

The Senate Committee on Finance offered the following substitute to HB 428:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to  
2 exemptions from sales and use tax, so as to exempt sales of tangible personal property used  
3 for or in the renovation or expansion of certain aquariums; to exempt sales of tangible  
4 personal property to or used in or for the renovation or expansion of certain museums; to  
5 define a term; to provide for limitations; to provide for automatic repeal; to provide for  
6 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from  
11 sales and use tax, is amended by revising paragraph (76) as follows:

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

17 (B) This exemption shall apply from ~~July 1, 2018, until January 1, 2022~~ July 1, 2022,  
18 until June 30, 2026, or until the aggregate state sales and use tax refunded pursuant to  
19 this paragraph exceeds \$4.5 million, whichever occurs first. A qualifying aquarium  
20 must pay sales and use tax on all purchases and uses of tangible personal property and  
21 may obtain the benefit of this exemption from state sales and use tax by filing a claim  
22 for refund of tax paid on qualifying items. All refunds made pursuant to this paragraph  
23 will not include interest.

24 (C) ~~This exemption shall apply from July 1, 2018, until January 1, 2022, to any local~~  
25 ~~sales and use tax levied or imposed at any time in any area consisting of less than the~~  
26 ~~entire state, however authorized, including, but not limited to, such taxes authorized by~~  
27 ~~or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243),~~  
28 ~~as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such~~  
29 ~~taxes as authorized by or pursuant to Article 2, 2A, 3, 4, 5, or 5A of this chapter.~~

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

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

41 (F)(E) Notwithstanding Code Sections 48-2-15, 48-7-60, and 48-7-61, by June 30 each  
42 year, any taxpayer seeking to claim the exemption provided for in subparagraph (A) of  
43 this paragraph shall electronically submit to the department, at the time of application

44 for the exemption and any such annual renewal, the total number of visitors admitted,  
 45 the average monthly number of full-time employees, and the total amount of exempt  
 46 purchases made by the taxpayer in the preceding calendar year. The department shall  
 47 then issue a report to the chairpersons of the House Committee on Ways and Means and  
 48 the Senate Finance Committee containing such information;"

49 **SECTION 2.**

50 Said Code section is further amended by revising paragraph (88) as follows:

51 "(88)(A) Notwithstanding any provision of Code Section 48-8-63 to the contrary, from  
 52 ~~July 1, 2009, until July 30, 2015~~ July 1, 2022, until July 30, 2025, sales of tangible  
 53 personal property to, or used in or for the ~~new construction of,~~ renovation or expansion  
 54 of a civil rights museum.

55 (B) As used in this paragraph, the term 'civil rights museum' means a any museum  
 56 ~~which is constructed after July 1, 2009;~~ that is dedicated to the achievements of the civil  
 57 rights movement in the United States, exhibits historical artifacts about the civil rights  
 58 movement, and contains special event space and retail space, provided that such  
 59 museum is owned or operated by an organization which is exempt from taxation under  
 60 Section 501(c)(3) of the Internal Revenue Code; ~~has more than 40,000 square feet of~~  
 61 ~~space; and has associated facilities, including, but not limited to, special event space~~  
 62 ~~and retail space.~~

63 (C) Any person making a sale of tangible personal property for the purpose specified  
 64 in this paragraph shall collect the tax imposed on this sale unless the purchaser  
 65 furnishes such person with an exemption determination letter issued by the  
 66 commissioner certifying that the purchaser is entitled to purchase the tangible personal  
 67 property without paying the tax.

68 (D) The exemption ~~provided for under subparagraph (A) of~~ allowed by this paragraph  
 69 shall not apply to ~~sales of tangible personal property that occur after the museum is~~

70 ~~opened to the public~~ a transaction that occurs on or after the date when a civil rights  
71 museum opens to the public following the renovation or expansion required by this  
72 paragraph.  
73 (E) This paragraph shall stand repealed and reserved on August 1, 2025;”

74 **SECTION 3.**

75 This Act shall become effective on July 1, 2022.

76 **SECTION 4.**

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