

Senate Bill 465

By: Senators Gooch of the 51st, Echols of the 49th, Ginn of the 47th, Robertson of the 29th,
Goodman of the 8th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated,
2 relating to imposition, rate, computation, exemptions, and credits relative to income taxes,
3 so as to disqualify business enterprises that hire illegal aliens for large-scale projects from
4 claiming certain tax credits associated with such projects; to provide for related matters; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
9 imposition, rate, computation, exemptions, and credits relative to income taxes, is amended
10 by revising subsection (d) of Code Section 48-7-40.24, relating to tax credits for jobs
11 associated with large-scale projects, as follows:

12 "(d) A business enterprise whose application is approved shall be allowed a tax credit for
13 taxes imposed under this article equal to \$5,250.00 annually per new eligible full-time
14 employee job for five years beginning with the year in which such job is created through
15 year five after such creation; provided, however, that, ~~where~~ when the amount of such
16 credit exceeds a business enterprise's liability for such taxes in a taxable year, the excess

17 may be taken as a credit against such business enterprise's quarterly or monthly payment
18 under Code Section 48-7-103. The taxpayer may file an election with the commissioner
19 to take such credit against quarterly or monthly payments under Code Section 48-7-103
20 that become due before the due date of the income tax return on which such credit may be
21 claimed. In the event of such an election, the commissioner shall confirm with the taxpayer
22 a date, which shall not be later than 30 days after receipt of the taxpayer's election, when
23 the taxpayer may begin to take the credit against such quarterly or monthly payments. For
24 any one taxable year the amounts taken as a credit against taxes imposed under this article
25 and against the business enterprise's quarterly or monthly payments under Code
26 Section 48-7-103 may not in the aggregate exceed \$5,250.00 per eligible full-time
27 employee job. Each employee whose ~~employer~~ employing business enterprise receives
28 credit against such ~~business~~ enterprise's quarterly or monthly payment under Code Section
29 48-7-103 shall receive a credit against his or her income tax liability under Code Section
30 48-7-20 for the corresponding taxable year for the full amount which would be credited
31 against such liability prior to the application of the credit provided for in this subsection.
32 Credits against quarterly or monthly payments under Code Section 48-7-103 and credits
33 against liability under Code Section 48-7-20 established by this subsection shall not
34 constitute income to the taxpayer. To qualify for a credit under this subsection, the
35 ~~employer~~ business enterprise must make health insurance coverage available to the
36 employee filling the new full-time job; provided, however, that nothing in this subsection
37 shall be construed to require the ~~employer~~ business enterprise to pay for all or any part of
38 health insurance coverage for such an employee in order to claim the credit provided for
39 in this subsection if such ~~employer~~ enterprise does not pay for all or any part of health
40 insurance coverage for other employees. A business enterprise found to have hired an
41 illegal alien, as such term is defined in Code Section 16-11-201, and claimed such hiring
42 as the basis for receiving a tax credit under this Code section shall be disqualified from
43 receiving any such credit."

44

SECTION 2.

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