

Senate Bill 453

By: Senators Kemp of the 46th, Williams of the 19th, Goggans of the 7th, Zamarripa of the 36th and Smith of the 52nd

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated,
2 relating to contracts and purchases by public schools, so as to require the use of biodiesel
3 fuels in certain vehicles operated by local school districts; to amend Chapter 60 of Title 36
4 of the Official Code of Georgia Annotated, relating to general provisions applicable to
5 counties and municipal corporations, so as to require the use of biodiesel fuels in certain
6 vehicles operated by local governments; to amend Article 1 of Chapter 19 of Title 50 of the
7 Official Code of Georgia Annotated, relating to purchase and use of motor vehicles by state
8 government, so as to require the use of biodiesel fuels in certain vehicles operated by state
9 government; to provide legislative findings and declarations; to repeal conflicting laws; and
10 for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

13 The General Assembly finds and declares as follows:

- 14 (1) Georgia currently consumes nearly 6.5 billion gallons of gasoline and diesel fuel
15 annually;
- 16 (2) Gasoline and diesel production depends primarily on imported petroleum;
- 17 (3) Using clean alternative fuels instead of fossil fuels can provide for a cleaner
18 environment by reducing air and water contamination;
- 19 (4) Specifically, use of clean renewable fuels such as biodiesel and ethanol can provide
20 additional benefits for this state;
- 21 (5) This state has the potential to create a biofuels industry that would serve as a model
22 for the southern United States and attract additional industries;
- 23 (6) Biofuels industry could add over \$1 billion of economic activity to this state and
24 increase the state's income tax collection by over \$10 million annually;
- 25 (7) Nearly 500 direct and over 1,000 indirect jobs could be created by biofuels industry
26 in this state; and

1 (8) Creating a biofuels industry can add additional value to Georgia's agricultural and
2 forestry commodities, including biomass, and support land values in rural areas of this
3 state.

4 **SECTION 2.**

5 Article 10 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to
6 contracts and purchases by public schools, is amended by inserting a new Code section to
7 read as follows:

8 "20-2-504.1.

9 (a) As used in this Code section, the term 'biodiesel fuel' means a fuel comprised of
10 mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and
11 meeting the requirements of American Society of Testing and Materials standard D 6751.

12 (b) On and after January 1, 2008, at least 2 percent of the total volume of fuel purchased
13 annually by each local school district for use in diesel engine motor vehicles it operates
14 shall be biodiesel fuel, to the extent that such fuel is available and compatible with the
15 technology of the vehicles or equipment used and the cost to the local school district of
16 available blended biodiesel fuel at time of purchase does not exceed 105 percent of the cost
17 to the local school district of unblended petroleum diesel fuel at such time. This subsection
18 shall apply to local school districts that receive state funds."

19 **SECTION 3.**

20 Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general
21 provisions applicable to counties and municipal corporations, is amended by adding a new
22 Code section to read as follows:

23 "36-60-24.

24 (a) As used in this Code section, the term 'biodiesel fuel' means a fuel comprised of
25 mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and
26 meeting the requirements of American Society of Testing and Materials standard D 6751.

27 (b) On and after January 1, 2008, at least 2 percent of the total volume of fuel purchased
28 annually by each county, municipality, or consolidated government or authority thereof for
29 use in diesel engine motor vehicles it operates shall be biodiesel fuel, to the extent that such
30 fuel is available and compatible with the technology of the vehicles or equipment used and
31 the cost to the local government of available blended biodiesel fuel at time of purchase
32 does not exceed 105 percent of the cost to the local government of unblended petroleum
33 diesel fuel at such time."

SECTION 4.

Article 1 of Chapter 19 of Title 50 of the Official Code of Georgia Annotated, relating to purchase and use of motor vehicles by state government, is amended by inserting a new Code section to read as follows:

"50-19-6.1.

(a) As used in this Code section, the term 'biodiesel fuel' means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats and meeting the requirements of American Society of Testing and Materials standard D 6751.

(b) On and after January 1, 2008, at least 2 percent of the total volume of fuel purchased annually by each department, commission, board, bureau, authority, or agency of the state for use in diesel engine motor vehicles it operates shall be biodiesel fuel, to the extent that such fuel is available and compatible with the technology of the vehicles or equipment used and the cost to the state government entity of available blended biodiesel fuel at time of purchase does not exceed 105 percent of the cost to the state government entity of unblended petroleum diesel fuel at such time."

SECTION 5.

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