

House Bill 1305

By: Representative Stephens of the 164th

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 all
3 tangible real and personal property constituting a renewable biomass qualified facility
4 developing or generating biomass-derived renewal electricity; to provide for a definition; to
5 provide for applicability; to provide for effective dates; to provide for a special election; to
6 repeal conflicting laws; and for other 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 to read as
11 follows:

12 "48-5-41.2.

13 (a) As used in this Code section, the term 'biomass material' means organic matter,
14 excluding fossil fuels, including agricultural crops, plants, trees, wood, wood wastes and
15 residues, sawmill waste, sawdust, wood chips, bark chips, and forest thinning, harvesting,
16 or clearing residues; wood waste from pallets or other wood demolition debris; peanut
17 shells; pecan shells; cotton plants; corn stalks; and plant matter, including aquatic plants,
18 grasses, stalks, vegetation, and residues, including hulls, shells, or cellulose containing
19 fibers.

20 (b) All tangible real and personal property constituting a renewable biomass qualified
21 facility developing or generating biomass-derived renewable electricity, including wood
22 processing equipment used to provide feedstock for any such facility, shall be exempt from
23 all ad valorem taxation."

SECTION 2.

1
2 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of
3 State shall call and conduct an election as provided in this section for the purpose of
4 submitting this Act to the electors of the State of Georgia for approval or rejection. The
5 Secretary of State shall conduct that election on the date of the November, 2008, state-wide
6 general election. The Secretary of State shall issue the call and conduct that special election
7 as provided by general law. The Secretary of State shall cause the date and purpose of the
8 special election to be published in the official organ of each county in the state once a week
9 for two weeks immediately preceding the date of the referendum. The ballot shall have
10 written thereon the following:

11 "() YES Shall the Act be approved which grants an exemption from ad valorem
12 () NO taxation on a renewable biomass qualified facility developing or generating
13 biomass-derived renewable electricity?"

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

SECTION 3.

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

SECTION 4.

24
25 All laws and parts of laws in conflict with this Act are repealed.