

House Bill 926 (COMMITTEE SUBSTITUTE)

By: Representatives O'Neal of the 146<sup>th</sup> and Forster of the 3<sup>rd</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-1-2 of the Official Code of Georgia Annotated, relating to  
2 definitions regarding revenue and taxation, so as to define the terms "Internal Revenue Code"  
3 and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the  
4 federal law into Georgia law; to define the terms "Internal Revenue Code" and "Internal  
5 Revenue Code of 1986" for certain taxable years and thereby incorporate certain provisions  
6 of the federal law into Georgia law and provide that such provisions shall supersede and  
7 control over certain other provisions; to provide for effective dates; to provide applicability;  
8 to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 48-1-2 of the Official Code of Georgia Annotated, relating to definitions  
12 regarding revenue and taxation, is amended by revising paragraph (14) as follows:

13 "(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years  
14 beginning on or after January 1, ~~2007~~ 2008, the provisions of the United States Internal  
15 Revenue Code of 1986, as amended, provided for in federal law enacted on or before  
16 January 1, ~~2007~~ 2008, except Section 168(k), (but not excepting Section 168(k)(2)(A)(i),  
17 Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 199, Section 1400L, Section  
18 1400N(d)(1), Section 1400N(j), and Section 1400N(k) of the Internal Revenue Code of  
19 1986, as amended, shall be treated as if they were not in effect. In the event a reference  
20 is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954  
21 as it existed on a specific date prior to January 1, ~~2007~~ 2008, the term means the  
22 provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it  
23 existed on the prior date. Unless otherwise provided in this title, any term used in this title  
24 shall have the same meaning as when used in a comparable provision or context in the  
25 Internal Revenue Code of 1986, as amended. For taxable years beginning on or after  
26 January 1, ~~2007~~ 2008, provisions of the Internal Revenue Code of 1986, as amended,  
27 which were as of January 1, ~~2007~~ 2008, enacted into law but not yet effective shall

1 become effective for purposes of Georgia taxation on the same dates upon which they  
2 become effective for federal tax purposes."

3 **SECTION 2.**

4 Said Code section is further amended by adding a new paragraph to read as follows:

5 "(14.2) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable  
6 years beginning after December 31, 2006, but before January 1, 2008, the provisions of  
7 the United States Internal Revenue Code of 1986, as amended, provided for in federal law  
8 enacted on or before January 1, 2008, except that Section 168(k) (but not excepting  
9 Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 199,  
10 Section 1400L, Section 1400N(d)(1), Section 1400N(j), and Section 1400N(k) of the  
11 Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect.  
12 For such taxable years, provisions of the Internal Revenue Code of 1986, as amended,  
13 which were as of January 1, 2008, enacted into law but not yet effective shall be effective  
14 for purposes of Georgia taxation on the same dates upon which they become effective for  
15 federal tax purposes. The provisions of this paragraph shall supersede and control over  
16 any provision of paragraph (14) of this Code section to the contrary."

17 **SECTION 3.**

18 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become  
19 effective upon this Act's approval by the Governor or upon its becoming law without such  
20 approval and shall be applicable to all taxable years beginning on or after January 1, 2008.

21 (b) Section 2 of this Act shall become effective upon this Act's approval by the Governor or  
22 upon its becoming law without such approval and shall be applicable to all taxable years  
23 beginning after December 31, 2006, but before January 1, 2008.

24 **SECTION 4**

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