

House Bill 1062

By: Representatives Kaiser of the 59th and Wilkerson of the 33rd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
2 administration and enforcement of taxation, so as to provide for an actuarial investigation and
3 a legislative procedure for review and perfection of all bills proposing tax exemptions; to
4 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
5 for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state
9 administration and enforcement of taxation, is amended by adding a new article to read as
10 follows:

11 "ARTICLE 4

12 48-2-100.

13 (a) As used in this article, the term:

14 (1) 'Committee' means the House Committee on Ways and Means, unless the context
15 clearly requires otherwise.

16 (2) 'Tax exemption' means an exemption, exclusion, or deduction from the base of a tax,
17 a credit against a tax, a deferral of a tax, or a preferential tax rate.

18 48-2-101.

19 (a) Any bill that is introduced on or after the effective date of this article that proposes a
20 tax exemption having a fiscal impact may be introduced in the General Assembly only
21 during the regular session which is held during the first year of the term of office of
22 members of the General Assembly. Any such tax exemption bill may be passed by the
23 General Assembly only during the regular session which is held during the second year of
24 the term of office of members of the General Assembly.

25 (b) When a tax exemption bill having a fiscal impact is introduced, it shall be assigned by
26 the presiding officer of the House of Representatives to the committee. If a majority of the
27 total membership of the committee is opposed to the bill on its merits, no actuarial
28 investigation provided for in Code Section 48-2-103 shall be necessary, and the bill shall
29 not be reported out by the committee and shall not be adopted or considered by the House
30 of Representatives. If a majority of the committee wishes to consider the bill further and
31 votes in favor of an actuarial investigation of the bill, an actuarial investigation shall be
32 required as provided in Code Section 48-2-103. No tax exemption bill having a fiscal
33 impact shall be reported out of the committee or shall be considered or adopted by the
34 House of Representatives or Senate unless an actuarial investigation of the bill is made.

35 48-2-102.

36 (a) A tax exemption bill having a fiscal impact which the committee wishes to consider
37 shall first be perfected, if necessary, by the committee. The committee may delay further
38 consideration of the bill until after the close of the regular session during which the bill was
39 introduced, but the committee shall complete its consideration of the bill for submission
40 to the state auditor under Code Section 48-2-103 by not later than July 15 immediately
41 following the close of the legislative session. The committee shall be authorized to meet
42 for not more than five days, unless additional days are authorized by the Speaker of the
43 House of Representatives, during the period beginning with the day following the close of
44 the session and ending on July 1 immediately following the close of the session for the
45 purpose of considering and perfecting the bill. If a tax exemption bill having a fiscal
46 impact is changed by the committee, such change shall be accomplished only by a
47 substitute bill, and no committee amendment to the bill, except by substitute, shall be
48 authorized.

49 (b) Immediately after a tax exemption bill having a fiscal impact has been considered and
50 perfected as provided in subsection (a) of this Code section, the chairperson of the
51 committee shall transmit an exact copy of the bill, as perfected by the committee, when
52 applicable, to the state auditor. The copy submitted to the state auditor shall bear an LC
53 number. The submission of the bill to the state auditor shall have attached thereto a letter
54 signed by the chairperson of the committee requesting the state auditor to make or cause
55 to be made an actuarial investigation of the bill.

56 48-2-103.

57 (a) If an actuarial investigation of a tax exemption bill having a fiscal impact is requested
58 under Code Section 48-2-102, it shall be the duty of the state auditor to complete or cause
59 to be completed such actuarial investigation by not later than November 1 of the same year

60 during which the request for the actuarial investigation was made. The actuarial
61 investigation shall include, but shall not be limited to, findings on the following factors as
62 such factors are relevant to the tax exemption bill under consideration:

63 (1) The dollar amount of the tax exemption; and

64 (2) The dollar amount of the revenue to be generated in this state due to the tax
65 exemption.

66 (b) By not later than November 1 of the same year that the request for an actuarial
67 investigation was made, the completed actuarial investigation shall be submitted by the
68 state auditor to the chairperson of the committee along with a summary of the actuarial
69 investigation which shall include the relevant findings specified in subsection (a) of this
70 Code section.

71 (c) The chairperson of the committee, upon receipt of the information provided for under
72 subsection (b) of this Code section, shall cause the summary of the actuarial investigation
73 to be printed by the Clerk of the House of Representatives, in sufficient quantity to attach
74 a copy thereof to all printed copies of the bill. The original summary of the actuarial
75 investigation shall be attached by the Clerk of the House of Representatives to the original
76 version of the substitute bill, as perfected by the committee, if applicable, or to the original
77 version of the bill as introduced if the bill was not changed by the committee prior to its
78 submission to the state auditor for an actuarial investigation."

79 **SECTION 2.**

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

82 **SECTION 3.**

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