

House Bill 86

By: Representatives Rhodes of the 124th, Stephens of the 164th, Corbett of the 174th, Williams of the 148th, and Sainz of the 180th

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 exempt sales of tangible personal property used
3 for or in the renovation or expansion of certain aquariums for a certain period of time; to
4 provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from
8 sales and use tax, is amended by revising paragraph (76) as follows:

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

14 (B) This exemption shall apply from ~~July 1, 2018, until January 1, 2022~~ July 1, 2023,
15 until June 30, 2027, or until the aggregate state sales and use tax refunded pursuant to
16 this paragraph exceeds \$4.5 million, whichever occurs first. A qualifying aquarium

17 must pay sales and use tax on all purchases and uses of tangible personal property and
18 may obtain the benefit of this exemption from state sales and use tax by filing a claim
19 for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph
20 will not include interest.

21 ~~(C) This exemption shall apply from July 1, 2018, until January 1, 2022, to any local~~
22 ~~sales and use tax levied or imposed at any time in any area consisting of less than the~~
23 ~~entire state, however authorized, including, but not limited to, such taxes authorized by~~
24 ~~or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),~~
25 ~~as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such~~
26 ~~taxes as authorized by or pursuant to Article 2, 2A, 3, 4, 5, or 5A of this chapter.~~

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

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

38 ~~(F)~~(E) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, by June 30 each
39 year, any taxpayer seeking to claim the exemption provided for in subparagraph (A) of
40 this paragraph shall electronically submit to the department, at the time of application
41 for the exemption and any such annual renewal, the total number of visitors admitted,
42 the average monthly number of full-time employees, and the total amount of exempt
43 purchases made by the taxpayer in the preceding calendar year. The department shall

44 then issue a report to the chairpersons of the House Committee on Ways and Means and
45 the Senate Finance Committee containing such information;"

46 **SECTION 2.**

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