

House Bill 565

By: Representatives Drenner of the 57th, Porter of the 119th, Buckner of the 82nd, Morris of the 120th, Benfield of the 56th, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to ad valorem tax exemptions, so as to provide for an exemption for
3 property used to produce and generate electricity using renewable energy resources or
4 technologies; to provide for related matters; to provide for applicability; to provide for
5 effective dates; to provide for a referendum; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
10 relating to ad valorem tax exemptions, is amended by adding a new Code section
11 immediately following Code Section 48-5-41.1, to be designated Code Section 48-5-41.2,
12 to read as follows:

13 "48-5-41.2.

14 All property actually and regularly used predominantly to produce and generate electricity
15 utilizing renewable energy resources or technologies shall be exempt from all ad valorem
16 property taxes in this state. As used in this Code section, the term 'renewable energy
17 resources or technologies' shall include wind, solar thermal, solar photovoltaic, biomass,
18 hydropower, geothermal, and landfill gas resources or technologies."

19 **SECTION 2.**

20 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
21 State shall call and conduct an election as provided in this section for the purpose of
22 submitting this Act to the electors of the State of Georgia for approval or rejection. The
23 Secretary of State shall conduct that election on the date of the November, 2004, state-wide
24 general election. The Secretary of State shall issue the call and conduct that referendum as
25 provided by general law. The Secretary of State shall cause the date and purpose of the

1 referendum to be published in the official organ of each county in the state once a week for
2 two weeks immediately preceding the date of the referendum. The ballot shall have written
3 thereon the following:

4 "() YES Shall the Act be approved which grants an exemption from ad valorem
5 () NO taxation on property used to produce and generate electricity using
renewable energy resources or technologies?"

6 All persons desiring to vote for approval of the Act shall vote "Yes," and those persons
7 desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes
8 cast on such question are for approval of the Act, then Section 1 of this Act shall become
9 effective on January 1, 2005, and shall apply to all taxable years beginning on or after that
10 date. If Section 1 of this Act is not so approved or if the election is not conducted as
11 provided in this section, Section 1 of this Act shall not become effective and this Act shall
12 be automatically repealed on the first day of January immediately following that election
13 date.

14 **SECTION 3.**

15 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon
16 its approval by the Governor or upon its becoming law without such approval.

17 **SECTION 4.**

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