

House Bill 85

By: Representatives Powell of the 171st, England of the 116th, McCall of the 33rd, Williams of the 119th, and Greene of the 151st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-5-271 of the Official Code of Georgia Annotated, relating to
2 table of values for conservation use value of forest land, so as to revise the methodology used
3 to establish forest land fair market value; to provide for a sales data bank; to provide for
4 publication; to provide for appeals; to provide for an administrative fee; to provide for related
5 matters; to provide for a contingent effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Code Section 48-5-271 of the Official Code of Georgia Annotated, relating to table of values
10 for conservation use value of forest land, is amended as follows:

11 "48-5-271.

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

16 ~~(b) In no event may the forest land conservation use value of any forest land conservation~~
17 ~~use property in the table of values established by the commissioner under this Code section~~
18 ~~for the taxable year beginning January 1, 2010, or any subsequent taxable year increase or~~
19 ~~decrease by more than 3 percent from its forest land conservation use value as set forth in~~
20 ~~the table of values established by the commissioner under this Code section. The~~
21 ~~limitations imposed by this subsection shall apply to the total value of all the forest land~~
22 ~~conservation use property that is the subject of an individual covenant.~~

23 (a) Forest land conservation use value shall be determined by using an appraisal
24 methodology that shall be prescribed by the commissioner through rules and regulations
25 that is designed to establish the amount a knowledgeable buyer would pay for the property

26 in an arm's length transaction with the intention of continuing the property in its existing
27 use, provided that such methodology:

28 (1) Includes a formula based on current use, annual production, and property sales data;

29 (2) Accounts for regional differences within the state based on factors including, but not
30 limited to, soil maps and timber harvest reports;

31 (3) Accounts for variances among market areas within counties, if any;

32 (4) Accounts for zoning, land use plans, and local market influences, if any;

33 (5) Accounts for the value of personal property, including buildings, existing on such
34 property; and

35 (6) Excludes from such value the value of standing timber, which shall be appraised in
36 a manner to be prescribed by the commissioner, on such property.

37 (b) The commissioner shall publish and maintain a sales data bank for forest land
38 conservation use property.

39 (c) The commissioner shall prescribe the appraisal methodology required by subsection (a)
40 of this Code section on June 1, 2019, and annually thereafter. Appraisal methodologies
41 shall apply to the tax year following the tax year in which they are published. This annual
42 publication requirement shall not be construed to require annual adjustments, revisions, or
43 modifications to the appraisal methodology.

44 (d) A taxpayer or a county board of tax assessors may challenge the commissioner's
45 methodology established pursuant to subsection (a) of this Code section with an appeal to
46 the Georgia Tax Tribunal in accordance with Chapter 13A of Title 50 within 30 days of the
47 commissioner's publication of such methodology. The Georgia Tax Tribunal shall issue
48 a final decision on the appeal on or before September 1 of the year in which an appeal is
49 filed.

50 (e) For each taxable year in which an assistance grant is appropriated to a county,
51 municipality, or county or independent school district, the commissioner shall withhold 1
52 percent of the amount of the assistance grant appropriated pursuant to Article VII,
53 Section I, Paragraph III(f) of the Constitution as an administrative fee to provide for the
54 costs of administering this Code section.

55 **SECTION 2.**

56 (a) This Act shall become effective on January 1, 2019, only if an amendment to the
57 Constitution of Georgia is ratified at the November, 2018, general election removing the
58 constitutional prescription for establishing forest land fair market value and permitting the
59 withholding of a portion of assistance grants to provide for the costs to the state of
60 administering the appraisal of forest land conservation use property.

61 (b) If such an amendment to the Constitution is not so ratified, then this Act shall not
62 become effective and shall stand repealed by operation of law on January 1, 2019.

63

SECTION 3.

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