

House Bill 979

By: Representatives Richardson of the 19<sup>th</sup>, Burkhalter of the 50<sup>th</sup>, and Keen of the 179<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 48 and 36 of the Official Code of Georgia Annotated, relating, respectively,  
2 to revenue and taxation and local government, so as to provide for implementation of the  
3 GREAT plan; to provide for the comprehensive revision of provisions regarding revenue and  
4 taxation; to change certain provisions regarding the State Board of Equalization; to provide  
5 for additional appeals regarding assessment of ad valorem taxes; to provide for procedures,  
6 conditions, and limitations; to provide for the imposition and collection of fees on certain  
7 motor vehicles; to provide for powers, duties, and authority of county tax commissioners and  
8 the state revenue commissioner regarding such fees; to provide for an income tax credit for  
9 low-income families on qualified food expenses; to provide for conditions and limitations;  
10 to provide for powers, duties, and authority of the state revenue commissioner with respect  
11 to the foregoing; to change certain provisions regarding the tax on the retail purchase, retail  
12 sale, rental, storage, use, or consumption of certain tangible property and on services; to  
13 change certain provisions regarding definitions; to change certain provisions regarding  
14 exemptions; to provide for conforming changes with respect to certain imposition of taxes,  
15 collection from dealers, disposition of certain excess taxes, compensation of dealers for  
16 reporting and paying taxes, and payment of taxes by certain contractors; to provide for sales  
17 tax credit with respect to certain multichannel video programming; to provide for the  
18 comprehensive revision of provisions regarding homeowner tax relief grants; to provide for  
19 additional tax relief grants for personal use motor vehicles; to provide for limits on valuation  
20 increases of homestead property; to provide for related matters; to provide for contingent  
21 effective dates and applicability; to provide for automatic repeal under certain circumstances;  
22 to repeal conflicting laws; and for other purposes.

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

1 **PART I**

2 **SECTION 1-1.**

3 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
4 amended by revising Code Section 48-2-18, relating to the State Board of Equalization, as  
5 follows:

6 "48-2-18.

7 (a) There is established a board composed of the commissioner, the state auditor, and the  
8 executive director of the State Properties Commission.

9 (b) The board created by this Code section shall be designated the State Board of  
10 Equalization. The ~~chairman~~ chairperson and administrative officer of the board shall be the  
11 commissioner. Each year, when the digest of assessments proposed by the commissioner  
12 is complete, the commissioner shall submit the digest to the State Board of Equalization  
13 which shall carefully examine the proposed assessments of each class of taxpayers or  
14 property and the digest of proposed assessments as a whole to determine that they are  
15 reasonably apportioned among the several tax jurisdictions and reasonably uniform with  
16 the values set on other classes of property throughout the state. If the board determines that  
17 the proposed assessed values of any one or more of the classes of taxpayers or property or  
18 the digest as a whole does not reasonably conform to the values set for other property  
19 throughout the state, it shall inquire as to the reason for the lack of conformity and shall  
20 adjust and equalize the same by either adding or subtracting a fixed percentage to the class  
21 of taxpayer, to the class of property, or to the digest as a whole, as the case may be.

22 (c) As ~~chairman~~ chairperson and chief administrative officer of the board, the  
23 commissioner shall furnish to the board all necessary records and files and in this capacity  
24 may compel the attendance of witnesses and the production of books and records or other  
25 documents as ~~he~~ the commissioner is empowered to do in the administration of the tax  
26 laws. After final approval by the State Board of Equalization of the digest of proposed  
27 assessments made by the commissioner and after any adjustments by the board as  
28 authorized by this Code section are made, the commissioner shall notify within 30 days  
29 each taxpayer in writing of the proposed assessment of its property. At the same time, the  
30 commissioner shall notify in writing the board of tax assessors of such county, ~~as outlined~~  
31 ~~in Code Section 48-5-511~~, of the total proposed assessment of the property located within  
32 the county of taxpayers who are required to return their property to the commission. If any  
33 such taxpayer notifies the commissioner and the board of tax assessors in any such county  
34 of its intent to dispute a portion of the proposed assessment within 20 days after receipt of  
35 the notice, the county board of tax assessors shall include in the county digest only the  
36 undisputed amount of the assessment, and the taxpayer may challenge the commissioner's

1 proposed assessment in an appeal filed in the Superior Court of Fulton County within 30  
 2 days of receipt of the notice. In any such appeal the taxpayer shall have the right of  
 3 discovery as provided in Chapter 11 of Title 9, the 'Georgia Civil Practice Act.' Upon  
 4 conclusion of the appeal, the taxpayer shall remit to the appropriate counties any additional  
 5 taxes owed, with interest at the rate provided by law for judgments. Such interest shall  
 6 accrue from the date the taxes would have been due absent the appeal to the date the  
 7 additional taxes are remitted.

8 (d) Within 30 days after receipt of the proposed digest of assessments, the county board  
 9 of tax assessors shall make the final assessment of the property in question and provide  
 10 notice to the taxpayer. Such notice and any appeal therefrom shall be accomplished as is  
 11 provided by Code Sections 48-5-306 and 48-5-311 or Code Sections 48-5-306.2 and  
 12 48-5-311.1. In the event of an appeal, the department shall, upon request of the local board  
 13 of tax assessors and without any charge or cost therefor, provide the local board of tax  
 14 assessors with any and all technical assistance available from the resources of the  
 15 department, including without limitation expert testimony by the employees of the  
 16 department.

17 (e) Assessments made in accordance with subsection (d) of this Code section shall be  
 18 added to the regular county digest at the time the digest is transmitted to the commissioner  
 19 or at such time as the digest is otherwise required to be compiled.

20 (f) The notice and appeal procedures provided for in this Code section shall not apply to  
 21 any decision of the board relating to the assessed value of motor vehicle property.

22 (g) The provisions of this Code section shall not apply ~~with respect~~ to appeals which are  
 23 within the jurisdiction of the Ad Valorem Assessment Review Commission."

## 24 SECTION 1-2.

25 Said title is further amended by adding a new Code section to read as follows:

26 "48-5-306.2.

27 (a) In addition to the appeal provided for in Code Section 48-5-306, each taxpayer shall be  
 28 authorized to appeal the assessment if such assessment exceeds the returned value by 5  
 29 percent or more. Notice of this additional opportunity to appeal shall be included in the tax  
 30 bill mailed to each taxpayer.

31 (b)(1) The notice required to be given under subsection (a) of this Code section shall be  
 32 dated and shall contain the name and last known address of the taxpayer. If the  
 33 assessment of the value of the taxpayer's property is changed, the notice shall contain:

34 (A) The amount of the previous assessment;

35 (B) The amount of the current assessment;

36 (C) The year for which the new assessment is applicable;

1 (D) A brief description of the assessed property broken down into real and personal  
2 property classifications;

3 (E) The fair market value of property of the taxpayer subject to taxation and the  
4 assessed value of the taxpayer's property subject to taxation after being reduced; and

5 (F) The name and phone number of the person in the assessors' office that is  
6 administratively responsible for the handling of the appeal and that the taxpayer may  
7 contact if they have questions about the reasons for the assessment change or the  
8 appeals process.

9 (2) In addition to the items required under paragraph (1) of this subsection, the notice  
10 shall contain a statement of the taxpayer's right to an appeal, which statement shall be in  
11 substantially the following form:

12 'The amount of your ad valorem tax bill for this year is based on the appraised and  
13 assessed values specified in this notice. You have the right to appeal these values to the  
14 county board of tax assessors either followed by an appeal to the county board of  
15 equalization or to arbitration and in either case, to appeal to the superior court.

16 If you wish to file an appeal, you must do so in writing no later than 30 days after the  
17 date of this notice. If you do not file an appeal by this date, your right to file an appeal  
18 will be lost. For further information on the proper method for filing an appeal, you may  
19 contact the county board of tax assessors which is located at: (insert address) and which  
20 may be contacted by telephone at: (insert telephone number).'

21 (c) Notwithstanding the provisions of Code Section 50-18-71, in the case of all public  
22 records and information of the county board of tax assessors pertaining to the appraisal and  
23 assessment of the real property subject to such notice:

24 (1) The taxpayer may request, and the county board of tax assessors shall provide within  
25 ten business days, copies of such public records and information at a uniform copying fee  
26 not to exceed 25¢ per page; and

27 (2) No additional charges or fees may be collected from the taxpayer for reasonable  
28 search, retrieval, or other administrative costs associated with providing such public  
29 records and information.

30 (d) Where the assessment of the value of the taxpayer's real property subject to taxation  
31 exceeds the returned value of such property by 15 percent or more, the notice required by  
32 this subsection shall be accompanied by a simple, nontechnical description of the basis for  
33 the new assessment. All documents reviewed in making the assessment, the address of all  
34 real properties utilized as comparable properties, and all factors considered in establishing  
35 the new assessment shall be made available to the taxpayer pursuant to the terms and  
36 conditions of subsection (d) of this Code section, and the notice shall contain a statement  
37 of that availability.

1 (e) Where the assessment of the value of the taxpayer's real property subject to taxation  
 2 exceeds the returned value of such property by more than 5 percent but by less than 15  
 3 percent, a county governing authority may provide by ordinance or resolution that the  
 4 notice thereof to the taxpayer may be accompanied by a simple, nontechnical description  
 5 of the basis for the new assessment. Such notice may also contain a statement of the  
 6 availability of all documents reviewed in making the assessment, the address of all real  
 7 properties utilized as comparable properties, and all factors considered in establishing the  
 8 new assessment.

9 (f) The commissioner shall promulgate such rules and regulations as may be necessary for  
 10 the administration of this Code section."

### 11 **SECTION 1-3.**

12 Said title is further amended by adding a new Code section to read as follows:

13 "48-5-311.1.

14 (a)(1)(A) Pursuant to Code Section 48-5-306.2, any resident or nonresident taxpayer  
 15 may appeal from an assessment by the county board of tax assessors to the county  
 16 board of equalization or to an arbitrator or arbitrators as to matters of taxability,  
 17 uniformity of assessment, and value, and, for residents, as to denials of homestead  
 18 exemptions.

19 (B) In addition to the grounds enumerated in subparagraph (A) of this paragraph, any  
 20 resident or nonresident taxpayer having property that is located within a municipality,  
 21 the boundaries of which municipality extend into more than one county, may also  
 22 appeal from an assessment on such property by the county board of tax assessors to the  
 23 county board of equalization or to an arbitrator or arbitrators as to matters of uniformity  
 24 of assessment of their property with other properties located within such municipality,  
 25 and any uniformity adjustments to the assessment that may result from such appeal  
 26 shall only apply for municipal ad valorem tax purposes.

27 (C) Appeals to the county board of equalization shall be conducted in the manner  
 28 provided in paragraph (2) of this subsection. Appeals to an arbitrator or arbitrators shall  
 29 be conducted in the manner specified in subsection (b) of this Code section. Such  
 30 appeal proceedings shall be conducted between the hours of 8:00 A.M. and 7:00 P.M.  
 31 on a business day. Following the notification of the taxpayer of the date and time of  
 32 their scheduled hearing, the taxpayer shall be authorized to exercise a one-time option  
 33 of changing the date and time of the taxpayer's scheduled hearing to a day and time  
 34 acceptable to the taxpayer.

35 (2)(A) An appeal shall be effected by mailing to or filing with the county board of tax  
 36 assessors a notice of appeal within 45 days from the date of mailing the notice pursuant

1 to Code Section 48-5-306.2 except that for counties or municipal corporations  
2 providing for the collection and payment of ad valorem taxes in installments the time  
3 for filing the notice of appeal shall be 30 days. A written objection to an assessment  
4 of real property received by a county board of tax assessors stating the location of the  
5 real property and the identification number, if any, contained in the tax notice shall be  
6 deemed a notice of appeal by the taxpayer under the grounds listed in paragraph (1) of  
7 this subsection. Any such notice of appeal which is mailed pursuant to this  
8 subparagraph shall be deemed to be filed as of the date of the United States Postal  
9 Service postmark on such notice of appeal. A written objection to an assessment of  
10 personal property received by a county board of tax assessors giving the account  
11 number, if any, contained in the tax notice and stating that the objection is to an  
12 assessment of personal property shall be deemed a notice of appeal by the taxpayer  
13 under the grounds listed in paragraph (1) of this subsection. The county board of tax  
14 assessors shall review the valuation or denial in question and, if any changes or  
15 corrections are made in the valuation or decision in question, the board shall send a  
16 notice of the changes or corrections to the taxpayer pursuant to Code Section  
17 48-5-306.2. Such notice shall also explain the taxpayer's right to appeal to the county  
18 board of equalization as provided in subparagraph (C) of this paragraph if the taxpayer  
19 is dissatisfied with the changes or corrections made by the county board of tax  
20 assessors.

21 (B) If no changes or corrections are made in the valuation or decision, the county board  
22 of tax assessors shall send written notice thereof to the taxpayer and to the county board  
23 of equalization which notice shall also constitute the taxpayer's appeal to the county  
24 board of equalization without the necessity of the taxpayer's filing any additional notice  
25 of appeal to the county board of tax assessors or to the county board of equalization.  
26 The county board of tax assessors shall also send or deliver all necessary papers to the  
27 county board of equalization.

28 (C) If changes or corrections are made by the county board of tax assessors, the board  
29 shall notify the taxpayer in writing of such changes. If the taxpayer is dissatisfied with  
30 such changes or corrections, the taxpayer shall, within 21 days of the date of mailing  
31 of the change notice, institute an appeal to the county board of equalization by mailing  
32 to or filing with the county board of tax assessors a written notice of appeal. Any such  
33 notice of appeal which is mailed pursuant to this subparagraph shall be deemed to be  
34 filed as of the date of the United States Postal Service postmark on such notice of  
35 appeal. The county board of tax assessors shall send or deliver the notice of appeal and  
36 all necessary papers to the county board of equalization.

1 (D) The written notice to the taxpayer required by this paragraph shall contain a  
2 statement of the grounds for rejection of any position the taxpayer has asserted with  
3 regard to the valuation of the property. No addition to or amendment of such grounds  
4 as to such position shall be permitted before the county board of equalization or in any  
5 arbitration proceedings.

6 (3) In any year in which no county-wide revaluation is implemented, the county board  
7 of tax assessors shall make its determination and notify the taxpayer within 180 days after  
8 receipt of the taxpayer's notice of appeal. If the county board of tax assessors fails to  
9 respond to the taxpayer within such 180 day period during such year, the appeal shall be  
10 automatically referred to the county board of equalization. This paragraph shall not apply  
11 to any county whose digest for the current year cannot be approved by the commissioner  
12 pursuant to subsection (a) of Code Section 48-5-304.

13 (4) The determination by the county board of tax assessors of questions of factual  
14 characteristics of the property under appeal, as opposed to questions of value, shall be  
15 prima-facie correct in any appeal to the county board of equalization. However, the  
16 board of tax assessors shall have the burden of proving their opinions of value and the  
17 validity of their proposed assessment by a preponderance of evidence.

18 (5)(A) The county board of equalization shall determine all questions presented to it  
19 on the basis of the best information available to the board.

20 (B) The commissioner, by regulation, may adopt uniform procedures and standards  
21 which, when approved by the State Board of Equalization, shall be followed by county  
22 boards of equalization in determining appeals.

23 (6)(A) Within 15 days of the receipt of the notice of appeal, the county board of  
24 equalization shall set a date for a hearing on the questions presented and shall so notify  
25 the taxpayer and the county board of tax assessors in writing. A taxpayer may appear  
26 before the board concerning any appeal in person, by his or her authorized agent or  
27 representative, or both. The taxpayer shall specify in writing to the board the name of  
28 any such agent or representative prior to any appearance by the agent or representative  
29 before the board.

30 (B) Within 30 days of the date of notification to the taxpayer of the hearing required  
31 in this paragraph but not earlier than 20 days from the date of such notification to the  
32 taxpayer, the county board of equalization shall hold such hearing to determine the  
33 questions presented.

34 (C) If more than one contiguous property of a taxpayer is under appeal, the board of  
35 equalization shall, upon request of the taxpayer, consolidate all such appeals in one  
36 hearing and render separate decisions as to each parcel or item of property. Any appeal  
37 from such a consolidated board of equalization hearing to the superior court as provided

1 in this subsection shall constitute a single civil action, and, unless the taxpayer  
2 specifically so indicates in his or her notice of appeal, shall apply to all such parcels or  
3 items of property.

4 (D)(i) The decision of the county board of equalization shall be in writing, shall be  
5 signed by each member of the board, shall specifically decide each question presented  
6 by the appeal, shall specify the reason or reasons for each such decision as to the  
7 specific issues of taxability, uniformity of assessment, value, or denial of homestead  
8 exemptions depending upon the specific issue or issues raised by the taxpayer in the  
9 course of such taxpayer's appeal, shall state that with respect to the appeal no member  
10 of the board is disqualified from acting by virtue of subsection (f) of this Code  
11 section, and shall certify the date on which notice of the decision is given to the  
12 parties. Notice of the decision shall be given to each party by sending a copy of the  
13 decision by registered or certified mail or statutory overnight delivery to the appellant  
14 and by filing the original copy of the decision with the county board of tax assessors.  
15 Each of the three members of the county board of equalization must be present and  
16 must participate in the deliberations on any appeal. A majority vote shall be required  
17 in any matter. All three members of the board must sign the decision indicating their  
18 vote.

19 (ii)(I) If the event of an appeal under this Code section, the county board of tax  
20 assessors shall specify to the county tax commissioner the higher of the taxpayer's  
21 return valuation or 85 percent of the current year's valuation as set by the county  
22 board of tax assessors. This amount shall be the basis for a temporary tax bill to be  
23 issued. Such tax bill shall be accompanied by a notice to the taxpayer that the bill  
24 is a temporary tax bill pending the outcome of the appeal process. Such notice shall  
25 also indicate that upon resolution of the appeal, there may be additional taxes due  
26 or a refund issued.

27 (II) If the final determination of the value on appeal is less than the valuation thus  
28 used, the taxpayer shall receive a deduction in such taxpayer's taxes for the year in  
29 question. Such deduction shall be refunded to the taxpayer and shall include  
30 interest on the amount of such deduction at the same rate as specified in Code  
31 Section 48-2-35 which shall accrue from November 15 of the taxable year in  
32 question or the date the final installment of the tax was due or was paid, whichever  
33 is later. In no event shall the amount of such interest exceed \$150.00.

34 (III) If the final determination of value on appeal is greater than the valuation thus  
35 used, the taxpayer shall be liable for the increase in taxes for the year in question  
36 due to the increased valuation fixed on appeal with interest at the rate as specified  
37 in Code Section 48-2-35. Such interest shall accrue from November 15 of the

1 taxable year in question or the date the final installment of the tax was due to the  
2 date the additional taxes are remitted, but in no event shall such interest accrue for  
3 a period of more than 180 days. Any taxpayer shall be exempt each taxable year  
4 from any such interest owed under this subdivision on such taxpayer's homestead  
5 property.

6 (7) The county governing authority shall furnish the county board of equalization  
7 necessary facilities and secretarial and clerical help. The secretary of the county board  
8 of tax assessors shall see that the records and information of the county board of tax  
9 assessors are transmitted to the county board of equalization. The county board of  
10 equalization must consider in the performance of its duties the information furnished by  
11 the county board of tax assessors and the taxpayer.

12 (8) The taxpayer or his or her agent or representative may submit in support of his or her  
13 appeal the most current report of the sales ratio study for the county conducted pursuant  
14 to Code Section 48-5-274. The board must consider the study upon any such request.

15 (b)(1) At the option of the taxpayer an appeal shall be submitted to arbitration.

16 (2) Following an election by the taxpayer under paragraph (1) of this subsection, an  
17 arbitration appeal shall be effected by the taxpayer's filing a written notice of arbitration  
18 with the county board of tax assessors. The notice of arbitration shall specifically state  
19 the grounds for arbitration. The notice shall be filed within 45 days from the date of  
20 mailing the notice pursuant to Code Section 48-5-306.2 except that for counties or  
21 municipal corporations providing for the collection and payment of ad valorem taxes in  
22 installments the time for filing the notice of appeal shall be 30 days. The county board  
23 of tax assessors shall certify to the clerk of the superior court the notice of arbitration and  
24 any other papers specified by the person seeking arbitration including, but not limited to,  
25 the staff information from the file used by the county board of tax assessors. All papers  
26 and information certified to the clerk shall become a part of the record on arbitration.  
27 Within 15 days of the filing of the certification to the clerk of the superior court, the judge  
28 shall issue an order authorizing the arbitration and appointing a referee.

29 (3) The arbitration of the correctness of the decision of the county board of tax assessors  
30 shall be conducted pursuant to the procedures outlined in Article 2 of Chapter 9 of Title  
31 9 with the following exceptions:

32 (A) If both parties agree, the matter may be submitted to a single arbitrator. If both  
33 parties agree, the referee may serve as the single arbitrator;

34 (B) If the parties do not agree to a single arbitrator, then three arbitrators shall hear the  
35 appeal. Such arbitrators shall be appointed as provided in Code Section 9-9-67. If one  
36 or both parties are unable to select an arbitrator, the appeal shall be heard by a single

1 arbitrator who shall be appointed by the judge of the superior court as provided in Code  
2 Section 9-9-67;

3 (C) In order to be qualified to serve as an arbitrator, a person must be at least a  
4 registered real estate appraiser as classified by the Georgia Real Estate Appraisers  
5 Board;

6 (D) The arbitrator or a majority of the arbitrators, as applicable, within 30 days after  
7 their appointment shall render a decision regarding the correctness of the decision of  
8 the county board of tax assessors and, if correction of the decision is required, regarding  
9 the extent and manner in which the decision should be corrected. The decision of the  
10 arbitrator or arbitrators, as applicable, may be appealed to the superior court in the same  
11 manner as a decision of the board of equalization;

12 (E) The taxpayer shall be responsible for the fees and costs of such taxpayer's  
13 arbitrator and the county shall be responsible for the fees and costs of such county's  
14 arbitrator. The two parties shall each be responsible for one-half of the fees and costs  
15 of the third arbitrator. In the event the appeal is submitted to a single arbitrator, the two  
16 parties shall each be responsible for one-half of the fees and costs of such arbitrator;  
17 and

18 (F) The board of tax assessors shall have the burden of proving their opinions of value  
19 and the validity of their proposed assessment by a preponderance of evidence.

20 (c)(1) The taxpayer or, except as otherwise provided in this paragraph, the county board  
21 of tax assessors may appeal decisions of the county board of equalization, the arbitrator,  
22 or the arbitrators, as applicable, to the superior court of the county in which the property  
23 lies. A county board of tax assessors may not appeal a decision of the county board of  
24 equalization changing an assessment by 15 percent or less unless the board of tax  
25 assessors gives the county governing authority a written notice of its intention to appeal  
26 and within ten days of receipt of the notice the county governing authority by majority  
27 vote does not prohibit the appeal. In the case of a joint city-county board of tax assessors,  
28 such notice shall be given to the city and county governing authorities, either of which  
29 may prohibit the appeal by majority vote within the allowed period of time.

30 (2) An appeal by the taxpayer as provided in paragraph (1) of this subsection shall be  
31 effected by mailing to or filing with the county board of tax assessors a written notice of  
32 appeal. Any such notice of appeal which is mailed pursuant to this paragraph shall be  
33 deemed to be filed as of the date of the United States Postal Service postmark on such  
34 notice of appeal. An appeal by the county board of tax assessors shall be effected by  
35 giving notice to the taxpayer. The notice to the taxpayer shall be dated and shall contain  
36 the name and the last known address of the taxpayer. The notice of appeal shall  
37 specifically state the grounds for appeal. The notice shall be mailed or filed within 30

1 days from the date on which the decision of the county board of equalization is mailed  
2 pursuant to subparagraph (a)(6)(D) of this Code section or within 30 days from the date  
3 on which the arbitration decision is rendered pursuant to subparagraph (b)(3)(D) of this  
4 Code section, whichever is applicable. The county board of tax assessors shall certify to  
5 the clerk of the superior court the notice of appeal and any other papers specified by the  
6 person appealing including, but not limited to, the staff information from the file used by  
7 either the county board of tax assessors or the county board of equalization. All papers  
8 and information certified to the clerk shall become a part of the record on appeal to the  
9 superior court. At the time of certification of the appeal, the county board of tax  
10 assessors shall serve the taxpayer or his or her attorney or agent of record with a copy of  
11 the notice of appeal and with the civil action file number assigned to the appeal. Such  
12 service shall be effected in accordance with subsection (b) of Code Section 9-11-5. No  
13 discovery, motions, or other pleadings may be filed by the county board of tax assessors  
14 in the appeal until such service has been made.

15 (3) The appeal shall constitute a de novo action. The board of tax assessors shall have  
16 the burden of proving their opinions of value and the validity of their proposed  
17 assessment by a preponderance of evidence. Upon a failure of the board of tax assessors  
18 to meet such burden of proof, the court may, upon motion or sua sponte, authorize the  
19 finding that the value asserted by the taxpayer is unreasonable and authorize the  
20 determination of the final value of the property.

21 (4)(A) The appeal shall be heard before a jury at the first term following the filing of  
22 the appeal unless continued by the court upon a showing of good cause. If only  
23 questions of law are presented in the appeal, the appeal shall be heard as soon as  
24 practicable before the court sitting without a jury. Each hearing before the court sitting  
25 without a jury shall be held within 40 days following the date on which the appeal is  
26 filed with the clerk of the superior court. The time of any hearing shall be set in  
27 consultation with the taxpayer and at a time acceptable to the taxpayer between the  
28 hours of 8:00 A.M. and 7:00 P.M. on a business day.

29 (B)(i) The county board of tax assessors shall use the valuation of the county board  
30 of equalization in compiling the tax digest for the county. If the final determination  
31 of value on appeal is less than the valuation set by the county board of equalization,  
32 the arbitrator, or the arbitrators, as applicable, the taxpayer shall receive a deduction  
33 in such taxpayer's taxes for the year in question. Such deduction shall be refunded  
34 to the taxpayer and shall include interest on the amount of such deduction at the same  
35 rate as specified in Code Section 48-2-35 which shall accrue from November 15 of  
36 the taxable year in question or the date the final installment of the tax was due or was  
37 paid, whichever is later. In no event shall the amount of such interest exceed \$150.00.

1 (ii) If the final determination of value on appeal is 80 percent or less of the valuation  
2 set by the county board of equalization as to commercial property, or 85 percent or  
3 less of the valuation set by the county board of tax assessors as to other property, the  
4 taxpayer, in addition to the interest provided for by this paragraph, shall recover costs  
5 of litigation and reasonable attorney's fees incurred in the action. This division shall  
6 not apply when the property owner has failed to return for taxation the property that  
7 is under appeal.

8 (iii) If the final determination of value on appeal is greater than the valuation set by  
9 the county board of equalization, the arbitrator, or the arbitrators, as applicable, the  
10 taxpayer shall be liable for the increase in taxes for the year in question due to the  
11 increased valuation fixed on appeal with interest at the same rate as specified in Code  
12 Section 48-2-35. Such interest shall accrue from November 15 of the taxable year in  
13 question or the date the final installment of tax was due to the date the additional taxes  
14 are remitted, but in no event shall such interest accrue for a period of more than 180  
15 days. Any taxpayer shall be exempt each taxable year from any such interest owed  
16 under this division on such taxpayer's homestead property.

17 (d) In the course of any assessment, appeal, or arbitration, or any related proceeding, the  
18 taxpayer shall be entitled to make audio recordings of any interview with any officer or  
19 employee of the taxing authority relating to the valuation of the taxpayer's property subject  
20 to such assessment, appeal, arbitration, or related proceeding, at the taxpayer's expense and  
21 with equipment provided by the taxpayer, and no such officer or employee may refuse to  
22 participate in an interview relating to such valuation for reason of the taxpayer's choice to  
23 record such interview.

24 (e) Alternate members of the county board of equalization in the order in which selected  
25 shall serve:

26 (1) As members of the county board of equalization in the event there is a permanent  
27 vacancy on the board created by the death, ineligibility, removal from the county, or  
28 incapacitating illness of a member or by any other circumstances. An alternate member  
29 who fills a permanent vacancy shall be considered a member of the board for the  
30 remainder of the unexpired term;

31 (2) In any appeal from which a member of the board is disqualified and shall be  
32 considered a member of the board; or

33 (3) In any appeal at a regularly scheduled or called meeting in the absence of a member  
34 and shall be considered a member of the board.

35 (f)(1) No member of the county board of equalization shall serve on any appeal  
36 concerning which he or she would be subject to a challenge for cause if he or she were  
37 a member of a panel of jurors in a civil case involving the same subject matter.

1 (2) The parties to an appeal to the county board of equalization shall file in writing with  
2 the appeal, in the case of the person appealing, or, in the case of the county board of tax  
3 assessors, with the certificate transmitting the appeal, questions relating to the  
4 disqualification of members of the county board of equalization. Each question shall be  
5 phrased so that it can be answered by an affirmative or negative response. The members  
6 of the county board of equalization shall, in writing under oath within two days of their  
7 receipt of the appeal, answer the questions and any question which may be adopted  
8 pursuant to subparagraph (a)(5)(B) of this Code section. Answers of the county board  
9 of equalization shall be part of the decision of the board and shall be served on each party  
10 by first-class mail. Determination of disqualification shall be made by the judge of the  
11 superior court upon the request of any party when the request is made within two days  
12 of the response of the board to the questions. The time prescribed under subparagraph  
13 (a)(6)(A) of this Code section shall be tolled pending the determination by the judge of  
14 the superior court.

15 (g) Each member of the county board of equalization shall be compensated by the county  
16 per diem for time expended in considering appeals. The compensation shall be paid at a  
17 rate of not less than \$25.00 per day and shall be determined by the county governing  
18 authority. The attendance at required approved appraisal courses shall be part of the  
19 official duties of a member of the board, and he or she shall be paid for each day in  
20 attendance at such courses and shall be allowed reasonable expenses necessarily incurred  
21 in connection with such courses. Compensation pursuant to this subsection shall be paid  
22 from the county treasury upon certification by the member of the days expended in  
23 consideration of appeals.

24 (h) In the event of the absence of an individual from such individual's residence because  
25 of duty in the armed forces, the filing requirements set forth in subparagraph (a)(2)(A) of  
26 this Code section and paragraph (2) of subsection (b) of this Code section shall be tolled  
27 for a period of 90 days. During this period any member of the immediate family of the  
28 individual, or a friend of the individual, may notify the tax receiver or the tax commissioner  
29 of the individual's absence due to military service and submit written notice of  
30 representation for the limited purpose of the appeal. Upon receipt of this notice, the tax  
31 receiver or the tax commissioner shall initiate the appeal.

32 (i) Appeals under this Code section shall not affect the validity of or approval proceedings  
33 regarding the tax digest."

#### 34 **SECTION 1-4.**

35 Said title is further amended by adding a new chapter to read as follows:

"CHAPTER 6A

48-6A-1.

There is imposed an annual motor vehicle fee on every motor vehicle licensed and registered in this state. The fee is imposed at the rate of \$20.00 per motor vehicle for personal use. The tax commissioner of the county shall collect such fee at the same time that tag fees are collected and shall provide for collection procedures. The fee shall be collected from the owner of the motor vehicle. The tax commissioner shall remit the proceeds of such fees to the commissioner in the same manner as other fees pursuant to Code Section 40-2-34 and the commissioner shall deposit such proceeds in the general fund of the state treasury in the same manner as required for other fees under subsection (f) of Code Section 40-2-34."

SECTION 1-5.

Said title is further amended by adding a new Code section to read as follows:

"48-7-29.13.

(a) As used in this Code section, the term:

(1) 'Federal poverty level' income amounts shall be determined by the United States Department of Health and Human Services Poverty Guidelines for the applicable year and applicable family size.

(2) 'Food expense' shall be the dollar amounts of food expense, multiplied by 12 to obtain the annual expense, as is found on the most recent Internal Revenue Service National Standards chart for the applicable family size for the current year.

(3) 'Qualified food expense' means the expenditure of funds by the taxpayer for eligible food in the tax year for which the credit under this Code section is claimed and allowed.

(b) A taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20 for qualified food expenses as follows:

Gross income as percentage of federal poverty level	Amount of income tax credit
0 percent	..... \$0
1 to 10 percent	.... 4 percent multiplied by 10 percent of food expense
11 percent - 20 percent	.... 4 percent multiplied by 20 percent of food expense
21 percent - 30 percent	.... 4 percent multiplied by 30 percent of food expense
31 percent - 40 percent	.... 4 percent multiplied by 40 percent of food expense
41 percent - 50 percent	.... 4 percent multiplied by 50 percent of food expense
51 percent - 60 percent	.... 4 percent multiplied by 60 percent of food expense

1	61 percent - 70 percent	. . . .	4 percent multiplied by 70 percent of food expense
2	71 percent - 80 percent	. . . .	4 percent multiplied by 80 percent of food expense
3	81 percent - 90 percent	. . . .	4 percent multiplied by 90 percent of food expense
4	91 percent - 100 percent	. . . .	4 percent multiplied by 100 percent of food expense
5	101 percent - 110 percent	. . . .	4 percent multiplied by 90 percent of food expense
6	111 percent - 120 percent	. . . .	4 percent multiplied by 80 percent of food expense
7	121 percent - 130 percent	. . . .	4 percent multiplied by 70 percent of food expense
8	131 percent - 140 percent	. . . .	4 percent multiplied by 60 percent of food expense
9	141 percent - 150 percent	. . . .	4 percent multiplied by 50 percent of food expense
10	151 percent - 160 percent	. . . .	4 percent multiplied by 40 percent of food expense
11	161 percent - 170 percent	. . . .	4 percent multiplied by 30 percent of food expense
12	171 percent - 180 percent	. . . .	4 percent multiplied by 20 percent of food expense
13	181 percent - 199 percent	. . . .	4 percent multiplied by 10 percent of food expense
14	200 percent and above	.....	\$0

15 (c) In the event that the total amount of the tax credit under this Code section for a taxable  
 16 year exceeds the taxpayer’s income tax liability, any unused tax credit shall, at the option  
 17 of the taxpayer, be allowed the taxpayer against succeeding years’ tax liability or be  
 18 refunded to the taxpayer. No such tax credit shall be allowed the taxpayer against prior  
 19 years’ tax liability.

20 (d) The commissioner shall be authorized to promulgate any rules and regulations  
 21 necessary to implement and administer the provisions of this Code section.”

22 **SECTION 1-6.**

23 Said title is further amended by revising Code Section 48-8-1, relating to legislative intent,  
 24 as follows:

25 "48-8-1.

26 It is the intention of the General Assembly in enacting this article to exercise its full and  
 27 complete power to tax the retail purchase, retail sale, rental, storage, use, and consumption  
 28 of tangible personal property and the services described in this article except to the extent  
 29 prohibited by the Constitutions of the United States and of this state and ~~except to the~~  
 30 ~~extent of specific exemptions provided in this article~~ to implement the GREAT Plan."

31 **SECTION 1-7.**

32 Said title is further amended by revising Code Section 48-8-2, relating to definitions  
 33 regarding sales and use tax, as follows:

1 "48-8-2.

2 As used in this article, the term:

3 (1) 'Business' means any activity engaged in by any person or caused to be engaged in  
4 by any person with the object of direct or indirect gain, benefit, or advantage.

5 (2) 'Cost price' means the actual cost of articles of tangible personal property without any  
6 deductions for the cost of materials used, labor costs, service costs, transportation  
7 charges, or any other expenses of any kind.

8 (3) 'Dealer' means every person who:

9 (A) Has sold at retail, used, consumed, distributed, or stored for use or consumption  
10 in this state tangible personal property and who cannot prove that the tax levied by this  
11 article has been paid on the sale at retail or on the use, consumption, distribution, or  
12 storage of the tangible personal property;

13 (B) Imports or causes to be imported tangible personal property from any state or  
14 foreign country for sale at retail, or for use, consumption, distribution, or storage for use  
15 or consumption in this state;

16 (C) Is the lessee or renter of tangible personal property and who pays to the owner of  
17 the property a consideration for the use or possession of the property without acquiring  
18 title to the property;

19 (D) Leases or rents tangible personal property for a consideration, permitting the use  
20 or possession of the property without transferring title to the property;

21 (E) Maintains or has within this state, indirectly or by a subsidiary, an office,  
22 distribution center, salesroom or sales office, warehouse, service enterprise, or any  
23 other place of business;

24 (F) Manufactures or produces tangible personal property for sale at retail or for use,  
25 consumption, distribution, or storage for use or consumption in this state;

26 (G) Sells at retail, offers for sale at retail, or has in ~~his~~ such person's possession for sale  
27 at retail, or for use, consumption, distribution, or storage for use or consumption in this  
28 state tangible personal property;

29 (H) Solicits business by an agent, employee, representative, or any other person;

30 (I) Engages in the regular or systematic solicitation of a consumer market in this state,  
31 unless the dealer's only activity in this state is:

32 (i) Advertising or solicitation by:

33 (I) Direct mail, catalogs, periodicals, or advertising fliers;

34 (II) Means of print, radio, or television media; or

35 (III) Telephone, computer, the Internet, cable, microwave, or other communication  
36 system; or

1 (ii) The delivery of tangible personal property within this state solely by common  
2 carrier or United States mail.

3 The exceptions provided in divisions (i) and (ii) of this subparagraph shall not apply to  
4 any requirements under Code Section 48-8-14;

5 (J) Is an affiliate that sells at retail, offers for sale at retail in this state, or engages in  
6 the regular or systematic solicitation of a consumer market in this state through a  
7 related dealer located in this state unless:

8 (i) The in-state dealer to which the affiliate is related does not engage in any of the  
9 following activities on behalf of the affiliate:

10 (I) Advertising;

11 (II) Marketing;

12 (III) Sales; or

13 (IV) Other services; and

14 (ii) The in-state dealer to which the affiliate is related accepts the return of tangible  
15 personal property sold by the affiliate and also accepts the return of tangible personal  
16 property sold by any person or dealer that is not an affiliate on the same terms and  
17 conditions as an affiliate's return;

18 As used in this subparagraph, the term 'affiliate' means any person that is related  
19 directly or indirectly through one or more intermediaries, controls, is controlled by, is  
20 under common control with, or is subject to the control of a dealer described in  
21 subparagraphs (A) through (I) of this paragraph or in this subparagraph; or

22 (K) Notwithstanding any of the provisions contained in this paragraph, ~~with respect to~~  
23 ~~a person that~~ is not a resident or domiciliary of Georgia, ~~that~~ does not engage in any  
24 other business or activity in Georgia, and ~~that~~ has contracted with a commercial printer  
25 for printing to be conducted in Georgia, such person shall not be deemed a 'dealer' in  
26 Georgia merely because such person:

27 (i) Owns tangible or intangible property which is located at the Georgia premises of  
28 a commercial printer for use by such printer in performing services for the owner;

29 (ii) Makes sales and distributions of printed material produced at and shipped or  
30 distributed from the Georgia premises of the commercial printer;

31 (iii) Performs activities of any kind at the Georgia premises of the commercial printer  
32 which are directly related to the services provided by the commercial printer; or

33 (iv) Has printing, including any printing related activities, and distribution related  
34 activities performed by the commercial printer in Georgia for or on its behalf,

35 nor shall such person, absent any contact with Georgia other than with or through the  
36 use of the commercial printer or the use of the United States Postal Service or a  
37 common carrier, have an obligation to collect sales or use tax from any of its customers

1 located in Georgia based upon the activities described in divisions (i) through (iv) of  
 2 this subparagraph. In no event described in this subparagraph shall such person be  
 3 considered to have a fixed place of business in Georgia at either the commercial  
 4 printer's premises or at any place where the commercial printer performs services on  
 5 behalf of that person.

6 ~~(E)~~ Each dealer shall collect the tax imposed by this article from the purchaser, lessee,  
 7 or renter, as applicable, and no action seeking either legal or equitable relief on a sale,  
 8 lease, rental, or other transaction may be had in this state by the dealer unless the dealer  
 9 has fully complied with this article. ~~(M)~~ The commissioner shall promulgate such rules  
 10 and regulations necessary to administer this paragraph, including other such information,  
 11 applications, forms, or statements as the commissioner may reasonably require.

12 (4) 'Gross sales' means the:

13 (A) Sum total of all retail sales of tangible personal property or services without any  
 14 deduction of any kind other than as provided in this article; or

15 (B)(i) Charges, when applied to sales of telephone service, made for local exchange  
 16 telephone service, except local messages which are paid for by inserting coins in coin  
 17 operated telephones, but including the total amount of the guaranteed charge for  
 18 semipublic coin box telephone services; except as otherwise provided in division (ii)  
 19 of this subparagraph.

20 (ii)(I) If a telephone service is not subject to the tax levied by this chapter, and if  
 21 the amount charged for such telephone service is aggregated with and not separately  
 22 stated from the amount paid or charged for any service that is subject to such tax,  
 23 then the nontaxable telephone service shall be treated as being subject to such tax  
 24 unless the telephone service provider can reasonably identify the amount paid or  
 25 charged for the telephone service not subject to such tax from its books and records  
 26 kept in the regular course of business.

27 (II) If a telephone service is not subject to the tax levied by this chapter, a customer  
 28 may not rely upon the nontaxability of such telephone service unless the telephone  
 29 service provider separately states the amount charged for such nontaxable telephone  
 30 service or the telephone service provider elects, after receiving a written request  
 31 from the customer in the form required by the provider, to provide verifiable data  
 32 based upon the provider's books and records that are kept in the regular course of  
 33 business that reasonably identifies the amount charged for such nontaxable  
 34 telephone service.

35 (5) 'Lease or rental' means the leasing or renting of tangible personal property and the  
 36 possession or use of the property by the lessee or renter for a consideration without  
 37 transfer of the title to the property.

1 (5.1) 'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction  
 2 with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels  
 3 for highway use and collected prior to that retail sale. This tax is based upon the average  
 4 retail sales price as set forth in Code Section 48-9-14.

5 (5.2) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or  
 6 use of motor fuel and imposed in an area consisting of less than the entire state, however  
 7 authorized, including, but not limited to, such taxes authorized by or pursuant to  
 8 constitutional amendment; by or pursuant to Section 25 of an Act approved March 10,  
 9 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid  
 10 Transit Authority Act of 1965'; ~~or by or pursuant to Article 2, 2A, 3, or~~ Article 2A, Part  
 11 1 of Article 3, Part 2 of Article 3, or Article 4 of this chapter. Such tax is based on the  
 12 same average retail sales price as set forth in subparagraph (b)(2)(B) of Code Section  
 13 48-9-14. Such price shall be used to compute the prepaid sales tax rate for local  
 14 jurisdictions by multiplying such retail price by the applicable rate imposed by the  
 15 jurisdiction. The person collecting and reporting the prepaid local tax for the local  
 16 jurisdiction shall provide a schedule as to which jurisdiction these collections relate. This  
 17 determination shall be based upon the shipping papers of the conveyance that delivered  
 18 the motor fuel to the dealer or consumer in the local jurisdiction. A seller may rely upon  
 19 the representation made by the purchaser as to which jurisdiction the shipment is bound  
 20 and prepare shipping papers in accordance with those instructions.

21 (6) 'Retail sale' or a 'sale at retail' means:

22 (A) A sale to a consumer or to any person for any purpose other than for resale of any  
 23 tangible personal property or any services taxable under this article including, but not  
 24 limited to, any such transactions which the commissioner upon investigation finds to  
 25 be in lieu of sales. Sales for resale must be made in strict compliance with the  
 26 commissioner's rules and regulations. Any dealer making a sale for resale which is not  
 27 in strict compliance with the commissioner's rules and regulations shall himself or  
 28 herself be liable for and shall pay the tax;

29 (B)(i) Except as otherwise provided in division (ii) of this subparagraph, the sale of  
 30 natural or artificial gas, oil, electricity, solid fuel, transportation, local telephone  
 31 services, beverages, and tobacco products, when made to any purchaser for purposes  
 32 other than resale.

33 (ii) The sale of electricity used directly in the manufacture of a product shall not  
 34 constitute a retail sale for purposes of this article if the direct cost of such electricity  
 35 exceeds 50 percent of the cost of all materials, including electricity, used directly in  
 36 the product and shall be exempt from taxation under this article. Such exemption  
 37 shall be applied to manufacturers located in this state as follows:

1 (I) For calendar years beginning on or after January 1, 1995, and prior to January  
2 1, 1996, 20 percent of the direct cost of such electricity shall be exempt;

3 (II) For calendar years beginning on or after January 1, 1996, and prior to January  
4 1, 1997, 40 percent of the direct cost of such electricity shall be exempt;

5 (III) For calendar years beginning on or after January 1, 1997, and prior to January  
6 1, 1998, 60 percent of the direct cost of such electricity shall be exempt;

7 (IV) For calendar years beginning on or after January 1, 1998, and prior to January  
8 1, 1999, 80 percent of the direct cost of such electricity shall be exempt; and

9 (V) For calendar years beginning on or after January 1, 1999, 100 percent of the  
10 direct cost of such electricity shall be exempt;

11 (C) The sale or charges for any room, lodging, or accommodation furnished to  
12 transients by any hotel, inn, tourist camp, tourist cabin, or any other place in which  
13 rooms, lodgings, or accommodations are regularly furnished to transients for a  
14 consideration. This tax shall not apply to rooms, lodgings, or accommodations supplied  
15 for a period of 90 continuous days or more;

16 (D) Sales of tickets, fees, or charges made for admission to, or voluntary contributions  
17 made to places of, amusement, sports, or entertainment including, but not limited to:

18 (i) Billiard and pool rooms;

19 (ii) Bowling alleys;

20 (iii) Amusement devices;

21 (iv) Musical devices;

22 (v) Theaters;

23 (vi) Opera houses;

24 (vii) Moving picture shows;

25 (viii) Vaudeville;

26 (ix) Amusement parks;

27 (x) Athletic contests including, but not limited to, wrestling matches, prize fights,  
28 boxing and wrestling exhibitions, football games, and baseball games;

29 (xi) Skating rinks;

30 (xii) Race tracks;

31 (xiii) Public bathing places;

32 (xiv) Public dance halls; and

33 (xv) Any other place at which any exhibition, display, amusement, or entertainment  
34 is offered to the public or any other place where an admission fee is charged;

35 (E) Reserved Sales of or charges made for services, including, but not limited to, the  
36 following:

37 (i) Accounting, financial, or tax preparation;

1        (ii) Architectural;

2        (iii) Banking;

3        (iv) Engineering;

4        (v) Household;

5        (vi) Legal;

6        (vii) Membership fees;

7        (viii) Moving, freight, or storage;

8        (ix) Personal services

9        (x) Photography;

10       (xi) Real property improvement or maintenance;

11       (xii) Acquisition of real property;

12       (xiii) Transportation and travel;

13       (xiv) Vehicle; and

14       (xv) Veterinary.

15       Such services shall be subject to state sales and use tax only and shall be exempt from  
 16       any local sales and use tax.

17       (F) Charges made for participation in games and amusement activities; or

18       (G) Sales of tangible personal property to persons for resale when there is a likelihood  
 19       that the state will lose tax funds due to the difficulty of policing the business operations  
 20       because:

21       (i) Of the operation of the business;

22       (ii) Of the very nature of the business;

23       (iii) Of the turnover of so-called independent contractors;

24       (iv) Of the lack of a place of business in which to display a certificate of registration;

25       (v) Of the lack of a place of business in which to keep records;

26       (vi) Of the lack of adequate records;

27       (vii) The persons are minors or transients;

28       (viii) The persons are engaged in essentially service businesses; or

29       (ix) Of any other reasonable reason.

30       The commissioner may promulgate rules and regulations requiring vendors of persons  
 31       described in this subparagraph to collect the tax imposed by this article on the retail  
 32       price of the tangible personal property. The commissioner shall refuse to issue  
 33       certificates of registration and may revoke certificates of registration issued in violation  
 34       of his or her rules and regulations.

35       (7) 'Retailer' means every person making sales at retail or for distribution, use,  
 36       consumption, or storage for use or consumption in this state.

1 (8)(A) 'Sale' means any transfer of title or possession, transfer of title and possession,  
 2 exchange, barter, lease, or rental, conditional or otherwise, in any manner or by any  
 3 means of any kind of tangible personal property for a consideration except as otherwise  
 4 provided in subparagraph (B) of this paragraph and includes, but is not limited to:

5 (i) The fabrication of tangible personal property for consumers who directly or  
 6 indirectly furnish the materials used in such fabrication;

7 (ii) The furnishing, repairing, or serving for a consideration of any tangible personal  
 8 property consumed on the premises of the person furnishing, repairing, or serving the  
 9 tangible personal property; or

10 (iii) A transaction by which the possession of property is transferred but the seller  
 11 retains title as security for the payment of the price.

12 (B) Notwithstanding a dealer's physical presence, in the case of a motor vehicle retail  
 13 sale or a motor vehicle lease or rental when the lease or rental period exceeds 30 days  
 14 and when the purchaser or lessee is a resident of this state, the taxable situs of the  
 15 transaction for the purposes of collecting local sales and use taxes shall be the county  
 16 of motor vehicle registration of the purchaser or lessee.

17 (9)(A) 'Sales price' means the total amount valued in money, whether paid in money  
 18 or otherwise, for which tangible personal property or services are sold including, but  
 19 not limited to, any services that are a part of the sale and any amount for which credit  
 20 is given to the purchaser by the seller without any deduction from the total amount for  
 21 the cost of the property sold, the cost of materials used, labor or service costs, losses,  
 22 or any other expenses of any kind.

23 (B) 'Sales price' does not include:

24 (i) Cash discounts allowed and taken on sales;

25 (ii) The amount charged for labor or services rendered in installing, applying,  
 26 remodeling, or repairing property sold except to the extent required under  
 27 subparagraph (E) of paragraph (6) of this Code section; or

28 (iii) Finance charges, carrying charges, service charges, or interest from credit  
 29 extended on sales of tangible personal property under conditional sale contracts or  
 30 other conditional contracts providing for deferred payments of the purchase price.

31 (10) 'Services' means, generally, the providing of an intangible commodity, action, skill,  
 32 or labor for any remuneration, consideration, or value to an individual consumer but not  
 33 to any business. Taxable services to an individual shall be subject to state sales and use  
 34 taxation only up to \$10,000.00 per vendor per year. In no event shall medical, child care,  
 35 or education services be subject to any sales and use taxation.

1 ~~(10)~~(11) 'Storage' means any keeping or retention in this state of tangible personal  
 2 property for use or consumption in this state or for any purpose other than sale at retail  
 3 in the regular course of business.

4 ~~(11)~~(12) 'Tangible personal property' means personal property which may be seen,  
 5 weighed, measured, felt, or touched or is in any other manner perceptible to the senses.  
 6 'Tangible personal property' does not mean stocks, bonds, notes, insurance, or other  
 7 obligations or securities.

8 ~~(12)~~(13) 'Use' means the exercise of any right or power over tangible personal property  
 9 incident to the ownership of the property including, but not limited to, the sale at retail  
 10 of the property in the regular course of business.

11 ~~(13)~~(14) 'Use tax' includes the use, consumption, distribution, and storage of tangible  
 12 personal property as defined in this article."

### 13 SECTION 1-8.

14 Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and  
 15 use tax, by revising paragraphs (55) and (57) as follows:

16 "~~(55)~~(A) The sale of lottery tickets authorized by Chapter 27 of Title 50 but only to the  
 17 extent provided for in subparagraph (B) of this paragraph.

18 (B)(i) For the purposes of this paragraph, the term 'local sales and use tax' shall mean  
 19 any sales tax, use tax, or local sales and use tax which is levied and imposed in an  
 20 area consisting of less than the entire state, however authorized, including, but not  
 21 limited to, such taxes authorized by or pursuant to constitutional amendment; by or  
 22 pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as  
 23 amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or  
 24 pursuant to Article 2, Article 2A, Part 1 of Article 3, Part 2 of Article 3, or Article 4  
 25 of this chapter.

26 (ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply  
 27 to state sales and use tax but shall only apply to any local sales and use tax levied or  
 28 imposed at any time;"

29 "~~(57)~~(A) The sale for off-premises human consumption or use of eligible foods and  
 30 beverages, to the extent provided in subparagraph ~~(B)~~ (C) of this paragraph.

31 ~~(B) A transaction described in subparagraph (A) of this paragraph shall be exempt~~  
 32 ~~from sales and use tax only if occurring on or after October 1, 1996, and only to the~~  
 33 ~~extent set forth in divisions (i) through (iii) of this subparagraph as follows:~~

34 ~~(i) For a transaction occurring during the period from October 1, 1996, through~~  
 35 ~~September 30, 1997, to the extent of 50 percent of that amount on which, but for this~~  
 36 ~~paragraph, sales and use tax would be levied or imposed;~~

1 ~~(ii) For a transaction occurring during the period from October 1, 1997, through~~  
 2 ~~September 30, 1998, to the extent of 75 percent of that amount on which, but for this~~  
 3 ~~paragraph, sales and use tax would be levied or imposed, and~~

4 ~~(iii) For a transaction occurring on or after October 1, 1998, to the extent of 100~~  
 5 ~~percent of that amount on which, but for this paragraph, sales and use tax would be~~  
 6 ~~levied or imposed.~~

7 ~~(C)(B)~~ For the purposes of this paragraph, 'eligible food and beverages' means any  
 8 food as defined in Section 3 of the federal Food Stamp Act of 1977 (P.L. 95-113), as  
 9 amended, 7 U.S.C.A. 2012(g), as such Act existed on January 1, 1996, except that  
 10 eligible food and beverages shall not include seeds or plants to grow food and shall not  
 11 include food or drink dispensed by or through vending machines or related operations.

12 (C)(i) The exemption provided for in this paragraph shall not apply to any local sales  
 13 and use tax levied or imposed at any time by or pursuant to Article 3 of this chapter.

14 (ii) Except as otherwise provided in division (i) of this subparagraph, the exemption  
 15 provided for in this paragraph shall not apply to any local sales and use tax which is  
 16 effective before October 1, 1996, notwithstanding any provisions to the contrary in  
 17 the law authorizing or imposing such tax.

18 (iii) Except as otherwise provided in divisions (i) and (iv) of this subparagraph, the  
 19 exemption provided for in this paragraph shall apply with respect to any local sales  
 20 and use tax which becomes effective on or after October 1, 1996, but such exemption  
 21 shall apply only as to transactions occurring on or after October 1, 1998,  
 22 notwithstanding any provision to the contrary in the law authorizing or imposing such  
 23 tax.

24 (iv) The exemption provided for in this paragraph shall apply to any local sales and  
 25 use tax levied or imposed at any time by or pursuant to Article 2A of this chapter.

26 (v) For the purposes of this subparagraph, the term 'local sales and use tax' shall mean  
 27 any sales tax, use tax, or local sales and use tax which is levied and imposed in an  
 28 area consisting of less than the entire state, however authorized, including, but not  
 29 limited to, such taxes authorized by or pursuant to constitutional amendment; by or  
 30 pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as  
 31 amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or  
 32 pursuant to Article 2 of this chapter; by or pursuant to Article 2A of this chapter; or  
 33 by or pursuant to Article 3 of this chapter.

34 (D) The exemption provided for in subparagraph (A) of this paragraph shall not apply  
 35 to state sales and use tax.

36 (E) The commissioner shall adopt rules and regulations to carry out the provisions of  
 37 this paragraph;"

**SECTION 1-9.**

Said title is further amended by adding a new Code section to read as follows:

"48-8-16.

(a) As used in this Code section, the term:

(1) 'Cable service' has the same meaning as that term is defined in 47 U.S.C. Section 522(6).

(2) 'Multichannel video programming service' means the provision or transfer of video programming unless otherwise explicitly excluded in this Code section, including but not limited to satellite broadcasting service, cable service, video services delivered over fiber optic line, coaxial cable, copper wire, Internet protocol, or wireless cable service.

(3) 'Place of primary use' means the street address representative of where the subscriber's use of the multichannel video programming service primarily occurs, which must be the residential street address or the primary business street address of the subscriber and, in the case of wireless cable service, must be within the licensed service area of the service provider.

(4) 'Satellite broadcasting service' means the distribution or broadcasting of programming or services by satellite directly to the subscriber's receiving equipment including direct broadcast satellite service and including all service and rental charges, premium channels or other special services, installation and repair service charges, and any other charges having any connection with the provision of the satellite broadcasting service.

(5) 'Video services' means video programming provided by, or generally considered comparable to programming provided by, a television broadcast station, as set forth in 47 U.S.C. Section 522(20).

(6) 'Wireless cable service' means multichannel multipoint distribution services, with programming broadcast by microwave or any similar means directly to the subscriber, including basic, extended, premium service, and other similar services and including video programming services delivered by commercial mobile radio service providers as defined in 47 C.F.R. 20.3.

(b) A credit against the taxes under this chapter shall be authorized with respect to amounts charged for multichannel video programming services if:

(1) The provider of such services is subject to state or local franchise fees pursuant to Title 36; or

(2) The provider of such multichannel video programming services pays fees or makes other valuable cash or in kind contributions of services or property to any state or local government authorities in this state with an aggregate annual value of at least \$20.00 per Georgia multichannel video programming subscriber. Such credit amount shall not

1 exceed the amount of such fees or the amount of taxes due under this chapter, whichever  
2 is less."

3 **SECTION 1-10.**

4 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
5 by revising Chapter 89, relating to homeowner tax relief grants, as follows:

6 "CHAPTER 89

7 36-89-1.

8 As used in this chapter, the term:

9 (1) 'Applicable rollback' means a:

10 (A) Rollback of an ad valorem tax millage rate pursuant to subsection (a) of Code  
11 Section 48-8-91 in a county or municipality that levies a local option sales tax;

12 (B) Rollback of an ad valorem tax millage rate pursuant to subparagraph (c)(2)(C) of  
13 Code Section 48-8-104 in a county or municipality that levies a homestead option sales  
14 tax;

15 (C) Subtraction from an ad valorem millage rate pursuant to Code Section 20-2-334  
16 in a local school system that receives a state school tax credit;

17 (D) Reduction of an ad valorem tax millage rate pursuant to the development of a  
18 service delivery strategy under Code Section 36-70-24; and

19 (E) Reduction of an ad valorem tax millage rate pursuant to paragraph (2) of subsection  
20 (a) of Code Section 33-8-8.3 in a county that collects insurance premium tax.

21 (2) 'County millage rate' means the net ad valorem tax millage rate, after deducting  
22 applicable rollbacks, levied by a county for county purposes and applying to qualified  
23 homesteads in the county, including any millage levied for those special districts reported  
24 on the 2004 ad valorem tax digest certified to and received by the state revenue  
25 commissioner on or before December 31, 2004, but not including any millage levied for  
26 purposes of bonded indebtedness and not including any millage levied on behalf of a  
27 county school district for educational purposes.

28 (3) 'Eligible assessed value' means a certain stated amount of the assessed value of each  
29 qualified homestead in the state. The amount of the eligible assessed value for any given  
30 year shall be fixed in that year's General Appropriations Act.

31 (4) 'Fiscal authority' means the individual authorized to collect ad valorem taxes for a  
32 county or municipality which levies ad valorem taxes.

33 (5) 'Municipal millage rate' means the net ad valorem tax millage rate, after deducting  
34 applicable rollbacks, levied by a municipality for municipal purposes and applying to  
35 qualified homesteads in the municipality, including any millage levied for those special

1 tax districts reported on the 2004 City and Independent School Millage Rate Certification  
 2 certified to and received by the state revenue commissioner on or before December 31,  
 3 2004, but not including any millage levied for purposes of bonded indebtedness and not  
 4 including any millage levied on behalf of an independent school district for educational  
 5 purposes.

6 (6) 'Qualified homestead' means a homestead qualified for any exemption, state, county,  
 7 or school, authorized under Code Section 48-5-44.

8 (7) 'School millage rate' means the net ad valorem tax millage rate, after deducting  
 9 applicable rollbacks, levied on behalf of a county or independent school district for  
 10 educational purposes and applying to qualified homesteads in the county or independent  
 11 school district, not including any millage levied for purposes of bonded indebtedness and  
 12 not including any millage levied for county or municipal purposes.

13 (8) 'State millage rate' means the state millage levy.

14 36-89-2.

15 In each year the General Assembly shall appropriate funds for homeowner tax relief grants  
 16 to counties, municipalities, and county or independent school districts, in order to provide  
 17 for more effective regulation and management of the finance and fiscal administration of  
 18 the state and pursuant to and in furtherance of the provisions of Article III, Section IX,  
 19 Paragraph II(c) of the Constitution; Article VII, Section III, Paragraph III of the  
 20 Constitution; Article VIII, Section I, Paragraph I of the Constitution; and other provisions  
 21 of the Constitution.

22 36-89-3.

23 In each year the General Assembly shall appropriate to the Department of Revenue funds  
 24 to provide homeowner tax relief grants to counties, municipalities, and county or  
 25 independent school districts. ~~When funds are so appropriated, the~~ The General  
 26 Appropriations Act shall specify the amount appropriated and the eligible assessed value  
 27 of each qualified homestead in the state for the specified tax year, ~~which eligible assessed~~  
 28 ~~value shall, subject to annual appropriation by the General Assembly, be not less than that~~  
 29 ~~specified in the Fiscal Year 2004 General Appropriations Act.~~ If for any reason the amount  
 30 appropriated in the General Appropriations Act is insufficient to fund the eligible assessed  
 31 value stated in the General Appropriations Act, the amount appropriated may be adjusted  
 32 in amendments to the General Appropriations Act.

1 36-89-4.

2 Each qualified taxpayer shall receive whichever of the following adjustment amounts  
 3 provides the maximum benefit to that taxpayer on the tax bill or the applicable tax year:

4 (1) A benefit equivalent to a homestead exemption of up to \$18,000.00 of the assessed  
 5 value of the taxpayer's homestead or the taxpayer's ad valorem property tax liability on  
 6 the homestead, whichever is lower; or

7 (2) A benefit equivalent to a complete homestead exemption from ad valorem taxes for  
 8 educational purposes.

9 ~~36-89-4.~~ 36-89-5.

10 (a)(1) ~~When funds are appropriated as provided in Code 36-89-3;~~ For taxpayers  
 11 receiving grants under paragraph (1) of Code Section 36-89-4, such grants shall be  
 12 allotted to each county, municipality, and county or independent school district in the  
 13 state as follows:

14 (A) Immediately following the actual preparation of ad valorem property tax bills, each  
 15 county fiscal authority shall notify the Department of Revenue of the total amount of  
 16 tax revenue which would be generated by applying the sum of the state and county  
 17 millage rates to the eligible assessed value of each qualified homestead in the county.  
 18 The total amount of actual tax credits, so calculated, given to all qualified homesteads  
 19 in the county shall be the amount of the grant to that county;

20 (B) Immediately following the actual preparation of ad valorem property tax bills, each  
 21 county or independent school district's fiscal authority shall notify the Department of  
 22 Revenue of the total amount of tax revenue which would be generated by applying the  
 23 school millage rate to the eligible assessed value of each qualified homestead in the  
 24 county or independent school district. The total amount of actual tax credits, so  
 25 calculated, given to all qualified homesteads in the county or independent school  
 26 district shall be the amount of the grant to that county or independent school district;  
 27 and

28 (C) Immediately following the actual preparation of ad valorem property tax bills, each  
 29 municipality's fiscal authority shall notify the Department of Revenue of the total  
 30 amount of tax revenue which would be generated by applying the municipal millage  
 31 rate to the eligible assessed value of each qualified homestead in the municipality. The  
 32 total amount of actual tax credits, so calculated, given to all qualified homesteads in the  
 33 municipality shall be the amount of the grant to that municipality.

34 (2) Credit amounts computed under paragraph (1) of this subsection shall be applied to  
 35 reduce the otherwise applicable tax liability on a dollar-for-dollar basis, but the credit  
 36 granted shall not in any case exceed the amount of the otherwise applicable tax liability

1 after the granting of all applicable homestead exemptions except for any homestead  
 2 exemption under Article 2A of Chapter 8 of Title 48, the 'Homestead Option Sales and  
 3 Use Tax Act,' as amended, and after the granting of all applicable millage rollbacks.

4 (b) The grant of funds to each county shall be conditioned on the county's fiscal authority  
 5 reducing each qualified homestead's otherwise applicable liability for county taxes for  
 6 county purposes by a credit amount calculated in subparagraph (a)(1)(A) of this Code  
 7 section.

8 (c) The grant of funds to each county or independent school district shall be conditioned  
 9 on the county or independent school district's fiscal authority reducing each qualified  
 10 homestead's otherwise applicable liability for school taxes by a credit amount calculated  
 11 in subparagraph (a)(1)(B) of this Code section.

12 (d) The grant of funds to each municipality shall be conditioned on the municipality's  
 13 fiscal authority reducing each qualified homestead's otherwise applicable liability for  
 14 municipal taxes by a credit amount calculated in subparagraph (a)(1)(C) of this Code  
 15 section.

16 (e) Each fiscal authority shall show the credit amount on the tax bill, together with a  
 17 prominent notice in substantially the following form: 'This reduction in your bill is the  
 18 result of homeowner's tax relief enacted by the Governor and the General Assembly of the  
 19 State of Georgia.'

20 36-89-6.

21 (a)(1) For taxpayers receiving grants under paragraph (2) of Code Section 38-89-4, such  
 22 grants shall be allotted to each county or independent school district in the manner  
 23 provided in paragraph (2) of this subsection.

24 (2) Immediately following the actual preparation of ad valorem property tax bills, each  
 25 county or independent school district's fiscal authority shall notify the Department of  
 26 Revenue of the total amount of tax revenue which would be generated by applying the  
 27 school millage rate to the eligible assessed value of each qualified homestead in the  
 28 county or independent school district. The total amount of actual tax credits, so  
 29 calculated, given to all qualified homesteads in the county or independent school district  
 30 shall be the amount of the grant to that county or independent school district.

31 (3) Credit amounts computed under paragraph (1) of this subsection shall be applied to  
 32 reduce the otherwise applicable tax liability on a dollar-for-dollar basis, but the credit  
 33 granted shall not in any case exceed the amount of the otherwise applicable tax liability  
 34 after the granting of all applicable homestead exemptions except for any homestead  
 35 exemption under Article 2A of Chapter 8 of Title 48, the 'Homestead Option Sales and  
 36 Use Tax Act,' as amended, and after the granting of all applicable millage rollbacks.

1 (b) The grant of funds to each county or independent school district shall be conditioned  
 2 on the county or independent school district's fiscal authority reducing each qualified  
 3 homestead's otherwise applicable liability for school taxes by a credit amount calculated  
 4 in subsection (a) of this Code section.

5 (c) Each fiscal authority shall show the credit amount on the tax bill, together with a  
 6 prominent notice in substantially the following form: 'This reduction in your bill is the  
 7 result of homeowner's tax relief enacted by the Governor and the General Assembly of the  
 8 State of Georgia.'

9 ~~36-89-5.~~ 36-89-7.

10 (a) The state revenue commissioner shall administer this chapter and shall adopt rules and  
 11 regulations for the administration of this chapter, including specific instructions to local  
 12 governments. The state revenue commissioner may adopt procedures for partial or  
 13 installment distribution of grants when the commissioner determines that a full distribution  
 14 will only result in the necessity of return of funds under subsection (b) of this Code section.

15 (b) If any excess funds remain from the funds granted to any county, municipality, or  
 16 county or independent school district under this chapter, after the county, municipality, or  
 17 county or independent school district complies with the credit requirements of Code  
 18 Section ~~38-89-4~~ 36-89-5 or 36-89-6, such excess funds shall be returned by the county,  
 19 municipality, or county or independent school district to the Department of Revenue.

20 ~~36-89-6.~~ 36-89-8.

21 Any credit under this chapter which is erroneously or illegally granted shall be recoverable  
 22 by the political subdivision granting such credit in the same manner as any other delinquent  
 23 tax."

#### 24 **SECTION 1-11.**

25 Said title is further amended by adding a new chapter to read as follows:

#### 26 "CHAPTER 89A

27 36-89A-1.

28 As used in this chapter, the term:

29 (1) 'County millage rate' means the net ad valorem tax millage rate levied by a county for  
 30 county purposes and applying to qualified motor vehicles in the county, including any  
 31 millage levied for those special districts reported on the 2004 ad valorem tax digest  
 32 certified to and received by the state revenue commissioner on or before December 31,  
 33 2004, but not including any millage levied for purposes of bonded indebtedness and not

1 including any millage levied on behalf of a county school district for educational  
2 purposes.

3 (2) 'Eligible assessed value' means a certain stated amount of the assessed value of each  
4 motor vehicle in this state to which the tax relief grant under this chapter shall be  
5 applicable. The assessed value of motor vehicles shall be determined pursuant to the  
6 uniform evaluation of motor vehicles prepared pursuant to Code Section 48-5-442.

7 (3) 'Fiscal authority' means the individual authorized to collect ad valorem taxes for a  
8 county or municipality which levies ad valorem taxes.

9 (4) 'Motor vehicle' means a motor vehicle which is owned or leased by the taxpayer and  
10 used solely for personal use.

11 (5) 'Municipal millage rate' means the net ad valorem tax millage rate levied by a  
12 municipality for municipal purposes and applying to qualified motor vehicles in the  
13 municipality, including any millage levied for those special tax districts reported on the  
14 2004 City and Independent School Millage Rate Certification certified to and received  
15 by the state revenue commissioner on or before December 31, 2004, but not including  
16 any millage levied for purposes of bonded indebtedness and not including any millage  
17 levied on behalf of an independent school district for educational purposes.

18 (6) 'School millage rate' means the net ad valorem tax millage rate levied on behalf of a  
19 county or independent school district for educational purposes and applying to qualified  
20 motor vehicles in the county or independent school district, not including any millage  
21 levied for purposes of bonded indebtedness and not including any millage levied for  
22 county or municipal purposes.

23 (7) 'State millage rate' means the state millage levy.

24 36-89A-2.

25 Each year, the General Assembly shall appropriate funds for motor vehicle tax relief grants  
26 to counties, municipalities, and county or independent school districts pursuant to and in  
27 furtherance of the provisions of Article VII, Section IIB, Paragraph I of the Constitution.

28 36-89A-3.

29 (a) Each year, the General Assembly shall appropriate to the Department of Revenue funds  
30 to provide motor vehicle tax relief grants to counties, municipalities, and county or  
31 independent school districts. The General Appropriations Act shall specify the amount  
32 appropriated which shall be sufficient for each 12 month period so that each taxpayer  
33 receives a credit in an amount equal to the eligible assessed value of each motor vehicle so  
34 that the taxpayer is exempt from ad valorem taxes on such motor vehicle.

1 (b) If for any reason the amount appropriated in the General Appropriations Act is  
2 insufficient to fund the eligible assessed value stated in the General Appropriations Act,  
3 the amount appropriated may be adjusted in amendments to the General Appropriations  
4 Act.

5 36-89A-4.

6 (a)(1) Pursuant to the appropriation of funds as provided in Code Section 36-89A-3, such  
7 grants shall each month be allotted to each county, municipality, and county or  
8 independent school district in this state as follows:

9 (A) Immediately following the actual preparation of ad valorem property tax bills, each  
10 county fiscal authority shall notify the Department of Revenue of the total amount of  
11 tax revenue which would be generated by applying the sum of the state and county  
12 millage rates to the eligible assessed value of each motor vehicle in the county. The  
13 total amount of actual tax credits, so calculated, given to all motor vehicles in the  
14 county shall be the amount of the grant to that county;

15 (B) Immediately following the actual preparation of ad valorem property tax bills, each  
16 county or independent school district's fiscal authority shall notify the Department of  
17 Revenue of the total amount of tax revenue which would be generated by applying the  
18 school millage rate to the eligible assessed value of each motor vehicle in the county  
19 or independent school district. The total amount of actual tax credits, so calculated,  
20 given to all motor vehicles in the county or independent school district shall be the  
21 amount of the grant to that county or independent school district; and

22 (C) Immediately following the actual preparation of ad valorem property tax bills, each  
23 municipality's fiscal authority shall notify the Department of Revenue of the total  
24 amount of tax revenue which would be generated by applying the municipal millage  
25 rate to the eligible assessed value of each motor vehicle in the municipality. The total  
26 amount of actual tax credits, so calculated, given to all motor vehicles in the  
27 municipality shall be the amount of the grant to that municipality.

28 (2) Credit amounts computed under paragraph (1) of this subsection shall be applied to  
29 reduce the otherwise applicable tax liability on a dollar-for-dollar basis, but the credit  
30 granted shall not in any case exceed the amount of the otherwise applicable tax liability.

31 (b) The grant of funds to each county shall be conditioned on the county's fiscal authority  
32 reducing each motor vehicle's otherwise applicable liability for county taxes for county  
33 purposes by a credit amount calculated in subparagraph (a)(1)(A) of this Code section.

34 (c) The grant of funds to each county or independent school district shall be conditioned  
35 on the county or independent school district's fiscal authority reducing each motor

1 vehicle's otherwise applicable liability for school taxes by a credit amount calculated in  
2 subparagraph (a)(1)(B) of this Code section.

3 (d) The grant of funds to each municipality shall be conditioned on the municipality's  
4 fiscal authority reducing each motor vehicle's otherwise applicable liability for municipal  
5 taxes by a credit amount calculated in subparagraph (a)(1)(C) of this Code section.

6 (e) Each fiscal authority shall show the credit amount on the tax bill, together with a  
7 prominent notice in substantially the following form: 'This reduction in your bill is the  
8 result of motor vehicle tax relief enacted by the Governor and the General Assembly of the  
9 State of Georgia.'

10 36-89A-5.

11 (a) The state revenue commissioner shall administer this chapter and shall adopt rules and  
12 regulations for the administration of this chapter, including specific instructions to local  
13 governments. The state revenue commissioner may adopt procedures for partial or  
14 installment distribution of grants when the commissioner determines that a full distribution  
15 will only result in the necessity of return of funds under subsection (b) of this Code section.

16 (b) If any excess funds remain from the funds granted to any county, municipality, or  
17 county or independent school district under this chapter, after the county, municipality, or  
18 county or independent school district complies with the credit requirements of Code  
19 Section 36-89A-4, such excess funds shall be returned by the county, municipality, or  
20 county or independent school district to the Department of Revenue.

21 36-89A-6.

22 Any credit under this chapter which is erroneously or illegally granted shall be recoverable  
23 by the political subdivision granting such credit in the same manner as any other delinquent  
24 tax."

## 25 PART II

### 26 SECTION 2-1.

27 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
28 amended by revising Code Section 48-5-2, relating to ad valorem taxation definitions, as  
29 follows:

30 "48-5-2.

31 As used in this chapter, the term:

32 (1) 'Current use value' of bona fide conservation use property means the amount a  
33 knowledgeable buyer would pay for the property with the intention of continuing the

1 property in its existing use and in an arm's length, bona fide sale and shall be determined  
 2 in accordance with the specifications and criteria provided for in subsection (b) of Code  
 3 Section 48-5-269.

4 (2) 'Current use value' of bona fide residential transitional property means the amount  
 5 a knowledgeable buyer would pay for the property with the intention of continuing the  
 6 property in its existing use and in an arm's length, bona fide sale. The tax assessor shall  
 7 consider the following criteria, as applicable, in determining the current use value of bona  
 8 fide residential transitional property:

9 (A) The current use of such property;

10 (B) Annual productivity; and

11 (C) Sales data of comparable real property with and for the same existing use.

12 (3) 'Fair market value of property' means, except as otherwise provided in Code Section  
 13 48-5-2.1, the amount a knowledgeable buyer would pay for the property and a willing  
 14 seller would accept for the property at an arm's length, bona fide sale. With respect to the  
 15 valuation of equipment, machinery, and fixtures when no ready market exists for the sale  
 16 of the equipment, machinery, and fixtures, fair market value may be determined by  
 17 resorting to any reasonable, relevant, and useful information available including, but not  
 18 limited to, the original cost of the property, any depreciation or obsolescence, and any  
 19 increase in value by reason of inflation. Each tax assessor shall have access to any public  
 20 records of the taxpayer for the purpose of discovering such information.

21 (A) In determining the fair market value of a going business where its continued  
 22 operation is reasonably anticipated, the tax assessor may value the equipment,  
 23 machinery, and fixtures which are the property of the business as a whole where  
 24 appropriate to reflect the accurate fair market value.

25 (B) The tax assessor shall consider the following criteria in determining the fair market  
 26 value of real property:

27 (i) Existing zoning of property;

28 (ii) Existing use of property, including any restrictions or limitations on the use of  
 29 property resulting from state or federal law or rules or regulations adopted pursuant  
 30 to the authority of state or federal law;

31 (iii) Existing covenants or restrictions in deed dedicating the property to a particular  
 32 use; and

33 (iv) Any other factors deemed pertinent in arriving at fair market value.

34 (B.1) The tax assessor shall not consider any income tax credits ~~with respect to~~ for real  
 35 property which are claimed and granted pursuant to either Section 42 of the Internal  
 36 Revenue Code of 1986, as amended, or Chapter 7 of this title in determining the fair  
 37 market value of real property.

1 (C) Fair market value of 'historic property' as such term is defined in subsection (a) of  
2 Code Section 48-5-7.2 means, except as otherwise provided in Code Section 48-5-2.1:

3 (i) For the first eight years in which the property is classified as 'rehabilitated historic  
4 property,' the value equal to the greater of the acquisition cost of the property or the  
5 appraised fair market value of the property as recorded in the county tax digest at the  
6 time preliminary certification on such property was received by the county board of  
7 tax assessors pursuant to subsection (c) of Code Section 48-5-7.2;

8 (ii) For the ninth year in which the property is classified as 'rehabilitated historic  
9 property,' the value of the property as determined by division (i) of this subparagraph  
10 plus one-half of the difference between such value and the current fair market value  
11 exclusive of the provisions of this subparagraph; and

12 (iii) For the tenth and following years, the fair market value of such property as  
13 determined by the provisions of this paragraph, excluding the provisions of this  
14 subparagraph.

15 (D) Fair market value of 'landmark historic property' as such term is defined in  
16 subsection (a) of Code Section 48-5-7.3 means, except as otherwise provided in Code  
17 Section 48-5-2.1:

18 (i) For the first eight years in which the property is classified as 'landmark historic  
19 property,' the value equal to the greater of the acquisition cost of the property or the  
20 appraised fair market value of the property as recorded in the county tax digest at the  
21 time certification on such property was received by the county board of tax assessors  
22 pursuant to subsection (c) of Code Section 48-5-7.3;

23 (ii) For the ninth year in which the property is classified as 'landmark historic  
24 property,' the value of the property as determined by division (i) of this subparagraph  
25 plus one-half of the difference between such value and the current fair market value  
26 exclusive of the provisions of this subparagraph; and

27 (iii) For the tenth and following years, the fair market value of such property as  
28 determined by the provisions of this paragraph, excluding the provisions of this  
29 subparagraph.

30 (E) Timber shall be valued at its fair market value at the time of its harvest or sale in  
31 the manner specified in Code Section 48-5-7.5.

32 (F) Fair market value of 'brownfield property' as such term is defined in subsection (a)  
33 of Code Section 48-5-7.6 means, except as otherwise provided in Code Section  
34 48-5-2.1:

35 (i) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
36 for the first ten years in which the property is classified as 'brownfield property,' the  
37 value equal to the lesser of the acquisition cost of the property or the appraised fair

1 market value of the property as recorded in the county tax digest at the time  
 2 application was made to the Environmental Protection Division of the Department of  
 3 Natural Resources for participation under Article 9 of Chapter 8 of Title 12, the  
 4 'Hazardous Sites Reuse and Redevelopment Act,' as amended;

5 (ii) Unless sooner disqualified pursuant to subsection (e) of Code Section 48-5-7.6,  
 6 for the eleventh and following years, the fair market value of such property as  
 7 determined by the provisions of this paragraph, excluding the provisions of this  
 8 subparagraph.

9 (4) 'Foreign merchandise in transit' means personal property of any description which has  
 10 been or will be moved by waterborne commerce through any port located in this state  
 11 and:

12 (A) Which has entered the export stream, although temporarily stored or warehoused  
 13 in the county where the port of export is located; or

14 (B) Which was shipped from a point of origin located outside the customs territory of  
 15 the United States and on which United States customs duties are paid at or through any  
 16 customs district or port located in this state, although stored or warehoused in the  
 17 county where the port of entry is located while in transit to a final destination."

## 18 SECTION 2-2.

19 Said title is further amended by adding a new Code section to read as follows:

20 "48-5-2.1.

21 (a) Pursuant to Article IX, Section IV, Paragraph V(a) of the Constitution, the assessed  
 22 value of homestead property for state, county, municipal, or educational ad valorem tax  
 23 purposes shall not be changed from the valuation established for 2007 except as otherwise  
 24 authorized under this Code section. Additions or improvements to such property shall be  
 25 appraised for ad valorem tax purposes at their fair market value, which amount shall be  
 26 added to the owner's 2007 valuation amount.

27 (b) If such homestead property is sold or transferred to another person, such homestead  
 28 property shall be appraised for ad valorem tax purposes at the fair market value which shall  
 29 be the buyer's or transferee's acquisition cost in an arm's length, bona fide transaction.

30 (c) The 2007 homestead valuations under this Code section may increase by not more than  
 31 1 percent annually."

**PART III****SECTION 3-1.**

(a) Part I of this Act shall become effective on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009; provided, however, that Part I of this Act shall only become effective on January 1, 2009, upon the ratification of a resolution at the November, 2008, state-wide general election, which resolution amends the Constitution so as to provide immediate tax relief and authorizing future tax relief pursuant to the GREAT Plan. If such resolution is not so ratified, Part I of this Act shall not become effective and shall stand repealed in its entirety on January 1, 2009.

(b) Part II of this Act shall become effective on January 1, 2009, and shall be applicable to all taxable years beginning on or after January 1, 2009; provided, however, that Part II of this Act shall only become effective on January 1, 2009, upon the ratification of a resolution at the November, 2008, state-wide general election, which resolution amends the Constitution so as to freeze homestead values but allow limited future increases and to limit future ad valorem tax revenues unless approved by voters in a referendum. If such resolution is not so ratified, Part II this Act shall not become effective and shall stand repealed in its entirety on January 1, 2009.

(c) This part shall become effective upon the approval of this Act by the Governor or upon the becoming law without such approval.

**SECTION 3-2.**

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