

House Bill 1014 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 171<sup>st</sup> and Williamson of the 115<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to the imposition, rate, computation, and exemptions from state income taxes, so as  
3 to extend the sunset date of the existing exemption for donation of real property for  
4 conservation use; to provide for related matters; to repeal conflicting laws; and for other  
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the  
9 imposition, rate, computation, and exemptions from state income taxes, is amended by  
10 revising subsection (d) of Code Section 48-7-29.12, relating to the income tax credit for  
11 qualified donation of real property, as follows:

12 "(d)(1) In no event shall the total amount of any tax credit under this Code section for a  
13 taxable year exceed the taxpayer's income tax liability. In no event shall the total amount  
14 of the tax credit allowed to a taxpayer under subsection (b) of this Code section exceed  
15 \$250,000.00 with respect to tax liability determined under Code Section 48-7-20 or  
16 \$500,000.00 with respect to tax liability determined under Code Section 48-7-21. Any  
17 unused tax credit shall be allowed to be carried forward to apply to the taxpayer's  
18 succeeding ten years' tax liability. However, the amount in excess of such annual dollar  
19 limits shall not be eligible for carryover to the taxpayer's succeeding years' tax liability  
20 nor shall such excess amount be claimed by or reallocated to any other taxpayer. No such  
21 tax credit shall be allowed the taxpayer against prior years' tax liability.

22 (2) Only one qualified donation may be made with respect to any real property that was,  
23 in the five years prior to donation, within the same tax parcel of record, except that a  
24 subsequent donation may be made by a person who is not a related person with respect  
25 to any prior eligible donors of any portion of such tax parcel.

26 (3)(A) Beginning on January 1, 2016, the aggregate amount of tax credits allowed  
 27 under this Code section shall not exceed \$30 million per calendar year. The  
 28 Department of Natural Resources shall accept no new applications for the tax credits  
 29 allowed under this Code section after December 31, ~~2016~~ 2021.

30 (B) Prior to any renewal of the exemption for donations of real property beyond the  
 31 date authorized by subparagraph (A) of this paragraph, the Department of Natural  
 32 Resources shall provide a report to the Governor, the President of the Senate, the  
 33 Speaker of the House of Representatives, and the chairpersons of the House Committee  
 34 on Ways and Means and the Senate Finance Committee on the activity of the program  
 35 occurring during the preceding years. The report shall include, but not be limited to:

36 (i) The number of applications and the total number of acres donated;

37 (ii) The value of the qualified donations accepted into the program and which two  
 38 of the five conservation purposes contained in paragraph (2) of subsection (a) of this  
 39 Code section were the basis for the qualification of the property;

40 (iii) The aggregate amount of income tax credits granted pursuant to this Code  
 41 section; and

42 (iv) A listing of the direct and indirect benefits to the state due to the donation of land  
 43 for conservation purposes."

44 **SECTION 2.**

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