

House Bill 823

By: Representatives Powell of the 171<sup>st</sup>, Houston of the 170<sup>th</sup>, Harden of the 148<sup>th</sup>, Epps of the 144<sup>th</sup>, McCall of the 33<sup>rd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to  
2 exemptions from state sales and use tax, so as to provide for a new temporary exemption  
3 regarding the sale of tangible personal property to, or used in the construction of, an  
4 alternative fuel facility; to revise a definition; to provide for related matters; to provide an  
5 effective date; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from  
9 state sales and use tax, is amended by revising paragraph (34.4) as follows:

10 "(34.4)(A) Notwithstanding any provision of Code Section 48-8-63 to the contrary,  
11 sales of tangible personal property to, or used in or for the construction of, an  
12 alternative fuel facility primarily dedicated to the production and processing of ethanol,  
13 biodiesel, butanol, wood pellets, and their by-products, when such fuels are derived  
14 from biomass materials such as agricultural products, or from animal fats, or the wastes  
15 of such products or fats.

16 (B) As used in this paragraph, the term:

17 (i) 'Alternative fuel facility' means any facility located in this state which is primarily  
18 dedicated to the production and processing of ethanol, biodiesel, butanol, wood  
19 pellets, and their by-products for sale.

20 (ii) 'Used in or for the construction' means any tangible personal property  
21 incorporated into a new alternative fuel facility that loses its character of tangible  
22 personal property. Such term does not mean tangible personal property that is  
23 temporary in nature, leased or rented, tools, or other items not incorporated into the  
24 facility.

25 (C) Any person making a sale of tangible personal property for the purpose specified  
26 in this paragraph shall collect the tax imposed on this sale unless the purchaser

27 furnishes an exemption certificate issued by the commissioner certifying that the  
28 purchaser is entitled to purchase the tangible personal property without payment of tax.

29 (D) Any corporation, partnership, limited liability company, or any other entity or  
30 person that qualifies for this exemption must conduct at least a majority of its business  
31 with entities or persons with which it has no affiliation.

32 (E) The exemption provided for under subparagraph (A) of this paragraph shall not  
33 apply to sales of tangible personal property that occur after the production and  
34 processing of ~~biodiesel~~, ethanol, biodiesel, butanol, wood pellets, and their by-products  
35 has begun at the alternative fuel facility.

36 (F) The exemption provided for under subparagraph (A) of this paragraph shall apply  
37 only to sales occurring during the period July 1, ~~2007~~ 2014, through June 30, ~~2012~~  
38 2016.

39 (G) The commissioner shall promulgate any rules and regulations necessary to  
40 implement and administer this paragraph;"

41 **SECTION 2.**

42 This Act shall become effective on July 1, 2014.

43 **SECTION 3.**

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