter into more than one covenant under this  
57 Code section for bona fide conservation use property, provided that the aggregate number  
58 of acres of qualified property of such owner to be entered into such covenants does not  
59 exceed ~~2,000 acres~~ 4,000 acres. Any such qualified property may include a tract or tracts  
60 of land which are located in more than one county. A single owner shall be authorized to  
61 enter qualified property in a covenant for bona fide conservation use purposes and to enter  
62 simultaneously the residence located on such property in a covenant for bona fide  
63 residential transitional use if the qualifications for each such covenant are met. A single  
64 owner shall be authorized to enter qualified property in a covenant for bona fide  
65 conservation use purposes and to enter other qualified property of such owner in a covenant  
66 for bona fide residential transitional use."

67 "(r) Property which is subject to current use assessment under this Code section shall be  
68 separately classified from all other property on the tax digest; and such separate  
69 classification shall be such as will enable any person examining the tax digest to ascertain  
70 readily that the property is subject to current use assessment under this Code section.

71 Covenants shall be public records and shall be indexed and maintained in such manner as  
72 will allow members of the public to locate readily the covenant affecting any particular  
73 property subject to current use assessment under this Code section. Based on information  
74 submitted by the county boards of tax assessors, the commissioner shall maintain a central  
75 registry of conservation use property, indexed by owners, so as to ensure that the ~~2,000~~  
76 ~~acre~~ 4,000 acre limitations of this Code section are complied with on a state-wide basis."

77 **SECTION 2.**

78 This Act shall become effective on January 1, 2027, only if an amendment to the  
79 Constitution increasing the maximum acreage to qualify for assessment and taxation as a  
80 bona fide conservation use property is ratified by the voters at the November, 2026,  
81 state-wide general election. If such an amendment is not so ratified, then this Act shall not  
82 become effective and shall stand repealed on January 1, 2027.

83 **SECTION 3.**

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