

House Bill 496 (COMMITTEE SUBSTITUTE)

By: Representatives Hatchett of the 150th, Peake of the 141st, Williams of the 119th, Roberts of the 155th, England of the 116th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding ad valorem taxation of property, so as to provide that
3 use of certain property for collection and conversion of solar energy shall not constitute a
4 breach of conservation use covenants; to provide for an effective date; to repeal conflicting
5 laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to
9 general provisions regarding ad valorem taxation of property, is amended by revising
10 subsection (p) of Code Section 48-5-7.4, relating to the assessment of bona fide conservation
11 use property for ad valorem tax purposes, by deleting "or" at the end of paragraph (8), by
12 deleting the period and inserting "; or" at the end of paragraph (9), and by adding a new
13 paragraph to read as follows:

14 "(10)(A) Allowing part of the property subject to the covenant to be used for solar
15 generation of energy and conversion of such energy into heat or electricity, and the sale
16 of the same in accordance with applicable law.

17 (B) The provisions of subparagraph (A) of this paragraph shall not allow the portion
18 of the property on which such solar energy generating equipment is located and which
19 is subject to an existing covenant to remain in the covenant. Such property shall be
20 removed from the existing covenant at the time of the installation of the solar energy
21 generating equipment and shall be subject to ad valorem taxation at fair market value."

22 **SECTION 2.**

23 Said article is further amended by revising subsection (q) of Code Section 48-5-7.7, relating
24 to the assessment of forest land conservation use property for ad valorem tax purposes, by

25 deleting "or" at the end of paragraph (4), by deleting the period and inserting "; or" at the end
26 of paragraph (5), and by adding a new paragraph to read as follows:

27 "(6)(A) Allowing part of the property subject to the covenant to be used for solar
28 generation of energy and conversion of such energy into heat or electricity, and the sale
29 of the same in accordance with applicable law.

30 (B) The provisions of subparagraph (A) of this paragraph shall not allow the portion
31 of the property on which such solar energy generating equipment is located and which
32 is subject to an existing covenant to remain in the covenant. Such property shall be
33 removed from the existing covenant at the time of the installation of the solar energy
34 generating equipment and shall be subject to ad valorem taxation at fair market value."

35 **SECTION 3.**

36 This Act shall become effective on July 1, 2015.

37 **SECTION 4.**

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