

House Bill 1344

By: Representatives Smith of the 13<sup>th</sup>, Post 2, Stephens of the 123<sup>rd</sup>, Floyd of the 132<sup>nd</sup>, Skipper of the 116<sup>th</sup>, Jones of the 38<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,  
2 relating to general provisions regarding ad valorem taxation of property, so as to expand the  
3 availability of preferential assessment of bona fide conservation use property; to remove  
4 certain acreage restrictions on such availability; to expand the owners eligible for such  
5 preferential assessment; to provide for the phasing in of such expanded preferential  
6 assessment under certain circumstances; to provide for a contingent effective date; to provide  
7 for automatic repeal under certain circumstances; to repeal conflicting laws; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to  
12 general provisions regarding ad valorem taxation of property, is amended by striking Code  
13 Section 48-5-7.4, relating to current use valuation and taxation of bona fide conservation use  
14 property, and inserting in lieu thereof the following:

15 "48-5-7.4.

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

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

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

1 (B) Such property excludes the entire value of any residence located on the property;

2 (C) Except as otherwise provided in division (vii) of this subparagraph, such property  
3 must be owned by:

4 (i) One or more natural or naturalized citizens;

5 (ii) An estate of which the devisees or heirs are one or more natural or naturalized  
6 citizens;

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

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

24 (v) A bona fide nonprofit conservation organization designated under Section  
25 501(c)(3) of the Internal Revenue Code;

26 (vi) A bona fide club organized for pleasure, recreation, and other nonprofitable  
27 purposes pursuant to Section 501(c)(7) of the Internal Revenue Code; ~~or~~

28 (vii) A corporation, association, limited liability company, limited partnership, trust,  
29 or other entity organized under the laws of this state or any other state of the United  
30 States and domiciled within the United States; or

31 ~~(vii)~~(viii) In the case of constructed storm-water wetlands, any person may own such  
32 property;

33 (D) Factors which may be considered in determining if such property is qualified may  
34 include, but not be limited to:

35 (i) The nature of the terrain;

36 (ii) The density of the marketable product on the land;

37 (iii) The past usage of the land;

1 (iv) The economic merchantability of the agricultural product; and

2 (v) The utilization or nonutilization of recognized care, cultivation, harvesting, and  
3 like practices applicable to the product involved and any implemented plans thereof;  
4 and

5 (E) Such property shall, if otherwise qualified, include, but not be limited to, property  
6 used for:

7 (i) Raising, harvesting, or storing crops;

8 (ii) Feeding, breeding, or managing livestock or poultry;

9 (iii) Producing plants, trees, fowl, or animals; or

10 (iv) Production of aquaculture, horticulture, floriculture, forestry, dairy, livestock,  
11 poultry, and apiarian products; or

12 (2) Not more than 2,000 acres of tangible real property, excluding the value of any  
13 improvements thereon, of a single owner of the types of environmentally sensitive  
14 property specified in this paragraph and certified as such by the Department of Natural  
15 Resources, if the primary use of such property is its maintenance in its natural condition  
16 or controlling or abating pollution of surface or ground waters of this state by storm-water  
17 runoff or otherwise enhancing the water quality of surface or ground waters of this state  
18 and if such owner meets the qualifications of subparagraph (C) of paragraph (1) of this  
19 subsection:

20 (A) Environmentally sensitive areas, including any otherwise qualified land area 1,000  
21 feet or more above the lowest elevation of the county in which such area is located that  
22 has a percentage slope, which is the difference in elevation between two points 500 feet  
23 apart on the earth divided by the horizontal distance between those two points, of 25  
24 percent or greater and shall include the crests, summits, and ridge tops which lie at  
25 elevations higher than any such area;

26 (B) Wetland areas that are determined by the United States Army Corps of Engineers  
27 to be wetlands under their jurisdiction pursuant to Section 404 of the federal Clean  
28 Water Act, as amended, or wetland areas that are depicted or delineated on maps  
29 compiled by the Department of Natural Resources or the United States Fish and  
30 Wildlife Service pursuant to its National Wetlands Inventory Program;

31 (C) Significant ground-water recharge areas as identified on maps or data compiled by  
32 the Department of Natural Resources;

33 (D) Undeveloped barrier islands or portions thereof as provided for in the federal  
34 Coastal Barrier Resources Act, as amended;

35 (E) Habitats as certified by the Department of Natural Resources as containing species  
36 that have been listed as either endangered or threatened under the federal Endangered  
37 Species Act of 1973, as amended;

1 (F) River corridors which shall be defined as those undeveloped lands adjacent to  
 2 rivers and perennial streams that are within the 100 year flood plain as depicted on  
 3 official maps prepared by the Federal Emergency Management Agency; or

4 (G)(i) Constructed storm-water wetlands of the free-water surface type certified by  
 5 the Department of Natural Resources under subsection (k) of Code Section 12-2-4 and  
 6 approved for such use by the local governing authority.

7 (ii) No property shall maintain its eligibility for current use assessment as a bona fide  
 8 conservation use property as defined in this subparagraph unless the owner of such  
 9 property files an annual inspection report from a licensed professional engineer  
 10 certifying that as of the date of such report the property is being maintained in a  
 11 proper state of repair so as to accomplish the objectives for which it was designed.  
 12 Such inspection report and certification shall be filed with the county board of tax  
 13 assessors on or before the last day for filing ad valorem tax returns in the county for  
 14 each tax year for which such assessment is sought.

15 (b) Except in the case of the underlying portion of a tract of real property on which is  
 16 actually located a constructed storm-water wetlands, the following additional rules shall  
 17 apply to the qualification of conservation use property for current use assessment:

18 (1) When one-half or more of the area of a single tract of real property is used for a  
 19 qualifying purpose, then such tract shall be considered as used for such qualifying  
 20 purpose unless some other type of business is being operated on the unused portion;  
 21 provided, however, that such unused portion must be minimally managed so that it does  
 22 not contribute significantly to erosion or other environmental or conservation problems.  
 23 The lease of hunting rights or the use of the property for hunting purposes shall not  
 24 constitute another type of business;

25 (2) The owner of a tract, lot, or parcel of land totaling less than ten acres shall be  
 26 required by the tax assessor to submit additional relevant records regarding proof of bona  
 27 fide conservation use;

28 ~~(3) No property shall qualify as bona fide conservation use property if such current use~~  
 29 ~~assessment would result in any person who has a beneficial interest in such property,~~  
 30 ~~including any interest in the nature of stock ownership, receiving in any tax year any~~  
 31 ~~benefit of current use assessment as to more than 2,000 acres. If any taxpayer has any~~  
 32 ~~beneficial interest in more than 2,000 acres of tangible real property which is devoted to~~  
 33 ~~bona fide conservation uses, such taxpayer shall apply for current use assessment only~~  
 34 ~~as to 2,000 acres of such land;~~

35 ~~(4)~~(3) No property shall qualify as bona fide conservation use property if it is leased to  
 36 a person or entity which would not be entitled to conservation use assessment;

1 ~~(5)~~(4) No property shall qualify as bona fide conservation use property if such property  
 2 is at the time of application for current use assessment subject to a restrictive covenant  
 3 which prohibits the use of the property for any purpose described in subparagraph  
 4 (a)(1)(E) of this Code section; ~~and~~

5 ~~(6)~~(5) No otherwise qualified property shall be denied current use assessment on the  
 6 grounds that no soil map is available for the county in which such property is located;  
 7 provided, however, that if no soil map is available for the county in which such property  
 8 is located, the owner making an application for current use assessment shall provide the  
 9 board of tax assessors with a certified soil survey of the subject property unless another  
 10 method for determining the soil type of the subject property is authorized in writing by  
 11 such board; and

12 (6) Any county that would have its total tax digest reduced by 5 percent or more in any  
 13 one year as a result of property owners for the first time electing bona fide conservation  
 14 use assessment and taxation pursuant to paragraph (1) of subsection (a) of this Code  
 15 section may phase in any benefits accruing to such property owners under the following  
 16 schedule:

17 (A) In the first year for which the election is applicable, the current use value of the  
 18 bona fide conservation use property shall be increased by 80 percent of the difference  
 19 between the fair market value of such property and the current use value of such  
 20 property;

21 (B) In the second year for which the election is applicable, the current use value of the  
 22 bona fide conservation use property shall be increased by 60 percent of the difference  
 23 between the fair market value of such property and the current use value of such  
 24 property;

25 (C) In the third year for which the election is applicable, the current use value of the  
 26 bona fide conservation use property shall be increased by 40 percent of the difference  
 27 between the fair market value of such property and the current use value of such  
 28 property;

29 (D) In the fourth year for which the election is applicable, the current use value of the  
 30 bona fide conservation use property shall be increased by 20 percent of the difference  
 31 between the fair market value of such property and the current use value of such  
 32 property; and

33 (E) In the fifth year for which the election is applicable and all subsequent years, the  
 34 current use value of the bona fide conservation use property shall not be increased.

35 (c) For purposes of this article, the term 'bona fide residential transitional property' means  
 36 not more than five acres of tangible real property of a single owner which is private  
 37 single-family residential owner occupied property located in a transitional developing area.

1 Such classification shall apply to all otherwise qualified real property which is located in  
2 an area which is undergoing a change in use from single-family residential use to  
3 agricultural, commercial, industrial, office-institutional, multifamily, or utility use or a  
4 combination of such uses. Change in use may be evidenced by recent zoning changes,  
5 purchase by a developer, affidavits of intent, or close proximity to property which has  
6 undergone a change from single-family residential use. To qualify as residential  
7 transitional property, the valuation must reflect a change in value attributable to such  
8 property's proximity to or location in a transitional area.

9 (d) No property shall qualify for current use assessment under this Code section unless and  
10 until the owner of such property agrees by covenant with the appropriate taxing authority  
11 to maintain the eligible property in bona fide qualifying use for a period of ten years  
12 beginning on the first day of January of the year in which such property qualifies for such  
13 current use assessment and ending on the last day of December of the final year of the  
14 covenant period. After the owner has applied for and has been allowed current use  
15 assessment provided for in this Code section, it shall not be necessary to make application  
16 thereafter for any year in which the covenant period is in effect and current use assessment  
17 shall continue to be allowed such owner as specified in this Code section. Upon the  
18 expiration of any covenant period, the property shall not qualify for further current use  
19 assessment under this Code section unless and until the owner of the property has entered  
20 into a renewal covenant for an additional period of ten years; provided, however, that the  
21 owner may enter into a renewal contract in the ninth year of a covenant period so that the  
22 contract is continued without a lapse for an additional ten years.

23 (e) A single owner shall be authorized to enter into more than one covenant under this  
24 Code section for bona fide conservation use property, ~~provided that the aggregate number~~  
25 ~~of acres of qualified property of such owner to be entered into such covenants does not~~  
26 ~~exceed 2,000 acres.~~ Any such qualified property may include a tract or tracts of land which  
27 are located in more than one county. A single owner shall be authorized to enter qualified  
28 property in a covenant for bona fide conservation use purposes and to enter simultaneously  
29 the residence located on such property in a covenant for bona fide residential transitional  
30 use if the qualifications for each such covenant are met. A single owner shall be authorized  
31 to enter qualified property in a covenant for bona fide conservation use purposes and to  
32 enter other qualified property of such owner in a covenant for bona fide residential  
33 transitional use.

34 (f) An owner shall not be authorized to make application for and receive current use  
35 assessment under this Code section for any property which at the time of such application  
36 is receiving preferential assessment under Code Section 48-5-7.1 except that such owner

1 shall be authorized to change such preferential assessment covenant in the manner provided  
2 for in subsection (s) of Code Section 48-5-7.1.

3 (g) Except as otherwise provided in this subsection, no property shall maintain its  
4 eligibility for current use assessment under this Code section unless a valid covenant  
5 remains in effect and unless the property is continuously devoted to an applicable bona fide  
6 qualifying use during the entire period of the covenant. An owner shall be authorized to  
7 change the type of bona fide qualifying conservation use of the property to another bona  
8 fide qualifying conservation use and the penalty imposed by subsection (l) of this Code  
9 section shall not apply, but such owner shall give notice of any such change in use to the  
10 board of tax assessors.

11 (h) If any breach of a covenant occurs, the existing covenant shall be terminated and all  
12 qualification requirements must be met again before the property shall be eligible for  
13 current use assessment under this Code section.

14 (i) If ownership of all or a part of the property is acquired during a covenant period by a  
15 person or entity qualified to enter into an original covenant, then the original covenant may  
16 be continued by such acquiring party for the remainder of the term, in which event no  
17 breach of the covenant shall be deemed to have occurred.

18 (j)(1) All applications for current use assessment under this Code section, including the  
19 covenant agreement required under this Code section, shall be filed on or before the last  
20 day for filing ad valorem tax returns in the county for the tax year for which such current  
21 use assessment is sought, except that in the case of property which is the subject of a  
22 reassessment by the board of tax assessors an application for current use assessment may  
23 be filed in conjunction with or in lieu of an appeal of the reassessment. An application  
24 for continuation of such current use assessment upon a change in ownership of all or a  
25 part of the qualified property shall be filed on or before the last date for filing tax returns  
26 in the year following the year in which the change in ownership occurred. Applications  
27 for current use assessment under this Code section shall be filed with the county board  
28 of tax assessors who shall approve or deny the application. If the application is approved  
29 on or after July 1, 1998, the county board of tax assessors shall file a copy of the  
30 approved application in the office of the clerk of the superior court in the county in which  
31 the eligible property is located. The clerk of the superior court shall file and index such  
32 application in the real property records maintained in the clerk's office. Applications  
33 approved prior to July 1, 1998, shall be filed and indexed in like manner without payment  
34 of any fee. If the application is not so recorded in the real property records, a transferee  
35 of the property affected shall not be bound by the covenant or subject to any penalty for  
36 its breach. The fee of the clerk of the superior court for recording such applications  
37 approved on or after July 1, 1998, shall be paid by the owner of the eligible property with

1 the application for preferential treatment and shall be paid to the clerk by the board of tax  
 2 assessors when the application is filed with the clerk. If the application is denied, the  
 3 board of tax assessors shall notify the applicant in the same manner that notices of  
 4 assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees  
 5 advanced by the owner. Appeals from the denial of an application by the board of tax  
 6 assessors shall be made in the same manner that other property tax appeals are made  
 7 pursuant to Code Section 48-5-311.

8 (2) In the event such application is approved, the taxpayer shall continue to receive  
 9 annual notification of any change in the fair market value of such property and any  
 10 appeals with respect to such valuation shall be made in the same manner as other property  
 11 tax appeals are made pursuant to Code Section 48-5-311.

12 (k)(1) The commissioner shall by regulation provide uniform application and covenant  
 13 forms to be used in making application for current use assessment under this Code  
 14 section. Such application shall include an oath or affirmation by the taxpayer that he or  
 15 she is in compliance with the provisions of paragraphs (3) and (4) of subsection (b) of this  
 16 Code section, if applicable.

17 (2) The applicable local governing authority shall accept applications for approval of  
 18 property for purposes of subparagraph (a)(2)(G) of this Code section and shall certify  
 19 property to the local board of tax assessors as meeting or not meeting the criteria of such  
 20 paragraph. The local governing authority shall not certify any property as meeting the  
 21 criteria of subparagraph (a)(2)(G) of this Code section unless:

22 (A) The owner has submitted to the local governing authority:

23 (i) A plat of the tract in question prepared by a licensed land surveyor, showing the  
 24 location and measured area of such tract;

25 (ii) A certification by a licensed professional engineer that the specific design used  
 26 for the constructed storm-water wetland was recommended by the engineer as suitable  
 27 for such site after inspection and investigation; and

28 (iii) Information on the actual cost of constructing and estimated cost of operating the  
 29 storm-water wetland, including without limitation a description of all incorporated  
 30 materials, machinery, and equipment; and

31 (B) An authorized employee or agent of the local governing authority has inspected the  
 32 site before, during, and after construction of the storm-water wetland to determine  
 33 compliance with the requirements of subparagraph (a)(2)(G) of this Code section.

34 (l) A penalty shall be imposed under this subsection if during the period of the covenant  
 35 entered into by a taxpayer the covenant is breached. The penalty shall be applicable to the  
 36 entire tract which is the subject of the covenant and shall be twice the difference between  
 37 the total amount of tax paid pursuant to current use assessment under this Code section and

1 the total amount of taxes which would otherwise have been due under this chapter for each  
 2 completed or partially completed year of the covenant period. Any such penalty shall bear  
 3 interest at the rate specified in Code Section 48-2-40 from the date the covenant is  
 4 breached.

5 (m) Penalties and interest imposed under this Code section shall constitute a lien against  
 6 the property and shall be collected in the same manner as unpaid ad valorem taxes are  
 7 collected. Such penalties and interest shall be distributed pro rata to each taxing  
 8 jurisdiction wherein current use assessment under this Code section has been granted based  
 9 upon the total amount by which such current use assessment has reduced taxes for each  
 10 such taxing jurisdiction on the property in question as provided in this Code section.

11 (n) The penalty imposed by subsection (1) of this Code section shall not apply in any case  
 12 where a covenant is breached solely as a result of:

- 13 (1) The acquisition of part or all of the property under the power of eminent domain;
- 14 (2) The sale of part or all of the property to a public or private entity which would have  
 15 had the authority to acquire the property under the power of eminent domain; or
- 16 (3) The death of an owner who was a party to the covenant.

17 (o) The transfer of a part of the property subject to a covenant for a bona fide conservation  
 18 use shall not constitute a breach of a covenant if:

- 19 (1) The part of the property so transferred is used for single-family residential purposes,  
 20 starting within one year of the date of transfer and continuing for the remainder of the  
 21 covenant period, and the residence is occupied by a person who is related within the  
 22 fourth degree of civil reckoning to an owner of the property subject to the covenant; and
- 23 (2) The part of the property so transferred, taken together with any other part of the  
 24 property so transferred to the same relative during the covenant period, does not exceed  
 25 a total of five acres;

26 and in any such case the property so transferred shall not be eligible for a covenant for bona  
 27 fide conservation use, but shall, if otherwise qualified, be eligible for current use  
 28 assessment as residential transitional property and the remainder of the property from  
 29 which such transfer was made shall continue under the existing covenant until a  
 30 terminating breach occurs or until the end of the specified covenant period.

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

- 32 (1) Mineral exploration of the property subject to the covenant or the leasing of the  
 33 property subject to the covenant for purposes of mineral exploration if the primary use  
 34 of the property continues to be the good faith production from or on the land of  
 35 agricultural products;

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

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

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

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

21 (q) In the following cases, the penalty specified by subsection (l) of this Code section shall  
 22 not apply and the penalty imposed shall be the amount by which current use assessment has  
 23 reduced taxes otherwise due for the year in which the covenant is breached, such penalty  
 24 to bear interest at the rate specified in Code Section 48-2-40 from the date of the breach:

25 (1) Any case in which a covenant is breached solely as a result of the foreclosure of a  
 26 deed to secure debt or the property is conveyed to the lienholder without compensation  
 27 and in lieu of foreclosure, if:

28 (A) The deed to secure debt was executed as a part of a bona fide commercial loan  
 29 transaction in which the grantor of the deed to secure debt received consideration equal  
 30 in value to the principal amount of the debt secured by the deed to secure debt;

31 (B) The loan was made by a person or financial institution who or which is regularly  
 32 engaged in the business of making loans; and

33 (C) The deed to secure debt was intended by the parties as security for the loan and  
 34 was not intended for the purpose of carrying out a transfer which would otherwise be  
 35 subject to the penalty specified by subsection (l) of this Code section;

36 (2) Any case in which a covenant is breached solely as a result of a medically  
 37 demonstrable illness or disability which renders the owner of the real property physically

1 unable to continue the property in the qualifying use, provided that the board of tax  
 2 assessors shall require satisfactory evidence which clearly demonstrates that the breach  
 3 is the result of a medically demonstrable illness or disability; or

4 (3) Any case in which a covenant is breached solely as a result of an owner electing to  
 5 discontinue the property in its qualifying use, provided such owner has renewed without  
 6 an intervening lapse at least once the covenant for bona fide conservation use, has  
 7 reached the age of 65 or older, and has kept the property in a qualifying use under the  
 8 renewal covenant for at least three years. Such election shall be in writing and shall not  
 9 become effective until filed with the county board of tax assessors.

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

14 Covenants shall be public records and shall be indexed and maintained in such manner as  
 15 will allow members of the public to locate readily the covenant affecting any particular  
 16 property subject to current use assessment under this Code section. Based on information  
 17 submitted by the county boards of tax assessors, the commissioner shall maintain a central  
 18 registry of conservation use property, indexed by owners, so as to ensure that the 2,000  
 19 acre ~~limitations of~~ limitation of paragraph (2) of subsection (a) of this Code section ~~are~~ is  
 20 complied with on a state-wide basis.

21 (s) The commissioner shall annually submit a report to the Governor, the Department of  
 22 Agriculture, the Georgia Agricultural Statistical Service, the Georgia Forestry Commission,  
 23 the Department of Natural Resources, and the University of Georgia Cooperative Extension  
 24 Service and the House Ways and Means, Natural Resources and Environment, and  
 25 Agriculture and Consumer Affairs committees and the Senate Finance, Natural Resources  
 26 and Environment, and Agriculture and Consumer Affairs committees and shall make such  
 27 report available to other members of the General Assembly, which report shall show the  
 28 fiscal impact of the assessments provided for in this Code section and Code Section  
 29 48-5-7.5. The report shall include the amount of assessed value eliminated from each  
 30 county's digest as a result of such assessments; approximate tax dollar losses, by county,  
 31 to all local governments affected by such assessments; and any recommendations regarding  
 32 state and local administration of this Code section and Code Section 48-5-7.5, with  
 33 emphasis upon enforcement problems, if any, attendant with this Code section and Code  
 34 Section 48-5-7.5. The report shall also include any other data or facts which the  
 35 commissioner deems relevant.

36 (t) A public notice containing a brief, factual summary of the provisions of this Code  
 37 section shall be posted in a prominent location readily viewable by the public in the office

1 of the board of tax assessors and in the office of the tax commissioner of each county in  
2 this state.

3 ~~(u) Reserved.~~

4 ~~(v) Reserved.~~

5 ~~(w)~~(u) At such time as the property ceases to be eligible for current use assessment or  
6 when any ten-year covenant period expires and the property does not qualify for further  
7 current use assessment, the owner of the property shall file an application for release of  
8 current use treatment with the county board of tax assessors who shall approve the release  
9 upon verification that all taxes and penalties with respect to the property have been  
10 satisfied. After the application for release has been approved by the board of tax assessors,  
11 the board shall file the release in the office of the clerk of the superior court in the county  
12 in which the original covenant was filed. The clerk of the superior court shall file and  
13 index such release in the real property records maintained in the clerk's office. No fee shall  
14 be paid to the clerk of the superior court for recording such release. The commissioner  
15 shall by regulation provide uniform release forms.

16 ~~(x)~~(v) Notwithstanding any other provision of this Code section to the contrary, in any  
17 case where a renewal covenant is breached by the original covenantor or a transferee who  
18 is related to that original covenantor within the fourth degree by civil reckoning, the  
19 penalty otherwise imposed by subsection (l) of this Code section shall not apply if the  
20 breach occurs during the sixth through tenth years of such renewal covenant, and the only  
21 penalty imposed shall be the amount by which current use assessment has reduced taxes  
22 otherwise due for each year in which such renewal covenant was in effect, plus interest at  
23 the rate specified in Code Section 48-2-40 from the date the covenant is breached."

## 24 SECTION 2.

25 This Act shall become effective on January 1, 2005; provided, however, that this Act shall  
26 only become effective on January 1, 2005, upon the ratification of a resolution at the  
27 November, 2004, state-wide general election, which resolution amends the Constitution of  
28 the State of Georgia so as to eliminate the 2000 acre limitation with respect to bona fide  
29 conservation use property and to authorize a phase-in period for counties that experience a  
30 digest reduction as a result thereof. If such resolution is not ratified, this Act shall not  
31 become effective and shall stand repealed in its entirety on January 1, 2005.

## 32 SECTION 3.

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