

The Senate Committee on Finance offered the following substitute to HB 352:

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 sales and use tax, so as to change the sunset provision for the exemption
3 for competitive projects of regional significance; to provide for the disclosure of information
4 related to such exemption to certain individuals; to provide for penalties; to provide for
5 express consent; to provide for related matters; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

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

11 "(93)(A) For the period commencing January 1, 2012, until June 30, ~~2019~~ 2024, sales
12 of tangible personal property used for and in the construction of a competitive project
13 of regional significance.

14 (B) The exemption provided in subparagraph (A) of this paragraph shall apply to
15 purchases made during the entire time of construction of the competitive project of
16 regional significance so long as such project meets the definition of a competitive
17 project of regional significance within the period commencing January 1, 2012, until
18 ~~June 30, 2019~~ December 31, 2020.

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

22 (D) As used in this paragraph, the term 'competitive project of regional significance'
23 means the location or expansion of some or all of a business enterprise's operations in
24 this state where the commissioner of economic development determines that the project
25 would have a significant regional impact. The commissioner of economic development

26 shall promulgate regulations in accordance with the provisions of this paragraph
27 outlining the guidelines to be applied in making such determination;.

28 (E)(i) Notwithstanding any provision of law to the contrary, the state revenue
29 commissioner and the commissioner of economic development shall disclose all
30 information related to the exemption allowed by this paragraph following the
31 consummation of the grant of such exemption upon request and agreement not to
32 divulge such information by any of the following individuals: the Speaker of the
33 House of Representatives; the Lieutenant Governor; the chairperson of the House
34 Committee on Appropriations; the chairperson of the Senate Appropriations
35 Committee; the chairperson of the House Committee on Ways and Means; or the
36 chairperson of the Senate Finance Committee.

37 (ii) Such information shall retain its privileged and confidential nature in the hands
38 of such individuals to the same extent and under the same conditions as such
39 information is privileged and confidential in the hands of the state revenue
40 commissioner. Any person that is allowed access to such information shall be bound
41 to retain its privileged and confidential nature to the same extent and under the same
42 conditions as such information is privileged and confidential in the hands of the
43 commissioner and shall not be authorized to contact in any manner any taxpayer
44 identified in such confidential information.

45 (iii) Any person that improperly divulges such information shall be subject to the
46 same civil and criminal penalties as those provided for divulgence of information by
47 employees of the department.

48 (F) Notwithstanding any provision of law to the contrary, the exemption allowed by
49 this paragraph shall not be allowed for, utilized by, and no refund shall be issued to any
50 person, unless such person, the state revenue commissioner, and the commissioner of
51 economic development each agree expressly in writing to disclosures required pursuant
52 to subparagraph (E) of this paragraph with respect to both such person and the
53 associated competitive project of regional significance:”

54 **SECTION 2.**

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