House Bill 1187 (COMMITTEE SUBSTITUTE)

By: Representatives Williams of the 148th, Gravley of the 67th, Corbett of the 174th, Gambill of the 15th, Rhodes of the 120th, and others

A BILL TO BE ENTITLED

AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend the sunset and revise certain terms of an exemption for certain high-technology data center equipment; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended in paragraph (68.1) by revising subparagraphs (A) and (F), division (v) of subparagraph (G), and subparagraph (H) as follows:

"(68.1)(A) For the period commencing on July 1, 2018, and ending on December 31, ~~2028~~ 2033, high-technology data center equipment to be incorporated or used in a high-technology data center that meets the high-technology data center minimum investment threshold and other conditions provided in this paragraph."

"(F)(i) Except as provided in division (ii) of this subparagraph, a ~~A~~ high-technology data center shall not be entitled to claim any credit authorized under Code Sections 48-7-40 through 48-7-40.33 or Code Section 36-62-5.1 on its tax return if it has

received a certificate of exemption from the commissioner pursuant to this paragraph. If a determination is made by the commissioner pursuant to division (iii) of subparagraph (C) of this paragraph that the high-technology data center must repay all taxes exempted or refunded pursuant to this paragraph, such high-technology data center may file amended income tax returns claiming any credit to which it would have been entitled under the foregoing Code sections but for having claimed the exemption under this paragraph.

(ii) On and after January 1, 2023, the provisions of this subparagraph shall not be applicable with respect to Code Section 48-7-40.17 for any new high-technology data center located in a county with a population of less than 50,001 according to the United States decennial census of 2020."

"(v) 'High-technology data center minimum investment threshold' means ~~the creation of 20 new quality jobs and~~:

(I) For high-technology data centers located in a county in this state having a population greater than 50,000 according to the United States decennial census of 2010 or any future such census, the creation of 25 new quality jobs and $250 million in aggregate expenditures incurred over any consecutive seven-year period between July 1, 2018, and December 31, ~~2028~~ 2033, on the design and construction of the high-technology data center and high-technology data center equipment to be used or incorporated in the high-technology data center;

(II) For high-technology data centers located in a county in this state having a population greater than 30,000 and less than 50,001 according to the United States decennial census of 2010 or any future such census, ~~$150~~ the creation of ten new quality jobs and $75 million in aggregate expenditures incurred over any consecutive seven-year period between July 1, 2018, and December 31, ~~2028~~ 2033, on the design and construction of the high-technology data center and

high-technology data center equipment to be used or incorporated in the high-technology data center; and

(III) For high-technology data centers located in a county in this state having a population less than 30,001 according to the United States decennial census of 2010 or any future such census, ~~$100~~ the creation of five new quality jobs and $25 million in aggregate expenditures incurred over any consecutive seven-year period between July 1, 2018, and December 31, ~~2028~~ 2033, on the design and construction of the high-technology data center and high-technology data center equipment to be used or incorporated in the high-technology data center."

"(H) This paragraph shall stand repealed by operation of law on January 1, ~~2029~~ 2034."

SECTION 2.

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