

House Bill 481

By: Representatives Graves of the 12th, Burkhalter of the 50th, Keen of the 179th, Ehrhart of the 36th, Rice of the 51st, and others

A BILL TO BE ENTITLED
AN ACT

1 To enact the Jobs, Opportunity, and Business Success Act of 2009; to amend and enact
2 provisions intended to provide for tax relief and encourage employment opportunities and
3 business stimulation; to amend Title 14 of the Official Code of Georgia Annotated, relating
4 to corporations, partnerships, and associations, so as to provide for a period of time for the
5 waiver of certain filing fees otherwise charged in connection with such entities; to amend
6 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
7 so as to provide that for a period of time employers who hire persons receiving employment
8 security benefits shall be entitled to a credit against employer contributions; to amend Title
9 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to
10 provide for a graduated elimination of the corporate income tax; to provide for credits against
11 state income tax for employers employing certain previously unemployed persons; to
12 eliminate the requirement for dealers to make returns and remittances with respect to
13 estimated sales and use tax liability; to provide for other related matters; to provide for an
14 effective date; to repeal conflicting laws; and for other purposes.

15 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

17 This Act shall be known and may be cited as the "Jobs, Opportunity, and Business Success
18 Act of 2009."

19 style="text-align:center">**SECTION 2.**

20 Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships,
21 and associations, is amended by revising Code Section 14-2-122, relating to fees for filings
22 related to business corporations, as follows:

23 "14-2-122.

24 (a) The Secretary of State shall collect the following fees and penalties when the
25 documents described in this Code section are delivered to him or her for filing:

<u>Document</u>	<u>Fee</u>
27 (1) Articles of incorporation	\$ 100.00
28 (2) Application for certificate of authority	225.00
29 (3) Annual registration	30.00
30 (4) Penalty for late filing of annual registration	25.00
31 (5) Agent's statement of resignation	No fee
32 (6) Certificate of judicial dissolution	No fee
33 (7) Articles of dissolution or intent to dissolve	No fee
34 (8) Application of withdrawal	No fee
35 (9) Application for reservation of a corporate name	25.00
36 (10) Civil penalty for a foreign corporation transacting business in this state 37 without a certificate of authority	500.00
38 (11) Statement of change of address of registered agent...\$5.00 per corporation 39 but not less than	20.00
40 (12) Application for reinstatement	100.00
41 (13) Certificate of conversion	95.00
42 (14) Any other document required or permitted to be filed by this chapter . .	20.00
43 <u>(b) For the period of time beginning July 1, 2009, and ending June 30, 2010, the fees</u> 44 <u>specified in paragraphs (1) and (3) of subsection (a) of this Code section shall be waived,</u> 45 <u>and there shall be no fee for such filings."</u>	

46 **SECTION 3.**

47 Said Title 14 is further amended by revising Code Section 14-9-1101, relating to fees for
48 filings related to limited partnerships, as follows:

49 "14-9-1101.

50 (a) The Secretary of State shall charge and collect for filing:

<u>Document</u>	<u>Fee</u>
52 (1) A certificate of limited partnership	\$ 100.00
53 (2) A registration of a foreign limited partnership	225.00
54 (3) An annual registration	30.00
55 (4) Penalty for late filing of annual registration	25.00
56 (5) Agent's statement of resignation	No fee

57	(6) Certificate of cancellation	No fee
58	(7) Application of withdrawal	No fee
59	(8) Statement of change of address of registered agent or registered office...	
60	\$5.00 per limited partnership but not less than	20.00
61	(9) An amendment to a certificate of limited partnership for the purpose of	
62	becoming a limited liability partnership	100.00
63	(10) Certificate of election to become a limited partnership	80.00
64	(11) Certificate of conversion	95.00
65	(12) Application for reservation of a name	25.00
66	(13) Any other document required or permitted pursuant to this chapter	20.00
67	<u>(b) For the period of time beginning July 1, 2009, and ending June 30, 2010, the fees</u>	
68	<u>specified in paragraphs (1) and (3) of subsection (a) of this Code section shall be waived,</u>	
69	<u>and there shall be no fee for such filings."</u>	

SECTION 4.

71 Said Title 14 is further amended by revising Code Section 14-9-1101, relating to fees for
 72 filings related to limited liability companies, as follows:

73 "14-11-1101.

74 (a) The Secretary of State shall collect the following fees when the documents described
 75 below are delivered to the Secretary of State for filing pursuant to this chapter:

76	<u>Document</u>	<u>Fee</u>
77	(1) Articles of organization	\$ 100.00
78	(2) Articles of amendment	20.00
79	(3) Articles of merger	20.00
80	(4) Certificate of election under Code Section 14-11-212 (together with	
81	articles of organization)	95.00
82	(5) Application for certificate of authority to transact business	225.00
83	(6) Statement of commencement of winding up	No Fee
84	(7) Certificate of termination	No Fee
85	(8) Application of withdrawal	No fee
86	(9) Articles of correction	20.00
87	(10) Application for reservation of a name	25.00
88	(11) Statement of change of registered office or registered agent...\$5.00	
89	per limited liability company (foreign or domestic), but not less than . .	20.00

90	(12) Registered agent's statement of resignation pursuant to subsection (d)	
91	of Code Section 14-11-209 or subsection (d) of Code Section 14-11-703	No fee
92	(13) Certificate of judicial dissolution	No fee
93	(14) Annual registration (foreign or domestic)	30.00
94	(15) Penalty for late filing of annual registration	25.00
95	(16) Reinstatement fee	100.00
96	(17) Any other document required or permitted to be filed by	
97	this chapter	20.00
98	(18) Certificate of conversion	95.00
99	(b) The Secretary of State shall collect the penalty provided for in paragraph (2) of	
100	subsection (c) of Code Section 14-11-711.	
101	<u>(c) For the period of time beginning July 1, 2009, and ending June 30, 2010, the fees</u>	
102	<u>specified in paragraphs (1) and (14) of subsection (a) of this Code section shall be waived,</u>	
103	<u>and there shall be no fee for such filings."</u>	

SECTION 5.

104
105 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
106 is amended by adding a new Code section as follows:

107 "34-8-152.1.

108 (a) As used in this Code section, the term 'creditable employee' means an employee of an
109 employer who:

110 (1) Is first employed by the employer on or after the effective date of this Code section,
111 and prior to July 1, 2010;

112 (2) Was eligible for and receiving benefits under this chapter for 60 days or more
113 immediately prior to becoming so employed;

114 (3) Remains so employed by the employer for at least six months; and

115 (4) Does not receive benefits under this chapter while so employed.

116 (b) An employer with one or more creditable employees shall be eligible to apply for and
117 receive a credit against contributions otherwise required under this chapter. The amount
118 of the credit shall be \$500.00 for each creditable employee. The credit shall be prospective
119 and shall apply only against future contributions otherwise due after the date of the hiring.
120 The credit shall be claimed and granted in such manner as shall be specified by rules
121 adopted by the Commissioner."

SECTION 6.

122
123 Said Title 48 is further amended by revising subsection (a) of Code Section 48-7-21, relating
124 to taxation of corporations, as follows:

125 "(a)(1)(A) For taxable years be prior to January 1, 2012, every ~~Every~~ domestic
126 corporation and every foreign corporation shall pay annually an income tax equivalent
127 to 6 percent of its Georgia taxable net income.

128 (B) For taxable years beginning on or after January 1, 2012, and prior to January 1,
129 2013, every domestic corporation and every foreign corporation shall pay annually an
130 income tax equivalent to 5.5 percent of its Georgia taxable net income.

131 (C) For taxable years beginning on or after January 1, 2013, and prior to January 1,
132 2014, every domestic corporation and every foreign corporation shall pay annually an
133 income tax equivalent to 5.0 percent of its Georgia taxable net income.

134 (D) For taxable years beginning on or after January 1, 2014, and prior to January 1,
135 2015, every domestic corporation and every foreign corporation shall pay annually an
136 income tax equivalent to 4.5 percent of its Georgia taxable net income.

137 (E) For taxable years beginning on or after January 1, 2015, and prior to January 1,
138 2016, every domestic corporation and every foreign corporation shall pay annually an
139 income tax equivalent to 4.0 percent of its Georgia taxable net income.

140 (F) For taxable years beginning on or after January 1, 2016, and prior to January 1,
141 2017, every domestic corporation and every foreign corporation shall pay annually an
142 income tax equivalent to 3.5 percent of its Georgia taxable net income.

143 (G) For taxable years beginning on or after January 1, 2017, and prior to January 1,
144 2018, every domestic corporation and every foreign corporation shall pay annually an
145 income tax equivalent to 3.0 percent of its Georgia taxable net income.

146 (H) For taxable years beginning on or after January 1, 2018, and prior to January 1,
147 2019, every domestic corporation and every foreign corporation shall pay annually an
148 income tax equivalent to 2.5 percent of its Georgia taxable net income.

149 (I) For taxable years beginning on or after January 1, 2019, and prior to January 1,
150 2020, every domestic corporation and every foreign corporation shall pay annually an
151 income tax equivalent to 2.0 percent of its Georgia taxable net income.

152 (J) For taxable years beginning on or after January 1, 2020, and prior to January 1,
153 2021, every domestic corporation and every foreign corporation shall pay annually an
154 income tax equivalent to 1.5 percent of its Georgia taxable net income.

155 (K) For taxable years beginning on or after January 1, 2021, and prior to January 1,
156 2022, every domestic corporation and every foreign corporation shall pay annually an
157 income tax equivalent to 1 percent of its Georgia taxable net income.

158 (L) For taxable years beginning on or after January 1, 2022, and prior to January 1,
 159 2023, every domestic corporation and every foreign corporation shall pay annually an
 160 income tax equivalent to 0.5 percent of its Georgia taxable net income.

161 (M) For any taxable year beginning on or after January 1, 2023, there shall not be a
 162 corporate income tax and no corporate returns are required.

163 (2) Georgia taxable net income of a corporation shall be the corporation's taxable income
 164 from property owned or from business done in this state. A corporation's taxable income
 165 from property owned or from business done in this state shall consist of the corporation's
 166 taxable income as defined in the Internal Revenue Code of 1986, with the adjustments
 167 provided for in subsection (b) of this Code section and allocated and apportioned as
 168 provided in Code Section 48-7-31."

169 **SECTION 7.**

170 Said Title 48 is further amended by adding a new Code section as follows:

171 "48-7-29.17.

172 (a) As used in this Code section, the term 'creditable employee' means an employee of an
 173 employer who:

174 (1) Is first employed by the employer on or after the effective date of this Code section
 175 and prior to July 1, 2010;

176 (2) Was unemployed for 60 days or more immediately prior to becoming so employed;

177 (3) Remains so employed by the employer for at least 24 consecutive months; and

178 (4) During the entire period of such employment receives monthly compensation in an
 179 amount at least equal to the average monthly employment compensation benefit paid to
 180 persons receiving employment compensation benefits in this state.

181 (b) An employer with one or more creditable employees shall be eligible to apply for and
 182 receive a credit against taxes imposed under this chapter. The amount of the credit shall
 183 be \$2,400.00 for each creditable employee. Eligibility for the credit shall be established as
 184 of the time the creditable employee completes 24 consecutive months of employment; and
 185 the credit shall be claimed for the taxable year in which the twenty-fourth month of such
 186 employment is completed.

187 (c) In no event shall the total amount of any tax credit under this Code section for a taxable
 188 year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed to
 189 be carried forward to apply to the taxpayer's succeeding two years' tax liability. No such
 190 tax credit shall be allowed the taxpayer against prior years' tax liability.

191 (d) The credit shall be claimed and granted in such manner as shall be specified by rules
 192 adopted by the commissioner; and such rules shall specifically provide for the manner of
 193 establishing the qualifying status of unemployment of the employee prior to employment.

194 The average monthly employment security benefit shall be computed on a monthly basis
 195 by the Commissioner of Labor."

196 **SECTION 8.**

197 Said Title 48 is further amended in Code Section 48-8-49, relating to dealers' sales and use
 198 tax returns, by revising subsection (b) as follows:

199 "(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax
 200 liability, adjusted to account for any subsequent change in the state sales and use tax rate,
 201 based on the dealer's average monthly payments for the last fiscal year.

202 ~~(2) If the estimated tax liability of a dealer for any taxable period exceeds \$5,000.00, the~~
 203 ~~A dealer shall not be required to file a return and remit to the commissioner not less than~~
 204 ~~50 percent of the any estimated tax liability for the taxable period on or before the~~
 205 ~~twentieth day of the period. The amount of the payment of the estimated tax liability shall~~
 206 ~~be credited against the amount to be due on the return required under subsection (a) of~~
 207 ~~this Code section. This subsection shall not apply to any dealer unless during the~~
 208 ~~previous fiscal year the dealer's monthly payments exceeded \$5,000.00 per month for~~
 209 ~~three consecutive months or more nor shall this subsection apply to any dealer whose~~
 210 ~~primary business is the sale of motor fuels who is remitting prepaid state tax under~~
 211 ~~paragraph (2) of subsection (b) of Code Section 48-9-14. No local sales taxes shall be~~
 212 ~~included in determining any estimated tax liability."~~

213 **SECTION 9.**

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

216 **SECTION 10.**

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