House Bill 2EX (AS PASSED HOUSE AND SENATE)

By: Representatives Collins of the 27th and Hatchett of the 143rd

A BILL TO BE ENTITLED

AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide for an exemption for a limited time with respect to the collection of any rate of prepaid state taxes as defined in Code Section 48-8-2 in an amount equal to the amount by which the actual rate levied during a certain period exceeds the rate levied as of May 1, 2011, pursuant to Code Section 48-9-14 as it applies to sales of motor fuel and aviation gasoline as those terms are defined in Code Section 48-9-2; to provide for legislative findings; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing; to ratify an executive order of the Governor suspending temporarily the collection of such taxes; to repeal certain obsolete provisions which ratified prior executive orders regarding such taxes; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by repealing Code Section 48-8-17, relating to the ratification of Executive Order 06.02.08.01, which provides a temporary prepaid state tax exemption, and enacting a new Code Section 48-8-17 to read as follows:

"48-8-17.

(a) The General Assembly finds that:

(1) Motor fuels and aviation gasoline are essential commodities used by Georgians for transportation;

(2) The price of gasoline has increased dramatically since the adjournment of the 2011 General Assembly;

(3) The increases in the cost of gasoline and other motor fuels have and will continue to impose significant financial burdens on all Georgians and Georgia's businesses;

(4) This inflated cost can prevent Georgians from spending on other necessary goods and business expansion; and

(5) The significant increase in motor fuel prices will result in a windfall to the state in the form of surplus state taxes on these commodities.

(b) The General Assembly of Georgia ratifies the Executive Order of the Governor dated June 23, 2011, and filed in the official records of the office of the Governor as Executive Order 06.23.11.03 which suspended commencing on June 23, 2011, the collection of any rate of prepaid state taxes as defined in Code Section 48-8-2 to the extent it differs from the rate levied as of May 1, 2011, pursuant to Code Section 48-9-14 as it applies to sales of motor fuel and aviation gasoline as those terms are defined in Code Section 48-9-2. The period of suspension under this subsection shall conclude at the last moment of the day immediately preceding the effective date of this Code section.

(c) For the time period commencing on the effective date of this subsection and concluding at the last moment of December 31, 2011, there shall be an exemption of prepaid state taxes as defined in Code Section 48-8-2 in an amount equal to the amount by which the actual rate levied during such time period exceeds the rate levied as of May 1, 2011, pursuant to Code Section 48-9-14 as it applies to sales of motor fuel and aviation gasoline as those terms are defined in Code Section 48-9-2.

(d) For the time period commencing on June 23, 2011, and concluding on December 31, 2011, the collection of any rate of prepaid state taxes as defined in Code Section 48-8-2 to the extent it differs from the rate levied as of May 1, 2011, pursuant to Code Section 48-9-14 as it applies to sales of motor fuel and aviation gasoline as those terms are defined in Code Section 48-9-2 shall be governed by the provisions of this Code section notwithstanding any provisions of Code Section 48-9-14 or any other law to the contrary.

(e) The ratification of the temporary suspension of collection of prepaid state tax and the temporary prepaid state tax exemption provided for in this Code section shall not apply to prepaid local taxes as defined in Code Section 48-8-2.

(f) The commissioner is authorized to prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate this Code section."

SECTION 2.

Said title is further amended by repealing Code Section 48-8-17.1, relating to the ratification of Executive Order 11.26.08.01.

SECTION 3.

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

SECTION 4.

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