

House Bill 112

By: Representative Mosby of the 83rd

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 a short title; so as to provide
3 for an actuarial investigation and a legislative procedure for review and perfection of all bills
4 proposing tax exemptions; to provide for related matters; to provide for an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 This Act shall be known, and may be cited, as the "Tax Accountability Act of 2013."

9 **SECTION 2.**

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

13 "ARTICLE 4

14 48-2-100.

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

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

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

20 48-2-101.

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

24 members of the General Assembly. Any such tax exemption bill may be passed by the
25 General Assembly only during the regular session which is held during the second year of
26 the term of office of members of the General Assembly.

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

37 48-2-102.

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

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

58 48-2-103.

59 (a) If an actuarial investigation of a tax exemption bill having a fiscal impact is requested
 60 under Code Section 48-2-102, it shall be the duty of the state auditor to complete or cause
 61 to be completed such actuarial investigation by not later than November 1 of the same year
 62 during which the request for the actuarial investigation was made. The actuarial
 63 investigation shall include, but shall not be limited to, findings on the following factors as
 64 such factors are relevant to the tax exemption bill under consideration:

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

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

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

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

81 **SECTION 3.**

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

84 **SECTION 4.**

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