

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**

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 amend Article 5 of Chapter 12 of  
5 Title 44 of the Official Code of Georgia Annotated, relating to disposition of unclaimed  
6 property, so as to change provisions relating to publication of notices of unclaimed property;  
7 to provide for the retention of administrative expenses; to provide for an effective date and  
8 applicability; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

10 Code Section 40-2-152 of the Official Code of Georgia Annotated, relating to fees and  
11 alternative ad valorem taxation of apportionable vehicles, is amended by revising subsection  
12 (m) and adding a new subsection to read as follows:

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

19 (2)(A) One percent of the alternative ad valorem tax collected by the commissioner  
20 shall be paid into the general fund of the state treasury in order to defray costs of  
21 administration.

22 (B) Except for the amount provided in subparagraph (A) of this paragraph, the  
23 remaining proceeds of the alternative ad valorem tax shall be allocated by county based  
24 upon the ratio of the number of apportioned vehicles attributed by the commissioner on  
25 an annual basis to each county to the number of apportioned vehicles submitted to and  
26 approved by the commissioner statewide. The proceeds so allocated shall then be

27 distributed to each qualified tax jurisdiction within the county based upon the ratio of  
 28 the most recently submitted and approved tax digest for each such qualified tax  
 29 jurisdiction to the total of all tax digests of qualified tax jurisdictions located in the  
 30 county. Qualified jurisdictions include only counties, municipalities, county school  
 31 districts, and independent school districts which levy or cause to be levied for their  
 32 benefit a property tax on real and tangible personal property.

33 ~~(2) Each year, the distributions of alternative ad valorem tax proceeds under this~~  
 34 ~~subsection shall be based upon the immediately preceding year's tax digest of each~~  
 35 ~~participating tax authority submitted to and approved by the commissioner. If such digest~~  
 36 ~~has not been submitted and approved, the commissioner shall, for purposes of this~~  
 37 ~~subsection, utilize in its place the most recently submitted and approved tax digest of~~  
 38 ~~such participating tax jurisdiction.~~

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

42 ~~(B) Except for the amount provided in subparagraph (A) of this paragraph, the~~  
 43 ~~remaining proceeds of the alternative ad valorem tax shall be divided among each tax~~  
 44 ~~jurisdiction of this state. Such tax jurisdictions shall be limited to only a county,~~  
 45 ~~municipality, county school district, and independent school district which levies or~~  
 46 ~~causes to be levied for their benefit a property tax on real and tangible personal~~  
 47 ~~property.~~

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

53 (n)(1) The provisions of subsection (m) of this Code section shall be suspended for the  
 54 2015, 2016, 2017, 2018, and 2019 tax years, and the provisions of this subsection shall  
 55 apply during such period. This subsection shall stand repealed on January 1, 2020.

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

60 (3) Except as provided in paragraph (4) of this subsection, each year, the distributions  
 61 of alternative ad valorem tax proceeds under this subsection shall be based upon the  
 62 immediately preceding year's tax digest of each qualified tax authority submitted to and  
 63 approved by the commissioner. If such digest has not been submitted and approved, the

64 commissioner shall, for purposes of this subsection, utilize in its place the most recently  
 65 submitted and approved tax digest of such qualified tax jurisdiction.

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

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

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

80 (ii) For the 2016 tax year, each qualified tax jurisdiction shall receive an amount of  
 81 alternative ad valorem tax revenue equal to 80 percent of such benchmark amount;

82 (iii) For the 2017 tax year, each qualified tax jurisdiction shall receive an amount of  
 83 alternative ad valorem tax revenue equal to 60 percent of such benchmark amount;

84 (iv) For the 2018 tax year, each qualified tax jurisdiction shall receive an amount of  
 85 alternative ad valorem tax revenue equal to 40 percent of such benchmark amount;

86 (v) For the 2019 tax year, each qualified tax jurisdiction shall receive an amount of  
 87 alternative ad valorem tax revenue equal to 20 percent of such benchmark amount;

88 and

89 (vi) For all tax years beginning on or after January 1, 2020, each qualified tax  
 90 jurisdiction shall receive the amount of alternative ad valorem tax revenue determined  
 91 pursuant to subsection (m) of this Code section.

92 (C) In the event that the amount of ad valorem tax on apportionable vehicles collected  
 93 in a tax year covered under this subsection is less than the benchmark amount, then the  
 94 benchmark distribution of each qualified tax jurisdiction for such tax year shall be  
 95 reduced proportionately to reflect the amount of such shortfall. In the event a qualified  
 96 tax jurisdiction ceases to be a qualified tax jurisdiction, it shall not be entitled to receive  
 97 a distribution of either the benchmark amount under this subparagraph or the remaining  
 98 distribution amount under subparagraph (D) of this paragraph.

99 (D) When a qualified tax jurisdiction has received an amount equal to the prorated  
 100 benchmark amount pursuant to subparagraph (B) of this paragraph for the applicable

101 tax year, any funds remaining with the commissioner shall be distributed in accordance  
 102 with the formula contained in subparagraph (m)(2)(B) of this Code section."

103 **SECTION 2.**

104 Article 5 of Chapter 12 of Title 44 of the Official Code of Georgia Annotated, relating to  
 105 disposition of unclaimed property, is amended by revising Code Section 44-12-215, relating  
 106 to publication of the "Georgia Unclaimed Property List," as follows:

107 "44-12-215.

108 (a) The commissioner shall ~~cause to be published~~ electronically publish notice of the  
 109 reports filed under Code Section 44-12-214, ~~once a year in a newspaper of general~~  
 110 ~~circulation on the Department of Revenue's website.~~

111 (b) The published notice shall be entitled the 'Georgia Unclaimed Property List' and shall  
 112 contain the names in alphabetical order and the internal identification number of persons  
 113 listed in the report and entitled to notice within the county as provided in Code Section  
 114 44-12-214.

115 (c) The notice shall contain a statement that information concerning the amount or  
 116 description of the property and the name of the holder may be obtained by any persons  
 117 possessing an interest in the property by addressing an inquiry to the commissioner.

118 (d) The commissioner ~~is~~ shall not be required to publish in such notice any item with a  
 119 value of less than \$50.00 unless ~~he~~ the commissioner deems such publication to be in the  
 120 public interest."

121 **SECTION 3.**

122 Said article is further amended by revising Code Section 44-12-218, relating to disposition  
 123 of funds received under article, as follows:

124 "44-12-218.

125 All funds received under this article, including the proceeds from the sale of abandoned  
 126 property under Code Section 44-12-217, shall ~~forthwith~~ be deposited by the commissioner  
 127 in the general fund; provided, however, that the commissioner may deduct moneys  
 128 necessary to cover the direct administrative expenses required to identify, locate, secure,  
 129 and transmit abandoned property prior to depositing such funds. Before making a deposit  
 130 he or she shall record the name and last known address of each person appearing from the  
 131 holders' reports to be entitled to the abandoned property and of the name and last known  
 132 address of each insured person or annuitant and, with respect to each policy or contract  
 133 listed in the report of an insurance corporation, its number, the name of the corporation,  
 134 and the amount due."

135 **SECTION 4.**

136 (a) This Act shall become effective upon its approval by the Governor or upon its becoming  
137 law without such approval.

138 (b) Section 1 of this Act shall apply to all disbursements which occur after the effective date  
139 of this Act.

140 **SECTION 5.**

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