

The House Committee on Ways and Means offers the following substitute to HB 428:

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to
2 exemptions from sales and use taxes, so as to extend a sales tax exemption for materials to
3 be used in certain construction projects of zoological institutions; to provide for an effective
4 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 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
8 sales and use taxes, is amended by revising paragraph (87) as follows:

9 ~~"(87)(A) Notwithstanding any provision of Code Section 48-8-63 to the contrary, from~~
10 ~~July 1, 2013, until June 30, 2015, sales of tangible personal property used for and in the~~
11 ~~renovation or expansion of a zoological institution. (B) The sale or use of tangible~~
12 ~~personal property used for or in the renovation or expansion of a zoological institution~~
13 ~~to the extent provided in subparagraphs (B) and (C) of this paragraph. As used in this~~
14 ~~paragraph, the term 'zoological institution' means a nonprofit wildlife park, terrestrial~~
15 ~~institution, or facility which:~~

- 16 (i) Is open to the public, charges for admission, exhibits and cares for a collection
17 consisting primarily of animals other than fish, and has received accreditation from
18 the Association of Zoos and Aquariums; and
19 (ii) Is located in this state and owned or operated by an organization which is exempt
20 from taxation under Section 501(c)(3) of the Internal Revenue Code.

21 (B) This exemption shall apply from July 1, 2015, until January 1, 2017, and until the
22 aggregate state sales and use tax refunded pursuant to this paragraph exceeds
23 \$350,000.00. A qualifying zoological institution shall pay sales and use tax on all
24 purchases and uses of tangible personal property and may obtain the benefit of this
25 exemption from state sales and use tax by filing a claim for refund of tax paid on
26 qualifying items. All refunds made pursuant to this paragraph shall not include interest.

27 ~~(C) Any person making a sale of tangible personal property for the purpose specified~~
 28 ~~in this paragraph shall collect the tax imposed on this sale unless the purchaser~~
 29 ~~furnishes such person with an exemption determination letter issued by the~~
 30 ~~commissioner certifying that the purchaser is entitled to purchase the tangible~~
 31 ~~personal property without paying the tax; (i) This exemption shall apply from July~~
 32 ~~1, 2015, until January 1, 2017. A qualifying zoological institution shall pay sales and~~
 33 ~~use tax on all purchases and uses of tangible personal property and may obtain the~~
 34 ~~benefit of this exemption from local sales and use tax by filing a claim for refund of~~
 35 ~~tax paid on qualifying items. All refunds made pursuant to this paragraph shall not~~
 36 ~~include interest.~~

37 ~~(ii) For purposes of this subparagraph, local sales and use tax shall be defined as any~~
 38 ~~local sales and use tax levied or imposed at any time in any area consisting of less~~
 39 ~~than the entire state, however authorized, including, but not limited to, such taxes~~
 40 ~~authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L.~~
 41 ~~1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act~~
 42 ~~of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this~~
 43 ~~chapter.~~

44 ~~(D) Notwithstanding any provision of Code Section 48-8-63 to the contrary, purchases~~
 45 ~~by a contractor may qualify for the exemption provided for in this paragraph. However,~~
 46 ~~when a contractor purchases qualifying tangible personal property, the contractor shall~~
 47 ~~pay the tax at the time of purchase or at the time of first use in this state; and the~~
 48 ~~ultimate owner of the property may file a claim for refund of the tax paid on the~~
 49 ~~qualifying property.~~

50 ~~(E) Items qualifying for exemption include all tangible personal property that will~~
 51 ~~remain at the zoological institution after completion of construction and all tangible~~
 52 ~~personal property that becomes incorporated into the real property structures of the~~
 53 ~~zoological institution. This exemption excludes all items that remain tangible personal~~
 54 ~~property in the possession of a contractor after the completion of construction."~~

55 SECTION 2.

56 This Act shall become effective on July 1, 2015.

57 SECTION 3.

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