

House Bill 373

By: Representative Powell of the 32nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees
2 and alternative ad valorem taxation of apportionable vehicles, so as to revise and change
3 certain provisions regarding the distribution of alternative ad valorem tax proceeds; to
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and
8 alternative ad valorem taxation of apportionable vehicles, is amended by revising subsection
9 (m) as follows:

10 "(m)(1) The alternative ad valorem tax imposed by this Code section shall be collected
11 by the commissioner and shall be distributed annually from the separate, segregated fund
12 not later than April 1 of the calendar year immediately following the calendar year in
13 which such taxes were paid to the commissioner, in the manner provided for in this
14 subsection.

15 (2) Except as provided in paragraph (3) of this subsection, each ~~Each~~ year, the
16 distributions of alternative ad valorem tax proceeds under this subsection shall be based
17 upon the immediately preceding year's tax digest of each participating qualified tax
18 authority submitted to and approved by the commissioner. If such digest has not been
19 submitted and approved, the commissioner shall, for purposes of this subsection, utilize
20 in its place the most recently submitted and approved tax digest of such participating
21 qualified tax jurisdiction.

22 (3)(A) One percent of the alternative ad valorem tax collected by the commissioner
23 shall be paid into the general fund of the state treasury in order to defray costs of
24 administration.

25 (B) Except for the amount provided in subparagraph (A) of this paragraph, the
26 remaining proceeds of the alternative ad valorem tax shall be divided among each

27 qualified tax jurisdiction of this state. Such qualified tax jurisdictions shall be limited
 28 to only a county, municipality, county school district, and independent school district
 29 which levies or causes to be levied for their benefit a property tax on real and tangible
 30 personal property. The commissioner shall determine the amount of ad valorem tax on
 31 apportionable vehicles identified under subsections (a), (b), and (c) of this Code section
 32 that was received by each qualified tax jurisdiction for the 2013 tax year. That amount
 33 shall represent the benchmark amount for such qualified tax jurisdiction. For the 2015
 34 tax year and all subsequent tax years, each qualified tax jurisdiction shall receive an
 35 amount of alternative ad valorem tax revenue equal to such benchmark amount. In the
 36 event a qualified tax jurisdiction ceases to be a qualified tax jurisdiction, it shall not be
 37 entitled to receive a distribution of either the benchmark amount under this
 38 subparagraph or the remaining distribution amount under subparagraph (C) of this
 39 paragraph.

40 (C) When a qualified tax jurisdiction has received an amount equal to the benchmark
 41 amount, the remaining The distribution shall be made according to the proportion that
 42 the amount of ad valorem taxes to be collected by a qualified tax jurisdiction under the
 43 tax digest specified under paragraph (2) of this subsection bears to the total amount of
 44 ad valorem taxes to be collected for all purposes applicable to real and tangible personal
 45 property in this state for the immediately preceding calendar year."

46 **SECTION 2.**

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

49 **SECTION 3.**

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