

Senate Bill 82

By: Senators Wilkinson of the 50th, Ginn of the 47th, Gooch of the 51st, Williams of the 19th and Mullis of the 53rd

AS PASSED SENATE

**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, for
3 a limited period of time, certain provisions regarding the distribution of alternative ad
4 valorem tax proceeds; to provide for automatic repeal; 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 Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and
9 alternative ad valorem taxation of apportionable vehicles, is amended by revising subsection
10 (m) and adding a new subsection to read as follows:

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

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

27 jurisdiction of this state. Such tax jurisdictions shall be limited to only a county,
28 municipality, county school district, and independent school district which levies or
29 causes to be levied for their benefit a property tax on real and tangible personal
30 property.

31 (C) The distribution shall be made according to the proportion that the amount of ad
32 valorem taxes to be collected by a tax jurisdiction under the tax digest specified under
33 paragraph (2) of this subsection bears to the total amount of ad valorem taxes to be
34 collected for all purposes applicable to real and tangible personal property in this state
35 for the immediately preceding calendar year.

36 (n)(1) The provisions of subsection (m) of this Code section shall be suspended for the
37 2015, 2016, 2017, 2018, and 2019 tax years, and the provisions of this subsection shall
38 apply during such period. This subsection shall stand repealed on January 1, 2020.

39 (2) The alternative ad valorem tax imposed by this Code section shall be collected by the
40 commissioner and shall be distributed annually from the separate, segregated fund not
41 later than August 1 of the calendar year immediately following the calendar year in which
42 such taxes were paid to the commissioner, in the manner provided for in this subsection.

43 (3) Except as provided in paragraph (4) of this subsection, each year, the distributions
44 of alternative ad valorem tax proceeds under this subsection shall be based upon the
45 immediately preceding year's tax digest of each qualified tax authority submitted to and
46 approved by the commissioner. If such digest has not been submitted and approved, the
47 commissioner shall, for purposes of this subsection, utilize in its place the most recently
48 submitted and approved tax digest of such qualified tax jurisdiction.

49 (4)(A) One percent of the alternative ad valorem tax collected by the commissioner
50 shall be paid into the general fund of the state treasury in order to defray costs of
51 administration.

52 (B) Except for the amount provided in subparagraph (A) of this paragraph, the
53 remaining proceeds of the alternative ad valorem tax shall be divided among each
54 qualified tax jurisdiction of this state. Such qualified tax jurisdictions shall be limited
55 to only a county, municipality, county school district, and independent school district
56 which levies or causes to be levied for their benefit a property tax on real and tangible
57 personal property. The commissioner shall determine the amount of ad valorem tax on
58 apportionable vehicles identified under subsections (a), (b), and (c) of this Code section
59 that was received by each qualified tax jurisdiction for the 2013 tax year. Such amount
60 shall represent the benchmark amount for such qualified tax jurisdiction:

61 (i) For the 2015 tax year, each qualified tax jurisdiction shall receive an amount of
62 alternative ad valorem tax revenue equal to such benchmark amount;

63 (ii) For the 2016 tax year, each qualified tax jurisdiction shall receive an amount of
64 alternative ad valorem tax revenue equal to 80 percent of such benchmark amount;
65 (iii) For the 2017 tax year, each qualified tax jurisdiction shall receive an amount of
66 alternative ad valorem tax revenue equal to 60 percent of such benchmark amount;
67 (iv) For the 2018 tax year, each qualified tax jurisdiction shall receive an amount of
68 alternative ad valorem tax revenue equal to 40 percent of such benchmark amount;
69 (v) For the 2019 tax year, each qualified tax jurisdiction shall receive an amount of
70 alternative ad valorem tax revenue equal to 20 percent of such benchmark amount;
71 and
72 (vi) For all tax years beginning on or after January 1, 2020, each qualified tax
73 jurisdiction shall receive the amount of alternative ad valorem tax revenue determined
74 pursuant to subsection (m) of this Code section.
75 (C) In the event that the amount of ad valorem tax on apportionable vehicles collected
76 in a tax year covered under this subsection is less than the benchmark amount, then the
77 benchmark distribution of each qualified tax jurisdiction for such tax year shall be
78 reduced proportionately to reflect the amount of such shortfall. In the event a qualified
79 tax jurisdiction ceases to be a qualified tax jurisdiction, it shall not be entitled to receive
80 a distribution of either the benchmark amount under this subparagraph or the remaining
81 distribution amount under subparagraph (D) of this paragraph.
82 (D) When a qualified tax jurisdiction has received an amount equal to the benchmark
83 amount, any funds remaining with the commissioner shall be distributed in accordance
84 with the formula contained in paragraph (3) of subsection (m) of this Code section."

85 **SECTION 2.**

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

88 **SECTION 3.**

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