

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

AS PASSED SENATE

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 prevent a business enterprise
5 from claiming such credits in excess of such business enterprise's tax liability against certain
6 quarterly or monthly payments; to provide for a sunset date; to allow for a business enterprise
7 whose application has been approved prior to such sunset date to continue to claim credits
8 for a limited period of time; to provide for related matters; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to
13 imposition, rate, computation, exemptions, and credits relative to income taxes, is amended
14 by revising subsection (d) of Code Section 48-7-40.24, relating to tax credits for jobs
15 associated with large-scale projects, and adding a new subsection to read as follows:

S. B. 465

- 1 -

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

43 if such ~~employer~~ enterprise does not pay for all or any part of health insurance coverage
44 for other employees. A business enterprise found to have hired an illegal alien, as such
45 term is defined in Code Section 16-11-201, and claimed such hiring as the basis for
46 receiving a tax credit under this Code section shall be disqualified from receiving any such
47 credit."

48 "(s) No business enterprise shall be allowed a tax credit under this Code section against
49 taxes imposed under this article on or after July 1, 2031; provided, however, that any
50 business enterprise whose application has been approved prior to such date may be allowed
51 such tax credit for the remainder of the five-year period, as provided under subsection (d)
52 of this Code section, for which such business enterprise would have otherwise been
53 allowed such tax credit."

54 **SECTION 2.**

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