

Senate Bill 442

By: Senators Williams of the 27th, Payne of the 54th, Shafer of the 48th, McKoon of the 29th, Harbison of the 15th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to imposition, rate, and computation of and exemptions from income taxes, so as to
3 create a tax credit for certain expenses by certain educators; to provide for definitions; to
4 disallow related deductions; to provide for rules and regulations; to provide for a sunset; to
5 provide for an effective date and applicability; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
10 imposition, rate, and computation of and exemptions from income taxes, is amended by
11 adding a new paragraph to subsection (b) of Code Section 48-7-27, relating to computation
12 of taxable net income, to read as follows:

13 "(14) Georgia taxable income shall be adjusted as provided in Code Section 48-7-29.22."

14 **SECTION 2.**

15 Said article is further amended by adding a new Code section to read as follows:

16 "48-7-29.22.

17 (a) As used in this Code section, the term:

18 (1) 'Eligible educator' means an individual who is a kindergarten through grade 12
19 teacher, instructor, or aide in a qualified school for at least 810 hours during a taxable
20 year.

21 (2) 'Eligible expense' means a necessary and ordinary expense incurred by an eligible
22 educator in connection with books, supplies, equipment, software, services, or other
23 materials used in a classroom or instructional setting in a qualified school.

24 (3) 'Necessary and ordinary expense' means an expenditure that is helpful and
 25 appropriate for the profession of an educator and common and accepted in the education
 26 field.

27 (4) 'Qualified school' means a Georgia:

28 (A) School under the control and management of a county, independent, or area board
 29 of education supported by public funds;

30 (B) School under the control and management of the State Board of Education or
 31 department or agency thereof supported by public funds;

32 (C) Private school as such term is defined in subsection (b) of Code Section 20-2-690;

33 (D) Home study program meeting the requirements set forth in subsection (c) of Code
 34 Section 20-2-690;

35 (E) Qualified pre-kindergarten program; or

36 (F) Early care and education program as such term is defined in paragraph (6) of Code
 37 Section 20-1A-2.

38 (b)(1) For the period beginning on January 1, 2018, and ending on December 31, 2022,
 39 a taxpayer shall be allowed a credit against the tax imposed by Code Section 48-7-20 in
 40 the amount of 50 percent of up to \$500.00 of eligible expenses incurred during the tax
 41 year by such taxpayer. Such credit shall not exceed the taxpayer's income tax liability.

42 (2) No taxpayer shall be entitled to such credit as set forth in paragraph (1) of this
 43 subsection for eligible expenses claimed by another taxpayer.

44 (3) Any unused tax credit shall not be allowed to be carried forward to apply to the
 45 taxpayer's succeeding years' tax liability.

46 (4) No such tax credit shall be allowed against prior years' tax liability.

47 (5) If the taxpayer claims the credit allowed by this Code section, for the purposes of
 48 computing a taxpayer's Georgia taxable net income under Code Section 48-7-27, the
 49 taxpayer shall add back any amount provided and allowed by Section 62(a)(2)(D) of the
 50 Internal Revenue Code of 1986.

51 (c) The commissioner shall promulgate any rules and regulations necessary to implement
 52 and administer this Code section."

53 **SECTION 3.**

54 This Act shall become effective upon its approval by the Governor or upon its becoming law
 55 without such approval and shall be applicable to tax years beginning on or after January 1,
 56 2018, and ending December 31, 2022.

57 **SECTION 4.**

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