

The Senate Committee on Finance offered the following substitute to HB 937:

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 state sales and use tax, so as to change the sunset provision for the
3 exemption for projects of regional significance; to amend Article 8 of Chapter 8 of Title 50
4 of the Official Code of Georgia Annotated, relating to regional economic assistance projects,
5 so as to provide for the qualification of certain projects as regional economic assistance
6 projects; to provide for criteria for such qualification; to provide for refunds of sales and use
7 taxes for such projects; to provide for the continuance of certain levies for financing
8 construction or improvement of facilities adjacent to such projects; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

11 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
12 state sales and use tax, is amended by revising paragraph (93) as follows:

13 "(93)(A) For the period commencing January 1, 2012, until June 30, ~~2016~~ 2019, sales
14 of tangible personal property used for and in the construction of a competitive project
15 of regional significance.
16

17 (B) The exemption provided in subparagraph (A) of this paragraph shall apply to
18 purchases made during the entire time of construction of the competitive project of
19 regional significance so long as such project meets the definition of a '~~competitive~~
20 competitive project of regional significance' significance within the period commencing
21 January 1, 2012, until June 30, ~~2016~~ 2019.

22 (C) The department shall not be required to pay interest on any refund claims filed for
23 local sales and use taxes paid on purchases made prior to the implementation of this
24 paragraph.

25 (D) As used in this paragraph, the term '~~competitive project of regional significance~~'
26 means the location or expansion of some or all of a business enterprise's operations in

27 this state where the commissioner of economic development determines that the project
28 would have a significant regional impact. The commissioner of economic development
29 shall promulgate regulations in accordance with the provisions of this paragraph
30 outlining the guidelines to be applied in making such determination;"

31 **SECTION 2.**

32 Article 8 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
33 regional economic assistance projects, is amended by adding a new subsection to Code
34 Section 50-8-191, relating to application for REAP designation, minimum criteria, and
35 reciprocal use agreements with adjacent facilities, to read as follows:

36 "(f) The owner of a project having a minimum of \$400 million in projected capital
37 investment for the redevelopment of an area certified by the commissioner to have been
38 chronically underdeveloped for a period of 20 years or more, and its lessees, shall
39 collectively qualify to enter into an agreement to be deemed an approved company with an
40 approved project for purposes of Code Sections 48-8-273 and 48-8-274. Such agreement
41 and the refund provided for by such Code sections shall not be limited by paragraphs (8)
42 and (11) of Code Section 48-8-271 or by subsections (c) and (f) of Code Section 48-8-273.
43 Any such refund claim qualified under this subsection shall be made by the owner and shall
44 not be made by a lessee. A political subdivision utilizing a levy authorized by Article 5 of
45 Chapter 13 of Title 48, in whole or in part, to finance construction or improvement of
46 facilities adjacent to such project may extend the duration of such levy to not more than 30
47 years from the date of issue of any bonds issued for such purposes. This subsection shall
48 not apply to projects involving or related to casino gambling."

49 **SECTION 3.**

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