

Senate Bill 17

By: Senators Fort of the 39<sup>th</sup>, Henson of the 41<sup>st</sup>, Tate of the 38<sup>th</sup>, James of the 35<sup>th</sup>, Jones of the 10<sup>th</sup> and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-7A-3 of the Official Code of Georgia Annotated, relating to  
2 claiming and allowing low-income tax credits, so as to allow an individual with no taxable  
3 income to claim a tax credit; to provide for related matters; to provide for an effective date  
4 and applicability; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 48-7A-3 of the Official Code of Georgia Annotated, relating to claiming and  
8 allowing low-income tax credits, is amended by revising subsections (a) and (c) as follows:

9 "(a) Except as otherwise provided in subsection (e) of this Code section, each resident  
10 taxpayer who files an individual income tax return for a taxable year and who is not  
11 claimed or is not otherwise eligible to be claimed as a dependent by another taxpayer for  
12 federal or Georgia individual income tax purposes may claim a tax credit against the  
13 resident taxpayer's individual income tax liability for the taxable year for which the  
14 individual income tax return is being filed; provided, however, that:

15 (1) A husband and wife filing a joint return shall each be deemed a dependent for  
16 purposes of such joint return; ~~and~~

17 (2) A husband and wife filing separate returns for a taxable year for which a joint return  
18 could have been filed by them shall claim only the tax credit to which they would have  
19 been entitled had a joint return been filed; and

20 (3) A resident individual who has no income or no income taxable under Chapter 7 of  
21 this title and who is not claimed or is not otherwise eligible to be claimed as a dependent  
22 by a taxpayer for federal or Georgia individual income tax purposes may also claim a tax  
23 credit as set forth in this Code section."

24 "(c) The tax credit claimed by a resident taxpayer pursuant to this Code section shall be  
25 deductible from the resident taxpayer's individual income tax liability, if any, for the tax  
26 year in which it is properly claimed; ~~provided, however, that in no event shall the total~~  
27 ~~amount of the tax credit under this Code section for a taxable year exceed the taxpayer's~~

28 ~~income tax liability. Any unused credit amount shall not be allowed to be carried forward~~  
29 ~~to the taxpayer's succeeding years' tax liability. No such credit shall be allowed the~~  
30 ~~taxpayer against prior years' tax liability. In the event the tax credit claimed by a resident~~  
31 ~~taxpayer exceeds the amount of income tax payment due from the resident taxpayer, the~~  
32 ~~excess of the credit over payments due shall be refunded to the resident taxpayer, provided~~  
33 ~~that a tax credit properly claimed by a resident individual who has no income tax liability~~  
34 ~~shall be paid to the resident individual; provided, further, that no refunds or payment on~~  
35 ~~account of the tax credit allowed by this Code section shall be made for amounts less than~~  
36 ~~\$1.00."~~

37 **SECTION 2.**

38 This Act shall become effective on July 1, 2015, and shall be applicable to all taxable years  
39 beginning on or after January 1, 2015.

40 **SECTION 3.**

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