GEORGIA DEPARTMENT OF REVENUE

LOCAL GOVERNMENT SERVICES

DIVISION

Georgia Assessment Administration

For Educational Purposes Only:

The material within is intended to give the course participant a solid understanding of general principles in the subject area. As such, the material may not necessarily reflect the official procedures and policies of the Georgia Department of Revenue or the Department's official interpretation of the laws of the State of Georgia. The application of applicability to specific situations of the theories, techniques, and approaches discussed herein must be determined on a case-by-case basis.

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County Boards of Tax Assessors

48-5-290. Creation of county board of tax assessors; appointment and number of members; commission; noneligibility of certain individuals.

(a) There is established a county board of tax assessors in each of the several counties of this state.

(b) Except as provided in Code Section 48-5-309 with respect to the election of board members, each county board of tax assessors shall consist of not less than three nor more than five members to be appointed by the county governing authority.

(c) The order making an appointment to the county board of tax assessors shall be regularly entered upon the record of the superior court of the county. A certificate from the clerk of the superior court reciting the order and stating that the person appointed has taken the oath required by law shall constitute the commission of a member. No other commission shall be required. The clerk of the superior court shall transmit a copy of the certificate to the commissioner within five days of the date the oath is administered.

(d) No individual may be appointed or reappointed to a county board of tax assessors when the individual is related to a member of the county governing authority in one or more of the following degrees:

(1) Mother or mother-in-law;

(2) Father or father-in-law;

(3) Sister or sister-in-law;

(4) Brother or brother-in-law;

(5) Grandmother or grandmother by marriage;

(6) Grandfather or grandfather by marriage;

(7) Son or son-in-law; or

(8) Daughter or daughter-in-law.

48-5-291. Qualifications for members; nonapplicability to certain members; approved appraisals.

(a) No individual shall serve as a member of the county board of tax assessors who:

(1) Is less than 21 years of age;

(2) Fails to make his or her residence within the county within six months after taking the oath of office as a member of the board;

(3) Does not hold a high school diploma or its equivalent.

(4) Has not successfully completed 40 hours of training either prior to or within 180 days of appointment

as provided in subsection (b) of this Code section;

(5) Has not obtained and maintained a certificate issued by the commissioner; and

(6) In addition to the training required in paragraph (4) of this Code section, does not successfully complete an additional 40 hours of approved appraisal courses as provided in subsection (b) of this Code section during each two calendar years of tenure as a member of the county board of tax assessors.

(b) Approved appraisal courses shall be courses of instruction covering the basic principles of appraisal and assessing of all classes and types of property including instruction in the fundamentals of Georgia law covering the appraisal and assessing of property for ad valorem tax purposes as prescribed and designated by the commissioner pursuant to Code Section 48-5-13. To ensure that the assessment functions are performed in a professional manner by competent assessors, meeting clearly specified professional qualifications, the commissioner shall develop, approve, and administer courses of instruction designed to qualify applicants or tax assessors under this Code section and to specify qualification requirements for certification. The commissioner may contract with any professional appraisal organization or firm or institution of higher education in this state to provide the necessary courses of instruction or any part of any such course pursuant to Code Section 48-5-13.

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

560-11-2-.31 County Board of Tax Assessors—Qualifications.

(1) Approved Appraisal Courses' under O.C.G.A. § 48-5-291 shall be only those courses approved by the Local Government Services Division of the Georgia Department of Revenue.

(2) Two Calendar Years of Tenure' under § 48-5-291 shall mean any calendar twenty-four (24) month period beginning on the date the assessor is appointed.

(3) Certificate' as issued by the Commissioner under O.C.G.A. § 48-5-291 shall mean a certificate issued by the Revenue Commissioner officially and specifically for the purpose of designating an assessor as certified pursuant to § 48-5-291(a)(5). Certificate' shall not mean any certificate issued specifically for the successful completion of approved appraisal courses. No duties or responsibilities may be executed by a board of tax assessors having a majority of members who do not have a valid Certificate.' A Certificate' shall be:

(a) Issued to each board of assessor member upon the Revenue Commissioner's receipt of the oath of office signed by the assessor member along with, if available, proof of high school education;

(b) Printed with an expiration date coinciding with the tax assessor's term of office;

(c) Posted in a prominent location readily viewable by the public in the office of the board of tax assessors; and

1. A Certificate may be revoked for a direct and clear violation of state law and regulations governing the duties and responsibilities of the board of tax assessors.

(i) Revenue Commissioner or his delegates shall have the authority to revoke.

(ii) A board of tax assessor whose Certificate' has been revoked may not vote in any legal Board of Assessors meeting and their attendance shall not count as a member necessary to constitute a

quorum. Any attendance by such revoked member shall be duly noted in the minutes of that meeting.

(I) Notice of revocation will be provided to:
(A) The individual board of assessor member whose certificate is revoked;
(B) The county board of tax assessors Chairperson; and
(C) The county governing authority.

(iii) Revocation of a Certificate shall remain in effect until such time as the ex-board member becomes compliant with Georgia law and regulations governing the duties, certification, training requirements, and qualifications of the board of tax assessors and certification has been reinstated by the Revenue Commissioner or his delegates.

(iv) Revocation of an assessor member's Certificate pursuant to subsection (b) of Code Section 48-5- 295 may be grounds for permanent removal from a county's board of tax assessors by the Revenue Commissioner.

(v) Revocation of a Certificate may be appealed by the assessor member in writing to the Revenue Commissioner, by way of the Director of the Local Government Services Division. All evidence and arguments to be considered must be included in the written appeal.

(I) Appeals must be filed within 30 days of revocation date printed on the notice.

(II) Extensions to the 30 day appeal filing period may be granted by the Director of Local Government Services.

(4) A member of a county board of tax assessors may be reappointed to succeed himself as a member of the board so long as the reappointment does not act to circumvent the certification, training requirements, and qualifications of O.C.G.A. § 48-5-290, O.C.G.A. § 48-5-291, O.C.G.A. § 48-5-292 and this Regulation.

Authority O.C.G.A. Secs. 48-5-290, 48-5-291, 48-5-292, 92-8405, 8406, 8409, 8427.
History. Original Rule entitled "County Board of Tax Assessors-Qualifications of Members' was filed on May 17, 1973; effective June 6, 1973. Amended: F. Jun. 20, 1980; eff. Jul. 10, 1980.
Repealed:New Rule entitled "County Board of Tax Assessors-Qualifications" adopted. F. Mar. 3, 2011; eff. Mar. 23, 2011.

48-5-292. Ineligibility of county tax assessors to hold other offices; applicability in certain counties.

(a) No member of a county board of tax assessors shall be eligible to hold any state, county, or municipal office during the time he holds such office. A member of the board may be reappointed to succeed himself as a member of the board.

(b) Reserved.

(c) In any county in this state with a population of 100,000 or more according to the United States decennial census of 1990 or any future such census, no member of a county board of tax assessors shall be eligible to hold any county property appraisal staff position during the time such person holds office as a

member of a county board of tax assessors, except as otherwise provided by law.

(d) In any county in this state in which a chief appraiser or a member of the county property appraisal staff is not otherwise prohibited under this Code section from serving simultaneously as a member of the county board of tax assessors and is serving simultaneously in such capacity, such chief appraiser or member of the county property appraisal staff shall upon ceasing to serve as chief appraiser or member of the county property appraisal staff automatically cease to serve as a member of the county board of tax assessors. Any vacancy created on the county board of tax assessors under this subsection shall be filled in the manner provided under subsection (a) of Code Section 48-5-295.

48-5-293. Oaths of office.

Each member of the county board of tax assessors shall take an oath before the judge or the clerk of the superior court of the county to perform faithfully and impartially the duties imposed upon him by law. In addition, he shall also take the oath required of all public officers as provided in Code Section 45-3-1.

48-5-294. Compensation.

Each member of the county board of tax assessors shall be paid as compensation for his services an amount to be determined from time to time by the county governing authority. The compensation to be paid to a member of the board shall not be less than $20.00 per day for the time he is actually discharging the duties required of him. Attendance at required approved appraisal courses shall be part of the official duties of a member of the board and he shall be paid for each day in attendance at such courses and shall be allowed reasonable expenses necessarily incurred in connection with the courses. The compensation of the members of the board and other expenses as may necessarily be incurred in the performance of the duties of the board shall be paid from the county treasury in the same manner as other payments by the county are made.

48-5-295. Terms of office; vacancies; removal by county governing authority.

(a) Each member of the county board of tax assessors appointed to such office on and after July 1, 1996, shall be appointed by the county governing authority for a term of not less than three nor more than six years. A county governing authority shall, by resolution, within the range provided by this subsection, select the length of terms of office for members of its county board of tax assessors. Following the adoption of such resolution, all new appointments and reappointments to the county board of tax assessors shall be for the term lengths specified in the resolution; however, such resolution shall not have the effect of shortening or extending the terms of office of current members of the board of assessors whose terms have not yet expired. The county governing authority shall not be authorized to again change the term length until the expiration of the term of office of the first appointment or reappointment following the resolution that last changed such terms of office. If the resolution changing the terms of office of members of the board of tax assessors would result in a voting majority of the board of tax assessors having their terms expire in the same calendar year, the county governing authority shall provide in the resolution for staggered initial appointments or reappointments of a duration of not less than three nor more than six years that will prevent such an occurrence. The county governing authority shall transmit to the board of assessors a copy of the resolution setting the length of terms of members of the county board of tax assessors within ten days of the date the resolution is adopted. Any member of the county board of tax assessors shall be eligible for reappointment after review of his or her service on the board by the appointing authority. Such review shall include education and certification information furnished by the commissioner. Any member of the county board of tax assessors who fails to maintain the certification and qualifications specified pursuant to Code

Section 48-5-291 shall not be eligible for reappointment until all requirements have been met. In case of a vacancy on the board at any time, whether caused by death, resignation, removal, or otherwise, the vacancy shall be immediately filled by appointment of the county governing authority. Any person appointed to fill a vacancy shall be appointed only to serve for the remainder of the unexpired term of office and shall possess the same qualifications required under this part for regular appointment to a full term of office.

(b) A member of the county board of tax assessors may be removed by the county governing authority only for cause shown for the failure to perform the duties or requirements or meet the qualifications imposed upon such member by law including, but not limited to, the duties, requirements, and qualifications specified pursuant to Code Section 48-5-295.1 and subsection (e) of Code Section 48-5-262. No member of the board who is also employed by the county as a staff appraiser under Code Section 48-5-262 and no member whose removal is attempted based on this subsection may be removed by the county governing authority during such member's term of appointment until the member has been afforded an opportunity for a hearing before the judge of the superior court of the county for recommendations by the judge of the superior court to the county governing authority regarding such removal.

(c) As used in subsection (b) of this Code section, the term "failure to perform the duties" shall include a finding by the county governing authority that the member of the county board of tax assessors has shown a pattern of decisions in his or her capacity as such member that has provided substantially incorrect assessments or substantially inconsistent tax assessments between similar properties.

(d) The provisions of subsection (b) of this Code section shall be a supplemental alternative to proceedings for removal under Code Section 48-5-296; and the existence of one remedy shall not bar the other.

48-5-295.1. Performance review board.

(a) The county governing authority may, upon adoption of a resolution, request that a performance review of the county board of tax assessors be conducted. Such resolution shall be transmitted to the commissioner who shall appoint an independent performance review board within 30 days after receiving such resolution. The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be chief appraisers, provided that neither chief appraiser shall be a chief appraiser for the county under review.

(b) It shall be the duty of a performance review board to make a thorough and complete investigation of the county board of tax assessors with respect to all actions of the county board of tax assessors and appraisal staff regarding the technical competency of appraisal techniques and compliance with state law and regulations, including the Property Tax Appraisal Manual. The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(c) The findings of the report of the review board under subsection (b) of this Code section or of any audit performed by the Department of Revenue at the request of the Governor may be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295.

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

48-5-295.2 Independent performance review board; written report; withholding of funds

(a) The commissioner shall appoint an independent performance review board if he or she determines, through the examination of the digest for any county in a digest review year pursuant to Code Section 48-5-342, that there is evidence which calls into question the technical competence of appraisal techniques and compliance with state law and regulations, including the Property Tax Appraisal Manual, with respect to the conservation use value of forest land.

(b) The commissioner shall appoint three competent persons to serve as members of the performance review board, one of whom shall be an employee of the department and two of whom shall be chief appraisers, provided that neither chief appraiser shall be a chief appraiser for the county under review.

(c) The performance review board shall issue a written report of its findings to the commissioner and the county governing authority which shall include such evaluations, judgments, and recommendations as it deems appropriate. The county governing authority shall reimburse the members of the performance review board for reasonable expenses incurred in the performance of their duties, including mileage, meals, lodging, and costs of materials.

(d) The findings of the report of the review board under subsection (c) of this Code section or of any audit performed by the Department of Revenue or the Department of Audits shall be grounds for the state to withhold local assistance grants pursuant to Code Section 48-5A-3; provided, however, that any portion of a local assistance grant designated for use by a board of education of any political subdivision shall not be withheld pursuant to this subsection. If the findings in the report of the performance review board indicate that the provisions of paragraph (6) of Code Section 48-5-2 have been knowingly violated by a local government in order to receive a larger local assistance grant than allowed by law, then the most recent local assistance grant requested by the local government shall be withheld by the Department of Revenue. For a second or subsequent offense, the next two requests for local assistance grants shall be withheld by the Department of Revenue.

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

48-5-296. Removal from office on petition of freeholders; appeals.

Whenever by petition to the judge of the superior court any 100 or more freeholders of the county allege that any member of the county board of tax assessors is disqualified or is not properly and impartially discharging his duties or is discriminating in favor of certain citizens or classes of citizens and against others, the judge shall cite the member to appear before him at a time and place to be fixed in the citation, such time to be not less than 20 nor more than 40 days from the date of the presentation of the petition, and to answer to the petition. A copy of the petition shall be attached to the citation and service of the citation may be made by any sheriff, deputy sheriff, or constable of this state. The officer making the service shall serve copies and return the original petition and citation to the clerk of the court as other process is returned. At the time and place fixed in the citation, unless postponed for reasonable cause, the judge shall hear and

determine the matter without a jury and shall render such judgment and order as may be right and proper, either dismissing the petition or removing the offending member of the county board of tax assessors from office and declaring a vacancy in the office. If either party to the controversy is dissatisfied with the judgment and order of the court, the party may appeal the issue as in other cases.

48-5-297. Meetings.

The first meeting of the county board of tax assessors shall be held no later than ten days after the date the tax receiver or tax commissioner is required by law to submit the tax digest for the year to the county board of tax assessors. The secretary of the board shall at that time and at every meeting of the board present to the board all of the appraisal staff information relating to the digest. The county board of tax assessors must consider the staff information in the performance of their duties. The county board of tax assessors shall adhere to the assessment standards and techniques as required by law, by the commissioner, and by the State Board of Equalization. In each instance, however, the assessment placed on each parcel of property shall be the assessment established by the county board of tax assessors as provided in Code Section 48-5-306.

48-5-298. Selection of chairman and secretary; employment contracts with persons to assist board; payment of expenses.

(a) Each county board of tax assessors shall elect one of its members to serve as chairman for each tax year. The election of a chairman shall be the first order of business at the first meeting of the board for each tax year. At the same time, the board shall select from the county appraisal staff one appraiser to act as secretary to the board for that tax year. Each county board of tax assessors, subject to the approval of the county governing authority, may enter into employment contracts with persons to:

(1) Assist the board in the mapping, platting, cataloging, indexing, and appraising of taxable properties in the county;

(2) Make, subject to the approval of the board, reevaluations of taxable property in the county; and

(3) Search out and appraise unreturned properties in the county.

(b) Each county board of tax assessors may enter into a contract with any municipality or political subdivision of the state to provide any information for which the board could contract pursuant to subsection (a) of this Code section.

(c) The expenses of employees engaged and work performed pursuant to this Code section shall be paid, subject to the contracts and after approval by the county governing authority, out of county funds as a part of the expenses of the board. A county board of education or independent board of education may expend funds to assist in paying the expenses incurred in discovering unreturned properties pursuant to this Code Section for the purpose of collecting unpaid school taxes. The method of such expenditure as provided in this subsection and the amount thereof shall be within the discretion of the county board of education or independent board of education.

(d)

48-5-299 Ascertainment of taxable property:

(a) It shall be the duty of the county board of tax assessors to investigate diligently and to inquire into the property owned in the county for the purpose of ascertaining what real and personal property is subject to taxation in the county and to require the proper return of the property for taxation. The board shall make such investigation as may be necessary to determine the value of any property upon which for any reason all taxes due the state or the county have not been paid in full as required by law. In all cases where the full amount of taxes due the state or county has not been paid, the board shall assess against the owner, if known, and against the property, if the owner is not known, the full amount of taxes which has accrued and which may not have been paid at any time within the statute of limitations. In all cases where taxes are assessed against the owner of property, the board may proceed to assess the taxes against the owner of the property according to the best information obtainable; and such assessment, if otherwise lawful, shall constitute a valid lien against the property so assessed.

48-5-299.1 Designation of board of assessors to receive tax returns:

Upon designation by the tax receiver or tax commissioner pursuant to paragraph (5) of Code Section 48-5-103, it shall be the duty of the board of assessors to receive tax returns as provided under paragraph (4) of Code Section 48-5-103 or to perform all duties of tax receivers or tax commissioners relating to the receiving of applications for homestead exemptions from ad valorem tax, or both, pursuant to such designation.

48-5-301 Time for presentation of returns by tax receiver or tax commissioner:

(a) Except as provided in subsection (b) of this Code section, not later than April 11 in each year the tax receiver or tax commissioner of each county shall present the tax returns of the county for the current year to the county board of tax assessors. (b) In all counties having a population of not less than 81,300 nor more than 89,000 according to the United States decennial census of 1990 or any future such census, the tax receiver or tax commissioner of each such county shall present the tax returns of the county for the current year to the county board of tax assessors not later than March 11 of that year.

Roberts Rules of Order.
Art. I. How Business Is Conducted in Deliberative Assemblies.

1. Introduction of Business. An assembly having been organized as described in 69, 70, 71, business is brought before it either by the motion of a member, or by the presentation of a communication to the assembly. It is not usual to make motions to receive reports of committees or communications to the assembly. There are many other cases in the ordinary routine of business where the formality of a motion is dispensed with, but should any member object, a regular motion becomes necessary, or the chair may put the question without waiting for a motion.

2. What Precedes Debate. Before any subject is open to debate it is necessary, first, that a motion be made by a member who has obtained the floor; second, that it be seconded (with certain exceptions); and third, that it be stated by the chair, that is, by the presiding officer. The fact that a motion has been made and seconded does not put it before the assembly, as the chair alone can do that. He must either rule it out of order or state the question on it so that the assembly may know what is before it for consideration and action, that is, what is the *immediately pending question*. If several questions are pending, as a resolution and an amendment and a motion to postpone, the last one stated by the chair is the immediately pending question.

While no debate or other motion is in order after a motion is made, until it is stated or ruled out of order by the chair, yet members may suggest modifications of the motion, and the mover, without the consent of the seconder, has the right to make such modifications as he pleases, or even to withdraw his motion entirely before the chair states the question. After it is stated by the chair, he can do neither without the consent of

the assembly as shown in 27(c). A little informal consultation before the question is stated often saves much time, but the chair must see that this privilege is not abused and allowed to run into debate. When the mover modifies his motion the one who seconded it has a right to withdraw his second.

3. Obtaining the Floor. Before a member call make a motion, or address the assembly in debate, it is necessary that he should *obtain the floor* -- that is, he must rise after the floor has been yielded, and address the presiding officer by his official title, thus, "Mr. Chairman," or "Mr. President," or "Mr. Moderator;"[1] or, if a woman (married or single), "Madam Chairman," or "Madam President." If the assembly is large so that the member's name may be unknown to the chairman, the member should give his name as soon as he catches the eye of the chairman after addressing him. If the member is entitled to the floor, as shown hereafter, the chairman "recognizes" him, or assigns him the floor, by announcing his name. If the assembly is small and the members are known to each other, it is not necessary for the member to give his name after addressing the chair, as the presiding officer is termed, nor is it necessary for the chair to do more than bow in recognition of his having the floor. If a member rises before the floor has been yielded, or is standing at the time, he cannot obtain the floor provided anyone else rises afterwards and addresses the chair. It is out of order to be standing when another has the floor, and the one guilty of this violation of the rules cannot claim he rose first, as he did not rise after the floor had been yielded.

Where two or more rise about the same time to claim the floor, all other things being equal, the member who rose first after the floor had been yielded, and addressed the chair is entitled to the floor. It frequently occurs, however, that where more than one person claims the floor about the same time, the interests of the assembly require the floor to be assigned to a claimant that was not the first to rise and address the chair. There are three classes of such cases that may arise: (1) When a debatable question is immediately pending;
(2) when an undebatable question is immediately pending; (3) when no question is pending. In such cases the chair in assigning the floor should be guided by the following principles:

(1) *When a Debatable Question is immediately Pending*. (a) The member upon whose motion the immediately pending debatable question was brought before the assembly is entitled to be recognized as having the floor (if he has not already spoken on that question) even though another has risen first and addressed the chair. The member thus entitled to preference in recognition in case of a committee's report is the reporting member (the one who presents or submits the report); in case of a question taken from the table, it is the one who moved to take the question from the table; in case of the motion to reconsider, it is the one who moved to reconsider, and who is not necessarily the one who calls up the motion. (b) No member who has already had the floor in debate on the immediately pending question is again entitled to it for debate on the same question. As the interests of the assembly are best subserved by allowing the floor to alternate between the friends and enemies of a measure, the chairman, when he knows which side of a question is taken by each claimant of the floor, and these claims are not determined by the above principles, should give the preference to the one opposed to the last speaker.

(2) *When an Undebatable Question Is Immediately Pending*. When the immediately pending question is undebatable, its mover has no preference to the floor, which should be assigned in accordance with the principles laid down under (b) in paragraph below.

(3) *When No Question Is Pending*. (a) When one of a series of motions has been disposed of, and there is no question actually pending, the next of the series has the right of way, and the chair should recognize the member who introduced the series to make the next motion, even though another has risen first and addressed the chair. In fact, no other main motion is in order until the assembly has disposed of the series. Thus, the motion to lay on the table, properly used, is designed to lay aside a question temporarily, in order to attend to some more urgent business, and, therefore, if a question is laid on the table, the one who moved to lay it on the table, if he immediately claims the floor, is entitled to it to introduce the urgent business even though another has risen first. So, when the rules are suspended to enable a motion to be made, the mover of the motion to suspend the rules is entitled to the floor to make the motion for which the rules were suspended, even though another rose first. When a member moves to reconsider a vote for the announced purpose of amending the motion, if the vote is reconsidered, he must be recognized in preference to others in order to move his amendment. (b) If, when no question is pending and no series of motions has been started that has not been disposed of, a member rises to move to reconsider a vote, or to call up the motion to reconsider that had been previously made, or to take a question from the table when it is in order, he is entitled to the floor in preference to another that may have risen slightly before him to introduce a main motion, provided that when someone rises before him he, on rising, states the purpose for which he rises. If members, rising to make the above-mentioned motions, come into competition they have the preference in the order in which these motions have just been given; first, to reconsider; and last to take from the table. When a motion to appoint a committee for a certain purpose, or to refer a subject to a committee, has been adopted no new subject (except a privileged one) can be introduced until the assembly has decided all of the related questions as to the number of the committee, and as to how it shall be appointed, and as to any instructions to be given it. In this case the one who made the motion to appoint the committee or refer the subject to a committee has no preference in recognition. If he had wished to make the other motions, he should have included them all in his first motion.

From the decision of the chair in assigning the floor any two members may appeal,[2] one making the appeal and the other seconding it. Where the chair is in doubt as to who is entitled to the floor, he may allow the assembly to decide the question by a vote, the one having the largest vote being entitled to the floor.

If a member has risen to claim the floor, or has been assigned the floor, and calls for the question to be made, or it is moved to adjourn, or to lay the question on the table, it is the duty of the chair to suppress the disorder and protect the member who is entitled to the floor. Except by general consent, a motion cannot be made by one who has not been recognized by the chair as having the floor. If it is made it should not be recognized by the chair if any one afterwards rises and claims the floor, thus showing that general consent has not been given.

In Order When Another Has the Floor. After a member has been assigned the floor he cannot be interrupted by a member or the chairman, except by (a) a motion to reconsider; (b) a point of order; an objection to the consideration of the question; (d) a call for the orders of the day when they are not being conformed to; (e) a question of privilege; (f) a request or demand that the question be divided when it consists of more than one independent resolution on different subjects; or (g) a parliamentary inquiry or a request for information that requires immediate answer; and these cannot interrupt him after he has actually commenced speaking unless the urgency is so great as to justify it. The speaker (that is, the member entitled to the floor) does not lose his right to the floor by these interruptions, and the interrupting member does not obtain the floor thereby, and after they have been attended to, the chair assigns him the floor again. So, when a member submitting a report from a committee or offering a resolution, hands it to the secretary to be read, he does not thereby yield his right to the floor. When the reading is finished and the chair states the question, neither the secretary nor anyone else can make a motion until the member submitting the report, or offering the resolution, has had a reasonable opportunity to claim the floor to which he is entitled, and has not availed himself of his privilege. If, when he submitted the report, he made no motion to accept or adopt the recommendations or resolutions, he should resume the floor as soon as the report is read and make the proper motion to carry out the recommendations, after which he is entitled to the floor for debate as soon as the question is stated.

1. "Brother Moderator," or "Brother Chairman," implies that the speaker is also a moderator or chairman and should not be used.

2. In the U. S. House of Representatives there is no appeal from the decision of the chair as to who is entitled to the floor, nor should there be any appeal in large mass meetings, as the best interests of the assembly require the chair to be given more power in such large bodies.

4. Motions and Resolutions. A motion is a proposal that the assembly take certain action, or that it express itself as holding certain views. It is made by a member's obtaining the floor as already described and saying, “I move that" (which is equivalent to saying, "I propose that"), and then stating the action he proposes to have taken. Thus, a member "moves" (proposes) that a resolution be adopted, or amended, or referred to a committee, or that a vote of thanks be extended, etc.; or "That it is the sense of this meeting (or assembly) that industrial training," etc. Every resolution should be in writing, and the presiding officer has a right to require any main motion, amendment, or instructions to a committee to be in writing. When a main motion is of such importance or length as to be in writing it is usually written in the form of a *resolution*, that is, beginning with the words, "*Resolved*, That," the word "*Resolved*" being underscored (printed in italics) and followed by a comma, and the word "That" beginning with a capital "T." If the word "Resolved" were replaced by the words "I move," the resolution would become a motion. A resolution is always a main motion. In some sections of the country the word "resolve" is frequently used instead of "resolution." In assemblies with paid employees, instructions given to employees are called "orders" instead of "resolutions," and the enacting word, "Ordered" is used instead of "Resolved."

When a member wishes a resolution adopted after having obtained the floor, he says, "I move the adoption of the following resolution," or "I offer the following resolution," which he reads and hands to the chair. If it is desired to give the reasons for the resolution, they are usually stated in a *preamble*, each clause of which constitutes a paragraph beginning with "Whereas." The preamble is always amended last, as changes in the resolution may require changes the preamble. In moving the adoption of a resolution, the preamble is not usually referred to, as it is included in the resolution. But when the previous question is ordered on the resolution before the preamble has been considered for amendment, it does not apply to the preamble, which is then open to debate and amendment. The preamble should never contain a period, but each paragraph should close with a comma or semicolon, followed by "and," except the last paragraph, which should close with the word "therefore," or "therefore, be it." A resolution should avoid periods where practicable. Usually, where periods are necessary, it is better to separate it into a series of resolutions, in which case the resolutions may be numbered, if preferred, by preceding them with the figures 1, 2, etc.; or it may retain the form of a single resolution with several paragraphs, each beginning with "That," and these may be numbered, if preferred, by placing "First," "Second," etc., just before the word "That." The following form will serve as a guide when it is desired to give the reasons for a resolution:

Whereas, We consider that suitable recreation is a necessary part of a rational educational system; and

Whereas, There is no public ground in this village where our school children can play; therefore

Resolved, That it is the sense of this meeting that ample playgrounds should be immediately provided for our school children.

Resolved, That a committee of five be appointed by the chair to present these resolutions to the village authorities and to urge upon them prompt action in the matter.

As a general rule no member can make two motions at a time except by general consent. But he may combine the motion to suspend the rules with the motion for whose adoption it was made; and the motion to reconsider a resolution and its amendments; and a member may offer a resolution and at the same time move to make it a special order for a specified time.

5. Seconding Motions. As a general rule, with the exceptions given below, every motion should be seconded. This is to prevent time being consumed in considering a question that only one person favors, and consequently little attention is paid to it in routine motions. Where the chair is certain the motion meets with general favor, and yet members are slow about seconding it, he may proceed without waiting for a second. Yet, anyone may make a point of order that the motion has not been seconded, and then the chair is obliged to proceed formally and call for a second. The better way when a motion is not at once seconded, is for the chair to ask, "Is the motion seconded?" In a very large hall, the chair should repeat the motion before calling for a second in order that all may hear. After a motion has been made no other motion is in order until the chair has stated the question on this motion, or has declared, after a reasonable opportunity has been given for a second, that the motion has not been seconded, or has ruled it out of order. Except in very small assemblies the chair cannot assume that members know what the motion is and that it has not been seconded, unless he states the facts.

A motion is seconded by a member's saying "I second the motion," or "I second it," which he does without obtaining the floor, and in small assemblies without rising. In large assemblies, and especially where non-members are scattered throughout the assembly, members should rise, and without waiting for recognition, say, "Mr. Chairman, I second the motion."

***Exceptions*. The following do not require a second:**[1]

Question of Privilege, to raise a
Questions of Order
Objection to the Consideration of a Question
Call for Orders of the Day
Call for Division of the Question (under certain
Call for Division of the Assembly (in voting)
Call up Motion to Reconsider
Filling Blanks
Nominations
Leave to Withdraw a Motion
Inquiries of any kind

1. In Congress motions are not required to be seconded.

6. Stating the Question. When a motion has been made and seconded, it is the duty of the chair, unless he rules it out of order, immediately to *state the question* -- that is, state the exact question that is before the assembly for its consideration and action. This he may do in various ways, depending somewhat on the nature of the question, as illustrated by the following examples: "It is moved and seconded that the following

resolution be adopted [reading the resolution];" or "It is moved and seconded to adopt the following resolution;" "Mr. A offers the following resolution [read]: the question is on its adoption;" "It is moved and seconded to amend the resolution by striking out the word 'very' before the word 'good';" "The previous question has been demanded [or, moved and seconded] on the amendment;" "It is moved and seconded that the question be laid on the table;" "It is moved and seconded that we adjourn." [Under each motion is shown the form of stating the question if there is any peculiarity in the form.] If the question is debatable or amendable, the chair should immediately ask, "Are you ready for the question?" If no one then rises he should put the question as described in 9. If the question cannot be debated or amended, he does not ask, "Are you ready for the question?" but immediately puts the question after stating it.

7. Debate. After a question has been stated by the chair, it is before the assembly for consideration and action. All resolutions, reports of committees, communications to the assembly, and all amendments proposed to them, and all other motions except the Undebatable Motions mentioned in 45, may be debated before final action is taken on them, unless by a two-thirds vote the assembly decides to dispose of them without debate. By a two-thirds vote is meant two-thirds of the votes cast, a quorum being present. In the debate each member has the right to speak twice on the same question on the same day (except on an appeal) but cannot make a second speech on the same question as long as any member who has not spoken on that question desires the floor. No one can speak longer than ten minutes at a time without permission of the assembly.

Debate must be limited to the merits of the *immediately pending question* -- that is, the last question stated by the chair that is still pending; except that in a few cases the main question is also open to debate [45]. Speakers must address their remarks to the presiding officer, be courteous in their language and deportment,

and avoid all personalities, never alluding to the officers or other members by name, where possible to avoid it, nor to the motives of members. [For further information on this subject see Debate, 42, and Decorum in Debate, 43.]

8. Secondary Motions. To assist in the proper disposal of the question various *subsidiary* [12] motions are used, such as to amend, to commit, etc., and for the time being the subsidiary motion replaces the resolution, or motion, and becomes the immediately pending question. While these are pending, a question incidental to the business may arise, as a question of order, and this *incidental* [13] question interrupts the business and, until disposed of, becomes the immediately pending question. And all of these may be superseded by certain motions, called *privileged* [14] motions, as to adjourn, of such supreme importance as to justify their interrupting all other questions. All of these motions that may be made while the original motion is pending are sometimes referred to as *secondary* motions. The proper use of many of these is shown in 10.

9. Putting the Question and Announcing the Vote.[1] When the debate appears to have closed, the chair asks again, "Are you ready for the question?" If no one rises he proceeds to *put the question* -- that is, to take

the vote on the question, first calling for the affirmative and then for the negative vote. In putting the question, the chair should make perfectly clear what the question is that the assembly is to decide. If the question is on the adoption of a resolution, unless it has been read very recently, it should be read again, the question being put in a way similar to this: "The question is on the adoption of the resolution [which the chair reads]; those in favor of the resolution say aye; those opposed say no. The ayes have it, and the resolution is adopted;" or, "The noes have it, and the resolution is lost." Or, thus: "The question is on agreeing to the following resolution," which the chair reads, and then he continues, "As many as are in favor of agreeing to the resolution say aye;" after the ayes have responded he continues, "As many as are opposed say no. The ayes have it," etc. Or, "It is moved and seconded that an invitation be extended to Mr. Jones to address our club at its next meeting. Those in favor of the motion will rise; be seated; those opposed will rise. The affirmative has it and the motion is adopted [or carried]." Or, if the vote is by "show of hands," the question is put and the vote announced in a form similar to this; "It has been moved and seconded to lay the resolution on the table. Those in favor of the motion will raise the right hand; those opposed will signify [or manifest] it in the same way [or manner]. The affirmative has it [or, The motion is adopted or carried] and the resolution is laid on the table." The vote should always be announced, as it is a necessary part of putting the question. The assembly is assumed not to know the result of the vote until announced by the chair, and the vote does not go into effect until announced. As soon as the result of the vote is announced the chair should state the next business in order, as in the following example of putting the question on an amendment: "The question is on amending the resolution by inserting the word 'oak' before the word 'desk.' Those in favor of the amendment say aye; those opposed say no. The ayes have it and the amendment is adopted. The question is now [or recurs] on the resolution as amended, which is as follows: [read the resolution as amended]. Are you ready for the question?" The chair should never neglect to state what is the business next in order after every vote is announced, nor to state the exact question before the assembly whenever a motion is made. Much confusion is avoided thereby. The vote should always be taken first by the voice (viva voce) or by show of hands (the latter method being often used in small assemblies), except in the case of motions requiring a two-thirds vote, when a rising vote should be taken at first. When a division is demanded a rising vote is taken. For further information on voting see **46**. Under each motion is given the form of putting the question whenever the form is peculiar.

1. H. R. Rule 1, §5, is as follows: "5, He shall rise to put a question, but may state it sitting; and shall put questions in this form, to wit: 'As many as are in favor (as the question may be), say Aye;' and after the affirmative voice is expressed, "As many as are opposed, say No;' if he doubts, or a division is called for, the House shall divide; those in the affirmative of the question shall first rise from their seats, and then those in the negative; if he still doubts, or a count is required by at least one-fifth of a quorum, he shall name one from each side of the question to tell the members in the affirmative and negative; which being reported, he shall rise and state the decision."

10. Proper Motions to Use to Accomplish Certain Objects. To enable any one to ascertain what motion to use in order to accomplish what is desired, the common motions are arranged in the table below according to the objects to be attained by their use. Immediately after the table is a brief statement of the differences between the motions placed under each object, and of the circumstances under which each should be used.

They include all of the Subsidiary Motions [12], which are designed for properly disposing of a question pending before the assembly; and the three motions designed to again bring before the assembly a question that has been acted upon or laid aside temporarily; and the motion designed to bring before another meeting of the assembly a main question which has been voted on in an unusually small or unrepresentative meeting. Motions, as a general rule, require for their adoption only a majority vote -- that is, a majority of the votes cast, a quorum being present; but motions to suppress or limit debate, or to prevent the consideration of a question, or, without notice to rescind action previously taken, require a two-thirds vote [48]. The figures and letters on the left in the list below correspond to similar figures and letters in the statement of differences further on. The figures to the right in the list refer to the sections where the motions are fully treated.

The Common Motions Classified According to Their Objects.

(1) To Modify or Amend.

(a)A*mend*

(b)Commit or Refer.....

(2)To Defer Action

(a)Postpone to a Certain Time

(b)Make a Special Order (2/3 Vote)

(c)Lay on the Table.....

(3)To Suppress or Limit Debate (2/3 Vote).

(a)Previous Question (to close debate now) (2/3 Vote)

(b)Limit Debate (2/3 Vote)

(4)To Suppress the Question.

(a)Objection to Its Consideration (2/3 Vote)

(b)Previous Question and Reject Question .....

(c)Postpone Indefinitely

(d)Lay on the Table

(5)To Consider a Question a Second Time.

(a)Take from the Table

(b)Reconsider

(c)Rescind

(6)To Prevent Final Action on a Question

in an Unusually Small or Unrepresentative Meeting.

(a)Reconsider and have Entered on the Minutes .....

(1) *To Modify or Amend*. (a) When a resolution or motion is not worded properly, or requires any modification to meet the approval of the assembly, if the changes required can be made in the assembly, the proper motion to make is to *amend* by "inserting," or "adding," or by "striking out," or by "striking out and inserting," or by "substituting" one or more paragraphs for those in the resolution. (b) But if much time will be required, or if the changes required are numerous, or if additional information is required to enable the assembly to act intelligently, then it is usually better to *refer* the question to a committee.

(2) *To Defer Action*. (a) If it is desired to put off the further consideration of a question to a certain hour, so that when that time arrives, as soon as the pending business is disposed of, it shall have the right of consideration over all questions except special orders and a reconsideration, then the proper motion to make is, *to postpone to that certain time*. This is also the proper motion to make if it is desired to defer action simply to another day. As the motion if adopted cannot interrupt the pending question when the appointed time arrives, nor can it suspend any rule, it requires only a majority vote for its adoption. A question postponed to a certain time cannot be taken up before the appointed time except by suspending the rules, which requires a two-thirds vote. (b) If it is desired to appoint for the consideration of a question a certain time when it may interrupt any pending question except one relating to adjournment or recess, or a question of privilege or a specified order that was made before it was, then the proper course is to move "that the question be made a *special order* for," etc., specifying the day or hour. As this motion, if adopted, suspends all rules that interfere with the consideration of the question at the appointed time, it requires a two-thirds vote for its adoption. A special order cannot be considered before the appointed time except by suspending the rules, which requires a two-thirds vote. (c) If, however, it is desired to lay the question aside temporarily with the right to take it up at any moment when business of this class, or unfinished or new business, is in order and no other question is before the assembly, the proper motion to use is to *lay the question on the table*. When laid upon the table a majority vote may take it up at the same or the next session.

(3) *To Suppress Debate*. (a) If it is desired to close debate now and bring the assembly at once to a vote on the pending question, or questions, the proper course is to move, or demand, or call for, the previous question on the motions upon which it is desired to close debate. The motion, or demand, for the previous question should always specify the motions upon which it is desired to order the previous question. If no motions are specified, the previous question applies only to the immediately pending question. It requires a two-thirds vote for its adoption. After it has been adopted, privileged and incidental motions may be made, or the pending questions may be laid on the table, but no other subsidiary motion can be made nor is any debate allowed. If it is lost the debate is resumed. (b) If it is desired to limit the number or length of speeches, or the time allowed for debate, the proper course is to move that the speeches or debate be limited as desired, or that the debate be closed and the vote be taken at a specified time. These motions to limit or close debate require a two-thirds vote for their adoption, and are in order, like the previous question, when any debatable question is immediately pending.

(4) *To Suppress the Question*. A legitimate question cannot be suppressed in a deliberative assembly without free debate, except by a two-thirds vote. If two-thirds of the assembly are opposed to the consideration of the question then it can be suppressed by the following methods: (a) If it is desired to prevent

any consideration of the question, the proper course to pursue is *to object to its consideration* before it has been discussed or any other motion stated, and, therefore, it may interrupt a member who has the floor before the debate has begun. It requires no second. On the question of consideration there must be a two-thirds negative vote to prevent the consideration. (b) After the question has been considered the proper way to immediately suppress it is to close debate by ordering the *previous question*, which requires a two-thirds vote, and then to vote down the question. Another method of suppressing a question is to *postpone it indefinitely* (equivalent to rejecting it), which, however, being debatable and opening the main question to debate, is only of service in giving another opportunity to defeat the resolution should this one fail. For, if the motion to postpone indefinitely is adopted, the main question is dead for that session, and if it is lost, the main question is still pending and its enemies have another opportunity to kill it. When the motion to postpone indefinitely is pending and immediate action is desired, it is necessary to move the previous question as in case (b) above. (d) A fourth method frequently used for suppressing a question is to *lay it on the table*, though this is an unfair use of the motion, except in bodies like Congress where the majority must have the power to suppress any motion immediately, as otherwise they could not transact business. But in ordinary societies, where the pressure of business is not so great, it is better policy for the majority to be fair and courteous to the minority and use the proper motions for suppressing a question without allowing full debate, all of which require a two-thirds vote. Unless the enemies of a motion have a large majority, laying it on the table is not a safe way of suppressing it, because its friends, by watching their opportunity, may find themselves in a majority and take it from the table and adopt it, as shown in the next paragraph.

(5) *To Consider a Question a Second Time*. (a) When a question has not been voted on, but has been laid on the table, a majority may *take it from the table* and consider it at any time when no other question is before the assembly and when business of that class, or unfinished or new business, is in order during the same session; or at the next session in ordinary societies having regular meetings as often as quarterly. (b) If a motion has been adopted, or rejected, or postponed indefinitely, and afterwards one or more members have changed their views from the prevailing to the losing side, and it is thought that by further discussion the assembly may modify or reverse its action, the proper course is for one who voted with the prevailing side to move to *reconsider* the vote on the question. This can be done on the day the vote to be reconsidered is taken, or on the next succeeding day of the same session. (c) If a main motion, including questions of privilege and orders of the day, has been adopted or rejected or postponed indefinitely, and no one is both able and willing to move to reconsider the vote, the question can be brought up again during the same session only by moving to *rescind* the motion. To rescind may be moved by any member, but, if notice of it was not given at a previous meeting, it requires a two-thirds vote or a vote of a majority of the enrolled membership. At any future session, the resolution, or other main motion, may be rescinded in the same way if it had been adopted; or it may be introduced anew if it had been rejected or postponed indefinitely; provided the question cannot be reached by calling up the motion to reconsider which had been made at the previous session. A by-law, or anything else that requires a definite notice and vote for its amendment, requires the same notice and vote to rescind it.

(6) *To Prevent Final Action on a Question in an Unusually Small or Unrepresentative Meeting*. If an important main motion should be adopted, lost, or postponed indefinitely, at a small or unrepresentative

meeting of the society when it was apparent that the action is in opposition to the views of the majority of the members, the proper course to pursue is for a member to vote with the prevailing side and then move to reconsider the vote and have it entered on the minutes. The motion to reconsider, in this form, can be made only on the day the vote was taken which it is proposed to reconsider, and the reconsideration cannot be called up on that day; thus, an opportunity is given to notify absent members

Art. X. The Officers and the Minutes.

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58. Chairman or President. The presiding officer, when no special title has been assigned him, is ordinarily called the Chairman, or the President, or, especially in religious assemblies, the Moderator. In organized societies the constitution always prescribes his title, that of President being most common. In debate he is referred to by his official title and is addressed by prefixing Mr. or Madam, as the case may be, to that title. In referring to himself he should never use the personal pronoun; he generally says, "the chair," which means the presiding officer of the assembly, regardless of whether his position is permanent or temporary. If his position is only temporary, he is called the chairman.

His duties are generally as follows: To open the session at the time at which the assembly is to meet, by taking the chair and calling the members to order; to announce the business before the assembly in the order in which it is to be acted upon; to recognize members entitled to the floor; to state and to put to vote all questions which are regularly moved, or necessarily arise in the course of the proceedings, and to announce the result of the vote; to protect the assembly from annoyance from evidently frivolous or dilatory motions by refusing to recognize them; to assist in the expediting of business in every way compatible with the rights of the members, as by allowing brief remarks when undebatable motions are pending, if he thinks it advisable; to restrain the members when engaged in debate, within the rules of order; to enforce on all occasions the observance of order and decorum among the members, deciding all questions of order (subject to an appeal to the assembly by any two members) unless when in doubt he prefers to submit the question for the decision of the assembly; to inform the assembly, when necessary, or when referred to for the purpose, on a point of order or practice pertinent to pending business; to authenticate, by his signature,

when necessary, all the acts, orders, and proceedings of the assembly declaring its will and in all things obeying its commands.

In case of fire, riot, or very serious disorder, or other great emergency, the chair has the right and the duty to declare the assembly adjourned to some other time (and place if necessary), if it is impracticable to take a vote, or in his opinion, dangerous to delay for a vote.

The chairman should rise to put a question to vote, except in very small assemblies, such as boards or committees, but may state it sitting; he should also rise from his seat (without calling any one to the chair) when giving his reasons for his decision upon a point of order, or when speaking upon an appeal, which he can do in preference to other members. During debate he should be seated and pay attention to the speaker, who is required to address his remarks to the presiding officer. He should always refer to himself as "the chair," thus, "The chair decides," etc., not "I decide," etc. When a member has the floor, the chairman cannot interrupt him excepting as provided in **3**, so long as he does not transgress any of the rules of the assembly.

If a member of the assembly, he is entitled to vote when the vote is by ballot (but not after the tellers have commenced to count the ballots), and in all other cases where the vote would change the result. Thus, in a case where a two-thirds vote is necessary, and his vote thrown with the minority would prevent the adoption of the question, he can cast his vote; so, also, he can vote with the minority when it will produce a tie vote and thus cause the motion to fail; but he cannot vote twice, first to make a tie, and then to give the casting vote. Whenever a motion is made referring to the chairman only, or which compliments or condemns him with others, it should be put to vote by the Vice President if in the room, or by the Secretary, or on their failure to do so, by the maker of the motion. The chair should not hesitate to put the question on a motion to appoint delegates or a committee on account of his being included.

The chairman cannot close debate unless by order of the assembly, which requires a two-thirds vote; nor can he prevent the making of legitimate motions by hurrying through the proceedings. If members are reasonably prompt in exercising their right to speak or make motions, the chair cannot prevent their doing so. If he has hurriedly taken and announced a vote while a member is rising to address the chair, the vote is null and void, and the member must be recognized. On the other hand, the chairman should not permit the object of a meeting to be defeated by a few factious persons using parliamentary forms with the evident object of obstructing business. In such a case he should refuse to entertain the dilatory or frivolous motion, and, if an appeal is taken, he should entertain it, and, if sustained by a large majority he may afterwards refuse to entertain even an appeal made by the faction when evidently made merely to obstruct business. But the

chair should never adopt such a course merely to expedite business, when the opposition is not factious. It is only justifiable when it is perfectly clear that the opposition is trying to obstruct business. [See Dilatory Motions, **40**].

If it is necessary for the chairman to vacate the chair the first Vice President, if there is one, should take the chair, and in his absence the next one in order should take it. If there is no vice president in the hall, then the chairman may, if it is necessary to vacate the chair, appoint a chairman *pro tem.*, but the first adjournment puts an end to the appointment, which the assembly can terminate before, if it pleases, by electing another chairman. But the regular chairman, knowing that he will be absent from a future meeting, cannot authorize another member to act in his place at such meeting; the secretary, or, in his absence, some other member should in such case call the meeting to order, and a chairman *pro tem.* be elected who would hold office during that session, unless such office is terminated by the entrance of the president or a vice president, or by the election of another chairman pro tem., which may be done by a majority vote.

The chairman sometimes calls a member to the chair and takes part in the debate. This should rarely be done, and nothing can justify it in a case where much feeling is shown and there is a liability to difficulty in preserving order. If the chairman has even the appearance of being a partisan, he loses much of his ability to control those who are on the opposite side of the question. There is nothing to justify the unfortunate habit some chairmen have of constantly speaking on questions before the assembly, even interrupting the member who has the floor. One who expects to take an active part in debate should never accept the chair, or at least should not resume the chair, after having made his speech, until after the pending question is disposed of.[1] The presiding officer of a large assembly should never be chosen for any reason except his ability to preside.

The chairman should not only be familiar with parliamentary usage, and set the example of strict conformity thereto, but he should be a man of executive ability, capable of controlling men. He should set an example of courtesy and should never forget that to control others it is necessary to control oneself. A nervous, excited chairman can scarcely fail to cause trouble in a meeting. No rules will take the place of tact and common sense on the part of the chairman. While usually he need not wait for motions of routine, or for a motion to be seconded when he knows it is favored by others, yet if this is objected to, it is safer instantly to require the forms of parliamentary law to be observed. By general consent many things can be done that will save much time [see **48**], but where the assembly is very large, or is divided and contains members who are habitually raising points of order, the most expeditious and safe course is to enforce strictly all the rules and forms of parliamentary law. He should be especially careful after every motion is made and every vote is

taken to announce the next business in order. Whenever an improper motion is made, instead of simply ruling it out of order, it is well for the chairman to suggest how the desired object can be accomplished. [See "Hints to Inexperienced Chairman" below.]

The by-laws sometimes state that the president shall appoint all committees. In such case the assembly may authorize committees but cannot appoint or nominate them. The president, however, cannot appoint any committees except those authorized by the by-laws or by a vote of the assembly. Sometimes the by-laws make the president ex-officio a member of every committee. Where this is done, he has the rights of other members of the committees but not the obligation to attend every committee meeting. [See **51**.]

A chairman will often find himself perplexed with the difficulties attending his position, and in such cases, he will do well to remember that parliamentary law was made for deliberative assemblies, and not the assemblies for parliamentary law. This is well expressed by a distinguished English writer on parliamentary law, thus: "*The great purpose of all rules and forms is to subserve the will of the assembly rather than to restrain it; to facilitate, and not to obstruct, the expression of their deliberative sense*."

Additional Duties of the President of a Society, and the Vice Presidents. In addition to his duties as presiding officer, in many societies the president has duties as an administrative or executive officer. Where this is desired, the by-laws should clearly set forth these duties, as they are outside of his duties as presiding officer of the assembly, and do not come within the scope of parliamentary law.

The same is true of vice presidents. Sometimes they have charge of different departments of work and they should be chosen with those duties in view as prescribed by the by-laws. It must not be forgotten that in the case of the absence of the president the first vice president must preside, and in case of the illness or resignation or death of the president that the first vice president becomes president for the unexpired term, unless the rules specify how vacancies shall be filled. In such case the second vice president becomes the first, and so on. It is a mistake to elect a vice president who is not competent to perform the duties of president.

Hints to Inexperienced Chairmen. While in the chair, have beside you your Constitution, By-laws, and Rules of Order, which should be studied until you are perfectly familiar with them. You cannot tell the moment you may need this knowledge. If a member asks what motion to make in order to attain a certain object, you should be able to tell him at once. You should memorize the list of ordinary motions arranged in their order of precedence and should be able to refer to the Table of Rules so quickly that there will be no delay in

deciding all points contained in it. Become familiar with the first ten sections of these Rules; they are simple and will enable you more quickly to master parliamentary law. Read carefully sections **69-71**, so as to become accustomed to the ordinary methods of conducting business in deliberative assemblies. Notice that there are different ways of doing the same thing, all of which are allowable.

You should know all the business to come regularly before the meeting and call for it in its regular order. Have with you a list of members of all committees, to guide you in nominating new committees.

When a motion is made, do not recognize any member or allow anyone to speak until the motion is seconded and you have stated the question; or, in case of there being no second and no response to your call for a second, until you have announced that fact; except in case of a main motion before it is seconded or stated someone rises and says he rises to move a reconsideration, or to call up the motion to reconsider, or to move to take a question from the table. In any of these cases you should recognize the interrupting member as entitled to the floor [**3**]. If you have made a mistake and assigned the floor to the wrong person, or recognized a motion that was not in order, correct the error as soon as your attention is called to it. So, when a vote is taken, announce the result and also what question, if any, is then pending, before recognizing any member that addresses the chair. Never wait for mere routine motions to be seconded, when you know no one objects to them. [See **8**.]

If a member ignorantly makes an improper motion, do not rule it out of order, but courteously suggest the proper one. If it is moved "to lay the question on the table until 3 P.M.," as the motion is improper, ask if the intention is "to postpone the question to 3 P.M.;" if the answer is yes, then state that the question is on the postponement to that time. If it is moved simply "to postpone the question," without stating the time, do not rule it out of order, but ask the mover if he wishes "to postpone the question indefinitely" (which kills it), or "to lay it on the table" (which enables it to be taken up at any other time); then state the question in accordance with the motion he intended to make. So, if after a report has been presented and read, a member moves that "it be received," ask him if he means to move "its adoption" (or "acceptance," which is the same thing), as the report has been already received. No vote should be taken on receiving a report, which merely brings it before the assembly, and allows it to be read, unless someone objects to its reception.

The chairman of a committee usually has the most to say in reference to questions before the committee; but the chairman of an ordinary deliberative assembly, especially a large one, should, of all the members, have the least to say upon the merits of pending questions.

Never interrupt members while speaking, simply because you know more about the matter than they do; never get excited; never be unjust to the most troublesome member, or take advantage of his ignorance of parliamentary law, even though a temporary good is accomplished thereby.

Know all about parliamentary law, but do not try to show off your knowledge. Never be technical, or stricter than is absolutely necessary for the good of the meeting. Use your judgment; the assembly may be of such a nature through its ignorance of parliamentary usages and peaceable disposition, that a strict enforcement of the rules, instead of assisting, would greatly hinder business; but in large assemblies, where there is much work to be done, and especially where there is liability to trouble, the only safe course is to require a strict observance of the rules.

1. "Though the Speaker (Chairman) may of right speak to matters of order and be first heard, he is restrained from speaking on any other subject except where the House have occasion for facts within his knowledge; then he may, with their leave, state the matter of fact." [Jefferson's Manual, sec. XVII.]

"It is a general rule in all deliberative assemblies, that the presiding officer shall not participate in the debate or other proceedings, in any other capacity than as such officer. He is only allowed, therefore, to state matters of fact within his knowledge; to inform the assembly on points of order or the course of proceeding when called upon for that purpose, or when he finds it necessary to do so; and, on appeals from his decision on questions of order, to address the assembly in debate. [Cushing's Manual, §202.]

59. Secretary, or Clerk. The recording officer is variously called Clerk, or Secretary, or Recording Secretary (where there is also a Corresponding Secretary), or Recorder, or Scribe, etc. The secretary is the recording officer of the assembly and the custodian of its records except such as are specifically assigned to others, as the treasurer's books. These records are open, however, to inspection by any member at reasonable times, and where a committee needs any records of a society for the proper performance of its duties, they should be turned over to its chairman. The same principle applies in boards and committees, their records being accessible to members of the board or committee, as the case may be, but to no others.

In addition to keeping the records of the society and the minutes of the meetings, it is the duty of the secretary to keep a register, or roll, of the members and to call the roll when required; to notify officers, committees, and delegates of their appointment, and to furnish committees with all papers referred to them, and delegates with credentials; and to sign with the president all orders on the treasurer authorized by the society, unless otherwise specified in the by-laws. He should also keep one book in which the constitution,

by-laws, rules of order, and standing rules should all be written, leaving every other page blank; and whenever an amendment is made to any of them, in addition to being recorded in the minutes it should be immediately entered on the page opposite to the article amended, with a reference, in red ink, to the date and page of the minutes where it is recorded.

In addition to the above duties, when there is only one secretary, it is his duty to send out proper notices of all called meetings, and of other meetings when necessary, and to conduct the correspondence of the society, except as otherwise provided. Where there is a *Corresponding Secretary* these duties devolve on him, as well as such others as are prescribed by the by-laws. The by-laws should always clearly define the additional duties of the corresponding secretary if any are to be imposed on him. When the word "secretary" is used it always refers to the recording secretary if there is more than one.

The secretary should, previous to each meeting, for the use of the chairman, make out an order of business [**65**], showing in their exact order what is necessarily to come before the assembly. He should also have, at each meeting, a list of all standing committees, and such special committees as are in existence at the time, as well as the by-laws of the organization and its minutes. His desk should be near that of the chairman, and in the absence of the chairman (if there is no vice president present), when the hour for opening the session arrives, it is his duty to call the meeting to order, and to preside until the election of a chairman pro tem., which should take place immediately. He should keep a record of the proceedings, stating what was done and not what was said, unless it is to be published, and never making criticisms, favorable or otherwise, on anything said or done. This record, usually called the minutes, is kept as explained in the next section. When a committee is appointed, the secretary should hand the names of the committee, and all papers referred to it, to the chairman of the committee, or some other of its members. He should indorse on the reports of committees the date of their reception, and what further action was taken upon them, and preserve them among the records, for which he is responsible. It is not necessary to vote that a report be "placed on file," as that should be done without a vote, except in organizations that habitually keep no records except their minutes and papers ordered on file.

60. The Minutes. The record of the proceedings of a deliberative assembly is usually called the Minutes, or the Record, or the Journal. The essentials of the record are as follows: (a) the kind of meeting, "regular" (or stated) or "special," or "adjourned regular" or "adjourned special"; (b) name of the assembly; (c) date of meeting and place, when it is not always the same; (d) the fact of the presence of the regular chairman and secretary, or in their absence the names of their substitutes, (e) whether the minutes of the previous meeting

were approved, or their reading dispensed with, the dates of the meetings being given when it is customary to occasionally transact business at other than the regular business meetings; (f) all the main motions (except such as were withdrawn) and points of order and appeals, whether sustained or lost, and all other motions that were not lost or withdrawn; (g) and usually the hours of meeting and adjournment, when the meeting is solely for business. Generally, the name is recorded of the member who introduced a main motion, but not of the seconder.

In some societies the minutes are signed by the president in addition to the secretary, and when published they should always be signed by both officers. If minutes are not habitually approved at the next meeting, then there should be written at the end of the minutes the word "Approved" and the date of the approval, which should be signed by the secretary. They should be entered in good black ink in a wellbound record-book.[1]

The *Form* of the *Minutes* may be as follows:

At a regular meeting of the M. L. Society, held in their hall, on Thursday evening, March 19, 1914, the president in the chair, and Mr. N acting as secretary, the minutes of the previous meeting were read and approved. The Committee on Applications reported the names of Messrs. C and D as applicants for membership, and on motion of Mr. F they were admitted as members. The committee on reported through Mr. G a series
of resolutions, which were thoroughly discussed and amended, and finally adopted, as follows:

Resolved, That.....

.....

On motion of Mr. L the society adjourned at 10 P.M.

R..... N.....
Secretary.

In keeping the minutes, much depends upon the kind of meeting, and whether the minutes are to be published. In the meetings of ordinary societies and of boards of managers and trustees, there is no object in reporting the debates; the duty of the secretary, in such cases, is mainly to record what is "done" by the assembly, and not what is said by the members. He should enter the essentials of a record, as previously stated, and when a count has been ordered or where the vote is by ballot, he should enter the number of

votes on each side; and when the voting is by yeas and nays, he should enter a list of the names of those voting on each side. The proceedings of the committee of the whole. or while acting as if in committee of the whole, should not be entered in the minutes, but the report of the committee should be entered. When a question is considered informally, the proceedings should be kept as usual, as the only informality is in the debate. If a report containing resolutions has been agreed to, the resolutions should be entered in full as finally adopted by the assembly, thus: "The committee on ..... submitted a report with a series of resolutions which, after discussion and amendment, were adopted as follows:" then should be entered the resolutions as adopted. Where the proceedings are published, the method shown further on should be followed. If the report is of great importance the assembly should order it "to be entered on the minutes," in which case the secretary copies it in full upon the record.

Where the regular meetings are held weekly, monthly, or quarterly, the minutes are read at the opening of each day's meeting, and, after correction. should be approved. Where the meetings are held several days in succession with recesses during the day, the minutes are read at the opening of business each day. If the next meeting of the organization will not be held for a long period, as six months or a year. the minutes that have not been read previously should be read and approved before final adjournment. If this is impracticable, then the executive committee. or a special committee, should be authorized to correct and approve them. In this case the record should be signed as usual, and after the signatures the word "Approved," with the date and the signature of the chairman of the committee authorized to approve them. At the next meeting, six months later, they need not be read, unless it is desired for information as it is too late to correct them intelligently. When the reading of the minutes is dispensed with, they can afterwards be taken up at any time when nothing is pending. If not taken up previously, they come before the assembly at the next meeting before the reading of the later minutes. With this exception the motion to dispense with reading the minutes is practically identical with the motion to lay the minutes on the table, being undebatable and requiring only a majority vote. The minutes of a secret meeting, as for the trial of a member, should not be read at a meeting that is open to the public, if the record contains any of the details of the trial that should not be made public.

Minutes to be Published. When the minutes are to be published. in addition to the strict record of what is done, as heretofore described. they should contain a list of the speakers on each side of every question, with an abstract of all addresses, if not the addresses in full, when written copies are furnished. In this case the secretary should have an assistant. With some annual conventions it is desired to publish the proceedings in full. In such cases it is necessary to employ a stenographer as assistant to the secretary. Reports of committees should be printed exactly as submitted, the minutes showing what action was taken by the

assembly in regard to them; or they may be printed with all additions in italics and parts struck out enclosed in brackets in which case a note to that effect should precede the report or resolutions. In this way the reader can see exactly what the committee reported and also exactly what the assembly adopted or endorsed.

1. In many organizations it is preferable for the secretary to keep his original pencil notes in a pocket memorandum book which he carries to every meeting, and these original notes, as corrected, are approved and then copied into the permanent records. This plan usually results in neater records, but the original notes should be kept until they are carefully compared with the permanent records. In such case it is better to have the minutes signed by both president and secretary as a guarantee against errors in copying.

61. The Executive Secretary is usually a salaried officer paid to give up all his time to the work as executive officer, or general manager, of an organization under a board of managers and an executive committee [**50**]. In some organizations this officer is called Corresponding Secretary, but the title of corresponding secretary does not carry with it any duty except that of conducting the correspondence of the society as explained in **59:3**, unless it is prescribed by the by-laws. The office of the executive secretary is usually the only office of the organization, and there the Executive Committee meets and transacts its business. The board of managers in such cases is usually large and so scattered as never to have regular meetings oftener than quarterly. When the organization is a national one it usually meets just before the annual convention, when it hears the annual report, prepared by the executive secretary and previously adopted by the executive committee, and acts upon it. The new board meets immediately after the convention, and organizes, elects an executive committee and an executive secretary, when so authorized by the by-laws, and decides upon the general policy for the year, leaving the details to the executive committee and the executive secretary. The board rarely meets oftener than once or twice in addition to the meetings in connection with the annual meeting, special meetings, however, being called, when required, as provided by its by-laws. In some organizations the executive secretary is elected by the convention. He is usually ex-officio secretary of the executive committee. The members of the executive committee giving their time gratuitously, it is the duty of the executive secretary to prepare for the committee all business that has not been assigned to others, and to see that all its instructions are carried out. He is expected to recommend plans of work and conduct the business generally, under the executive committee, and prepare the annual report, which, after being adopted by the executive committee, should be adopted by the board, whose report it is, and then be submitted to the convention.

62. Treasurer. The duties of this officer vary in different societies. In probably the majority of cases he acts as a banker, merely holding the funds deposited with him and paying them out on the order of the society signed by the president and the secretary. He is always required to make an annual report, and in many societies, he also makes a quarterly report which may be in the form given below. If the society has auditors the report should be handed to them, with the vouchers, in time to be audited before the meeting. The auditors having certified to its correctness, submit their report, and the chair puts the question on adopting it, which has the effect of approving the treasurer's report, and relieving him from responsibility in case of loss of vouchers, except in case of fraud. If there are no auditors the report when made should be referred to an auditing committee, who should report on it later.

It should always be remembered that the financial report is made for the information of members. The details of dates and separate payments for the same object are a hindrance to its being understood, and are useless, as it is the duty of the auditing committee to examine into details and see if the report is correct. The best form for these financial reports depends upon the kind of society and is best determined by examining those made in similar societies. The following brief report is in a form adapted to many societies where the financial work is a very subordinate part of their work:

REPORT OF THE TREASURER OF THE M. L. SOCIETY FOR THE QUARTER ENDING MARCH 31, 1914.

Receipts.

Balance on hand January 1, 1914.... $ 25.75 Initiation fees $ 50.00
Members' dues 150.00
Fines 10.50 210.50

Total $236.25

Disbursements.

Rent of Hall. .....$ 80.00
Electric lights..... 22.00
Stationery and Printing ... 15.00
Repair of Furniture..... 10.00
Janitor 60.00 $187.00

Balance on hand March 31, 1914.....49.25

Total..... 236.25

S..... M ..... ,

Treasurer

Examined and found correct. R..... V. }

J..... L } Auditing Committee.

Art. XI. Miscellaneous.

63. A Session of an assembly is a meeting which, though it may last for days, is virtually *one meeting*, as a session of a convention; or even months, as a session of Congress; it terminates by an "adjournment sine die (without day)." The intermediate adjournments from day to day, or the recesses taken during the day, do not destroy the continuity of the meetings, which in reality constitute one session. Any meeting which is not an adjournment of another meeting commences a new session. In the case of a permanent society, whose by-laws provide for regular meetings every week, month, or year, for example, each meeting constitutes a separate session of the society, which session, however, can be prolonged by adjourning to another day.

In this Manual the term *Meeting* is used to denote an assembling of the members of a deliberative assembly for any length of time, during which there is no separation of the members except for a recess of a few minutes, as the morning meetings, the afternoon meetings, and the evening meetings, of a convention whose session lasts for days. A "meeting" of an assembly is terminated by a temporary adjournment or a recess for a meal, etc.; a "session" of an assembly ends with an adjournment without day and may consist of many meetings. So, an adjournment to meet again at some other time, even the same day, unless it was for only a few minutes, terminates the meeting, but not the session, which latter includes all the adjourned meetings. The next meeting, in this case, would be an "adjourned meeting" of the same session.

In ordinary practice a meeting is closed by moving simply "to adjourn;" the society meets again at the time provided either by the rules or by a resolution of the society. If it does not meet till the time for the next regular meeting as provided in the by-laws, then the adjournment closes the session, and was in effect an adjournment without day. If, however, it had previously fixed the time for the next meeting, either by a direct vote or by adopting a program of exercise covering several meetings, or even days, in either case the adjournment is in effect to a certain time, and while closing the meeting does not close the session.

In such common expressions as quarterly meeting and annual meeting the word meeting is used in the sense of the parliamentary *session* and covers all the adjourned meetings. Thus, business that legally must be done at the annual meeting may be done at any time during the session beginning at the time specified for the annual meeting, though the session, by repeated adjournments, may last for days. The business may be postponed to the next regular meeting, if desired.

Under Renewal of Motions is explained what motions can be repeated during the same session, and also the circumstances under which certain motions cannot be renewed until after the close of the next succeeding session.

A rule or resolution of a permanent nature may be adopted by a majority vote at any session of a society, and it will continue in force until it is rescinded. But such a standing rule does not materially interfere with the rights of a future session, as by a majority vote it may be suspended so far as it affects that session; and, it may be rescinded by a majority vote, if notice of the proposed action was given at a previous meeting, or in the notice of the meeting; or, without any notice, it may be rescinded by a majority of the entire membership, or by a two-thirds vote. If it is desired to give greater stability to a rule it is necessary to place it in the constitution by-laws, or rules of order, all of which are so guarded by requiring notice of amendments, and at least a two- thirds vote for their adoption, that they are not subject to sudden changes, and may be considered as expressing the deliberate views of the whole society, rather than the opinions or wishes of any particular meeting.

In case of the illness of the presiding officer the assembly cannot elect a chairman pro tem. to hold office beyond the session, unless notice of the election was given at the previous meeting or in the call for this meeting. So, it is improper for an assembly to postpone anything to a day beyond the next succeeding session, and thus attempt to prevent the next session from considering the question. On the other hand, it is not permitted to move the reconsideration of a vote taken at a previous session, though the motion to reconsider

can be called up, provided it was made during the previous session in a society having meetings as often as quarterly. Committees can be appointed to report at a future session.

NOTE ON SESSION. -- In Congress, and in fact all legislative bodies, the limits of the sessions are clearly defined; but in ordinary societies having a permanent existence, with regular meetings more or less frequent, there appears to be some confusion upon the subject. Any society is competent to decide what shall constitute one of its sessions, but, where there is no rule on the subject, the common parliamentary law would make each of its regular or special meetings a separate session, as they are regarded in this Manual.

The disadvantages of a rule making a session include all the meetings of an ordinary society, held during a long time, as one year, are very great. If an objection to the consideration of a question has been sustained, or if a question has been adopted, or rejected, or postponed indefinitely, the question cannot again be brought before the assembly for its consideration during the same session. If a session lasted for a long period, a temporary majority could forestall the permanent majority and introduce and act on a number of questions favored by the majority, and thus prevent the society from dealing with those subjects for the long period of the session. If members of any society take advantage of the freedom allowed by considering each regular meeting a separate session, and repeatedly renew obnoxious or unprofitable motions, the society can adopt a rule prohibiting the second introduction of any main question within, say, three months after its rejection, or indefinite postponement, or after the society has refused to consider it. But generally, it is better to suppress the motion by refusing to consider it.

64. A Quorum of an assembly is such a number as must be present in order that business can be legally transacted. The quorum refers to the number present, not to the number voting. The quorum of a mass meeting is the number present at the time, as they constitute the membership at that time. The quorum of a body of delegates, unless the by-laws provide for a smaller quorum, is a majority of the number enrolled as attending the convention, not those appointed. The quorum of any other deliberative assembly with an enrolled membership (unless the by-laws provide for a smaller quorum) is a majority of all the members. In the case, however, of a society, like many religious ones, where there are no annual dues, and where membership is for life (unless it is transferred or the names are struck from the roll by a vote of the society) the register of members is not reliable as a list of the bona fide members of the society, and in many such societies it would be impossible to have present at a business meeting a majority of those enrolled as members. Where such societies have no by-law establishing a quorum, the quorum consists of those who attend the meeting, provided it is either a stated meeting or one that has been properly called.

In all ordinary societies the by-laws should provide for a quorum as large as can be depended upon for being present at all meetings when the weather is not exceptionally bad. In such an assembly the chairman should not take the chair until a quorum is present, or there is no prospect of there being a quorum. The only business that can be transacted in the absence of a quorum is to take measures to obtain a quorum, to fix the time to which to-adjourn, and to adjourn, or to take a recess. Unanimous consent cannot be given when a quorum is not present, and a notice given then is not valid. In the case of an annual meeting, where certain business for the year, as the election of officers, must be attended to during the session, the meeting should fix a time for an adjourned meeting and then adjourn.

In an assembly that has the power to compel the attendance of its members, if a quorum is not present at the appointed hour, the chairman should wait a few minutes before taking the chair. In the absence of a quorum such an assembly may order a call of the house and thus compel attendance of absentees, or it may adjourn, providing for an adjourned meeting if it pleases.

In committee of the whole the quorum is the same as in the assembly; if it finds itself without a quorum it can do nothing but rise and report to the assembly, which then adjourns. In any other committee the majority is a quorum, unless the assembly order otherwise, and it must wait for a quorum before proceeding to business. Boards of trustees, managers, directors, etc., are on the same footing as committees as regards a quorum. Their power is delegated to them as a body, and their quorum, or what number shall be present, in order that they may act as a board or committee, cannot be determined by them, unless so provided in the by-laws.

While no question can be decided in the absence of a quorum excepting those mentioned above, a member cannot be interrupted while speaking in order to make the point of no quorum. The debate may continue in the absence of a quorum until someone raises the point while no one is speaking.

While a quorum is competent to transact any business, it is usually not expedient to transact important business unless there is a fair attendance at the meeting, or else previous notice of such action has been given.

Care should be taken in amending the rule providing for a quorum. If the rule is struck out first, then the quorum instantly becomes a majority of all the members, so that in many societies it would be nearly impracticable to secure a quorum to adopt a new rule. The proper way is to amend by striking out certain

words (or the whole rule) and inserting certain other words (or the new rule), which is made and voted on as one question.

NOTE ON QUORUM. -- After all the members of an organization have had reasonable notice of a meeting, and ample opportunity for discussion, if a majority of the total membership of the organization come to a certain decision, that must be accepted as the action or opinion of that body. But, with the exception of a body of delegates, it is seldom that a vote as great as a majority of the total membership of a large voluntary organization call be obtained for anything, and consequently there has been established a common parliamentary law principle, that if a bare majority of the membership is present at a meeting properly called or provided for, a majority vote (which means a majority of those who vote) shall be sufficient to make the act the act of the body, unless it suspends a rule or a right of a member (as the right to introduce questions and the right of free discussion before being required to vote on finally disposing of a question) and that a two-thirds vote shall have the power to suspend these rules and rights. This gives the right to act for the society to about one-fourth of its members in ordinary cases, and to about one-third of its members in case of suspending the rules and certain rights. But it has been found impracticable to accomplish the work of most voluntary societies if no business can be transacted unless a majority of the members is present. In large organizations, meeting weekly or monthly for one or two hours, it is the exception when a majority of the members is present at a meeting, and therefore it has been found necessary to require the presence of only a small percentage of the members to enable the assembly to act for the organization, or, in other words, to establish a small quorum. ln legislative bodies in this country, which are composed of members paid for their services, it is determined by the constitutions to be a majority of their members. Congress in 1861 decided this to be a majority of the members chosen. In the English House of Commons, it is 40 out of nearly 700, being about 6% of the members, while in the House of Lords the quorum is 3, or about one-half of 1% of the members. Where the quorum is so small it has been found necessary to require notice of all bills, amendments, etc., to be given in advance; and even in Congress, With its large quorum, one day's notice has to be given of any motion to rescind or change any rule or standing order. This principle is a sound one, particularly with societies meeting monthly or weekly for one or two hours, and with small quorums, where frequently the assembly is no adequate representation of the society. The difficulty in such cases may be met in societies adopting this Manual by the proper use of the motion to reconsider and have entered on the minutes as explained in **36:13**.

65. Order of Business. It is customary for every society having a permanent existence to adopt an order of business for its meetings. When no rule has been adopted, the following is the order:

(1) Reading the Minutes of the previous meeting [and their approval].
(2) Reports of Boards and Standing Committees.
(3) Reports of Special (Select) Committees.
(4) Special Orders.
(5) Unfinished Business and General Orders
(6) New Business.

The minutes are read only once a day at the beginning of the day's business. The second item includes the reports of all Boards of Managers, Trustees, etc., as well as reports of such officers as are required to make them. The fifth item includes, first, the business pending and undisposed of at the previous adjournment; and then the general orders that were on the calendar for the previous meeting and were not disposed of; and finally, matters postponed to this meeting that have not been disposed of.

The secretary should always have at every meeting a memorandum of the order of business for the use of the presiding officer, showing everything that is to come before the meeting. The chairman, as soon as one thing is disposed of, should announce the next business in order. When reports are in order, he should call for the different reports in their order, and when unfinished business is in order, he should announce the different questions in their proper order, as stated above, and thus always keep the control of the business.

If it is desired to transact business out of its order, it is necessary to suspend the rules [**22**], which can be done by a two-thirds vote But, as each resolution or report comes up, a majority can at once lay it on the table, and thus reach any question which it desires first to dispose of. It is improper to lay on the table or to postpone a class of questions like reports of committees, or in fact anything but the question before the assembly.

66. Nominations and Elections. Before proceeding to an election to fill an office it is customary to nominate one or more candidates. This nomination is not necessary when the election is by ballot or roll call, as each member may vote for any eligible person whether nominated or not. When the vote is viva voce or by rising, the nomination is like a motion to fill a blank, the different names being repeated by the chair as they are made, and then the vote is taken on each in the order in which they were nominated, until one is elected. The nomination need not be seconded. Sometimes a nominating ballot is taken in order to ascertain the preferences of the members. But in the election of the officers of a society it is more usual to have the nominations made by a committee. When the committee makes its report, which consists of a ticket, the

chair asks if there are any other nominations, when they may be made from the floor. The committee's nominations are treated just as if made by members from the floor, no vote being taken on accepting them. When the nominations are completed the assembly proceeds to the election, the voting being by any of the methods mentioned under Voting, unless the by-laws prescribe a method. The usual method in permanent societies is by ballot, the balloting being continued until the offices are all filled. An election takes effect immediately if the candidate is present and does not decline, or if he is absent and has consented to his candidacy. If he is absent and has not consented to his candidacy, it takes effect when he is notified of his election, provided he does not decline immediately. After the election has taken effect and the officer or member has learned the fact, it is too late to reconsider the vote on the election. An officer-elect takes possession of his office immediately, unless the rules specify the time. In most societies it is necessary that this time be clearly designated.

67. Constitutions, By-laws, Rules of Order, and Standing Rules. The rules of a society, in a majority of cases, may be conveniently divided into these four classes, though in some societies all the rules are found under one of these heads, being called either the constitution, or the by-laws, or the standing rules.

Such provisions in regard to the constitution, etc., as are of a temporary nature should not be placed in the constitution, etc., but should be included in the motion to adopt, thus: "I move the adoption of the constitution reported by the committee and that the four directors receiving the most votes shall serve for three years, the four receiving the next largest numbers shall serve for two years, and the next four for one year, and that where there is a tie the classification shall be by lot;" or, "I move the adoption, etc. and that Article III, shall not go into effect until after the close of this annual meeting." Or, if the motion to adopt has been made, it may be amended so as to accomplish the desired object.

Constitutions. An incorporated society frequently has no constitution, the charter taking its place, and many others prefer to combine under one head the rules that are more commonly placed under the separate heads of constitution and by-laws. There is no objection to this unless the by-laws are elaborate, when it is better to separate the most important rules and place them in the constitution. The constitution should contain only the following:

(1) Name and object of the society.
(2) Qualification of members.
(3) Officers and their election.
(4) Meetings of the society (including only what is essential, leaving details to the by-laws).
(5) How to amend the constitution.

These can be arranged in five articles, or the first one may be divided into two, in which case there would be six articles. Usually some of the articles should be divided into sections. Nothing should be placed in the constitution that may be suspended, except in the case of requiring elections of officers to be by ballot, in which case the requirement may be qualified so as to allow the ballot to be dispensed with by a unanimous vote when there is but one candidate for the office. The officers and board of managers or directors of an organization that meets only annually in convention, and the chairmen of such committees as it has authorized and has required to report to the convention, should be, if present at the convention, ex-officio members thereof, and provision for this should be made in the constitution. The constitution should require previous notice of an amendment and also a two-thirds or three-fourths vote for its adoption. Where the meetings are frequent, an amendment should not be allowed to be made except at a quarterly or annual meeting, after having been proposed at the previous quarterly meeting. [See Amendments to Constitutions, etc., **68.**]

By-laws should include all the rules that are of such importance that they cannot be changed in any way without previous notice, except those placed in the constitution and the rules of order. Few societies adopt any special rules of order of their own under that name, contenting themselves with putting a few such rules in their by-laws and then adopting some standard work on parliamentary law as their authority. When a society is incorporated the charter may take the place of the constitution, and in such a case the by-laws would contain all the rules of the society, except those in the charter that cannot be changed without previous notice. The by-laws should always provide for their amendment as shown in **68**, and also for a quorum,**64**. If it is desired to permit the suspension of any by-law it should be specifically provided for. By-laws, except those relating to business procedure, cannot be suspended, unless they expressly provide for their suspension. By- laws in the nature of rules of order may be suspended by a two-thirds vote, as stated in **22**.

The duties of the presiding and recording officers of a deliberative assembly are defined in **58** and **59**. But in

many societies other duties are required of the president and the secretary, and these, together with the duties of the other officers, if any, should be defined in the by-laws. If a society wishes to provide for honorary officers or members, it is well to do so in the by-laws. Unless the by-laws state the contrary, these positions are simply complimentary, carrying with them the right to attend the meetings and to speak, but not to make motions or to vote. Honorary presidents and vice presidents should sit on the platform, but they do not, by virtue of their honorary office, preside. An honorary office is not strictly an office, and in no way conflicts with a member's holding a real office, or being assigned any duty whatever, the same as if he did not hold the honorary office. Like a college honorary degree, it is perpetual, unless rescinded. So, it is proper, where desired, to include in the published list of honorary officers the names of all upon whom the honor has been conferred, even though deceased.

Rules of Order should contain only the rules relating to the orderly transaction of business in the meetings and to the duties of the officers. There is no reason why most of these rules should not be the same for all ordinary societies, and there is a great advantage in uniformity of procedure, so far as possible, in all societies all over the country. Societies should, therefore, adopt some generally accepted rules of order, or parliamentary manual, as their authority, and then adopt only such special rules of order as are needed to supplement their parliamentary authority. Every society, in its by-laws or rules of order, should adopt a rule like this: "The rules contained in [specifying the work on parliamentary practice] shall govern the society in all cases to which they are applicable, and in which they are not inconsistent with the by-laws or the special rules of order of this society." Without such a rule, any one so disposed can cause great trouble in a meeting.

Standing Rules should contain only such rules as may be adopted without previous notice by a majority vote at any business meeting. The vote on their adoption, or their amendment, before or after adoption, may be reconsidered. At any meeting they may be suspended by a majority vote, or they may be amended or rescinded by a two-thirds vote. If notice of the proposed action was given at a previous meeting or in the call for this meeting, they may be amended or rescinded by a majority vote. As a majority may suspend any of them for that meeting, these rules do not interfere with the freedom of any meeting and therefore require no notice in order to adopt them. Generally, they are not adopted at the organization of a society, but from time to time as they are needed. Sometimes the by-laws of a society are called standing rules, but it is better to follow the usual classification of rules as given in this section. The following is an example of a standing rule:

Resolved, That the meetings of this society from April 1 to September 30 shall begin at 7:30 P.M., and during

the rest of the year at 8 P.M.

No standing rule, or resolution, or motion is in order that conflicts with the constitution, or by-laws, or rules of order, or standing rules.

68. Amendments of Constitutions, By-laws, and Rules of Order. Constitutions, by-laws, and rules of order, that have been adopted and contain no rule for their amendment, may be amended at any regular business meeting by a vote of the majority of the entire membership; or, if the amendment was submitted in writing at the previous regular business meeting, then they may be amended by a two-thirds vote of those voting, a quorum being present. But each society should adopt rules for the amendment of its constitution, by-laws, and rules of order, adapted to its own case, but always requiring previous notice and a two-thirds vote. Where assemblies meet regularly only once a year, the constitution, etc., should provide for copies of the amendment to be sent with the notices to the members or the constituency, instead of requiring amendments to be submitted at the previous annual meeting. The requirements should vary to suit the needs of each assembly, always providing for ample notice to the members or the constituency. In societies having very frequent meetings, and also monthly or quarterly meetings more especially devoted to business, it is well to allow amendments to the by-laws, etc., to be adopted only at the quarterly or annual meetings. In specifying when the amendment must be submitted, "the previous regular meeting" should be used instead of "a previous regular meeting," as in the latter case action on the amendment might be delayed indefinitely to suit the mover, and the object of giving notice be defeated. In prescribing the vote necessary for the adoption of an amendment, the expression "a vote of two-thirds of the members should never be used in ordinary societies, especially in large organizations with quorums smaller than a majority of the membership, as in such societies it is seldom that two-thirds of the members -- that is, two-thirds of the entire membership -- is ever present at a meeting. If it is desired to require a larger vote than two-thirds (that is, two-thirds of the votes cast, a quorum being present), the expression "a vote of two-thirds of the members present," should be used. Instead of submitting the amendment in writing, sometimes only notice, or written notice, of an amendment is required. Unless the notice is required to be in writing it may be given orally. In any case, only the purport of the amendment is necessary, unless the rule requires that the amendment itself shall be submitted.

If a committee is appointed to revise the by-laws and report at a certain meeting, this would be all the notice required, and the amendments could be immediately acted upon, if the by-laws required only previous notice of an amendment. But if they required the amendment, or "notice of such amendment," to be submitted at

the previous regular meeting, the revision could not be taken up until the next regular meeting after the committee had submitted its report. The committee may submit a substitute for the by-laws unless it is limited as to its report, as a substitute is an amendment. Great care should be exercised in amending constitutions, etc., to comply with every rule in regard to their amendment.

An amendment to the constitution, or anything else that has already been adopted, goes into effect immediately upon its adoption, unless the motion to adopt specifies a time for its going into effect, or the assembly has previously adopted a motion to that effect. While the amendment is pending, a motion may be made to amend by adding a proviso similar to this, "Provided, that this does not go into effect until after the close of this annual meeting." Or, while the amendment is pending, an incidental motion may be adopted that in case the amendment is adopted it shall not take effect until a specified time. This requires only a majority vote.

Amending a proposed amendment to the constitution, etc., may be accomplished by a majority vote, without notice, subject to certain restrictions. The assembly is not limited to adopting or rejecting the amendment just as it is proposed, but no amendment is in order that increases the modification of the rule to be amended, as otherwise advantage could be taken of this by submitting a very slight change that would not attract attention and then moving the serious modification as an amendment to the amendment.

Thus, if the by-laws placed the annual dues of members at $2.00, and an amendment is pending to strike out 2 and insert 5, an amendment would be in order to change the 5 to any number between 2 and 5; but an amendment would not be in order that changed the 5 to any number greater than 5 or less than 2. Had notice been given that it was proposed to increase the dues to more than 5 dollars, or to reduce them below 2 dollars, members might have been present to oppose the change, who did not attend because they were not opposed to an increase as high as 5 dollars. The same principle applies to an amendment in the nature of a substitute, the proposed substitute being open to amendments that diminish the changes, but not to amendments that increase those that are proposed or introduce new changes. Thus, if an amendment is pending, substituting a new rule for one that prescribes the initiation fee and annual dues, and the substitute does not change the annual dues, then a motion to amend it so as to change the annual dues would be out of order. The notice must be sufficiently definite to give fair warning to all parties interested as to the exact points that are to be modified. The proposed amendment is a main motion, and that is the only question before the assembly. It is subject to amendments of the first and second degree, like other main motions, and no amendment that is not germane to it is in order.

A society can amend its constitution and by-laws so as to affect the emoluments and duties of officers already elected, or even to do away with the office altogether. If it is desired that the amendment should not affect officers already elected, a motion to that effect should be adopted before voting on the amendment; or the motion to amend could have added to it the proviso that it should not affect officers already elected. There is something in the nature of a contract between a society and its officers which either one can modify to some extent, or even terminate, but it must be done with reasonable consideration for the other party. A secretary, for instance, has no right to refuse to perform his duties on the ground that he has handed in his resignation. On the other hand, the society cannot compel him to continue in office beyond a reasonable time to allow for choosing his successor.

Care should be exercised in wording the sections providing for amending the constitution, etc., to avoid such tautology as "amend, or add to, or repeal," or "alter or amend," or "amend or in any way change." The one word amend covers any change whatever in the constitution, etc., whether it is a word or a paragraph that is added or struck out, or replaced by another word or paragraph, or whether a new constitution, etc., is substituted for the old one.

50-14-1. Meetings to be open to public; limitation on action to contest agency action; recording; notice of time and place; access to minutes; telecommunications conferences

(a) As used in this chapter, the term:

(1) "Agency" means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state;

(D) Every city, county, regional, or other authority established pursuant to the laws of this state; and

(E) Any nonprofit organization to which there is a direct allocation of tax funds made by the governing body of any agency as defined in this paragraph which constitutes more than 33 1/3 percent of the funds from all sources of such organization; provided, however, that this subparagraph shall not include hospitals, nursing homes, dispensers of pharmaceutical products, or any other type organization, person, or firm furnishing medical or health services to a citizen for which they receive reimbursement from the state

whether directly or indirectly; nor shall this term include a subagency or affiliate of such a nonprofit organization from or through which the allocation of tax funds is made.

(2) "Executive session" means a portion of a meeting lawfully closed to the public.

(3) (A) "Meeting" means:

(i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or

(ii) The gathering of a quorum of any committee of the members of the governing body of an agency or a quorum of any committee created by the governing body at which any official business, policy, or public matter of the committee is formulated, presented, discussed, or voted upon.

(B) "Meeting" shall not include:

(i) The gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency at which no other official business of the agency is to be discussed or official action is to be taken;

(ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;

(iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;

(iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or

(v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term "meeting" shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

(b) (1) Except as otherwise provided by law, all meetings shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter.

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision shall be commenced within 90 days of the date such contested action was taken or, if the meeting was held in a manner not permitted by law, within 90 days from the date the party alleging the violation knew or should have known about the alleged violation so long as such date is not more than six months after the date the contested action was taken

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision.

(c) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section. Visual and sound recording during open meetings shall be permitted.

(d) (1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular place of an agency or committee meeting subject to this chapter as well as on the agency's website, if any. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting.

(2) For any meeting, other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, written or oral notice shall be given at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in such county at least equal to that of the legal organ; provided, however, that, in counties where the legal organ is published less often than four times weekly, sufficient notice shall be the posting of a written notice for at least 24 hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e- mail to that requesting media outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately or as soon as practicable make the information available upon inquiry to any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed, stamped envelope provided by the requestor.

(3) When special circumstances occur and are so declared by an agency, that agency may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to the county legal organ or a newspaper having a general circulation in the county at least equal to that of the legal organ, in

which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. Such reasonable notice shall also include, upon written request within the previous calendar year from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet.

(e) (1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site as far in advance of the meeting as reasonably possible but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(2) (A) A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two business days of the adjournment of a meeting.

(B) The regular minutes of a meeting subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following its next regular meeting; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such minutes shall, at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. The name of each person voting for or against a proposal shall be recorded. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

(C) Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee. In the case of executive sessions where matters subject to the attorney-client privilege are discussed, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Such minutes shall be kept and preserved for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.

(f) An agency with state-wide jurisdiction or committee of such an agency shall be authorized to conduct meetings by teleconference, provided that any such meeting is conducted in compliance with this chapter.

(g) Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted by subsection (f) of this Code section to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate

by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall participate by teleconference pursuant to this subsection more than twice in one calendar year.

HISTORY: Code 1981, § 50-14-1, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 1992, p. 1061, §§ 1, 2; Ga. L. 1993, p.
784, § 1; Ga. L. 1999, p. 549, §§ 1, 2; Ga. L. 2012, p. 218, § 1/HB 397.

NOTES: THE 2012 AMENDMENT, effective April 17, 2012, inserted "office," in subparagraphs (a)(1)(A) and (a)(1)(C); substituted "governing body of any agency as defined in this paragraph which constitutes" for "governing authority of any agency as defined in this paragraph and which allocation constitutes" near the middle in subparagraph (a)(1)(E); added paragraph (a)(2); redesignated former paragraph (a)(2) as present paragraph (a)(3); rewrote paragraph (a)(3); substituted the present provisions of subsection (b) for the former provisions, which read: "Except as otherwise provided by law, all meetings as defined in subsection (a) of this Code section shall be open to the public. Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision must be commenced within 90 days of the date such contested action was taken, provided that any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision."; in subsection (c), deleted ", sound, and visual" following "Visual" in the second sentence; rewrote subsections
(d) and (e); in subsection (f), inserted "or committee of such an agency", and substituted "teleconference" for "telecommunications conference"; and added subsection (g).

CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1988, "at which" was inserted following "time and place" in the first sentence of paragraph (a)(2).

Pursuant to Code Section 28-9-5, in 1993, in paragraph (a)(2), the period at the end was moved inside the quotation marks.

Pursuant to Code Section 28-9-5, in 1999, "two-week" was substituted for "two week" in paragraph (e)(1). Pursuant to Code Section 28-9-5, in 2009, "that" was inserted following "however," in subparagraph (a)(1)(E).

CROSS REFERENCES. --Preventing or disrupting lawful meetings, gatherings, or processions, § 16-11-34. Preventing or disrupting General Assembly sessions or other meetings of members; unlawful activities within the state capitol or certain Capitol Square buildings, § 16-11-34.1.

LAW REVIEWS. --For article discussing provisions opening local government meetings to the public, see 13 Ga.

L. Rev. 97 (1978). For article discussing Georgia's open government provisions with respect to land use planning, in light of Evans v. Just Open Gov't, 242 Ga. 834, 251 S.E.2d 546 (1979), see 31 Mercer L. Rev. 89 (1979). For article, "Georgia's Open Records and Open Meetings Laws: A Continued March Toward Government in the Sunshine," see 40 Mercer L. Rev. 1 (1988). For annual survey of local government law, see 44 Mercer L. Rev. 309 (1992). For survey article on local government law for the period from June 1, 2002 to May 31, 2003, see 55 Mercer L. Rev. 353 (2003). For annual survey of administrative law, see 57 Mercer L. Rev. 1 (2005). For annual survey of local government law, see 57 Mercer L. Rev. 289 (2005). For survey article on administrative law, see 59 Mercer L. Rev. 1 (2007). For survey article on local government law, see 59 Mercer
L. Rev. 285 (2007). For survey article on zoning and land use law, see 59 Mercer L. Rev. 493 (2007).For article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 139 (2012). For annual survey on administrative law, see 64 Mercer L. Rev. 39 (2012). For annual survey on local government law, see 64 Mercer
L. Rev. 213 (2012). For annual survey on local government law, see 68 Mercer L. Rev. 199 (2016).

For note discussing Georgia's Sunshine Law requiring meetings by state and local governmental authorities to be open to the public, see 10 Ga. St. B.J. 598 (1974). For note on 1989 amendment to this Code section, see 6 Ga. St. U.L. Rev. 324 (1989). For note on 1992 amendment of this Code section, see 9 Ga. St. U.L. Rev. 344 (1992). For note on 1999 amendment to this Code section, see 16 Ga. St. U.L. Rev. 256 (1999).

50-14-2. Certain privileges not repealed

This chapter shall not be construed so as to repeal in any way:

(1) The attorney-client privilege recognized by state law to the extent that a meeting otherwise required to be open to the public under this chapter may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved; provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting; and

(2) Those tax matters which are otherwise made confidential by state law.

HISTORY: Code 1981, § 50-14-2, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 2012, p. 218, § 1/HB 397.

NOTES: CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1990, the subsection designation "(a)" was deleted since this Code section contains no subsection (b).

EDITOR'S NOTES. --Ga. L. 2012, p. 218, § 1/HB 397, effective April 17, 2012, reenacted this Code section without change.

LAW REVIEWS. --For survey article on local government law, see 59 Mercer L. Rev. 285 (2007).

50-14-3. Excluded proceedings

(a) This chapter shall not apply to the following:

(1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;

(2) The deliberations and voting of the State Board of Pardons and Paroles; and in addition, such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;

(3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;

(4) Adoptions and proceedings related thereto;

(5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;

(6) Meetings:

(A) Of any medical staff committee of a public hospital;

(B) Of the governing authority of a public hospital or any committee thereof when performing a peer review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable federal or state statute or regulation; and

(C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law is discussed, considered, or voted upon;

(7) Incidental conversation unrelated to the business of the agency; or

(8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.

(b) Subject to compliance with the other provisions of this chapter, executive sessions shall be permitted for:

(1) Meetings when any agency is discussing or voting to:

(A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;

(B) Authorize negotiations to purchase, dispose of, or lease property;

(C) Authorize the ordering of an appraisal related to the acquisition or disposal of real estate;

(D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or

(E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

(2) Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on personnel matters, including whether to impose disciplinary action or dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency. The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

(3) Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition; and

(4) Portions of meetings during which that portion of a record made exempt from public inspection or disclosure pursuant to Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed.

HISTORY: Code 1981, § 50-14-3, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 1992, p. 1061, § 3; Ga. L. 1997, p. 44,
§ 2; Ga. L. 2003, p. 880, § 1; Ga. L. 2006, p. 560, § 4/SB 462; Ga. L. 2012, p. 218, § 1/HB 397.

NOTES: THE 2012 AMENDMENT, effective April 17, 2012, rewrote this Code section.

CODE COMMISSION NOTES. --Pursuant to Code Section 28-9-5, in 1992, "paragraph" was substituted for

"subsection" in paragraph (6).

LAW REVIEWS. --For article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 139 (2012). For note on 1992 amendment of this Code section, see 9 Ga. St. U.L. Rev. 344 (1992).

50-14-4. Procedure when meeting closed

(a) When any meeting of an agency is closed to the public pursuant to any provision of this chapter, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in subsection (e) of Code Section 50-14-1.

(b) (1) When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.

(2) In the event that one or more persons in an executive session initiates a discussion that is not authorized pursuant to Code Section 50-14-3, the presiding officer shall immediately rule the discussion out of order and all present shall cease the questioned conversation. If one or more persons continue or attempt to continue the discussion after being ruled out of order, the presiding officer shall immediately adjourn the executive session.

HISTORY: Code 1981, § 50-14-4, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 1999, p. 549, § 3; Ga. L. 2012, p. 218,
§ 1/HB 397.

NOTES: THE 2012 AMENDMENT, effective April 17, 2012, designated the existing provisions of subsection (b) as paragraph (b)(1), and, in paragraph (b)(1), deleted "chairperson or other" preceding "person presiding" and inserted "or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting,"; and added paragraph (b)(2).

LAW REVIEWS. --For article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 139 (2012). For note on 1999 amendment to this Code section, see 16 Ga. St. U.L. Rev. 256 (1999).

50-14-5. Jurisdiction to enforce chapter

(a) The superior courts of this state shall have jurisdiction to enforce compliance with the provisions of this chapter, including the power to grant injunctions or other equitable relief. In addition to any action that may be brought by any person, firm, corporation, or other entity, the Attorney General shall have authority to bring enforcement actions, either civil or criminal, in his or her discretion as may be appropriate to enforce compliance with this chapter.

(b) In any action brought to enforce the provisions of this chapter in which the court determines that an agency acted without substantial justification in not complying with this chapter, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(c) Any agency or person who provides access to information in good faith reliance on the requirements of this chapter shall not be liable in any action on account of having provided access to such information.

HISTORY: Code 1981, § 50-14-5, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 1992, p. 1061, § 4; Ga. L. 1998, p. 595, § 1; Ga. L. 2012, p. 218, § 1/HB 397.

NOTES: EDITOR'S NOTES. --Ga. L. 2012, p. 218, § 1/HB 397, effective April 17, 2012, reenacted this Code section without change.

LAW REVIEWS. --For review of 1998 legislation relating to state government, see 15 Ga. St. U.L. Rev. 242 (1998).
For note on 1992 amendment of this Code section, see 9 Ga. St. U.L. Rev. 344 (1992).

50-14-6. Penalty for violation; defense

Any person knowingly and willfully conducting or participating in a meeting in violation of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed $1,000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this chapter against any person who negligently violates the terms of this chapter in an amount not to exceed $1,000.00 for the first violation. A civil penalty or criminal fine not to exceed $2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date that the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions.

HISTORY: Code 1981, § 50-14-6, enacted by Ga. L. 1988, p. 235, § 1; Ga. L. 2012, p. 218, § 1/HB 397.

NOTES: THE 2012 AMENDMENT, effective April 17, 2012, substituted "$1,000.00" for "$500.00" at the end of the first sentence and added the second through fourth sentences.

LAW REVIEWS. --For article on the 2012 amendment of this Code section, see 29 Ga. St. U.L. Rev. 139 (2012).

Annual Digest Process General Procedures Sales Ratio

48-5-263(b)(9):

(9) Compile sales ratio data and furnish the data to the commissioner as directed by the commissioner;

560-11-10-.09(b)(5)Sales ratio applications.

The appraisal staff shall conduct sales ratio studies to periodically measure the quality of their appraisals relative to the market. Such studies should be designed to measure whether appraisals meet the overall legal standards provided in Rule 560-11-2-.56 and provide more precise analysis of the quality of appraisals within and between market strata used by the appraisal staff to compare properties. When sales ratio studies reveal excessive inequities within a stratum, the appraisal staff should consider reappraising the properties in the stratum. When such studies reveal excessive inequities between strata, and there is acceptable uniformity within the strata, the appraisal staff should consider trending to correct this uniformity problem.

560-11-10-.09(5): Final estimate of fair market value.

After completing all calculations, considering the information supplied by the property owner, and considering the reliability of sales, cost, income and expense information, the appraisal staff will correlate any values indicated by those approaches to value that are deemed to have been appropriate for the subject property and form their opinion of the fair market value. The appraisal staff shall present the resulting proposed assessment, along with all supporting documentation, to the board of tax assessors for an assessment to be made by that board.

The BOA should review and document annual sales ratios generated before and after value changes have been made. The review should be noted in the BOA minutes and the actual sales ratios reviewed should be attached and or embedded to the BOA minutes. Sales ratios should be presented and run by property class; residential (R), agricultural (A), commercial (C), and industrial (I). Additional sales ratios by neighborhood and/or subdivision could also be presented for review.

Formulas used in calculating sales ratios are as follows:

ASSESSMENT	Appraised Value * .40
RATIO	Assessment ÷ Sales Price (rounded to 4 decimals)
MEAN	Sum of ratios (∑ R) ÷ Number of Ratios (N)
MEDIAN	Physical midpoint of an array of ratios
AGGREGATE RATIO	Sum of assessment ÷ sum of sales prices
DEVIATION	Absolute value of median ratio - ratio
MEAN DEVIATION	Sum of deviations ÷ number of ratios
COEFFICIENT OF DISPERSION	Mean deviation ÷ median ratio
PRICE RELATED DIFFENRENTIAL	Mean ratio ÷ aggregate ratio

Acceptable statics for sales ratios are as follows:

MEAN	.3600 - .4400
MEDIAN	.3600 - .4400
AGGREGATE RATIO	.3600 - .4400
COEFFICIENT OF DISPERSION	.15 For Residential .20 For all other digest classes
PRICE RELATED DIFFENRENTIAL	.95 – 1.10

Georgia Department of Revenue

Sample Sales Ratios

By Property Class (County lumped commercial and industrial together due to small number of sales)

BEFORE

Class	Sale Count	Median	Aggregate	COD	PRD
RES (R)	370	0.4028	0.4042	0.198	1.0441
AGR (A)	42	0.4065	0.4270	0.342	0.9482
COM/IND (C,I)	20	0.3945	0.4262	0.2244	0.9639
Overall	434	0.4028	0.4086	0.2134	1.0263

AFTER

Class	Sale Count	Median	Aggregate	COD	PRD
RES (R)	377	0.4008	0.3887	0.1849	1.0595
AGR (A)	43	0.4219	0.4135	0.2821	0.9723
COM/IND (C,I)	23	0.4100	0.4431	0.2520	1.0070
Overall	445	0.4008	0.3949	0.1999	1.0438

By Subdivision

BEFORE

Median (100%)	**74.78%**	**COD**	**0.3300%**	**Mean_Deviation**	**0.0010**
Mean (100%)	**74.80%**	**PRD**	**1.0000**		
Aggregate (100%	**74.80%**				
Median (40%)	**29.91%**				
Mean (40%)	**29.92%**				
Aggregate (40%)	**29.92%**	**302,667**			

								90,544	**2.0943**	**0.0070**	
Parcel / Lot	**Nbhd**	**Saleprice**	**Val**	**Sale_Type**	**Sale_Date**	**Size**	**Land**	**Assmt**	**Ratio**	**Deviation**	**Array**
2		43125	Q	V	Current		32200	12880	0.2987	0.0004	0.2968
6		40920	Q	V	Current		30800	12320	0.3011	0.0020	0.2986
7		41000	Q	V	Current		30800	12320	0.3005	0.0014	0.2987
8		42622	Q	V	Current		31909	12764	0.2995	0.0004	0.2991
9		43000	Q	V	Current		31909	12764	0.2968	0.0023	0.2995
10		42000	Q	V	Current		31354	12542	0.2986	0.0005	0.3005
13		50000	Q	V	Current		37385	14954	0.2991	0.0000	0.3011

Georgia Department of Revenue

AFTER

Mean_Deviation

Parcel / Lot	Nbhd	Saleprice	Val	Sale_Type	Sale_Date	Size	Land	Assmt	Ratio	Deviation	Array
2		43125	Q	V	Current		43125	17250	0.4000	0.0006	0.3975
6		40920	Q	V	Current		41250	16500	0.4032	0.0026	0.3999
7		41000	Q	V	Current		41250	16500	0.4024	0.0018	0.4000
8		42622	Q	V	Current		42735	17094	0.4011	0.0005	0.4006
9		43000	Q	V	Current		42735	17094	0.3975	0.0031	0.4011
10		42000	Q	V	Current		41993	16797	0.3999	0.0007	0.4024
13		50000	Q	V	Current		50069	20028	0.4006	0.0000	0.4032

DOAA (Department of Audits)

BEFORE

Class	Sale Count	Median	Aggregate	COD	PRD
RES	244	35.49	34.68	19.54	105.02
AGR	12	37.53	37.46	19.6	104.69
COM	12	37.53	37.46	19.6	104.69
IND	12	37.53	37.46	19.6	104.69
Overall					

AFTER

Class	Sale Count	Median	Aggregate	COD	PRD
RES	667	0.37	0.3541	0.2244	1.0602
AGR	3	0.4768	0.4662	0.0743	1.0137
COM	10	0.3918	0.3583	0.3537	1.00882
IND					
Overall					

48-5-274. Establishment of equalized adjusted property tax digest; establishment and use of average ratio; information to be furnished by state auditor; grievance procedure; information to be furnished by commissioner.

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

(1) "Assessment ratio" means the fractional relationship between the assessed value and the fair market value of the property.

(2) "Measures of central tendency" means the tendency of data to cluster around some typical or central value, such as the median ratio, the mean ratio, or the weighted mean ratio (the weighted mean ratio is also called the aggregate ratio), as defined in the Standard on Assessment-Ratio Studies published by the International Association of Assessing Officers.

(b) The state auditor shall establish on a continuing basis, no later than November 15 in each year, an equalized adjusted property tax digest for each county in the state and for the state as a whole for the current calendar year. Such digest shall exclude all real and personal property exempted from taxation and the difference between the value of all taxable property within any tax allocation district and the tax allocation increment base of such tax allocation district as defined under paragraph (15) of Code Section 36-44-3 for which consent has been obtained pursuant to Code Section 36-44-9. The state auditor may establish a unit within the Department of Audits and Accounts consisting of such number of personnel as is deemed necessary in order to establish and maintain on a continuing basis the equalized adjusted property tax digest. The equalized adjusted property tax digest shall be established and maintained as follows:

(1) Determine the locally assessed valuation of the county property tax assessment digest for the preceding calendar year, exclusive of real and personal property exempted from taxation, exclusive of the difference between the value of all taxable property within any tax allocation district and the tax allocation increment base of such tax allocation district as defined under paragraph (15) of Code Section 36-44-3 for which consent has been obtained pursuant to Code Section 36-44-9, exclusive of railroad equipment company property shown on the county railroad equipment company property tax digest, exclusive of any property subject to current use valuation on the county property tax digest, and exclusive of the locally assessed valuation of timber harvested or sold;

(2) Determine the fair market value for timber harvested or sold during the calendar year;

(3) Divide the sum of the locally assessed valuation of the county property tax assessment digest under paragraph (1) of this subsection by the ratio of assessed value to fair market value of the property established by the state auditor in accordance with paragraph (8) of this subsection;

(4) Determine the fair market value of the county railroad equipment company property tax digest for the preceding calendar year;

(5) Determine the sum of the current use valuation of the county property tax digest;

(6) Determine the total fair market value of the Public Utility Digest as established by the commissioner;

(7) The total of the sums obtained through the calculations prescribed in paragraphs (2), (3), (4), (5), and (6) of this subsection shall be known as the current equalized adjusted property tax digest of the county. The sum of the current equalized adjusted property tax digest of all counties of the state combined shall be known as the current equalized adjusted property tax digest for the state as a whole; and

(8) Establish for each county in the state the ratio of assessed value to fair market value of county property subject to taxation, excluding railroad equipment company property. The ratio shall be determined by establishing the ratio of assessed value to sales price for each of a representative number of parcels of real property, the titles to which were transferred during a period of time to be determined by the state auditor, and then by establishing the measure of central tendency for the county as a whole based upon a representative number of usable transactions studied. Any such sales price shall be adjusted upward or downward, in a manner consistent with the Standard on Ratio Studies published by the International Association of Assessing Officers or its successors, as reasonably needed to account for the effects of price changes reflected in the market between the date of sale and January 1 of the calendar year for which the equalized adjusted property tax digest is being prepared. Sales prices also shall be reduced by any portion thereof attributable to personal property, real property exempt from taxation, or standing timber included in the sales transaction. The representative number of transactions shall not include any parcel of which the sales price is not reflective of the fair market value of such property as fair market value is defined in Code Section 48-5-2. The state auditor shall supplement realty sales price data available in any county with actual appraisals of a representative number of parcels of farm property and industrial and commercial property located within the county, the titles to which were not transferred within the period of time determined by the state auditor. The state auditor may make appraisals on other types of real property located within the county when adequate realty sales data cannot be obtained on such property. The representative number of parcels of each class of real property as defined by the commissioner used for the study shall be determined by the state auditor. The state auditor may use the same ratio for other personal property, excluding motor vehicles, within the county as is finally determined for real property within the county.

(c) The assessment ratio of assessed value to fair market value of county property to be established by the state auditor for the purposes of paragraph (8) of subsection (b) of this Code section shall be established through the use of personnel of the Department of Audits and Accounts who have sufficient competence and expertise by way of education, training, and experience in the fields of property evaluation and appraisal techniques. The Department of Audits and Accounts shall use the Standard on Assessment-Ratio Studies published by the International Association of Assessing Officers or its successors to determine the valid transactions necessary to establish accurately the measure of central tendency described in paragraph (8) of subsection (b) of this Code section; provided, however, that standard shall only be used to the extent it does not conflict with criteria enumerated in subparagraph (B) of paragraph (3) of Code Section 48-5-2.

(d) The assessment ratio of assessed value to fair market value determined for each county shall be used as provided for in this Code section until such time as a new ratio is determined on a continuing basis for each county. The state auditor shall provide to the commissioner the assessment ratio of assessed value to fair market value for all counties upon completion.

(e) On or before November 15 of each year, the state auditor shall furnish to the State Board of Education the current equalized adjusted property tax digest of each county in the state and the current equalized adjusted property tax digest for the state as a whole. In any county which has more than one school system, the state auditor shall furnish the State Board of Education a breakdown of the current county equalized

adjusted property tax digest showing the amount of the digest applicable to property located within each of the school systems located within the county. At the same time, the state auditor shall furnish the governing authority of each county, the governing authority of each municipality having an independent school system, the local board of education of each school system, the tax commissioner or tax collector of each county, and the board of tax assessors of each county the current equalized adjusted property tax digest of the local school system or systems, as the case may be, and the current equalized adjusted property tax digest for the state as a whole.

(f)(1) Each county governing authority, each governing authority of a municipality having an independent school system, and each local board of education, when aggrieved or when having an aggrieved constituent, shall have a right, upon written request made within 30 days after receipt of the digest information, to refer the question of correctness of the current equalized adjusted property tax digest of the local school system to the state auditor. The state auditor shall take any steps necessary to make a determination of the correctness of the digest and to notify all interested parties of the determination within 45 days after receiving the request questioning the correctness of the digest.

(2)(A) If any party questioning the correctness of the digest is dissatisfied with the determination made by the state auditor pursuant to paragraph (1) of this subsection, the party shall have the right, which must be exercised within 15 days after being notified of the determination made by the state auditor, to refer in writing the question of the correctness of the digest to a board of arbitrators.

(B) Each board of arbitrators shall consist of three members, one to be chosen by the state auditor within 15 days after receipt of a written complaint, one to be chosen by the complaining party at the time of requesting the arbitration, and one to be chosen within 15 days after selection of the first two members by the first two members of the board. In the event the two arbitrators cannot agree on a third member, the Chief Justice of the Supreme Court of Georgia shall appoint the third member upon petition of either party with notice to the opposing party.

(C) The board of arbitrators or a majority of the board within 15 days after appointment of the full board shall render its decision regarding the correctness of the digest in question and, if correction of the digest is required, regarding the extent and manner in which the digest should be corrected. The decision of the board shall be final.

(D) The state auditor shall correct the digest in question in accordance with the decision of the board of arbitrators and shall report the corrections to the parties entitled to receive such information under this Code section.

(E) Each member of the board of arbitrators shall subscribe to an oath to perform faithfully and impartially the duties required in connection with the controversy concerning the correctness of the digest in question and to render a decision within the time required. Each member of the board of arbitrators shall be paid a sum not to exceed $250.00 for each appeal heard. In addition, each member of the board shall receive the same daily expense allowance as is provided for each member of the General Assembly and actual transportation costs when traveling by public carrier or the legal mileage rate when traveling by personal automobile. All costs of arbitration of matters arising under this Code section shall be shared and paid equally by the Department of Audits and Accounts and by the governing authority requesting the arbitration.

(3) Upon receiving notice that the current equalized adjusted property tax digest of any local school system is being questioned pursuant to paragraph (1) of this subsection, the state auditor shall notify the State Board of Education that the digest is being questioned. No computations shall be made on the basis of a questioned digest under Article 6 of Chapter 2 of Title 20, the "Quality Basic Education Act," until the digest has been corrected, if necessary, pursuant to this subsection.

(g) The commissioner shall provide to the state auditor such digest information as is needed in the calculation of the equalized adjusted property tax digests. Such information shall be provided for each county and for each local school system. For independent school systems in municipalities authorized to assess property in excess of 40 percent of fair market value pursuant to Code Section 48-5-7, the commissioner shall provide digest information to the state auditor at the assessment ratios utilized by both the municipal government and the county government or governments in which the municipality is located. If revision is made to the digest of any county or any portion of a county comprising a local school system following the initial reporting of the digest to the state auditor, the commissioner shall report any such revision to the state auditor.

Digest Submission Deadlines

48-5-302: Digest Submission Deadline to Tax Commissioner

Each county board of tax assessors shall complete its revision and assessment of the returns of taxpayers in its respective county by July 15 of each year, except that, in all counties providing for the collection and payment of ad valorem taxes in installments, such date shall be June 1 of each year. The tax receiver or tax commissioner shall then immediately forward one copy of the completed digest to the commissioner for examination and approval.

48-5-205: Digest Submission Deadline to DOR

(a) If a tax receiver or tax commissioner fails to have his or her digest completed and deposited by September 1 in each year, unless excused by provisions of law or by the commissioner, such tax receiver or tax commissioner shall forfeit one-tenth of his or her commissions for each week's delay. If the delay extends beyond 30 days, such tax receiver or tax commissioner he shall forfeit one-half of his or her commissions. If the delay extends beyond the time when the Governor and commissioner fix the rate percentage, such tax receiver or tax commissioner shall forfeit all such tax receiver's or tax commissioner's commissions.

(b) If a tax receiver or tax commissioner fails to make out his digest in the manner prescribed by law or fails to comply with the directions given him by the commissioner in making out his digest, he shall forfeit one-half his commissions.

(c) If the digest is made out so badly as not to fulfill the purpose of the tax laws, the tax receiver or tax commissioner shall forfeit all his commissions and shall be removed from office by the governing authority of the county upon the request of the commissioner.

Assessor Approval of Digest and Digest Changes

48-5-263: Qualifications, duties, and compensation of appraisers.

(a) *Qualifications.*

(1) The commissioner shall establish, and the state merit system may review, the qualifications and

rate of compensation for each appraiser grade.

(2) Each appraiser shall, before his employment, obtain a satisfactory grade, as determined by the commissioner, on an examination prepared by the commissioner and an institution of higher education in this state.

(b) *Duties.* Each member of the county property appraisal staff shall:

(1) Make appraisals of the fair market value of all taxable property in the county other than property returned directly to the commissioner;

(2) Maintain all tax records and maps for the county in a current condition. This duty shall include, but not be limited to, the mapping, platting, cataloging, and indexing of all real and personal property in the county;

(3) Prepare annual assessments on all taxable property appraised in the county and submit the assessments for approval to the county board of tax assessors;

(4) Prepare annual appraisals on all tax-exempt property in the county and submit the appraisals to the county board of tax assessors;

(5) Prepare and mail assessment notices after the county board of tax assessors has determined the final assessments;

(6) Attend hearings of the county board of equalization and provide information to the board regarding the valuation and assessments approved by the county board of tax assessors on those properties concerning which appeals have been made to the county board of equalization;

(7) Provide information to the department as needed by the department and in the form requested by the department;

(8) Attend the standard approved training courses as directed by the commissioner for all minimum county property appraisal staffs;

(9) Compile sales ratio data and furnish the data to the commissioner as directed by the commissioner;

(10) Comply with the rules and regulations for staff duties established by the commissioner; and

(11) Inspect mobile homes located in the county to determine if the proper decal is attached to and displayed on the mobile home by the owner as provided by law; notify the residents of those mobile homes to which a decal is not attached of the provisions of Code Sections 48-5-492 and 48-5-493; and furnish to the tax collector or tax commissioner a periodic list of those mobile homes to which a decal is not attached.

(c) *Compensation.* Staff appraisers shall be paid from county funds. The rates of compensation established by the commissioner shall not preclude any county from paying a higher rate of compensation to any appraiser grade.

Date of Assessment

48-5-10: Returnable property

All property shall be returned by the taxpayers for taxation to the tax commissioner or tax receiver as provided by law. Each return by a taxpayer shall be for property held and subject to taxation on January 1 next preceding each return.

560-11-10-.09(1)(b)2: Assessment date.

Code section 48-5-10 provides that each return by a property owner shall be for property held and subject to taxation on January 1 of the tax year. The appraisal staff shall base their decisions regarding the taxability, uniform assessment, and valuation of real property on the circumstances of such property on January 1 of the tax year for which the assessment is being prepared. When real property is transferred to a new owner or converted to a new use, the circumstances of such property on January 1 shall nevertheless be considered as controlling.

Field Review and Physical Inspection

560-11-10-.09(2)(d)4(iii): Field review frequency.

All real property parcels should be ***physically reviewed at least once every three years*** to ascertain that property information records are current.

560-11-10-.09(1)(d)2(i): (i) Field inspections.

The appraisal staff shall develop and present to the board of tax assessors for approval procedures that provide for periodic field inspections to identify properties and ensure that property characteristics information is complete and accurate. The procedures shall include guidelines for the physical inspection of the property by either appraisers or specially trained data collectors. The format should be designed for standardization, consistency, objectivity, completeness, easy use in the field, and should facilitate later entry into a computer assisted mass appraisal system, when one is used. When interior information is required, the procedures shall include guidelines on how and when to seek access to the property along with alternative procedures when such access is not permitted or feasible.

PHYSICAL INSPECTIONS

PHYSICAL INSPECTION- STANDARD, CONSISTENT,OBJECTIVITY, COMPLETENESS, EASY USE IN THE FIELD, INTEGRATE INTO CAMA

The Staff Appraisers shall maintain a uniform standard, the upmost consistency, and at all times remain impartial during all phases of the appraisal process. The Chief Appraiser shall implement and maintain a data collection process that is both easy to use and integrates easily into the designated Computer Assisted Mass Appraisal System (CAMA).

MAKE EVERY EFFORT TO INSPECT PROPERTY PRIOR TO VALUATION

The Appraisal Staff shall make every effort to physically inspect all improvements and land parcels prior to assigning a valuation. **The Appraisal Staff shall place his/her safety above gaining access to a property.**

All Returned Property shall be field inspected

All Real property returned by the property owner during the return period of January 1 thru April 1 shall be physically inspected by the Appraisal Staff.

- ***Required characteristics for all improvements – Size, Actual Age, Design, Construction Quality, Construction Materials, Age, and Observed Condition***

During the data collection process in the field, the Staff Appraisers shall obtain the following characteristic for all improvements:

- Physical dimensions
- The actual year the improvement was constructed
- The design or type of improvement
- The quality of construction
- The type or types of construction materials used
- The observed depreciation by assigning an effective year built
- The observed condition of the improvement

Reasonable Value Estimations

48-5-299. Ascertainment of taxable property; assessments against unreturned property; penalty for unreturned property; changing real property values established by appeal in prior year.

(a) It shall be the duty of the county board of tax assessors to investigate diligently and to inquire into the property owned in the county for the purpose of ascertaining what real and personal property is subject to taxation in the county and to require the proper return of the property for taxation. The board shall make such investigation as may be necessary to determine the value of any property upon which for any reason all taxes due the state or the county have not been paid in full as required by law. In all cases where the full amount of taxes due the state or county has not been paid, the board shall assess against the owner, if known, and against the property, if the owner is not known, the full amount of taxes which has accrued and which may not have been paid at any time within the statute of limitations. In all cases where taxes are assessed against the owner of property, the board may proceed to assess the taxes against the owner of the property according to the best information obtainable; and such assessment, if otherwise lawful, shall constitute a valid lien against the property so assessed.

(b) In all cases in which unreturned personal property is assessed by the board after the time provided by law for making tax returns has expired, the board shall add to the assessment of the property a penalty of 10 percent, which shall be included as a part of the taxable value for the year.

(c) When the value of real property is reduced or is unchanged from the value on the initial annual notice of assessment or a corrected annual notice of assessment issued by the board of tax assessors and such valuation has been established as the result of an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement signed by the board of tax assessors and taxpayer or taxpayer's authorized representative, the new valuation so established by appeal decision or agreement may not be increased by the board of tax assessors during the next two successive years, unless otherwise agreed in writing by both parties, subject to the following exceptions:

(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative failed to attend the appeal hearing or provide the board of equalization, hearing officer, or arbitrator with some written evidence supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the taxpayer files a return at a different valuation during the next two successive years;

(3) Unless otherwise agree in writing by the parties, if the taxpayer files an appeal pursuant to Code Section 48-5-311 during the next two successive years, the board of tax assessors, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the taxpayer during the appeal process; and

(4) The board of tax assessors may increase or decrease the value of the real property if, after a visual on-

site inspection of the property, it is found that there have been substantial additions, deletions, or improvements to such property or that there are errors in the board of tax assessors' records as to the description or characterization of the property, or the board of tax assessors finds an occurrence of other material factors that substantially affect the current fair market value of such property.

(d) When real or personal property is located within a municipality whose boundaries extend into more than one county, it shall be the duty of each board of tax assessors of a county, wherein a portion of the municipality lies, to cooperatively investigate diligently into whether the valuation of such property is uniformly assessed with other properties located within the municipality but outside the county where such property is located. Such investigation shall include, but is not limited to, an analysis of the assessment to sales ratio of properties that have recently sold within the municipality and a comparison of the average assessment level of such properties by the various counties wherein a portion of the municipality lies. The respective boards shall exchange such information as will facilitate this investigation and make any necessary adjustments to the assessment of the real and personal property that is located in their respective counties within the municipality to achieve a uniform assessment of such property throughout the municipality. Any uniformity adjustments pursuant to this subsection shall only apply to the assessment used for municipal ad valorem tax purposes within the applicable county.

560-11-10-.02 Definitions (Final Assessment)

(i) Final assessment. “Final assessment” means the assessed value of real property as stated on the Annual Notice of Assessment as approved by the Board of Assessors. Amendments to “Final assessment” for real property are prohibited absent a clerical error or some other lawful basis; and in the case of personal property, the appraisal staff has completed its audit of the personal property pursuant to Rule 560-11-10-.08(4)(d) within the three year statute of limitations.

Sales Qualifications PT-61s

560-11-10-.09(2)(b)3:

3. Real estate transfer declaration forms. The Department of Revenue has established Form PT-61 for owners to declare the real estate transfer tax due when property is transferred from one owner to another. The appraisal staff shall review all PT-61 forms filed with the clerk of superior court to discover new owners of property and to ascertain if their property has been returned for taxation. When a property owner acquires real property by transfer in the preceding tax year and does not file a return on such property for the current tax year, the appraisal staff shall follow the procedures of this subparagraph to determine if the newly acquired property has been properly returned for taxation.

(i) When real estate transfer tax declaration form properly completed. For the purposes of subparagraph (2)(b)(3) of this Rule, the PT-61 form shall be deemed properly completed when all applicable information required by the instructions on the form has been entered on the form, it has been signed by the new owner and filed in quadruplicate with the clerk of superior court. A PT-61 form shall not be deemed properly completed when the appraisal staff determines any of the required information on the form is omitted, false, or misleading.

(ii) When transferred property deemed returned. When a property owner acquires by transfer real property that has not been subdivided from the preceding tax year, and such owner properly completes a real estate transfer tax PT-61 form and pays any real estate transfer tax that may be due as provided in Article 1 of Chapter 6 of Title 48 of the Code, the appraisal staff shall deem the owner as having returned the property acquired by transfer at the same value finally determined to be applicable to such property for the preceding year.

(iii) When transferred property deemed unreturned. The appraisal staff shall not deem as returned any property:

(I) That is an improvement made since January 1 of the preceding tax year to property that has been transferred;

(II) That has been transferred and for which the real estate transfer tax PT-61 form has not been properly completed;

(III) That has been transferred and for which the real estate transfer tax PT-61 form has not been filed with the clerk of superior court on or before the deadline for returning property in the year following the year the property is transferred; and

(IV) That has been transferred and for which the real estate transfer tax has not been paid.

Georgia Department of Revenue

Blank PT-61

REAL ESTATE TRANSFER TAX DECLARATION

PT-61 (Rev 9/04) PT-61

SECTION A - SELLER'S INFORMATION			
1. Name			
2. Mailing Address (Street & Number)			
3. City, State, Zip		4. Date of Sale	

SECTION B - BUYER'S INFORMATOIN			
1. Name			
2. Mailing Address (Street & Number)			
3. City, State, Zip		4. Intended use	

SECTION C - PROPERTY INFORMATION			
1. Location (Street, Route, Hwy, etc.)			2. County
3. City		4. Map & Parcel Number	
5. Acres	6. District	7. Land Lot	
8. Sub Lot & Block			

SECTION D - PROPERTY INFORMATION			
1. Sale Date	2. Deed Book	Deed Page	3. Plat Book / Page

SECTION E - TAX INFORMATION	
1. Actual value of consideration received by seller (Fill out below only when actual value is not known)	
1b. Estimated fair market value of Real and Personal property conveyed	
2. Fair market value of Personal property only conveyed	
3. Amount of Leins and Encumbrances not removed by transfer	
4. Net Taxable Value (1 or 1a minus 2 minus 3)	
5. TAX DUE at 10 cents per $100 or fraction thereof (Minimum $1.00)	

ADDITIONAL BUYERS

Sales List

560-11-10-.09(2)(d)1(ii): Sales Information

The appraisal staff shall maintain a record of all sales of real property that are available and occur within the county. The appraisal staff should also familiarize themselves with overall market trends within their immediate geographical area of the state. They should collect and analyze sales data from other jurisdictions having market and usage conditions similar to their county for consideration when insufficient sales exist in the county to evaluate a property type, especially large acreage tracts. The Real Estate Transfer Tax document, Department of Revenue Form PT-61, shall be a primary record source. However, the appraisal staff may also review deeds of transfer and security deeds recorded in the Office of the Superior Court Clerk, and probated wills recorded in the Office of the Probate Judge to maintain a record of relevant information relating to the sale or transfer of real property. Records required to be maintained shall include at a minimum the following information: map and parcel identifier; sale date; sale price; buyer's name; seller's name; deed book and page number; vacant or improved; number of acres or other measure of the land; representativeness of sale using the confirming criteria provided in Rule 560-11-2-.56 (1)(d); any income and expense information reasonably available from public records; property classification as provided in Rule 560- 11-2-.21, and; when available, the appraised value for the tax year immediately following the year in which the sale occurred.

Sales Adjustments

560-11-10-.09(3)(a)2: Market Research and Verification.

The appraisal staff shall build and maintain an up-to-date file system of qualified sales as provided in Rule 560-11-10-.09(2)(d)(1)(ii). Other preferred information to be considered is the motivations of the buyer and seller, as obtained from actual interviews of the parties to the sales. Adjustments to the sales to be considered by the appraiser include, but are not limited to, time of sale; location; physical characteristics; partial interest not conveyed; trades or exchanges included; personal property included; leases assumed; incomplete or unbuilt community property; atypical financing; existing covenants; deed restrictions; environmental, economic, governmental and social factors affecting the sale property and the subject parcel. These adjusted qualified sales may then be used to appraise the subject property.

Standing Timber Extraction

560-11-10-.09(3)(b)2(v): Standing Timber Value Extraction.

When determining the market value of land underlying standing timber, where such standing timber is taxed in accordance with Code section 48-5-7.5, the appraiser shall not rely exclusively on the sales prices of such land that has recently had the timber harvested. Rather he or she shall also consider sales of land with standing timber after the value of such standing timber has been determined in accordance with this subparagraph and deducted from the selling price.

Appraisal Information Review of Returns

48-5-10: Returnable property

All property shall be returned by the taxpayers for taxation to the tax commissioner or tax receiver as provided by law. Each return by a taxpayer shall be for property held and subject to taxation on January 1

next preceding each return.

48-5-11: Situs for returns by residents

Unless otherwise provided by law, all:

(1) Real property of a resident shall be returned for taxation to the tax commissioner or tax receiver of the county where the property is located; and

(2) Personal property of a resident individual shall be returned for taxation to the tax commissioner or tax receiver of the county where the individual maintains a permanent legal residence.

48-5-12. Situs of returns by nonresidents

Unless otherwise provided by law, all real and personal property of nonresidents shall be returned for taxation to the tax commissioner or tax receiver of the county where the property is located.

48-5-15. Returns of taxable real property

(a) All improved and unimproved real property in this state which is subject to taxation shall be returned by the person owning the real property or by his or her agent or attorney to the tax receiver or tax commissioner of the county where the real property is located.

(b) If the real property has a district, number, and section designation, the tax receiver or tax commissioner shall require the person making a return of the real property to return it by district, number, and section designation. If the real property has no designation by district, number, and section, it shall be returned by such description as will enable the tax receiver or tax commissioner to identify it.

(c) No tax receiver or tax commissioner shall receive any return of real property which does not designate the real property as provided in this Code section. The commissioner shall not allow any tax receiver or tax commissioner who receives returns in any manner other than as provided in this Code section any compensation or percentage for his services.

48-5-15.1. Returns of real property and tangible personal property located on airport

(a) All real property and tangible personal property shall be returned for taxation and subject to taxation as provided in this Code section where such property is located on the premises of an airport and:

(1) Such airport is divided by one or more county lines such that the airport is located in two or more counties; and

(2) Such airport is owned or operated by a local airport authority which authority functions on behalf of one of the counties within which the airport is located.

(b) For the purposes of this Code section, an authority shall be considered as functioning on behalf of a county where a majority of the members of the authority are members who meet any of the following descriptions:

(1) An authority member who is also a member of the county governing authority or an official or

employee of the county;

(2) An authority member appointed by the county governing authority or appointed by an officer of the county;

(3) An authority member who is also a member of the governing authority of a city within the county or an official or employee of a city within the county; or

(4) An authority member appointed by the governing authority of a city within the county or appointed by an officer of a city within the county.

(c) All such real property and tangible personal property located on the premises of an airport as described in subsections (a) and (b) of this Code section shall be returned for taxation to the tax commissioner or tax receiver of the county on behalf of which the airport authority functions. All such real and tangible personal property shall be subject to taxation by only the county on behalf of which the airport authority functions and not by any other county.

(d) Nothing in this Code section shall apply with respect to any airport certificated under Title 14, Part 139, of the Code of Federal Regulations or shall apply with respect to the taxation of commercial airliners which shall be subject to Article 12 of this chapter and other applicable provisions of law. With respect to aircraft which would otherwise be subject to the provisions of Code Section 48-5-16, the provisions of this Code section shall control over the provisions of Code Section 48-5-16. Except as specifically provided otherwise in the first sentence of this subsection, this Code section shall control over any other conflicting provisions of this chapter; but nothing in this Code section shall be construed as taking away the tax-exempt status of any property which is otherwise exempted by law from ad valorem taxation.

48-5-18. Time for making tax returns.

Each tax commissioner and tax receiver shall open his or her books for the return of real or personal property ad valorem taxes on January 1 and shall close those books on April 1 of each year.

48-5-19. Signature and declaration of persons making returns of taxable property.

(a) Each return of taxable property shall be signed by or for the person responsible for filing the return and shall contain or be verified by the following written declaration:
"I do solemnly swear that I have carefully read (or have heard read) and have duly considered the questions propounded in the foregoing tax list, and that the value placed by me on the property returned, as shown by the list, is the true market value thereof; and I further swear that I returned, for the purpose of being taxed thereon, every species of property that I own in my own right or have control of either as agent, executor, administrator, or otherwise; and that in making this return, for the purpose of being taxed thereon, I have not attempted either by transferring my property to another or by any other means to evade the laws governing taxation in this state. I do further swear that in making this return I have done so by estimating the true worth and value of every species of property contained therein."

(b) The fact that a person appears to have signed a return of taxable property on behalf of a person required to file a return shall be prima-facie evidence that the person was authorized to sign on behalf of such person.

(c) Any person who shall make any false statement in any return of taxable property shall be guilty of false swearing, whether or not an oath is actually administered to him or her, if such statement shall purport to be under oath. On conviction of such offense, such person shall be punished as provided by Code Section 16-10- 71.

(d)(1) As used in this subsection, the term "digital signature" means a digital or electronic method executed or adopted by a party with the intent to be bound by or to authenticate a record, which is unique to the person using it, is capable of verification, is under the sole control of the person using it, and is linked to data in such a manner that if the data are changed the digital or electronic signature is invalidated.

(2) Notwithstanding any provision of law to the contrary, the commissioner is authorized to promulgate rules and regulations setting forth the procedure for satisfying the signature requirement for returns whether by electronic digital signature, voice signature, or other means, so long as appropriate security measures are implemented which assure security and verification of the signature procedure.

48-5-20. Effect of failure to return taxable property; acquisition of real property by transfer; penalty for failure to make timely return.

(a) (1) Any taxpayer of any county who returned or paid taxes in the county for the preceding tax year and who fails to return his property for taxation for the current tax year as required by this chapter shall be deemed to have returned for taxation the same property as was returned or deemed to have been returned in the preceding tax year at the same valuation as the property was finally determined to be subject to taxation in the preceding year. Each such taxpayer shall also be deemed to have claimed the same homestead exemption and personal property exemption as allowed in the preceding year.

(2) Any taxpayer of any county who acquired real property by transfer in the preceding tax year for which a properly completed real estate transfer tax form has been filed and the real estate transfer tax required under Article 1 of Chapter 6 of this title has been paid, and where no subdivision of the real property has occurred at the time of transfer, shall be deemed to have returned for taxation the same real property as was acquired by transfer at the same valuation as the real property was finally determined to be subject to taxation in the preceding year. Nothing in this paragraph shall be construed to relieve the taxpayer of the responsibility to file a new timely claim for a homestead exemption and personal property exemption or to file a timely return where improvements have been made to the real property since it was last returned for taxation.

(b) Any penalty prescribed by this title or by any other law for the failure of a taxpayer to return his property for taxation within the time provided by law shall apply only to the property:

(1) Which the taxpayer did not return prior to the expiration of the time for making returns; and

(2) Which the taxpayer has acquired since his last tax return or which represents improvements on existing property since his last return.

(c) Reserved.

560-11-10-.09(2)(b):

(b) Returns. The county appraisal staff shall review the returns in accordance with policies and procedures set by the county board of tax assessors consistent with Georgia law and this Rule. Each year, after the deadline for filing returns, the appraisal staff shall secure the returns from the official responsible for receiving returns on or before the tenth day following such deadline.

PT-50R

560-11-10-.09(2)(b)1:

1. New returns. Department of Revenue form PT-50R is authorized for use by property owners when returning real property. No other form shall be provided for this purpose to property owners by the county official responsible for receiving returns unless previously approved in writing by the Revenue Commissioner.

2. Automatic returns. In accordance with Code section 48-5-20, the appraisal staff shall deem any property owner that does not file a return by the deadline as returning for taxation the same property as was returned or deemed to have been returned in the preceding tax year at the same valuation as the property was finally determined to be subject to taxation in the preceding year.

Blank PT – 50R

Clear Form

PT-50R (rev 12/09)

TAXPAYER'S RETURN OF REAL PROPERTY
COUNTY _____
TAX YEAR _____

O.C.G.A. Section 48-5-15(a): "All improved and unimproved real property in this state which is subject to taxation shall be returned in person or by mail by the person owning the real property or by his agent or attorney to the tax receiver or tax commissioner of the county where the real property is located." Taxpayer or taxpayer's agent must complete Sections A, B, and C and sign in Section D. To avoid a 10% penalty, file not later than the due date of _____

SECTION A: PROPERTY INFORMATION

MAP & PARCEL IDENTIFICATION	TAX DISTRICT	ACCOUNT NO.	If property is in a covenant, list year covenant first began:

DESCRIPTION OF PROPERTY:

SECTION B: OWNER INFORMATION

PREVIOUS YEAR INFORMATION		CURRENT YEAR INFORMATION (IF DIFFERENT FROM PREVIOUS YEAR)	
NAME		NAME	
ADDRESS 1		ADDRESS 1	
ADDRESS 2		ADDRESS 2	
ADDRESS 3		ADDRESS 3	
CITY, STATE, ZIP		CITY, STATE, ZIP	
DAYTIME PHONE NO (Optional)		DAYTIME PHONE NO (Optional)	

SECTION C: FAIR MARKET VALUE INFORMATION:

TYPE OF REAL PROPERTY	ACRES	DESCRIPTION OF IMPROVEMENT	*CLASS/ STRATA	PREVIOUS YEAR'S 100% FAIR MARKET VALUE	CURRENT YEAR TAXPAYER 100% STATED FAIR MARKET VALUE
LAND					
LAND					
IMPROVEMENT					
IMPROVEMENT					
IMPROVEMENT					
IMPROVEMENT					
IMPROVEMENT					
IMPROVEMENT					
TOTAL					

* CLASS REFERENCE: R – RESIDENTIAL; A - AGRICULTURAL; C – COMMERCIAL; I - INDUSTRIAL

* STRATA REFERENCE: 1 – IMPROVEMENTS; 3 – LOTS; 4 - SMALL TRACTS; 5 – LARGE TRACTS; 6 – PRODUCTION/STORAGE/AUXILIARY

SECTION D: TAXPAYER'S DECLARATION AND SIGNATURE

"I do solemnly swear that I have carefully read (or have heard read) and have duly considered the questions propounded in the foregoing tax list, and that the value placed by me on the property returned, as shown by the list, is the true market value thereof; and I further swear that I returned, for the purpose of being taxed thereon, every species of property that I own in my own right or have control of either as agent, executor, administrator, or otherwise; and that in making this return, for the purpose of being taxed thereon, I have not attempted either by transferring my property to another or by any other means to evade the laws governing taxation in this state. I do further swear that in making this return I have done so by estimating the true worth and value of every species of property contained therein".

TAXPAYER OR AGENT'S SIGNATURE _____ DATE _____

Filing of this document will create a review of the county's value of the property being returned. Reasonable notice is hereby provided that an onsite inspection by a member of the county appraisal staff may be required. Said property visit will be for the purpose of determining the correctness of the information contained in the county's appraisal record for the improvement date and condition of the property.

SECTION E: FOR TAX ASSESSORS OFFICE USE ONLY

TOTAL ACRES	TOTAL ASSESSED VALUE	10% PENALTY

Records Retention

560-11-10-.09(2)(d)4: Records retention schedules.

4. Records retention schedules. The appraisal staff shall develop, in accordance with the provisions of Code section 50-18-99, records retention schedules for each series of documents maintained in their office and have such schedules approved by the board of tax assessors before submitting the schedules to the State Records Committee for official approval pursuant to Code section 50-18-92.

50-18-99. Records management programs for local governments

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

(1) "Governing body" means the governing body of any county, municipality, or consolidated government. The term includes school boards of this state.

(2) "Office or officer" means any county office or officer or any office or officer under the jurisdiction of a governing body which maintains or is responsible for records.

(b) This article shall apply to local governments, except as modified in this Code section.

(c) All records created or received in the performance of a public duty or paid for by public funds by a governing body are deemed to be public property and shall constitute a record of public acts.

(d) Prior to July 1, 1983, each office or officer shall recommend to the governing body a retention schedule. This schedule shall include an inventory of the type of records maintained and the length of time each type of record shall be maintained in the office or in a record holding area. These retention periods shall be based on the legal, fiscal, administrative, and historical needs for the record. Schedules previously approved by the State Records Committee will remain in effect until changed by the governing body.

(e) Prior to January 1, 1984, each governing body shall approve by resolution or ordinance a records management plan which shall include but not be limited to:

(1) The name of the person or title of the officer who will coordinate and perform the responsibilities of the governing body under this article;

(2) Each retention schedule approved by the governing body; and

(3) Provisions for maintenance and security of the records.

(f) The Secretary of State, through the division, shall coordinate all records management matters for purposes of this Code section. The division shall provide local governments with a list of common types of records maintained together with recommended retention periods and shall provide training and assistance as required. The division shall advise local governments of records of historical value which may be deposited in the state archives. All other records shall be maintained by the local government.

(g) Except as otherwise provided by law, ordinance, or policy adopted by the office or officer responsible

for maintaining the records, all records shall be open to the public or the state or any agency thereof.

Sufficient Property Characteristics

560-11-10-.09(2)(d)1(iii): Property characteristics.

(iii) Property characteristics. The appraisal staff shall maintain a record of real property characteristics. This record shall include, but not be limited to, sufficient property characteristics to classify and value the property. In addition, the following criteria may be considered when determining which characteristics should be gathered and maintained: factors that influence the market in the location being considered; requirements of the valuation approach being employed; digest classification and stratification; requirements of other governmental and private users; and marginal benefits and costs of collecting and maintaining each property characteristic.

Required Structure Characteristics

560-11-10-.09(2)(d)1(v): Improvement characteristics.

(v) Improvement characteristics. The appraisal staff shall maintain a record of the characteristics of the improvements to land. The record shall include, but not be limited to, the location, size, actual use, design, construction quality, construction materials, age and observed condition.

Rural Land Schedule

560-11-10-.09(3)(b): Acreage tract valuation.

(b) Acreage tract valuation. The appraisal staff shall determine the small acreage break point to differentiate between small acreage tracts and large acreage tracts and develop or acquire schedules for the valuation of each. When this small acreage break point cannot easily be determined, the appraisal staff shall recommend to the board of tax assessors a reasonable break point of not less than five acres nor more than twenty-five acres. The base land schedules should be applicable to all land types in a county. The documentation prepared by the appraisal staff should clearly demonstrate how the land schedule is applied and explain its limitations.

560-11-10-.02(1)(dd): Small Acreage Break Point

(dd) Small acreage break point. "Small acreage break point" means the point, expressed as a number of acres, at which the slope of a trend line, drawn through the plotted qualified sales of rural land on a graph, reflects a distinct and pronounced change. Such graph uses the dollars per acre on the vertical axis and numbers of acres on the horizontal axis. The small acreage break point should show the point below which the market factors of accessibility and desirability of the land primarily influence value, and above which the productivity of the soil and suitability for timber growth primarily influence value.

560-11-10-.09(3)(b)(1): Small acreage tract valuation schedule.

1. Small acreage tract valuation schedule. After the appraisal staff has performed the site analysis, as provided in Rule 560-11-10-.09(3)(a)(1), they shall analyze the market to identify groups of comparable properties that may be combined in the valuation process, as provided in Rule 560-11- 10-.09(4)(b)(3). The appraisal staff shall then analyze the sales to establish a representative base price per acre, and adjustment factors for reflecting value added by the characteristics discovered in the site analysis. Using such base value and the adjustment factors, the appraisal staff shall develop the small acreage schedule for all acreage levels through the small acreage break point.

Constructing a Small Parcel Schedule

Definition - Small parcels are those tracts of land that are generally located outside of corporate limits and subdivisions. In most cases, factors other than soil productivity and standing timber affect the value of these tracts.

Factors that Affect Value of Small Parcels

Accessibility (location)
Desirability (those characteristics contained within the property boundaries) Topography
Shape Development Landscaping Shade Trees Other
Size

Accessibility Codes – Numeric codes denoting different locations.

Desirability Codes – Alpha codes differentiating between various levels of desirability.

560-11-10-.09(3)(b)(2): Large acreage tract valuation schedule.

2. Large acreage tract valuation schedule. After the appraisal staff has performed the site analysis, as provided in Rule 560-11-10-.09(3)(a)(1), they shall analyze the market to identify groups of comparable properties that may be combined in the valuation process, as provided in Rule 560-11-10-.09(4)(b)(3). The appraisal staff shall then analyze the sales to establish a representative benchmark price per acre, and adjustment values for reflecting incremental value associated with different productivity levels, sizes, and locations, as discovered in the site analysis. Using such benchmark values and adjustment values, the appraisal staff shall develop the large acreage schedule for all acreage levels above the small acreage break point.

(i) Land productivity values. The appraisal staff should analyze sales of large acreage tracts to extract the value of all improvements, crop allotments, standing timber, and any other factors that influence the value above the base land value. The appraisal staff should then stratify the sales into two categories of open land and woodland. The base land values should be further stratified into up to nine productivity grades for each category of land, with grade one being the best, using the productivity classifications of the United States Department of Agriculture Natural Resources Conservation Service, where available. Where soil productivity information is not available, the appraisal staff may consult with the local United States Department of Agriculture Natural

Resources Conservation Service Supervisor. Alternately, the appraisal staff may use any acceptable means by which to determine soil productivity grades including, but not limited to, aerial and infrared photography, historical soil productivity information, and present use. The appraisal staff should analyze sales within the strata and determine benchmark values for as many productivity grades as possible. The missing strata values are then determined by extrapolating between grades. In the absence of sufficient benchmark values, a system of productivity factors may be developed from crop or timber production based on ratings provided by the United States Department of Agriculture Natural Resources Conservation Service.

(ii) Pond values. The appraisal staff should analyze sales of large acreage tracts containing ponds to extract the value of ponds. The appraisal staff should develop up to three grades of ponds based upon the quality of construction with regard to the dam, the amount of tree clearing within the pond body, and the nature of the waterline around the pond.

(iii) Location and size adjustments. The appraisal staff should plot sales on an index map of the county where trends in sales prices based on size and location may be analyzed. From this analysis, the appraisal staff should develop adjustments for each homogeneous market area, which are based on a tract's location within the county. Within each identified homogeneous market area, sales should also be analyzed to develop adjustment factors for ranges of tract sizes where the market reflects a relationship between the value per acre and the number of acres in a tract. Such factors should be calculated to the fourth decimal place and should extend from the small acreage break point to the tract acreage point where size no longer appears to have a significant impact on the price paid per acre. The appraiser should select an acreage point between these two points that represents a typical agricultural use tract size and assign it.

an index factor value of 1.0000. Such adjustments should be supported by clearly identifiable changes in selling prices per acre. Finally, large acreage tracts that have sold within the most recent 24 months, unless no such sale has occurred in which case the look back period should be 48 months, should be appraised using the schedule of adjustment factors and a sales ratio study performed to test for uniformity and conformity of the schedule to Rule 560-11-2-.56, and if the schedule thus conforms, the adjustments shall then be applied to all other large acreage tracts that are within the scope of the schedule being tested.

(iv) Adjustments for absorption When insufficient large tract sales are available to create a reliable schedule of factors, the appraisal staff may use comparable sales to develop values for the size tracts for which comparables exist, and then adjust these values for larger tracts by (1) estimating a rate of absorption for the smaller tracts for which data exists, (2) dividing the large tract into smaller, marketable sections, (3) developing a sales schedule with estimated income by year reflecting the absorption rate and the value characteristics of each of the smaller tracts,
(4) discounting the income schedule to the present using an appropriate discount rate, and (5) summing the resulting values to arrive at an estimated value for the property.

Georgia Department of Revenue

Burke County Board of Tax Assessors
P.O. Box XX

Waynesboro GA 30830

Phone:(706)554-xxxx Fax :(706)554-xxxx Email xxxxxx@burkecounty-ga.gov

5/27/2017

Current Sales Questionnaire

JOSEPH P SIMMONS	Legal Desc	125.96 AC
501 S VICTORY DR	Map ID	092 023A
WAYNESBORO GA 308300000	Total Acres	125.96 AC

The Board of Assessors is conducting a survey pursuant to Department of Revenue Regulation 560-11-10-.09(3)(a)2 for information concerning sales that have occurred in the prior year. Please answer the questions below in order for the appraisal staff to properly qualify sales data and make accurate sales adjustments to ensure that arm-length sales are used to develop valuation tables for property. Once completed, please fax, email, or mail the information in the provided self-addressed stamped envelope. Thank you for your cooperation.

ARE THE BUYER & SELLER RELATED OR AFFILIATED? YES / NO IF YES, RELATION SOLD TO GRADY JONES SIMMONS JR

IN YOUR OPINION, WAS THIS AN ARMS-LENGTH TRANSACTION REPRESENTATIVE OF FAIR MARKET VALUE?

YES /NO IF NO, WHY NOT? _____

DID THE SALE INVOLVE ANY PERSONAL PROPERTY? (i.e.: BOAT, TRACTOR, CENTER PIVOT IRRIGATION, INVENTORY, ETC.) YES / NO VALUE $50K

PIVOT

WERE ANY TRADES OR EXCHANGES MADE IN ADDITION TO THE SALE PRICE? YES / NO VALUE $_____

WAS THERE ANY OWNER FINANCING IN THE SALE? YES / NO

IF YES, DOWN PAYMENT $15K # OF YEARS FINANCED 10 % INTEREST RATE 8.5%

PURSUANT TO O.C.G.A 48-5-7.5 TIMBER IS EXEMPT UNTIL IT IS HARVESTED OR SOLD. PLEASE PROVIDE TIMBER INFORMATION IF CONSIDERED IN THE SALE.

ESTIMATED TIMBER VALUE $_____
IF TIMBER CRUISE PERFORMED, CRUISE VALUE $_____

IF TIMBER IS PRE-MERCHANTABLE ESTIMATED AGE 25 ACS 11 YEAR OLD PLANTED PINE

PRODUCT CLASS	VOLUME(TONS)
SOFTWOOD PULPWOOD	
SOFTWOOD CHIP-N-SAW	
SOFTWOOD SAW TIMBER	
SOFTWOOD POLES	
SOFTWOOD POSTS	
SOFTWOOD FUEL CHIPS	
HARDWOOD PULPWOOD	
HARDWOOD SAW TIMBER	
HARDWOOD FIREWOOD	

DID YOU PURCHASE THIS PROPERTY FOR AGRICULTURAL USE? YES / NO

DOES THIS PROPERTY ADJOIN PROPERTY ALREADY OWNED BY YOU? YES / NO

WERE THERE ANY OTHER CONSIDERATIONS IN THIS SALE? YES / NO

IF YES, WHAT? JOHN DEERE 4020 TRACTOR, BUSH HOG AND HARROW

WHAT WAS THE PURCHASE PRICE OF THE PROPERTY? $257,850

(If the PT61 showed no consideration, please include your closing statement in order for the purchase price to be considered as the taxable value for one year on arm length transactions.)

HAS ANY REMODELING/RENOVATION OCCURRED, OR IS ANY PLANNED TO OCCUR, TO ANY IMPROVEMENT(S) ON THIS PROPERTY? YES / NO

Current Sales Information

Code	Previous Owner	Property Use	Sale Price	Deed Date	Deed Ref	Plat Ref
ALT/LAND MKT		A	257,850	06/12/16	213 347	6/156

Georgia Department of Revenue

Burke County Board of Tax Assessors
P.O. Box XX

Waynesboro GA 30830

Phone:(706)554-xxxx Fax :(706)554-xxxx Email xxxxxx@burkecounty-ga.gov

5/10/2017

Current Sales Questionnaire

H E SOLDIT	Legal Desc	500.23 AC
2015 BOOGER BOTTOM RD	Map ID	102 021
WAYNESBORO GA 308300000	Total Acres	500.23 AC

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ARE THE BUYER & SELLER RELATED OR AFFILIATED? YES / NO IF YES, RELATION SOLD TO I DUNN DUNIT

IN YOUR OPINION, WAS THIS AN ARMS-LENGTH TRANSACTION REPRESENTATIVE OF FAIR MARKET VALUE?

YES /NO IF NO, WHY NOT? _____

DID THE SALE INVOLVE ANY PERSONAL PROPERTY? (i.e.: BOAT, TRACTOR, CENTER PIVOT IRRIGATION, INVENTORY, ETC.) YES / NO VALUE $10K

JOHN DEERE 5025E TRACTOR AND 6 FT ROUND BALER

WERE ANY TRADES OR EXCHANGES MADE IN ADDITION TO THE SALE PRICE? YES / NO VALUE $_____

WAS THERE ANY OWNER FINANCING IN THE SALE? YES / NO

IF YES, DOWN PAYMENT __ # OF YEARS FINANCED _____ % INTEREST RATE _

PURSUANT TO O.C.G.A 48-5-7.5 TIMBER IS EXEMPT UNTIL IT IS HARVESTED OR SOLD. PLEASE PROVIDE TIMBER INFORMATION IF CONSIDERED IN THE SALE.

ESTIMATED TIMBER VALUE $_____

IF TIMBER CRUISE PERFORMED, CRUISE VALUE $_____

IF TIMBER IS PRE-MERCHANTABLE ESTIMATED AGE _____

PRODUCT CLASS	VOLUME(TONS)
SOFTWOOD PULPWOOD	500
SOFTWOOD CHIP-N-SAW	1200
SOFTWOOD SAW TIMBER	230
SOFTWOOD POLES	125
SOFTWOOD POSTS	
SOFTWOOD FUEL CHIPS	
HARDWOOD PULPWOOD	
HARDWOOD SAW TIMBER	
HARDWOOD FIREWOOD	

DID YOU PURCHASE THIS PROPERTY FOR AGRICULTURAL USE? YES / NO

DOES THIS PROPERTY ADJOIN PROPERTY ALREADY OWNED BY YOU? YES / NO

WERE THERE ANY OTHER CONSIDERATIONS IN THIS SALE? YES / NO

IF YES, WHAT? ___ _____

WHAT WAS THE PURCHASE PRICE OF THE PROPERTY? $865

(If the PT61 showed no consideration, please include your closing statement in order for the purchase price to be considered as the taxable value for one year on arm length transactions.)

HAS ANY REMODELING/RENOVATION OCCURRED, OR IS ANY PLANNED TO OCCUR, TO ANY IMPROVEMENT(S) ON THIS PROPERTY? YES / NO

Current Sales Information

Code	Previous Owner	Property Use	Sale Price	Deed Date	Deed Ref	Plat Ref
ALT/LAND MKT		A	865,537	01/10/16	132 651	6/112

Georgia Department of Revenue

Burke County Board of Tax Assessors
P.O. Box XX

Waynesboro GA 30830

Phone:(706)554-xxxx Fax :(706)554-xxxx Email xxxxxx@burkecounty-ga.gov

6/2/2017

Current Sales Questionnaire

IVANA TIMBER LLC	**Legal Desc**	**900.15 AC**
6342 LICKSKILLET RD	**Map ID**	**001 003**
WAYNESBORO GA 308300000	**Total Acres**	**900.15 AC**

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ARE THE BUYER & SELLER RELATED OR AFFILIATED? YES / NO IF YES, RELATION PURCHASED FROM BUCKCREEK FARMS LLC

IN YOUR OPINION, WAS THIS AN ARMS-LENGTH TRANSACTION REPRESENTATIVE OF FAIR MARKET VALUE?

YES /NO IF NO, WHY NOT?_____

DID THE SALE INVOLVE ANY PERSONAL PROPERTY? (i.e.: BOAT, TRACTOR, CENTER PIVOT IRRIGATION, INVENTORY, ETC.) YES / NO VALUE $15K

POLARIS RANGER AND 2 HONDA FOUR WHEELERS

WERE ANY TRADES OR EXCHANGES MADE IN ADDITION TO THE SALE PRICE? YES / NO VALUE $_____

WAS THERE ANY OWNER FINANCING IN THE SALE? YES / NO

IF YES, DOWN PAYMENT __ # OF YEARS FINANCED _____ % INTEREST RATE _

PURSUANT TO O.C.G.A 48-5-7.5 TIMBER IS EXEMPT UNTIL IT IS HARVESTED OR SOLD. PLEASE PROVIDE TIMBER INFORMATION IF CONSIDERED IN THE SALE.

ESTIMATED TIMBER VALUE $ 332,000

IF TIMBER CRUISE PERFORMED, CRUISE VALUE $_____

IF TIMBER IS PRE-MERCHANTABLE ESTIMATED AGE _____

PRODUCT CLASS	VOLUME(TONS)
SOFTWOOD PULPWOOD	
SOFTWOOD CHIP-N-SAW	
SOFTWOOD SAW TIMBER	
SOFTWOOD POLES	
SOFTWOOD POSTS	
SOFTWOOD FUEL CHIPS	
HARDWOOD PULPWOOD	
HARDWOOD SAW TIMBER	
HARDWOOD FIREWOOD	

DID YOU PURCHASE THIS PROPERTY FOR AGRICULTURAL USE? YES / NO

DOES THIS PROPERTY ADJOIN PROPERTY ALREADY OWNED BY YOU? YES / NO

WERE THERE ANY OTHER CONSIDERATIONS IN THIS SALE? YES / NO

IF YES, WHAT? OLD FARM HOUSE AND BARN 30K VALUE REMODEL IN PROGRESS

WHAT WAS THE PURCHASE PRICE OF THE PROPERTY? $1.5 MILLION

(If the PT61 showed no consideration, please include your closing statement in order for the purchase price to be considered as the taxable value for one year on arm length transactions.)

HAS ANY REMODELING/RENOVATION OCCURRED, OR IS ANY PLANNED TO OCCUR, TO ANY IMPROVEMENT(S) ON THIS PROPERTY? YES / NO

Current Sales Information

Code	Previous Owner	Property Use	Sale Price	Deed Date	Deed Ref	Plat Ref
ALT/LAND MKT		A	1,502,357	03/26/16	162 631	10/112

Georgia Department of Revenue

Burke County Board of Tax Assessors
P.O. Box XX

Waynesboro GA 30830

Phone:(706)554-xxxx Fax :(706)554-xxxx Email xxxxx@burkecounty-ga.gov

8/21/2017

Current Sales Questionnaire

COTTON COUNTRY FARMS	Legal Desc	652.58 AC
5684 KINGSNAKE RD	Map ID	067 045
WAYNESBORO GA 308300000	Total Acres	652.58 AC

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ARE THE BUYER & SELLER RELATED OR AFFILIATED? YES / NO IF YES, RELATION PURCHASED FROM COLLINS FARMS LLP

IN YOUR OPINION, WAS THIS AN ARMS-LENGTH TRANSACTION REPRESENTATIVE OF FAIR MARKET VALUE?

YES / NO IF NO, WHY NOT? _____

DID THE SALE INVOLVE ANY PERSONAL PROPERTY? (i.e.: BOAT, TRACTOR, CENTER PIVOT IRRIGATION, INVENTORY, ETC.) YES / NO VALUE 3 PIVOTS ESTIMATED AT 35K EACH, 2 JOHN DEERE 9976 COTTON PICKERS, 2 8420 JOHN DEERE TRACTORS, 2 KBH BALE SPEARS(ESTIMATED AT 450K)

WERE ANY TRADES OR EXCHANGES MADE IN ADDITION TO THE SALE PRICE? YES / NO VALUE $ HARVEST 350ACS OF COLLINS COTTON CROP

WAS THERE ANY OWNER FINANCING IN THE SALE? YES / NO

IF YES, DOWN PAYMENT __ # OF YEARS FINANCED _____ % INTEREST RATE _

PURSUANT TO O.C.G.A 48-5-7.5 TIMBER IS EXEMPT UNTIL IT IS HARVESTED OR SOLD. PLEASE PROVIDE TIMBER INFORMATION IF CONSIDERED IN THE SALE.

ESTIMATED TIMBER VALUE $_____

IF TIMBER CRUISE PERFORMED, CRUISE VALUE $_____

IF TIMBER IS PRE-MERCHANTABLE ESTIMATED AGE 50 ACS OF 8 YEAR OLD SLASH PINE

PRODUCT CLASS	VOLUME(TONS)
SOFTWOOD PULPWOOD	
SOFTWOOD CHIP-N-SAW	
SOFTWOOD SAW TIMBER	
SOFTWOOD POLES	
SOFTWOOD POSTS	
SOFTWOOD FUEL CHIPS	
HARDWOOD PULPWOOD	
HARDWOOD SAW TIMBER	
HARDWOOD FIREWOOD	

DID YOU PURCHASE THIS PROPERTY FOR AGRICULTURAL USE? YES / NO

DOES THIS PROPERTY ADJOIN PROPERTY ALREADY OWNED BY YOU? YES / NO

WERE THERE ANY OTHER CONSIDERATIONS IN THIS SALE? YES / NO

IF YES, WHAT? _____

WHAT WAS THE PURCHASE PRICE OF THE PROPERTY? $995,000

(If the PT61 showed no consideration, please include your closing statement in order for the purchase price to be considered as the taxable value for one year on arm length transactions.)

HAS ANY REMODELING/RENOVATION OCCURRED, OR IS ANY PLANNED TO OCCUR, TO ANY IMPROVEMENT(S) ON THIS PROPERTY? YES / NO

Current Sales Information

Code	Previous Owner	Property Use	Sale Price	Deed Date	Deed Ref	Plat Ref
ALT/LAND MKT		A	995,000	04/26/16	235 485	12/12

Georgia Department of Revenue

Burke County Board of Tax Assessors
P.O. Box XX

Waynesboro GA 30830

Phone:(706)554-xxxx Fax :(706)554-xxxx Email xxxxxx@burkecounty-ga.gov

9/4/2017

Current Sales Questionnaire

PEANUT KING FARMS LLLP	Legal Desc	700.14 AC
963 PEANUTBUTTER LN	Map ID	094 009
WAYNESBORO GA 308300000	Total Acres	700.14 AC

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ARE THE BUYER & SELLER RELATED OR AFFILIATED? YES / NO IF YES, RELATION PURCHASED FROM COLLINS FARMS LLP

IN YOUR OPINION, WAS THIS AN ARMS-LENGTH TRANSACTION REPRESENTATIVE OF FAIR MARKET VALUE?

YES /NO IF NO, WHY NOT? _____

DID THE SALE INVOLVE ANY PERSONAL PROPERTY? (i.e.: BOAT, TRACTOR, CENTER PIVOT IRRIGATION, INVENTORY, ETC.) YES / NO VALUE 2 PIVOTS ESTIMATED AT 65K EACH, 2 8420 JOHN DEERE TRACTORS, 2 AMADAS 2100 PEANUT COMBINES, ONE KMC DUMP CART (ESTIMATED AT 550K)

WERE ANY TRADES OR EXCHANGES MADE IN ADDITION TO THE SALE PRICE? YES / NO VALUE $ HARVEST 400 ACS OF COLLINS PEANUT CROP

WAS THERE ANY OWNER FINANCING IN THE SALE? YES / NO

IF YES, DOWN PAYMENT __ # OF YEARS FINANCED _____ % INTEREST RATE _

PURSUANT TO O.C.G.A 48-5-7.5 TIMBER IS EXEMPT UNTIL IT IS HARVESTED OR SOLD. PLEASE PROVIDE TIMBER INFORMATION IF CONSIDERED IN THE SALE.

ESTIMATED TIMBER VALUE $_____

IF TIMBER CRUISE PERFORMED, CRUISE VALUE $_____

IF TIMBER IS PRE-MERCHANTABLE ESTIMATED AGE 100 ACS OF 10 YEAR OLD LONG LEAF PINE

PRODUCT CLASS	VOLUME(TONS)
SOFTWOOD PULPWOOD	_____
SOFTWOOD CHIP-N-SAW	_____
SOFTWOOD SAW TIMBER	_____
SOFTWOOD POLES	_____
SOFTWOOD POSTS	_____
SOFTWOOD FUEL CHIPS	_____
HARDWOOD PULPWOOD	_____
HARDWOOD SAW TIMBER	_____
HARDWOOD FIREWOOD	_____

DID YOU PURCHASE THIS PROPERTY FOR AGRICULTURAL USE? YES / NO

DOES THIS PROPERTY ADJOIN PROPERTY ALREADY OWNED BY YOU? YES / NO

WERE THERE ANY OTHER CONSIDERATIONS IN THIS SALE? YES / NO

IF YES, WHAT? 100 AC PINE STRAW LEASE WITH PRICKLE PINESTRAW

WHAT WAS THE PURCHASE PRICE OF THE PROPERTY? $1.75 MILLION

(If the PT61 showed no consideration, please include your closing statement in order for the purchase price to be considered as the taxable value for one year on arm length transactions.)

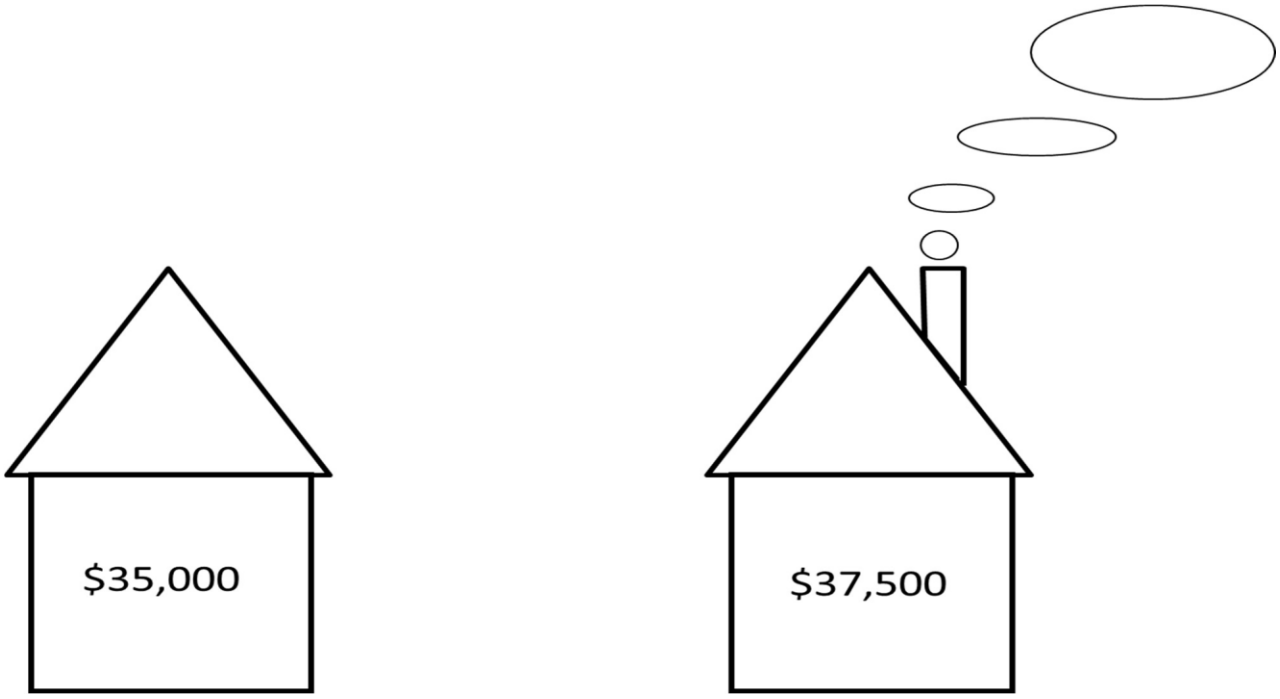
HAS ANY REMODELING/RENOVATION OCCURRED, OR IS ANY PLANNED TO OCCUR, TO ANY IMPROVEMENT(S) ON THIS PROPERTY? YES / NO

Current Sales Information

Code	Previous Owner	Property Use	Sale Price	Deed Date	Deed Ref	Plat Ref
ALT/LAND MKT		A	1,756,285	04/26/16	235 485	12/12

Paired Sales Analysis

The APM defines paired sales analysis as the comparing of the sale prices of similar properties, some with and some without a particular characteristic, in order to determine what portion of the difference in sales price might be attributable to such characteristic. An example is shown below.



The example above depicts two houses that are identical in all aspects with one exception, the fireplace. The house that sold for 35K is a benchmark sale. Using paired sales analysis and knowing that these houses are identical in every way but one, the fireplace, should give the appraiser an indication of the value of the fireplace. In this case the value of the fireplace would be $2,500. The difference in the residual house sales prices is attributable to the value of the fireplace.

The same principle can be applied to large tracts of rural land. The appraiser should identify residual sales price per acre values of benchmark sales and then apply the residual benchmark per acre values to other sales with the same soil classes and others to determine what portion of the sales price is attributable to the other soil classes present on the parcel.

The example below uses the first benchmark identified in the previous pages.

Building Large Tract Base Schedules – Extraction of Timber Values

After all sales of rural land have been gathered and qualified, the appraiser must extract the value of all non-land items from the sales price. Non-land items will include but not be limited to, improvements, crop quotas or allotments, timber, personal property, etc.

In some situations, the appraiser may determine that the harvest value of timber had no bearing on the sales price. These situations will normally occur when the tract is not of a size where timber production would be a viable option. Usually, where timber production is not a viable option, the presence of trees does impact the value from an aesthetic standpoint and should be considered when assigning desirability codes.

In all cases where the market value of the standing timber contributed to the sales price, the appraiser must obtain the value of the timber and deduct it from the sales price. As discussed earlier in the course with regard to Rule 560-11-10-.09(3)(b)(2)(v) Standing Timber Value Extraction, there are two options available for obtaining the value of the timber:

- Reliable information from the buyer/seller
- Calculation of timber value based on volume and pricing information

The appraiser may consult with the buyer and or seller of the property concerning the consideration of value given to the standing timber in the property transaction. The consultation may take place by mail, phone or direct discussion with the party. A recording of the date and method of consultation should be made by the appraiser.

If possible, the appraiser should ask for a copy of a cruise if made by a registered forester and inform the buyer/seller that the information will be held in strict confidentiality. If a cruise is not available and a timber value is provided, the appraiser must use his/her judgement as to the reliability of the information.

If the timber consideration is not available from the buyer/seller or the appraiser desires to confirm the information that was provided in the consultation, the timber value may be calculated using the valuation methods defined in Rule 560-11-10-.09(3)(b)2(v)(I)I. As prescribed in the aforementioned Rule, the appraiser should calculate the value of all product classes of merchantable timber (trees 15 years and older) and the value of all pre-merchantable timber and sum both values to obtain the total timber value.

The calculate the value of merchantable and pre-merchantable timber, the appraiser will be required to gather data with regard to the volume of the timber product classes and the pricing that corresponds to the time of the sale. Volume information may come from the buyer/seller or a party trained in the gathering of such information. Pricing information can come from the local market or from the Table of Owner Harvest Timber Value as prepared by the Revenue Commissioner on an annual basis. The appraiser should ensure that the pricing information is as close as possible to the date of the sale due to the fluctuation in timber prices.

After the volume and pricing information is obtained, the appraiser may use forms similar to the ones on the following pages to calculate the timber value for the sale.

Timber Valuation Worksheet - Merchantable Timber				
Map ID:			Date:	
Buyer/Seller Value:				
Estimated Value Calculations				
Product Class	**Volume (Tons)**	**Unit Price**	**Value**	
Softwood Pulpwood				
Softwood Chip-n-Saw				
Softwood Sawtimber				
Softwood Poles				
Softwood Posts				
Softwood Fuelchips				
Hardwood Pulpwood				
Hardwood Sawtimber				
Hardwood Firewood				
Total Merchantable Timber Value				
Information Supplied by:				

Georgia Department of Revenue

Timber Valuation Worksheet - Pine Pre-Merchantable (Planted)				
Map ID:			Date:	
Buyer/Seller Value:				
Estimated Value Calculations				
Product Class	**Vol(Tons)/Acre**	**Unit Price**	**Stocking Density**	**Value**
Pulpwood				
Chip-n-Saw				
Total Value/Acre (Pulpwood + Chip-n-Saw)				
Acres of Pre-Merch				
Total Value (Total Value/Acre x Acres)				
Cost (Cost of Establishing Stand / Acre * Acres)				
Base Value (Total Value – Cost)				
Age of Merch (15 is default; local conditions take precedence)				
Average Annual Timber Growth (Base Value ÷ Age of Merchantability)				
Age of Stand (in years)				
Accumulated Timber Growth (Average Annual Timber Growth * Age of Stand)				
Total Accumulated Value (Accumulated Timber Growth + Cost)				
Information Supplied by:				

Georgia Department of Revenue

Timber Valuation Worksheet - Pine Pre-Merchantable (Natural)				
Map ID:			Date:	
Buyer/Seller Value:				
Estimated Value Calculations				
Product Class	**Vol(Tons)/Acre**	**Unit Price**	**Stocking Density**	**Value**
Pulpwood			.50	
Chip-n-Saw			.50	
Total Value/Acre (Pulpwood + Chip-n-Saw)				
Acres of Pre-Merch				
Base Value (Total Value/Acre x Acres)				
Age of Merch (15 is default; local conditions take precedence)				
Average Annual Timber Growth (Base Value ÷ Age of Merchantability)				
Age of Stand (in years)				
Value of Accumulated Growth (Avg Annual Timber Growth * Age of Stand)				
Information Supplied by:				

Georgia Department of Revenue

Timber Valuation Worksheet - Hardwood Pre-Merchantable (Natural)				
Map ID:			Date:	
Buyer/Seller Value:				
Estimated Value Calculations				
Product Class	**Vol(Tons)/Acre**	**Unit Price**	**Stocking Density**	**Value**
Pulpwood			.40	
Chip-n-Saw			.40	
Total Value/Acre (Pulpwood + Chip-n-Saw)				
Acres of Pre-Merch				
Base Value (Total Value/Acre x Acres)				
Age of Merch (15 is default; local conditions take precedence)				
Average Annual Timber Growth (Base Value ÷ Age of Merchantability)				
Age of Stand (in years)				
Value of Accumulated Growth (Avg Annual Growth * Age of Stand *.40)				
Information Supplied by:				

Standing Timber Extraction 560-11-10-.09(3)(b)2(v):

(v) Standing Timber Value Extraction. When determining the market value of land underlying standing timber, where such standing timber is taxed in accordance with Code section 48-5-7.5, the appraiser shall not rely exclusively on the sales prices of such land that has recently had the timber harvested. Rather he or she shall also consider sales of land with standing timber after the value of such standing timber has been determined in accordance with this subparagraph and deducted from the selling price.

(I) Determine timber value from buyer and seller. For all types of timber, the value of the standing timber on recently sold land should be determined from reliable information from the buyer and seller clearly segregating the value of the standing timber from the underlying land. In the absence of such information, the appraiser may use one of the following methods to determine the value of the standing timber if in his or her judgment the results are reasonably consistent with other sales where buyer and seller information is known:

I. Calculate value of merchantable timber. For all types of merchantable timber, the value of the standing timber may be determined by multiplying estimated volumes by product class, such as softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood, of timber on the property by prices for each product class as obtained from the table of weighted average prices paid for harvested timber applicable to the year during which the sale occurred and prepared by the Commissioner pursuant to paragraph (g) of Code section 48-5-7.5. For the purposes of this subparagraph, merchantable timber shall include stands that have been in production for more than fifteen years. Estimated volumes by product class may be obtained by one of the following methods: reliable information from the buyer or seller or from specially trained data collectors who have estimated volumes from a visual on-site inspection or from an aerial survey.

II. Calculate value of pre-merchantable planted pine timber. For pre-merchantable planted pine timber, the value of the standing timber may be determined by estimating the value of the timber at the age of merchantability and then prorating this value to the actual age of the pre-merchantable stand. The appraiser may arrive at this estimate using the following steps:

A. For each applicable timber product class, multiply the estimated tons of timber volume yield per acre for each product class at the age of merchantability times the locally prevailing timber price per ton of such product classes. Sum the individual results of the timber product class calculations into a single result.

(A) In the absence of reliable locally prevailing timber price per ton information, the appraiser may use timber price per ton from the table of weighted average prices paid for harvested timber prepared by the Commissioner pursuant to paragraph (g) of Code section 48-5-7.5.

(B) In the absence of specific yield information to the contrary, the appraiser may estimate timber volume yields at an average yield of 52.2 tons per acre or preferably by using the land productivity classifications established by Rule 560-11-10-.09(3)(b)(2)(i) and the following tables of estimated

yields of fully stocked planted timber stands at age fifteen, and then adjusting the yields according to the actual stocking density of the timber stand.

48-5-7.5 Assessment of standing timber; penalty for failure to timely report; effect of reduction of property tax digest; supplemental assessment

(a) Standing timber shall be assessed for ad valorem taxation only once and such assessment shall be made following its harvest or sale as provided for in this Code section. Such timber shall be subject to ad valorem taxation notwithstanding the fact that the underlying land is exempt from taxation, unless such taxation is prohibited by federal law or treaty. Such timber shall be assessed at 100 percent of its fair market value and shall be taxed on a levy made by each respective taxing jurisdiction according to such 100 percent fair market value. Such assessment shall be made in the county where the timber was grown and shall be taxable by that county and any other taxing jurisdiction therein in which the timber was grown.

(b) For purposes of this Code section, the term "sale" of timber shall mean the arm's length, bona fide sale of standing timber for harvest separate and apart from the underlying land and shall not include the simultaneous sale of a tract of land and the timber thereon.

(c) *Lump sum sales.*

(1) Where standing timber is sold, in an arm's length, bona fide sale, by timber deed, contract, lease, agreement, or otherwise to be harvested within a three-year period after the date of the sale and for a lump sum price, so much of said timber as will be harvested within three years shall be assessed for taxation as of the date of the sale. The fair market value of such timber for purposes of ad valorem taxation shall be the lump sum price paid by the purchaser in the arm's length, bona fide sale. Any timber described in any sale instrument which is not harvested within three years after the date of the sale shall later be assessed for taxation following its future harvest or sale. Ad valorem taxes shall be payable by the seller and shall be calculated by multiplying the 100 percent fair market value of the timber times the millage rate levied by the taxing authority on tangible property for the previous calendar year. Immediately upon receipt by the seller of the purchase price, the seller shall remit to the purchaser the amount of ad valorem tax due on the sale, in the form of a negotiable instrument payable to the tax collector or tax commissioner. Such negotiable instrument shall be remitted by the purchaser to the tax collector or tax commissioner not later than five days after receipt of the tax from the seller. A purchaser failing to make such remittance shall be personally liable for the tax. With said remittance, the purchaser shall present to the board of tax assessors and to the tax collector or tax commissioner a report of the sale showing the lump sum sales price of the standing timber, the date of sale, the addresses of the seller and purchaser, and the location of the standing timber in the county. The tax collector or tax commissioner shall collect from the purchaser the seller's negotiable instrument in payment of the tax; and a receipt showing payment of the tax shall promptly be delivered by the tax collector or tax commissioner to the seller.

(2) Upon request of the purchaser, the tax collector or tax commissioner shall enter upon or attach to the instrument conveying the standing timber a certification that the ad valorem tax has been paid, the date, and the amount of the tax. The certificate shall be signed by the tax collector or tax commissioner or his deputy. The purchaser may then present the instrument together with the certificate to the clerk of superior court of the county or counties in which the standing timber is located, who shall then file the instrument for record. The ad valorem tax levied under this subsection on lump sum sales of standing timber shall be paid to the tax collector or tax commissioner prior to and as a prerequisite to the filing for record of the instrument with the clerk of superior court, and the clerk shall not be permitted to file the instrument for record unless the instrument discloses on its face the proper certificate showing that the tax has been paid; and the certificate shall be recorded with the instrument.

(d) *Unit price sales.*

(1) Any person purchasing standing timber, in an arm's length, bona fide sale, by timber deed, contract, lease, agreement, or otherwise by unit prices shall furnish a report to the seller and the county board of tax assessors within 45 days after the end of each calendar quarter. The report shall show the total dollar value of standing timber paid to the seller and the volume, in pounds, if available, or measured volume, of softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood harvested. Such report shall include such data through the last business day of the calendar quarter, the names and addresses of the seller and the purchaser, and the location of the harvested timber. A copy of such report shall also be furnished by the seller to the tax assessors within 60 days after the end of the calendar quarter. The fair market value of such timber for purposes of ad valorem taxation shall be the total dollar values paid by the purchaser in the arm's length, bona fide sale. Ad valorem taxes shall be payable by the seller in the unit price sales transaction as provided in subsection (h) of this Code section and shall be calculated by multiplying the 100 percent fair market value of the timber times the millage rate levied by the taxing authority on tangible property for the previous calendar year.

(2) Reports to the tax assessors shall be confidential, shall not be revealed to any person other than authorized tax officials, and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50.

(e) *Owner harvests.* Owners of real property in this state who harvest standing timber from their own lands shall report the volume, in pounds, if available, or measured volume, of softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood harvested through the last business day of each calendar quarter from said lands to the tax assessors within 45 days after the end of each calendar quarter. Such reports shall also identify the location of the tract from which the standing timber was harvested. The fair market value of such timber for purposes of ad valorem taxation shall be as determined under subsection (g) of this Code section. Ad valorem taxes shall be paid by the landowner as provided in subsection (h) of this Code section and shall be calculated by multiplying the 100 percent fair market value of the timber times the

millage rate levied by the taxing authority on tangible property for the previous calendar year.

(f) *Other sales and harvests.* Every sale and every harvest of timber not previously taxed (excepting only a sale not for harvest within three years) shall be a taxable event. If any such sale or harvest is not a reportable taxable event described under subsection (c), (d), or (e) of this Code section, such timber shall be subject to ad valorem taxation under this subsection; and such sale or harvest shall be reported and taxed under the provisions of subsection (c), (d), or (e) of this Code section, whichever is most nearly applicable.

(g) The commissioner, after consultation with the State Forestry Commission, shall provide the tax assessors of each county with the weighted average price paid, in pounds and measured volume, during each calendar year for softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood in each county or multicounty area within 60 days of the end of each calendar year. The most recent weighted average prices provided by the commissioner shall be applied by the tax assessors to the volume of wood removals reported as provided in this Code section to determine the fair market value of timber harvested other than under a taxable lump sum sale or taxable unit price sale.

(h)(1)(A) Based on the reports and data provided under subsections (d), (f), and (g) of this Code section, the tax collector or tax commissioner shall on a quarterly basis mail tax bills for sales and harvests other than lump sum sales. Ad valorem taxes on such sales and harvests shall be payable by the landowner within 30 days of receipt of the bill from the tax collector or tax commissioner.

(B) Based upon the reports and data provided under subsections (e) and (g) of this Code section, ad valorem taxes for owner harvests shall be payable by the landowner to the tax collector or tax commissioner within 45 days after the end of each calendar quarter.

(2) Any ad valorem tax or penalty which is not timely paid as provided in this Code section shall bear interest at the rate specified in Code Section 48-2-40 from the due date. Unpaid taxes, penalty, and interest imposed under this Code section shall constitute a lien against the property of the person responsible for payment of such tax and shall be collected in the same manner as other unpaid ad valorem taxes are collected.

(i) The millage rate applicable at the time of sale or the time of harvest of standing timber shall be the millage rate levied by the taxing authority on tangible property for the preceding calendar year.

(j) Any person who fails to timely make any report or disclosure required by this Code section shall pay a penalty of 50 percent of the tax due, except that if the failure to comply is unintentional and the report or disclosure is filed within 12 months after the due date the amount of the penalty shall be 1 percent for each month or part of a month that the report or disclosure is late.

(k) Forms for reports required by this Code section shall be supplied to each county by the

department.

(l)(1) In any county in which the ad valorem taxation of timber pursuant to this Code section reduces the total property tax digest of such county for tax year 1992 by more than 20 percent of the amount of the total property tax digest of such county for the immediately preceding taxable year, such digest shall be supplemented as follows:

(A) The difference between the total property tax digest for the county and the total property tax digest less the total assessed value of standing timber removed from the digest shall be calculated;

(B) The difference calculated under subparagraph (A) of this paragraph shall be reduced by the fair market value of sold or harvested timber; and

(C) If the amount calculated under subparagraph (B) of this paragraph is more than 20 percent of the amount of the total property tax digest of such county for the immediately preceding taxable year, the resulting amount shall be assigned and taxed on a levy made by the tax officials of such county in a pro rata manner against the land underlying the standing timber so removed from the digest.

(2) Where a digest is so supplemented for tax year 1992, it shall be supplemented in subsequent years as follows:

(A) For tax year 1993, such supplemental assessment shall be in an amount equal to 75 percent of the supplemental assessment received for tax year 1992;

(B) For tax year 1994, such supplemental assessment shall be in an amount equal to 50 percent of the supplemental assessment received for tax year 1992;

(C) For tax year 1995, such supplemental assessment shall be in an amount equal to 25 percent of the supplemental assessment received for tax year 1992; and

(D) For tax year 1996 and future tax years, no supplemental assessment shall be received. (m)(1)

Any supplemental assessment added to a digest pursuant to subsection (l) of this Code section shall not be included in the calculation of the equalized adjusted school property tax digest under Code Section 48-5-274 for the purpose of calculating the required local five mill share for school funding purposes under Code Section 20-2-164.

(2) The fair market value of timber harvested or sold added to a digest pursuant to this Code section shall be included in the calculation of the equalized adjusted school property tax digest under Code Section 48-5-274 for the purpose of calculating the required local five mill share for school funding purposes under Code Section 20-2-164.

HISTORY: Code 1981, § 48-5-7.5, enacted by Ga. L. 1991, p. 1903, § 6; Ga. L. 1995, p. 792, §§ 1-6; Ga. L. 2000, p. 618, § 96; Ga. L. 2017, p. 774, § 48/HB 323.

NOTES: THE 2017 AMENDMENT, effective May 9, 2017, part of an Act to revise, modernize, and correct the Code, substituted "State Forestry Commission" for "Georgia Forestry Commission" near the beginning of the first sentence of subsection (g).

EDITOR'S NOTES. --Ga. L. 1991, p. 1903, § 14, effective April 24, 1991, not codified by the General Assembly, provides: "To assist counties and boards of education in planning, volumes of standing timber harvested in each county through the last business day of the second and third quarters of 1991 shall be reported by the purchaser, or by the harvester if there is no purchaser, to the tax assessors of the county or counties in which the timber was harvested by November 15, 1991. Such reports shall show the number of pounds, if available, or measured volume of softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood so harvested. The commissioner, after consultation with the Georgia Forestry Commission, shall provide the tax assessor of each county with the weighted average unit price in pounds and measured volume paid through the last business day of such period for each such product class, no later than November 15, 1991."
Ga. L. 1991, p. 1903, § 15, not codified by the General Assembly, provides that this Code section shall be applicable beginning January 1, 1992, with respect to ad valorem taxation of timber and shall be applicable beginning January 1, 1992, for all other purposes. Taxation for prior periods shall continue to be governed by prior law.
Ga. L. 2000, p. 618, § 1, not codified by the General Assembly, provides: "This Act shall be known and may be cited as the 'A Plus Education Reform Act of 2000.'"

560-11-5 Timber Regulations

560-11-5-.01 Forms.

(1) The Commissioner shall prepare and furnish a form, herewith adopted and designated as PT-283T, to be used by purchasers and sellers of standing timber to report taxable sales or harvests under this Chapter. Reports of unit price sales filed with the local county authorities shall be confidential, shall not be revealed to any persons other than authorized tax officials, and shall be exempt from disclosure under Article 4 of Chapter 18 of Title 50 of the Official Code of Georgia.

(2) The Commissioner shall prepare and furnish a form, herewith adopted and designated as PT-283TQ, to be used by purchasers when filing with the Commissioner the composite quarterly report required by Regulation 560-11-5-.05(2), of all purchases of standing timber by lump sum sales reflecting total volumes and total prices paid for the various timber product classes purchased during the preceding calendar quarter.

(3) A computer generated form PT-283T and form PT-283TQ may be used by any person reporting timber sales and harvests if the computer generated forms provide the necessary information and have been approved by the Commissioner.

(4) All form PT-283T reports and all approved computer generated PT-283T reporting forms filed with the county tax collector or tax commissioner and the board of tax assessors shall be retained for a period of three years after the date of receipt after which these may be disposed of consistent with any records disposition standards adopted by the appropriate authority of the county.

Authority O.C.G.A. Secs. 48-2-12, 48-5-2, 48-5-7.4, 48-5-7.5.

History. Original Rule entitled "Forms" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992. Repealed: New Rule of same title adopted. F. Jan. 27, 1998; eff. Feb. 16, 1998.

560-11-5-.02 Definitions.

(1) For the purpose of implementing O.C.G.A. Section 48-5-7.5 and these regulations, the following terms are defined to mean:

(a) "Applicable millage rates" shall mean the millage levied by the taxing authority on tangible property for the preceding calendar year.

(b) "Sale" of standing timber shall mean the arm's length, bona fide sale of standing timber for harvest separate and apart from the underlying land and shall not include the simultaneous sale of a tract of land and the standing timber thereon.

(c) "Standing timber" shall be defined to include softwood and hardwood pulpwood, chip and saw logs, saw timber, poles, posts, and fuel wood. Such term shall not include any of the following:

1. Orchard trees, ornamental or Christmas trees;

2. By-products of standing timber such as straw, cones, leaves or turpentine;

3. By-products of harvesting such as bark or stumps that are not included in the consideration between buyer and seller in lump sum or unit price sales; or

4. Fuel wood harvested by the owner from his own property which is used exclusively for heating purposes within the premises occupied by said owner.

(d) "Timber product classes" shall be defined as follows: 1) softwood pulpwood, 2) hardwood pulpwood, (3) softwood chip-n-saw, 4) softwood saw timber, 5) hardwood saw timber, 6) softwood poles, 7) softwood posts, 8) hardwood posts, 9) softwood fuel wood chips, 10) hardwood fuel wood chips, 11) softwood fuel wood firewood and 12) hardwood fuel wood firewood.

(e) "Total property tax digest" means the total net assessed value to which the levy for maintenance and operations purposes shall be applied, and consists of all taxable tangible real and personal property appearing on the county tax digest for the applicable tax year including motor vehicle property, mobile home property and property of railroad and public utility companies.

Ga. L. 1937-38, Ex. Sess. p. 77 (Ga. Code Sec. 48-2-12); Ga. L. 1991, p. 1903 (Ga. Code Sec. 48-5-7.4).

HISTORY. Original Rule entitled "Definitions" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992. REPEALED: New Rule, same title, adopted. F. Jan. 29, 1996; eff. Feb. 18, 1996.

560-11-5-.03 Taxable Timber Sales and Harvests.

(1) Where standing timber is sold by timber deed, contract, lease, agreement, or otherwise to be harvested within a three-year period after the date of the sale and for a lump sum price, the standing timber to be harvested within said three-year period shall be assessed for taxation as of the date of the sale. The tax shall be levied based upon the total lump sum price paid by the purchaser in an arm's length bona fide sale.

(a) Ad valorem taxes shall be assessed as of the date of the sale and shall be payable by the seller who shall remit the amount of the taxes due to the purchaser in the form of a negotiable instrument payable to the tax collector or tax commissioner. The purchaser shall remit the seller's negotiable instrument to the tax collector or tax commissioner within five business days after receipt from the seller along with a report of the sale using form PT-283T or a computer generated form PT-283T as approved by the Commissioner, and the tax collector or tax commissioner shall promptly deliver a receipt to the seller showing the tax has been paid. The purchaser shall be personally liable for the tax if he does not remit the seller's negotiable instrument as required or if he fails to collect the negotiable instrument from the seller and in any event he shall remit the taxes due to the tax collector or tax commissioner within five business days of the date of the sale. With said remittance, a copy of the report form PT-283T or a computer generated form PT-283T as approved by the Commissioner, shall also be furnished by the purchaser to the board of tax assessors.

(b) Any standing timber described in any sale instrument which is not harvested within three years after the date of the sale shall later be assessed for taxation following its future harvest or sale. In the event it is later harvested by the original purchaser, the board of tax assessors shall use the table of values prescribed by the Commissioner in Regulation 560-11-5-.05(1), and the taxes shall be paid by the original purchaser; otherwise, upon its sale or harvest after three years, the procedures for taxation shall be according to the manner in which such timber is sold or harvested.

(c) The ad valorem taxes on lump sum sales shall be paid to the tax collector or tax commissioner prior to and as a prerequisite for the filing for record with the clerk of superior court any instrument conveying the standing timber upon which taxes are due and payable, and no such instrument shall be recorded unless it has entered upon or attached thereto a certificate from the tax collector or tax commissioner showing that the taxes have been paid.

(2) Where standing timber is sold, in an arm's length, bona fide sale, by timber deed, contract, lease, agreement, or otherwise by unit prices, the purchaser shall furnish to the seller and to the board of tax assessors a report form PT-283T or a computer generated form PT-283T as approved

by the Commissioner, reflecting the total dollar value paid to the seller as well as the individual volumes of timber harvested identified by timber product classes. The report shall cover all timber harvested through the last business day of the immediately preceding calendar quarter and it shall be furnished to the seller and the board of tax assessors within 45 days after the end of the calendar quarter during which the timber is harvested. A copy of the report PT-283T or a computer generated form PT-283T as approved by the Commissioner shall also be furnished by the seller to the board of tax assessors within 60 days after the end of each calendar quarter.

(a) Ad valorem taxes shall be payable to the tax collector or tax commissioner as specified by Regulation 560-11-5-.04(3) based upon the fair market value of the harvested timber which shall be the total dollar values paid by the purchaser in the arm's length, bona fide sale.

(3) Where standing timber is harvested by the owner of such timber from his own land, the owner shall, within 45 days after the end of the calendar quarter, file with the board of tax assessors a report form PT-283T or a computer generated form PT-283T as approved by the Commissioner of the volumes harvested through the last business day of the calendar quarter.

(a) Ad valorem taxes on owner harvest timber shall be payable to the tax collector or tax commissioner within 45 days after the end of the calendar quarter, based upon the fair market value of the harvested timber which shall be the total dollar values calculated using the average standing timber price schedule specified by Regulation 560-11-5-.05(1).

(4) Every sale and every harvest of standing timber occurring on or after January 1, 1992 that has not been previously taxed shall be a taxable event, with the exception of those sales of standing timber not to be harvested within three years. Where standing timber is sold or harvested (excepting only a sale not for harvest within three years) in any manner which is not a reportable taxable event under these Regulations as a lump sum sale, a unit price sale, or an owner harvest, such timber shall be subject to ad valorem taxation. Any such sale or harvest shall be reported and taxed under whichever provisions of this Regulation is most nearly applicable.

(a) Where, at the time of harvest, the standing timber owner does not own the underlying land and has not acquired such timber under a taxable lump sum or unit price sale, as would be the case where timber has been acquired prior to January 1, 1992, the harvest of such timber shall be a taxable event and shall be treated as an owner harvest, with the exception that the reporting requirement and the payment of taxes due shall be the responsibility of the owner of the standing timber instead of the underlying landowner.

Authority O.C.G.A. Secs. 48-2-12, 48-5-2, 48-5-7.4, 48-5-7.5.

History. Original Rule entitled "Taxable Timber Sales and Harvest" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992. Repealed: New Rule of same title adopted. F. Jan. 29, 1996; eff. Feb. 18, 1996. Repealed: New Rule of same title adopted. F. Jan. 27, 1998; eff. Feb. 16, 1998.

560-11-5-.04 Procedures for Timber Taxation.

(1) Standing timber shall be assessed for ad valorem taxation only once upon its sale or harvest as required by O.C.G.A. 48-5-7.5 and these Regulations. Said tax shall be levied upon the 100% fair market value of such timber as prescribed using applicable millage rates for each taxing jurisdiction.

(2) Where, with respect to any taxable event, the board of tax assessors has reason to believe that the reported sale is other than an arm's length, bona fide sale or that the reported volumes or values of the transaction are incorrect, the board may inquire into the transaction and make corrections to the fair market value of the timber in the same manner as changes to the fair market value of other taxable, tangible property are made. In any such instance, the taxpayer notification procedures, the appeal rights and remedies, and the hearing procedures shall all be accomplished in the same manner that other ad valorem tax assessments and appeals are accomplished.

(3) The tax collector or tax commissioner shall prepare and mail, on a quarterly basis, tax bills for ad valorem taxes due on sales and harvests other than lump sum sales and owner harvests. Except as otherwise provided in these Regulations, such taxes shall be payable by the landowner within 30 days after receipt of the tax bill. For the purpose of this Regulation, receipt of the tax bill shall be presumed to have occurred within one day after the date of mailing for taxpayers who are residents of the county and within three days after the date of mailing for taxpayers who are not residents of the county.

Ga. L. 1937-38, Ex. Sess. p. 77 (Ga. Code Sec. 48-2-12); Ga. L. 1991, p. 1903 (Ga. Code Sec. 48-5-7.4).

HISTORY. Original Rule entitled "Procedures for Timber Taxation" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992. REPEALED: New Rule, same title, adopted. F. Jan. 29, 1996; eff. Feb. 18, 1996.

560-11-5-.05 Average Standing Timber Price Schedule.

(1) Within 60 days after the end of each calendar year, the Commissioner shall provide the board of tax assessors of each county with a table of the weighted average prices paid for the various timber product classes in each county or region of the State. In preparing this table of standing timber values, the Commissioner, so far as is reasonable and applicable, shall consider reports received by the Department of prices paid, as well as information prepared by and recommendations received from the Georgia Forestry Commission. The Commissioner may also consider commercially available sources of average sales prices. The most recent table of standing timber values furnished by the Commissioner shall be used by the board of tax assessors to determine the fair market value of harvested timber subject to taxation for taxable events other than taxable lump sum sales or taxable unit price sales. Taxpayer appeals of such determinations by the board of tax assessors shall be made and decided in the same manner as other ad valorem tax assessment appeals are made and decided pursuant to O.C.G.A. Section 48-5-311.

(2) In addition to the filing with appropriate county authorities of reports of standing timber

harvests and sales, purchasers shall, within 45 days after the end of the quarter, file with the Commissioner composite quarterly reports, using form PT-283TQ, of all purchases by county of standing timber by lump sum sales and unit price sales reflecting total volumes and total prices paid for the various timber product classes purchased during the preceding calendar quarter. Such quarterly reports shall not be subject to the penalty provisions of O.C.G.A. Section 48-5-7.5. Such quarterly reports shall be subject to the confidentiality provisions of O.C.G.A. Section 48-2-15.

Ga. L. 1937-38, Ex. Sess. p. 77 (Ga. Code Sec. 48-2-12); Ga. L. 1991, p. 1903 (Ga. Code Sec. 48-5-7.4).

HISTORY. Original Rule entitled "Average Standing Timber Price Schedule" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992. REPEALED: New Rule, same title, adopted. F. Jan. 29, 1996; eff. Feb. 18, 1996.

560-11-5-.06 County Digest Timber Supplement.

Where the total property tax digest for any county for tax years 1992 through 1995 is so affected by the new method of ad valorem taxation of standing timber that a supplement to the digest is authorized by O.C.G.A. Section 48-5-7.5, the supplemental assessment shall be assessed and taxes shall be levied against the land underlying the standing timber so removed from the digest. The supplemental assessment shall be assessed against each such property in a pro rata manner based upon the value of standing timber on each such property that was removed from the digest.

Ga. L. 1937-38, Ex. Sess. p. 77 (Ga. Code Sec. 48-2-12); Ga. L. 1991, p. 1903 (Ga. Code Sec. 48-5-7.4).HISTORY. Original Rule entitled "County Digest Timber Supplement" adopted. F. Jan. 21, 1992; eff. Feb. 10, 1992.

Table of Owner Harvest Timber Values

The tables of Owner Harvest Timber Values as defined in Code section 48-5-7.5 are created by the Revenue Commissioner after consultation with the Georgia Forestry Commission. The tables containing weighted average price paid for the various timber categories are to be prepared within 60 days of the end of each calendar year.

The tables of Owner Harvest Timber Values can be printed and/or downloaded from the following site:

https://dor.georgia.gov/local-government-services/digest-compliance/owner-harvest-timber-values

The tables are available on the Department of Revenue's website from current year through 48 months prior current years and contain timber values for all counties. When working with the APM Regulations presented above, the appraiser should take caution and use the timber values from the proper year.

Rural Land Location and Size Adjustments

560-11-10-.09(3)(b)2(iii):

(iii) Location and size adjustments. The appraisal staff should plot sales on an index map of the county where trends in sales prices based on size and location may be analyzed. From this analysis, the appraisal staff should develop adjustments for each homogeneous market area, which are based on a tract's location within the county. Within each identified homogeneous market area, sales should also be analyzed to develop adjustment factors for ranges of tract sizes where the market reflects a relationship between the value per acre and the number of acres in a tract. Such factors should be calculated to the fourth decimal place and should extend from the small acreage break point to the tract acreage point where size no longer appears to have a significant impact on the price paid per acre. The appraiser should select an acreage point between these two points that represents a typical agricultural use tract size and assign it an index factor value of 1.0000. Such adjustments should be supported by clearly identifiable changes in selling prices per acre. Finally, large acreage tracts that have sold within the most recent 24 months, unless no such sale has occurred in which case the look back period should be 48 months, should be appraised using the schedule of adjustment factors and a sales ratio study performed to test for uniformity and conformity of the schedule to Rule 560-11-2-.56, and if the schedule thus conforms, the adjustments shall then be applied to all other large acreage tracts that are within the scope of the schedule being tested.

Rural Land Adjustments for Absorption

560-11-10-.09(3)(b)2(iv):

(iii) Adjustments for absorption. When insufficient large tract sales are available to create a reliable schedule of factors, the appraisal staff may use comparable sales to develop values for the size tracts for which comparables exist, and then adjust these values for larger tracts by (1) estimating a rate of absorption for the smaller tracts for which data exists, (2) dividing the large tract into smaller, marketable sections, (3) developing a sales schedule with estimated income by year reflecting the absorption rate and the value characteristics of each of the smaller tracts, (4) discounting the income schedule to the present using an appropriate discount rate, and (5) summing the resulting values to arrive at an estimated value for the property.

Georgia Department of Revenue

REQUEST FOR PROPOSAL

REAPPRAISAL OF RURAL LAND ANYCOUNTY COUNTY, GEORGIA

PROPOSALS DUE BY TIME. MONTH DAY, YEAR

Anycounty County, Georgia Request for Proposal Reappraisal of Rural Land

The Anycounty County Board of Assessors is currently soliciting bids for the purpose of the reappraisal of all rural land (small and large tracts) within the county.

The Any County Board of Assessors is charged by law with the responsibility of ensuring that property owners be assessed at fair market value as prescribed by Georgia Code; the Board must diligently search out and assess all taxable property in the county. One aspect of carrying out this responsibility is contracting with an outside firm to perform necessary functions to ensure that all property is fairly assessed. The contractor shall be familiar with and have a working knowledge of all Georgia Laws and Department of Revenue Rules and Regulations dealing with ad valorem taxation of real property.

All proposals submitted become the property of the County and will not be returned. The County is not responsible for any costs incurred by the vendor's in their preparation of proposals or presentations given. All expenses incurred by the vendor's pursuit of this award shall be borne by the vendor.

All bids should be based on the following specifications:

- All sales information will be provided to the company by the county in Map and Parcel order. The county shall be responsible for qualifying the sales.
- Neighborhood/location adjustment schedules shall be developed where market conditions deem such to be needed.

- The contractor shall make a land study of all land classes using appropriate units of value.

  - All studies performed: land study, small acre break analysis, benchmark rural land value per acre analysis, etc., shall be documented and presented to the county and will become property of the county upon completion and/or implementation.

- All land in rural tracts will be reviewed, classified, and valued according to productivity, topography, and etc. Woodlands and agricultural land will be broken down to nine classifications. Woodlands will be separated from open land and pastureland; all farm ponds will be identified, classed, and valued. The company shall show where all timber and improvement values have been appropriately removed from all sales in developing the small and large land tract schedules.

- The acreage level at which the valuation of small tracts end and large tracts begin will be determined by the company and the county board of assessors.

- Large and Small tract parcels in rural areas will be classified by accessibility and desirability characteristics. The company shall provide narrative descriptions defining all accessibility and desirability codes. Accessibility codes will be numeric; desirability will be indicated by use of alpha codes.

- The values of small tracts and large tracts surrounding the acreage level where the small tract schedule ends and the large tract schedule begins, should blend to show uniformity without a large increase/decrease of value within the same accessibility/desirability assignment.

- The small tract and large tract accessibility/desirability schedule will resemble a grid with the factor for each accessibility/desirability combination at each acre level. The accessibility codes will form the columns of the schedule with the desirability codes forming the sub-columns. The acreage intervals form the grid rows. All desirability codes must be reviewed in the field for accuracy.

- Factors that will be applied to base land values for small tracts and large tracts should be calculated to the fourth decimal place, and should extend from the smallest acreage level in the accessibility/desirability table to an acreage level representing the county's largest tract acreage. The table shall contain acre increments of 1.00 acre level to the small acre break. In addition, factors shall also be established at acre level increments below 1.00 acre at tenth acre increments. Table acre increments after the small acre break shall be determined by the vendor with approval by the Board of Assessors.

- All land schedules should comply with procedures defined in the Appraisal Procedures Manual as found in the Georgia Department of Revenue Regulation 560-11-10-.09.

- The company will record all data and information pertaining to the appraisal of the property on field cards furnished by the county. The field cards will be formatted for data entry purposes within WinGAP. The county appraisal staff will be responsible for entering the data.

- All schedules and values therein shall be the responsibility of the company. All schedules and units values shall be developed using current FMV sales of property in Anycounty County. In the case of large tracts of

rural land, sales within a two year time period shall be used unless an inadequate number of sales are available. In which case, the time period for sales shall extend to a 4-year period. If inadequate sales are still not available, sales from surrounding counties shall be used. All schedules and unit values for each class of property shall be supported by ratio studies. The level of assessment indicated in each study shall not be less than 38.50% or greater than 41.00% for all property. The coefficient of dispersion in each study shall not exceed 13% for small tracts and 17% for large tracts. The price related differential shall be in a range of .98 to 1.07 for all property classes. Any study that does not meet all of the above listed criteria shall result in the schedule being rejected by the Board of Assessors.

- The company shall provide a minimum of twenty (20) hours per county appraiser of training in the appraisal techniques and procedures utilized by the company, thus allowing the county personnel to maintain future values once this program is in place. All designated staff members shall be trained in data gathering and verification.

- The company shall review and edit all data, information, and values prior to mailing of assessment notices. Said review will be conducted to verify equity between the fair market value of each parcel.

- The company shall have on staff an appraiser registered by the Georgia Real Estate Appraisers Board. In addition, the company shall provide competent representatives that are registered with the Georgia Real Estate Appraisers Board to assist the Board of Assessors at hearings with taxpayers when the assessed value is based on the reappraisal. The company shall defend said appraised values established during the reappraisal. The company shall provide the county documentation necessary to inform and advise the taxpayer of the rational for any assessment. This information must be in a format that is in compliance with the Georgia Taxpayers Bill of Rights. If any assessments are appealed to the Board of Equalization, the company shall also appear at the request of the Board of Assessors. The company shall furnish personnel for hearings for forty five (45) days. The company will specify per day charges for additional time required for hearings, it shall be stated whether the per diem includes expenses. A maximum expense limit shall also be provided.

- The company shall establish with county personnel a time and process schedule for each phase of the project.

- The company shall assist the county in planning dates and times for notices, hearings, reviews, etc.

- During the process of the work, the company shall endeavor to promote understanding and amicable relations with taxpayers and the public. For key positions, to include field personnel, the company will provide experienced employees at least 21 years of age, of good character, neat appearance, registered with the Georgia Real Estate Appraisers Board, and an adequate number of employees to perform the work in an accurate and timely manner. The company shall furnish the county with a resume specifying all employees' qualifications, experience, criminal background checks and prior work locations for county's approval before work shall begin.

- The company shall assist the proper county officials in the preparation of newspaper articles and other appropriate publicity, and all such newspaper articles, other public statements, and releases shall be approved, prior to release, by the Board of Assessors and the County Commissioners. The company shall, upon request, provide suitable speakers to acquaint groups and gatherings with the methods and merits of

the project.

- Work shall be completed on or before the first (1) day of Month Year.

- Bids must be received no later than ***Time on Day, Month Date, Year.*** Any bid received after Time on that date will not be accepted or considered. Any questions concerning the above specifications should be directed to Anycounty County, Chief Appraiser, by telephone at (XXX) (XXX-XXXX). Only written communications from the county or the company will be considered authorized changes. E- mail is not considered written communication.

- The Anycounty County Board of Assessors reserve the right to waive irregularities in any bid, to reject any and all bids with or without cause and/or to accept the bid that in their judgment will be for the best interest of Anycounty County. The county also reserves the right to request additional information or clarification from the vendor. At the discretion of the county, firms submitting proposals may be requested to make one or more oral presentations as part of the selection process at the expense of the company.

- The company shall furnish a list of references to include the following information:

  - Company Name
  - Principle Owner(s)
  - Business Address
  - List of completed county contracts during the last five (5) years with clients' address, telephone number, and contact person. At the Board of Assessors discretion, the company must have completed at least three similar contracts with references from each.
  - List of county contracts in progress with clients address, telephone number, and contact person
  - Resumes of ALL personnel to be assigned to this project.
  - Statement listing any and all differences between your proposal and the work specified in the RFP
  - A detailed project schedule showing all events and milestones
  - Sample contract agreement for the proposed work.

- No alternative bids will be accepted.

- All bids will be sealed and the envelopes shall be marked clearly on the outside:

  Sealed Bid Reappraisal of Rural Land Anycounty County, Georgia

- The county will not be responsible for the premature opening of a proposal, which is not properly addressed, marked, and sealed. Proposals received prior to the time of opening will be secured unopened. Proposals received after the scheduled receipt time will not be accepted and will be marked "RECEIVED AFTER SUBMISSION DATE" and returned unopened to the vendor. The proposal should be submitted and delivered to the ***Anycounty County Board of Assessors, ??? Unknown Street, Anytown, GA 00000*** or if mailed addressed to:

  Anycounty County Board of Assessors

P.O. Box ????
Anytown, Georgia 00000

- The company shall furnish monthly invoices, itemizing the percentage of progress in each phase of the work, and reflecting the cost of work performed in the preceding month. The company shall receive payments in monthly installments based on the amount of work performed, beginning with the first day of the following calendar month in which work under the contract begins, provided however the county shall withhold 15% of each monthly installment pending satisfactory completion by the company of all its work and obligations under the contract. Payments may be withheld at any payment date provided the progress and quality of work is unsatisfactory in the opinion of the Board of Assessors. The 15% retainer fee will be paid in full after all terms and specifications of the contract have been completed.

- If the company shall neglect, fail, or refuse to complete the work within the time specified, the company shall pay the county the amount of $200.00, not as penalty but as liquidated damages for such breach of contract, for each and every day the company shall be in default after the time stipulated in the contract for completing the work.

- Proposals must be typed. All corrections made by the vendor prior to opening must be initialed and dated by the vendor. No changes or corrections will be allowed after proposals are opened.

- All respondents should furnish the county with two (2) complete copies of the proposal. Each copy must contain a manual signature of an authorized representative of the proposing firm.

- Time is of the essence. The successful vendor will have thirty (30) days from the Date of Award to negotiate a contract with the county.

- All bidders/contractors must furnish proof of liability insurance and worker's compensation. The company shall assume all liability and risks for all damages and injuries to persons or property which shall or may arise or accrue out of the conduct of any activity relating to the performance of the Agreement by the company, its officials, employees, agents, or servants and shall indemnify and save harmless the county from any and all liability, actions causes of actions, suits, damages, attorney's fees, and costs which may arise or accrue due to the conduct of any activity relating to the performance of the Agreement by the company, its officers, employees, agents, or servants.

- The vendor must certify that there are no circumstances, which will cause a conflict of interest in performing the services required.

- Work shall begin within thirty (30) days of notification of acceptance, and be completed no later than Month Day, Year.

- Any penalties imposed by the Georgia Department of Revenue for failure to correct digest defects will be the responsibility of the contractor/company.

- Submission of a proposal indicates acceptance by the company of the terms, conditions, and requirements

described in the RFP unless clearly and specifically noted in the submittal.

See attached consolidation sheet for parcel and improvement information.

Urban Land Valuation Land Valuation Methods

The comparative sales approach is the most reliable method of land valuation. It involves comparisons and assumes that market evidence is available. Unfortunately, good, reliable sales data are not always available for use. For this reason, the assessor must resort to other methods of valuation. The five generally accepted methods are:

1. Market, or Direct (comparable) Sales comparison
2. Cost of Development, or Anticipated Use
3. Abstraction-Allocation, (Ratio of improvement value to site value or Distribution method)
4. Land Residual Capitalization (Income)
5. Capitalization of ground rent (Income)

Elements of Comparison

Appraisers use elements of comparison when considering the comparability of like properties, they are:

1. Trends and factors

The classification of land is basic to the study and analysis of trends and factors. At least a tentative decision on classification and highest and best use should be made at this point. The land may be classified as residential, commercial, industrial, land in transition, undeveloped, farm or ranch, or special purpose. The nature of the physical, economic, governmental, and social factors will assist in developing regional, city, neighborhood, and site data and in selecting the appropriate valuation method.

2. Time or date of sale

The process of comparing the date of the appraisal with the date of sale of the comparable recognizes that market conditions do change from time to time. This process determines if the comparable sale took place under the same or similar market conditions prevailing on the date of the appraisal. Sometimes market conditions remain relatively stable for a year or more, at other times they may change within a three to six month period, or even less. The interaction of demand and supply affects prices; if one or the other or both change, prices adjust accordingly. In either a seller's market or a buyer's market, price changes occur. This

is the type of phenomenon that the appraiser must investigate, identify and compensate for in this step of the comparative procedure.

3. Physical characteristics

In this comparison process only major physical similarities and differences are identified and considered. A physical inspection of each comparable is desirable. The appraiser must be reasonably well informed about the basic soil conditions and physical characteristics of the comparable sites being used so that justifiable adjustments can be made between them and the property being appraised.

4. Location

The fourth element of comparison to be considered is that of location. Much emphasis has already been made of the importance of neighborhood influence on marketability of sites.

5. Conditions of sale

This element of comparison is probably the most difficult to extract from the market and for which to make adjustment. It refers to the circumstances under which both buyer and seller make their decisions to purchase and sell a specific site. By the definition, market value requires willing, informed and able purchaser and a willing and informed seller. Quite often, however, and probably more frequently than is generally realized, there are more than normal compulsions to buy or sell. An obvious situation of unusual pressure is a condition of bankruptcy.

560-11-10-.09 (2)(d)(iv) Land and location characteristics.

The appraisal staff shall maintain a record of the land and location characteristics. The record should include, but not be limited to, location, frontage, width, depth, shape, size, topography, landscaping, slope, view, drainage, hydrology, off-site improvements, soil condition, soil productivity, zoning, absorption, nuisances, use, covenants, neighborhood, corner influence, proximity to recreational water, and quality of access.

Units of Comparison

It is often necessary to analyze differences in size and shape of comparable sales properties in order to apply uniform methods of valuation and to compare directly sites of varying size and shape. Five basic units of comparison are used to value sites:

1. Front Foot

Use of the front foot as a unit of comparison is based upon the premise that frontage significantly contributes to value. A *front foot* is a strip of land 1-foot wide, fronting on a street, railroad siding, or body of water, and continuing to the rear of the parcel. This distance is frequently measured in terms of a standard depth.

2. Square Foot

The unit of comparison is used for irregularly shaped parcels and where frontage is not a dominant factor in the valuation process. It is used for sites that sell for an average price per square foot of land area. This method can be used to value residential, commercial, and small industrial sites.

3. Acre

   Acres may be calculated by dividing square footage by 43,560 and are used in the valuation of large industrial sites, shopping centers and rural and farm properties. There may be a breakdown between acres that front on a public thoroughfare and rear acres. In many circumstances front acres are more valuable.

4. Site (base lot)

   The base lot method establishes the value of the standard, or "base", parcel value in the area using a sales comparison analysis, with the base lot serving as the subject parcel. The base lot may be an actual lot or a hypothetical standard lot. Once the base lot value is established, it is used as a benchmark to establish value for individual parcels.

5. Units Buildable

   This unit of comparison is used when the market indicates that a site is sold on a unit basis, such as an apartment property where the unit of comparison is selling price per buildable apartment or a parking garage site where the unit of comparison is selling price/car. The units buildable may be either a theoretical or an actual number of units. The probably number of units to be built may be different from the theoretical number permitted by zoning ordinances. Consideration should be given to market demand, setback limitations, topography, height limitations, and other limiting factors.

Urban Land Absorption Rates

560-11-10-.09(3)(c)3(ii): Absorption rates.

When appraising a new subdivision, the appraisal staff shall use discounted cash-flow analysis in conjunction with the cost-of-development method to appraise the unsold parcels when it is anticipated that the parcels will require several more years of exposure to the market to sell. The appraisal staff may consider typical holding periods, marketing, and management practices when estimating anticipated revenues and allowable expenses.

Common Area Valuation

560-11-10-.09(4)(d)1: Valuation of common areas.

1. Valuation of common areas. The appraisal staff shall take into account the extent that the fair market value of individually owned units in a residential subdivision, planned commercial development, or condominium also represents the fair market value of any ownership interest in any common area that is conveyed with the individually owned units. When the appraisal staff determines that the fair market value of the common area is included in the fair market value of the individually owned units, the appraisal staff may recommend a nominal assessment of the common area parcel. When the appraisal staff makes such a determination, the fair market value of residual interests not conveyed to the owners of the individually owned units shall be appraised and an assessment recommended to the board of tax assessors.

Sample County Common Area Policy

COMMON AREA

Definitions:

- Common areas consist of improved or unimproved real property intended for the use of owners and residents of a residential subdivision or development and include common beautification areas. Areas that do not qualify as common areas shall be valued using standard appraisal techniques.
- The areas not owned by an individual owner of the condominium or cooperative residence, but shared by all owners, either by percentage interest or owned by the management organization.
- Common areas may include recreation facilities, outdoor space, parking, landscaping, fences, laundry rooms and all other jointly used space. Golf courses or income producing facilities are not considered common areas.
- Management is by a homeowners' association, which collects dues from the owners and pays for upkeep, some insurance, maintenance and reserves for replacements of improvements in the common area.
- This can also refer to the internal area in a shopping center or mall shared by the individual stores, for which each business pays a share of maintenance based on percentage of total store space occupied.

Common Area Requirements:

Property must meet all of the following requirements to be considered a common area:

- Must be owned by a nonprofit homeowners' association or community association.
- The association must be organized and operated to provide for the maintenance and management of the common area property.
- All residential property owners must have the right to be members of the association, or must pay mandatory assessments or dues to maintain and manage the common areas.
- All members of the association must have a right to use and enjoy the common areas. This right must be appurtenant to and pass with title to each lot and parcel. The association or corporation may charge fees for particular uses of individual common areas.
- The common areas must be deeded to the homeowners' association.
- The internal area in a shopping center or mall shared by the individual stores, for which each business pays a share of maintenance based on percentage of total store space occupied. Parking lots or parking facilities are not considered common areas.

Valuation of Common Areas:

- The appraisal staff may take into account the extent that the fair market value of individually owned units in a residential subdivision, planned commercial development, or condominium also represents the fair market value of any ownership interest in any common area that is conveyed with the individually owned units.
- Value Added - When the appraisal staff determines that the fair market value of the common area is included in the fair market value of the individually owned units, the appraiser may recommend a nominal assessment of the common area parcel. The nominal assessment shall be $10.
- Restricted - When the appraisal staff makes such a determination, the fair market value of residual interest not conveyed to the owners of the individually owned units shall be appraised and an assessment recommended by the Board of Assessors.
- Unrestricted- When the real property is owned by an individual the property shall be appraised at full fair market value.

Improvement Valuation

560-11-10-.09 (4) Improvement valuation.

(4) Improvement valuation. Except as provided in subparagraph (a) of this subparagraph, the appraisal staff will use the following three approaches when appraising real property: the direct sales comparison approach, the cost approach, and the income approach. In determining the reliability and representativeness of each approach or combination of approaches, the appraisal staff shall consider those factors most likely to influence buyers and sellers when those buyers and sellers are determining exchange prices in the market place, and the sufficiency of available sales, cost, income and expense information to reliably quantify those factors. However, irrespective of the valuation approach used, the final results of any appraisal of real property by the appraisal staff shall in all instances comply with the definition of fair market value in Code section 48-5-2.

(a) Cost approach. The appraisal staff shall use the following three steps when applying the cost approach: Estimate the cost new of the improvements, subtract accrued depreciation, and add the value of the land.

1. Estimating cost new. In estimating the cost new of any buildings, structures, or other improvements to land, the appraisal staff shall consider the following:

(i) Types of costs. The appraisal staff shall include both direct and indirect costs that would be incurred to build and market the property, including normal overhead and profit. The approach would normally produce the replacement cost. The appraisal staff may consider the reproduction cost, and adjust for depreciation accordingly, when appraising an unusual or special-purpose property.

Grading

EXCELLENT - "A" - 160%: Dwellings that generally have an outstanding architectural style and design and that are constructed with the finest quality materials and workmanship throughout. Superior quality interior finish with extensive built-in features. Deluxe heating system and high-grade lighting and plumbing fixtures. Dwellings designed by architects generally fall within this grade classification. Mansion type Dwellings fall within the upper limits of the grade ranging from AA to AAA.

GOOD - "B" - 120%: Architecturally attractive dwellings constructed with good quality materials and workmanship throughout. High quality interior finish with abundant built-in features. Custom heating system and very good lighting and plumbing fixtures.

AVERAGE - "C" - 100%: Moderately attractive dwellings constructed with average quality materials and workmanship throughout and conforming with the base specifications used to develop the pricing schedule. Minimal to moderate architectural treatment. Average quality interior finish with adequate built- in features. Typical modern day subdivision dwellings that offer a limited number of pre-designed models and feature options offered by the developer, as well as multi-family residential complexes, generally fall within this grade classification.

Fair - "D"- 80%: Dwellings constructed with economy quality materials and fair workmanship throughout. Void of Architectural treatment. Cheap quality interior finish with minimal built-in features. Standard grade mechanical features and fixtures. Typical low-cost tract-type housing characterized by homogenous styling and design that meets minimal building codes generally falls within this grade classification.

POOR - "E" - 40%: Dwellings constructed with very cheap grade materials, (usually "culls" and "seconds") and very poor quality workmanship resulting from unskilled, inexperienced, "do-it-yourself" labor. Low- grade mechanical features and fixtures. The prices that are reflected in the costing schedules should reflect the "C" or 100% Grade standards of quality and design.

Georgia Department of Revenue

Quality Grade Factor Chart

Alpha	Numeric	Descriptive
A+10AAA	360 or 3.60	EXCELLENT(MANSIONS)
A+9(AA)	340 or 3.40	EXCELLENT(MANSIONS)
A+8 (AA)	320 or 3.20	EXCELLENT(MANSIONS)
A+7 (AA)	300 or 3.00	EXCELLENT(MANSIONS)
A+6 (AA)	280 or 2.80	EXCELLENT(MANSIONS)
A+5 (AA)	260 or 2.60	EXCELLENT(MANSIONS)
A+4 (AA)	240 or 2.40	EXCELLENT(MANSIONS)
A+3	220 or 2.20	EXCELLENT(MANSIONS)
A+2	200 or 2.00	EXCELLENT
A+1	185 or 1.85	EXCELLENT
A	160 or 1.60	EXCELLENT
A-1	145 or 1.45	VERY GOOD
A-2	135 or 1.35	VERY GOOD
B+2	130 or 1.30	GOOD
B+1	125 or 1.25	GOOD
B	120 or 1.20	GOOD
B-1	115 or 1.15	GOOD
B-2	110 or 1.10	LOW GOOD
C+2	110 or 1.10	HIGH AVERAGE
C+1	105 or 1.05	AVERAGE
C	100 or 1.00	AVERAGE
C-1	90 or .90	AVERAGE
C-2	85 or .85	LOW AVERAGE
D+2	85 or .85	HIGH FAIR
D+1	80 or .80	FAIR
D	75 or .75	FAIR
D-1	70 or .70	FAIR
D-2	60 or .60	FAIR
E+2	55 or .55	POOR
E+1	50 or .50	POOR
E	40 or .40	POOR

Depreciation

560-11-10-.09 (4.) 2. Estimating Depreciation

2. Estimating depreciation. The appraisal staff shall estimate the depreciation by determining the difference between replacement or reproduction cost new and the current market value of an improvement. This determination shall require an analysis by the appraiser of physical deterioration, functional obsolescence and economic obsolescence present, keeping in mind that physical deterioration and functional obsolescence may include curable and incurable components. The appraiser may estimate depreciation as a total amount or as a percentage of replacement or reproduction cost new. Improvements with special circumstances may be treated on an exception basis. The appraisal staff shall use the effective age of improvements, when different from the actual age, when estimating depreciation. The methods the appraisal staff may use to estimate depreciation include, but are not limited to, the following four methods:

(i) Sales comparison method. To apply the sales comparison method, the appraisal staff develops estimates of total depreciation from market-derived schedules. To develop such schedules, the appraiser stratifies the sales information by type of construction and other relevant features. The appraiser then computes building residuals by deducting estimated land values from the sales prices and expressing the building residuals as a percentage of replacement cost new. The resulting "percent good" factors are then plotted against the effective ages of the properties to develop the depreciation tables. This method may be used when current representative and adequate sales information is readily available.

(ii) Age/Life method. To apply the age/life method, the appraisal staff develops estimates of physical deterioration and normal functional obsolescence using a simple sliding scale or straight-line calculation and then applies any necessary adjustments for additional functional or economic obsolescence. This method may be used when current representative and adequate sales information is not readily available.

(I) Capitalization of income method. To apply the capitalization of income method, the appraisal staff uses income-based appraisals in place of sales and applies these appraisals to the sales comparison method to develop estimates of total depreciation.

(II) Observed condition method. To apply the observed condition method, the appraisal staff breaks down depreciation into all its various component parts. This method requires detailed analysis of all forms of depreciation and is generally reserved for "model building," special use properties, or when raised by a property owner during the course of an appeal.

Formally, depreciation is defined as:

A loss of utility and hence value from any cause. An effect caused by deterioration and/or obsolescence. Deterioration is evidenced by wear and tear, decay, dry rot, cracks, encrustation, or structural defects. Obsolescence is divisible into two parts, functional and economic. Functional obsolescence is due to a design deficiency, such as mechanical inadequacy or superadequacy, functional inadequacy or superadequacy due to size, style, or age. It is evidenced by conditions within the property. Economic obsolescence is caused by

changes external to the property.

Physical Deterioration - Curable.

These are all the items of maintenance that a prudent owner would accomplish on the date of appraisal to maximize the profit (or minimize the loss) if the property were sold. Almost any item of physical deterioration can be corrected at a price. However, to be classified as curable, the cure normally must contribute more value than it costs. Items of normal maintenance usually fall into this category, including paint touch-ups and minor carpentry, plumbing and electric repairs (leaking faucets, squeaking or tight doors and windows.)

Physical Deterioration - Incurable.

As soon as a house is constructed, it begins to age and suffer from wear and tear. Physical deterioration-incurable is based on the physical life of the components of the house. The total physical life of the house would equal its total economic life if no other forms of depreciation were present. One of the practical problems in estimating the percentage of physical deterioration-incurable is estimating the physical life of the components. There is a tendency to assign too much depreciation to physical deterioration-incurable by using estimates of 50 to 100 years for items such as footings, foundation, framing, wall and ceiling covering.

To measure physical deterioration--incurable, items are divided into two categories: long-lived and short-lived. Long-lived items, such as footings, foundations, frame, walls, floor structure, piping, heat ducts, insulation, electrical wiring, and roof structure can be depreciated as a group by making an estimate of their effective age and remaining physical life based on their condition.

Functional Obsolescence - Curable.

Most functional obsolescence-curable in residential properties is caused by some kind of design deficiency. In other types of properties some super-adequacies would also be considered curable but they are rare in residential properties. Typical items that fall into this category are kitchens that need new counters, cabinets, fixtures and floor coverings; inadequate electrical service and hot water systems; and need of an additional bath or bedroom where adequate space exists. Again, the test is whether the value added by correcting the obsolescence is greater than the cost to cure as indicated in the market.

Functional Obsolescence - Incurable.

These items can be divided into two categories: loss in value caused by a design deficiency or by an excess or superadequacy. Deficiencies are caused by exterior or interior design that does not meet current market expectations.

Economic Obsolescence.

Also called locational or environmental obsolescence by some appraisers, it is the loss of value caused by factors outside the property boundaries. It is unique to real estate, caused by its fixed location. The value of a house is directly affected by the neighborhood, community and region in which it is located. In analyzing the location and environment of the property, the appraiser must consider governmental actions, economic forces, employment, transportation, recreation, educational services, taxes, and development trends.

560-11-10-.09(4)(d)2 Construction in Progress

2. Construction in progress. Construction in progress shall be appraised in the same manner as other similar real property taking into account that there may be little or no physical deterioration on such property and that the fair market value may be diminished due to the incomplete state of construction. The appraisal staff should attempt to value construction in progress by forecasting the future cash flow a project would generate and discounting at a rate that reflects the risk and uncertainty of that cash flow. If the construction in progress is being financed by a lending institution that has established an account from which funds may be drawn by the builder as construction progresses, the appraisal staff may consider the percentage of such funds expended as of January 1 as a possible indication of percentage completion of construction in progress. In the absence of sufficient information to perform such an analysis, the appraisal staff should estimate the percentage of completion of all construction in progress as of January 1 of the tax year using the best information available. The appraisal staff should then estimate the fair market value of the improvement upon completion. The appraisal staff should then estimate the fair market value as of January 1 as being the estimated fair market value upon completion multiplied by the percentage of completion on January 1. If comparable sales information of real property under construction is generally not available and there is no other specific evidence to measure the probable loss of value if the property is sold in an incomplete state of construction, the appraisal staff may multiply the identified total cost of construction by a uniform market risk factor of .75.

Sample County Construction in Progress Policy

- ***Construction in Progress on January 1st, Market Risk Factor***

If during field inspections of new improvements or additions to existing improvements the Field Appraiser(s) determine that the new construction or addition is still in process as of January 1st, the Field Appraiser shall determine that actual percentage that has been constructed based on the following schedule. See list attached

A uniform market risk factor of 75% shall be given after the actual percentage complete is determined, as documented by the Appraisal Procedure Manual.

CONSTRUCTION PERCENT SCALE	
Excavation	3
Footings	2
Foundation	5
Sub Floor & Framing	5
Wall Framing	8
Roof Framing	5
Roof Sheathing	1
Roofing	4
Windows	2
Ext Wall Sheathing	2
Heating	4
Rough Plumbing	4
Wiring	3
Exterior Wall	15
Interior Wall	10
Floor	3
Plumbing Fixtures	4
Electric Fixtures	2
Interior Trim	6
Interior Painting	3
Floor Finishing	4
Concrete Work	1
Gutters	1
Exterior Painting	3

IAAO (International Association of Assessing Officers) CIP Guide

Item	Percent of total	Cumulative percent	Cumulative percent complete
Excavation	2	2	
Forms set	2	4	
Foundation and/or blocks	8	12	
Basement floor	2.5	14.5	
Joists set	2	16.5	
Subfloor	2	18.5	
Framed	7	25.5	
Sheathed	5	30.5	
Roof shingled	4	34.5	
Windows set	4	38.5	
Siding on	5	43.5	
Heating installed	6	49.5	
Plumbing roughed in	6	55.5	
Wiring roughed in	3	58.5	
Insulated	2.5	61	
Walls roughed in	2	63	
Walls finished	5	68	
Interior trim & cabinets	6	74	
Door hung	2	76	
Wiring finished	3	79	
Plumbing fixtures in	3	82	
Floors finished	5	87	
Finished hardware	1	88	
Interior decorating	4	92	
Outside painting	3	95	
Water and sewer connected	2	97	
Exterior concrete work	3	100	
Total percent complete			

Exempt Property Review 48-5-263(b)(4):

(4) Prepare annual appraisals on all tax-exempt property in the county and submit the appraisals to the county board of tax assessors;

48-5-342. Commissioner to examine digests

(a) The commissioner shall carefully examine the tax digests of the counties filed in his office. Each digest for a county in a digest review year shall be examined for the purpose of determining if the valuations of property for taxation purposes are reasonably uniform and equalized between counties and within counties.

(b) For any digest in any digest review year where the digest for the preceding digest review year was conditionally approved by the commissioner, the commissioner shall also carefully examine the digest to determine if it satisfactorily corrects the deficiencies that resulted in the digest for the preceding digest review year being conditionally approved.

(c) For each year, including each year that is not a digest review year for the county, the commissioner shall utilize the overall assessment ratio for the county as provided by the state auditor.

(d) It shall be the further duty of the commissioner to examine the itemizations of exempt properties appearing on the digest and, if in the judgment of the commissioner any properties appearing on the digest are subject to taxation, to so advise the board of tax assessors of the counties concerned with an explanation of his reasons for believing the property is subject to taxation.

(e) (1) The commissioner may, upon his or her own initiative or upon complaint by a taxpayer, examine the itemizations of properties appearing on the digest, and if in the judgment of the commissioner any properties are illegally appearing on the digest and should not be subject to taxation under this chapter, the commissioner shall strike such items from the digest and return the digest to the county for removal of such items and resubmission to the commissioner. The commissioner shall provide by rule and regulation procedures by which the county board of tax assessors may appeal such finding to the commissioner. If appealed by the board of tax assessors, the commissioner shall, after reviewing such appeal, issue a final order and include a finding as to the taxability of the digest items in dispute and shall finalize the digest in accordance therewith.

(2) If a property has been found by the commissioner to not be subject to taxation under this chapter and again appears on the digest at any time within five years of the initial determination of nontaxability and is again determined to be nontaxable, the commissioner shall strike such item from the digest and return the digest to the county for removal of such item and resubmission to the commissioner. The commissioner shall notify the Department of Community Affairs in writing of his or her finding, and upon receipt of such notice, the qualified local government status of such county shall be revoked for a period of three years following the receipt of such notice by the

Department of Community Affairs unless reinstated earlier pursuant to this subsection. Upon such revocation, the governing authority of such county, without regard to any limitation of Code Section 48-5-295, shall be specifically authorized to remove immediately every member of the board of tax assessors and reappoint new members who shall serve for the unexpired terms of the removed members. The county governing authority shall provide written notification of such removal and new appointment to the commissioner. Upon certification of the corrected digest, the commissioner shall notify in writing the Department of Community Affairs, and upon receipt thereof, the Department of Community Affairs shall immediately reinstate the qualified local government status of such county.

(3) If a property has been found by the commissioner to not be subject to taxation under this chapter and if such nontaxable property has appeared on a county digest in any year within the preceding five-year period, then the taxpayer shall be entitled to file a petition directly with the Georgia Tax Tribunal for a refund of all such taxes illegally collected or taxes paid, interest equal to the bank prime loan rate as posted by the Board of Governors of the Federal Reserve System in statistical release H. 15 or any publication that may supersede it plus 3 percent calculated from the date of payment of such taxes, and attorney's fees in an amount of not less than 15 percent nor more than 40 percent of the total of the illegally charged taxes and accrued interest. Such petition shall name the board of tax assessors and the tax receiver or tax commissioner of the county as the respondent in their official capacities and shall be served upon such board and tax receiver or tax commissioner. Service shall be accomplished by certified mail or statutory overnight delivery. The petition shall include a summary statement of facts and law upon which the petitioner relies in seeking the requested relief. The respondents shall file a response to the petitioner's statement of facts and law which constitutes their answer with the tribunal no later than 30 days after the service of the petition. The respondents shall serve a copy of their response on the petitioner's representative or, if the petitioner is not represented, on the petitioner and shall file a certificate of service with such response. If in any case a response has not been filed within the time required by this paragraph, the case shall automatically become in default unless the time for filing the response has been extended by agreement of the parties, for a period not to exceed 30 days, or by the judge of the tribunal. The default may be opened as a matter of right by the filing of a response within 15 days of the day of the default and payment of costs. At any time before the final judgment, the judge of the tribunal, in his or her discretion, may allow the default to be opened for providential cause that prevented the filing of the response, for excusable neglect, or when the tribunal judge, from all the facts, determines that a proper case has been made for the default to be opened on terms to be fixed by the tribunal judge. The tribunal judge shall proceed to hear and decide the matter and may grant appropriate relief under the law and facts presented.

HISTORY: Code 1981, § 48-5-342, enacted by Ga. L. 1988, p. 1763, § 1; Ga. L. 1991, p. 728, § 2; Ga. L. 1992, p. 2494, § 2; Ga. L. 2000, p. 1683, § 3; Ga. L. 2016, p. 277, § 1/HB 364; Ga. L. 2017, p. 774, § 48/HB 323.

NOTES: THE 2016 AMENDMENT, effective July 1, 2016, added subsection (e).

THE 2017 AMENDMENT, effective May 9, 2017, part of an Act to revise, modernize, and correct the Code, revised punctuation in the second sentence of paragraph (e)(2).

Chapter 560-11-15 ILLEGAL DIGEST ENTRY REVIEW

560-11-15-.01 Definitions.

(1) "Commissioner" means the Commissioner of the Georgia Department of Revenue and shall include any person delegated authority by the Commissioner to administer the provisions of this Chapter and O.C.G.A. § 48-5-342.

(2) "Digest" means the total listing of taxable assessments on the annual tax roll of a given county that has been certified by the tax receiver or county tax commissioner to the Department of Revenue for the purpose of gaining authorization for billing and collecting ad valorem tax.

(3) "Illegal Digest Entry" means a real property parcel or other interest in real property that is identified by the Commissioner as appearing illegally on a certified digest because such property is not subject to taxation under Chapter 5 of Title 48. The term shall not apply to disputes concerning value or exemptions utilized to calculate taxable value.

(4) "Same Property" means a real property parcel or other interest in real property, utilizing substantially the same address or county provided description, which was previously determined to be an Illegal Digest Entry.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Definitions" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

560-11-15-.02 Commissioner's Determination of Property Illegally Appearing on a County Digest.

1) The Commissioner may, upon his or her own initiative, determine whether any property is illegally appearing on a Digest.

(2) The Commissioner may, upon a written complaint filed with the Department by a taxpayer, determine whether a property is illegally appearing on a Digest. Complaints as to valuation or exempt status of a particular parcel or other interest in real property shall not be considered under this Chapter.

(3) Upon making a determination of illegality, the Commissioner shall strike any Illegal Digest Entry from the Digest and return the Digest to the county tax commissioner and county board of tax assessors for removal of the Illegal Digest Entry and resubmission of the Digest to the Commissioner.

(4) A determination letter shall be issued by the Commissioner to the county board of tax assessors and a copy of such letter will be furnished to the taxpayer.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Commissioner's Determination of Property Illegally Appearing on a County Digest" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

560-11-15-.03 Appeal of Commissioner's Determination.

(1) The county board of tax assessors may appeal the Commissioner's decision to remove property from the Digest by filing an appeal pursuant to this Chapter.

(2) The appeal shall be in writing, signed by the chairman of the county board of tax assessors, and filed with the office of the Commissioner by the county board of tax assessors within 45 days of the date of mailing of the Commissioner's letter of determination.

(3) A copy of the appeal filed with the Commissioner shall be mailed to the taxpayer by the county board of tax assessors.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Appeal of Commissioner's Determination" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

560-11-15-.04 Nature of the Appeal; Hearing Procedure; Evidence.

(1) The county board of tax assessors shall have the right to an appeal hearing before the Commissioner and shall have the right to be represented by legal counsel and to present evidence.

(2) Documents or other written evidence to be presented at the appeal hearing must be provided to the Commissioner not less than seven (7) days prior to the time of the hearing. The weight and sufficiency of such evidence shall be determined within the sole discretion of the Commissioner.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Nature of the Appeal; Hearing Procedure; Evidence" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

560-11-15-.05 Ruling; Decision.

Upon decision pursuant to an appeal, the Commissioner shall issue a final decision to the county board of tax assessors as to whether the property in question is illegally appearing on the Digest and shall mail a copy to the taxpayer. The decision of the Commissioner shall order the removal or inclusion of the item on the Digest.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Ruling; Decision" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

560-11-15-.06 Recurring Illegal Digest Entries for Same Property; Revocation of Qualified Status; Reinstatement.

(1) If the Same Property is found by the Commissioner on a Digest within five (5) years of removal under this Chapter, the Commissioner will make a determination on whether the property is an Illegal Digest Entry.

(2) Where the Commissioner finds such property illegally appearing on the county Digest within five (5) years of removal under this Chapter, the Commissioner shall provide notice in writing to the county board of tax assessors of such finding of illegality. The county board of tax assessors may file an appeal pursuant to this Chapter to the Commissioner's notice no later than 45 days of the date of mailing by the Commissioner of such notice. A copy of such appeal filed with the Commissioner shall be mailed to the taxpayer.

(3) Where the finding of Illegal Digest Entry is upheld after hearing, or upon failure of the county board of tax assessors to file an appeal, the Commissioner will issue a final decision and serve such final decision on the Department of Community Affairs for appropriate action pursuant to O.C.G.A. § 48-5-342. The Commissioner shall return the Digest to the county for removal of the property and for Digest resubmission Upon resubmission of the corrected Digest by the county and approval by the Commissioner, the Department will notify the Department of Community Affairs of such corrective action pursuant to O.C.G.A. § 48-5-342.

(4) Where the finding of Illegality of Digest Entry is overturned after hearing, the Commissioner will promptly approve the Digest as originally submitted and will issue a final decision in accordance therewith.

AUTHORITY: O.C.G.A. § 48-5-342.

HISTORY: Original Rule entitled "Recurring Illegal Digest Entries for Same Property; Revocation of Qualified Status; Reinstatement" adopted. F. Nov. 18, 2016; eff. Dec. 8, 2016.

48-5-41. Property exempt from taxation.

(a) The following property shall be exempt from all ad valorem property taxes in this state: (1)(A) Except as

provided in this paragraph, all public property.

(B) No public real property which is owned by a political subdivision of this state and which is situated outside the territorial limits of the political subdivision shall be exempt from ad valorem taxation unless the property is:

(i) Developed by grading or other improvements to the extent of at least 25 percent of the total land area and facilities are located on the property which are actively used for a public or governmental purpose;
(ii)Three hundred acres or less in area;

(iii) Located inside a county embracing all or part of a municipality owning such property; or

(iv) That portion of any real property which has been designated as a watershed by the United States Soil and Water Conservation Service and used as a watershed by the political subdivision owning the property.

(C) Property which is owned by and used exclusively as the general state headquarters of a nonprofit corporation organized for the primary purpose of encouraging cooperation between parents and teachers to promote the education and welfare of children and youth, notwithstanding the fact that such nonprofit corporation may derive income from fees or dues paid by persons, organizations, or associations to affiliate with such nonprofit corporation, shall be considered to be an extension of the public schools of this state and such property shall be considered to be public property within the meaning of this paragraph.

(D) Property which is held by a Georgia nonprofit corporation whose income is exempt from federal income tax pursuant to Section 115 of the Internal Revenue Code of 1986 and held exclusively for the benefit of a county, municipality, or school district shall be considered to be public property within the meaning of this paragraph.

(E) Property which qualifies as a public-private transportation project pursuant to Code Section 32-2-80 which property is owned or leased by the state, a state agency, or another governmental entity and which is developed, operated, or held by a private partner shall be considered to be public property within the meaning of this paragraph.

(2) All places of burial;

(2.1)(A) All places of religious worship; and

(B) All property owned by and operated exclusively as a church, an association or convention of churches, a convention mission agency, or as an integrated auxiliary of a church or convention or association of churches, when such entity is qualified as an exempt religious organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and such property is used in a manner consistent with such exemption under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended;

(3) All property owned by religious groups and used only for single-family residences when no income is derived from the property;

(4) All institutions of purely public charity;

(5)(A) All property of nonprofit hospitals used in connection with their operation when the hospitals have no stockholders, have no income or profit which is distributed to or for the benefit of any private person, and are subject to the laws of this state regulating nonprofit or charitable corporations;

(B) Property exempted pursuant to this paragraph shall not include property of a nonprofit hospital held primarily for investment purposes or used for purposes unrelated to:

(i) Providing of patient care;

(ii) Providing and delivery of health care services; or

(iii) Training and education of physicians, nurses, and other health care personnel;

(6) All buildings erected for and used as a college, incorporated academy, or other seminary of learning;

(7) All funds or property held or used as endowment by colleges, nonprofit hospitals, incorporated academies, or other seminaries of learning when the funds or property are not invested in real estate;

(8) When used by or connected with any public library, all the real and personal property of such library and all the real and personal property of any other literary association;

(9) All books, philosophical apparatus, paintings, and statuary of any company or association which are kept in a public hall and which are not held as merchandise or for purposes of sale or gain;

(10) Reserved;

(11) All property used in or which is a part of any facility which has been installed or constructed at any time for the primary purpose of eliminating or reducing air or water pollution if such facilities have been certified by the Department of Natural Resources as necessary and adequate for the purposes intended;

(12)(A) Property of a nonprofit home for the aged used in connection with its operation when the home for the aged has no stockholders and no income or profit which is distributed to or for the benefit of any private person and when the home is qualified as an exempt organization under the United States Internal

Revenue Code, Section 501(c)(3), as amended, and Code Section 48-7-25, and is subject to the laws of this state regulating nonprofit and charitable corporations;
(B) Property exempted by this paragraph shall not include property of a home for the aged held primarily for investment purposes or used for purposes unrelated to the providing of residential or health care to the aged;

(C) For purposes of this paragraph, indirect ownership of such home for the aged through a limited liability company that is fully owned by such exempt organization shall be considered direct ownership;

(13)(A) All property of any nonprofit home for the mentally disabled used in connection with its operation when the home for the mentally disabled has no stockholders and no income or profit which is distributed to or for the benefit of any private person and when the home is qualified as an exempt organization under the United States Internal Revenue Code of 1954, Section 501(c)(3), as amended, and Code Section 48-7- 25, and is subject to the laws of this state regulating nonprofit and charitable corporations.

(B) Property exempted by this paragraph shall not include property of a home for the mentally disabled held primarily for investment purposes or used for purposes unrelated to the providing of residential or health care to the mentally disabled;

(14) (A) Property which is owned by and used exclusively as the headquarters, post home, or similar facility of a veterans organization. As used in this paragraph, the term "veterans organization" means any

organization or association chartered by the Congress of the United States which is exempt from federal income taxes but only if such organization is a post or organization of past or present members of the armed forces of the United States organized in the State of Georgia with at least 75 percent of the members of which are past or present members of the armed forces of the United States, and where no part of the net earnings of which insures to the benefit of any private shareholder or individual; or

(B) Property which is owned by and used exclusively by any veterans organization which is qualified as a nonprofit organization under Section 501(c)(3) of the Internal Revenue Code of 1986, as amended, and which has been organized for the purpose of refurbishing and operating historic military aircraft acquired from the federal government and other sources, making such aircraft airworthy, and putting such aircraft on display to the public for educational purposes; and

(15) Property that is owned by an historical fraternal benefit association and which is used exclusively for charitable, fraternal, and benevolent purposes. As used in this paragraph "fraternal benefit association" means any organization qualified as an exempt organization under the United States Internal Revenue Code of 1954, Section 501(c)(10), as amended, where such organization has a representative form of government and a lodge system with a ritualistic form of work for the meeting of its chapters or other subordinate bodies and whose founding organization received its charter from the General Assembly of Georgia prior to January 1, 1880.

(b) The exemptions provided for in this Code section which refer to colleges, nonprofit hospitals, incorporated academies, or other seminaries of learning shall only apply to those colleges, nonprofit hospitals, incorporated academies, or other seminaries of learning which are open to the general public.

(c) The property exempted by this Code section, excluding property exempted by paragraph (1) of subsection (a) of this Code section, shall not be used for the purpose of producing private or corporate profit and income distributable to shareholders in corporations owning such property or to other owners of such property, and any income from such property shall be used exclusively for religious, educational, and charitable purposes or for either one or more of such purposes and for the purpose of maintaining and operating such religious, educational, and charitable institutions.

(d) (1) Except as otherwise provided in paragraph (2) of this subsection, this Code section, excluding paragraph (1) of subsection (a) of this Code section, shall not apply to real estate or buildings which are rented, leased, or otherwise used for the primary purpose of securing an income thereon and shall not apply to real estate or buildings which are not used for the operation of religious, educational, and charitable institutions. Donations of property to be exempted shall not be predicated upon an agreement, contract, or other instrument that the donor or donors shall receive or retain any part of the net or gross income of the property.

(2) With respect to paragraph (4) of subsection (a) of this Code section, a building which is owned by a charitable institution that is otherwise qualified as a purely public charity and that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code and which building is used by such charitable institution exclusively for the charitable purposes of such charitable institution, and not more than 15 acres of land on which such building is located, may be used for the purpose of securing income so long as such income is used exclusively for the operation of that charitable institution.

48-5-41.1. Exemption of qualified farm products and harvested agricultural products from taxation.

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

(1) 'Agricultural equipment' means farm tractors, combines, and all other farm equipment other than motor vehicles, whether fixed or mobile, which are owned by or held under a lease-purchase agreement and directly used in the production of farm products by a family owned qualified farm products producer.

(1) (2) "Family owned farm entity" means a family corporation, a family partnership, a family general partnership, a family limited partnership, a family limited corporation, or a family limited liability company all of the interest of which is owned by one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. It shall include an estate of which the devisees or heirs are one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. It shall include a trust of which the beneficiaries are one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. Such family owned farm entity must have derived 80 percent or more of its gross income from bona fide agricultural uses within this state within the year immediately preceding the year in which the exemption provided by this Code section is sought.

(2) (3) "Family owned qualified farm products producer" means an individual or family owned farm entity primarily engaged in the direct cultivation of the soil, including soil removed from the land and placed in pots or containers, or operation of land for the production of qualified farm products. A family owned qualified farm products producer shall not include wholesalers, distributors, storage facility owners, manufacturers, processors, or other similar entities that primarily prepare qualified farm products for any intermediate or final market or that primarily operate to move or facilitate the movement of qualified farm products from a producer to any intermediate or final markets.

(3) (4) "Farm products" means only those farm products eligible to qualify for exemption from ad valorem taxation pursuant to the former provisions of paragraph (10) of subsection (a) of Code Section 48-5-41 as it existed prior to January 1, 1999.

(4) (5) "Harvested agricultural products" means only those harvested agricultural products eligible to qualify for exemption from ad valorem taxation pursuant to the former provisions of paragraph (10) of subsection (a) of Code Section 48-5-41 as it existed prior to January 1, 1999.

(5) (6) "Initial production" means:

(A) When applied to a laying hen, a period beginning at the time the laying hen comes into production at age six months rather than a period beginning when the laying hen is hatched; or

(B) When applied to a brood cow, a period of nine months from the time the brood cow is able to conceive at age 12 months rather than a period beginning when the brood cow is born.

(7) 'Lease-purchase agreement' means a financing agreement under which lessee payments are credited toward the purchase of agricultural equipment or that provides for a fixed amount purchase option to a

lessee during the lease term. Under a lease-purchase agreement the title of ownership may remain with the lessor during the lease.

(6) (8) "Producer" means any entity that produces farm products.

(7) (9) "Qualified farm products" means livestock; crops; fruit or nut bearing trees, bushes, or plants; annual and perennial plants; Christmas trees; and plants and trees grown in nurseries for transplantation elsewhere. Qualified farm products shall not include standing timber.

(b) The following property shall be exempt from all ad valorem property taxes in this state:

(1) All farm products grown in this state and remaining in the hands of the producer during the one year beginning immediately after their initial production;

(2) Harvested agricultural products which have a planting-to-harvest cycle of 12 months or less, which are customarily cured or aged for a period in excess of one year after harvesting and before manufacturing, and which are held in this state for manufacturing and processing purposes; and

(3) All qualified farm products grown in this state:

(A) Remaining in the hands of a family owned qualified farm products producer;

(B) Still in their natural and unprocessed condition, unless processed solely for further use in the production of other qualified farm products; and

(C) Not held for direct retail sale by someone other than the original family owned qualified farm products producer. ; and

(4) Agricultural equipment.

(c) (1) As used in this subsection, the term "lease purchase agreement" means a financing agreement under which:

(A) A family owned qualified farm products producer has possession and control of farm tractors, combines, or other farm equipment other than motor vehicles equipment and uses such farm equipment directly in the production of agricultural products; and

(B) The payments made pursuant to such financing agreement are credited towards the purchase of such farm equipment.

(2) Farm tractors, combines, and all other farm equipment other than motor vehicles, whether fixed or mobile, which are owned by or held under a lease purchase agreement and directly used in the production of agricultural products by family owned qualified farm products producers shall be exempt from all ad valorem property taxes in this state.

Efficient Operation of Appraisal Staff

48-5-264. Designation and duties of chief appraiser.

(a) The board of tax assessors in each county shall designate an Appraiser IV or, in those counties not having an Appraiser IV, an Appraiser III as the chief appraiser of the county. The chief appraiser shall be responsible for:

(1) The operation and functioning of the county property appraisal staff;

(2) Certifying and signing documents prepared by the staff; and

(3) Implementing procedures deemed necessary for the efficient operation of the staff.

(b) The chief appraiser may appoint an assistant and may delegate his authority in writing to the assistant.

(c) The chief appraiser may be a member of the county board of tax assessors

Certified List of Assessments

48-5-266. Submission by chief appraiser of assessment list with supporting information; attendance and providing of information at appeal hearings.

(a) The chief appraiser shall submit a certified list of assessments for all taxable property within the county to the county board of tax assessors. The list shall be accompanied by any supporting information requested by the board of tax assessors and shall be submitted within the time prescribed by the board of tax assessors.

(b) The chief appraiser or his delegate shall attend all hearings on appeals of assessments made to the county board of equalization. He shall provide the county board of equalization with the information supporting the appraisal and assessment which has been appealed.

Georgia Department of Revenue

Sample Certified List

7/23/2015 12:01:57 PM Page 1

Notice of Assessment List for Real Property

Map ID	Acct#		Previous	Current	Difference	%Diff
001 001	283		353,940	369,400	15,460	4.37 %
	VA - Values Adjusted to Reflect Market Conditions					
001 001 A	8880		1,000	1,000	0	0.00 %
	-					
001 002	316		32,750	33,270	520	1.59 %
	VA - Values Adjusted to Reflect Market Conditions					
001 002 A	315		11,620	11,810	190	1.64 %
	VA - Values Adjusted to Reflect Market Conditions					
001 003	314		64,800	98,790	33,990	52.45 %
	VA - Values Adjusted to Reflect Market Conditions					
001 004	313		42,000	69,690	27,690	65.93 %
	VA - Values Adjusted to Reflect Market Conditions					
001 004 A	9137		1,000	1,000	0	0.00 %
	-					

CAMA Systems

48-5-263(b)(2)

(2) Maintain all tax records and maps for the county in a current condition. This duty shall include, but not be limited to, the mapping, platting, cataloging, and indexing of all real and personal property in the county;

Assessment Notices

48-5-263(b): Notice of Assessment Approval

(3) Prepare annual assessments on all taxable property appraised in the county and submit the assessments for approval to the county board of tax assessors;

(5) Prepare and mail assessment notices after the county board of tax assessors has determined the final assessments;

Georgia Department of Revenue

Lowndes County Board of Assessors
P.O. Box 1126
302 N Patterson Street
First Floor
Valdosta GA 31603-1126
(229)671-2540

PT-306 (revised Jan 2016)

Official Tax Matter - 2016 Tax Year

This correspondence constitutes an official notice of ad valorem assessment for the tax year shown above.

Annual Assessment Notice Date: 05/21/2016

Last date to file a written appeal: 07/06/2016

*** This is not a tax bill - Do not send payment ***

County property records are available online at: qpublic.net/ga/lowndes

JONES MIKE
411 WEST END DR
VALDOSTA GA 31602-1602

A

The amount of your ad valorem tax bill for the year shown above will be based on the Appraised (100%) and Assessed (40%) values specified in **BOX 'B'** of this notice. **You have the right to submit an appeal regarding this assessment to the County Board of Tax Assessors.** If you wish to file an appeal, you must do so in writing no later than 45 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. Appeal forms which may be used are available at http://dor.georgia.gov/documents/property-tax-appeal-assessment-form.

At the time of filing your appeal you must select one of the following appeal methods:

(1) County Board of Equalization (value, uniformity, denial of exemption, or taxability)
(2) Arbitration (value)
(3) County Hearing Officer (value or uniformity, on non-homestead real property or wireless personal property valued, in excess of $750,000)

All documents and records used to determine the current value are available upon request. For further information regarding this assessment and filing an appeal, you may contact the county Board of Tax Assessors which is located at P.O. Box 1126 302 N Patterson Street First Floor Valdosta, GA 31603-1126 and which may be contacted by telephone at: (229) 671-2540. **Your staff contacts are : JANE APPRAISER and : JOHN APPRAISER**
Additional information on the appeal process may be obtained at http://dor.georgia.gov/property-tax-real-and-personal-property

B

Account Number	Property ID Number	Acreage	Tax Dist	Covenant Year	Homestead
18871	0005 009	119.21	02	FLPA:2013	Yes-S0

Property Description	
Property Address	411 WEST END DRIVE

	Taxpayer Returned Value	Previous Year Fair Market Value	Current Year Fair Market Value	Current Year Other Value
100% Appraised Value	0	404,324	246,268	199,480
40% Assessed Value	0	161,730	98,507	79,792

Reasons for Assessment Notice

Conservation Use Covenant Application Denied; ACC TEST; MORATORIUM VALUE LIFTED; New Accessory Improvement added.; Value adj for 1-year Arms Length Transaction cap;

C

The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's net millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.

Taxing Authority	Other Exempt	Homestead Exempt	Net Taxable	Millage	Estimated Tax
COUNTY	20608	0	77,899	7.310000	569.44
COUNTY SCHOOL	20608	0	77,899	14.700000	1,145.12
INDUSTRIAL	20608	0	77,899	1.000000	77.90
PARKS	20608	0	77,899	1.250000	97.37
				Total Estimated Tax	1,909.30

Nontechnical NOA (Notice of Assessment) Reason Descriptions

48-5-306. Notice of changes made in taxpayer's return; contents; posting notice; new assessment description.

(a) *Method of giving annual notice of current assessment to taxpayer.*

Each county board of tax assessors may meet at any time to receive and inspect the tax returns to be laid

before it by the tax receiver or tax commissioner. The board shall examine all the returns of both real and personal property of each taxpayer, and if in the opinion of the board any taxpayer has omitted from such taxpayer's returns any property that should be returned or has failed to return any of such taxpayer's property at its fair market value, the board shall correct the returns, assess and fix the fair market value to be placed on the property, make a note of such assessment and valuation, and attach the note to the returns. The board shall see that all taxable property within the county is assessed and returned at its fair market value and that fair market values as between the individual taxpayers are fairly and justly equalized so that each taxpayer shall pay as nearly as possible only such taxpayer's proportionate share of taxes. The board shall give annual notice to the taxpayer of the current assessment of taxable real property. When any corrections or changes, including valuation increases or decreases, or equalizations have been made by the board to personal property tax returns, the board shall give written notice to the taxpayer of any such changes made in such taxpayer's returns. The annual notice may be given personally by leaving the notice at the taxpayer's dwelling house, usual place of abode, or place of business with some person of suitable age and discretion residing or employed in the house, abode, or business, or by sending the notice through the United States mail as first-class mail to the taxpayer's last known address. The taxpayer may elect in writing to receive all such notices required under this Code section by electronic transmission if electronic transmission is made available by the county board of tax assessors. When notice is given by mail, the county board of tax assessors' return address shall appear in the upper left corner of the face of the mailing envelope and with the United States Postal Service endorsement 'Return Service Requested' and the words 'Official Tax Matter' clearly printed in boldface type in a location which meets United States Postal Service regulations.

(b) *Contents of notice.*

(1) The annual notice of current assessment required to be given by the county board of tax assessors under subsection (a) of this Code section shall be dated and shall contain the name and last known address of the taxpayer. The annual notice shall conform with the state-wide uniform assessment notice which shall be established by the commissioner by rule and regulation and shall contain:

(A) The amount of the previous assessment;

(B) The amount of the current assessment;

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

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

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

(F) The name, phone number, and contact information of the person in the assessors' office who is administratively responsible for the handling of the appeal and who the taxpayer may contact if the taxpayer has questions about the reasons for the assessment change or the appeals process;

(G) If available, the website address of the office of the county board of tax assessors; and

(H) A statement that all documents and records used to determine the current value are available upon

request; and

(I) The current year's estimated roll-back rate .

(2)~~(A)~~ In addition to the items required under paragraph (1) of this subsection, the notice shall contain a statement of the taxpayer's right to an ~~appeal and an estimate of the current year's taxes for all levying authorities~~ which shall be in substantially the following form:

'The amount of your ad valorem tax bill for this year will be based on the appraised and assessed values specified in this notice. You have the right to appeal these values to the county board of tax assessors. At the time of filing your appeal you must select one of the following options:

~~(i)~~ (A)An appeal to the county board of equalization with appeal to the superior court;

~~(ii)~~(B)To arbitration without an appeal to the superior court; or

~~(iii)~~ (C)For a parcel of non-homestead property with a fair market value in excess of $500,000.00, or for one or more account numbers of wireless property as defined in subparagraph (e.1)(1)(B) of Code Section 48-5-311 with an aggregate fair market value in excess of $500,000.00, to a hearing officer with appeal to superior court.

"If you wish to file an appeal, you must do so in writing no later than 45 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. For further information on the proper method for filing an appeal, you may contact the county board of tax assessors which is located at: (insert address) and which may be contacted by telephone at: (insert telephone number)."

~~(B) The notice shall also contain the following statements in bold print:~~

~~'The estimate of your ad valorem tax bill for the current year is based on the previous or most applicable year's millage rate and the fair market value contained in this notice. The actual tax bill you receive may be more or less than this estimate. This estimate may not include all eligible exemptions.'~~

(3) The annual notice required under this Code section shall be mailed no later than July 1; provided, however, that the annual notice required under this Code section may be sent later than July 1 for the purpose of notifying property owners of corrections and mapping changes.

(c) *Posting notice on certain conditions.* In all cases where a notice is required to be given to a taxpayer under subsection (a) of this Code section, if the notice is not given to the taxpayer personally or if the notice is mailed but returned undelivered to the county board of tax assessors, then a notice shall be posted in front of the courthouse door or shall be posted on the website of the office of the county board of tax assessors for a period of 30 days. Each posted notice shall contain the name of the owner liable to taxation, if known, or, if the owner is unknown, a brief description of the property together with a statement that the assessment has been made or the return changed or altered, as the case may be, and the notice need not contain any other information. The judge of the probate court of the county shall make a certificate as to the posting of the notice. Each certificate shall be signed by the judge and shall be recorded by the county board of tax assessors in a book kept for that purpose. A certified copy of the certificate of the judge duly authenticated

by the secretary of the board shall constitute prima-facie evidence of the posting of the notice as required by law.

"(d) **Records and information availability.** Notwithstanding the provisions of Code Section 50-18-71, in the case of all public records and information of the county board of tax assessors pertaining to the appraisal and assessment of real property:

(1) The taxpayer may request, and the county board of tax assessors shall provide within ten business days, copies of such public records and information, including, but not limited to, a description of the methodology used by the board of tax assessors in setting the property's fair market value, all documents reviewed in making the assessment, the address and parcel identification number of all real property utilized as qualified comparable properties, and all factors considered in establishing the new assessment, at a uniform copying fee not to exceed 25¢ per page;

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

(3)(A) The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against the board of tax assessors to enforce compliance with the provisions of this subsection.

(A) In any action brought to enforce the provisions of this subsection in which the court determines that either party acted without substantial justification either in not complying with this subsection or in instituting the litigation, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought."

(e) *Description of current assessment.* The notice required by this Code section shall be accompanied by a simple, nontechnical description of the basis for the current assessment.

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

Freeze Statements

48-5-299. Ascertainment of taxable property; assessments against unreturned property; penalty for unreturned property; changing real property values established by appeal in prior year.

(c) When the value of real property is reduced ~~or is unchanged~~ from the value on the initial annual notice of assessment or a corrected annual notice of assessment issued by the board of tax assessors and such valuation has been established as the result of an appeal decision rendered by the board of equalization, hearing officer, arbitrator, or superior court pursuant to Code Section 48-5-311 or stipulated by written agreement signed by the board of tax assessors and taxpayer or taxpayer's authorized representative, the new valuation so established by appeal decision or agreement may not be increased by the board of tax assessors during the next two successive years, unless otherwise agreed in writing by both parties, subject to the following exceptions:

(1) This subsection shall not apply to a valuation established by an appeal decision if the taxpayer or his or her authorized representative failed to attend the appeal hearing or provide the board of equalization, hearing officer, or arbitrator with some written evidence supporting the taxpayer's opinion of value;

(2) This subsection shall not apply to a valuation established by an appeal decision or agreement if the taxpayer files a return at a different valuation during the next two successive years;

(3) Unless otherwise agree in writing by the parties, if the taxpayer files an appeal pursuant to Code Section 48-5-311 during the next two successive years, the board of tax assessors, the board of equalization, hearing officer, or arbitrator may increase or decrease the value of the real property based on the evidence presented by the taxpayer during the appeal process; and

(4) The board of tax assessors may increase or decrease the value of the real property if, after a visual on-site inspection of the property, it is found that there have been substantial additions, deletions, or improvements to such property or that there are errors in the board of tax assessors' records as to the description or characterization of the property, or the board of tax assessors finds an occurrence of other material factors that substantially affect the current fair market value of such property.

560-11-10-.09(2): Changing assessment of recently appealed real property.

2. Changing assessment of recently appealed real property. In the two tax years following an appeal, the appraisal staff may not recommend an increase of assessment for the sole purpose of changing the valuation established or decision rendered in an appeal to the board of equalization, hearing officer, arbitration, or superior court. Rather a new appraisal must be accompanied by an on-site inspection to determine the occurrence of any substantial additions, deletions, or improvements to such property, errors in the appraisal staff's records or material factors that substantially affect the current fair market value of such property since the appeal was heard that established the value of the property. The appraisal staff may recommend, consistent with the provisions of this subparagraph, to the board of tax assessors a change of assessment on the property that was the subject of the appeal when an appraisal based on current market conditions indicates the value has changed substantially from the value established by the recent appeal. Such appraisal shall be accompanied by a written statement attesting to the fact that an appraiser has conducted the required on-site inspection of the subject property and setting forth the reasons why the appraiser believes that a change of assessment is authorized under Code section 48-5-299 (c) and this subparagraph. The written statement shall attest to at least one of the following: substantial additions, deletions, or improvements to such property has occurred since January 1 of the appeal year; an error has been discovered in the property records regarding the description or characteristics of the subject property; or an occurrence of other material factors that substantially affect the current fair market value of the subject property. With respect to the term ‘substantial’; when making determinations of whether to increase a recently appealed property the appraiser shall consider the subject property components since the time of appeal (appeal hearing date), such as the value of new improvements, value of additions to existing

improvements (footprint of exchanged structure has been altered), major remodeling or renovations to existing structures (footprint of exchanged structure has not been altered), and adjustments to land due to consolidation of tracts, new surveys, zoning changes, land use changes. In the event an appealed property is renovated or remodeled, the term 'substantial' shall be construed such that both the property owner and BOA would reasonably conclude a major renovation/remodeling has occurred. Any modifications made to the appealed property after the appeal hearing date that result in a lower value of the appealed property shall be considered in the final valuation of property for the subsequent January 1 assessment.

Appeals

48-5-266. Submission by chief appraiser of assessment list with supporting information; attendance and providing of information at appeal hearings.

(a) The chief appraiser shall submit a certified list of assessments for all taxable property within the county to the county board of tax assessors. The list shall be accompanied by any supporting information requested by the board of tax assessors and shall be submitted within the time prescribed by the board of tax assessors.

(b) The chief appraiser or his delegate shall attend all hearings on appeals of assessments made to the county board of equalization. He shall provide the county board of equalization with the information supporting the appraisal and assessment which has been appealed.

48-5-304. Approval of tax digests when assessments in arbitration or on appeal; procedure; withholding of grants by Office of Treasury and Fiscal Services.

(a) The commissioner shall not approve any digest of any county when the assessed value that is in dispute for any property or properties on appeal or in arbitration exceeds 5 percent of the total assessed value of the total taxable digest of the county for the same year. In any year in which a complete revaluation or reappraisal program is implemented, the commissioner shall not approve a digest of any county when 8 percent or more of the assessed value in dispute is in arbitration or on appeal and 8 percent or more of the number of properties is in arbitration or on appeal. When the assessed value in dispute on any one appeal or arbitration exceeds 1.5 percent of the total assessed value of the total taxable digest of the county for the same year, such appeal or arbitration may be excluded by the commissioner in making his or her determination of whether the digest may be approved under the limitations provided for in this Code section. Where appeals have been filed or arbitrations demanded, the assessment or assessments fixed by the board of tax assessors shall be listed together with the return value on the assessments and forwarded in a separate listing to the commissioner at the time the digest is filed for examination and approval.

(b) The commissioner shall not approve any digest or portion thereof for any class or strata of property where evidence exists that the county has substantially failed to comply with the provisions of this title or the rules and regulations of the commissioner for valuation of such class or strata of property. The commissioner shall adopt rules and regulations to give effect to this provision.

(c) The Office of Treasury and Fiscal Services shall withhold any and all grants appropriated to any county until the county tax digest for the previous calendar year has been submitted to the commissioner as required by law.

48-5-345. Receipt for digest and order authorizing use; assessment if deviation from proper assessment ratio.

(a)(1) Upon the determination by the commissioner that a county tax digest is in proper form, that the property therein that is under appeal is within the limits of Code Section 48-5-304, and that the digest is accompanied by all documents, statistics, and certifications required by the commissioner, including the number, overall value and percentage of total real property parcels of appeals in each county to the boards of equalization, arbitration, hearing officer, and superior court, and the number of taxpayers' failure to appear at any hearing, for the prior tax year, the commissioner shall issue a receipt for the digest and enter an order authorizing the use of said digest for the collection of taxes. All statistics and certifications regarding real property appeals provided to the commissioner under this paragraph shall be made publicly available on the Department of Revenue website.

(2) Nothing in this subsection shall be construed to prevent the superior court from allowing the new digest to be used as the basis for the temporary collection of taxes under Code Section 48-5-310.

(b) Each year the commissioner shall determine if the overall assessment ratio for each county, as computed by the state auditor under paragraph (8) of subsection (b) of Code Section 48-5-274, deviates substantially from the proper assessment ratio as provided in Code Section 48-5-7, and if such deviation exists, the commissioner shall assess against the county governing authority additional state tax in an amount equal to the difference between the amount the state's levy of one-quarter of a mill would have produced if the digest had been at the proper assessment ratio and the amount the digest that is actually used for collection purposes will produce. The commissioner shall notify the county governing authority annually of the amount so assessed and this amount shall be due and payable not later than five days after all appeals have been exhausted or the time for appeal has expired or the final date for payment of taxes in the county, whichever comes latest, and shall bear interest at the rate specified in Code Section 48-2-40 from the due date.

(c) Beginning with tax digests on or after the effective date of this subsection, no county shall be subject to the assessment authorized by subparagraph (b) of this Code section.

Class / Strata Codes

560-11-2-.21 Classification of Tangible Property on County Tax Digests.

(1) The tax receiver or tax commissioner of each county shall list all taxable real and personal property on the digest using the classifications and strata specified in Regulation 560-11-2-.20.

(a) The tax receiver or tax commissioner shall further identify the properties listed on the digest by use of a two-digit code, the first character of which shall designate the property classification and the second character of which shall designate the stratum. The code is more particularly described as follows:

1st Digit - CLASSIFICATION

A - Agricultural

B - Brownfield Property

C - Commercial

F - FLPA Fair Market Value (for reimbursement purposes) H - Historic

I - Industrial

J - FLPA Conservation Use P - Preferential

R - Residential

T - Residential Transitional

U - Utility

V - Conservation Use

W - Environmentally Sensitive

2nd Digit - REAL PROPERTY STRATA

1 - Improvements

2 - Operating Utility

3 - Lots

4 - Small Tracts

5 - Large Tracts

6 - Production/Storage/Auxiliary 9 - Other Real

2nd Digit - PERSONAL PROPERTY STRATA

A - Aircraft

B - Boats

F - Furniture/Fixtures/Machinery/Equipment I - Inventory

P - Freeport Inventory Z - Other Personal

(2) The chairman of the board of assessors shall certify to the tax receiver or tax commissioner a list of all properties, the assessed value of which were changed by the board from the values appearing on the previous year's digest. This list shall not include previously unreturned real and personal property. It shall also exclude divisions and consolidations of property and those changes that are mere transfers of ownership.

(a) The list shall show the final assessed values on the previous year's digest and the assessed values placed on the current year's digest and shall be consolidated by the tax receiver or tax commissioner using the same classifications as are used to classify property appearing on the digest. This list shall be submitted by the tax receiver or tax commissioner to the State Revenue Commissioner at the time and in the manner the tax digest is submitted.

(3) The tax receiver or tax commissioner of each county shall also enter the total assessed value of motor vehicle property with the consolidation of all assessed values of taxable property on the digest.

(4) The tax receiver or tax commissioner of each county shall also enter the total assessed value of mobile home property with the consolidation of all assessed values of taxable property on the digest.

(5) The tax receiver or tax commissioner of each county shall also enter the total assessed value of timber harvested or sold during the calendar year immediately preceding the year of the digest, with the consolidation of all assessed values of taxable property on the digest.

(6) The tax receiver or tax commissioner of each county shall also enter the total assessed value of heavy duty equipment property with the consolidation of all assessed values of taxable property on the digest.

Authority O.C.G.A. Secs. 48-2-7, 48-2-12, 48-5-103, 48-5-108, 48-5-269.

History. Original Rule entitled "Tangible Property Classifications ' County Tax Digests" adopted. F. Nov. 8, 1972; eff. Nov. 28, 1972. Repealed: New Rule entitled "Classification of Tangible Property on County Tax Digests" adopted. F. June 9, 1989; eff. June 29, 1989. Amended: F. Aug. 4, 1992; eff. Aug. 24, 1992. Amended: F. Dec. 20, 2006; eff. Jan. 9, 2007. Amended: F. May 9, 2011; eff. May 29, 2011.

Mapping

560-11-10-.09(2)(d)1(i): Geographic information.

(i) Geographic information. Cadastral maps or computerized geographic information systems are to be maintained by the appraisal staff for all real property located in the county. In the event the county governing authority has established a separate mapping office and the maps maintained by such office conform with the requirements of this subparagraph, the appraisal staff may provide

relevant information to such mapping office and still be in compliance with this subparagraph. Minimum mapping specifications shall include the following: all streets and roads plotted and identified; property lines delineated for each real property parcel; unique parcel identifier for each parcel; and physical dimensions or acreage estimate for each parcel. The appraisal staff shall use the parcel identifiers to link the real property records to the maps. The appraisal staff shall notify the Revenue Commissioner of all proposed changes to existing parcel-numbering systems before implementing such changes.

Staffing

48-5-261. Classification of counties for administration of part.

For the purpose of administering this part, the counties of this state are placed in the following classes:

(1) Class I - Counties having less than 3,000 parcels of real property;

(2) Class II - Counties having at least 3,000 but less than 8,000 parcels of real property;

(3) Class III - Counties having at least 8,000 but less than 15,000 parcels of real property;

(4) Class IV - Counties having at least 15,000 but less than 25,000 parcels of real property;

(5) Class V - Counties having at least 25,000 but less than 35,000 parcels of real property;

(6) Class VI - Counties having at least 35,000 but less than 50,000 parcels of real property;

(7) Class VII - Counties having at least 50,000 but less than 100,000 parcels of real property; and

(8) Class VIII - Counties having at least 100,000 or more parcels of real property.

48-5-262. Composition and duties of county appraisal staffs; "county civil service system" defined.

(a) Class I counties shall provide for an appraisal staff pursuant to paragraph (1) of Code Section 48-5-260 by:

(1) Employing a full-time appraiser;

(2) Contracting with a contiguous county to provide the staff requirement; or

(3) Contracting with a professional appraisal person to provide the staff requirement.

(b) Each county other than Class I counties shall employ a minimum staff of appraisers, to be known as the county property appraisal staff, to perform the duties set forth in this part. For compensation purposes, the appraisers will be designated, lowest grade first, as Appraiser I, Appraiser II, Appraiser III, and Appraiser IV.

(c) The minimum staff requirement for each county shall be as follows:

(1) Class II counties - One Appraiser III;

(2) Class III counties - One Appraiser III and one Appraiser I;

(3) Class IV counties - One Appraiser III, one Appraiser II, and one Appraiser I;

(4) Class V counties - Two Appraisers III, two Appraisers II, and one Appraiser I;

(5) Class VI counties - One Appraiser IV, two Appraisers III, two Appraisers II, and one Appraiser I;

(6) Class VII counties - One Appraiser IV, four Appraisers III, one Appraiser II, and two Appraisers I;

(7) Class VIII counties - Two Appraisers IV, eight Appraisers III, five Appraisers II, and five Appraisers I.

(d) The establishment of minimum staff requirements shall not preclude any county from employing additional appraisers in order to carry out this part.

(e)(1) As used in this subsection, the term "county civil service system" means any county civil service system, county merit system, county personnel plan or policy, or stated rules of work.

(2) The county governing authority shall be authorized, in its discretion and upon adoption of the appropriate resolution or ordinance, to provide that staff and employees of the county board of tax assessors shall be positions of employment covered by the county civil service system. Following the adoption of such ordinance or resolution, the county board of tax assessors may hire and manage such employees, but only in compliance with the county civil service system. The failure of the county board of tax assessors to comply with the requirements of such system shall be grounds for removal of one or more members of the county board of tax assessors pursuant to subsection (b) of Code Section 48-5-295.

IAAO Staffing Standards

6.2 Staffing

A successful in-house appraisal program requires a sufficiently large staff comprising persons skilled in general administration and supervision, appraisal, mapping and drafting, data processing, and secretarial and clerical functions. Typical staffing sizes and patterns for jurisdictions of various sizes are illustrated in *Property Appraisal and Assessment Administration* (Eckert etal.1990, chapter 16) and in *Fundamentals of Mass Appraisal* (Gloudemans and Almy 2011, 22–25).

Staffing Patterns and the Effect of Computerization

Size of jurisdiction affects size of staff, of course. One full-time employee for each 2,500 parcels is typical, although this proportion varies greatly among jurisdictions. In smaller jurisdictions, the work load averages about 1,500 to 1,700 parcels per employee; in larger jurisdictions, about 3,000 to 3,500. Work loads vary depending on the quality of the staff, the complexity of the properties, and so on.

Unless efficiency or practical concerns dictate other- wise, persons performing the various mass appraisal functions should be employees of the assessor. When these functions are not performed by assessment staff, it is imperative that they be adequately provided by other departments, an oversight agency, a service bureau, a qualified contractor, or another source. Strong lines of communication must be established between the assessment staff and the designated support groups.

Property Appraisal and Assessment Administration, 1990 establishes the following recommended staffing for real property appraisal.

"…parcels-per-employee ratios greater than 2,500 to one (1,500 to one in very small jurisdictions and 3,500 to one in very large jurisdictions) should be viewed with some concern. Similarly, a parcels-per-appraiser ratio greater than 5,000 to one may cause concern."

48-5-263. Qualifications, duties, and compensation of appraisers.

(a) *Qualifications.*

(1) The commissioner shall establish, and the state merit system may review, the qualifications and rate of compensation for each appraiser grade.

(2) Each appraiser shall, before his employment, obtain a satisfactory grade, as determined by the commissioner, on an examination prepared by the commissioner and an institution of higher education in this state.

(b) *Duties.* Each member of the county property appraisal staff shall:

(1) Make appraisals of the fair market value of all taxable property in the county other than property returned directly to the commissioner;

(2) Maintain all tax records and maps for the county in a current condition. This duty shall include, but not be limited to, the mapping, platting, cataloging, and indexing of all real and personal property in the county;

(3) Prepare annual assessments on all taxable property appraised in the county and submit the assessments for approval to the county board of tax assessors;

(4) Prepare annual appraisals on all tax-exempt property in the county and submit the appraisals to the county board of tax assessors;

(5) Prepare and mail assessment notices after the county board of tax assessors has determined the final assessments;

(6) Attend hearings of the county board of equalization and provide information to the board regarding the valuation and assessments approved by the county board of tax assessors on those properties concerning which appeals have been made to the county board of equalization;

(7) Provide information to the department as needed by the department and in the form requested by the department;

(8) Attend the standard approved training courses as directed by the commissioner for all minimum county property appraisal staffs;

(9) Compile sales ratio data and furnish the data to the commissioner as directed by the commissioner;

(10) Comply with the rules and regulations for staff duties established by the commissioner; and

(11) Inspect mobile homes located in the county to determine if the proper decal is attached to and displayed on the mobile home by the owner as provided by law; notify the residents of those mobile homes to which a decal is not attached of the provisions of Code Sections 48-5-492 and 48-5-493; and furnish to the tax collector or tax commissioner a periodic list of those mobile homes to which a decal is not attached.

(c) *Compensation.* Staff appraisers shall be paid from county funds. The rates of compensation established by the commissioner shall not preclude any county from paying a higher rate of compensation to any appraiser grade.

48-5-264. Designation and duties of chief appraiser.

(a) The board of tax assessors in each county shall designate an Appraiser IV or, in those counties not having an Appraiser IV, an Appraiser III as the chief appraiser of the county. The chief appraiser shall be responsible for:

(1) The operation and functioning of the county property appraisal staff;

(2) Certifying and signing documents prepared by the staff; and

(3) Implementing procedures deemed necessary for the efficient operation of the staff.

(b) The chief appraiser may appoint an assistant and may delegate his authority in writing to the assistant.

(c) The chief appraiser may be a member of the county board of tax assessors.

(d) The chief appraiser shall ensure that every parcel in his or her respective county is appraised at least every three years.

48-5-264.1. Right of chief appraiser and others to inspect property; supplying identification to occupant of property; statement to be included in tax bill.

(a) The chief appraiser, other members of the county property appraisal staff, authorized agents of the county board of tax assessors, and members of the county board of tax assessors who are conducting official business of the chief appraiser, the county appraisal staff, or the county board of tax assessors may go upon property outside of buildings, posted or otherwise, in order to carry out the duty of making appraisals of the fair market value of taxable property in the county, other than property returned directly to the commissioner; provided, however, such person representing such chief appraiser, appraisal staff, or county board of tax assessors shall carry identification which is sufficiently prominent to permit the occupant to readily ascertain that such person is such representative. Such representative shall not enter upon the property unless reasonable notice has been provided to the owner and to the occupant of the property regarding the purpose for which such person is entering upon such property.

(b) The county tax commissioner shall include a statement with the ad valorem tax bill of each taxpayer notifying the taxpayer of the right to file an ad valorem property tax return. A notification of the right of taxpayers to file ad valorem property tax returns shall also be maintained by the tax commissioner on the official website of the county.

48-5-265. Formation of joint county property appraisal staffs; contracting by Class I counties with persons to render advice or assistance; compensation.

(a)(1) The governing authorities of any two or more counties may join together and by intergovernmental agreement create a joint county property appraisal staff following consultation with the county boards of tax assessors of such counties. Under any such intergovernmental agreement, the parcels of real property within the counties subject to the intergovernmental agreement shall be totaled, and the counties shall be deemed one county for purposes of determining the class of the counties, the resulting minimum staff requirements, and the amount of money to be received from the department. The costs of the joint county property appraisal staff shall be determined in the intergovernmental agreement.

(2) The governing authorities of any two or more counties may execute an intergovernmental agreement to provide for the sharing of one or more designated members of property appraisal staff following consultation with the county boards of tax assessors of such counties. The costs of such shared staff members shall be determined in the intergovernmental agreement.

(b) The governing authorities of any two or more counties may join together and by intergovernmental agreement carry out this part following consultation with the county boards of tax assessors of such counties. All counties subject to an intergovernmental agreement under this subsection shall retain their separate character for the purpose of determining the class and minimum staff requirements for each county.

(c)(1) Any county, at its discretion, may enter into contracts with persons to render advice or assistance to the county board of tax assessors in the assessment and equalization of taxes the establishment of property valuations, or the defense of such valuations. Such advice and assistance shall be in compliance with the laws of this state and the rules and regulations of the commissioner. Individuals performing services under such contracts shall complete satisfactorily such training courses as directed by the commissioner. The function of any person contracting to render such services shall be advisory or ministerial, and the final decision as to the amount of assessments and the equalization of assessments shall be made by the county board of tax assessors and shall be set forth in the minutes of the county board of tax assessors.

(2) No contract entered into pursuant to paragraph (1) of this subsection shall contain any provision authorizing payment to any person contracted with, or to any person employed by any person contracted with, upon a percentage basis or upon any basis under which compensation is dependent or conditioned in any way upon increasing or decreasing the aggregate assessment of property in the county. Any contract or provision of a contract which is in violation of this paragraph shall be void and unenforceable.

48-5-268. Training courses for new appraisers; continuing education for experienced appraisers; member of county appraisal staff to appraise tangible personal property.

(a) The department may prepare, instruct, operate, and administer courses of instruction deemed necessary to provide for the training of new appraisers and the continuing education of experienced

appraisers.

(b) (1) The department shall prepare, instruct, operate, and administer courses of instruction for the training of new appraisers and the continuing education of experienced appraisers in the appraisal of tangible personal property.

(2) In all counties except Class I counties, the chief appraiser shall designate at least one person on the county appraisal staff to be responsible for the appraisal of tangible personal property. Any person or persons so designated shall be required to attend the standard approved training courses operated by the department in accordance with this subsection as part of their duties specified in subsection (b) of Code Section 48-5-263.
(c) The department may contract with any institution of higher education in this state to provide the courses of instruction, or any part of the courses, called for in this Code section.

Homestead Exemptions

48-5-40(3)(G):
(G) In the event an individual who is the applicant owns two or more dwelling houses, he shall be allowed the exemption granted by law on only one of the houses. Only one homestead shall be allowed to one immediate family group;

48-5-44. Exemption of homestead occupied by owner; effect of participation in rural housing program on homestead exemption; limits.
The homestead of each resident of this state actually occupied by the owner as a residence and homestead shall be exempted from all ad valorem taxation for state, county, and school purposes, except taxes levied by municipalities for school purposes and except to pay interest on and to retire bonded indebtedness, for as long as the residence and homestead is actually occupied by the owner primarily as a residence and homestead. The exemption shall not exceed $2,000.00 of the value of the homestead. Should the owner of a dwelling house on a farm who is already entitled to a homestead exemption participate in the program of rural housing and obtain a new house under contract with the local housing authority, he shall be entitled to receive the same homestead exemption as allowed before making the contract. Except as otherwise specifically provided by law, the value of all homestead property in excess of $2,000.00 shall remain subject to taxation. The exemption shall be returned and claimed in the manner prescribed by law. This exemption shall not apply to taxes levied by municipalities.

48-5-44.2 Exemption on homestead from ad valorem taxes.
(a) For purposes of this Code section, the term:

(1) “Ad valorem taxes” means all ad valorem taxes levied by, for, or on behalf of the state or any county, consolidated government, municipality, or local school district in this state, except for any ad valorem taxes levied to pay interest on and to retire bonded indebtedness.

(2) “Adjusted base year assessed value” means the sum of:

(A) The previous adjusted base year assessed value;

(B) An amount equal to the difference between the current year assessed value of the homestead and the base year assessed value of the homestead, provided that such amount shall not exceed the total of the previous adjusted base year assessed value of the homestead multiplied by the inflation rate for the prior year; and

(C) The value of any substantial property change, provided that no such value added improvements to the homestead shall be duplicated as to the same addition or improvement.

(3) "Base year assessed value" means:

(A) With respect to an exemption under this Code section which is first granted to a person on such person's homestead for the 2025 taxable year, the assessed value for taxable year 2024, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead; or

(B) In all other cases, the assessed value, including any final determination of value on appeal pursuant to Code Section 48-5-311, of the homestead from the taxable year immediately preceding the taxable year in which the exemption under this Code section is first granted to the applicant.

(4) "Homestead" means homestead as defined and qualified in Code Section 48-5-40.

(5) "Inflation rate" means the annual inflationary index rate as determined for a given year by the commissioner in accordance with subsection (g) of this Code section.

(6)"Previous adjusted base year assessed value" means:

(A) With respect to the year for which the exemption under this Code section is first granted to a person on such person's homestead, the base year assessed value; or

(B) In all other cases, the adjusted base year assessed value of the homestead as calculated in the taxable year immediately preceding the current year, including any final determination of value on appeal pursuant to Code Section 48-5-311.

(7) "Substantial property change" means any increase or decrease in the assessed value of a homestead derived from additions or improvements to, or the removal of real property from, the homestead which occurred after the year in which the base year assessed value is determined for the homestead. The assessed value of the substantial property changes shall be established following any final determination of value on appeal pursuant to Code Section 48-5-311.

(b)

(1) Subject to the limitations provided in this Code section, each resident of this state is granted an exemption on that person's homestead from ad valorem taxes in an amount equal to the amount by which the current year assessed value of that homestead, including any final determination of value on appeal pursuant to Code Section 48-5-311, exceeds its previous

adjusted base year assessed value.
(2) Except as provided for in subsection (c) of this Code section, no exemption provided for in this subsection shall transfer to any subsequent owner of the property, and the assessed value of the property shall be as provided by law.

(c) The surviving spouse of the person who has been granted the exemption provided for in subsection (b) of this Code section shall continue to receive the exemption provided under subsection (b) of this Code section, so long as such surviving spouse continues to occupy the residence as a homestead.

(d) No person shall receive the exemption granted by subsection (b) of this Code section unless such person or person's agent files an application with the tax receiver or tax commissioner of his or her respective local government or governments charged with the duty of receiving returns of property for taxation giving such information relative to receiving such exemption as will enable such tax receiver or tax commissioner to make a determination regarding the initial and continuing eligibility of such person for such exemption; provided, however, that any person who had previously applied for a homestead exemption, was allowed such homestead exemption for the 2024 tax year, and remains eligible for a homestead exemption for that same homestead property in the 2025 tax year shall be automatically allowed the exemption granted under subsection (b) of this Code section for that homestead without further application. Such tax receiver or tax commissioner shall provide application forms for this purpose.

(e) The exemption granted by subsection (b) of this Code section shall be claimed and returned as provided in Code Section 48-5-50.1. Such exemption shall be automatically renewed from year to year so long as the owner occupies the residence as a homestead. After a person or a person's agent has filed the proper application or is automatically granted the homestead exemption as provided in subsection (d) of this Code section, it shall not be necessary to make application thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under subsection (b) of this Code section to notify the tax receiver or tax commissioner of the local government or governments in the event such person for any reason becomes ineligible for such exemption.
(f)
(1) Except as otherwise provided in paragraph (2) of this subsection, the homestead exemption granted by subsection (b) of this Code section shall be in addition to and not in lieu of any other homestead exemption applicable to ad valorem taxes.

(2) The homestead exemption granted by subsection (b) of this Code section shall not be applied in addition to any other base year value homestead exemption provided by law with respect to the given taxing jurisdiction to which the such law applies. In any such event, the tax receiver or tax commissioner of the taxpayer's respective local government or governments charged with the duty of receiving returns of property for taxation shall apply only the base year value homestead exemption that is larger or more beneficial for the taxpayer with respect to the particular taxing jurisdictions to which more than one base year value homestead exemption applies.

(g) For the purposes of this Code section, the commissioner shall promulgate a standardized method for determining annual inflationary index rates which reflect the effects of inflation and deflation on the cost of living for residents of this state for a given calendar year. Such method may utilize the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor or any other

similar index established by the federal government if the commissioner determines that such federal index fairly reflects the effects of inflation and deflation on residents of this state.

(h) The exemption granted by subsection (b) of this Code section shall apply to all taxable years beginning on or after January 1, 2025, provided that:

(1) A constitutional amendment is ratified and becomes effective on January 1, 2025, which authorizes the General Assembly to provide by general law for a homestead exemption that shall not be applicable to certain political subdivisions, which elect to opt out of the homestead exemption by a date certain; and

(2) The exemption granted by subsection (b) of this Code section shall not be applicable for any county, consolidated government, municipality, or school district for which the governing authority of such political subdivision adopts an opt-out resolution in accordance with subsection (i) of this Code section.

(i) The governing authority of any county, consolidated government, municipality, or school district may elect to opt out of the homestead exemption otherwise granted by subsection (b) of this Code section with respect to such political subdivision through the adoption of a resolution to do the same by March 1, 2025, after completing the following steps:

(1) The governing authority shall advertise its intent to do so and shall conduct at least three public hearings thereon, at least one of which shall commence between the hours of 6:00 P.M. and 7:00 P.M., inclusive, on a business weekday. The governing authority shall place an advertisement in a newspaper of general circulation serving the residents of the political subdivision and post such advertisement on its website, which shall read as follows:

'INTENT TO OPT OUT OF HOMESTEAD EXEMPTION
The (name of governing authority) intends to opt out of the statewide adjusted base year ad valorem homestead exemption for (name of the political subdivision).
All concerned citizens are invited to the public hearing on this matter to be held at (place of meeting) on (date and time).
Times and places of additional public hearings on this matter are at (place of meeting) on (date and time).'

Simultaneously with this notice the governing authority shall provide a press release to the local media.

(2) The advertisement required by paragraph (1) of this subsection shall appear at least one week prior to each hearing, be prominently displayed, be not less than 30 square inches, and not be placed in that section of the newspaper where legal notices appear and shall be posted on the appropriate website at least one week prior to each hearing. In addition to the advertisement specified under this paragraph, the levying or recommending authority may include in the notice reasons or explanations for its intention to opt out of the homestead exemption.

(3) No resolution to opt out of the homestead exemption shall become effective with respect to a

political subdivision unless the procedures and hearings required by this subsection are completed and a copy of such resolution is filed with the Secretary of State by March 1, 2025.

48-5-45. Application for homestead exemption; unlawful to solicit fee to file application for homestead for another.

(a) (1) An applicant seeking a homestead exemption as provided in Code Section 48-5-44 and qualifying under the provisions of Code Section 48-5-40 shall file a written application and schedule with the tax receiver or tax commissioner charged with the duty of receiving returns of property for taxation at any time during the calendar year subsequent to the property becoming the primary residence of the applicant up to and including the date for the closing of the books for the return of taxes for the calendar year.

(2) The failure to file properly the application and schedule on or before the date for the closing of the books for the return of taxes of a calendar year in which the taxes are due shall constitute a waiver of the homestead exemption on the part of the applicant failing to make the application for such exemption for that year.

(b) The owner of a homestead which is actually occupied by the owner as a residence and homestead shall not have to apply for the exemption more than once so long as the owner remains in continuous occupation of the residence as a homestead. The exemption shall automatically be renewed from year to year so long as the owner continuously occupies the residence as a homestead.

(c) It is unlawful for any person, firm, or corporation to solicit, either directly or by mail or advertisement, any other person for the purpose of filing on behalf of such other person the application and schedule for homestead exemption required by this Code section if a fee is charged for filing such application and schedule on behalf of such other person. A violation of this subsection shall be a misdemeanor.

48-5-46. Procedure for application.

(a) The application for the homestead exemption shall be furnished by the commissioner not later than February 1 of each year to the tax receiver or tax commissioner and municipal authorities, as the case may be, of the various counties.

(b) The application shall provide for:

(1) A statement of ownership of the homestead, a complete description of the property on which homestead exemption is claimed, when and from whom the property was acquired, the kind of title held, and the amount of liens, if any, and to whom due; and

(2) The approval of the application by the official so authorized.

(c) A form of oath shall be provided and shall be administered to the applicant seeking the homestead exemption. The oath may be administered and witnessed by the tax receiver, tax commissioner, any authorized deputy of the tax receiver or tax commissioner, or any individual authorized by law to administer oaths.

(d) The tax receiver or tax commissioner shall deliver to any interested person the forms prescribed for the exemption. The applicant must answer all questions correctly to be entitled to an approval of the application.

(e) The tax receiver or tax commissioner shall receive all applications for homestead exemption and shall file

and preserve the applications. The application shall be filed with the tax receiver or tax commissioner as provided by law.

48-5-47. Applications for homestead exemptions of individuals 65 or older.

(a) Article VII, Section II, Paragraph IV of the Constitution of the State of Georgia ratified in 1982 continued in effect as statutory law, until otherwise provided for by law, those types of exemptions from ad valorem taxation in effect on June 30, 1983. One such exemption is the homestead exemption granted to certain individuals 65 years of age or over by the seventh unnumbered subparagraph of Article VII, Section I, Paragraph IV of the Constitution of 1976. Pursuant to said provision of the Constitution ratified in 1982, the homestead exemption formerly granted by said provision of the Constitution of 1976 is superseded and modified as provided in subsection (b) of this Code section.

(b) Each person who is 65 years of age or over is hereby granted an exemption from all state and county ad valorem taxes in the amount of $4,000.00 on a homestead owned and occupied by him as a residence if his net income, together with the net income of his spouse who also occupies and resides at such homestead, as net income is defined by Georgia law, from all sources, except as hereinafter provided, does not exceed $10,000.00 for the immediately preceding taxable year for income tax purposes. For the purposes of this subsection, net income shall not include income received as retirement, survivor or disability benefits under the federal Social Security Act or under any other public or private retirement, disability or pension system, except such income which is in excess of the maximum amount authorized to be paid to an individual and his spouse under the federal Social Security Act, and income from such sources in excess of such maximum amount shall be included as net income for the purposes of this subsection. The value of the residence in excess of the above-exempted amount shall remain subject to taxation. Any such owner shall not receive the benefits of such homestead exemption unless he, or through his agent, files an affidavit with the tax commissioner or tax receiver of the county in which he resides, giving his age and the amount of income which he and his spouse received during the last taxable year for income tax purposes, and such additional information relative to receiving the benefits of such exemption as will enable the tax commissioner or tax receiver to make a determination as to whether such owner is entitled to such exemption. The tax commissioner or tax receiver shall provide affidavit forms for this purpose. Such applications shall be processed in the same manner as other applications for homestead exemption, and the provisions of law applicable to the processing of homestead exemptions, as the same now exists or may hereafter be amended, shall apply thereto. Provided, that after any such owner has filed the proper affidavit, as provided above, and has once been allowed the exemption provided in this subsection, it shall not be necessary that he make application and file the said affidavit thereafter for any year and the said exemption shall continue to be allowed to such owner. It shall be the duty of any such owner, however, to notify the tax commissioner or tax receiver in the event he becomes ineligible for any reason for the exemption provided in this subsection.

(c) The application for the homestead exemption of individuals 65 years of age or older provided for by subsection (b) of this Code section shall be in the form prescribed by the commissioner. The application shall require the applicant's social security number. The tax commissioner or tax receiver shall be authorized to have the statement of income of any claimant verified by the department upon sending the social security number of a claimant to the department.

48-5-47.1. Homestead exemptions for individuals 62 or older with annual incomes not exceeding $30,000.00

(a) For purposes of this Code section, the term:

(1) "Ad valorem taxes" means all state ad valorem taxes and all county ad valorem taxes for county purposes levied by, for, or on behalf of a county, except for taxes to pay interest on and to retire bonded indebtedness.

(2) "Base year" means the taxable year immediately preceding the taxable year in which the exemption under this Code section is granted.

(3) "Homestead" as applied in this Code section shall mean the homestead as defined and qualified in Code Section 48-5-40, with the additional qualification that it shall include only the primary residence and not more than five contiguous acres of land immediately surrounding such residence.

(4) "Income" means federal adjusted gross income, as defined in the Internal Revenue Code of 1986, as amended, from all sources.

(5) "Senior citizen" means a person who is 62 years of age or over on or before January 1 of the year in which application for the exemption under this Code section is made.

(b) Each resident of a county who is a senior citizen is granted an exemption on that person's homestead from all ad valorem taxes in an amount equal to the amount of the assessed value of that homestead which exceeds the assessed value of that homestead for the taxable year immediately preceding the taxable year in which this exemption is first granted to such resident, if that person's income, together with the income of the spouse of such person and any other person who resides within such homestead, does not exceed $30,000.00 for the immediately preceding taxable year. This exemption shall not apply to taxes assessed on improvements to the homestead or additional land that is added to the homestead after January 1 of the base year. If any real property is removed from the homestead, the assessment in the base year shall be adjusted to reflect such removal and the exemption shall be recalculated accordingly.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this Code section unless the person or person's agent files an application with the tax commissioner of the county giving the person's age and the amount of gross income which the person and the person's spouse and any other persons residing within such homestead received during the last taxable year, and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption.

(d) The commissioner shall provide application forms for the exemption granted by this Code section which shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for the exemption.

(e) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper application as provided in subsection (c) of this Code section, it shall not

be necessary to make application and file such affidavit thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner of the county or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(f) The exemption granted by this Code section shall not apply to or affect any municipal taxes or county school district taxes for educational purposes. The homestead exemption granted by this Code section shall be in lieu of and not in addition to any other homestead exemption applicable to county ad valorem taxes for county purposes.

(g) The exemption granted by this Code section shall apply to all taxable years beginning on or after January 1, 1995.

48-5-48. Homestead extension by qualified disabled veteran; filing requirements; periodic substantiation of eligibility; persons eligible without application.

(a) As used in this Code section, the term "disabled veteran" means:

(1) Any veteran who is a citizen and a resident of this state who was discharged under honorable conditions and who has been adjudicated by the United States Department of Veterans Affairs as having a service related disability that renders such veteran as being 100 percent totally disabled or as being less than 100 percent totally disabled but is compensated at the 100 percent level due to individual unemployability or is entitled to receive a statutory award from the United States Department of Veterans Affairs for:

(A) Loss or permanent loss of use of one or both feet;

(B) Loss or permanent loss of use of one or both hands;

(C) Loss of sight in one or both eyes; or

(D) Permanent impairment of vision of both eyes of the following status: central visual acuity of 20/200 or less in the better eye, with corrective glasses, or central visual acuity of more than 20/200 if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends on angular distance no greater than 20 degrees in the better eye;

(2) An American veteran of any war or armed conflict in which any branch of the armed forces of the United States engaged, whether under United States command or otherwise, and that he or she is disabled due to the loss or loss of use of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; due to blindness in both eyes, having only light perception, together with the loss or loss of use of one lower extremity; or due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair;

(3) Any disabled veteran who is not entitled to receive benefits from the Department of Veterans Affairs but who qualifies otherwise, as provided for by Article VII, Section I, Paragraph IV of the Constitution of Georgia of 1976;

(4) An American veteran of any war or armed conflict who is disabled due to loss or loss of use of one lower extremity together with the loss or loss of use of one upper extremity which so affects the functions of balance or propulsion as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; or

(5) A veteran becoming eligible for assistance in acquiring housing under Section 2101 of Title 38 of the United States Code as hereafter amended on or after July 1, 1999.

(b) Any disabled veteran as defined in any paragraph of subsection (a) of this Code section who is a citizen and resident of Georgia is granted an exemption of the greater of $32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, on his or her homestead which such veteran owns and actually occupies as a residence and homestead, such exemption being from all ad valorem taxation for state, county, municipal, and school purposes. As of January 1, 2004, the maximum amount which may be granted to a disabled veteran under the above-stated federal law is $50,000.00. The value of all property in excess of the exempted amount cited above shall remain subject to taxation. The unremarried surviving spouse or minor children of any such disabled veteran as defined in this Code section shall also be entitled to an exemption of the greater of $32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended, on the homestead so long as the unremarried surviving spouse or minor children continue actually to occupy the home as a residence and homestead, such exemption being from all ad valorem taxation for state, county, municipal, and school purposes. As of January 1, 2004, the maximum amount which may be granted to the unremarried surviving spouse or minor children of any such disabled veteran under the above-stated federal law is $50,000.00. The value of all property in excess of such exemption granted to such unremarried surviving spouse or minor children shall remain subject to taxation.

(b.1) The unremarried surviving spouse or minor children of any disabled veteran shall also be entitled to an exemption of the greater of $32,500.00 or the maximum amount on a homestead, or any subsequent homestead within the same county, where such spouse or minor children continue to occupy the home as a homestead, such exemption being from ad valorem taxation for state, county, municipal, and school purposes.

(c)(1) Any disabled veteran qualifying pursuant to paragraph (1) or (2) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file with the tax commissioner or tax receiver a letter from the Department of Veterans Affairs or the Department of Veterans Service stating the qualifying disability.

(2) Any disabled veteran qualifying pursuant to paragraph (3) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file with the tax commissioner or tax receiver a copy of his DD form 214 (discharge papers from his military records) along with a letter from a doctor who is licensed to practice medicine in this state stating that he is disabled due to loss or loss of use of both lower extremities such as to preclude locomotion without the aid of braces, crutches, canes, or a wheelchair; due to blindness in both eyes, having only light perception, together with the loss or loss of use of one lower extremity; or due to the loss or loss of use of one lower extremity together with residuals of organic disease or injury which so affect the functions of balance or propulsion as to preclude locomotion without resort to a wheelchair. Prior to approval of an exemption, a county board of tax assessors may require the applicant to provide not more than two additional doctors' letters if the board is in doubt as to the applicant's eligibility for the exemption.

(3) Any disabled veteran qualifying pursuant to paragraph (4) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file with the tax commissioner or tax receiver a letter from a doctor who is licensed to practice medicine in this state stating the qualifying disability. Prior to approval of an exemption, a county board of tax assessors may require the applicant to provide not more than two additional doctors' letters if the board is in doubt as to the applicant's eligibility for the exemption.

(4) Any disabled veteran qualifying pursuant to paragraph (5) of subsection (a) of this Code section for the homestead exemption provided for in this Code section shall file with the tax commissioner or tax receiver a letter from the Department of Veterans Affairs or the Department of Veterans Service stating the eligibility for such housing assistance.

(d) Each disabled veteran shall file for the exemption only once in the county of his residence. Once filed, the exemption shall automatically be renewed from year to year, except as provided in subsection (e) of this Code section. Such exemption shall be extended to the unremarried surviving spouse or minor children at the time of his death so long as they continue to occupy the home as a residence and homestead. In the event a disabled veteran who would otherwise be entitled to the exemption dies or becomes incapacitated to the extent that he or she cannot personally file for such exemption, the spouse, the unremarried surviving spouse, or the minor children at the time of the disabled veteran's death may file for the exemption and such exemption may be granted as if the disabled veteran had made personal application therefor.

(e) Not more often than once every three years, the county board of tax assessors may require the holder of an exemption granted pursuant to this Code section to substantiate his continuing eligibility for the exemption. In no event may the board require more than three doctors' letters to substantiate eligibility.

(f) Any person who as of January 1, 1991, has applied and is eligible for the exemption for disabled veterans, their surviving spouses, and minor children formerly provided for by the sixth unnumbered subparagraph of Article VII, Section I, Paragraph IV of the Constitution of 1976; the exemption for disabled veterans provided for in Article VII, Section II, Paragraph V of the Constitution of 1983; or the exemption for disabled veterans formerly provided for by Code Section 48-5-48.3 as enacted by an Act approved April 11, 1986 (Ga. L. 1986, p. 1445), shall be eligible for the exemption granted by subsection (b) of this Code section without applying for such exemption.

(g)(1) If a disabled veteran receives a final determination of disability from the United States Department of Veterans Affairs containing a retroactive period of eligibility, such disabled veteran or his or her surviving unremarried spouse or minor children shall be entitled to a refund of the ad valorem taxes paid during such period that he or she or his or her surviving unremarried spouse or minor children would have otherwise been exempt from such taxes pursuant to this Code section, provided that the refund shall only be for the three tax years preceding his or her or his or her surviving unremarried spouse's or minor children's application for the homestead exemption permitted by this Code section.

(2) Upon application for the homestead exemption provided by this Code section and submittal of proper documentation, each county and municipality shall consider the taxes paid by such disabled veteran or his or her surviving unremarried spouse or minor children under the circumstances provided in paragraph (1) of this subsection to be voluntarily or involuntarily overpaid and shall refund such taxes to such disabled veteran or his or her surviving unremarried spouse or minor children in accordance with Code Section 48-5-380.

(3) Upon final determination and approval of a period of prior eligibility, the county board of assessors shall immediately transmit such approval to the local tax commissioner and local municipal tax officer if applicable. The tax commissioner and municipal tax officer shall be authorized to refund the proportionate amount of taxes from the entities for whom the taxes were collected for the tax years approved for the exemption. Such refund shall not exceed three tax years and shall not include interest.

48-5-48.3 Homestead exemption for senior citizens.

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

(1) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A., as amended, with the additional qualification that it shall include only the primary residence and not more than ten contiguous acres of land immediately surrounding such residence.

(2) "Senior citizen" means a person who is 65 years of age or over on or before January 1 of the year in which application for the exemption under this Code section is made.

(b) Any person who is a senior citizen and resident of Georgia is granted upon application an exemption on his or her homestead which such person owns and actually occupies as a residence and homestead in an amount equal to the actual levy for state ad valorem taxation made pursuant to Code Section 48-5-8 with respect to that homestead, such exemption being from all ad valorem taxation for state purposes. The value of all property in excess of the exempted amount cited above shall remain subject to taxation.

(c) The exemption shall be claimed and returned in the same manner as otherwise required under Code Section 48-5-50.1. Each person shall file for the exemption only once in the county of his or her residence. Once filed, the exemption shall automatically be renewed from year to year.

(d) The exemption granted by this Code section shall not apply to or affect county taxes, municipal taxes, or school district taxes.

(e) The exemption granted by this Code section shall be in addition to and not in lieu of any other homestead exemption from state taxes.

48-5-48.4 Homestead exemption for unremarried surviving spouse of peace officer or firefighter killed in line of duty.

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

(1) "Ad valorem taxes" means all state ad valorem taxes and all county, county school district, municipal, and independent school district taxes for county, county school district, municipal, or independent school district purposes including, but not limited to, taxes to retire bonded indebtedness.

(2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40.

(b) Each resident of the state who is the unremarried surviving spouse of a peace officer or firefighter who was killed in the line of duty is granted an exemption on that person's homestead from all ad valorem taxes

for the full value of that homestead.

(c) A person shall not receive the homestead exemption granted by subsection (b) of this Code section unless the person or person's agent files an affidavit with the tax commissioner of the county in which that person resides giving such information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such person is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose and shall require such information as may be necessary to determine the initial and continuing eligibility of the applicant for the exemption.

(d) The exemption shall be claimed and returned as provided in Code Section 48-5-50.1. The exemption shall be automatically renewed from year to year as long as the applicant occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (c) of this Code section, it shall not be necessary to make application and file such affidavit thereafter for any year and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

(e) The exemption granted by this Code section shall be in lieu of and not in addition to any other homestead exemption from ad valorem taxes.

(f) The exemption granted by this Code section shall apply to all taxable years beginning on or after January 1, 2007.

48-5-49. Determination of eligibility of applicant; appeal.

(a) The official receiving an application for homestead exemption shall determine the eligibility of the applicant to claim the exemption and, whether the application is approved or disapproved, he shall then transfer the application to the county board of tax assessors for final determination by the board as to eligibility and value as provided by law.

(b) The applicant shall have the right of appeal from the decision of the board of assessors to the county board of equalization as provided in Code Section 48-5-311.

48-5-50. Homestead value credited with exemption; approval of correctness of value, exemption, and difference.

The value of the homestead as finally determined shall be credited with the homestead exemption provided by law. The homestead value, exemption, and difference, if any, shall be shown on the owner's tax return and the correctness of the value, exemption, and difference shall be approved on the return as provided by law.

48-5-50.1. Claim and return of constitutional or local law homestead exemptions from county taxes, county school taxes, or municipal or independent school district taxes.

(a) This Code section shall govern the procedure for returning and claiming homestead exemptions which are created by or pursuant to local laws or constitutional amendments which were not general amendments. If, however, such a constitutional amendment or local law contains provisions which are in conflict with this

Code section, then such other provisions shall prevail over this Code section.

(b) (1) If the homestead exemption is from county taxes or county school taxes, it shall be claimed and returned as provided in Code Sections 48-5-45, 48-5-46, 48-5-49, and 48-5-50.

(2) If the homestead exemption is from municipal or independent school district taxes, it shall be claimed and returned as provided in Code Sections 48-5-45, 48-5-46, and 48-5-50, except that any reference to the tax commissioner or tax receiver shall be deemed to refer to the municipal governing authority or its designee. The determination of eligibility of the applicant to claim the exemption shall be made by the municipal governing authority subject to appeal to the superior court. Any such appeal must be filed within 30 days after the final determination by the municipal governing authority and shall be a de novo proceeding.

(3) In addition to the provisions required by Code Section 48-5-46, the application for an exemption under this Code section may provide where necessary for an affidavit as to the age of the owner, the income of the owner and of each member of his family residing on the homestead, and such other information as may be necessary to determine eligibility of the owner for the exemption. The commissioner shall not be required to furnish specialized forms required by this Code section.

48-5-51. Fraudulent claim of homestead exemption under Code Sections 48-5-44 through 48-5-50; penalty.

(a) It shall be unlawful for any person to:

(1) Make any false or fraudulent claim for exemption under Code Sections 48-5-44 through 48-5-50;

(2) Make any false statement or false representation of a material fact in support of a claim for exemption under Code Sections 48-5-44 through 48-5-50; or

(3) Assist another knowingly in the preparation of any false or fraudulent claim for exemption under Code Sections 48-5-44 through 48-5-50, or enter into any collusion with another by the execution of a fictitious deed, deed of trust, mortgage, or otherwise.

(b) Any person who violates this Code section shall be guilty of a misdemeanor. In addition, the property shall be taxed in an amount double the tax otherwise to be paid.

48-5-52. Exemption from ad valorem taxation for educational purposes of homesteads of qualified individuals 62 or older; application; replacement of revenue.

(a) The homestead of each resident of each independent school district and of each county school district within this state who is 62 years of age or older and, for the purposes of all tax years beginning on or after January 1, 2003, whose net income together with the net income of the spouse who also occupies and resides at such homestead, as net income is defined by Georgia law from all sources, except as otherwise provided in this subsection, does not exceed $10,000.00 for the immediately preceding taxable year for income tax purposes, is exempted from all ad valorem taxes for educational purposes levied by, for, or on behalf of any such school system, including taxes to retire school bond indebtedness. For the purposes of this subsection, net income shall not include income received as retirement, survivor, or disability benefits under the federal Social Security Act or under any other public or private retirement, disability, or pension system, except such

income which is in excess of the maximum amount authorized to be paid to an individual and his or her spouse under the federal Social Security Act. Income from such sources in excess of such maximum amount shall be included as net income for the purposes of this subsection. The exemption shall not exceed $10,000.00 of the homestead's assessed value. Except as otherwise specifically provided by law, the value of that property in excess of such exempted amount shall remain subject to taxation.

(b)(1) The exemption provided for in subsection (a) of this Code section shall not be granted unless an affidavit of the owner of the homestead, prepared upon forms prescribed by the commissioner for that purpose, is filed with either the tax receiver or tax commissioner, in the case of residents of county school districts, or with the governing authority of the owner's city, in the case of residents of independent school districts.

(2) The affidavit shall in the first year for which the exemption is sought be filed on or before the last day for making a tax return and shall show the:

(A) Age of the owner on January 1 immediately preceding the filing of the affidavit;

(B) Total amount of net income received by the owner and spouse from all sources during the immediately preceding calendar year; and

(C) Such additional information as may be required by the commissioner.

(3) Copies of all affidavits received or extracts of the information contained in the affidavits shall be forwarded to the commissioner by the various taxing authorities with whom the affidavits are filed. The commissioner is authorized to compare such information with information contained in any income tax return, sales tax return, or other tax documents or records of the department and to report immediately to the appropriate county or city taxing authority any apparent discrepancies between the information contained in any affidavit and the information contained in any other tax records of the department.

(4) After the owner has filed the affidavit and has once been allowed the exemption provided for in this Code section, it shall not be necessary to make application and file the affidavit thereafter for any year and the exemption shall continue to be allowed to such owner; provided, however, that it shall be the duty of any such owner to notify the tax commissioner or tax receiver in the event the owner becomes ineligible for any reason for the exemption provided for in this Code section.

(c) The homestead exemption granted by this Code section shall extend to and shall apply to those properties the legal title to which is vested in one or more titleholders when such property is actually occupied as a residence by one or more of the titleholders who possess the qualifications provided in subsection (a) of this Code section and who claim the exemption in the manner provided for in this Code section. The exemption shall also extend to those homesteads the title to which is vested in a personal representative or trustee if one or more of the heirs or beneficiaries residing on the property possess the qualifications provided for and claim the exemption in the manner provided in this Code section.

(d)(1) The State Board of Education, when funds are specifically appropriated for the purpose of replacing revenue lost by local school systems as a result of this Code section, shall provide each school district in this state which, on July 1, 1974, had in effect a tax levy of 20 mills or more for educational purposes or was levying the maximum permissible tax authorized by law for educational purposes, with grants for educational

purposes which shall equal the revenues lost by the school district due to the exemption provided by this Code section for property located within the school district.

(2) The State Board of Education may promulgate reasonable rules to carry out this subsection.

48-5-52.1. Exemption from ad valorem taxation for state, county, municipal, and school purposes of homesteads of unremarried surviving spouses of U.S. service members killed in action.

(a) Any person who is a citizen and resident of Georgia and who is an unremarried surviving spouse of a member of the armed forces of the United States, which member has been killed in or has died as a result of any war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, shall be granted a homestead exemption from all ad valorem taxation for state, county, municipal, and school purposes in the amount of the greater of $32,500.00 or the maximum amount which may be granted to a disabled veteran under Section 2102 of Title 38 of the United States Code, as amended. As of January 1, 1999, the maximum amount which may be granted to a disabled veteran under the above-stated federal law is $43,000.00. For the purposes of this Code section, the term "unremarried surviving spouse" of a member of the armed forces includes the unmarried widow or widower of a member of the armed forces who is receiving spousal benefits from the United States Department of Veterans Affairs. The exemption shall be on the homestead which the unremarried surviving spouse owns and actually occupies as a residence and homestead. In the event such surviving spouse remarries, such person shall cease to be qualified to continue the exemption under this Code section effective December 31 of the taxable year in which such person remarries. The value of all property in excess of such exemption granted to such unremarried surviving spouse shall remain subject to taxation.

(b) In order to qualify for the exemption provided for in this Code section, the unremarried surviving spouse shall furnish to the tax commissioner of the county of residence documents from the Secretary of Defense evidencing that such unremarried surviving spouse receives spousal benefits as a result of the death of such person's spouse who as a member of the armed forces of the United States was killed or died as a result of a war or armed conflict while on active duty or while performing authorized travel to or from active duty during such war or armed conflict in which the armed forces of the United States engaged, whether under United States command or otherwise, pursuant to the Survivor Benefit Plan under Subchapter II of Chapter 73 of Title 10 of the United States Code or pursuant to any preceding or subsequent federal law which provides survivor benefits for spouses of members of the armed forces who were killed or who died as a result of any war or armed conflict.

(c) An unremarried surviving spouse filing for the exemption under this Code section shall be required to file with the tax commissioner information relative to marital status and other such information which the county board of tax assessors deems necessary to determine eligibility for the exemption. Each unremarried surviving spouse shall file for the exemption only once with the tax commissioner. Once filed, the exemption shall automatically be renewed from year to year, except that the county board of tax assessors may require annually that the holder of an exemption substantiate his or her continuing eligibility for the exemption. It shall be the duty of any person granted the homestead exemption under this Code section to notify the tax commissioner in the event that person for any reason becomes ineligible for such exemption.

(d) The exemption granted by this Code section shall be in lieu of and not in addition to any other exemption from ad valorem taxation for state, county, municipal, and school purposes which is equal to or lower in amount than such exemption granted by this Code section. If the amount of any other exemption from ad

valorem taxation for state, county, municipal, and school purposes applicable to any resident qualifying under this Code section is greater than or is increased to an amount greater than the amount of the applicable exemption granted by this Code section, such other exemption shall apply and shall be in lieu of and not in addition to the exemption granted by this Code section.

(e) The exemptions granted by this Code section shall apply to the tax year beginning on January 1, 2001, and all tax years thereafter.

48-5-53. Falsification of information required by Code Section 48-5-52; penalty.

(a) It shall be unlawful for any person willfully to falsify information required by the commissioner pursuant to Code Section 48-5-52, whether relating to age, income, or otherwise.

(b) Any person who violates subsection (a) of this Code section commits the offense of false swearing.

48-5-54. Application of homestead exemptions to properties with multiple titleholders and properties held by administrators, executors, or trustees.

(a) The exemptions granted to the homestead pursuant to this part shall extend to and shall apply to those properties the legal title to which is vested in one or more titleholders if actually occupied by one or more of such owners as a residence. In such instances, such exemptions shall be granted to such properties if claimed in the manner provided by law by one or more of the owners actually residing on such property. Such exemptions shall also extend to those homesteads the title to which is vested in an administrator, executor, or trustee if one or more of the heirs or cestui que uses residing on such property claims the exemption in the manner provided by law. The provisions of this Code section shall also apply to exemptions granted to the homestead by any local law adopted after July 1, 1984, unless the local law expressly provides to the contrary.

(b) The failure to file properly the application and schedule shall not be cause for waiver of the exemption where such waiver arises because of an administrator's or executor's deed transferring the property to a surviving spouse. In such instances, the board of tax assessors shall give notice of its intent to deny the exemption as required by Code Section 48-5-49, and the surviving spouse may make application for the amount of homestead exemption to which such applicant is entitled within 30 days from the date of the notice by the board of tax assessors. In the case of a base year assessed value homestead exemption, as long as the surviving spouse otherwise meets the requirements specified for such exemption and makes proper application under this subsection, upon approval of such application the exemption shall be continued with the same base year assessed value as had been established for the deceased spouse of such surviving spouse, unless otherwise provided by local law.

48-5-55. Continuation of constitutional exemptions from ad valorem taxes.

(a) Exemptions from ad valorem taxation granted by or pursuant to constitutional amendments other than general constitutional amendments of state-wide application, which exemptions were in effect on June 30, 1983, are continued in effect as statutory law until otherwise provided for by law.

(b) The provisions of this part shall not prohibit any otherwise lawful local Act from granting exemptions from ad valorem taxes other than state ad valorem taxes, which exemptions are in addition to or in place of the exemptions granted pursuant to this part.

48-5-56. Notice of homestead exemptions from ad valorem taxation to accompany bill for ad valorem taxes on real property.

Each bill for ad valorem taxes on real property other than property required to be returned to the commissioner shall contain or be accompanied by a notice in substantially the following form:

"Certain persons are eligible for certain homestead exemptions from ad valorem taxation. In addition to the regular homestead exemption authorized for all homeowners, certain elderly persons are entitled to additional homestead exemptions. The full law relating to each exemption must be referred to in order to determine eligibility for the exemption. If you are eligible for one of these exemptions and are not now receiving the benefit of the exemption, you must apply for the exemption not later than (insert date) in order to receive the exemption in future years. For more information on eligibility for exemptions or on the proper method of applying for an exemption, you may contact the office of the county tax receiver or county tax commissioner, which is located at : (insert address) and which may be contacted by telephone at : (insert telephone number).

If you feel that your property has been assigned too high a value for tax purposes by the board of tax assessors, you should file a tax return reducing the value not later than _____in order to have an opportunity to have this value lowered for next year's taxes. Information on filing a return can be obtained from the county tax receiver or tax commissioner at the above address and telephone number."

STATE EXEMPTIONS		STATE	COUNTY	COUNTY	SCHOOL	SCHOOL
CODE	QUALIFICATIONS	TAX	M&O TAX	BOND TAX	TAX	BOND TAX
S1 - Regular	See O.C.G.A. § 48-5-44	$2,000	$2,000	0	$2,000	0
SC - Age 65	See O.C.G.A. § 48-5-48.3	100% on home & up to 10 acres of land and $2,000 on balance	$2,000	0	$2,000	0
S2 - Reserved	Reserved - DO NOT USE					
S3 - Elderly - Age 62 (Net Income < $10,000)	See O.C.G.A. § 48-5-52	$2,000	$2,000	0	$10,000	$10,000
S4 - Elderly - Age 65 (Net Income < $10,000)	See O.C.G.A. § 48-5-47	100% on home & up to 10 acres of land and $4,000 on balance	$4,000	$4,000	$10,000	$10,000
S5 - Disabled Veteran & surviving spouse or minor children	See O.C.G.A. § 48-5-48	$67,595	$67,595	$67,595	$67,595	$67,595
SD - Age 65 - 100% Disabled Veteran; Unremarried surviving spouse or minor children of Dis	See O.C.G.A. § 48-5-48	100% on home & up to 10 acres of land and $64,980 on balance	$67,595	$67,595	$67,595	$67,595
SS - Surviving Spouse of US service member killed in action	See O.C.G.A. § 48-5-52.1	$67,595	$67,595	$67,595	$67,595	$67,595
SE - Age 65 - Unremarried surviving spouse of US service member killed in action	See O.C.G.A. § 48-5-48.3 & § 48-5-52.1	100% on home & up to 10 acres of land and $64,980 on balance	$67,595	$67,595	$67,595	$67,595
SG - Unremarried surviving spouse of a firefighter or peace officer killed in line of duty	See O.C.G.A. § 48-5-48.4	100%	100%	100%	100%	100%
S6 - Elderly Floating - Age 62 (Fed Agi < $30,000)	See O.C.G.A. § 48-5-47.1 & § 48-5-52	Floating on home & up to 5 acres of land	Floating	0	$2,000	0
S7 - Reserved	Reserved - DO NOT USE					
S8 - Elderly Floating - Age 62 (Fed AGI < $30,000 & Net Income < $10,000)	See O.C.G.A. § 48-5-47.1 & 48-5-52	Floating on home & up to 5 acres of land	Floating	0	$10,000	$10,000
S9 - Elderly Floating - Age 65 (Fed AGI < $30,000 & Net Income < $10,000)	See O.C.G.A. § 48-5-47, § 48-5-47.1 & § 48-5-52	100% on home & up to 10 acres of land	Floating	$4,000	$10,000	$10,000

The maximum allowable exemption amounts for the codes below are updated annually pursuant to O.C.G.A.§ 48-5-48 and O.C.G.A.§ 48-5-52.1. For 2017 the maximum allowable amount was $77,303.

S5 - $77,303
SD - $77,303
SS - $77,303
SE - $77,303

The appraisal staff should update the maximum allowable amounts annually. The county will receive notification from the DOR up the updated maximum allowable amounts annually.

Covenants

48-5-7.1. Tangible real property devoted to agricultural purposes

Definition; persons entitled to preferential tax assessment; covenant to maintain agricultural purposes; penalty for breach of covenant.

(a) For purposes of this article, "tangible real property which is devoted to 'bona fide agricultural purposes'

(1) Is tangible real property, the primary use of which is good faith commercial production from or on the land of agricultural products, including horticultural, floricultural, forestry, dairy, livestock, poultry, and apiarian products and all other forms of farm products; but

(2) Includes only the value which is $100,000.00 or less of the fair market value of tangible real property which is devoted to the storage or processing of agricultural products from or on the property; and

(3) Excludes the entire value of any residence located on the property.

(b) No property shall qualify for the preferential ad valorem property tax assessment provided for in subsection (b) of Code Section 48-5-7 unless:

(1) It is owned by one or more natural or naturalized citizens; or

(2) It is owned by a family-farm corporation, the controlling interest of which is owned by individuals related to each other within the fourth degree by civil reckoning, and such corporation derived 80 percent or more of its gross income for the year immediately preceding the year in which application for preferential assessment is made from bona fide agricultural pursuits carried out on tangible real property located in this state, which property is devoted to bona fide agricultural purposes.

(c) No property shall qualify for said preferential assessment if such assessment would result in any person who has a beneficial interest in such property, including any interest in the nature of stock ownership, receiving in any tax year any benefit of preferential assessment as to more than 2,000 acres. If any taxpayer has any beneficial interest in more than 2,000 acres of tangible real property which is devoted to bona fide agricultural purposes, such taxpayer shall apply for preferential assessment only as to 2,000 acres of such land.

(d) No property shall qualify for preferential assessment unless and until the owner of such property agrees by covenant with the appropriate taxing authority to maintain the eligible property in bona fide agricultural purposes for a period of at least ten years beginning on the first day of January of the year in which such property qualifies for preferential assessment and ending on the last day of December of the tenth year of the covenant period. After the expiration of any ten-year covenant period, the property shall not qualify for further preferential assessment until and unless the owner of the property enters into a renewal covenant for an additional period of ten years.

(e) No property shall maintain its eligibility for preferential assessment unless a valid covenant remains in effect and unless the property is continuously devoted to bona fide agricultural purposes during the entire period of the covenant.

(f) If any change in ownership of such qualified property occurs during the covenant period, all qualification requirements must be met again before the property shall be eligible to be continued for preferential

assessment. If ownership of the property is acquired during a covenant period by a person qualified to enter into an original covenant, by a newly formed corporation the stock in which is owned by the original covenantor or others related to the original covenantor within the fourth degree by civil reckoning, or by the personal representative of an owner who was a party to the covenant, then the original covenant may be continued by such acquiring party for the remainder of the term, in which event no breach of the covenant shall be deemed to have occurred.

(g) A penalty shall be imposed under this subsection if during the period of the covenant entered into by a taxpayer the covenant is breached. The penalty shall be computed by multiplying the amount by which the preferential assessment has reduced taxes otherwise due for the year in which the breach occurs times:

(1) A factor of five if the breach occurs in the first or second year of the covenant period;

(2) A factor of four if the breach occurs during the third or fourth year of the covenant period;

(3) A factor of three if the breach occurs during the fifth or sixth year of the covenant period; or

(4) A factor of two if the breach occurs in the seventh, eighth, ninth, or tenth year of the covenant period.

(h) A penalty imposed under subsection (g) of this Code section shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.

(i) Penalties and interest imposed under this Code section shall constitute a lien against the property and shall be collected as other unpaid ad valorem taxes are collected. Such penalties and interest shall be distributed pro rata to each taxing jurisdiction wherein the preferential assessment has been granted based upon the total amount by which such preferential assessment has reduced taxes for each such taxing jurisdiction on the property in question as provided in this Code section.

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

(1) The acquisition of part or all of the property under the power of eminent domain;

(2) The sale of part or all of the property to a public or private entity which would have had the authority to acquire the property under the power of eminent domain; or

(3) The death of an owner who was a party to the covenant.

(k) All applications for preferential assessment, including the covenant agreement required under this Code section, shall be filed on or before the last day for filing ad valorem tax returns in the county for the tax year for which such preferential assessment shall be first applicable. An application for continuation of preferential assessment upon a change in ownership of the qualified property shall be filed on or before the last date for filing tax returns in the year following the year in which the change in ownership occurred. Applications for preferential assessment shall be filed with the county board of tax assessors who shall approve or deny the application. If the application is approved on or after July 1, 1998, the county board of tax assessors shall file a copy of the approved application in the office of the clerk of the superior court in the county in which the eligible property is located. The clerk of the superior court shall file and index such application in the real property records maintained in the clerk's office. Applications approved prior to July

1, 1998, shall be filed and indexed in like manner without payment of any fee. If the application is not so recorded in the real property records, a transferee of the property affected shall not be bound by the covenant or subject to any penalty for its breach. The fee of the clerk of the superior court for recording such applications approved on or after July 1, 1998, shall be paid by the owner of the eligible property with the application for preferential treatment and shall be paid to the clerk by the board of tax assessors when the application is filed with the clerk. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial of an application by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311. As to property approved for preferential assessment prior to July 1, 1998, the county board of tax assessors shall file copies of all approved applications in the office of the clerk of the superior court not later than August 14, 1998, and the clerk shall file, index, and record such approved applications, as provided for in this subsection, with the fee of the clerk of the superior court for filing, indexing, and recording to be paid out of the general funds of the county.

(l) The commissioner shall by regulation provide uniform application and covenant forms to be used in making application for preferential assessment. Such application shall include an oath or affirmation by the taxpayer that he has not at any time received, or made a pending application for, preferential assessment in the same or another county with respect to any property which taken together with property for which application is then being made exceeds 2,000 acres.

(m) The commissioner shall annually submit a report to the Governor and members of the General Assembly which shall show the fiscal impact of the preferential assessment provided for in this Code section. The report shall include the amount of assessed value eliminated from each county's digest as a result of the preferential assessment; approximate tax dollar losses, by county, to all local governments affected by such preferential assessment; and any recommendations regarding state and local administration of this Code section, with emphasis upon enforcement problems, if any, attendant with this Code section. The report shall also include any other data or facts which the commissioner deems relevant.

(n)(1) The transfer prior to July 1, 1988, of a part of the property subject to a covenant shall not constitute a breach of a covenant entered into before or after July 1, 1984, if:

(A) The part of the property so transferred is used for single-family residential purposes and the residence is occupied by a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and

(B) The part of the property so transferred, taken together with any other part of the property so transferred during the covenant period, does not exceed a total of three acres.

(2) The transfer on or after July 1, 1988, of a part of the property subject to a covenant shall not constitute a breach of a covenant entered into before or after July 1, 1988, if:

(A) The part of the property so transferred is transferred to a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and

(B) The part of the property so transferred, taken together with any other part of the property transferred to the same relative during the covenant period, does not exceed a total of five acres.

(o) The following shall not constitute a breach of a covenant entered into before or after July 1, 1984:

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

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

(p) Property which is subject to preferential assessment shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to readily ascertain that the property is subject to preferential assessment. Covenants shall be public records and shall be indexed and maintained in such manner as will allow members of the public to readily locate the covenant affecting any particular property subject to preferential assessment.

(q)(1) In any case in which a covenant is breached solely as a result of the foreclosure of a deed to secure debt, or the property is conveyed to the lien holder without compensation and in lieu of foreclosure, the penalty specified by paragraph (2) of this subsection shall apply and the penalty specified by subsection (g) of this Code section shall not apply if:

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

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

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

(2) When a breach occurs solely as a result of a foreclosure which meets the qualifications of paragraph (1) of this subsection, the penalty imposed shall be the amount by which preferential assessment has reduced taxes otherwise due for the year in which the covenant is breached.

(3) A penalty imposed under this subsection shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.

(r)(1) In any case in which a covenant is breached solely as a result of a medically demonstrable illness or disability which renders the owner of the real property physically unable to continue the property in agricultural use, the penalty specified by paragraph (2) of this subsection shall apply and the penalty specified by subsection (g) of this Code section shall not apply. The penalty specified by paragraph (2) of this subsection shall likewise be substituted for the penalty specified by subsection (g) of this Code section in any case in which a covenant is breached solely as a result of a medically demonstrable illness or disability which renders the operator of the real property physically unable to continue the property in agricultural use, provided that the alternative penalty shall apply in this case only if the operator of the real

property is a member of the family owning a family-farm corporation which owns the real property.

(2) When a breach occurs which meets the qualifications of paragraph (1) of this subsection, the penalty imposed shall be the amount by which preferential assessment has reduced taxes otherwise due for the year during which the covenant is breached.

(3) A penalty imposed under this subsection shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.

(4) Prior to the imposition of the alternative penalty authorized by this subsection in lieu of the penalty specified by subsection (g) of this Code section, the board of tax assessors shall require satisfactory evidence which clearly demonstrates that the breach is the result of a medically demonstrable illness or disability which meets the qualifications of paragraph (1) of this subsection.

(r.1) In any case in which a covenant is breached solely as a result of an owner electing to discontinue the property in its qualifying use, provided such owner has renewed without an intervening lapse at least once the covenant under this Code section, has reached the age of 65 or older, and has kept the property in a qualifying use under the renewal covenant for at least three years the penalty specified by subsection (g) of this Code section shall not apply and the penalty imposed shall be the amount by which preferential assessment has reduced taxes otherwise due for the year in which the covenant is breached. Such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date of the breach. Such election shall be in writing and shall not become effective until filed with the county board of tax assessors.

(s) Property which is subject to preferential assessment and which is subject to a covenant under this Code section may be changed from such covenant and placed in a covenant for bona fide conservation use under Code Section 48-5-7.4 if such property meets all of the requirements and conditions specified in Code Section 48-5-7.4. Any such change shall terminate the covenant under this Code section, shall not constitute a breach of the covenant under this Code section, and shall require the establishment of a new covenant period under Code Section 48-5-7.4. No property may be changed under this subsection more than once.

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

48-5-7.2. Certification as rehabilitated historic property for purposes of preferential assessment.
(a)(1) For the purposes of this article, "rehabilitated historic property" means tangible real property which:

(A) Qualifies for listing on the Georgia Register of Historic Places as provided in Part 1 of Article 3 of Chapter 3 of Title 12;

(B) Is in the process of or has been substantially rehabilitated, provided that in the case of owner occupied residential real property the rehabilitation has increased the fair market value of the building or structure by not less than 50 percent, or, in the case of income-producing real property, the rehabilitation has increased the fair market value of the building or structure by not less than 100 percent, or, in the case of real property used primarily as residential property but partially as income-producing property, the rehabilitation has increased the fair market value of the building or structure by not less than 75 percent, provided that the exact percentage of such increase in the fair market value to be required shall be determined by rules and regulations promulgated by the Board of Natural Resources. For the purposes of this subparagraph, the term "fair market value" shall mean the fair market value of the property, excluding the provisions of subparagraph (C) of paragraph (3) of Code Section 48-5-2;

(C) The rehabilitation of which meets the rehabilitation standards as provided in regulations promulgated by the Department of Natural Resources; and

(D) Has been certified by the Department of Natural Resources as rehabilitated historic property eligible for preferential assessment.

(2) The preferential classification and assessment of rehabilitated historic property provided for in this Code section shall apply to the building or structure which is the subject of the rehabilitation, the real property on which the building or structure is located, and not more than two acres of real property surrounding the building or structure. The remaining property shall be assessed for tax purposes as otherwise provided by law.

(3) Property may qualify as historic property only if substantial rehabilitation of such property was initiated after January 1, 1989, and only property which has been certified as rehabilitated historic property by the Department of Natural Resources after July 1, 1989, may qualify for preferential assessment.

(b) In order for property to qualify for preferential assessment as provided for in subsection (c) of Code Section 48-5-7, the property must receive certification as rehabilitated historic property as defined in paragraph (1) of subsection (a) of this Code section and pursuant to regulations promulgated by the Department of Natural Resources. Applications for certification of such property shall be accompanied by a fee specified by rules and regulations of the Board of Natural Resources. The Department of Natural Resources may, at its discretion, delegate its responsibilities conferred under subparagraph (a)(1)(C) of this Code section.

(c) Upon a property owner's receiving preliminary certification pursuant to the provisions of subsection (b) of this Code section, such property owner shall submit a copy of such preliminary certification to the county board of tax assessors. A property owner shall have 24 months from the date that preliminary certification is received pursuant to subsection (b) of this Code section in which to complete the rehabilitation of such property in conformity with the application approved by the Department of Natural Resources. After receiving the preliminary certification from the property owner, the county board of tax assessors shall not increase the assessed value of such property during the period of rehabilitation of such property, not to

exceed two years. During such period of rehabilitation of the property, the county tax receiver or tax commissioner shall enter upon the tax digest a notation that the property is subject to preferential assessment and shall also enter an assessment of the fair market value of the property, excluding the preferential assessment authorized by this Code section. Any taxes not paid on the property as a result of the preliminary certification and frozen assessed value of the property shall be considered deferred until a final determination is made as to whether such property qualifies for preferential assessment as provided in this Code section.

(d) Upon the completion of the rehabilitation of such property, the property owner shall submit a request in writing for final certification to the Department of Natural Resources. The Department of Natural Resources shall determine whether such property as rehabilitated constitutes historic property which will be listed on the Georgia Register of Historic Places and which qualifies for preferential assessment. The Department of Natural Resources shall issue to the property owner a final certification if such property so qualifies.

(e) Upon receipt of final certification from the Department of Natural Resources, a property owner desiring classification of any such historic property as rehabilitated historic property in order to receive the preferential assessment shall make application to the county board of tax assessors and include the order of final certification with such application. The county board of tax assessors shall determine if the value of the building or structure has been increased in accordance with the provisions of subparagraph (a)(1)(B) of this Code section; provided, however, that, if the property owner can document expenditures on rehabilitation of owner occupied property of not less than 50 percent of the fair market value of the building or structure at the time of the preliminary certification of the property, or, in the case of income-producing property, expenditures on rehabilitation of such property of not less than 100 percent of the fair market value of the building or structure at the time of preliminary certification of the property, or, in the case of real property used primarily as residential property but partially as income-producing property, expenditures on rehabilitation of such property of not less than 75 percent of the fair market value of the building or structure at the time of preliminary certification of the property, the county board of tax assessors shall be required to grant preferential assessment to such property. For the purposes of this subsection, the term "fair market value" shall mean the fair market value of the building or structure, excluding the provisions of subparagraph (C) of paragraph (3) of Code Section 48-5-2; and such rehabilitation expenditures shall also include expenditures incurred in preserving specimen trees upon not more than two acres of real property surrounding the building or structure. As used in this Code section, the term "specimen tree" means any tree having a trunk diameter of 30 inches or more. The county board of tax assessors shall make the determination within 30 days after receiving the application and shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306. Appeals from the denial of an application for preferential assessment by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(f) A property owner who fails to have property classified as rehabilitated historic property and listed on the Georgia Register of Historic Places for the preferential assessment shall be required to pay the difference between the amount of taxes on the property during the period that the assessment was frozen pursuant to the provisions of subsection (c) of this Code section and the amount of taxes which would have been due had the property been assessed at the regular fair market value, plus interest at the rate prescribed in Code Section 48-2-40.

(g)(1) Property which has been classified by the county board of tax assessors as rehabilitated historic

property shall be eligible for the preferential assessment provided for in subsection (c) of Code Section 48-5-7; provided, however, that, for the purposes of determining the years of eligibility for preferential assessment, the tax year following the year in which the preliminary certification was filed with the county board of tax assessors pursuant to subsection (c) of this Code section shall be considered and counted as the first year of eligibility.

(2) Property which is subject to preferential assessment shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to ascertain readily that the property is subject to preferential assessment.

(3) The county tax receiver or tax commissioner shall enter upon the tax digest as the basis or value of a parcel of rehabilitated historic property a value equal to the greater of the acquisition cost of the property or the assessment of the fair market value of the property as recorded in the county tax digest at the time preliminary certification on such property was received by the county board of tax assessors pursuant to subsection (c) of this Code section. Property classified as rehabilitated historic property shall be recorded upon the tax digest as provided in this Code section for nine consecutive assessment years, and the notation "rehabilitated historic property" shall be entered on the tax digest adjacent to the valuation of such property to indicate that the property is being preferentially assessed. The tax commissioner or tax receiver shall also enter upon the tax digest an assessment of the fair market value of the property each year, excluding the provisions of subparagraph (C) of paragraph (3) of Code Section 48-5-2.

(h) When property has once been classified and assessed as rehabilitated historic property, it shall remain so classified and be granted the special assessment until the property becomes disqualified by any one of the following:

(1) Written notice by the taxpayer to the county tax commissioner or receiver to remove the preferential classification and assessment;

(2) Sale or transfer of ownership making the property exempt from property taxation;

(3) Decertification of such property by the Department of Natural Resources. The Department of Natural Resources has the authority to decertify any property which no longer possesses the qualities and features which made it eligible for the Georgia Register of Historic Places or which has been altered through inappropriate rehabilitation as determined by the Department of Natural Resources. The sale or transfer to a new owner shall not operate to disqualify the property from preferential classification and assessment so long as the property continues to qualify as rehabilitated historic property. When for any reason the property or any portion thereof ceases to qualify as rehabilitated historic property, the owner at the time of change shall notify the Department of Natural Resources and the county board of tax assessors prior to the next January; or

(4) The expiration of nine years during which the property was classified and assessed as rehabilitated historic property; provided, however, that any such property may qualify thereafter as rehabilitated historic property if such property is subject to subsequent rehabilitation and qualifies under the provisions of this Code section.

(i) Any person who is aggrieved or adversely affected by any order or action of the Department of Natural Resources pursuant to this Code section shall, upon petition within 30 days after the issuance of such order or taking of such action, have a right to a hearing before an administrative law judge appointed by the

Board of Natural Resources. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." The decision of the administrative law judge shall constitute the final decision of the board and any party to the hearing, including the Department of Natural Resources, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(j)(1) The taxes and interest deferred pursuant to this Code section shall constitute a prior lien and shall attach as of the date and in the same manner and shall be collected as are other liens for taxes, as provided for under this title, but the deferred taxes and interest shall only be due, payable, and delinquent as provided in this Code section.

(2) Liens for taxes deferred under this Code section, except for any lien covering the then current tax year, shall not be divested by an award for year's support authorized pursuant to Chapter 5 of Title 53 of the "Pre-1998 Probate Code," if applicable, or Chapter 3 of Title 53 of the "Revised Probate Code of 1998." History

48-5-7.3. Landmark historic property

(a) (1) For the purposes of this Code section, "landmark historic property" means tangible real property which:

(A) Has been listed on the National Register of Historic Places or on the Georgia Register of Historic Places as provided in Part 1 of Article 3 of Chapter 3 of Title 12 and has been so certified by the Department of Natural Resources; and

(B) Has been certified by a local government as landmark historic property having exceptional architectural, historic, or cultural significance pursuant to a comprehensive local historic preservation or landmark ordinance which is of general application within such locality and has been approved as such by the state historic preservation officer.

(2) The preferential classification and assessment of landmark historic property provided for in this Code section shall apply to the building or structure which is listed on the National Register of Historic Places or on the Georgia Register of Historic Places, the real property on which the building or structure is located, and not more than two acres of real property surrounding the building or structure. The remaining property shall be assessed for tax purposes as otherwise provided by law.

(3) Property may qualify as landmark historic property and be eligible to receive the preferential assessment provided for in this Code section only if the local governing authority has adopted an ordinance authorizing such preferential assessments for landmark historic property under this Code section. Notwithstanding any other provision of this paragraph, said ordinances may extend the preferential assessment authorized by this Code section to tangible income-producing real property, tangible non-income producing real property, or combination thereof, so as to encourage the preservation of historic properties and assist in the revitalization of historic areas.

(b) In order for property to qualify under this Code section for preferential assessment as provided for in subsection (c.1) of Code Section 48-5-7, the property must receive the certifications required for landmark historic property as defined in paragraph (1) of subsection

(a) of this Code section.

(c) Upon receipt of said certifications, a property owner desiring classification of any such historic property as landmark historic property in order to receive the preferential assessment shall make application to the county board of tax assessors and include said certifications with such application. The county board of tax assessors shall determine if the provisions of this Code section have been complied with and upon such determination, the county board of tax assessors shall be required to grant preferential assessment to such property. The county board of tax assessors shall make the determination within 30 days after receiving the application and shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306. Appeals from the denial of an application for preferential assessment by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(d) (1) Property which has been classified by the county board of tax assessors as landmark historic property shall be immediately eligible for the preferential assessment provided for in subsection (c.1) of Code Section 48-5-7; provided, however, that, for the purposes of determining the years of eligibility for preferential assessment, the tax year following the year in which the certification was filed with the county board of tax assessors pursuant to subsection (c) of this Code section shall be considered and counted as the first year of eligibility.

(2) Property which is subject to preferential assessment shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to ascertain readily that the property is subject to preferential assessment.

(3) The county tax receiver or tax commissioner shall enter upon the tax digest as the basis or value of a parcel of landmark historic property a value equal to the greater of the acquisition cost of the property or the assessment of the fair market value of the property as recorded in the county tax digest at the time certification on such property was received by the county board of tax assessors pursuant to subsection (c) of this Code section. Property classified as landmark historic property shall be recorded upon the tax digest as provided in this Code section for nine consecutive assessment years, and the notation "landmark historic property" shall be entered on the tax digest adjacent to the valuation of such property to indicate that the property is being preferentially assessed. The tax commissioner or tax receiver shall also enter upon the tax digest an assessment of the fair market value of the property each year, excluding the provisions of subparagraph (D) of paragraph (3) of Code Section 48-5-2.

(e) (1) When property has once been classified and assessed as landmark historic property, it shall remain so classified and be granted the special assessment until the property becomes disqualified by any one of the following:

(A) Written notice by the taxpayer to the county tax commissioner or receiver to remove the preferential classification and assessment;

(B) Sale or transfer of ownership making the property exempt from property taxation;

(C) Decertification of such property by the Department of Natural Resources. The Department of Natural Resources has the authority to decertify any property which no longer possesses the qualities and features which made it eligible for the Georgia Register of Historic Places or which has been altered through inappropriate rehabilitation as determined by the Department of Natural Resources. The sale or transfer to a new owner shall not operate to disqualify the property from preferential classification and assessment so long as the property continues to qualify as landmark historic property, except as specified in subparagraph

(B) of this paragraph. When for any reason the property or any portion thereof ceases to qualify as landmark historic property, the owner at the time of change shall notify the Department of Natural Resources and the county board of tax assessors prior to the next January;

(D) Decertification of such property by the local governing authority for failure to maintain such property in a standard condition as specified in the local historic preservation or landmark ordinance or in local building codes; or

(E) The expiration of nine years during which the property was classified and assessed as landmark historic property; provided, however, that any such property may qualify thereafter as landmark historic property if such property is subject to subsequent rehabilitation and qualifies under other portions of the historic properties tax incentive program contained within the provisions of this Code section.

(2) Except as otherwise provided in this Code section, if a property becomes disqualified pursuant to any provision of this subsection, the decertification shall be transmitted to the county board of tax assessors and said assessors shall appropriately notate the property as decertified. Such property shall not be eligible to receive the preferential assessment provided for in this Code section during the taxable year in which such disqualification occurs.

(f) Any person who is aggrieved or adversely affected by any order or action of the Department of Natural Resources pursuant to this subsection shall, upon petition within 30 days after the issuance of such order or taking of such action, have a right to a hearing before an administrative law judge appointed by the Board of Natural Resources. The hearing before the administrative law judge shall be conducted in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act." The decision of the administrative law judge shall constitute the final decision of the board and any party to the hearing, including the Department of Natural Resources, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the "Georgia Administrative Procedure Act."

(g) No property shall be eligible to receive simultaneously more than one of the preferential assessments provided for in this Code section and Code Section 48-5-7.2.

(h) Any landmark historic property which lies within a locally designated landmark or historic preservation district which is predominantly a residential district as determined by the local governing authority shall not be eligible for the preferential assessment provided for in this subsection if such landmark historic property constitutes a nonconforming use pursuant to applicable local zoning ordinances or if such landmark historic property does not contribute to the architectural, historic, or cultural values for which said district is significant.

(i) (1) The difference between the preferential assessment granted by this Code section and the taxes which would otherwise be assessed and interest thereon shall constitute a prior lien and shall attach as of the date and in the same manner and shall be collected as are other liens for taxes, as provided for under this title, but shall only be due, payable, and delinquent as provided in this Code section.

(2) Such liens for taxes, except for any lien covering the then current tax year, shall not be divested by an award for year's support authorized pursuant to Chapter 5 of Title 53 of the "Pre-1998 Probate Code," if applicable, or Chapter 3 of Title 53 of the "Revised Probate Code of 1998." 48-5-7.4. Bona fide conservation use property; residential transitional property; application procedures; penalties for breach of covenant; classification on tax digest; annual report.

48-5-7.4. Bona fide conservation use property; residential transitional property; application procedures; penalties for breach of covenant; classification on tax digest; annual report.

(a) For purposes of this article, the term "bona fide conservation use property" means property described in and meeting the requirements of paragraph (1) or (2) of this subsection, as follows:
(1) Not more than 2,000 acres of tangible real property of a single person, the primary purpose of which is any good faith production, including but not limited to subsistence farming or commercial production, from or on the land of agricultural products or timber, subject to the following qualifications:
(A) Such property includes the value of tangible property permanently affixed to the real property which is directly connected to such owner's production of agricultural products or timber and which is devoted to the storage and processing of such agricultural products or timber from or on such real property;
(A.1) In the application of the limitation contained in the introductory language of this paragraph, the following rules shall apply to determine beneficial interests in bona fide conservation use property held in a family owned farm entity as described in division (1)(C)(iv) of this subsection:
(i) A person who owns an interest in a family owned farm entity as described in division (1)(C)(iv) of this subsection shall be considered to own only the percent of the bona fide conservation use property held by such family owned farm entity that is equal to the percent interest owned by such person in such family owned farm entity; and
(ii) A person who owns an interest in a family owned farm entity as described in division (1)(C)(iv) of this subsection may elect to allocate the lesser of any unused portion of such person's 2,000 acre limitation or the product of such person's percent interest in the family owned farm entity times the total number of acres owned by the family owned farm entity subject to such bona fide conservation use assessment, with the result that the family owned farm entity may receive bona fide conservation use assessment on more than 2,000 acres;
(B) Such property excludes the entire value of any residence and its underlying property; as used in this subparagraph, the term "underlying property" means the minimum lot size required for residential construction by local zoning ordinances or two acres, whichever is less. The board of tax assessors shall not require a recorded plat or survey to set the boundaries of the underlying property. This provision for excluding the underlying property of a residence from eligibility in the conservation use covenant shall only apply to property that is first made subject to a covenant or is subject to the renewal of a previous covenant on or after May 1, 2012;
(C) Except as otherwise provided in division (vii) of this subparagraph, such property must be owned by:
(i) One or more natural or naturalized citizens;
(ii) An estate of which the devisees or heirs are one or more natural or naturalized citizens;
(iii) A trust of which the beneficiaries are one or more natural or naturalized citizens;
(iv) A family owned farm entity, such as a family corporation, a family partnership, a family general partnership, a family limited partnership, a family limited corporation, or a family limited liability company, all of the interest of which is owned by one or more natural or naturalized citizens related to each other by blood or marriage within the fourth degree of civil reckoning, except that, solely with respect to a family limited partnership, a corporation, limited partnership, limited corporation, or limited liability company may serve as a general partner of the family limited partnership and hold no more than a 5 percent interest in such family limited partnership, an estate of which the devisees or heirs are one or more natural or naturalized citizens, a trust of which the beneficiaries are one or more natural or naturalized citizens, or an entity created by the merger or consolidation of two or more entities which independently qualify as a family owned farm entity, and which family owned farm entity derived 80 percent or more of its gross income from bona fide conservation uses, including earnings on investments directly related to past or

future bona fide conservation uses, within this state within the year immediately preceding the year in which eligibility is sought; provided, however, that in the case of a newly formed family farm entity, an estimate of the income of such entity may be used to determine its eligibility;
(v) A bona fide nonprofit organization designated under Section 501(c)(3) of the Internal Revenue Code;
(vi) A bona fide club organized for pleasure, recreation, and other nonprofitable purposes; or
(vii) In the case of constructed storm-water wetlands, any person may own such property;
(D) Factors which may be considered in determining if such property is qualified may include, but not be limited to:
(i) The nature of the terrain;
(ii) The density of the marketable product on the land;
(iii) The past usage of the land;
(iv) The economic merchantability of the agricultural product; and
(v) The utilization or nonutilization of recognized care, cultivation, harvesting, and like practices applicable to the product involved and any implemented plans thereof;
(E) Such property shall, if otherwise qualified, include, but not be limited to, property used for:
(i) Raising, harvesting, or storing crops;
(ii) Feeding, breeding, or managing livestock or poultry;
(iii) Producing plants, trees, fowl, or animals, including without limitation the production of fish or wildlife by maintaining not less than ten acres of wildlife habitat either in its natural state or under management, which shall be deemed a type of agriculture; provided, however, that no form of commercial fishing or fish production shall be considered a type of agriculture; or
(iv) Production of aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, and apiarian products; and
(F) The primary purpose described in this paragraph includes land conservation and ecological forest management in which commercial production of wood and wood fiber products may be undertaken primarily for conservation and restoration purposes rather than financial gain; or
(2) Not more than 2,000 acres of tangible real property, excluding the value of any improvements thereon, of a single owner of the types of environmentally sensitive property specified in this paragraph and certified as such by the Department of Natural Resources, if the primary use of such property is its maintenance in its natural condition or controlling or abating pollution of surface or ground waters of this state by storm-water runoff or otherwise enhancing the water quality of surface or ground waters of this state and if such owner meets the qualifications of subparagraph (C) of paragraph (1) of this subsection:
(A) Environmentally sensitive areas, including any otherwise qualified land area 1,000 feet or more above the lowest elevation of the county in which such area is located that has a percentage slope, which is the difference in elevation between two points 500 feet apart on the earth divided by the horizontal distance between those two points, of 25 percent or greater and shall include the crests, summits, and ridge tops which lie at elevations higher than any such area;
(B) Wetland areas that are determined by the United States Army Corps of Engineers to be wetlands under their jurisdiction pursuant to Section 404 of the federal Clean Water Act, as amended, or wetland areas that are depicted or delineated on maps compiled by the Department of Natural Resources or the United States Fish and Wildlife Service pursuant to its National Wetlands Inventory Program;
(C) Significant ground-water recharge areas as identified on maps or data compiled by the Department of Natural Resources;
(D) Undeveloped barrier islands or portions thereof as provided for in the federal Coastal Barrier Resources Act, as amended;

(E) Habitats as certified by the Department of Natural Resources as containing species that have been listed as either endangered or threatened under the federal Endangered Species Act of 1973, as amended;
(F) River or stream corridors or buffers which shall be defined as those undeveloped lands which are:
(i) Adjacent to rivers and perennial streams that are within the 100 year flood plain as depicted on official maps prepared by the Federal Emergency Management Agency; or
(ii) Within buffer zones adjacent to rivers or perennial streams, which buffer zones are established by law or local ordinance and within which land-disturbing activity is prohibited; or
(G)
(i) Constructed storm-water wetlands of the free-water surface type certified by the Department of Natural Resources under subsection (k) of Code Section 12-2-4 and approved for such use by the local governing authority.
(ii) No property shall maintain its eligibility for current use assessment as a bona fide conservation use property as defined in this subparagraph unless the owner of such property files an annual inspection report from a licensed professional engineer certifying that as of the date of such report the property is being maintained in a proper state of repair so as to accomplish the objectives for which it was designed. Such inspection report and certification shall be filed with the county board of tax assessors on or before the last day for filing ad valorem tax returns in the county for each tax year for which such assessment is sought.
(a.1) Notwithstanding any other provision of this Code section to the contrary, in the case of property which otherwise meets the requirements for current use assessment and the qualifying use is pursuant to division (1)(E)(iii) of subsection (a) of this Code section, when the owner seeks to renew the covenant or reenter a covenant subsequent to the termination of a previous covenant which met such requirements and the owner meets the qualifications under this Code section but the property is no longer being used for the qualified use for which the previous covenant was entered pursuant to division (1)(E)(iii) of subsection (a) of this Code section, the property is not environmentally sensitive property within the meaning of paragraph (2) of subsection (a) of this Code section, and the primary use of the property is maintenance of a wildlife habitat of not less than ten acres either by maintaining the property in its natural condition or under management, the county board of tax assessors shall be required to accept such use as a qualifying use for purposes of this Code section.
(b) Except in the case of the underlying portion of a tract of real property on which is actually located a constructed storm-water wetland, the following additional rules shall apply to the qualification of conservation use property for current use assessment:
(1) When one-half or more of the area of a single tract of real property is used for a qualifying purpose, then such tract shall be considered as used for such qualifying purpose unless some other type of business is being operated on the unused portion; provided, however, that such unused portion must be minimally managed so that it does not contribute significantly to erosion or other environmental or conservation problems. The lease of hunting rights or the use of the property for hunting purposes shall not constitute another type of business. The charging of admission for use of the property for fishing purposes shall not constitute another type of business;
(2)
(A) The owner of a tract, lot, or parcel of land totaling less than ten acres shall be required by the tax assessor to submit additional relevant records regarding proof of bona fide conservation use for qualified property that on or after May 1, 2012, is either first made subject to a covenant or is subject to a renewal of a previous covenant. The provisions of this paragraph relating to requiring additional relevant records regarding proof of bona fide conservation use shall not apply to such property if the owner of the subject property provides one or more of the following:

(i) Proof that such owner has filed with the Internal Revenue Service a Schedule E, reporting farm related income or loss, or a Schedule F, with Form 1040, or, if applicable, a Form 4835, pertaining to such property;
(ii) Proof that such owner has incurred expenses for the qualifying use; or
(iii) Proof that such owner has generated income from the qualifying use.
Prior to a denial of eligibility under this paragraph, the tax assessor shall conduct and provide proof of a visual, on-site inspection of the property. Reasonable notice shall be provided to the property owner before being allowed a visual, on-site inspection of the property by the tax assessor.
(B) The owner of a tract, lot, or parcel of land totaling ten acres or more shall not be required by the tax assessor to submit additional relevant records regarding proof of bona fide conservation use for qualified property that on or after May 1, 2012, is either first made subject to a covenant or is subject to a renewal of a previous covenant;
(3) No property shall qualify as bona fide conservation use property if such current use assessment would result in any person who has a beneficial interest in such property, including any interest in the nature of stock ownership, receiving in any tax year any benefit of current use assessment as to more than 2,000 acres. If any taxpayer has any beneficial interest in more than 2,000 acres of tangible real property which is devoted to bona fide conservation uses, such taxpayer shall apply for current use assessment only as to 2,000 acres of such land;
(4) No property shall qualify as bona fide conservation use property if it is leased to a person or entity which would not be entitled to conservation use assessment;
(5) No property shall qualify as bona fide conservation use property if such property is at the time of application for current use assessment subject to a restrictive covenant which prohibits the use of the property for the specific purpose described in subparagraph (a)(1)(E) of this Code section for which bona fide conservation use qualification is sought; and
(6) No otherwise qualified property shall be denied current use assessment on the grounds that no soil map is available for the county in which such property is located; provided, however, that if no soil map is available for the county in which such property is located, the owner making an application for current use assessment shall provide the board of tax assessors with a certified soil survey of the subject property unless another method for determining the soil type of the subject property is authorized in writing by such board.
(c) For purposes of this article, the term “bona fide residential transitional property” means not more than five acres of tangible real property of a single owner which is private single-family residential owner occupied property located in a transitional developing area. Such classification shall apply to all otherwise qualified real property which is located in an area which is undergoing a change in use from single-family residential use to agricultural, commercial, industrial, office-institutional, multifamily, or utility use or a combination of such uses. Change in use may be evidenced by recent zoning changes, purchase by a developer, affidavits of intent, or close proximity to property which has undergone a change from single-family residential use. To qualify as residential transitional property, the valuation must reflect a change in value attributable to such property’s proximity to or location in a transitional area.
(d) No property shall qualify for current use assessment under this Code section unless and until the owner of such property agrees by covenant with the appropriate taxing authority to maintain the eligible property in bona fide qualifying use for a period of ten years beginning on the first day of January of the year in which such property qualifies for such current use assessment and ending on the last day of December of the final year of the covenant period. After the owner has applied for and has been allowed current use assessment provided for in this Code section, it shall not be necessary to make application thereafter for any year in which the covenant period is in effect and current use assessment shall continue to be allowed such owner as specified in this Code section. At least 60 days prior to the expiration date of the covenant,

the county board of tax assessors shall send by first-class mail written notification of such impending expiration. Upon the expiration of any covenant period, the property shall not qualify for further current use assessment under this Code section unless and until the owner of the property has entered into a renewal covenant for an additional period of ten years; provided, however, that the owner may enter into a renewal contract in the ninth year of a covenant period so that the contract is continued without a lapse for an additional ten years.

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

(f) An owner shall not be authorized to make application for and receive current use assessment under this Code section for any property which at the time of such application is receiving preferential assessment under Code Section 48-5-7.1 except that such owner shall be authorized to change such preferential assessment covenant in the manner provided for in subsection (s) of Code Section 48-5-7.1.

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

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

(i)

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

(2)

(A) As used in this paragraph, the term “contiguous” means real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant’s tract is divided by a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track, then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track.

(B) If a qualified owner has entered into an original bona fide conservation use covenant and subsequently acquires additional qualified property contiguous to the property in the original covenant, the qualified owner may elect to enter the subsequently acquired qualified property into the original covenant for the remainder of the ten-year period of the original covenant; provided, however, that such subsequently acquired qualified property shall be less than 50 acres.

(j)

(1) All applications for current use assessment under this Code section, including the covenant agreement required under this Code section, shall be filed on or before the last day for filing ad valorem tax returns in the county for the tax year for which such current use assessment is sought, except that in the case of property which is the subject of a reassessment by the board of tax assessors an application for current use assessment may be filed in conjunction with or in lieu of an appeal of the reassessment. An application for continuation of such current use assessment upon a change in ownership of all or a part of the qualified property shall be filed on or before the last date for filing tax returns in the year following the year in which the change in ownership occurred. Applications for current use assessment under this Code section shall be filed with the county board of tax assessors who shall approve or deny the application. If the application is approved on or after July 1, 1998, the county board of tax assessors shall file a copy of the approved application in the office of the clerk of the superior court in the county in which the eligible property is located. The clerk of the superior court shall file and index such application in the real property records maintained in the clerk's office. Applications approved prior to July 1, 1998, shall be filed and indexed in like manner without payment of any fee. If the application is not so recorded in the real property records, a transferee of the property affected shall not be bound by the covenant or subject to any penalty for its breach. The fee of the clerk of the superior court for recording such applications approved on or after July 1, 1998, shall be paid by the owner of the eligible property with the application for preferential treatment and shall be paid to the clerk by the board of tax assessors when the application is filed with the clerk. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial of an application by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(2) If the final determination on appeal to superior court is to approve the application for current use assessment, the taxpayer shall recover costs of litigation and reasonable attorney's fees incurred in the action.

(3) Any final determination on appeal that causes a reduction in taxes and creates a refund that is owed to the taxpayer shall be paid by the tax commissioner to such taxpayer, entity, or transferee that paid the taxes within 60 days from the date of the final determination of value. Such refund shall include interest at the same rate specified in Code Section 48-2-35 which shall accrue from the due date of the taxable year in question or the date paid, whichever is later, through the date on which the final determination of value was made. In no event shall the amount of such interest exceed $5,000.00. Any refund paid after the sixtieth day shall accrue interest from the sixty-first day until paid with interest at the same rate specified in Code Section 48-2-35. The interest accrued after the sixtieth day shall not be subject to the limits imposed by this subsection. The tax commissioner shall pay the tax refund and any interest for the refund from current collections in the same proportion for each of the levying authorities for which the taxes were collected.

(4) For the purposes of this Code section, any final determination on appeal that causes an increase in taxes and creates an additional billing shall be paid to the tax commissioner as any other tax due. After the tax bill notice has been mailed out, the taxpayer shall be afforded 60 days from the date of the postmark to make full payment of the adjusted bill. Once the 60 day payment period has expired, the bill shall be considered past due and interest shall accrue from the original billing due date as specified in Code Section 48-2-40 without limit until the bill is paid in full. Once past due, all other fees, penalties, and late and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes.

(5) In the event such application is approved, the taxpayer shall continue to receive annual notification of any change in the fair market value of such property and any appeals with respect to such valuation shall be made in the same manner as other property tax appeals are made pursuant to Code Section 48-5-311.
(k)
(1) The commissioner shall by regulation provide uniform application and covenant forms to be used in making application for current use assessment under this Code section. Such application shall include an oath or affirmation by the taxpayer that he or she is in compliance with the provisions of paragraphs (3) and (4) of subsection (b) of this Code section, if applicable.
(2) The applicable local governing authority shall accept applications for approval of property for purposes of subparagraph (a)(2)(G) of this Code section and shall certify property to the local board of tax assessors as meeting or not meeting the criteria of such paragraph. The local governing authority shall not certify any property as meeting the criteria of subparagraph (a)(2)(G) of this Code section unless:
(A) The owner has submitted to the local governing authority:
(i) A plat of the tract in question prepared by a licensed land surveyor, showing the location and measured area of such tract;
(ii) A certification by a licensed professional engineer that the specific design used for the constructed storm-water wetland was recommended by the engineer as suitable for such site after inspection and investigation; and
(iii) Information on the actual cost of constructing and estimated cost of operating the storm-water wetland, including without limitation a description of all incorporated materials, machinery, and equipment; and
(B) An authorized employee or agent of the local governing authority has inspected the site before, during, and after construction of the storm-water wetland to determine compliance with the requirements of subparagraph (a)(2)(G) of this Code section.
(k.1) In the case of an alleged breach of the covenant, the owner shall be notified in writing by the board of tax assessors. The owner shall have a period of 30 days from the date of such notice to cease and desist the activity alleged in the notice to be in breach of the covenant or to remediate or correct the condition or conditions alleged in the notice to be in breach of the covenant. Following a physical inspection of property, the board of tax assessors shall notify the owner that such activity or activities have or have not properly ceased or that the condition or conditions have or have not been remediated or corrected. The owner shall be entitled to appeal the decision of the board of tax assessors and file an appeal disputing the findings of the board of tax assessors. Such appeal shall be conducted in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311. If the final determination on appeal to superior court is to reverse the decision of the board of tax assessors to enforce the breach of the covenant, the taxpayer shall recover costs of litigation and reasonable attorney's fees incurred in the action.
(l) A penalty shall be imposed under this subsection if during the period of the covenant entered into by a taxpayer the covenant is breached. The penalty shall be applicable to the entire tract which is the subject of the covenant and shall be twice the difference between the total amount of tax paid pursuant to current use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period. No penalty shall be imposed until the appeal of the board of tax assessors' determination of breach is concluded. After the final determination on appeal, the taxpayer shall be afforded 60 days from issuance of the bill to make full payment. Once the 60 day payment period has expired, the bill shall be considered past due and interest shall accrue from the original billing due date as specified in Code Section 48-2-40 without limit until the bill is paid in full. Once past due, all other fees, penalties, and late and collection notices shall apply as prescribed in this chapter for the collection of delinquent taxes.

(m) Penalties and interest imposed under this Code section shall constitute a lien against the property and shall be collected in the same manner as unpaid ad valorem taxes are collected. Such penalties and interest shall be distributed pro rata to each taxing jurisdiction wherein current use assessment under this Code section has been granted based upon the total amount by which such current use assessment has reduced taxes for each such taxing jurisdiction on the property in question as provided in this Code section.
(n) The penalty imposed by subsection (l) of this Code section shall not apply in any case where a covenant is breached solely as a result of:
(1) The acquisition of part or all of the property under the power of eminent domain;
(2) The sale of part or all of the property to a public or private entity which would have had the authority to acquire the property under the power of eminent domain; or
(3) The death of an owner who was a party to the covenant.
(o) The transfer of a part of the property subject to a covenant for a bona fide conservation use shall not constitute a breach of a covenant if:
(1) The part of the property so transferred is used for single-family residential purposes, starting within one year of the date of transfer and continuing for the remainder of the covenant period, and the residence is occupied within 24 months from the date of the start by a person who is related within the fourth degree of civil reckoning to an owner of the property subject to the covenant; and
(2) The part of the property so transferred, taken together with any other part of the property so transferred to the same relative during the covenant period, does not exceed a total of five acres;
and in any such case the property so transferred shall not be eligible for a covenant for bona fide conservation use, but shall, if otherwise qualified, be eligible for current use assessment as residential transitional property and the remainder of the property from which such transfer was made shall continue under the existing covenant until a terminating breach occurs or until the end of the specified covenant period.
(p) The following shall not constitute a breach of a covenant:
(1) Mineral exploration of the property subject to the covenant or the leasing of the property subject to the covenant for purposes of mineral exploration if the primary use of the property continues to be the good faith production from or on the land of agricultural products;
(2) Allowing all or part of the property subject to the covenant to lie fallow or idle for purposes of any land conservation program, for purposes of any federal agricultural assistance program, or for other agricultural management purposes;
(3) Allowing all or part of the property subject to the covenant to lie fallow or idle due to economic or financial hardship if the owner notifies the board of tax assessors on or before the last day for filing a tax return in the county where the land lying fallow or idle is located and if such owner does not allow the land to lie fallow or idle for more than two years of any five-year period;
(4)
(A) Any property which is subject to a covenant for bona fide conservation use being transferred to a place of religious worship or burial or an institution of purely public charity if such place or institution is qualified to receive the exemption from ad valorem taxation provided for under subsection (a) of Code Section 48-5-41. No person shall be entitled to transfer more than 25 acres of such person's property in the aggregate under this paragraph.
(B) Any property transferred under subparagraph (A) of this paragraph shall not be used by the transferee for any purpose other than for a purpose which would entitle such property to the applicable exemption from ad valorem taxation provided for under subsection (a) of Code Section 48-5-41 or subsequently transferred until the expiration of the term of the covenant period. Any such use or transfer shall constitute a breach of the covenant;

(5) Leasing a portion of the property subject to the covenant, but in no event more than six acres, for the purpose of placing thereon a cellular telephone transmission tower. Any such portion of such property shall cease to be subject to the covenant as of the date of execution of such lease and shall be subject to ad valorem taxation at fair market value;
(6) Allowing all or part of the property subject to the covenant on which a corn crop is grown to be used for the purpose of constructing and operating a maze so long as the remainder of such corn crop is harvested;
(7)
(A) Allowing all or part of the property subject to the covenant to be used for agritourism purposes.
(B) As used in this paragraph, the term "agritourism" means charging admission for persons to visit, view, or participate in the operation of a farm or dairy or production of farm or dairy products for entertainment or educational purposes or selling farm or dairy products to persons who visit such farm or dairy;
(8) Allowing all or part of the property which has been subject to a covenant for at least one year to be used as a site for farm weddings;
(9) Allowing all or part of the property which has been subject to a covenant for at least one year to be used to host not for profit equestrian performance events to which spectator admission is not contingent upon an admission fee but which may charge an entry fee from each participant;
(10) Allowing all or part of the property subject to the covenant to be used to host a not for profit rodeo event to which spectator admission and participant entry fees are charged in an amount that in aggregate does not exceed the cost of hosting such event;
(11)
(A) Allowing part of the property subject to the covenant to be used for solar generation of energy and conversion of such energy into heat or electricity, and the sale of the same in accordance with applicable law.
(B) The provisions of subparagraph (A) of this paragraph shall not allow the portion of the property on which such solar energy generating equipment is located, as depicted by a boundary survey prepared by a licensed surveyor, and which is subject to an existing covenant to remain in the covenant. Such property shall be removed from the existing covenant at the time of the installation of the solar energy generating equipment and shall be subject to the penalty for breach of the covenant contained in subsection (q) of this Code section and shall be subject to ad valorem taxation at fair market value; or
(12)
(A) Allowing part of the property subject to the covenant to be used for farm labor housing. As used in this paragraph, the term "farm labor housing" means all buildings or structures used as living quarters when such housing is provided free of charge to workers who provide labor on agricultural property.
(B) The provisions of subparagraph (A) of this paragraph shall not allow the portion of the property on which such farm labor housing is located and which is subject to an existing covenant to remain in the covenant. Such property shall be removed from the existing covenant at the time construction of the farm labor housing begins and shall be subject to ad valorem taxation at fair market value.
(q) In the following cases, the penalty specified by subsection (l) of this Code section shall not apply and the penalty imposed shall be the amount by which current use assessment has reduced taxes otherwise due for the year in which the covenant is breached, such penalty to bear interest at the rate specified in Code Section 48-2-40 from the date of the breach:
(1) Any case in which a covenant is breached solely as a result of the foreclosure of a deed to secure debt or the property is conveyed to the lienholder without compensation and in lieu of foreclosure, if:
(A) The deed to secure debt was executed as a part of a bona fide commercial loan transaction in which the grantor of the deed to secure debt received consideration equal in value to the principal amount of the debt secured by the deed to secure debt;

(B) The loan was made by a person or financial institution who or which is regularly engaged in the business of making loans; and
(C) The deed to secure debt was intended by the parties as security for the loan and was not intended for the purpose of carrying out a transfer which would otherwise be subject to the penalty specified by subsection (l) of this Code section;
(2) Any case in which a covenant is breached solely as a result of a medically demonstrable illness or disability which renders the owner of the real property physically unable to continue the property in the qualifying use, provided that the board of tax assessors shall require satisfactory evidence which clearly demonstrates that the breach is the result of a medically demonstrable illness or disability;
(3) Any case in which a covenant is breached solely as a result of an owner electing to discontinue the property in its qualifying use, provided such owner has renewed without an intervening lapse at least once the covenant for bona fide conservation use, has reached the age of 65 or older, and has kept the property in a qualifying use under the renewal covenant for at least three years. Such election shall be in writing and shall not become effective until filed with the county board of tax assessors;
(4) Any case in which a covenant is breached solely as a result of an owner electing to discontinue the property in its qualifying use, provided such owner entered into the covenant for bona fide conservation use for the first time after reaching the age of 67 and has either owned the property for at least 15 years or inherited the property and has kept the property in a qualifying use under the covenant for at least three years. Such election shall be in writing and shall not become effective until filed with the county board of tax assessors; or
(5) Any case in which a covenant is breached solely as a result of an owner that is a family owned farm entity as described in division (a)(1)(C)(iv) of this Code section electing to discontinue the property in its qualifying use on or after July 1, 2018, provided that the owner has renewed at least once, without an intervening lapse, the covenant for bona fide conservation use, has kept the property in a qualifying use under the renewal covenant for at least three years, and any current shareholder, member, or partner of such family owned farm entity has reached the age of 65 and such shareholder, member, or partner held some beneficial interest, directly or indirectly through a family owned farm entity, in the property continuously since the time the covenant immediately preceding the current renewal covenant was entered. Such election shall be in writing and shall not become effective until filed with the county board of tax assessors.
(r) Property which is subject to current use assessment under this Code section shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to ascertain readily that the property is subject to current use assessment under this Code section. Covenants shall be public records and shall be indexed and maintained in such manner as will allow members of the public to locate readily the covenant affecting any particular property subject to current use assessment under this Code section. Based on information submitted by the county boards of tax assessors, the commissioner shall maintain a central registry of conservation use property, indexed by owners, so as to ensure that the 2,000 acre limitations of this Code section are complied with on a state-wide basis.
(s) The commissioner shall annually submit a report to the Governor, the Department of Agriculture, the Georgia Agricultural Statistical Service, the State Forestry Commission, the Department of Natural Resources, and the University of Georgia Cooperative Extension Service and the House Ways and Means, Natural Resources and Environment, and Agriculture and Consumer Affairs committees and the Senate Finance, Natural Resources and Environment, and Agriculture and Consumer Affairs committees and shall make such report available to other members of the General Assembly, which report shall show the fiscal impact of the assessments provided for in this Code section and Code Section 48-5-7.5. The report shall

include the amount of assessed value eliminated from each county's digest as a result of such assessments; approximate tax dollar losses, by county, to all local governments affected by such assessments; and any recommendations regarding state and local administration of this Code section and Code Section 48-5-7.5, with emphasis upon enforcement problems, if any, attendant with this Code section and Code Section 48-5-7.5. The report shall also include any other data or facts which the commissioner deems relevant.
(t) A public notice containing a brief, factual summary of the provisions of this Code section shall be posted in a prominent location readily viewable by the public in the office of the board of tax assessors and in the office of the tax commissioner of each county in this state.
(u) Reserved.
(v) Reserved.
(w) At such time as the property ceases to be eligible for current use assessment or when any ten-year covenant period expires and the property does not qualify for further current use assessment, the owner of the property shall file an application for release of current use treatment with the county board of tax assessors who shall approve the release upon verification that all taxes and penalties with respect to the property have been satisfied. After the application for release has been approved by the board of tax assessors, the board shall file the release in the office of the clerk of the superior court in the county in which the original covenant was filed. The clerk of the superior court shall file and index such release in the real property records maintained in the clerk's office. No fee shall be paid to the clerk of the superior court for recording such release. The commissioner shall by regulation provide uniform release forms.
(x) Notwithstanding any other provision of this Code section to the contrary, in any case where a renewal covenant is breached by the original covenantor or a transferee who is related to that original covenantor within the fourth degree by civil reckoning, the penalty otherwise imposed by subsection (l) of this Code section shall not apply if the breach occurs during the sixth through tenth years of such renewal covenant, and the only penalty imposed shall be the amount by which current use assessment has reduced taxes otherwise due for each year in which such renewal covenant was in effect, plus interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.
(y) The commissioner shall have the power to make and publish reasonable rules and regulations for the implementation and enforcement of this Code section. Without limiting the commissioner's authority with respect to any other such matters, the commissioner may prescribe soil maps and other appropriate sources of information for documenting eligibility as a bona fide conservation use property. The commissioner also may provide that advance notice be given to taxpayers of the intent of a board of tax assessors to deem a change in use as a breach of a covenant.
(z) The governing authority of a county shall not publish or promulgate any information which is inconsistent with the provisions of this chapter.

560-11-6-.07(i):

(i) Except as otherwise provided, the total current use valuation for any property, including qualified improvements, whose qualifying use is as bona fide conservation use property for any year during the covenant period shall not be increased or decreased by more than three percent from the current use valuation for the immediately preceding tax year or be increased or decreased during the entire covenant period by more than 34.39 percent from its current use valuation for the first year of the covenant period. The limitations imposed herein shall apply to the total value of all the conservation use property that is the subject of an individual covenant including any improvements that meet the qualifications set forth in O.C.G.A. § 48-5-7.4(a)(1); provided, however, that in the event the owner changes the use of any portion of the land or adds or removes therefrom any such qualified improvements, the limitations imposed by this subsection shall be recomputed as if the new uses and improvements were in place at the time the covenant

was originally entered. This limitation on increases or decreases shall not apply to the current use valuation of residential transitional property.

560-11-6-.04(2) & (3):

(2) In those counties where U.S. Department of Agriculture, Natural Resources Conservation Service soil survey maps are available, it shall be the responsibility of the board of tax assessors to delineate the soil types on the tax records of the applicant's property.
(3) In those counties where the board of tax assessors has not been able to obtain U.S. Department of Agriculture, Natural Resources Conservation Service soil survey maps, the board of tax assessors shall determine the soil types of the applicant's property using the best information available.

560-11-6-.05(5):

(5) In addition to the provisions for property subject to the covenant to lie fallow or idle pursuant to O.C.G.A. § 48-5-7.4(p)(2), allowing conservation use property to lie fallow due to economic or financial hardship shall not be considered a change of qualifying use nor a breach of the covenant provided the owner notifies the board of tax assessors on or before the last day for filing a tax return in the county of the land lying fallow and does not allow the land to lie fallow for more than two years within any five-year period.

560-11-6-.04(9)(a):

(9) When property receiving current use assessment and subject to a conservation use covenant is transferred to an estate or heirs by virtue of the death of a covenant owner, and the estate or heirs fail to apply for a continuation of the current use assessment on or before the deadline for filing tax returns in the year following the year in which the death occurred, such failure may be taken by the board of tax assessors as evidence that a breach of the covenant has occurred. In such event in which case the board of tax assessors shall send to any remaining parties to the covenant, whether the estate or the heirs a notice entitled "Notice of Intent to Terminate a Conservation Use Covenant." The notice shall set forth the following:
(a) the requirement of the estate or heirs to the property currently receiving current use assessment to apply for a continuation of the current use assessment within thirty (30) days of the date of postmark of the notice;

48-5-7.6. Brownfield property

defined; related definitions; qualifying for preferential assessment; disqualification of property receiving preferential assessment; responsibilities of property owners; transfers of property; costs; appeals; penalty and creation of lien against property; extension of preferential assessment of brownfield property under certain circumstances

(a)(1) For the purposes of this Code section, "brownfield property" means tangible real property where:

(A) There has been a release of hazardous waste, hazardous constituents, and hazardous substances into the environment; and

(B) The director of the Environmental Protection Division of the Department of Natural Resources, under Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended, has approved and not revoked said approval of the prospective purchaser's corrective action plan or compliance status report for such brownfield property; and

(C) The director of the Environmental Protection Division of the Department of Natural Resources, under Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended, has issued and not revoked a limitation of liability certificate for the prospective purchaser; and

(D) The Environmental Protection Division of the Department of Natural Resources has certified eligible costs of remediation pursuant to subsection (j) below.

(2) The preferential classification and assessment of brownfield property provided for in this Code section shall apply to all real property qualified by the Environmental Protection Division of the Department of Natural Resources under Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended, and any subsequent improvements to said property.

(3) "Eligible brownfield costs" means costs incurred after July 1, 2003, and directly related to the receipt of a limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Hazardous Sites Reuse and Redevelopment Act," as amended, that are not ineligible costs.

(4) "Ineligible costs" means expenses of the following types:

(A) Purchase or routine maintenance of equipment of a durable nature that is expected to have a period of service of one year or more after being put into use at the property without material impairment of its physical condition, unless the applicant can show that the purchase was directly related to the receipt of a limitation of liability, or the applicant can demonstrate that the equipment was a total loss and that the loss occurred during the activities required for receipt of applicant's limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Hazardous Sites Reuse and Redevelopment Act," as amended;

(B) Materials or supplies not purchased specifically for obtaining a limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Hazardous Sites Reuse and Redevelopment Act," as amended;

(C) Employee salaries and out-of-pocket expenses normally provided for in the property owner's operating

budget (i.e. meals, fuel) and employee fringe benefits;

(D) Medical expenses;

(E) Legal expenses;

(F) Other expenses not directly related to the receipt of a limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Hazardous Sites Reuse and Redevelopment Act," as amended;

(G) Costs arising as a result of claims for damages filed by third parties against the property owner or its agents should there be a new release at the property during or after the receipt of a limitation of liability;

(H) Costs resulting from releases after the purchase of qualified brownfield property that occur as a result of violation of state or federal laws, rules, or regulations;

(I) Purchases of property;

(J) Construction costs;

(K) Costs associated with maintaining institutional controls after the certification of costs by the Environmental Protection Division of the Department of Natural Resources; and

(L) Costs associated with establishing, maintaining or demonstrating financial assurance after the certification of costs by the Environmental Protection Division of the Department of Natural Resources.

(5) "Local taxing authority" means a county, municipal, school district, or any other local governing authority levying ad valorem taxes on a taxpayer's property. If a taxpayer's property is taxed by more than one such authority, the term "local taxing authority" shall mean every levying authority.

(6) "Taxable base" means a value assigned to the brownfield property pursuant to the provisions of subparagraph (F) of paragraph (3) of Code Section 48-5-2.

(7) "Tax savings" means the difference between the amount of taxes paid on the taxable base and the taxes that would otherwise be due on the current fair market value of the qualified brownfield property. Tax savings run with the qualified brownfield property regardless of title transfer and shall be available until the brownfield property is disqualified pursuant to subsection
(e) below.

(b) In order for property to qualify under this Code section for preferential assessment as provided for in subsection (c.4) of Code Section 48-5-7, the applicant must receive the certifications required for brownfield property as defined in paragraph (1) of subsection (a) of this Code section.

(c) Upon receipt of said certifications, a property owner desiring classification of any such contaminated property as brownfield property in order to receive the preferential assessment shall make application to the county board of tax assessors and include said certifications with such application. The county board of tax assessors shall determine if the provisions of this Code section have been complied with, and upon such

determination, the county board of tax assessors shall be required to grant preferential assessment to such property. The county board of tax assessors shall make the determination within 90 days after receiving the application and shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306. Failure to timely make such determination or so notify the applicant pursuant to this subsection shall be deemed an approval of the application. Appeals from the denial of an application for preferential assessment by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

(d)(1) Property which has been classified by the county board of tax assessors as brownfield property shall be immediately eligible for the preferential assessment provided for in subsection (c.4) of Code Section 48-5-7; provided, however, that, for the purposes of determining the years of eligibility for preferential assessment, the tax year following the year in which the certification was filed with the county board of tax assessors pursuant to subsection (c) of this Code section shall be considered and counted as the first year of eligibility.

(2) Property which is subject to preferential assessment shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to ascertain readily that the property is subject to preferential assessment.

(3) The local taxing authority shall enter upon the tax digest as the basis or value of a parcel of brownfield property a value equal to the lesser of the acquisition cost of the property or the assessment of the fair market value of the property as recorded in the county tax digest at the time application for participation in the Hazardous Site Reuse and Redevelopment Program was submitted to the Environmental Protection Division of the Department of Natural Resources under Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended. Property classified as brownfield property shall be recorded upon the tax digest as provided in this Code section for ten consecutive assessment years, or as extended pursuant to subsection (o) of this Code section, unless sooner disqualified pursuant to subsection (e) of this Code section, and the notation "brownfield property" shall be entered on the tax digest adjacent to the valuation of such property to indicate that the property is being preferentially assessed. The local taxing authority shall also enter upon the tax digest an assessment of the fair market value of the property each year, excluding the provisions of subparagraph (F) of paragraph (3) of Code Section 48-5-2.
(e)(1) When property has once been classified and assessed as brownfield property, it shall remain so classified and be granted the preferential assessment until the property becomes disqualified by any one of the following:

(A) Written notice by the taxpayer to the local taxing authority to remove the preferential classification and assessment;

(B) Sale or transfer of ownership to a person not subject to property taxation or making the property exempt from property taxation except a sale or transfer to any authority created by or pursuant to the Constitution of Georgia, statute or local legislation, including a development authority created pursuant to Code Section 36-62-4, constitutional amendment or local legislation, a downtown development authority created pursuant to Code Section 36-42-4, an urban redevelopment agency created pursuant to Code Section 36-61-18, a joint development authority created pursuant to Code Section 36-62-5.1 or a housing authority created pursuant to Code Section 8-3-4;

(C) Revocation of a limitation of liability by the Department of Natural Resources. The Department of Natural Resources has the authority to revoke a limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended. The sale or transfer to a new owner shall not operate to disqualify the property from preferential classification and assessment so long as the property continues to qualify as brownfield property, except as specified in subparagraph (B) of this paragraph; or

(D) The later of the expiration of ten years during which the property was classified and assessed as brownfield property or the expiration of this preferential assessment period as extended pursuant to subsection (o) of this Code section; or

(E) The tax savings accrued on the property equal the eligible brownfield costs certified by the Environmental Protection Division of the Department of Natural Resources and submitted to the local taxing authority.

(2) Except as otherwise provided in this Code section, if a property becomes disqualified pursuant to subparagraph (C) of this subsection, the decertification shall be transmitted to the county board of tax assessors by the Environmental Protection Division of the Department of Natural Resources and said assessors shall appropriately notate the property as decertified. Such property shall not be eligible to receive the preferential assessment provided for in this Code section during the taxable year in which such disqualification occurs.

(f) After a qualified brownfield property begins to receive preferential tax treatment the property owner shall:

(1) In a sworn affidavit, report his or her tax savings realized for each year to the local taxing authority. Such report shall include:

(A) The number of years preferential tax treatment pursuant to this Code section has been received;

(B) Total certified eligible brownfield costs;

(C) Tax savings realized to date;

(D) Transfers of eligible brownfield costs, if any;

(E) Eligible brownfield costs remaining;

(2) In the tax year in which the taxes otherwise due on the fair market value of the property exceed any remaining eligible brownfield costs, the taxpayer shall pay the taxes due on the fair market value of the property less any remaining eligible brownfield costs.

(g) A qualified brownfield property may be transferred or leased and continue to receive preferential tax treatment if:

(1) The transferee or lessee of the property is an entity required to pay ad valorem property tax on the

qualified brownfield property or an interest therein;

(2) The transferee or lessee complies with all of the requirements of this Code section;

(3) The transferee or lessee meets the requirements of Code Section 12-8-206;

(4) The transferee or lessee continues any and all activities, if any are required, for the continuation of a limitation of liability pursuant to Article 9 of Chapter 8 of Title 12, the "Georgia Hazardous Site Reuse and Redevelopment Act," as amended;

(5) The transferee or lessee and the transferor notify the local taxing authority with respect to the transfer of the qualified brownfield property by filing a separate copy of the transfer with the local taxing authority no later than 90 days following the date of the transfer;

(6) Failure to timely notify one local taxing authority shall not affect any timely notification to any other local taxing authority; and

(7) The transfer of property shall not restart, reset or otherwise lengthen the period of preferential tax treatment pursuant to this Code section.

(h) A qualified brownfield property may be subdivided into smaller parcels and continue to receive preferential tax treatment if:

(1) All of the requirements of subsection (g) above are met; and

(2) The transferee and transferor agree and jointly submit to the local taxing authority a sworn affidavit stating the eligible brownfield costs being transferred to the subdivided property, to wit:

(A) A transferor's report to the local taxing authority shall include:

(i) The total certified eligible brownfield costs for the qualified brownfield property;

(ii) The tax savings realized to date;

(iii) The eligible brownfield costs being transferred;

(iv) The number of years of preferential tax treatment pursuant to this Code section has been received;

(v) The eligible brownfield costs remaining;

(vi) A request to establish the taxable base of the transferred property and reestablish the taxable base for the retained property pursuant to paragraph (3) below.

(B) Failure to file a sworn affidavit with one local taxing authority shall not affect any sworn affidavit submitted to any other local taxing authority.

(C) A transferee's first report to the local taxing authority shall include:

(i) A statement of the amount of the transferred eligible brownfield costs;

(ii) The number of years of preferential tax treatment the property received prior to transfer (carry over from transferor); and

(iii) A request to establish a taxable base for the property pursuant to paragraph (3) below.

(D) Subsequent reports made by a transferee shall include the same information provided by property owners in paragraph (1) of subsection (f) of this Code section.

(3) The taxable base for the subdivided property shall be established by the local taxing authority based on the ratio of acres purchased to total acres at the time of the establishment of the taxable base for the entire qualified brownfield property. Said ratio shall be applied to the taxable base as recorded in the county tax digest at the time the application was received by the Environmental Protection Division for participation in the Hazardous Site Reuse and Redevelopment Program. The taxable base on the retained qualified brownfield property shall be decreased by the amount of taxable base assigned to the subdivided portion of the property.

(4) The subdivision of property shall not restart, reset, or otherwise lengthen the period of preferential tax treatment pursuant to this Code section.

(i) In the year in which preferential tax treatment ends, the taxpayer shall be liable for any and all ad valorem taxes due on the property for which a certified eligible brownfield cost is not claimed as an offset.

(j) The Environmental Protection Division of the Department of Natural Resources shall review the eligible costs submitted by the applicant/taxpayer and shall approve or deny those costs prior to those costs being submitted to the local tax authority. Eligible costs to be certified as accurate by the Environmental Protection Division shall be submitted by the applicant to the division at such time and in such form as is prescribed by the division. Eligible costs may be submitted for certification only once for each assessment or remediation undertaken pursuant to Article 9 of Chapter 8 of Title 12, the "Hazardous Sites Reuse and Redevelopment Act," as amended. The certification of costs shall be a decision of the director and may be appealed in accordance with subsection (c) of Code Section 12-2-2.

(k) The taxing authority shall provide an appropriate form or forms or space on an existing form or forms to implement this Code section.

(l) Taxpayers shall have the same rights to appeal from the determination of the taxable base and assessments and reassessments of qualified brownfield property as set out in Code Section 48-5-311.

(m) A penalty shall be imposed under this subsection if during the special classification period the taxpayer fails to abide by the corrective action plan. The penalty shall be applicable to the entire tract which is the subject of the special classification and shall be twice the difference between the total amount of tax paid

pursuant to preferential assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the special classification period. Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the special classification is breached.

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

(o) (1) Notwithstanding anything to the contrary in subsections (a) through (n) of this Code section, a qualified brownfield property may be eligible for preferential assessment in accordance with the provisions of subsection (c.4) of Code Section 48-5-7 for a period not to exceed 15 years under the following circumstances:

(A) Construction of improvements on the property commenced but thereafter ceased for a period in excess of 180 days;

(B) After a delay in excess of 180 days, construction of improvements on the property resumed; and

(C) The owner of the qualified brownfield property submits a sworn certification to the county board of tax assessors stating the date on which construction first commenced, the date on which construction ceased, and the date on which construction resumed.

(2) Upon receipt of the certification required by subparagraph (C) of paragraph (1) of this subsection, the county board of tax assessors shall extend the period of preferential assessment for one year for each 365 days of construction inactivity for up to a maximum of five consecutive years. Under no circumstances shall the period of preferential assessment exceed 15 consecutive years.

48-5-7.7. Short title; definitions

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

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

(1) "Contiguous" means real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant's tract is divided by a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track.

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

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

this state;

(B) Such property excludes the entire value of any residence and its underlying land located on the property; as used in this subparagraph, the term 'underlying land' means the minimum lot size required for residential construction by local zoning ordinances or two acres, whichever is less. This provision for excluding the underlying land of a residence from eligibility in the conservation use covenant shall only apply to property that is first made subject to such a covenant, or is subject to a renewal of a previous conservation use covenant, on or after January 1, 2014;

(C) Such property has as its primary use the good faith subsistence or commercial production of trees, timber, or other wood and wood fiber products from or on the land. Such primary use includes land conservation and ecological forest management in which commercial production of wood and wood fiber products may be undertaken primarily for conservation and restoration purposes rather than financial gain. Such property may, in addition, have one or more of the following secondary uses:

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

(ii) Carbon sequestration in accordance with the Georgia Carbon Sequestration Registry;

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

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

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

(3) "Qualified owner" means any individual or individuals or any entity registered to do business in this state.

(4) "Qualified property" means forest land conservation use property as defined in this subsection.

(5) "Qualifying purpose" means a use that meets the qualifications of subparagraph (C) of paragraph (2) of this subsection.

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

(1) All contiguous forest land conservation use property of an owner within a county for which forest land conservation use assessment is sought under this Code section shall be in a single covenant unless otherwise required under subsection (e) of this Code section;

(2) When one-half or more of the area of a single tract of real property is used for the qualifying purpose,

then the entirety of such tract shall be considered as used for such qualifying purpose unless some other type of business is being operated on the portion of the tract that is not being used for a qualifying purpose; provided, however, that such other portion must be minimally managed so that it does not contribute significantly to erosion or other environmental or conservation problems or must be used for one or more secondary purposes specified in subparagraph (b)(2)(C) of this Code section. The following uses of real property shall not constitute using the property for another type of business:

(A) The lease of hunting rights or the use of the property for hunting purposes;

(B) The charging of admission for use of the property for fishing purposes;

(C) The production of pine straw or native grass seed;

(D) The granting of easements solely for ingress and egress; and

(E) Any type of business devoted to secondary uses listed under subparagraph (b)(2)(C) of this Code section; and

(3) No otherwise qualified forest land conservation use property shall be denied conservation use assessment on the grounds that no soil map is available for the county or counties, if applicable, in which such property is located; provided, however, that if no soil map is available for the county or counties, if applicable, in which such property is located, the board of tax assessors shall use the current soil classification applicable to such property.

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

(e) Subject to the limitations of paragraph (1) of subsection (c) of this Code section, a qualified owner shall be authorized to enter into more than one covenant under this Code section for forest land conservation use property. Any such qualified property may include a tract or tracts of land which are located in more than one county in which event the owner shall enter into a covenant with each county. In the event a single contiguous tract is required to have separate covenants under this subsection, the total acreage of that single contiguous tract shall be utilized for purposes of determining the 200 acre requirement of this

Code section.
(f)(1)A qualified owner shall not be authorized to make application for and receive conservation use assessment under this Code section for any property which at the time of such application is receiving preferential assessment under Code Section 48-5-7.1 or current use assessment under Code Section 48-5-7.4; provided, however, that if any property is subject to a covenant under either of those Code sections, it may be changed from such covenant and placed under a covenant under this Code section if it is otherwise qualified. Any such change shall terminate the existing covenant and shall not constitute a breach thereof. No property may be changed more than once under this paragraph.

(2) Any property that is subject to a covenant under this Code section and subsequently fails to adhere to the qualifying purpose, as defined in paragraph (5) of subsection (b) of this Code section, may be changed from the covenant under this Code section and placed under a covenant provided for in Code Section 48-5-7.4 if the property otherwise qualifies under the provisions of that Code section. In such a case, the existing covenant under this Code section shall be terminated, and the change shall not constitute a breach thereof. No property may be changed more than once under this paragraph.

(g) Except as otherwise provided in this Code section, no property shall maintain its eligibility for conservation use assessment under this Code section unless a valid covenant or covenants, if applicable, remain in effect and unless the property is continuously devoted to forest land conservation use during the entire period of the covenant or covenants, if applicable.

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

(i)(1) If ownership of all or a part of a forest land conservation use property is acquired during a covenant period by another qualified owner, then the original covenant may be continued only by both such acquiring owner and the transferor for the remainder of the term, in which event, no breach of the covenant shall be deemed to have occurred if the total size of a tract from which the transfer was made is reduced below 200 acres or the size of the tract transferred is less than 200 acres. Following the expiration of the original covenant, no new covenant shall be entered with respect to either tract unless such tract exceeds 200 acres. If a qualified owner has entered into an original forest land conservation use covenant and subsequently acquires additional qualified property contiguous to the property in the original covenant, the qualified owner may elect to enter the subsequently acquired qualified property into the original covenant for the remainder of the 15 year period of the original covenant; provided, however, that such subsequently acquired qualified property shall be less than 200 acres.

(2) If, following such transfer, a breach of the covenant occurs by the acquiring owner, the penalty and interest shall apply to the entire transferred tract and shall be paid by the acquiring owner who breached the covenant. In such case, the covenant shall terminate on such entire transferred tract but shall continue on such entire remaining tract from which the transfer was made and on which the breach did not occur for the remainder of the original covenant.
(3) If, following such transfer, a breach of the covenant occurs by the transferring owner, the penalty and interest shall apply to the entire remaining tract from which the transfer was made and shall be paid by the transferring owner who breached the covenant. In such case, the covenant shall terminate on such entire remaining tract from which the transfer was made but shall continue on such entire transferred tract and

on which the breach did not occur for the remainder of the original covenant.
(j)(1) For each taxable year beginning on or after January 1, 2014, all applications for conservation use assessment under this Code section, including any forest land covenant required under this Code section, shall be filed on or before the last day for filing ad valorem tax appeals of the annual notice of assessment except that in the case of property which is the subject of a tax appeal of the annual notice of assessment under Code Section 48-5-311, an application for forest land conservation use assessment may be filed at any time while such appeal is pending. An application for continuation of such forest land conservation use assessment upon a change in ownership of all or a part of the qualified property shall be filed on or before the last date for filing tax returns in the year following the year in which the change in ownership occurred. Applications for forest land conservation use assessment under this Code section shall be filed with the county board of tax assessors in which the property is located who shall approve or deny the application. Such county board of tax assessors shall file a copy of the approved covenant in the office of the clerk of the superior court in the county in which the eligible property is located. The clerk of the superior court shall file and index such covenant in the real property records maintained in the clerk's office. If the covenant is not so recorded in the real property records, a transferee of the property affected shall not be bound by the covenant or subject to any penalty for its breach. The fee of the clerk of the superior court for recording such covenants shall be paid by the qualified owner of the eligible property with the application for forest land conservation use assessment under this Code section and shall be paid to the clerk by the board of tax assessors when the application is filed with the clerk. If the application is denied, the board of tax assessors shall notify the applicant in the same manner that notices of assessment are given pursuant to Code Section 48-5-306 and shall return any filing fees advanced by the owner. Appeals from the denial of an application or covenant by the board of tax assessors shall be made in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311.

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

(k) The commissioner shall by regulation provide uniform application and covenant forms to be used in making application for conservation use assessment under this Code section.
(l) In the case of an alleged breach of the covenant, the qualified owner shall be notified in writing by the board of tax assessors. The qualified owner shall have a period of 30 days from the date of such notice to cease and desist the activity alleged in the notice to be in breach of the covenant or to remediate or correct the condition or conditions alleged in the notice to be in breach of the covenant. Following a physical inspection of property, the board of tax assessors shall notify the qualified owner that such activity or activities have or have not properly ceased or that the condition or conditions have or have not been remediated or corrected. The qualified owner shall be entitled to appeal the decision of the board of tax assessors and file an appeal disputing the findings of the board of tax assessors. Such appeal shall be conducted in the same manner that other property tax appeals are made pursuant to Code Section 48-5-311

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

(2) Except as provided in subsection (i) of this Code section and paragraph (4) of this subsection, the penalty

shall be applicable to the entire tract which is the subject of the covenant.

(3) The penalty shall be twice the difference between the total amount of the tax paid pursuant to the conservation use assessment under this Code section and the total amount of taxes which would otherwise have been due under this chapter for each completed or partially completed year of the covenant period. Any such penalty shall bear interest at the rate specified in Code Section 48-2-40 from the date the covenant is breached.

(4) If ownership of a portion of the land subject to the original covenant constituting at least 200 acres is transferred to another owner qualified to enter into an original forest land conservation use covenant in a bona fide arm's length transaction and breach subsequently occurs, then the penalty shall either be assessed against the entire remaining tract from which the transfer was made or the entire transferred tract, on whichever the breach occurred. The calculation of penalties in paragraph (2) of this subsection shall be used except that the penalty amount resulting from such calculation shall be multiplied by the percentage which represents the acreage of such tract on which the breach occurs to the original covenant acreage. The resulting amount shall be the penalty amount owed by the owner of such tract of land on which the breach occurred.

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

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

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

(1) The acquisition of part or all of the property under the power of eminent domain;

(2) The sale of part or all of the property to a public or private entity which would have had the authority to acquire the property under the power of eminent domain; or

(3) The death of an individual qualified owner who was a party to the covenant.

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

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

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

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

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

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

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

(6)(A) Allowing part of the property subject to the covenant to be used for solar generation of energy and conversion of such energy into heat or electricity, and the sale of the same in accordance with applicable law.

(B) The provisions of subparagraph (A) of this paragraph shall not allow the portion of the property on which such solar energy generating equipment is located, as depicted by a boundary survey prepared by a licensed surveyor, and which is subject to an existing covenant to remain in the covenant. Such property shall be removed from the existing covenant at the time of the installation of the solar energy generating equipment and shall be subject to the penalty for breach of the covenant contained in subsection (r) of this Code section and shall be subject to ad valorem taxation at fair market value; or

(7)(A) Allowing part of the property subject to the covenant to be used for farm labor housing. As used in this paragraph, the term 'farm labor housing' means all buildings or structures used as living quarters when such housing is provided free of charge to workers who provide labor on agricultural property.

(B) The provisions of subparagraph (A) of this paragraph shall not allow the portion of the property on which such farm labor housing is located and which is subject to an existing covenant to remain in the covenant. Such property shall be removed from the existing covenant at the time construction of the farm labor housing begins and shall be subject to ad valorem taxation at fair market value.

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

(1) Any case in which a covenant is breached solely as a result of the foreclosure of a deed to secure debt or the property is conveyed to the lienholder without compensation and in lieu of foreclosure, if:
(A) The deed to secure debt was executed as a part of a bona fide commercial loan transaction in which the grantor of the deed to secure debt received consideration equal in value to the principal amount of the debt secured by the deed to secure debt;

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

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

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

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

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

(s) Property which is subject to forest land conservation use assessment under this Code section shall be separately classified from all other property on the tax digest; and such separate classification shall be such as will enable any person examining the tax digest to ascertain readily that the property is subject to conservation use assessment under this Code section. Covenants shall be public records and shall be indexed and maintained in such manner as will allow members of the public to locate readily the covenant affecting any particular property subject to conservation use assessment under this Code section. Based on information submitted by the county boards of tax assessors, the commissioner shall maintain a central registry of conservation use property, indexed by qualified owners.

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

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

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

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

Public Utility Equalized Ratio

48-2-18. (For effective date, see note.) State Board of Equalization; duties

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

(b) The board created by this Code section shall be designated the State Board of Equalization. The chairman and administrative officer of the board shall be the commissioner. Each year, when the digest of assessments proposed by the commissioner is complete, the commissioner shall submit the digest to the State Board of

Equalization which shall carefully examine the proposed assessments of each class of taxpayers or property and the digest of proposed assessments as a whole to determine that they are reasonably apportioned among the several tax jurisdictions and reasonably uniform with the values set on other classes of property throughout the state. If the board determines that the proposed assessed values of any one or more of the classes of taxpayers or property or the digest as a whole does not reasonably conform to the values set for other property throughout the state, it shall inquire as to the reason for the lack of conformity and shall adjust and equalize the same by either adding or subtracting a fixed percentage to the class of taxpayer, to the class of property, or to the digest as a whole, as the case may be.

(c) As chairman and chief administrative officer of the board, the commissioner shall furnish to the board all necessary records and files and in this capacity may compel the attendance of witnesses and the production of books and records or other documents as he is empowered to do in the administration of the tax laws. After final approval by the State Board of Equalization of the digest of proposed assessments made by the commissioner and after any adjustments by the board as authorized by this Code section are made, the commissioner shall notify within 30 days each taxpayer in writing of the proposed assessment of its property. At the same time, the commissioner shall notify in writing the board of tax assessors of such county, as outlined in Code Section 48-5-511, of the total proposed assessment of the property located within the county of taxpayers who are required to return their property to the commission. If any such taxpayer notifies the commissioner and the board of tax assessors in any such county of its intent to dispute a portion of the proposed assessment within 20 days after receipt of the notice, the county board of tax assessors shall include in the county digest only the undisputed amount of the assessment, and the taxpayer may challenge the commissioner's proposed assessment in an appeal filed in the Superior Court of Fulton County within 30 days of receipt of the notice. In any such appeal the taxpayer shall have the right of discovery as provided in Chapter 11 of Title 9, the "Georgia Civil Practice Act." Upon conclusion of the appeal, the taxpayer shall remit to the appropriate counties any additional taxes owed, with interest at the rate provided by law for judgments. Such interest shall accrue from the date the taxes would have been due absent the appeal to the date the additional taxes are remitted.

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

(e) (For effective date, see note.) Assessments made in accordance with subsection (d) of this Code section shall be added to the regular county digest at the time the digest is transmitted to the commissioner or at such time as the digest is otherwise required to be compiled. In the event that the commissioner has not provided to the board of tax assessors by August 1 of a tax year the notice of proposed assessments set forth in subsection (c) of this Code section for taxpayers who are required to return their property to the commissioner pursuant to Code Section 48-5-511, the tax commissioner or tax receiver of the county where such property is located may issue an interim tax bill to such taxpayers, owning property in the county in an amount equal to 85 percent of such taxpayer's property tax bill for the immediately preceding tax year or, in the event that such tax year is under appeal, the tax bill for the most recent tax year in which the taxes for such property were finally assessed. At such time as the county board of tax assessors adds the assessments

for the tax year made in accordance with subsection (d) of this Code section to the regular county digest, the tax commissioner or tax receiver shall issue a corrected tax bill to each taxpayer who received an interim tax bill, such corrected tax bill to be in an amount based upon the assessed value of such taxpayer's property shown on the regular county digest and such taxpayer shall remit any additional taxes due or, in the event of overpayment, shall be entitled to a tax refund, in either case, without interest or penalty. Nothing in this subsection is intended to alter a taxpayer's right to appeal from either the commissioner's notice of proposed assessment or the county board of assessors' final assessment under the procedures set forth in subsections (c) and (d) of this Code section. The billing pursuant to this Code section shall not subject the tax commissioner or tax receiver of the county to the forfeiture provisions of Code Section 48-5-135.

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

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

48-5-510. Definitions.

As used in this article, the term:

(1) "Chief executive officer" means the owner, president, general manager, or agent having control of a public utility's offices or property in this state.

(2) "Pertinent business factors" means data that reflect the use of the public utility's property including, but not limited to, data relating to gross revenue, net income, tons of freight carried, revenue ton miles, passenger miles, car miles, and comparable data.

(3) "Pertinent mileage factors" means factual information as to the linear miles of the public utility's track, wire, lines, pipes, routes, similar operational routes, and miles traveled by the public utility's rolling stock or other property.

48-5-511. Returns of public utilities to commissioner; itemization and fair market value of property; other information; apportionment to more than one tax jurisdiction.

(a) The chief executive officer of each public utility shall be required to make an annual tax return of all property located in this state to the commissioner. The return shall be made to the commissioner on or before March 1 in each year and shall be current as of January 1 preceding.

(b) The returns of each public utility shall be in writing and sworn to under oath by the chief executive officer to be a just, true, and full return of the fair market value of the property of the public utility without any deduction for indebtedness. Each class or species of property shall be separately named and valued as far as practicable and shall be taxed like all other property under the laws of this state. The returns shall also include the capital stock, net annual profits, gross receipts, business, or income (gross, annual, net, or any other kind) for which the public utility is subject to taxation by the laws of this state. Each parcel of real estate included in the return shall be identified by its street address. If the commissioner is unable to locate the property by its street address after exercising due diligence in attempting to locate the property, then the commissioner may request more information from the taxpayer to help identify the exact location of the property. Such

additional information may include a map or parcel identification information.

(c) (1) Each chief executive officer shall apportion, under rules and regulations promulgated by the commissioner, the fair market value of his public utility's properties to this state, if the public utility owns property in states other than this state, and between the several tax jurisdictions in this state.

(2) In promulgating the regulations specifying the method of apportionment, the commissioner shall consider:

(A) The location of the various classes of property;

(B) The gross or net investment in the property;

(C) Any other factor reflecting the public utility's investment in property;

(D) Pertinent business factors reflecting the utility of the property;

(E) Pertinent mileage factors; and

(F) Any other factors which in the commissioner's judgment are reasonably calculated to apportion fairly and equitably the property between the various tax jurisdictions.

(3) Any reasonable value directly attributable to property physically located in one jurisdiction in this state shall not be apportioned to any other jurisdiction in this state.
48-5-524.

48-5-524. Annual report by commissioner to each county board of tax assessors of all public utility property within county; contents; availability for public inspection.

(a) At least once each year, the commissioner shall make a report to the board of tax assessors in each county as to the return of property located within the county for purposes of ad valorem taxation by each person required to make returns of the value of its properties and franchises to the commissioner under this article and Article 9 of this chapter. Each report shall be itemized by public utility and by parcel of real property or type of personal property returned and shall specify clearly the value returned by the utility for each parcel of real property or type of personal property together with any change as to value made by the commissioner, by the State Board of Equalization or, where appropriate, by both.

(b) A copy of each report made under this Code section shall be made reasonably available for public inspection at the office of the county board of tax assessors and at the office of the commissioner or at such other reasonably accessible place within the headquarters building of the department as may be designated by the commissioner.

Manufactured Housing

48-5-490. Mobile homes owned on January 1 subject to ad valorem taxation.

Every mobile home owned in this state on January 1 is subject to ad valorem taxation by the various taxing jurisdictions authorized to impose an ad valorem tax on property. Taxes shall be charged against the owner

of the property, if known, and, if unknown, against the specific property itself.

560-11-9-.01 Purpose and Scope.
(1) These regulations have been adopted by the Commissioner pursuant to O.C.G.A. Section 48-2-12 and O.C.G.A. Section 48-5-442 in order to provide specific policies and procedures of the Department applicable to the valuation and collection of ad valorem tax on mobile homes pursuant to Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated.

(2) The procedures prescribed by Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated and these rules and regulations for returning mobile homes for taxation, determining applicable rates for taxation, and collecting the ad valorem tax on mobile homes shall be exclusive of all other property.

(3) These regulations shall become effective January 1, 1998.

Ga. L. 48-2-12, 48-5-440 through 48-5-451, 48-5-490 through 48-5-495.

HISTORY. Original Rule entitled "Purpose and Scope" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997.

560-11-9-.02 Definitions.
As used in these regulations, the term:

(1) Reserved.

(2) "Mobile home" means a manufactured home or relocatable home as defined in Part 2 of Article 2 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated. Any mobile home which qualifies the taxpayer for a homestead exemption under the laws of this state and any mobile home held in inventory for sale by a dealer engaged in the business of selling mobile homes at wholesale or retail shall not be subject to these regulations.

O.C.G.A. Secs. 8-2-131, 48-2-12, 48-5-440 through 48-5-442, 48-5-444 through 48-5-448, 48-5-450, 48-5-451, 48-5-490 through 48-5-495.

HISTORY. Original Rule entitled "Definitions" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997.
AMENDED: F. May 3, 2000; eff. May 23, 2000.

560-11-9-.03 Return of Mobile Homes.
(1) Every mobile home owned in this state on January 1 is subject to ad valorem taxation by the various taxing jurisdictions authorized to impose an ad valorem tax on property. Taxes shall be charged against the owner of the mobile home, if known, and, if unknown, against the specific mobile home itself.

(2) On or before April 1 of each year, or at the time of the first sale or transfer before April 1, every owner of a mobile home shall return such mobile home for taxation and pay the taxes due on the

mobile home in the county where the mobile home is situated on January 1.

(a) In those instances where a mobile home is primarily used in connection with an established business where there is a reasonable expectation that the mobile home will be moved about in such a manner that it will not be more or less permanently situated in a single county as of January 1, such mobile home shall be returned and the taxes due paid in the county where the business is located.

(b) In those instances where a mobile home has been moved from the county where it was more or less permanently located on January 1, it shall nevertheless be returned and the taxes paid in such county, however, the owner may submit reasonable evidence of such tax payment to the tax commissioner of the county where the mobile home is now situated and that tax commissioner shall issue a mobile home location permit for such county.

(c) Where there has been a sale or transfer of a mobile home and the new owner seeks a mobile home location permit in a county other than that in which the previous owner was required to return the mobile home and pay the taxes due, the new owner, in the absence of satisfactory evidence obtained from the old owner that taxes have been paid, may request from the tax commissioner of such county a certificate indicating that all taxes outstanding have been paid. Upon receipt of the certificate from the new owner, the tax commissioner of the county where the mobile home is now situated shall issue the required mobile home location permit.

(d) Upon sale of a mobile home by a dealer after January 1, the dealer shall complete and provide to the purchaser Form PT-41. The purchaser shall submit Form PT-41 to the tax commissioner at the time the mobile home location permit is obtained. Upon receipt of Form PT-41, the tax commissioner shall collect any outstanding taxes from prior years that may be unpaid, and shall then issue the required mobile home location permit for the current year without payment of tax. The tax commissioner shall retain one copy of Form PT-41 and distribute a copy to the purchaser, the dealer, the board of tax assessors, and the Motor Vehicle Division.

O.C.G.A Secs. 48-2-12, 48-5-440 through 48-5-448, 48-5-450, 48-5-451, 48-5-490 through 48-5-495.

HISTORY. Original Rule entitled "Return of Mobile Homes" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000. Amended: F. Jan. 4, 2016; eff. Jan. 24, 2016.

560-11-9-.04 Issuance of Permits; Display of Decals.

(1) Each year every owner of a mobile home subject to taxation under Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated shall on or before April 1 and at the time of returning such mobile home for taxation, pay all taxes due to the tax commissioner on such mobile home and obtain a mobile home location permit.

(2) The tax commissioner shall not issue such location permit until all outstanding taxes due on the mobile home, including delinquent taxes, interest and penalties, are paid.

(3) The tax commissioner shall give the taxpayer a decal as evidence of the payment of all outstanding taxes and the issuance of a mobile home location permit.

(a) The mobile home decal shall be in the color and form prescribed each year by the Commissioner and shall reflect the county of issuance and the calendar year for which the permit is issued.

(b) The mobile home decal shall be attached to the mobile home of the owner immediately after receiving it from the tax commissioner. The local governing authority may by local ordinance provide for a uniform manner of displaying such decal that facilitates the enforcement of this Regulation. In the absence of such an ordinance, the decal shall be prominently displayed on the mobile home in a manner that makes it clearly visible to appraisal officials that come on the premises to inspect the mobile home.

(4) Any person acquiring a mobile home after January 1 of each year shall obtain from the tax commissioner a mobile home location permit by April 1 or within 45 days of acquisition, whichever occurs later, upon satisfactory evidence that all outstanding taxes due on the mobile home, including delinquent taxes, interest and penalties, if any, have been paid.

(5) Each year every owner of a mobile home situated in this state on January 1 which is not subject to taxation under Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, by virtue of its qualifying the owner for a homestead exemption or if acquired from a dealer after January 1, shall nevertheless obtain a mobile home decal from the tax commissioner by April 1, or within 45 days of acquisition, whichever occurs later. The decal shall be designed, attached and displayed as provided in this Regulation.

O.C.G.A. Secs. 48-2-12, 48-5-440 through 48-5-442, 48-5-444 through 48-5-448, 48-5-450, 48-5-451, 48-5-490, 48-5-492 through 48-5-495.

HISTORY. Original Rule entitled "Issuance of Permits; Display of Decals" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000. Amended: F. Jan. 4, 2016; eff. Jan. 24, 2016.

560-11-9-.05 Inspections and Citations.
(1) It shall be the duty of the county property appraisal staff to annually inspect each mobile home located in the county to determine if the owner is properly displaying the decal evidencing the issuance of a mobile home location permit. The staff may schedule the inspections throughout the year or during any portion of the year as meets their annual work flow management needs.

(2) The property appraisal staff shall notify the owner, if known, or the occupant, if the owner is not known, of each mobile home for which a decal is not properly displayed, of the requirements of O.C.G.A. Section 48-5-492 and these regulations to secure and display such decal. The notice shall also describe the penalty under O.C.G.A. Section 48-5-493 and Regulation 560-11-9-.11 for failure to properly display such decal.

(3) The county governing authority may appoint an agent authorized under O.C.G.A. Section 15-10-63 to issue citations to owners failing to properly display mobile home decals. Such agent may be a member of the board of tax assessors, a member of the appraisal staff or some other designee suitable to the county governing authority. The county governing authority shall notify the county appraisal staff of the name of the authorized agent within 5 days of the agent's appointment.

(4) Within 30 days after the end of each calendar quarter, or more frequently at the property appraisal staff's discretion, the property appraisal staff shall forward to the tax commissioner and the authorized agent, if one has been appointed, a list of mobile homes discovered during the quarter, if any, that are not displaying the required mobile home decal. The list shall contain the information set forth in Regulation 560-11-9-.08(1) to enable these officials to locate and identify each mobile home thereon.

(5) The authorized agent, if one has been appointed, upon receipt of the list set forth in this Regulation, shall issue a citation to the owner of each mobile home for which a mobile home decal is not attached. If the authorized agent is a member of the board of tax assessors or the property appraisal staff, the notice required in Section 2 of this Regulation and the citation required in this Section may be issued to the owner simultaneously.

(6) Within 30 days of the date the citation is issued, but not earlier than 15 days from the date the citation is issued, the county shall impose the appropriate fines upon and prosecute the subject of the citation as provided in O.C.G.A. Section 48-5-493.

(7) Nothing in this Regulation shall prohibit or limit the county authorities from providing other methods for prosecution of an owner failing under O.C.G.A. Section 48-5-492 and these regulations to secure and display a mobile home decal.

O.C.G.A. Secs. 15-10-60 through 15-10-66, 48-2-12, 48-5-263, 48-5-299, 48-5-440 through 48-5-442, 48-5-444 through 48-5-448, 48-5-450, 48-5-451, 48-5-490, 48-5-492 through 48-5-495.

HISTORY. Original Rule entitled "Inspections and Citations" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000.

48-5-492. Issuance of mobile home location permits; issuance and display of decals.

(a) Each year every owner of a mobile home subject to taxation under this article shall obtain on or before April 1 from the tax collector or tax commissioner of the county of taxation of the mobile home a mobile home location permit. The issuance of the permit by the tax collector or tax commissioner shall, if required by the governing authority of the county in which the mobile home is located, be evidenced by the issuance of a decal, the color of which shall be prescribed for each year by the commissioner. Each decal shall reflect the county of issuance and the calendar year for which the permit is issued. The decal shall be prominently attached and displayed on the mobile home by the owner.

(b) Except as provided for mobile homes owned by a dealer, no mobile home location permit shall be issued by the tax collector or tax commissioner until all ad valorem taxes due on the mobile home have

been paid. Each year every owner of a mobile home situated in this state on January 1 which is not subject to taxation under this article shall obtain on or before April 1 from the tax collector or tax commissioner of the county where the mobile home is situated a mobile home location permit. The issuance of the permit shall, if required by the governing authority of the county in which the mobile home is located, be evidenced by the issuance of a decal which shall reflect the county of issuance and the calendar year for which the permit is issued. The decal ~~shall~~ may be prominently attached and displayed on the mobile home by the owner.

48-5-493. Failure to attach and display decal; penalties; venue for prosecution.

(a)

(1) It shall be unlawful to fail to attach and display on a mobile home the decal as ~~provided for in~~ may be required by Code Section 48-5-492.

(2) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than $100.00 nor more than $300.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be $50.00; provided, however, that in the event such person owns more than one mobile home in an individual mobile home park, then the maximum fine under this paragraph for such person with respect to such mobile home park shall not exceed $1,000.00.

(b)

(1) It shall be unlawful for any person to move or transport any mobile home which is required to and which does not have attached and displayed thereon the decal as may be required by Code Section 48-5-492.

(2) Any person who violates paragraph (1) of this subsection shall be guilty of a misdemeanor and shall be punished by a fine of not less than $200.00 nor more than $1,000.00 or by imprisonment for not more than 12 months, or both.

(c) Violation of subsection (a) or (b) of this Code section may be prosecuted in the magistrate court of the county where the mobile home location permit is to be issued in the manner prescribed for the enforcement of county ordinances set forth in Article 4 of Chapter 10 of Title 15.

48-5-494. Returns for taxation; application for and issuance of mobile home location permits upon payment of taxes due.

Each year every owner of a mobile home subject to taxation under this article shall return the mobile home for taxation and shall pay the taxes due on the mobile home at the time the owner applies for the mobile home location permit, or at the time of the first sale or transfer of the mobile home after December 31, or on April 1, whichever occurs first. If the owner returns such owner's mobile home for taxation prior to the date that the application for the mobile home location permit is required, such owner shall apply for the permit at the time such owner returns the mobile home for taxation.

48-5-495. Collection procedure when taxing county differs from county of purchaser's residence.

When a mobile home is purchased from a seller who is required to return the mobile home for ad valorem taxation in a county other than the purchaser's county of residence, the tax collector or tax commissioner of the county in which the mobile home is returned for taxation shall collect the required ad valorem taxes due and, at the request of the purchaser, shall transmit to the purchaser an appropriate certificate which shall indicate that all ad valorem taxes due on the mobile home have been paid. Upon receipt of the certificate, the tax collector or tax commissioner of the purchaser's county of residence shall issue the required mobile home location permit and, when applicable, decal.

560-11-9-.06 Transporting Mobile Homes.
(1) It shall be unlawful for any person to move or transport any mobile home which is required to and which does not have attached and displayed thereon the mobile home decal required by O.C.G.A. Section 48-5-492.

(2) Any person who violates Section 1 of this regulation shall be guilty of a misdemeanor and shall be prosecuted as provided in O.C.G.A. Section 48-5-493.

Ga. L. 48-5-492, 48-5-493.

HISTORY. Original Rule entitled "Transporting Mobile Homes" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997.

560-11-9-.07 Valuation Methods.
(1) Beginning January 1, 1999 and effective for the tax year 1999 and each subsequent tax year, the fair market value of all mobile homes subject to taxation under Article 10 of Chapter 5 of Title 48 shall be determined by the county board of tax assessors in accordance with these regulations. For the tax year 1998, the tax commissioner shall continue to use the procedures as shown in the manual provided by the Commissioner to determine the fair market value of all mobile homes.

(2) The valuation methods employed by the county board of tax assessors shall result in a fair market value, as fair market value is defined in O.C.G.A. Section 48-5-2, of each mobile home as of January 1 of the tax year for which the digest is being prepared.

(3) The county board of tax assessors may use any combination of the following when arriving at the value for each mobile home, however, the approach used may not differ substantially from that employed to arrive at the value for a mobile home subject to tax under Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated. For any valuation guides that may be used, the board shall select those most likely to reflect the value of each mobile home as of January 1 and make any further adjustments deemed necessary to arrive at a January 1 valuation.

(a) The appropriate periodic edition of the National Automobile Dealers Association's Manufactured Housing Appraisal Guide;

(b) The appropriate periodic edition of the Marshall & Swift Residential Valuation System; and

(c) Any other valuation model using commonly accepted appraisal techniques including, but not limited to, quality classes, unit cost, observed obsolescence and value tables for structural additions.

(4) Each mobile home shall be assessed at 40 percent of the fair market value determined in accordance with this Regulation.

(5) Reserved.

O.C.G.A. Secs. 48-2-12, 48-5-2, 48-5-7, 48-5-440 through 48-5-448, 48-5-450, 48-5-451, 48-5-490 through 48-5-495.HISTORY. Original Rule entitled "Valuation Methods" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000.

560-11-9-.08 Mobile Home Digest.

(1) On the tenth day of each month, a county's tax commissioner shall report to the board of tax assessors a list of all mobile homes for which during the preceding month:

(a) Location permits were issued, and

(b) Returns for taxation were sent.

(2) The monthly reporting requirement may be changed by a signed written agreement between the tax commissioner and the board of tax assessors, but shall not be sent less than once per calendar year or later than December 1st.

(a) The list sent by the county's tax commissioner shall contain the following information regarding each mobile home:

(1) Manufacturer, model, and year;

(2) Serial number;

(3) Size;

(4) Owner's name and address;

(5) Map and parcel number (if a map and parcel number has previously been assigned by the board of tax assessors);

(6) The mobile home's physical location, street address, lot number, and park name (if applicable and known);

(7) Tax district; and

(8) Assessment (if set by the board of tax assessors).

(3) On or before January 5[th] of each year, and before the county's digest is submitted to the tax commissioner, a county's board of tax assessors shall meet to receive and inspect the tax returns and location permits for the county's mobile homes that have been reported to the tax commissioner during the preceding twelve months.

(a) If any mobile homes have not been reported or returned to the tax commissioner by January 5[th] of each year, then the county board of tax assessors shall have the authority to add those mobile homes to the county's digest.

(4) For each mobile home listed in a county's digest, the county's board of tax assessors shall

develop a valuation which, in the board's judgment, best represents the fair market value that the mobile home will have as of January 1 of the tax year for which the digest is being prepared.

(a) This valuation shall include any improvements to the mobile home and shall reflect any changes to the value of the mobile home resulting from market changes or physical depreciation as of January 1 of the tax year for which the digest is being prepared.

(5) On or before January 5[th] of each year, a county's board of tax assessors shall return to the tax commissioner the mobile home digest with the proposed assessments.

(6) The total assessed value of the mobile home digest shall be added to the county's consolidated summary at the time the county's official digest is transmitted to the Revenue Commissioner, or at such other time as the digest is required to be compiled.

(a) The assessed value on the mobile home digest shall be used by the tax commissioner for the purpose of calculating tax bills.

(7) Effective January 1, 1999, when a mobile home is returned for taxation after the mobile home digest has been delivered by the board of tax assessors to the county's tax commissioner, the county's tax commissioner shall, within 10 days of receipt of the return, forward it to the county's board of tax assessors. Within 10 days of receiving the return, the county's board of tax assessors shall assess the mobile home's fair market value and notify the county's tax commissioner of the assessment.

(a) The tax commissioner shall then bill the owner pursuant to Regulation 560-11-9-.10.

(b) The owner of the mobile home shall be afforded an opportunity to appeal and receive a temporary bill pursuant to Regulation 560-11-9-.09.

(c) Such returns shall be designated "Not On Digest" by the tax commissioner and accounted for as such in their official accounts.

Authority O.C.G.A. Secs. 48-5-311, 48-5-442, 48-5-448, 48-5-450.

History. Original Rule entitled "Mobile Home Digest" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. Amended:F. May 9, 2011; eff. May 29, 2011.

560-11-9-.09 Appeals.

(1) A mobile home owner who disagrees with the county board of tax assessor's assessment of their mobile home(s) on the ad valorem property tax bill may challenge such assessment by either electing to:

(a) Appeal the assessed value of the mobile home in the same manner as other ad valorem tax assessment appeals are made and decided pursuant to O.C.G.A. Section 48-5-311 as follows:

1. Filing a notice of appeal with the county's board of tax assessors within 45 days of date printed on the ad valorem property tax bill, or by April 1st, whichever occurs later.

2. After an appeal has been filed, the county's board of tax assessors shall notify the county's tax commissioner within 10 days of said appeal. A temporary tax bill, like those in O.C.G.A. § 48-5-311 (E)(6)(d)(iii)(I), shall be issued for every mobile home which is on appeal. A mobile home owner shall pay their temporary tax bill by April 1, if the appeal is not yet resolved, or upon receipt, if temporary tax bill is issued after April 1. Upon payment of temporary tax bill, the county's tax commissioner shall issue a mobile home location permit. Nothing in this Regulation shall prevent the county's tax commissioner from assessing penalties and interest against a mobile home owner who receives a temporary tax bill after April 1 because said owner failed to return their mobile home by April 1.

3. Once there is a determination regarding the appeal, the county's board of tax assessors shall, within 10 days, notify the county's tax commissioner of the final assessment established by such appeal. If necessary, the county's tax commissioner shall then, within 10 days, bill the taxpayer for any additional ad valorem property taxes due or issue a refund, if there has been an overpayment of taxes.

(b) Secure a location permit for the year in question by filing with the county's tax commissioner an affidavit of illegality and by filing either 1) a surety bond issued by a State authorized surety company or 2) a bond approved by the clerk of superior court of the county or 3) a cash bond, pursuant to O.C.G.A. Section 48-5-450.

(2) If the owner of a mobile home, subsequent to paying the tax without having filed an appeal or affidavit of illegality, believes that the tax has been illegally or erroneously assessed and collected, then the owner may file with the county governing authority a request for a refund. Such request may be filed within three years of the date of payment of the tax under the provisions of O.C.G.A. § 48-5-380.

(a) Only errors of fact or law which have resulted in erroneous or illegal taxation shall be considered. A mobile home owner's claim based on mere dissatisfaction with an assessment shall not constitute that the assessment was erroneous or illegal within the meaning of O.C.G.A. § 48-5-380.

Authority O.C.G.A. Secs.48-5-311, 48-5-380, 48-5-442, 48-5-450.

History. Original Rule entitled "Appeals" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. Amended: F. May 9, 2011; eff. May 29, 2011. Amended: F. Jan. 4, 2016; eff. Jan. 24, 2016.

560-11-9-.10 Collection of Tax.
(1) It shall be the duty of the tax commissioner to issue tax bills using form PT-40 to each owner of a mobile home appearing on the mobile home digest on or after January 1 of each calendar year, but not later than February 1.

(2) Reserved.

(3) Ad valorem taxes imposed on mobile homes shall be based on the assessments as determined from the procedures shown in the manual provided by the Commissioner for the tax year 1998 and as determined by the board of tax assessors pursuant to Regulation 560-11-9-.07 for tax year 1999 and thereafter, and the mill rate levied by the taxing authority on tangible property for the previous calendar year.

(4) The tax commissioner shall collect all ad valorem taxes imposed on mobile homes irrespective of the tax authority levying the taxes. No other official shall be authorized to collect such taxes.

(5) The tax commissioner collecting the ad valorem taxes on mobile homes shall remit to the tax authority imposing the tax such sums as have been collected, less the commissions, on or before the fifteenth day of the month following the month of collection, or on a more frequent basis at the tax commissioner's election.

(6) The tax commissioner shall withhold from each taxing authority commissions on all net ad valorem tax collections made for the jurisdiction on mobile homes during any calendar year. Such commissions shall be withheld as prescribed in O.C.G.A. Section 48-5-447 and, along with any fees collected, shall be retained by the tax commissioner or disposed of in accordance with those general laws and local Acts specifically providing for the disposition of such fees and commissions.

O.C.G.A. Secs. 48-2-12, 48-5-440 through 48-5-448, 48-5-450, 48-5-451, 48-5-490, 48-5-492 through 48-5-495.HISTORY. Original Rule entitled "Collection of Tax" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000.

560-11-9-.11 Penalties.

(1) Every owner of a mobile home subject to these regulations, in addition to the ad valorem tax due on the mobile home, shall be liable for a penalty of 10 percent of the tax due or $ 5, whichever is greater, for their failure to make the return or pay the tax by April 1 of each year.

(2) Reserved.

(3) Every owner of a mobile home located in a county on January 1 and subject to these regulations, in addition to the ad valorem tax due on the mobile home, if applicable, and the penalty, if applicable, for failure to make the return or pay the tax by April 1 of each year, shall be guilty of a misdemeanor if they fail to secure, attach and display on a mobile home the decal that is required by Regulation 560-11-9-.04. Upon conviction thereof, the owner shall be punished by a fine of not less than $ 100.00 nor more than $ 300.00, except that upon receipt of proof of purchase of a decal prior to the date of the issuance of a summons, the fine shall be $ 50.00 provided, however that in the event such person owns more than one mobile home in an individual mobile home park, the maximum fine under this paragraph for such person with respect to such mobile home park shall not exceed $1,000.00. The county governing authority may, by local ordinance, provide for penalties for owners who locate a mobile home in the county after January 1 and fail to secure, attach and display on a mobile home the decal that is required by

Regulation 560-11-9-.04.

(4) Any person who moves or transports a mobile home which is required to and which does not have attached and displayed thereon the decal required by Regulation 560-11-9-.04 shall be guilty of a misdemeanor and shall be punished by a fine of not less than $ 200.00 nor more than $ 1,000.00 or by imprisonment for not more than 12 months, or both.

(5) The tax commissioner may issue executions for nonpayment of mobile home taxes in the manner prescribed in Georgia Code Section 48-3-3. The collection of such executions shall follow the procedures prescribed in Chapter 3 of Title 48 of the Official Code of Georgia Annotated. Such executions shall bear interest at the rate prescribed by Georgia Code Section 48-2-40 once issued.

O.C.G.A. Secs. 48-2-12, 48-2-40, 48-3-3, 48-5-440 through 48-5-442, 48-5-444 through 48-5-448, 48-5-450, 48-5-451, 48-5-490, 48-5-492 through 48-5-495.

HISTORY. Original Rule entitled "Penalties" adopted. F. Dec. 5, 1997; eff. Dec. 25, 1997. AMENDED: F. May 3, 2000; eff. May 23, 2000. Amended: F. Jan. 4, 2016; eff. Jan. 24, 2016.

560-11-9-.12 Notice of Right to Appeal Mobile Home Valuation.
Any proposed assessment or ad valorem property tax bill sent to an owner of a mobile home(s), by a county's board of tax assessor, shall contain the following sentence in bold:

"If you feel that your mobile home's value is too high for ad valorem taxation purposes, you should file an appeal or tax return with County Board of Tax Assessors for an opportunity to have your mobile home's value reduced."

Authority O.C.G.A. Sec. 48-5-311.History. Original Rule entitled "Notice of Right to Appeal Mobile Home Valuation" adopted. F. May 9, 2011; eff. May 29, 2011.

Personal Property

48-5-268(b)(2): Training courses for new appraisers; continuing education for experienced appraisers; member of county appraisal staff to appraise tangible personal property.
(2) In all counties except Class I counties, the chief appraiser shall designate at least one person on the county appraisal staff to be responsible for the appraisal of tangible personal property. Any person or persons so designated shall be required to attend the standard approved training courses operated by the department in accordance with this subsection as part of their duties specified in subsection (b) of Code Section 48-5-263.

48-5-16. Return of tangible personal property in county where business conducted; exemptions; boats; aircraft.
(a) Any person who conducts a business enterprise upon real property, which is not taxable in the county in which the person resides or in which the person's office is located, shall return for taxation the tangible personal property of the business enterprise to the tax commissioner or tax receiver of the county in which is taxable the real property upon which the business enterprise is located or conducted.

(b) When the agent in this state of any person who is a resident of another state has on hand and for sale,

storage, or otherwise merchandise or other tangible property, he shall return the property for taxation as provided in Code Section 48-5-12.

(c) This Code section shall not apply to public utilities and other companies required to make returns of their properties and franchises to the commissioner under Articles 9, 11, and 12 of this chapter.

(d) (1) As used in this subsection, the term:

(A) "Boat" means every description of watercraft used or capable of being used as a means of transportation on the water.

(B) "Functionally located" means located in a county in this state for 184 days or more during the immediately preceding calendar year. The 184 days or more requirement of this subsection shall mean the cumulative total number of days during such calendar year, which days may, but shall not be required to be, consecutive.

(2) Any person who owns tangible personal property in the form of a boat which is functionally located for recreational or convenience purposes in a county in this state other than the county in which such person maintains a permanent legal residence shall return such property for taxation to the tax commissioner or tax receiver of the county in which such property is functionally located. Tangible personal property of a person which does not meet the 184 days or more requirement provided for in this subsection shall be returned for taxation in the manner provided for in Code Section 48-5-11.

(e) (1) As used in this subsection, the term:

(A) "Aircraft" means any contrivance used or designed for navigation through the air; provided, however, that such term does not include commercial airliners.

(B) "Primary home base" means an airport where an aircraft is principally hangared or tied down and out of which its flights normally originate.

(2) Any person who owns tangible personal property in the form of an aircraft which has its primary home base in a county in this state other than the county in which such person maintains a permanent legal residence shall return such property for taxation to the tax commissioner or tax receiver of the county in which such primary home base is located. Such aircraft which does not have a primary home base in a county of this state other than the county in which the owner maintains a permanent legal residence shall be returned for taxation in the manner provided for in Code Section 48-5-11.

48-5-41.2. Exemption from taxation of personal property in inventory for business

All tangible personal property constituting the inventory of a business shall be exempt from state ad valorem taxation.

48-5-42. Exempt personalty.

All personal clothing and effects, household furniture, furnishings, equipment, appliances, and other personal property used within the home, if not held for sale, rental, or other commercial use, shall be exempt from all ad valorem taxation. All tools and implements of trade of manual laborers shall be exempt from all ad valorem taxation in an amount not to exceed $2,500.00 in actual value and all domestic animals

shall be exempt from all ad valorem taxation in an amount not to exceed $300.00 in actual value.

48-5-42.1. Personal property tax exemption for property valued at $7,500.00 or less.

(a) It is the intent of this Code section to exempt from the payment of ad valorem taxation certain tangible personal property on which the tax due does not exceed the reasonable cost of administering and collecting the tax.

(b) All tangible personal property of a taxpayer, except motor vehicles, trailers, and mobile homes, shall be exempt from all ad valorem taxation if the actual fair market value of the total amount of taxable tangible personal property owned by the taxpayer within the county, as determined by the board of tax assessors, does not exceed ~~$7,500.00~~ $20,000.00.

48-5-48.1. Tangible personal property inventory exemption; application; failure to file application as waiver of exemption; denials; notice of renewals

(a) Any person, firm, or corporation seeking a level 1 freeport exemption from ad valorem taxation of certain tangible personal property inventory when such exemption has been authorized by the governing authority of any county or municipality after approval of the electors of such county or municipality pursuant to the authority of the Constitution of Georgia or Code Section 48-5-48.2 shall file a written application and summary of property with the county board of tax assessors on forms furnished by such board. Such application shall be filed in the year in which exemption from taxation is sought no later than the date on which the tax receiver or tax commissioner of the county in which the property is located closes the books for the return of taxes.

(b) The application for the level 1 freeport exemption shall provide for:

(1) A summary, as prescribed by the department, of the inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in the State of Georgia;

(2) A summary, as prescribed by the department, of the inventory of finished goods manufactured or produced within the State of Georgia in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods;

(3) A summary, as prescribed by the department, of the inventory of finished goods which on January 1 are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment outside the State of Georgia and the inventory of finished goods which are shipped into the State of Georgia from outside this state and which are stored for transshipment to a final destination outside this state. The information required by Code Section 48-5-48.2 to be contained in the official books and records of the warehouse, dock, or wharf where such property is being stored, which official books and records are required to be open to the inspection of taxing authorities of this state and political subdivisions thereof, shall not be required to be included as a part of or to accompany the application for such exemption; and

(4) A summary, as prescribed by the department, of the stock in trade of a fulfillment center which on January 1 is stored in the fulfillment center. The information required by Code Section 48-5-48.2 to be contained in the official books and records of the fulfillment center where such property is being stored, which official books and records are required to be open to the inspection of the taxing authorities of this state and political subdivisions thereof, shall not be required to be included as a part of or to accompany the application for such exemption.

(c)

(1) For purposes of this subsection, the term "file properly" shall mean and include the timely filing of the completed application for which exemption is sought on or before the due date specified in subsection (a) of this Code section. Any clerical error, including, but not limited to, a typographical error, scrivener's error, or any unintentional immaterial error or omission in the application shall not be construed as a failure to file properly.
(2) The failure to file properly the completed application shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to make the application for such exemption for that year as follows:
(A) The failure to report any inventory for which such exemption is sought in the summary provided for in the application shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to so report for that taxable year in an amount equal to the difference between fair market value of the inventory as reported and the fair market value finally determined to be applicable to the inventory for which the exemption is sought; and
(B) The failure to file timely such completed application shall constitute a waiver of the exemption until the first day of the month following the month such completed application is filed properly with the county tax assessor; provided, however, that unless such completed application is filed on or before June 1 of such year, the exemption shall be waived for that entire year.
(d) Upon receiving the application required by this Code section, the county board of tax assessors shall determine the eligibility of all types of tangible personal property listed on the application. If any property has been listed which the board believes is not eligible for the exemption, the board shall issue a letter notifying the applicant, not later than 180 days after receiving the application, that all or a portion of the application has been denied. The denial letter shall list the type and total fair market value of all property listed on the application for which the exemption has been approved and the type and total fair market value of all property listed on the application for which the exemption has been denied. The applicant shall have the right to appeal from the denial of the exemption for any property listed and such appeal shall proceed as provided in Code Section 48-5-311. Except as otherwise provided in subparagraph (c)(2)(A) of this Code section, the county board of assessors shall not send a second letter of notification denying the exemption of all or a portion of such property listed on the application on new grounds that could and should have been discerned at the time the initial denial letter was issued. If, however, the county board of tax assessors fails to issue a letter of denial within 180 days after receiving the taxpayer's application, then the freeport exemption sought in the application shall be deemed accepted in its entirety.
(e) If the level 1 freeport exemption has been granted to a taxpayer for a taxable year, the county board of tax assessors shall issue a notice of renewal to the taxpayer for the immediately following taxable year. Such notice of renewal shall be issued not later than January 15 of such immediately following taxable year to facilitate the filing of a timely completed application by the taxpayer for such taxable year.
(f) Notwithstanding any other provision of law to the contrary, for a taxpayer that claimed an exemption for the 2020 taxable year for finished goods inventory described within paragraph (2) of subsection (c) of Code Section 48-5-48.2, the taxpayer shall have the option to determine the fair market value of eligible finished goods inventory for which such exemption is applicable and sought for the 2021 taxable year based on either the fair market value of applicable inventory as of January 1, 2020, or the fair market value of applicable inventory as of January 1, 2021.

48-5-48.2. Level 1 freeport exemption; referendum

(a) This Code section shall be known and may be cited as the "Level 1 Freeport Exemption."
(b) As used in this Code section, the term:

(1) "Affiliates" means those entities that are part of an affiliated group of the taxpayer as defined in Section 1504(a) of the Internal Revenue Code and all other entities that are directly or indirectly owned 50 percent or more by members of the affiliated group.
(2) "Destined for shipment to a final destination outside this state" means, for purposes of a level 1 freeport exemption, that portion or percentage of an inventory of finished goods which the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, is reasonably anticipated to be shipped to a final destination outside this state. Such other reasonable, documented method may only be utilized in the case of a new business, in the case of a substantial change in scope of an existing business, or in other unusual situations where a historical sales or shipment analysis does not adequately reflect future anticipated shipments to a final destination outside this state. It is not necessary that the actual final destination be known as of January 1 in order to qualify for the exemption.
(3) "Finished goods" means, for purposes of a level 1 freeport exemption, goods, wares, and merchandise of every character and kind but shall not include unrecovered, unextracted, or unsevered natural resources or raw materials or goods in the process of manufacture or production or the stock in trade of a retailer.
(4) "Foreign merchandise in transit" means, for purposes of a level 1 freeport exemption, any goods which are in international commerce where the title has passed to a foreign purchaser and the goods are temporarily stored in this state while awaiting shipment overseas.
(5) "Fulfillment center" means, for purposes of a level 1 freeport exemption, a business location in Georgia which is used to pack, ship, store, or otherwise process tangible personal property sold by electronic, internet, telephonic, or other remote means, provided that such a business location does not allow customers to purchase or receive goods onsite at such business location.
(6) "Raw materials" means, for purposes of a level 1 freeport exemption, any material, whether crude or processed, that can be converted by manufacture, processing, or a combination thereof into a new and useful product but shall not include unrecovered, unextracted, or unsevered natural resources.
(7) "Stock in trade of a fulfillment center" means, for purposes of a level 1 freeport exemption, goods, wares, and merchandise held by one in the business of making sales of such goods when such goods are held or stored at a fulfillment center.
(8) "Stock in trade of a retailer" means, for purposes of a level 1 freeport exemption, finished goods held by one in the business of making sales of such goods at retail in this state, within the meaning of Chapter 8 of this title, when such goods are held or stored at a business location from which such retail sales are regularly made. Goods stored in a warehouse, dock, or wharf, including a warehouse or distribution center which is part of or adjoins a place of business from which retail sales are regularly made, shall not be considered stock in trade of a retailer to the extent that the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, the portion or percentage of such goods which is reasonably anticipated to be shipped outside this state for resale purposes.
(c) The governing authority of any county or municipality may, subject to the approval of the electors of such political subdivision, exempt from ad valorem taxation, including all such taxes levied for educational purposes and for state purposes, all or any combination of the following types of tangible personal property:
(1) Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held by the taxpayer, the taxpayer's affiliate, or the taxpayer's designated agent for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this state. The exemption provided for in this paragraph shall apply only to tangible personal property which is substantially modified, altered, combined, or changed in the ordinary course of the

taxpayer's manufacturing, processing, or production operations in this state. For purposes of this paragraph, the following activities shall constitute substantial modification in the ordinary course of manufacturing, processing, or production operations:
(A) The cleaning, drying, pest control treatment, or segregation by grade of grain, peanuts or other oil seeds, or cotton;
(B) The remanufacture of aircraft engines or aircraft engine parts or components, meaning the substantial overhauling or rebuilding of aircraft engines or aircraft engine parts or components;
(C) The blending of fertilizer bulk materials into a custom mixture, whether performed at a commercial fertilizer blending plant, retail outlet, or any application site;
(D) The substantial assembly of finished parts; and
(E) The remanufacture, which includes repair or modification of goods manufactured, processed, or produced by the taxpayer;
(2) Inventory of finished goods manufactured or produced within this state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is produced or manufactured;
(3) Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment to a final destination outside this state and inventory of finished goods which are shipped into this state from outside this state and stored for transshipment to a final destination outside this state, including foreign merchandise in transit. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is stored in this state. Such period shall be determined based on application of a first-in, first-out method of accounting for the inventory. The official books and records of the warehouse, dock, or wharf where such property is being stored shall contain a full, true, and accurate inventory of all such property, including the date of the receipt of the property, the date of the withdrawal of the property, the point of origin of the property, and the point of final destination of the same, if known. The official books and records of any such warehouse, dock, or wharf, whether public or private, pertaining to any such property for which a freeport exemption has been claimed shall be at all times open to the inspection of all taxing authorities of this state and of any political subdivision of this state; or
(4) Stock in trade of a fulfillment center which, on January 1, is stored in a fulfillment center and which is made available to remote purchasers who may make such purchases by electronic, internet, telephonic, or other remote means, and where such stock in trade of a fulfillment center will be shipped from the fulfillment center and delivered to the purchaser at a location other than the location of the fulfillment center. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is stored in this state. Such period shall be determined based on application of a first-in, first-out method of accounting for the inventory. The official books and records of the fulfillment center where such property is being stored shall contain a full, true, and accurate inventory of all such property, including the date of the receipt of the property and the date of the withdrawal of the property. The official books and records of any such fulfillment center pertaining to any such property for which a freeport exemption has been claimed shall be at all times open to the inspection of all taxing authorities of this state and of any political subdivision of this state.
(d) Whenever the governing authority of any county or municipality wishes to exempt such tangible property from ad valorem taxation, as provided in this Code section, the governing authority thereof shall notify the election superintendent of such political subdivision, and it shall be the duty of said election superintendent to issue the call for an election for the purpose of submitting to the electors of the political subdivision the question of whether such exemption shall be granted. The referendum ballot shall specify

as separate questions the type or types of property as defined in this Code section which are being proposed to be exempted from taxation. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540.
(e) The governing authority of any county or municipality wherein an exemption has been approved by the voters as provided in this Code section may, by appropriate resolution, a copy of which shall be immediately transmitted to the state revenue commissioner, exempt from taxation 20 percent, 40 percent, 60 percent, 80 percent, or all of the value of such tangible personal property as defined in this Code section; provided, however, that once an exemption has been granted, no reduction in the percent of the value of such property to be exempted may be made until and unless such exemption is revoked or repealed as provided in this Code section. An increase in the percent of the value of the property to be exempted may be accomplished by appropriate resolution of the governing authority of such county or municipality, and a copy thereof shall be immediately transmitted to the state revenue commissioner, provided that such increase shall be in increments of 20 percent, 40 percent, 60 percent, or 80 percent of the value of such tangible personal property as defined in this Code section, within the discretion of such governing authority.
(f)
(1) If more than one-half of the votes cast on such question are in favor of such exemption, then such exemption may be granted by the governing authority commencing on the first day of any ensuing calendar year; otherwise, such exemption may not be granted. This paragraph is intended to clearly provide that following approval of such exemption in such referendum, such exemption may be granted on the first day of any calendar year following the year in which such referendum was conducted. This paragraph shall not be construed to imply that the granting of such exemption could not previously be delayed to any such calendar year.
(2) Exemptions may only be revoked by a referendum election called and conducted as provided in this Code section, provided that the call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of said election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.
(g) Level 1 freeport exemptions effected pursuant to this Code section may be granted either in lieu of or in addition to level 2 freeport exemptions under Code Section 48-5-48.6.
(h) The commissioner shall by regulation adopt uniform procedures and forms for the use of local officials in the administration of this Code section.

48-5-48.5. Level 2 freeport exemption; application; filing; renewal

(a) Any person, firm, or corporation seeking a level 2 freeport exemption from ad valorem taxation of certain tangible personal property inventory when such exemption has been authorized by the governing authority of any county or municipality after approval of the electors of such county or municipality pursuant to the authority of the Constitution of Georgia and Code Section 48-5-48.6 shall file a written application and schedule of property with the county board of tax assessors on forms furnished by such board. Such application shall be filed in the year in which exemption from taxation is sought no later than the date on which the tax receiver or tax commissioner of the county in which the property is located closes the books for the return of taxes.

(b) The application for the level 2 freeport exemption shall provide for a schedule of the inventory of finished goods held by one in the business of making sales of such goods in this state.

(c) (1) For purposes of this subsection, the term "file properly" shall mean and include the timely filing of the application and complete schedule of the inventory for which exemption is sought on or before the due date specified in subsection (a) of this Code section.

(2) The failure to file properly the application and schedule shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to make the application for such exemption for that year as follows:

(A) The failure to report any inventory for which such exemption is sought in the schedule provided for in the application shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to so report for that taxable year in an amount equal to the difference between fair market value of the inventory as reported and the fair market value finally determined to be applicable to the inventory for which the exemption is sought; and

(B) The failure to file timely such application and schedule shall constitute a waiver of the exemption until the first day of the month following the month such application and schedule are filed properly with the county tax assessor; provided, however, that unless the application and schedule are filed on or before June 1 of such year, the exemption shall be waived for that entire year.

(d) Upon receiving the application required by this Code section, the county board of tax assessors shall determine the eligibility of all types of tangible personal property listed on the application. If any property has been listed which the board believes is not eligible for the exemption, the board shall issue a letter notifying the applicant that all or a portion of the application has been denied. The denial letter shall list the type and total fair market value of all property listed on the application for which the exemption has been approved and the type and total fair market value of all property listed on the application for which the exemption has been denied. The applicant shall have the right to appeal from the denial of the exemption for any property listed, and such appeal shall proceed as provided in Code Section 48-5-311. Except as otherwise provided in subparagraph (c)(2)(A) of this Code section, the county board of assessors shall not send a second letter of notification denying the exemption of all or a portion of such property listed on the application on new grounds that could and should have been discerned at the time the initial denial letter was issued.

(e) If the level 2 freeport exemption has been granted to a taxpayer for a taxable year, the county board of tax assessors shall issue a notice of renewal to the taxpayer for the immediately following taxable year. Such notice of renewal shall be issued not later than January 15 of such immediately following taxable year to facilitate the filing of a timely application and schedule by the taxpayer for such taxable year.

48-5-48.6. Level 2 freeport exemption; referendum

(a) This Code section shall be known and may be cited as the "Level 2 Freeport Exemption."

(b) As used in this Code section, the term "finished goods" means, for purposes of a level 2 freeport exemption, goods, wares, and merchandise of every character and kind constituting a business's inventory which would not otherwise qualify for a level 1 freeport exemption.

(c) The governing authority of any county or municipality may, subject to the approval of the electors of

such political subdivision, exempt from ad valorem taxation, including all such taxes levied for educational purposes and for state purposes, inventory of finished goods.

(d) Whenever the governing authority of any county or municipality wishes to exempt such tangible property from ad valorem taxation, as provided in this Code section, the governing authority thereof shall notify the election superintendent of such political subdivision, and it shall be the duty of said election superintendent to issue the call for an election for the purpose of submitting to the electors of the political subdivision the question of whether such exemption shall be granted. The referendum ballot shall specify retail business inventory as the types of property as defined in this Code section which are being proposed to be exempted from taxation. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540.

(e) The governing authority of any county or municipality wherein an exemption has been approved by the voters as provided in this Code section may, by appropriate resolution, a copy of which shall be immediately transmitted to the state revenue commissioner, exempt from taxation 20 percent, 40 percent, 60 percent, 80 percent, or all of the value of such tangible personal property as defined in this Code section; provided, however, that once an exemption has been granted, no reduction in the percent of the value of such property to be exempted may be made until and unless such exemption is revoked or repealed as provided in this Code section. An increase in the percent of the value of the property to be exempted may be accomplished by appropriate resolution of the governing authority of such county or municipality, and a copy thereof shall be immediately transmitted to the state revenue commissioner, provided that such increase shall be in increments of 20 percent, 40 percent, 60 percent, or 80 percent of the value of such tangible personal property as defined in this Code section, within the discretion of such governing authority.

(f) (1) If more than one-half of the votes cast on such question are in favor of such exemption, then such exemption may be granted by the governing authority commencing on the first day of any ensuing calendar year; otherwise, such exemption may not be granted. This paragraph is intended to clearly provide that following approval of such exemption in such referendum, such exemption may be granted on the first day of any calendar year following the year in which such referendum was conducted. This paragraph shall not be construed to imply that the granting of such exemption could not previously be delayed to any such calendar year.

(2) Exemptions may only be revoked by a referendum election called and conducted as provided in this Code section, provided that the call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of said election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.

(g) Level 2 freeport exemptions effected pursuant to this Code section may be granted either in lieu of or in addition to level 1 freeport exemptions under Code Section 48-5-48.2.

(h) The commissioner shall by regulation adopt uniform procedures and forms for the use of local officials in the administration of this Code section.

560-11-10-.08(c)(1) Freeport exemptions.

1. Mailing applications. The appraisal staff shall, by U. S. mail, send a new freeport exemption application to any person, firm or corporation that was approved for freeport exemption by the board of tax assessors for the tax year proceeding the tax year for which the application is to be made. The application provided by the appraisal staff shall be deposited with the local post office no later than the 15th day after the official who is responsible for receiving returns has opened the books for returns. The failure of the appraisal staff to comply with this requirement shall not relieve a person, firm or corporation from the responsibility to timely file a freeport application.

2. Reviewing applications. The appraisal staff shall, upon receipt of a freeport application, reconcile the figures reported on such form to any inventory totals that may have been returned by the property owner. The appraisal staff may obtain relevant information as is available from financial records or other records of the property owner when needed to reconcile the figures reported on the application. Once the appraisal staff has completed the reconciliation of the freeport application, they shall forward the application and their recommendations, along with any supporting documentation, to the board of tax assessors. When the appraisal staff recommends the freeport application be denied, in whole or in part, they shall include the reasons for their recommendation.

Penalty

48-5-20(b)(1)&(2)

penalty:

(b) Any penalty prescribed by this title or by any other law for the failure of a taxpayer to return his property for taxation within the time provided by law shall apply only to the property: (1) Which the taxpayer did not return prior to the expiration of the time for making returns; and (2) Which the taxpayer has acquired since his last tax return or which represents improvements on existing property since his last return.

48-5-299(2)(B)

penalty:

(B) In all cases in which unreturned property is assessed by the board after the time provided by law for making tax returns has expired, the board shall add to the assessment of the property a penalty of 10 percent, which shall be included as a part of the taxable value for the year.

Audits

560-11-10-.08 (4) Verification

(4) Verification. The appraisal staff shall review and audit the returns in accordance with policies and procedures set by the county board of tax assessors consistent with Georgia law and this Rule.

(a) Omissions and undervaluations. If not otherwise prohibited by law or this Rule, the appraisal staff shall recommend an additional assessment to the board of tax assessors when any review or audit reveals that a property owner has omitted from their return any property that should be returned or has failed to return any of their property at its fair market value. The appraisal staff

shall recommend a reduced assessment to the board of tax assessors when any review or audit reveals that a property owner has overstated the amount of personal property subject to taxation.

(b) Reassessments. The appraisal staff shall recommend to the board of tax assessors a new assessment when the property owner has omitted personal property from their return or failed to return personal property at its fair market value, when such omission or undervaluation has been discovered by an audit conducted pursuant to Rule 560-11-10-.08(4)(d). The appraisal staff shall not be precluded from conducting such an audit merely because a change of assessment has been made on the personal property as a result of a review conducted pursuant to Rule 560-11-10-.08(4)(c). However, the appraisal staff may not recommend to the board of tax assessors a reassessment of the same personal property for which an audit has been conducted pursuant to Rule 560-11-10-.08(4)(d) and a final assessment has already been made by the board.

(c) Review. The purpose of a review is to determine if a property owner has correctly and fully completed their return and reporting schedules. It is based upon the good-faith disclosures of the property owner and information that is readily ascertainable by the appraisal staff. The review of an owner's return may consist of, but is not limited to, an analysis of any improper omissions or inclusions, improperly applied or omitted depreciation, and improperly applied or omitted inflation or deflation of the value of the owner's property. The examination should include a comparison of the current return information with return information from prior years. The appraiser should contact the owner or their agent by an on-site visit, telephone call, or written correspondence to attempt to resolve any questionable items. Returns with unresolved discrepancies, unexpected values, or incomplete information should be escalated to an audit.

(d) Audits. The purpose of an audit is to gather information that will allow the appraiser to make an accurate determination of the fair market value of the property owned by the property owner and subject to taxation. An audit is an examination of the records of the property owner to make an independent determination of the fair market value of such property where such determination does not solely depend upon the good-faith disclosures of the property owner and information that is readily ascertainable by the appraisal staff. The appraisal staff shall perform, consistent with Georgia Law and policies that are established by the board of tax assessors, audits of the records of the property owners to verify the returns of personal property. These audits may take place at any time within the seven-year statute of limitations, which begins on the date the personal property was required by law to be returned.

1. Scope of audit. The audit may be an advanced desk audit of certain additional property owner records that are voluntarily submitted or obtained by subpoena from the property owner or a complex on-site detailed audit of the property owner's books and records combined with a physical inspection of the personal property. The documents the appraisal staff should secure include, but are not limited to, schedules A, B, and C of form PT-50P; a balance sheet or other type of financial record that for a particular location reflects the business' book value as of January 1 of the tax year being audited; a ledger of capitalized personal property items held on January 1 of the

tax year being audited; and an income statement.

(i) Use of subpoena. The appraiser should request the board of tax assessors to subpoena, within the limitations of their subpoena powers, any existing documents the property owner fails to provide voluntarily, when these documents are deemed by the appraiser to be critical to the audit. Since the appraiser may not request a subpoena for documents that do not presently exist in the format needed, the appraiser should seek existing documents held by the property owner and solicit the owner's voluntary cooperation in obtaining these documents.

2. Contracts with auditing specialists. The appraiser shall secure non-disclosure statements from any contracted audit specialist to ensure that such specialist shall conform with the confidentiality provisions of Code section 48-5-314 and shall not disclose the property owner's confidential records to unauthorized persons or use such confidential records for purposes other than the county's review for ad valorem tax purposes of the tax return and supporting documentation. The appraisal staff shall provide a copy of such non-disclosure statement to the property owner upon such owner's request. The appraiser shall not recommend to the board of tax assessors any contract or agreement with an audit specialist that provides for such specialist to contingently share a percentage of the tax collected as a result of any audits such specialist may perform.

(i) Notice to property owner. The lead appraiser shall ensure the property owner is sent a notice they have been selected for an audit of their personal property holdings for ad valorem tax purposes. The notice shall, at a minimum, indicate the following: the purposes and goals of the audit and the law authorizing the audit; the name of the lead appraiser who is primarily responsible for the conduct of the audit; the names of the members of the audit team that will be performing the audit; the number of years that will be audited; a description of the type records that should be made available; a description of how the audit will be conducted; the range of dates desired for the audit; and contact information should the property owner wish to contact the lead appraiser. The notice shall contain a statement that the lead appraiser will be contacting the property owner by telephone to establish the date and time of the audit and to determine the availability and location of records. At the conclusion of the audit, if there is sufficient evidence to warrant a recommended change of assessment, the lead appraiser shall have prepared a list of preliminary audit findings and provide such list to the property owner to afford them an opportunity to meet and discuss the findings and view any supporting schedules and documents relied upon by the individuals conducting the audit. After any such meeting requested by the property owner, the lead appraiser shall have prepared the final audit report and proposed assessment and provide a copy to the property owner and the board of tax assessors.

(e) Audit selection criteria. The appraisal staff shall recommend to the board of tax assessors a review and audit selection criteria, and the appraisal staff shall follow such criteria when adopted by the board. The criteria should be designed to maximize the number of personal property returns that may be reviewed or audited with existing resources. The criteria should be fair, unbiased, and developed consistent with the requirements of Code section 48-5-299. All personal property accounts should be reviewed or audited at least once every three years.

Audit Select Criteria Example

Personal Property Audit and Verification: The BOA has formally adopted as required by the APM 560-11-10(.08) (4) (d), (d) (1) and (4) (e).

V. Contracting for Audits

Because of staff time and expertise limitations, all Freeport exemptions and those personal property accounts greater than $50,000 will be audited by firms that have been selected as a qualified vendor by the Georgia Department of Revenue.

The Board of Assessors will issue a Request for Proposals (RFP) to all qualified firms, make a selection using a point system to rank the proposals, and issue a one year contract to the selected firm with an option for annual renewals for four years. The contract must be rebid at the end of five years.

V.01 Audit Selection Criteria

The Board of Assessors, consistent with Georgia law*, shall audit all personal property returns in Dawson County over the course of a three year time period. The Criteria for account selection will be fair, unbiased, random and consistent with the requirements of O.C.G.A 48-5- 299**.

The selection process will occur as follows:

All accounts will be ranked in size according to their Fair Market Value to include seven categories -

- Class 1 Under $7,501 (Exempt)
- Class 2 $7501-$50,000
- Class 3 $50.001-$250,000
- Class 4 $250,001-$1,000,000
- Class 5 $1,000,001-$5,000,000
- Class 6 $5,000,001-$50,000,000
- Class 7 Over $50,000,000

One third of each category will be audited each year of the three year program

The first account and every third account thereafter will be selected for review until the number of audits has been performed for each year of the program.

Class 1 accounts will be exempt for the selection criteria, but will be reviewed at least once every three years.

All accounts that fail to file a return shall be audited each year.

All accounts with excessive decreases will be audited as deemed necessary by the chief appraiser with approval from the board of assessors.

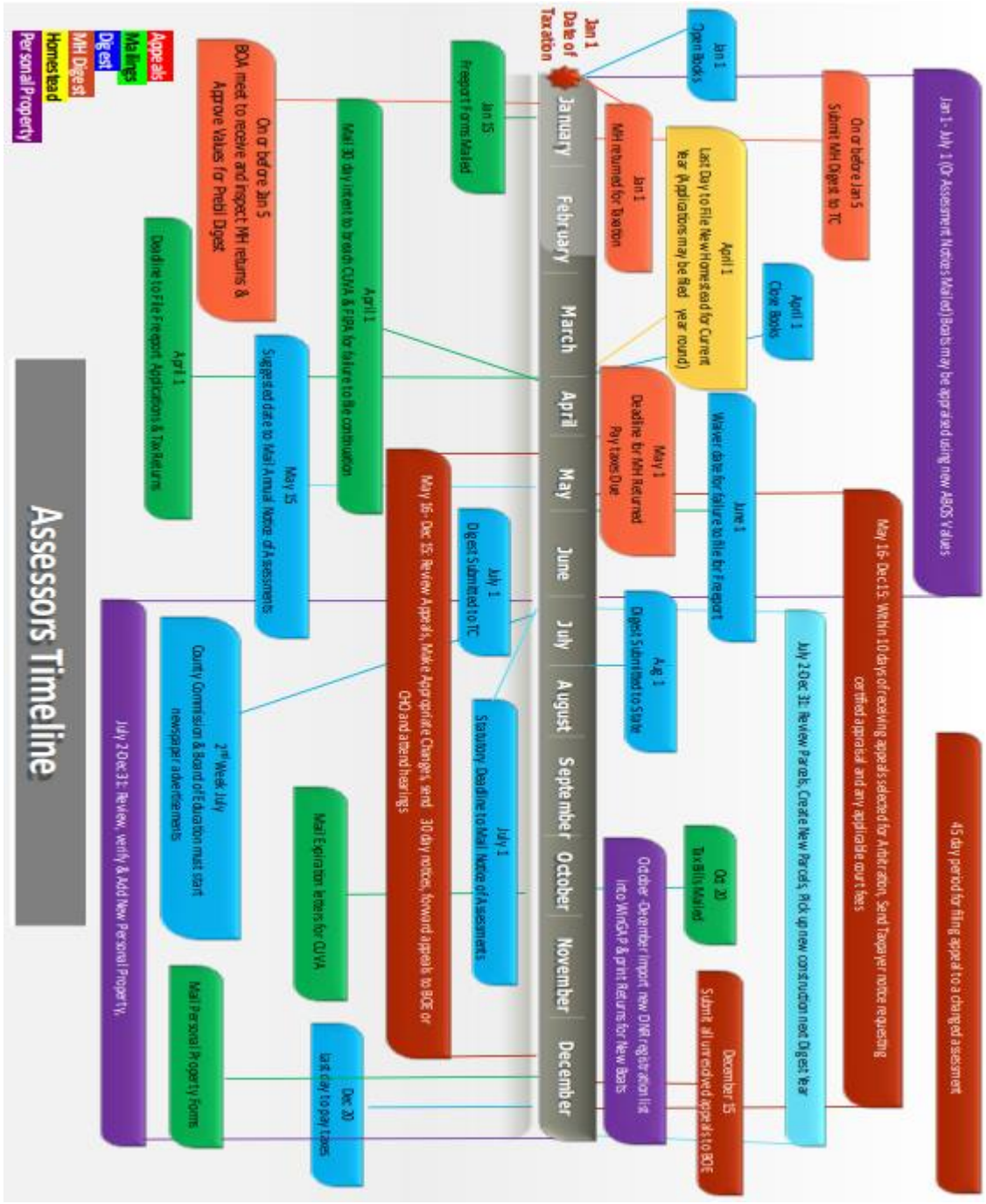
All accounts with disposals reported but not detailed will be audited as deemed necessary by the chief appraiser with approval from the board of assessors.

The list from which selections are made shall be made available for inspection upon request.

This policy shall not be so restrictive as to prevent any account from being audited as the need should arise, due to unforeseen circumstances. If additional audits outside the scope of this policy should arise, they shall be presented to the board of assessors for approval prior to review.

*APM: Audit Selection Criteria [section 560-11-10.08(4)(e)]- The appraisal staff shall recommend to the board of tax assessors a review and selection criteria, and the appraisal staff shall follow such criteria when adopted by the board. The criteria should be designed to maximize the number of personal property tax returns that may be reviewed or audited with existing resources. The Criteria should be fair, unbiased, and developed consistent with the requirements of O.C.G.A 48-5-299. All personal property accounts should be reviewed or audited at least once every three years.

**O.C.G.A. 48-5-299(a)-It shall be the duty of the county board of tax assessors to investigate diligently and to inquire into the property owned in the county for the purpose of ascertaining what real and personal property is subject to taxation in the county and to require the proper return of property for taxation. The board shall make such investigation as may be necessary to determine the value of any property upon which for any reason all taxes due the state or the county have not been paid in full as required by law.


Assessors Timeline
Appeals
Mailings
Digest
MH Digest
Homestead
Personal Property
Jan 1- July 1 (Or Assessment Notices Mailed) Boats may be appraised using new ABOS Values
45 day period for filing appeal to a changed assessment
Jan 1 Open Books
On or before Jan 5 Submit MH Digest to TC
May 16- Dec 15: Within 10 days of receiving appeals selected for Arbitration, Send Taxpayer notice requesting certified appraisal and any applicable court fees
April 1 Close Books
July 2-Dec 31: Review Parcels, Create New Parcels, Pick up new construction next Digest Year
April 1 Last Day to File New Homestead for Current Year (Applications may be filed year round)
Jan 1 MH returned for Taxation
June 1 Waiver date for failure to file for Freeport
Oct 20 Tax Bills Mailed
December 15 Submit all unresolved appeals to BOE
Jan 1 Date of Taxation
May 1 Deadline for MH Returned Pay taxes Due
Aug 1 Digest Submitted to State
October- December: Import new DMV registration file into WinGAP & print Returns for New Boats
January
February
March
April
May
June
July
August
September
October
November
December
Jan 15 Freeport Forms Mailed
April 1 Mail 30 day intent to breach CUVA & FIFA for failure to file construction
On or before Jan 5 BOA meet to receive and inspect MH returns & Approve Values for Prebi Digest
May 15 Suggested date to Mail Annual Notice of Assessments
July 1 Digest Submitted to TC
July 1 Statutory Deadline to Mail Notice of Assessments
May 16- Dec 15: Review Appeals, Make Appropriate Changes, send 30 day notices, forward appeals to BOE or CHO and attend hearings
April 1 Deadline to File Freeport Applications & Tax Returns
2nd Week July County Commission & Board of Education must start newspaper advertisements
Mail Explanation letters for CUVA
Mail Personal Property Forms
Dec 20 last day to pay taxes
July 2-Dec 31: Review, verify & Add New Personal Property.

Review Guide

1. What statute contains the creation of the Board of Assessors? _____
2. Each county Board of Tax Assessors shall consist of not less than ____ nor more than ____ members (except as provided in code section 48-5-309).
3. According to O.C.G.A. 48-5-291,
    a. What is the minimum age to serve on the county Board of Assessors? _____
    b. What is the minimum education requirement? _____
    c. How many hours of training are required prior to or within 180 days of appointment?_____
4. When should an agenda be made available for to the public for inspection?

    _____
5. When should a copy of preliminary minutes be made available for public inspection?

    _____
6. The first order of business of the first BOA meeting each year should be……?

    _____ and _____
7. Roberts Rule of Order: What are the ten steps to conducting business?
    a. _____
    b. _____
    c. _____
    d. _____
    e. _____
    f. _____
    g. _____
    h. _____
    i. _____
    j. _____

8. Common Phrases used in Roberts Rule of Order- Match the phrase to the action.

___ "All in favor….opposed…."	A. Making a Motion
___ "I second…."	B. Making a Resolution
___ "I move to/that…."	C. Seconding Motions
___ "A motion has been made to…."	D. Stating the Question
___ "Be it resolved that…."	E. Announcing the Vote

9. It is the duty of the _____ to state the exact business up for motion.
10. Debates and Discussions should be limited to the _____ or _____. (Hint: Stay on topic)
11. All BOA meetings are open to the public.
    a. True
    b. False

    Explain: _____

    _____
12. Level of Assessment in Georgia _____
13. The time for making returns according to 48-5-18 is ? _____
14. What form is used to make a real property return?_____
15. List the five units of comparison used to value site lots:
    a. _____
    b. _____
    c. _____
    d. _____
    e. _____
    f. How many square feet are in an acre? _____
16. How often should real property parcels be reviewed according to the APM?

    _____

17. Sales Ratios should be run before and after any ratio changes on the following property types:
    a. _____
    b. _____
    c. _____
    d. _____
18. How many county classifications are there? _____
    a. What is your county classification? _____
    b. Based on your county classification, how many appraisers should your county have?

       _____
19. According to O.C.G.A. 48-5-266, the _____ shall submit a certified list of assessments for all taxable property within the county to the county board of tax assessors.
20. According to O.C.G.A. 48-5-263 (b), how often should the BOA review all tax exempt appraisals in the county?

    _____
21. Types of obsolescence
    a. _____
    b. _____

    List the cause of each beside the type
22. Complete the following chart of Digest **Classification** Codes:

A	
	Commercial
R	
	FLPA Conservation Use
V	

23. Complete the following chart of Digest **Stratification** Codes (Real Property):

	Improvements
3	
	Small Tracts
5	

24. Specialized Assessment:
    a. CUVA and Preferential may go under a covenant for how many years? _____
    b. What must be excluded from the covenants? _____
    c. Under Preferential, what percentage of a break in taxes is there? _____
    d. Under CUVA, what is the maximum acreage allowed? _____
25. Public Utilities: According to O.C.G.A. 48-2-18, within _____ days of receipt of the proposed digest of assessments, the BOA shall make the final assessment of the property and provide notice to the taxpayer.
26. When do Public Utilities make returns (48-5-511)? _____
27. Manufactured Housing: Mobile Homes owned on _____ are subject to ad valorem taxation (48-5-490).
    a. Decals are now an option for counties according to SB _____.
28. Personal Property: According to O.C.G.A. 48-5-42.1, personal property, except motor vehicles, under _____ shall be exempt from taxation.
29. Personal Property: According to O.C.G.A. 48-5-299(2)(B), what is the penalty for unreturned personal property? _____
30. Audit selection criteria is not required to be approved by the BOA nor should it be apart of the BOA policy manual.
    a. True
    b. False