

House Bill 289

By: Representatives Roberts of the 154th, Freeman of the 140th, Williams of the 178th, Sims of the 119th, Hatfield of the 177th, and others

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 11 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to ad valorem taxation of public utilities, so as to provide an exemption for eligible
3 expenses for maintenance, repairs, and improvements of a railroad equipment company's
4 railroad cars; to provide for related matters; to provide for a referendum; to provide for
5 effective dates; to repeal conflicting laws; and for other purposes.

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

7 **SECTION 1.**

8 Article 11 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad
9 valorem taxation of public utilities, is amended by adding a new Code section to read as
10 follows:

11 "48-5-519.1.

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

13 (1) 'Eligible expenses' means any expenses including labor, materials, and overhead
14 incurred in this state to maintain, repair, or improve a railroad equipment company's
15 railroad cars. The term shall also include payments made in this state to third parties to
16 maintain, repair, or improve a railroad equipment company's railroad cars.

17 (2) 'Railroad equipment company' means any person owning, leasing, furnishing, or
18 operating any kind of railroad cars on any railroad in this state. The term shall not
19 include a railroad company operating a railroad.

20 (b) A railroad equipment company shall be allowed an exemption with respect to the tax
21 under Code Section 48-5-519 in an amount equal to 100 percent of its eligible expenses
22 incurred during the immediately preceding taxable year.

23 (c) The commissioner shall promulgate such rules and regulations as may be necessary for
24 the administration of this Code section including, but not limited to, forms and procedures
25 for documenting and claiming such exemption."

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 2008, state-wide general election. The Secretary of State shall issue the call and conduct that election as provided by general law. The Secretary of State shall cause the date and purpose of the election to be published in the official organ of each county in the state once a week for two weeks immediately preceding the date of the election. The ballot shall have written or printed thereon the words:

"() YES Shall the Act be approved that grants an exemption from ad valorem taxation to railroad equipment companies for expenses incurred in this state
() NO for the maintenance, repair, or improvement of their railroad cars?

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, then Section 1 shall become effective on January 1, 2009, and shall apply to all taxable years beginning on and after that date. If the Act is not so approved or if the election is not conducted as provided in this section, Section 1 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

SECTION 3.

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

SECTION 4.

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