

House Bill 1211

By: Representatives Royal of the 171st, Roberts of the 154th, Keen of the 179th, Porter of the 143rd, Cole of the 125th, and others

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 the special assessment of
3 bona fide large forest land conservation use property; to provide for a short title; to change
4 certain definitions regarding ad valorem taxation; to provide for valuation tables; to provide
5 for procedures, conditions, and limitations; to provide for powers, duties, and authority of
6 county tax commissioners and the state revenue commissioner with respect to the foregoing;
7 to provide for tax relief grants for bona fide large forest land property; to provide for related
8 matters; to provide for contingent effective dates and applicability; to provide for automatic
9 repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 48 Official Code of Georgia Annotated, relating to revenue and taxation, is amended
13 in Code Section 48-5-2, relating to definitions regarding ad valorem taxation of property, by
14 adding a new paragraph to read as follows:

15 "(.1) 'Bona fide large forest land conservation value' of bona fide bona fide large forest
16 land conservation use property means the amount determined in accordance with the
17 specifications and criteria provided for in Code Section 48-5-271 and Article VII, Section
18 I, Paragraph III(f) of the Constitution."

19 **SECTION 2.**

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

21 "48-5-7.7.

22 (a) This Code section shall be known and may be cited as the 'Georgia Bona Fide Large
23 Forest Land Conservation Use Act of 2008.'

1 (b) For purposes of this article, the term 'bona fide large forest land conservation use
2 property' means tracts consisting of more than 500 acres of tangible real property of an
3 owner subject to the following qualifications:

4 (1) Such property must be owned by an individual or individuals or by any entity
5 registered to do business in this state;

6 (2) Such property includes the value of tangible property permanently affixed to the real
7 property which is directly connected to such owner's production of timber and which is
8 devoted to the storage and processing of such timber from or on such real property;

9 (3) Such property excludes the entire value of any residence located on the property;

10 (4) Such property has as its primary use:

11 (A) The promotion, preservation, or management of wildlife habitat;

12 (B) The good faith subsistence or commercial production of trees, timber, or other
13 wood and wood fiber products from or on the land;

14 (C) Carbon sequestration in accordance with the Georgia Carbon Sequestration
15 Registry;

16 (D) Mitigation and conservation banking that results in restoration or conservation of
17 wetlands and other natural resources; or

18 (E) The production and maintenance of ecosystem products and services such as, but
19 not limited to, clean air and water; and

20 (5) 'Bona fide large forest land conservation use property' may include, but not be limited
21 to, land that has been certified as environmentally sensitive property by the Department
22 of Natural Resources or which is managed in accordance with a recognized sustainable
23 forestry certification program such as the Sustainable Forestry Initiative, Forest
24 Stewardship Council, American Tree Farm Program, or an equivalent sustainable forestry
25 certification program approved by the Department of Natural Resources.

26 (c) The following additional rules shall apply to the qualification of bona fide large forest
27 land conservation use property for conservation use assessment:

28 (1) All contiguous bona fide large forest land conservation use property of an owner
29 shall be in a single covenant;

30 (2) When one-half or more of the area of a single tract of real property is used for the
31 qualifying purpose, then such tract shall be considered as used for such qualifying
32 purpose unless some other type of business is being operated on the unused portion;
33 provided, however, that such unused portion must be minimally managed so that it does
34 not contribute significantly to erosion or other environmental or conservation problems.
35 The lease of hunting rights or the use of the property for hunting purposes shall not
36 constitute another type of business. The charging of admission for use of the property for

1 fishing purposes shall not constitute another type of business. The production of pine
2 straw shall not constitute another type of business; and

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

10 (d) No property shall qualify for conservation use assessment under this Code section
11 unless and until the owner of such property agrees by covenant with the appropriate taxing
12 authority to maintain the eligible property in bona fide qualifying use for a period of 15
13 years beginning on the first day of January of the year in which such property qualifies for
14 such conservation use assessment and ending on the last day of December of the final year
15 of the covenant period. After the owner has applied for and has been allowed conservation
16 use assessment provided for in this Code section, it shall not be necessary to make
17 application thereafter for any year in which the covenant period is in effect and
18 conservation use assessment shall continue to be allowed such owner as specified in this
19 Code section. At least 60 days prior to the expiration date of the covenant, the county
20 board of tax assessors shall send by first-class mail written notification of such impending
21 expiration. Upon the expiration of any covenant period, the property shall not qualify for
22 further conservation use assessment under this Code section unless and until the owner of
23 the property has entered into a renewal covenant for an additional period of 15 years;
24 provided, however, that the owner may enter into a renewal contract in the fourteenth year
25 of a covenant period so that the contract is continued without a lapse for an additional 15
26 years.

27 (e) Subject to the limitations of paragraph (1) of subsection (c) of this Code section, an
28 owner shall be authorized to enter into more than one covenant under this Code section for
29 bona fide large forest land conservation use property. Any such qualified property may
30 include a tract or tracts of land which are located in more than one county.

31 (f) An owner shall not be authorized to make application for and receive conservation use
32 assessment under this Code section for any property which at the time of such application
33 is receiving preferential assessment under Code Section 48-5-7.1 or current use assessment
34 under Code Section 48-7-7.4.

35 (g) Except as otherwise provided in this subsection, no property shall maintain its
36 eligibility for conservation use assessment under this Code section unless a valid covenant

1 remains in effect and unless the property is continuously devoted to bona fide large forest
2 land conservation use during the entire period of the covenant.

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

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

10 (j)(1) All applications for conservation use assessment under this Code section, including
11 the covenant agreement required under this Code section, shall be filed on or before the
12 last day for filing ad valorem tax returns in the county for the tax year for which such
13 conservation use assessment is sought, except that in the case of property which is the
14 subject of a reassessment by the board of tax assessors an application for conservation use
15 assessment may be filed in conjunction with or in lieu of an appeal of the reassessment.
16 An application for continuation of such conservation use assessment upon a change in
17 ownership of all or a part of the qualified property shall be filed on or before the last date
18 for filing tax returns in the year following the year in which the change in ownership
19 occurred. Applications for conservation use assessment under this Code section shall be
20 filed with the county board of tax assessors who shall approve or deny the application.
21 The county board of tax assessors shall file a copy of the approved application in the
22 office of the clerk of the superior court in the county in which the eligible property is
23 located. The clerk of the superior court shall file and index such application in the real
24 property records maintained in the clerk's office. If the application is not so recorded in
25 the real property records, a transferee of the property affected shall not be bound by the
26 covenant or subject to any penalty for its breach. The fee of the clerk of the superior
27 court for recording such applications shall be paid by the owner of the eligible property
28 with the application for preferential treatment and shall be paid to the clerk by the board
29 of tax assessors when the application is filed with the clerk. If the application is denied,
30 the board of tax assessors shall notify the applicant in the same manner that notices of
31 assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees
32 advanced by the owner. Appeals from the denial of an application by the board of tax
33 assessors shall be made in the same manner that other property tax appeals are made
34 pursuant to Code Section 48-5-311.

35 (2) In the event such application is approved, the taxpayer shall continue to receive
36 annual notification of any change in the fair market value of such property and any

1 appeals with respect to such valuation shall be made in the same manner as other property
2 tax appeals are made pursuant to Code Section 48-5-311.

3 (k) The commissioner shall by regulation provide uniform application and covenant forms
4 to be used in making application for conservation use assessment under this Code section.

5 (l) A penalty shall be imposed under this subsection if during the period of the covenant
6 entered into by a taxpayer the covenant is breached. The penalty shall be applicable to the
7 entire tract which is the subject of the covenant and shall be three times the difference
8 between the total amount of tax paid pursuant to conservation use assessment under this
9 Code section and the total amount of taxes which would otherwise have been due under
10 this chapter for each completed or partially completed year of the covenant period if
11 breached during years one through five, 2.5 times the difference between the total amount
12 of tax paid pursuant to conservation use assessment under this Code section and the total
13 amount of taxes which would otherwise have been due under this chapter for each year or
14 partially completed year of the covenant period if breached during years six through ten,
15 and twice the difference between the total amount of tax paid pursuant to conservation use
16 assessment under this Code section and the total amount of taxes which would otherwise
17 have been due under this chapter for each completed year or partially completed year of
18 the covenant period if breached during years 11 through 15. Any such penalty shall bear
19 interest at the rate specified in Code Section 48-2-40 from the date the covenant is
20 breached.

21 (m) Penalties and interest imposed under this Code section shall constitute a lien against
22 the property and shall be collected in the same manner as unpaid ad valorem taxes are
23 collected. Such penalties and interest shall be distributed pro rata to each taxing
24 jurisdiction wherein conservation use assessment under this Code section has been granted
25 based upon the total amount by which such conservation use assessment has reduced taxes
26 for each such taxing jurisdiction on the property in question as provided in this Code
27 section.

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

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

34 (o) The following shall not constitute a breach of a covenant:

- 35 (1) Mineral exploration of the property subject to the covenant or the leasing of the
36 property subject to the covenant for purposes of mineral exploration if the primary use
37 of the property continues to be the good faith production from or on the land of timber;

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

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

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

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

21 (5) Leasing a portion of the property subject to the covenant, but in no event more than
 22 six acres, for the purpose of placing thereon a cellular telephone transmission tower. Any
 23 such portion of such property shall cease to be subject to the covenant as of the date of
 24 execution of such lease and shall be subject to ad valorem taxation at fair market value.

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

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

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

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

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

4 (2) Any case in which a covenant is breached solely as a result of a medically
5 demonstrable illness or disability which renders the owner of the real property physically
6 unable to continue the property in the qualifying use, provided that the board of tax
7 assessors shall require satisfactory evidence which clearly demonstrates that the breach
8 is the result of a medically demonstrable illness or disability;

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

16 (4) Any case in which a covenant is breached solely as a result of an owner electing to
17 discontinue the property in its qualifying use, provided such owner entered into the
18 covenant for bona fide large forest land conservation use for the first time after reaching
19 the age of 67 and has either owned the property for at least 15 years or inherited the
20 property and has kept the property in a qualifying use under the covenant for at least three
21 years. Such election shall be in writing and shall not become effective until filed with the
22 county board of tax assessors.

23 (q) Property which is subject to bona fide large forest land conservation use assessment
24 under this Code section shall be separately classified from all other property on the tax
25 digest; and such separate classification shall be such as will enable any person examining
26 the tax digest to ascertain readily that the property is subject to conservation use assessment
27 under this Code section. Covenants shall be public records and shall be indexed and
28 maintained in such manner as will allow members of the public to locate readily the
29 covenant affecting any particular property subject to conservation use assessment under
30 this Code section. Based on information submitted by the county boards of tax assessors,
31 the commissioner shall maintain a central registry of conservation use property, indexed
32 by owners, so as to ensure that the 500 acre minimum requirements of this Code section
33 are complied with on a state-wide basis.

34 (r) The commissioner shall annually submit a report to the Governor, the Department of
35 Agriculture, the Georgia Agricultural Statistical Service, the Georgia Forestry Commission,
36 the Department of Natural Resources, and the University of Georgia Cooperative Extension
37 Service and the House Ways and Means, Natural Resources and Environment, and

1 Agriculture and Consumer Affairs committees and the Senate Finance, Natural Resources
2 and Environment, and Agriculture and Consumer Affairs committees and shall make such
3 report available to other members of the General Assembly, which report shall show the
4 fiscal impact of the assessments provided for in this Code section. The report shall include
5 the amount of assessed value eliminated from each county's digest as a result of such
6 assessments; approximate tax dollar losses, by county, to all local governments affected by
7 such assessments; and any recommendations regarding state and local administration of
8 this Code section, with emphasis upon enforcement problems, if any, attendant with this
9 Code section. The report shall also include any other data or facts which the commissioner
10 deems relevant.

11 (s) A public notice containing a brief, factual summary of the provisions of this Code
12 section shall be posted in a prominent location readily viewable by the public in the office
13 of the board of tax assessors and in the office of the tax commissioner of each county in
14 this state.

15 (t) At such time as the property ceases to be eligible for bona fide large forest land
16 conservation use assessment or when any 15 year covenant period expires and the property
17 does not qualify for further bona fide large forest land conservation use assessment, the
18 owner of the property shall file an application for release of bona fide large forest land
19 conservation use treatment with the county board of tax assessors who shall approve the
20 release upon verification that all taxes and penalties with respect to the property have been
21 satisfied. After the application for release has been approved by the board of tax assessors,
22 the board shall file the release in the office of the clerk of the superior court in the county
23 in which the original covenant was filed. The clerk of the superior court shall file and
24 index such release in the real property records maintained in the clerk's office. No fee shall
25 be paid to the clerk of the superior court for recording such release. The commissioner
26 shall by regulation provide uniform release forms.

27 (u) Notwithstanding any other provision of this Code section to the contrary, in any case
28 where a renewal covenant is breached by the original covenantor or a transferee who is
29 related to that original covenantor within the fourth degree by civil reckoning, the penalty
30 otherwise imposed by subsection (l) of this Code section shall not apply if the breach
31 occurs during the sixth through tenth years of such renewal covenant, and the only penalty
32 imposed shall be the amount by which conservation use assessment has reduced taxes
33 otherwise due for each year in which such renewal covenant was in effect, plus interest at
34 the rate specified in Code Section 48-2-40 from the date the covenant is breached.

35 (v) The commissioner shall have the power to make and publish reasonable rules and
36 regulations for the implementation and enforcement of this Code section. Without limiting
37 the commissioner's authority with respect to any other such matters, the commissioner may

1 prescribe soil maps and other appropriate sources of information for documenting
2 eligibility as a bona fide large forest land conservation use property. The commissioner
3 also may provide that advance notice be given to taxpayers of the intent of a board of tax
4 assessors to deem a change in use as a breach of a covenant."

5 **SECTION 3.**

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

7 "48-5-271.

8 (a) The commissioner shall promulgate and county tax officials shall follow uniform rules
9 and regulations establishing a table of values for the conservation use value of bona fide
10 large forest land conservation use property. Such values shall be the same as provided for
11 forest land values under Code Section 48-5-269.

12 (b) In no event may the bona fide large forest land conservation use value of any bona fide
13 large forest land conservation use property in the table of values established by the
14 commissioner under this Code section for the taxable year beginning January 1, 2010,
15 increase or decrease by more than 15 percent from its bona fide large forest land
16 conservation use value as set forth in the table of values established by the commissioner
17 under this subsection for the taxable year beginning January 1, 2009. In no event may the
18 conservation use value of any bona fide large forest land conservation use property in the
19 table of values established by the commissioner under this subsection for the taxable year
20 beginning January 1, 2011, or any subsequent taxable year increase or decrease by more
21 than 3 percent from its conservation use value as set forth in the table of values established
22 by the commissioner under this Code section for the immediately preceding taxable year.

23 (c) In no event may the bona fide large forest land conservation use value of any bona fide
24 large forest land conservation use property increase or decrease during a covenant period
25 by more than 3 percent from its bona fide large forest land conservation use value for the
26 previous taxable year or increase or decrease during a covenant period by more than 45.50
27 percent from the first year of the covenant period. The limitations imposed by this
28 subsection shall apply to the total value of all the bona fide large forest land conservation
29 use property that is the subject of an individual covenant including any improvements that
30 meet the qualifications set forth in subsection (b) of Code Section 48-5-7.7; provided,
31 however, that in the event the owner changes the use of any portion of the land or adds or
32 removes therefrom any such qualified improvements, the limitations imposed by this
33 subsection shall be recomputed as if the new uses and improvements were in place at the
34 time the covenant was originally entered."

1 (6) 'Municipal millage rate' means the net ad valorem tax millage rate, after deducting
2 applicable rollbacks, levied by a municipality for municipal purposes and applying to
3 bona fide large forest land conservation use properties in the municipality, including any
4 millage levied for those special tax districts reported on the 2004 City and Independent
5 School Millage Rate Certification certified to and received by the state revenue
6 commissioner on or before December 31, 2004, but not including any millage levied for
7 purposes of bonded indebtedness and not including any millage levied on behalf of an
8 independent school district for educational purposes.

9 (7) 'School millage rate' means the net ad valorem tax millage rate, after deducting
10 applicable rollbacks, levied on behalf of a county or independent school district for
11 educational purposes and applying to bona fide large forest land conservation use
12 properties in the county or independent school district, not including any millage levied
13 for purposes of bonded indebtedness and not including any millage levied for county or
14 municipal purposes.

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

16 36-89A-2.

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

25 36-89A-3.

26 In each year the General Assembly shall appropriate to the Department of Revenue funds
27 to provide bona fide large forest land conservation use tax relief grants to counties,
28 municipalities, and county or independent school districts. The General Appropriations
29 Act shall specify the amount appropriated and the eligible assessed value of each bona fide
30 large forest land conservation use property in the state for the specified tax year. The
31 grants authorized under this chapter shall be made only with respect to bona fide large
32 forest land property located in a county where the total tax digest revenue of such county
33 is reduced by more than 4 percent due to the implementation of Article VII, Section I,
34 Paragraph III(f).

1 36-89A-4.

2 (a)(1) When funds are appropriated as provided in Code Section 36-89A-3, such grants
3 shall be allotted to each county, municipality, and county or independent school district
4 in the state as follows:

5 (A) Immediately following the actual preparation of ad valorem property tax bills, each
6 county fiscal authority shall notify the Department of Revenue of the total amount of
7 tax revenue which would be generated by applying the sum of the state and county
8 millage rates to the eligible assessed value of each bona fide large forest land
9 conservation use property in the county. The total amount of actual tax credits, so
10 calculated, given to all bona fide large forest land conservation use properties in the
11 county shall be the amount of the grant to that county;

12 (B) Immediately following the actual preparation of ad valorem property tax bills, each
13 county or independent school district's fiscal authority shall notify the Department of
14 Revenue of the total amount of tax revenue which would be generated by applying the
15 school millage rate to the eligible assessed value of each bona fide large forest land
16 conservation use property in the county or independent school district. The total
17 amount of actual tax credits, so calculated, given to all bona fide large forest land
18 conservation use properties in the county or independent school district shall be the
19 amount of the grant to that county or independent school district; and

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

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

32 (b) The grant of funds to each county shall be conditioned on the county's fiscal authority
33 reducing each bona fide large forest land conservation use property's otherwise applicable
34 liability for county taxes for county purposes by a credit amount calculated in subparagraph
35 (a)(1)(A) of this Code section.

36 (c) The grant of funds to each county or independent school district shall be conditioned
37 on the county or independent school district's fiscal authority reducing each bona fide large

1 forest land conservation use property's otherwise applicable liability for school taxes by
2 a credit amount calculated in 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 bona fide large forest land conservation use property's
5 otherwise applicable liability for municipal taxes by a credit amount calculated in
6 subparagraph (a)(1)(C) of this Code section.

7 (e) Each fiscal authority shall show the credit amount on the tax bill, together with a
8 prominent notice in substantially the following form: 'This reduction in your bill is the
9 result of bona fide large forest land conservation use property's tax relief enacted by the
10 Governor and the General Assembly of the State of Georgia.'

11 36-89A-5.

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

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

22 36-89A-6.

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

26 SECTION 5.

27 This Act shall become effective on January 1, 2009, and shall be applicable to all taxable
28 years beginning on or after January 1, 2009; provided, however, that this Act shall only
29 become effective on January 1, 2009, upon the ratification of a resolution at the November,
30 2008, state-wide general election, which resolution amends the Constitution so as to provide
31 for the special assessment and taxation of bona fide large forest land conservation use
32 property and for bona fide large forest land conservation use tax relief adjustments. If such
33 resolution is not so ratified, this Act shall not become effective and shall stand repealed in
34 its entirety on January 1, 2009.

- 1 **SECTION 6.**
- 2 All laws and parts of laws in conflict with this Act are repealed.