

House Bill 1192 (AS PASSED HOUSE AND SENATE)

By: Representatives Carson of the 46th, Martin of the 49th, and Blackmon of the 146th

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 sales and use tax, so as to suspend the issuance of new certificates of
3 exemption for certain high-technology data center equipment during a certain period; to
4 provide for an exception; to revise the new quality job requirement for such exemption; to
5 amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the
6 Department of Economic Development, so as to create the Special Commission on Data
7 Center Energy Planning; to provide for membership and operation; to provide for powers and
8 duties; to provide for reporting; to provide for automatic repeal; to provide for related
9 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
13 sales and use tax, is amended by adding a new subparagraph to paragraph (68.1) and revising
14 division (68.1)(G)(vi) to read as follows:

15 "(A.1) For the period commencing on July 1, 2024, and ending on June 30, 2026,
16 unless otherwise provided by an Act of the General Assembly based on the findings of

17 the Special Commission on Data Center Energy Planning established pursuant to
 18 Article 10 of Chapter 7 of Title 50, the commissioner shall suspend the issuance of any
 19 new certificates of exemption pursuant to this paragraph, except for any
 20 high-technology data center customer that is subject to an ongoing contract that was
 21 entered into prior to July 1, 2024, with a high-technology data center that has applied
 22 for a certificate of exemption pursuant to this paragraph prior to July 1, 2024."

23 ~~"(vi) 'New quality jobs' shall have the same meaning as provided in paragraph (2) of~~
 24 ~~subsection (a) of Code Section 48-7-40.17~~ means employment for an individual
 25 which:

26 (I) Is located in this state;

27 (II) Has a regular work week of 30 hours or more;

28 (III) Is not a job that is or was located in Georgia already, regardless of which
 29 taxpayer employed the individual; and

30 (IV) Pays at or above 150 percent of the average wage of the county in which it is
 31 located."

32 **SECTION 2.**

33 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
 34 of Economic Development, is amended by revising Article 10, which is reserved, to read as
 35 follows:

36 "ARTICLE 10

37 50-7-120.

38 (a) There is created the Special Commission on Data Center Energy Planning.

39 (b) The commission shall be composed of 14 members as follows:

40 (1) The Governor shall appoint three members, one of whom shall be a representative
41 from an investor owned utility, one of whom shall be a representative from Georgia
42 Transmission, and one of whom shall be a member of an electric membership
43 corporation;

44 (2) The Speaker of the House of Representatives shall appoint two members;

45 (3) The President of the Senate shall appoint two members;

46 (4) The minority leader of the House of Representatives shall appoint one member;

47 (5) The minority leader of the Senate shall appoint one member;

48 (6) Two members of the Public Service Commission or designees chosen by the
49 chairperson of the Public Service Commission;

50 (7) The commissioner of the Department of Economic Development, or his or her
51 designee;

52 (8) The commissioner of the Department of Community Affairs, or his or her designee;
53 and

54 (9) The executive director of the Georgia Technology Authority or his or her designee.

55 (c) All members shall serve for the duration of the commission. Any vacancy shall be
56 filled in the same manner in which the original appointment was made.

57 (d) The commission may elect officers, other than the chairperson, as it deems necessary.

58 50-7-121.

59 (a) The commission may conduct meetings at such places and times as it deems necessary
60 or convenient to enable it to fully and effectively exercise its powers, perform its duties,
61 and accomplish the objectives and purposes of this article. The commission shall hold
62 meetings at the call of the chairperson.

63 (b) A quorum for transacting business shall be a majority of the members of the
64 commission.

65 (c) Legislative members of the commission shall receive the allowances provided for in
66 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
67 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
68 transportation allowance authorized for state employees. Members of the commission who
69 are state officials, other than legislative members, or state employees shall receive no
70 compensation for their services on the commission, but shall be reimbursed for expenses
71 incurred by them in the performance of their duties as members of the commission in the
72 same manner as they are reimbursed for expenses in their capacities as state officials or
73 state employees. The funds necessary for the reimbursement of the expenses of state
74 officials, other than legislative members, and state employees shall come from funds
75 appropriated to or otherwise available to their respective departments. All other funds
76 necessary to carry out the provisions of this article shall come from funds appropriated to
77 the commission.

78 50-7-122.

79 (a) The commission shall:

80 (1) Review existing electric grid and energy supply and make recommendations for data
81 center location, based on such review and consideration of fiber, water, labor, and latency
82 related to data centers;

83 (2) Make recommendations to expand grid capacity in areas where energy for data
84 applications is most needed;

85 (3) Make recommendations on any energy generation, transmission, and distribution
86 expansion necessary to serve the industry;

87 (4) Consider creative approaches to manage usage, including variable load, on-site
88 generation, efficiency, and backup generation;

89 (5) Examine future trends related to the data center industry, including artificial
90 intelligence and project impact on the electric grid;

91 (6) Survey corporate employers to determine perceptions of adequacy of data center
92 capacity in Georgia; and

93 (7) Propose related legislation and budget recommendations.

94 (b) The commission shall submit a written report of its findings and recommendations to
95 the Governor, the President of the Senate, the Speaker of the House of Representatives, and
96 the minority leaders of the Senate and House of Representatives no later than three months
97 after the date of the last meeting of the commission.

98 50-7-123.

99 (a) The commission shall have the following powers:

100 (1) To authorize entering into contracts or agreements through the commission's
101 chairperson necessary or incidental to the performance of its duties;

102 (2) To establish rules and procedures for conducting the business of the commission;

103 (3) To hold public hearings; and

104 (4) To request the attendance and testimony of such witnesses and the production of such
105 documents as the commission deems necessary to fulfill its duties.

106 (b) The commission may request and receive information from appropriate state agencies
107 which the commission deems useful in fulfilling its duties. Such agencies shall cooperate
108 with the commission with respect to such information and shall furnish all information
109 requested by the commission to the extent permitted by law.

110 50-7-124.

111 The commission shall be abolished and this article shall stand repealed on June 30, 2026."

112 **SECTION 3.**

113 This Act shall become effective upon its approval by the Governor or upon its becoming law
114 without such approval.

115

SECTION 4.

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