

Senate Bill 379

By: Senators Ginn of the 47th, Wilkinson of the 50th, Harper of the 7th, Mullis of the 53rd, Albers of the 56th and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
2 taxation, so as to change provisions relating to the amount payable at redemption; to provide
3 for the distribution of certain proceeds of the alternative ad valorem tax on motor vehicles;
4 to provide an exemption for fire districts which have elected governing bodies and are
5 supported by ad valorem taxes; to provide for a limited period of time an exemption from
6 state sales and use tax only with respect to certain sales to a qualified job training
7 organization; to provide for procedures, conditions, and limitations; to provide for a sunset
8 date; to provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
12 amended by revising Code Section 48-4-40, relating to persons entitled to redeem land sold
13 under tax execution, as follows:

14 "48-4-40.

15 Whenever any real property is sold under or by virtue of an execution issued for the
16 collection of state, county, municipal, or school taxes or for special assessments, the
17 defendant in fi. fa. or any person having any right, title, or interest in or lien upon such
18 property may redeem the property from the sale by the payment of ~~the redemption price~~
19 ~~or~~ the amount required for redemption, as fixed and provided in Code Section 48-4-42:

20 (1) At any time within 12 months from the date of the sale; and

21 (2) At any time after the sale until the right to redeem is foreclosed by the giving of the
22 notice provided for in Code Section 48-4-45."

23 style="text-align:center">**SECTION 2.**

24 Said title is further amended by revising Code Section 48-4-42, relating to the amount
25 payable for redemption, as follows:

26 "48-4-42.

27 (a) The amount required to be paid for redemption of property from any sale for taxes as
 28 provided in this chapter, ~~or the redemption price~~, shall with respect to any sale made after
 29 July 1, 2002, be the amount paid for the property at the tax sale, as shown by the recitals
 30 in the tax deed, plus ~~any~~:

31 (1) ~~Any~~ taxes paid on the property by the purchaser after the sale for taxes, ~~plus any~~;

32 (2) ~~Any~~ special assessments on the property, ~~plus a~~; and

33 (3) ~~A~~ premium of 20 percent of the amount for the first year or fraction of a year which
 34 has elapsed between the date of the sale and the date on which the redemption payment
 35 is made and 10 percent for each year or fraction of a year thereafter.

36 (b) If redemption is not made until more than 30 days after the notice provided for in Code
 37 Section 48-4-45 has been given, there shall be added to the ~~redemption price~~ sums set forth
 38 in subsection (a) of this Code section the sheriff's cost in connection with serving the notice
 39 and the cost of publication of the notice, if any.

40 (c) With respect to any sale made after July 1, 2016, there shall be added to the sums set
 41 forth in subsections (a) and (b) of this Code section any sums:

42 (1) Paid from the date of the tax sale to the date of redemption to a property owners'
 43 association, as defined in Code Section 44-3-221, in accordance with Code Section
 44 44-3-232;

45 (2) Paid to a condominium association, that is an association, as defined in Code Section
 46 44-3-71, in accordance with Code Section 44-3-109; or

47 (3) Paid to a homeowners' association established by covenants restricting land to certain
 48 uses related to planned residential subdivisions.

49 (d) All of the amounts required to be paid by this Code section shall be paid in lawful
 50 money of the United States to the purchaser at the tax sale or to the purchaser's successors."

51 SECTION 3.

52 Said title is further amended in Code Section 48-5C-1, relating to definitions, exemption
 53 from taxation, allocation and disbursement of proceeds collected by tag agents, fair market
 54 value of vehicle appealable, and report, by revising subparagraph (c)(3)(A) as follows:

55 "(A) The tag agent of the county shall within 20 days following the end of each
 56 calendar month allocate and distribute to the county governing authority and to
 57 municipal governing authorities, the board of education of the county school district,
 58 ~~and~~ the board of education of any independent school district located in such county,
 59 the water and sewerage authority for which the county has levied an ad valorem tax in
 60 accordance with a local constitutional amendment, and in a county in which a sales and
 61 use tax is levied for purposes of a metropolitan area system of public transportation, as

62 authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the
 63 governing body of the transportation authority created by the Metropolitan Atlanta
 64 Rapid Transit Authority Act of 1965, Ga. L. 1965, p. 2243, as amended, and the
 65 amendment to the Constitution set out at Ga. L. 1964, p. 1008, an amount of those
 66 proceeds necessary to offset any reduction in (i) ad valorem tax on motor vehicles
 67 collected under Chapter 5 of this title in the taxing jurisdiction of each governing
 68 authority, ~~and school district, and water and sewerage authority~~ from the amount of ad
 69 valorem taxes on motor vehicles collected under Chapter 5 of this title in each such
 70 governing authority, ~~and school district, and water and sewerage authority~~ during the
 71 same calendar month of 2012 and (ii) with respect to the transportation authority, the
 72 monthly average portion of the sales and use tax levied for purposes of a metropolitan
 73 area system of public transportation applicable to any motor vehicle titled in a county
 74 which levied such tax in 2012. Such amount of tax may be determined by the
 75 commissioner for counties which levied such tax in 2012, and any counties which
 76 subsequently levy a tax pursuant to a metropolitan area system of public transportation,
 77 as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008, the
 78 governing body of the transportation authority created by the Metropolitan Atlanta
 79 Rapid Transit Authority Act of 1965, Ga. L. 1965, p. 2243, as amended, and the
 80 amendment to the Constitution set out at Ga. L. 1964, p. 1008, the Commissioner may
 81 determine what amount of sales and use tax would have been collected in 2012, had
 82 such tax been levied. This reduction shall be calculated, with respect to (i) above, by
 83 subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5
 84 of this title in each such taxing jurisdiction from the amount of ad valorem tax on motor
 85 vehicles collected under Chapter 5 of this title in that taxing jurisdiction in the same
 86 calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are
 87 insufficient to fully offset such reduction in ad valorem taxes on motor vehicles or the
 88 portion of the sales and use tax described in (ii) above, the tag agent shall allocate a
 89 proportionate amount of the proceeds to each governing authority, ~~and to the board of~~
 90 education of each such school district, ~~the water and sewerage authority,~~ and the
 91 transportation authority, and any remaining shortfall shall be paid from the following
 92 month's local title ad valorem tax fee proceeds. In the event that a shortfall remains,
 93 the tag agent shall continue to first allocate local title ad valorem tax fee proceeds to
 94 offset such shortfalls until the shortfall has been fully repaid; and"

95 **SECTION 4.**

96 Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and
 97 use taxes, by revising paragraph (1), by deleting "or" at the end of paragraph (95), by

98 replacing the period with "; or" at the end of paragraph (96), and by adding a new paragraph
99 to read as follows:

100 "(1) Sales to the United States government, this state, any county or municipality of this
101 state, fire districts which have elected governing bodies and are supported by, in whole
102 or in part, ad valorem taxes, or any bona fide department of such governments when paid
103 for directly to the seller by warrant on appropriated government funds;"

104 "(97)(A) For the period beginning July 1, 2017, and ending June 30, 2020, sales of
105 tangible personal property and services to a qualified job training organization when
106 such organization obtains an exemption determination letter from the commissioner.

107 (B) For the purposes of this paragraph, the term 'qualified job training organization'
108 means an organization which:

109 (i) Is located in this state;

110 (ii) Is exempt from income taxation under Section 501(c)(3) of the Internal Revenue
111 Code;

112 (iii) Specializes in the retail sale of donated items;

113 (iv) Provides job training and employment services to individuals with workplace
114 disadvantages and disabilities, including, but not limited to, reentry citizens who shall
115 be persons released from incarceration, persons with disabilities, and veterans; and

116 (v) Uses a majority of its revenues for job training and placement programs.

117 (C)(i) For the purposes of this paragraph, the term 'local sales and use tax' means any
118 sales tax, use tax, or local sales and use tax which is levied and imposed in an area
119 consisting of less than the entire state, however authorized, including, but not limited
120 to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant
121 to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended,
122 the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; or by or pursuant to
123 Article 2, Article 2A, Part 1 or Part 2 of Article 3, Article 4, or Article 5 of this
124 chapter.

125 (ii) The exemption provided for in subparagraph (A) of this paragraph shall not apply
126 to any local sales and use tax levied or imposed at any time.

127 (D) Any qualified job training organization which is granted an exemption under this
128 paragraph shall provide an annual report to the department which contains, but is not
129 limited to, the following:

130 (i) The number of individuals trained in the program;

131 (ii) The number of individuals employed by the organization after receiving such
132 training; and

133 (iii) The number of individuals employed in full-time positions outside the
134 organization after such training.

135 Such data shall be compiled by the department and presented to the House Committee
136 on Ways and Means and the Senate Finance Committee for consideration prior to any
137 renewal or extension of the exemption provided by this paragraph.

138 (E) The commissioner shall promulgate any rules and regulations necessary to
139 implement and administer this paragraph."

140 **SECTION 5.**

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