

The House Committee on Ways and Means offers the following substitute to HB 238:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to state  
2 sales and use tax exemptions, so as to provide a state and local sales tax exemption for  
3 tangible personal property used for or in the renovation or expansion of an aquarium owned  
4 or operated by an organization which is exempt from taxation under Section 501(c)(3) of the  
5 Internal Revenue Code; to provide for related matters; to repeal conflicting laws; and for  
6 other 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 state sales and  
10 use tax exemptions, is amended by revising paragraph (76) as follows:

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

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

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

26 as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such  
27 taxes as authorized by or pursuant to Article 2, 2A, 3, 4, or 5 of this chapter.

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

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

39 ~~Notwithstanding any provision of Code Section 48-8-63 to the contrary, from June 4,~~  
40 ~~2003, until January 1, 2007, sales of tangible personal property to, or used in the~~  
41 ~~construction of, an aquarium owned or operated by an organization which is exempt from~~  
42 ~~taxation under Section 501(c)(3) of the Internal Revenue Code;'~~

43 **SECTION 2.**

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