

House Bill 918 (AS PASSED HOUSE AND SENATE)

By: Representative Peake of the 141<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and  
2 taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of  
3 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to  
4 change the provisions regarding certain state registration applications; to provide an effective  
5 date and applicability; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
9 amended by revising paragraph (14) of Code Section 48-1-2, relating to definitions regarding  
10 revenue and taxation, as follows:

11 "(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years  
12 beginning on or after January 1, ~~2012~~ 2013, the provisions of the United States Internal  
13 Revenue Code of 1986, as amended, provided for in federal law enacted on or before  
14 ~~January 3, 2013~~ January 1, 2014, except that Section 85(c), Section 108(i), Section  
15 163(e)(5)(F) Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section  
16 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not  
17 excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E),  
18 Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section  
19 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section  
20 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section  
21 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they  
22 were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section  
23 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be  
24 treated as they were in effect before the 2008 enactment of federal Public Law 110-343,  
25 and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended,  
26 shall be treated as it was in effect before the 2009 enactment of federal Public Law 111-5,

27 and except that Section 13(e)(4) of 2009 federal Public Law 111-92 shall be treated as  
 28 if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall  
 29 be \$250,000.00 for tax years beginning in 2010, shall be \$250,000.00 for tax years  
 30 beginning in 2011, shall be \$250,000.00 for tax years beginning in 2012, and shall be  
 31 \$250,000.00 for tax years beginning in 2013, and except that the limitations provided in  
 32 Section 179(b)(2) shall be \$800,000.00 for tax years beginning in 2010, shall be  
 33 \$800,000.00 for tax years beginning in 2011, shall be \$800,000.00 for tax years  
 34 beginning in 2012, and shall be \$800,000.00 for tax years beginning in 2013, and  
 35 provided that Section 1106 of federal Public Law 112-95 shall be treated as if it is in  
 36 effect, except the phrase 'Code Section 48-2-35 (or, if later, November 15, 2013)' shall  
 37 be substituted for the phrase 'section 6511(a) of such Code (or, if later, April 15, 2013),'  
 38 and notwithstanding any other provision in this title, no interest shall be refunded with  
 39 respect to any claim for refund filed pursuant to Section 1106 of federal Public Law  
 40 112-95. In the event a reference is made in this title to the Internal Revenue Code or the  
 41 Internal Revenue Code of 1954 as it existed on a specific date prior to ~~January 3, 2013~~  
 42 January 1, 2014, the term means the provisions of the Internal Revenue Code or the  
 43 Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided  
 44 in this title, any term used in this title shall have the same meaning as when used in a  
 45 comparable provision or context in the Internal Revenue Code of 1986, as amended. For  
 46 taxable years beginning on or after January 1, ~~2012~~ 2013, provisions of the Internal  
 47 Revenue Code of 1986, as amended, which were as of ~~January 3, 2013~~ January 1, 2014,  
 48 enacted into law but not yet effective shall become effective for purposes of Georgia  
 49 taxation on the same dates upon which they become effective for federal tax purposes."

50 **SECTION 2.**

51 Said title is further amended by revising paragraph (4) of subsection (f) of Code Section  
 52 48-2-32, relating to forms of payment, as follows:

53 "(4) In addition to the requirements contained in paragraphs (2), ~~(2.1)~~, and (3) of this  
 54 subsection, every third-party payroll provider who prepares or remits, or both, Georgia  
 55 withholding tax for more than 250 employers must pay the taxes by electronic funds  
 56 transfer. Also, such third-party payroll providers must submit all state withholding tax  
 57 registration applications electronically in the manner specified by the department. Any  
 58 state withholding tax registration applications that are not submitted electronically by  
 59 such third-party payroll provider in the manner specified by the department shall not be  
 60 considered by the department."

61 **SECTION 3.**

62 This Act shall become effective upon its approval by the Governor or upon its becoming law  
63 without such approval and Section 1 shall be applicable to all taxable years beginning on or  
64 after January 1, 2013.

65 **SECTION 4.**

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