

House Bill 1211 (RULES COMMITTEE SUBSTITUTE)

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 forest land conservation use property; to provide for a short title; to change certain definitions
4 regarding ad valorem taxation; to provide for valuation tables; to provide for procedures,
5 conditions, and limitations; to provide for powers, duties, and authority of county tax
6 commissioners and the state revenue commissioner with respect to the foregoing; to provide
7 for local government assistance grants; to provide for related matters; to provide for a
8 contingent effective date and applicability; to provide for automatic repeal under certain
9 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 "(5) 'Forest land conservation value' of forest land conservation use property means the
16 amount determined in accordance with the specifications and criteria provided for in
17 Code Section 48-5-271 and Article VII, Section I, Paragraph III(f) of the Constitution."

18 **SECTION 2.**

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

20 "48-5-7.7.

21 (a) This Code section shall be known and may be cited as the 'Georgia Forest Land
22 Protection Act of 2008.'

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

1 (1) 'Forest land conservation use property' means forest land each tract of which consists
2 of more than 200 acres of tangible real property of an owner subject to the following
3 qualifications:

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

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

7 (C) Such property has as its primary use:

8 (i) The promotion, preservation, or management of wildlife habitat;

9 (ii) The good faith subsistence or commercial production of trees, timber, or other
10 wood and wood fiber products from or on the land;

11 (iii) Carbon sequestration in accordance with the Georgia Carbon Sequestration
12 Registry;

13 (iv) Mitigation and conservation banking that results in restoration or conservation
14 of wetlands and other natural resources; or

15 (v) The production and maintenance of ecosystem products and services such as, but
16 not limited to, clean air and water.

17 'Forest land conservation use property' may include, but not be limited to, land that has
18 been certified as environmentally sensitive property by the Department of Natural
19 Resources or which is managed in accordance with a recognized sustainable forestry
20 certification program such as the Sustainable Forestry Initiative, Forest Stewardship
21 Council, American Tree Farm Program, or an equivalent sustainable forestry certification
22 program approved by the Georgia Forestry Commission.

23 (2) 'Qualified owner' means any individual or individuals or any entity registered to do
24 business in this state.

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

27 (1) All contiguous forest land conservation use property of an owner within a county for
28 which forest land conservation use assessment is sought under this Code section shall be
29 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 forest land conservation use property shall be denied
4 conservation use assessment on the grounds that no soil map is available for the county
5 in which such property is located; provided, however, that if no soil map is available for
6 the county in which such property is located, the board of tax assessors shall use the
7 current soil classification applicable to such property.

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

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

29 (f) A qualified owner shall not be authorized to make application for and receive
30 conservation use assessment under this Code section for any property which at the time of
31 such application is receiving preferential assessment under Code Section 48-5-7.1 or
32 current use assessment under Code Section 48-7-7.4; provided, however, that if any
33 property is subject to a covenant under either of those Code sections, it may be changed
34 from such covenant and placed under a covenant under this Code section if it is otherwise
35 qualified. Any such change shall terminate the existing covenant and shall not constitute
36 a breach thereof. No property may be changed more than once under this subsection.

1 (g) Except as otherwise provided in this subsection, no property shall maintain its
2 eligibility for conservation use assessment under this Code section unless a valid covenant
3 remains in effect and unless the property is continuously devoted to forest land
4 conservation use during the entire period of the covenant.

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

8 (i) If ownership of all or a part of the forest land conservation use property, which
9 transferred tract exceeds 200 acres, is acquired during a covenant period by another
10 qualified owner, then the original covenant may be continued by such acquiring qualified
11 owner for the remainder of the term, in which event no breach of the covenant by either the
12 former qualified owner or the acquiring qualified owner shall be deemed to have occurred
13 even if the total size of a tract from which the transfer was made is reduced below 200
14 acres. Following the expiration of such covenant, no new covenant shall be entered with
15 respect to the tract from which the transfer was made unless such tract exceeds 200 acres.

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

1 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial
2 of an application by the board of tax assessors shall be made in the same manner that
3 other property tax appeals are made pursuant to Code Section 48-5-311.

4 (2) In the event such application is approved, the qualified owner shall continue to
5 receive annual notification of any change in the forest land fair market value of such
6 property and any appeals with respect to such valuation shall be made in the same manner
7 as other property tax appeals are made pursuant to Code Section 48-5-311.

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

10 (l) In the case of an alleged breach of the covenant, the qualified owner shall be notified
11 in writing by the board of tax assessors. The qualified owner shall have a period of 30 days
12 from the date of such notice to cease and desist the activity alleged in the notice to be in
13 breach of the covenant or to remediate or correct the condition or conditions alleged in the
14 notice to be in breach of the covenant. Following a physical inspection of property, the
15 board of tax assessors shall notify the qualified owner that such activity or activities have
16 or have not properly ceased or that the condition or conditions have or have not been
17 remediated or corrected. The qualified owner shall be entitled to appeal the decision of the
18 board of tax assessors and file an appeal disputing the findings of the board of tax
19 assessors. Such appeal shall be conducted in the same manner that other property tax
20 appeals are made pursuant to Code Section 48-5-311.

21 (m)(1) A penalty shall be imposed under this subsection if during the period of the
22 covenant entered into by a qualified owner the covenant is breached.

23 (2) The penalty shall be applicable to the entire tract which is the subject of the covenant
24 and:

25 (A) If breached during years one through five, shall for each covenant year beginning
26 with year one be three times the difference between the total amount of tax paid
27 pursuant to conservation use assessment under this Code section and the total amount
28 of taxes which would otherwise have been due under this chapter for each completed
29 or partially completed year of the covenant period;

30 (B) If breached during years six through ten, shall for each covenant year beginning
31 with year one be 2.5 times the difference between the total amount of tax paid pursuant
32 to conservation use assessment under this Code section and the total amount of taxes
33 which would otherwise have been due under this chapter for each year or partially
34 completed year of the covenant period; and

35 (C) If breached during years 11 through 15, shall for each covenant year beginning
36 with year one be twice the difference between the total amount of tax paid pursuant to
37 conservation use assessment under this Code section and the total amount of taxes

1 which would otherwise have been due under this chapter for each completed year or
2 partially completed year of the covenant period.

3 (3) Any such penalty shall bear interest at the rate specified in Code Section 48-2-40
4 from the date the covenant is breached.

5 (n) In any case of a breach of the covenant where a penalty under subsection (m) of this
6 Code section is imposed, an amount equal to the amount of reimbursement to each county,
7 municipality, and board of education in each year of the covenant shall be collected under
8 subsection (o) of this Code section and paid over to the commissioner who shall deposit
9 such amount in the general fund.

10 (o) Penalties and interest imposed under this Code section shall constitute a lien against
11 the property and shall be collected in the same manner as unpaid ad valorem taxes are
12 collected. Except as provided in subsection (n) of this Code section, such penalties and
13 interest shall be distributed pro rata to each taxing jurisdiction wherein conservation use
14 assessment under this Code section has been granted based upon the total amount by which
15 such conservation use assessment has reduced taxes for each such taxing jurisdiction on
16 the property in question as provided in this Code section.

17 (p) The penalty imposed by subsection (m) of this Code section shall not apply in any case
18 where a covenant is breached solely as a result of:

- 19 (1) The acquisition of part or all of the property under the power of eminent domain;
- 20 (2) The sale of part or all of the property to a public or private entity which would have
21 had the authority to acquire the property under the power of eminent domain; or
- 22 (3) The death of a qualified owner who was a party to the covenant.

23 (q) The following shall not constitute a breach of a covenant:

- 24 (1) Mineral exploration of the property subject to the covenant or the leasing of the
25 property subject to the covenant for purposes of mineral exploration if the primary use
26 of the property continues to be the good faith production from or on the land of timber;
- 27 (2) Allowing all or part of the property subject to the covenant to lie fallow or idle for
28 purposes of any forestry conservation program, for purposes of any federal agricultural
29 assistance program, or for other agricultural management purposes;
- 30 (3) Allowing all or part of the property subject to the covenant to lie fallow or idle due
31 to economic or financial hardship if the qualified owner notifies the board of tax assessors
32 on or before the last day for filing a tax return in the county where the land lying fallow
33 or idle is located and if such qualified owner does not allow the land to lie fallow or idle
34 for more than two years of any five-year period;
- 35 (4)(A) Any property which is subject to a covenant for forest land conservation use
36 being transferred to a place of religious worship or burial or an institution of purely
37 public charity if such place or institution is qualified to receive the exemption from ad

1 valorem taxation provided for under subsection (a) of Code Section 48-5-41. No
 2 qualified owner shall be entitled to transfer more than 25 acres of such person's
 3 property in the aggregate under this paragraph.

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

10 (5) Leasing a portion of the property subject to the covenant, but in no event more than
 11 six acres of every unit of 2,000 acres, for the purpose of placing thereon a cellular
 12 telephone transmission tower. Any such portion of such property shall cease to be
 13 subject to the covenant as of the date of execution of such lease and shall be subject to
 14 ad valorem taxation at fair market value.

15 (r) In the following cases, the penalty specified by subsection (m) of this Code section
 16 shall not apply and the penalty imposed shall be the amount by which conservation use
 17 assessment has reduced taxes otherwise due for the year in which the covenant is breached,
 18 such penalty to bear interest at the rate specified in Code Section 48-2-40 from the date of
 19 the breach:

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

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

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

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

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

36 (3) Any case in which a covenant is breached solely as a result of a qualified owner
 37 electing to discontinue the property in its qualifying use, provided such qualified owner

1 has renewed without an intervening lapse at least once the covenant for land conservation
2 use, has reached the age of 65 or older, and has kept the property in the qualifying use
3 under the renewal covenant for at least three years. Such election shall be in writing and
4 shall not become effective until filed with the county board of tax assessors; or

5 (4) Any case in which a covenant is breached solely as a result of a qualified owner
6 electing to discontinue the property in its qualifying use, provided such qualified owner
7 entered into the covenant for forest land conservation use for the first time after reaching
8 the age of 67 and has either owned the property for at least 15 years or inherited the
9 property and has kept the property in the qualifying use under the covenant for at least
10 three years. Such election shall be in writing and shall not become effective until filed
11 with the county board of tax assessors.

12 (s) Property which is subject to forest land conservation use assessment under this Code
13 section shall be separately classified from all other property on the tax digest; and such
14 separate classification shall be such as will enable any person examining the tax digest to
15 ascertain readily that the property is subject to conservation use assessment under this Code
16 section. Covenants shall be public records and shall be indexed and maintained in such
17 manner as will allow members of the public to locate readily the covenant affecting any
18 particular property subject to conservation use assessment under this Code section. Based
19 on information submitted by the county boards of tax assessors, the commissioner shall
20 maintain a central registry of conservation use property, indexed by qualified owners, so
21 as to ensure that the 200 acre minimum requirements of this Code section are complied
22 with on a state-wide basis.

23 (t) The commissioner shall annually submit a report to the Governor, the Department of
24 Agriculture, the Georgia Agricultural Statistical Service, the Georgia Forestry Commission,
25 the Department of Natural Resources, and the University of Georgia Cooperative Extension
26 Service and the House Ways and Means, Natural Resources and Environment, and
27 Agriculture and Consumer Affairs committees and the Senate Finance, Natural Resources
28 and Environment, and Agriculture and Consumer Affairs committees and shall make such
29 report available to other members of the General Assembly, which report shall show the
30 fiscal impact of the assessments provided for in this Code section. The report shall include
31 the amount of assessed value eliminated from each county's digest as a result of such
32 assessments; approximate tax dollar losses, by county, to all local governments affected by
33 such assessments; and any recommendations regarding state and local administration of
34 this Code section, with emphasis upon enforcement problems, if any, attendant with this
35 Code section. The report shall also include any other data or facts which the commissioner
36 deems relevant.

1 (u) A public notice containing a brief, factual summary of the provisions of this Code
 2 section shall be posted in a prominent location readily viewable by the public in the office
 3 of the board of tax assessors and in the office of the tax commissioner of each county in
 4 this state.

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

17 (w) The commissioner shall have the power to make and publish reasonable rules and
 18 regulations for the implementation and enforcement of this Code section. Without limiting
 19 the commissioner's authority with respect to any other such matters, the commissioner may
 20 prescribe soil maps and other appropriate sources of information for documenting
 21 eligibility as a forest land conservation use property. The commissioner also may provide
 22 that advance notice be given to a qualified owner of the intent of a board of tax assessors
 23 to deem a change in use as a breach of a covenant."

24 SECTION 3.

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

26 "48-5-271.

27 (a) The commissioner shall promulgate and county tax officials shall follow uniform rules
 28 and regulations establishing a table of values for the conservation use value of forest land
 29 conservation use property. Such values shall be the same as provided for forest land values
 30 under Code Section 48-5-269.

31 (b) In no event may the forest land conservation use value of any forest land conservation
 32 use property in the table of values established by the commissioner under this Code section
 33 for the taxable year beginning January 1, 2010, or any subsequent taxable year increase or
 34 decrease by more than 3 percent from its forest land conservation use value as set forth in
 35 the table of values established by the commissioner under this Code section. The

1 limitations imposed by this subsection shall apply to the total value of all the forest land
 2 conservation use property that is the subject of an individual covenant."

3 **SECTION 4.**

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

5 "CHAPTER 5A

6 48-5A-1.

7 As used in this chapter, the term:

8 (1) 'Applicable rollback' means a:

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

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

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

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

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

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

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

29 (4) 'Forest land conservation use property' means a forest land conservation use property
 30 qualified for special assessment and taxation under Code Section 48-5-7.7 and Article
 31 VII, Section I, Paragraph III(f) of the Constitution.

32 (5) 'Forest land conservation use value' means the same as such term is defined in
 33 paragraph (5) of Code Section 48-5-2 and shall not include the value of standing timber
 34 on such property.

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 forest land conservation use properties in the municipality, including any millage levied
 4 for those special tax districts reported on the 2004 City and Independent School Millage
 5 Rate Certification certified to and received by the state revenue commissioner on or
 6 before December 31, 2004, but not including any millage levied for purposes of bonded
 7 indebtedness and not including any millage levied on behalf of an independent school
 8 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 forest land conservation use properties in the county
 12 or independent school district, not including any millage levied for purposes of bonded
 13 indebtedness and not including any millage levied for county or municipal purposes.

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

15 48-5A-2.

16 In each year the General Assembly shall appropriate to the Department of Revenue funds
 17 for forest land conservation use assistance grants to counties, municipalities, and county
 18 or independent school districts pursuant to Article VII, Section I, Paragraph III(f) of the
 19 Constitution. The General Appropriations Act shall specify the amount appropriated
 20 subject to the limitations of this chapter.

21 48-5A-3.

22 (a) Pursuant to the appropriation of funds as provided in Code Section 48-5A-2, such
 23 grants shall be allotted to each county, municipality, and county or independent school
 24 district in the state as follows:

25 (1)(A) Immediately following the actual preparation of ad valorem property tax bills,
 26 each county fiscal authority shall notify the Department of Revenue of the amount by
 27 which the total tax digest of the county has been reduced due to the implementation of
 28 Article VII, Section I, Paragraph III(f).

29 (B) If the forest land conservation use property is located in a county where forest land
 30 conservation use value causes the total tax digest revenue of such county to be reduced
 31 by 3 percent or less due to the implementation of Article VII, Section I, Paragraph
 32 III(f), in each taxable year in which such reduction occurs, the assistance grant to the
 33 county shall be in an amount equal to 50 percent of the amount of such reduction.

34 (C) If the forest land conservation use property is located in a county where forest land
 35 conservation use value causes the total tax digest revenue of such county to be reduced

1 by more than 3 percent due to the implementation of Article VII, Section I,
 2 Paragraph III(f), in each taxable year in which such reduction occurs, the assistance
 3 grants to the county shall be as follows:

4 (i) For the first 3 percent of such reduction amount, in an amount equal to 50 percent
 5 of the amount of such reduction; and

6 (ii) For the remainder of such reduction amount, in an amount equal to 100 percent
 7 of the amount of such remaining reduction amount;

8 (2)(A) Immediately following the actual preparation of ad valorem property tax bills,
 9 each county or independent school district's fiscal authority shall notify the Department
 10 of Revenue of the amount by which the total tax digest of the county or independent
 11 school district has been reduced due to the implementation of Article VII, Section I,
 12 Paragraph III(f).

13 (B) If the forest land conservation use property is located in a county or independent
 14 school district where forest land conservation use value causes the total tax digest
 15 revenue of such county or independent school district to be reduced by 3 percent or less
 16 due to the implementation of Article VII, Section I, Paragraph III(f), in each taxable
 17 year in which such reduction occurs, the assistance grant to the county or independent
 18 school district shall be in an amount equal to 50 percent of the amount of such
 19 reduction.

20 (C) If the forest land conservation use property is located in a county or independent
 21 school district where forest land conservation use value causes the total tax digest
 22 revenue of such county or independent school district to be reduced by more than 3
 23 percent due to the implementation of Article VII, Section I, Paragraph III(f), in each
 24 taxable year in which such reduction occurs, the assistance grant to the county or
 25 independent school district shall be as follows:

26 (i) For the first 3 percent of such reduction amount, in an amount equal to 50 percent
 27 of the amount of such reduction; and

28 (ii) For the remainder of such reduction amount, in an amount equal to 100 percent
 29 of the amount of such remaining reduction amount; and

30 (3)(A) Immediately following the actual preparation of ad valorem property tax bills,
 31 each municipality's fiscal authority shall notify the Department of Revenue of the
 32 amount by which the total tax digest of the municipality has been reduced due to the
 33 implementation of Article VII, Section I, Paragraph III(f).

34 (B) If the forest land conservation use property is located in a municipality where
 35 forest land conservation use value causes the total tax digest revenue of such
 36 municipality to be reduced by 3 percent or less due to the implementation of Article
 37 VII, Section I, Paragraph III(f), in each taxable year in which such reduction occurs, the

1 assistance grant to the municipality shall be in an amount equal to 50 percent of the
2 amount of such reduction.

3 (C) If the forest land conservation use property is located in a municipality where
4 forest land conservation use value causes the total tax digest revenue of such
5 municipality to be reduced by more than 3 percent due to the implementation of Article
6 VII, Section I, Paragraph III(f), in each taxable year in which such reduction occurs, the
7 assistance grant to the municipality shall be as follows:

8 (i) For the first 3 percent of such reduction amount, in an amount equal to 50 percent
9 of the amount of such reduction; and

10 (ii) For the remainder of such reduction amount, in an amount equal to 100 percent
11 of the amount of such remaining reduction amount.

12 48-5A-4.

13 The state revenue commissioner shall administer this chapter and shall adopt rules and
14 regulations for the administration of this chapter, including specific instructions to local
15 governments procedures."

16 **SECTION 5.**

17 This Act shall become effective on January 1, 2009, and shall be applicable to all taxable
18 years beginning on or after January 1, 2009; provided, however, that this Act shall only
19 become effective on January 1, 2009, upon the ratification of a resolution at the November,
20 2008, state-wide general election, which resolution amends the Constitution so as to provide
21 for the special assessment and taxation of forest land conservation use property and for local
22 government assistance grants. If such resolution is not so ratified, this Act shall not become
23 effective and shall stand repealed in its entirety on January 1, 2009.

24 **SECTION 6.**

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