

House Bill 793

By: Representatives LaRiccia of the 169th, Pirkle of the 155th, Lott of the 122nd, Dubnik of the 29th, and Hanson of the 80th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated,
2 relating to general provisions regarding state sales and use tax, so as to provide for an
3 exemption for certain aquarium construction; to provide for an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to
8 general provisions regarding state sales and use tax, is amended by revising paragraph (76)
9 of Code Section 48-8-3, relating to exemptions from sales tax, as follows:

10 "(76)(A) The sale or use of tangible personal property used for or in the renovation or
11 expansion of an aquarium located in this state that charges for admission and that is
12 owned or operated by an organization which is exempt from taxation under
13 Section 501(c)(3) of the Internal Revenue Code, to the extent provided in
14 subparagraphs (B) and (C) of this paragraph.

15 (B) This exemption shall apply from July 1, ~~2015~~ 2018, until January 1, ~~2017~~ 2022, or
16 until the aggregate state sales and use tax refunded pursuant to this paragraph exceeds
17 ~~\$750,000.00~~ \$4.5 million, whichever occurs first. A qualifying aquarium must pay
18 sales and use tax on all purchases and uses of tangible personal property and may obtain
19 the benefit of this exemption from state sales and use tax by filing a claim for refund
20 of tax paid on qualifying items. All refunds made pursuant to this paragraph will not
21 include interest.

22 (C) This exemption shall apply from July 1, ~~2015~~ 2018, until January 1, ~~2017~~ 2022, to
23 any local sales and use tax levied or imposed at any time in any area consisting of less
24 than the entire state, however authorized, including, but not limited to, such taxes
25 authorized by or pursuant to Section 25 of an Act approved March 10, 1965
26 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority

27 Act of 1965,' or such taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5,
28 or 5A of this chapter.

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

35 (E) Items qualifying for exemption include all tangible personal property that will
36 remain at the aquarium facility after completion of construction and all tangible
37 personal property that becomes incorporated into the real property structures of the
38 aquarium facility. The exemption excludes all items that remain tangible personal
39 property in the possession of a contractor after the completion of construction.

40 (F) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, by June 30 each
41 year any taxpayer seeking to claim the exemption provided for in subparagraph (A) of
42 this paragraph shall electronically submit to the department, at the time of application
43 for the exemption and any such annual renewal, the total number of visitors admitted,
44 the average monthly number of full-time employees, and the total amount of exempt
45 purchases made by the taxpayer in the preceding calendar year. The department shall
46 then issue a report to the chairpersons of the House Committee on Ways and Means and
47 the Senate Finance Committee containing such information;”

48 **SECTION 2.**

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

51 **SECTION 3.**

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