

House Bill 481

By: Representatives Lindsey of the 54th and Wilkinson of the 52nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
2 relating to sales and use taxation in general, so as to provide that certain sales and use taxes
3 imposed on sales to and construction of certain tourist attraction facilities may under certain
4 conditions be refunded to the owner and operator; to define a term; to provide for
5 applications, records, and administration; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

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

8 **SECTION 1.**

9 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales
10 and use taxation in general, is amended by adding a new Code section to read as follows:

11 "48-8-3.2.

12 (a) As used in this Code section, the term 'qualified historical and educational attraction'
13 means any tourist attraction facility constructed on or after the effective date of this Code
14 section dedicated to representing history through sculpture and art which costs in excess
15 of \$8 million to construct, is greater than 10,000 square feet, and is owned and operated by
16 a nonprofit organization.

17 (b) From the effective date of this Code section until December 31, 2009, sales and use of
18 tangible personal property to, or used in or for the new construction of, a qualified
19 historical and educational attraction shall be taxable under this chapter, but state sales and
20 use tax (not including local taxes) paid on such sales and use may under the conditions
21 specified in this Code section be refundable to the nonprofit organization owning and
22 operating the qualified historical and educational attraction.

23 (c) In order to receive a refund of the taxes specified in subsection (b) of this Code section,
24 the taxpayer shall:

1 (1) Prior to paying such taxes apply for and receive a determination from the
2 commissioner that the taxpayer is engaged in or is about to engage in the construction and
3 operation of a qualified historical and educational attraction;

4 (2) During construction maintain documentation and records adequate to demonstrate
5 the amount of tax payments specified in subsection (b) of this Code section; and

6 (3) On and after completion of the qualified historical and educational attraction
7 maintain for a period of five years documentation and records adequate to demonstrate
8 the amount of state sales and use tax collected and remitted to the state in the operation
9 of the qualified historical and educational attraction. Tax remittances specified in this
10 paragraph shall be specially identified and remitted on a special form to be provided by
11 the commissioner.

12 (d) At the end of the five-year period referred to in paragraph (3) of subsection (c) of this
13 Code section, the taxpayer shall be entitled to apply for and receive a refund equal to the
14 lesser of:

15 (1) The amount of tax payments specified in subsection (b) of this Code section; or

16 (2) The amount of taxes collected and remitted as specified in paragraph (3) of
17 subsection (c) of this Code section.

18 No interest shall be paid on such a refund.

19 (e) The commissioner is authorized to adopt rules and regulations necessary or appropriate
20 to the administration of this Code section."

21 **SECTION 2.**

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

24 **SECTION 3.**

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