

SENATE SUBSTITUTE TO HB 170:

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend various provisions of the Official Code of Georgia Annotated so as to provide for
 2 additional revenue necessary for funding transportation purposes in this state; to amend Title
 3 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to
 4 create the Special Joint Committee on Georgia Revenue Structure; to amend Title 32 of the
 5 Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to
 6 require an annual report from the Department of Transportation; to provide for payment of
 7 certain liabilities of the Department of Transportation; to amend Title 40 of the Official Code
 8 of Georgia Annotated, relating to motor vehicles and traffic, so as to levy a registration fee
 9 on alternative fueled vehicles; to amend Chapter 12 of Title 45 of the Official Code of
 10 Georgia Annotated, relating to the Governor, so as to limit the Governor's power to suspend
 11 the collection of certain motor fuel taxes and require ratification by the General Assembly;
 12 to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and
 13 taxation, so as to reduce the state income tax credits for low-emission vehicles to zero; to
 14 provide an income tax credit for local sales taxes paid on motor fuel; to provide for the
 15 elimination of state sales and use taxes with respect to certain sales of motor fuels; to revise
 16 the exemption from sales and use taxes for jet fuel and certain tax holidays; to provide for
 17 revised definitions of certain terms relating to prepaid motor fuel taxes; to provide a limit on
 18 local sales taxes on motor fuels; to change the rate and method of computation of the excise
 19 tax on motor fuels; to repeal the second motor fuel tax; to provide for editorial revision; to
 20 provide for a state fee on rental motor vehicles; to amend Part 3 of Article 2 of Chapter 10
 21 of Title 32 of the Official Code of Georgia Annotated, the "Georgia Transportation
 22 Infrastructure Bank Act," so as to provide revised criteria for determination of eligible
 23 projects by the Transportation Infrastructure Bank; to provide for a short title; to provide for
 24 related matters; to provide for an effective date and applicability; to repeal conflicting laws;
 25 and for other purposes.

26 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

27

PART I

28

SECTION 1-1.

29 This Act shall be known and may be cited as the "Transportation Funding Act of 2015."

30

SECTION 1-2.

31 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
32 amended by adding a new chapter to read as follows:

33

"CHAPTER 1234 28-12-1.

35 (a) There is created the Special Joint Committee on Georgia Revenue Structure which
36 shall consist of 12 members as follows:

37 (1) The President Pro Tempore of the Senate and the Speaker Pro Tempore of the House
38 of Representatives;

39 (2) The majority leader of the Senate and the majority leader of the House of
40 Representatives;

41 (3) The minority leader of the Senate and the minority leader of the House of
42 Representatives;

43 (4) The chairpersons of the Senate Finance Committee and the House Committee on
44 Ways and Means;

45 (5) Two members of the Senate to be appointed by the President of the Senate, one from
46 the majority party and one from the minority party; and

47 (6) Two members of the House of Representatives to be appointed by the Speaker of the
48 House of Representatives, one from the majority party and one from the minority party.

49 (b) The Special Joint Committee on Georgia Revenue Structure shall elect two persons,
50 one Senator and one Representative, to serve as co-chairpersons of the special joint
51 committee.

52 28-12-2.

53 (a) The Special Joint Committee on Georgia Revenue Structure created in Code Section
54 28-12-1 shall during the 2016 legislative session cause to be introduced in the House of
55 Representatives one or more bills or resolutions relating to tax reform, and such legislation
56 shall, after its introduction, be referred directly and only to the special joint committee.

57 (b) If the special joint committee recommends that one or more bills or resolutions referred
58 to it do pass or do pass by committee substitute, the measure or measures recommended

59 by the special joint committee shall then be in order for consideration only by the House
 60 of Representatives at any time fixed by the Speaker of the House of Representatives. Any
 61 such bill or resolution shall be reported directly to the floor of the House of Representatives
 62 and shall receive an up or down vote as reported from the special joint committee without
 63 amendment.

64 (c) If one or more bills or resolutions referred by the special joint committee are passed
 65 by the House of Representatives, the measure or measures shall then be in order for
 66 consideration only by the Senate at any time fixed by the President of the Senate. Any
 67 such bill or resolution shall be reported directly to the floor of the Senate and shall receive
 68 an up or down vote as reported from the House of Representatives without amendment.

69 (d) Any bills or resolutions considered as provided for in this Code section shall be read
 70 three times on three separate days in each house and shall be considered in compliance with
 71 all other requirements of the Constitution.

72 (e) The rules of the Senate and the House of Representatives for the 2016 legislative
 73 session may, as adopted or as amended, contain such provisions as may be necessary or
 74 appropriate to comply with the legislative process specified by this Code section.

75 28-12-3.

76 This chapter shall stand repealed by operation of law on July 1, 2016."

77 **PART II**

78 **SECTION 2-1.**

79 Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries,
 80 is amended by adding a new Code section to read as follows:

81 "32-5-27.1.

82 (a) In addition to the requirements contained in Code Section 32-5-27, the department shall
 83 annually prepare and submit to the General Assembly, for approval by the Senate
 84 Transportation Committee and the House Committee on Transportation, a ten-year strategic
 85 plan that outlines the use of department resources for the upcoming fiscal years. The plan
 86 shall categorize and prioritize the specific projects within each category and the percentage
 87 of resources to be expended in each of the following areas:

88 (1) Construction of new highway projects;

89 (2) Maintenance of existing infrastructure;

90 (3) Bridge repairs and replacement;

91 (4) Safety enhancements; and

92 (5) Administrative expenses.

93 (b) Such plan shall also detail the source of the revenue dedicated to each category listed
 94 in subsection (a) of this Code section.

95 (c) Priority shall be given to expenditure of available resources for maintenance,
 96 expansion, and improvement of highway infrastructure in the areas of this state most
 97 impacted by traffic congestion and to areas of this state in need of highway infrastructure
 98 to aid in attracting economic development to the area.

99 (d) Such plan shall also bring forward all efficiencies found within the bureaucracy of the
 100 Department and how those funds have been redirected to road construction”.

101 **SECTION 2-2.**

102 Said title is further amended by adding a new Code section to read as follows:

103 ”32-5-32.

104 It is the intention of the General Assembly, subject to appropriations, to make available to
 105 the department on an annual basis \$250 million to be used exclusively for payment of any
 106 debt service the department has accrued. It is further the intention of the General Assembly
 107 that this investment will allow the department to allocate more of the proceeds from the
 108 motor fuel tax to building and maintaining roads and bridges throughout this state.”

109 **PART III**

110 **SECTION 3-1.**

111 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is
 112 amended by revising paragraph (7) of subsection (l) of Code Section 40-2-86.1, relating to
 113 certain special license plates, as follows:

114 ”(7)(A) A special license plate to be issued for alternative fueled vehicles, which
 115 license plate shall be similar in design to the license plate issued to all other residents
 116 of ~~the~~ this state except that the commissioner shall place a distinctive logo or emblem
 117 on the license plate which shall distinguish the vehicle as an alternative fueled vehicle
 118 eligible to travel in travel lanes designated for such vehicles under paragraph (4) of
 119 subsection (a) of Code Section 32-9-4. The words 'alternative fueled vehicle' shall be
 120 imprinted on such special license plate in lieu of the county name decal. The funds
 121 raised by the sale of this license plate shall be deposited in the general fund.

122 (B) As used in this paragraph, the term:

123 (i) 'Alternative fuel' means ~~methanol, denatured ethanol, and other alcohols; mixtures~~
 124 ~~containing 85 percent or more or such other percentage, but not less than 70 percent,~~
 125 ~~as determined by the United States secretary of energy, by rule as it existed on~~
 126 ~~January 1, 1997, to provide for requirements relating to cold start, safety, or vehicle~~

127 functions, by volume of methanol, denatured ethanol, and other alcohols with gasoline
 128 or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid
 129 fuels; fuels other than alcohol derived from biological materials; electricity including
 130 electricity from solar energy; and any other fuel the United States secretary of energy
 131 determined by rule as it existed on January 1, 1997, is substantially not petroleum and
 132 would yield substantial energy security benefits and substantial environmental
 133 benefits electricity, natural gas, and propane.

134 (ii) 'Alternative fueled vehicle' means: ~~(I) Any any vehicle fueled solely by~~
 135 ~~alternative fuel as defined in division (i) of this subparagraph, bi-fuel, or dual fuel; or~~
 136 ~~(II) A hybrid vehicle, which means a motor vehicle which draws propulsion energy~~
 137 ~~from onboard sources of stored energy which include an internal combustion or heat~~
 138 ~~engine using combustible fuel and a rechargeable energy storage system; and, in the~~
 139 ~~case of a passenger automobile or light truck, means for any 2000 and later model,~~
 140 ~~a vehicle which has received a certificate of conformity under the Clean Air Act, 42~~
 141 ~~U.S.C. Section 7401, et seq., and meets or exceeds the equivalent qualifying~~
 142 ~~California low-emission vehicle standard under Section 243(e)(2) of the Clean Air~~
 143 ~~Act, 42 U.S.C. Section 7583(c)(2), for that make and model year or, for any 2004~~
 144 ~~and later model, a vehicle which has received a certificate that such vehicle meets~~
 145 ~~or exceeds the Bin 5 Tier II emission level established in regulations prescribed by~~
 146 ~~the administrator of the Environmental Protection Agency under Section 202(i) of~~
 147 ~~the Clean Air Act, 42 U.S.C. Section 7521(i), for that make and model year vehicle~~
 148 ~~and which achieves a composite label fuel economy greater than or equal to 1.5~~
 149 ~~times the Model Year 2002 EPA composite class average for the same vehicle class~~
 150 ~~and which is made by a manufacturer.~~

151 (C) Pursuant to paragraph (19) of subsection (a) of Code Section 40-2-151, the
 152 applicant for a special license plate for any alternative fueled vehicle shall provide
 153 proof that he or she has paid the registration fee prescribed therein prior to the issuance
 154 of any special license plate under this paragraph."

155 SECTION 3-2.

156 Said title is further amended by revising the introductory language of and adding a new
 157 paragraph to subsection (a) of Code Section 40-2-151, relating to the annual license fees for
 158 the operation of vehicles, to read as follows:

159 "(a) The In conjunction with the payment of highway user impact fees pursuant to Code
 160 Section 40-2-151.1, the annual fees for the licensing of the operation of vehicles shall be
 161 as follows for each vehicle registered:"

162 “(19)(A)(i) Upon registration of an alternative fueled vehicle not operated
 163 for commercial purposes 200.00
 164 (ii) Upon registration of an alternative fueled vehicle operated for
 165 commercial purposes 300.00
 166 (B)(i) As used in this paragraph, the term 'alternative fueled vehicle' shall have the
 167 same meaning as in division (1)(7)(B)(ii) of Code Section 40-2-86.1; provided,
 168 however, that the fees in this paragraph shall not be assessed on vehicles which
 169 operate primarily on compressed natural gas, liquefied natural gas, or liquefied
 170 petroleum gas.
 171 (ii) The fees in this paragraph shall be in addition to any other fee imposed on the
 172 vehicle by this Code section.
 173 (iii) The fees in this paragraph shall be automatically adjusted on an annual basis by
 174 multiplying the percentage of increase or decrease in a given year in the Consumer
 175 Price Index by the current fee. The resulting calculation shall be added to the fees
 176 assessed by this paragraph. The first adjustment shall be calculated and implemented
 177 on July 1, 2016.”

178 **PART IV**
 179 **SECTION 4-1.**

180 Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to the Governor,
 181 is amended by revising Code Section 45-12-22, relating to the Governor's authority to
 182 suspend the collection of taxes, as follows:

183 “45-12-22.
 184 (a) Except as provided in subsection (b) of this Code section, the ~~The~~ Governor may
 185 suspend the collection of taxes, or any part thereof, due the state until the meeting of the
 186 next General Assembly but no longer; but he or she shall not otherwise interfere with the
 187 collection of taxes.
 188 (b) Unless there has been a state of emergency declaration by the Governor, the Governor
 189 shall not suspend or modify in any manner the collection of any rate of state motor fuel
 190 under Code Section 48-9-3 as it applies to sales of motor fuel and aviation gasoline as such
 191 terms are defined in Code Section 48-9-2. Any suspension or modification of any rate of
 192 state motor fuel taxes under this subsection by the Governor shall be effective only until
 193 the next meeting of the General Assembly which must ratify such suspension or
 194 modification by a two-thirds' vote of both chambers. In the event the General Assembly
 195 fails to ratify the Governor's actions, state motor fuel taxes under this subsection shall be

196 collected at the rate specified absent such suspension or modification and any amounts
 197 unpaid due to such suspension or modification shall be collected using such rate."

198 **PART V**

199 **SECTION 5-1.**

200 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 201 amended by revising subsection (b) of Code Section 48-7-40.16, relating to state income tax
 202 credits for low-emission vehicles, as follows:

203 "(b)(1) A tax credit is allowed against the tax imposed under this article to a taxpayer for
 204 the purchase or lease of a new low-emission vehicle or new zero emission vehicle that
 205 is registered in the State of Georgia. The amount of the credit shall be:

206 (~~1~~)(A) For any new low-emission vehicle, 10 percent of the cost of such vehicle or
 207 \$2,500.00, whichever is less; and

208 (~~2~~)(B) For any new zero emission vehicle, 20 percent of the cost of such vehicle or
 209 \$5,000.00, whichever is less.

210 (2) For any new low-emission vehicle or new zero emission vehicle purchased or leased
 211 on or after July 1, 2015, the amount of the credit shall be \$0.00."

212 **SECTION 5-1A.**

213 Said title is further amended by adding a new Code section to read as follows:

214 "48-7-40.31.

215 (a) As used in this Code section, the term:

216 (1) 'Diesel fuel' means a fuel oil as defined under paragraph (6) of Code Section 48-9-2
 217 used to propel a qualified motor vehicle on the public highways.

218 (2) 'Local sales and use taxes' means any sales tax, use tax, or local sales and use tax
 219 which is levied and imposed in an area consisting of less than the entire state, however
 220 authorized, including, but not limited to, such taxes authorized by or pursuant to
 221 constitutional amendment; by or pursuant to Section 25 of an Act approved March 10,
 222 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid
 223 Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of Chapter 8 of
 224 this title.

225 (3) 'Qualified motor carrier' means any person who operates or causes to be operated any
 226 qualified motor vehicle on any highway in this state and during the taxable year for which
 227 the credit under this Code section is claimed was a licensee holding a valid, uncanceled
 228 license issued by a base jurisdiction. The terms 'licensee,' 'license,' and 'base jurisdiction'

229 as used in this Code section shall have the same meaning as those terms are defined under
 230 the International Fuel Tax Agreement, as amended.

231 (4) 'Qualified motor vehicle' means a motor vehicle used, designed, or maintained for
 232 transportation of persons or property and:

233 (A) Having two axles and a gross vehicle weight or registered gross vehicle weight
 234 exceeding 26,000 pounds or 11,797 kilograms;

235 (B) Having three or more axles regardless of weight; or

236 (C) Used in combination, when the weight of such combination exceeds 26,000 pounds
 237 or 11,797 kilograms gross vehicle or registered gross vehicle weight.

238 The qualified motor vehicle must also have a valid license and proper vehicle
 239 identification markers, including decals, issued pursuant to the International Fuel Tax
 240 Agreement, as amended, properly affixed to the motor vehicle. The term 'qualified motor
 241 vehicle' does not include recreational vehicles as defined under the International Fuel Tax
 242 Agreement, as amended.

243 (b) For taxable years beginning on or after January 1, 2016, any qualified motor carrier
 244 subject to the road tax under Code Section 48-9-31 and subject to the road tax reporting
 245 requirements under the International Fuel Tax Agreement, as amended, shall be entitled to
 246 a credit against the tax imposed under this chapter equivalent to the amount of local sales
 247 and use taxes on diesel fuel purchased and placed in the supply tank of a qualified motor
 248 vehicle by the qualified motor carrier within this state during the taxable year for use in
 249 operations either within or outside this state when the local sales and use taxes imposed in
 250 this state have been paid by the qualified motor carrier, and where such purchases of diesel
 251 fuel were reported as tax paid gallons on the qualified motor carrier's motor fuel tax returns
 252 submitted under the International Fuel Tax Agreement, as amended. Evidence of the
 253 payments of the local sales and use taxes in the form required by the commissioner shall
 254 be furnished by each qualified motor carrier claiming the credit allowed.

255 (c) In no event shall the amount of the tax credit under this Code section for a taxable year
 256 exceed the taxpayer's income tax liability. Any unused credit amount shall be allowed to
 257 be carried forward for five years from the close of the taxable year in which the purchase
 258 of diesel fuel occurred. No such credit shall be allowed the taxpayer against prior years'
 259 tax liability.

260 (d) No credit shall be allowed under this Code section with respect to any amount
 261 deducted from taxable net income by the taxpayer.

262 (e) The commissioner may promulgate any rules and regulations necessary to implement
 263 and administer this Code section."

264

SECTION 5-2.

265 Said title is further amended by revising paragraphs (23) and (24) of Code Section 48-8-2,
 266 relating to definitions regarding state sales and use taxes, as follows:

267 "(23) 'Prepaid local tax' means any local sales and use tax which is levied on the sale or
 268 use of motor fuel and imposed in an area consisting of less than the entire state, however
 269 authorized, including, but not limited to, such taxes authorized by or pursuant to
 270 constitutional amendment; by or pursuant to Section 25 of an Act approved March 10,
 271 1965 (Ga. L. 1965, p. 2243), as amended, known as the 'Metropolitan Atlanta Rapid
 272 Transit Authority Act of 1965'; or by or pursuant to Article 2, 2A, 3, or 4 of this chapter.
 273 Such tax is based on the same average retail sales price ~~as set forth in subparagraph~~
 274 ~~(b)(2)(B) of Code Section 48-9-14~~ as compiled by the Energy Information Agency of the
 275 United States Department of Energy, the Oil Pricing Information Service, or a similar
 276 reliable published index less taxes imposed under Code Section 48-9-3 and all local sales
 277 and use or excise taxes levied on motor fuel. Such price shall be used to compute the
 278 prepaid sales tax rate for local jurisdictions by multiplying such retail price by the
 279 applicable rate imposed by the jurisdiction. The person collecting and reporting the
 280 prepaid local tax for the local jurisdiction shall provide a schedule as to which jurisdiction
 281 these collections relate. This determination shall be based upon the shipping papers of
 282 the conveyance that delivered the motor fuel to the dealer or consumer in the local
 283 jurisdiction. A seller may rely upon the representation made by the purchaser as to which
 284 jurisdiction the shipment is bound and prepare shipping papers in accordance with those
 285 instructions.

286 (24) ~~'Prepaid state tax' means the tax levied under Code Section 48-8-30 in conjunction~~
 287 ~~with Code Section 48-8-3.1 and Code Section 48-9-14 on the retail sale of motor fuels~~
 288 ~~for highway use and collected prior to that retail sale. This tax is based upon the average~~
 289 ~~retail sales price as set forth in Code Section 48-9-14~~ Reserved."

290 **SECTION 5-3.**

291 Said title is further amended by revising paragraphs (33.1), (75), and (82) of Code Section
 292 48-8-3, relating to exemptions from state sales and use taxes, as follows:

293 "(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport,
 294 to the extent provided in subparagraphs (B) and (C) of this paragraph.

295 (B)(i) ~~For the period of time beginning July 1, 2011, and ending June 30, 2012, the~~
 296 ~~sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be~~
 297 ~~exempt from state sales and use tax until the aggregate state sales and use tax liability~~
 298 ~~of the taxpayer during such period with respect to jet fuel exceeds \$20 million,~~
 299 ~~computed as if the exemption provided in this division was not in effect during such~~
 300 ~~period. Thereafter during such period, the exemption provided by this division shall~~

301 ~~not apply to the sale or use of jet fuel to or by the qualifying airline. For purposes of~~
 302 ~~this division, the terms 'qualifying airline' and 'qualifying airport' shall have the same~~
 303 ~~meanings as those terms were defined under the prior provisions of this paragraph as~~
 304 ~~it existed immediately prior to July 1, 2012.~~

305 (ii) For the period of time beginning July 1, 2012, and ending on June 30, 2015, the
 306 sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be
 307 exempt from 1 percent of the 4 percent state sales and use tax.

308 (C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall
 309 be exempt at all times from the sales or use tax levied and imposed as authorized
 310 pursuant to Part 1 of Article 3 of this chapter. As used in this subparagraph, the term
 311 'qualifying airport' means any airport in this state that has had more than 750,000
 312 takeoffs and landings during a calendar year, and the term 'qualifying airline' shall have
 313 the same meaning as set forth in subparagraph (E) of this paragraph.

314 (D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall
 315 not apply to any other local sales and use tax levied or imposed at any time in any area
 316 consisting of less than the entire state, however authorized, not to exceed the rate at
 317 which such taxes were levied as of January 1, 2014, including, but not limited to, such
 318 taxes authorized by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga.
 319 L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act
 320 of 1965,' or such taxes as authorized by or pursuant to Part 2 of Article 3 or Article 2,
 321 2A, or 4 of this chapter.

322 (E) For purposes ~~of division (ii)~~ of subparagraph (B) of this paragraph and paragraph
 323 (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any
 324 person which is authorized by the Federal Aviation Administration or appropriate
 325 agency of the United States to operate as an air carrier under an air carrier operating
 326 certificate and which provides regularly scheduled flights for the transportation of
 327 passengers or cargo for hire.

328 (F) For purposes ~~of division (ii)~~ of subparagraph (B) of this paragraph and paragraph
 329 (2) of subsection (d) of Code Section 48-8-241, the term 'qualifying airport' means a
 330 certificated air carrier airport in Georgia.

331 (G) On or after July 1, 2017, revenue derived from the levy of sales and use taxes on
 332 jet fuel shall be used for a state aviation program or airport related purposes to the
 333 extent required to comply with 49 U.S.C. Sections 47107(b) and 47113. Any portion
 334 of such revenue so derived which is in excess of the amount required for purposes of
 335 such compliance with federal law may be appropriated by the General Assembly for
 336 other purposes.

337 ~~(G)~~(H) The commissioner shall adopt rules and regulations to carry out the provisions
 338 of this paragraph;"

339 ~~"(75)(A) The sale of eligible property. The exemption provided by this paragraph applies~~
 340 ~~only to sales occurring during periods:~~

341 ~~(i) Commencing at 12:01 A.M. on August 1, 2014, and concluding at 12:00 Midnight~~
 342 ~~on August 2, 2014; and~~

343 ~~(ii) Commencing at 12:01 A.M. on July 31, 2015, and concluding at 12:00 Midnight~~
 344 ~~on August 1, 2015.~~

345 ~~(B) As used in this paragraph, the term:~~

346 ~~(i) 'Clothing' means all human wearing apparel suitable for general use and includes~~
 347 ~~footwear. The term 'clothing' excludes belt buckles sold separately; costume masks~~
 348 ~~sold separately; patches and emblems sold separately; sewing equipment and supplies;~~
 349 ~~including but not limited to knitting needles, patterns, pins, scissors, sewing machines;~~
 350 ~~sewing needles, tape measures, and thimbles; sewing materials that become part of~~
 351 ~~clothing, including but not limited to buttons, fabric, lace, thread, yarn, and zippers;~~
 352 ~~and clothing accessories or equipment.~~

353 ~~(ii) 'Clothing accessories or equipment' means incidental items worn on the person~~
 354 ~~or in conjunction with clothing.~~

355 ~~(iii) 'Computer' means an electronic device that accepts information in digital or~~
 356 ~~similar form and manipulates it for a result based on a sequence of instructions. The~~
 357 ~~term 'computer' excludes cellular phones.~~

358 ~~(iv) 'Computer software' means a set of coded instructions designed to cause a~~
 359 ~~computer or automatic data processing equipment to perform a task.~~

360 ~~(v) 'Eligible property' means:~~

361 ~~(I) Articles of clothing with a sales price of \$100.00 or less per item;~~

362 ~~(II) Computers, computer components, and prewritten computer software~~
 363 ~~purchased for noncommercial home or personal use with a sales price of \$1,000.00~~
 364 ~~or less per item; and~~

365 ~~(III) School supplies, school art supplies, school computer supplies, and school~~
 366 ~~instructional materials purchased for noncommercial use with a sales price of~~
 367 ~~\$20.00 or less per item.~~

368 ~~(vi) 'Prewritten computer software' means computer software, including prewritten~~
 369 ~~upgrades, which is not designed and developed by the author or other creator to the~~
 370 ~~specifications of a specific purchaser. The combining of two or more prewritten~~
 371 ~~computer software programs or prewritten portions thereof does not cause the~~
 372 ~~combination to be other than prewritten computer software. Prewritten computer~~
 373 ~~software includes software designed and developed by the author or other creator to~~

374 the specifications of a specific purchaser when it is sold to a person other than the
 375 specific purchaser. Where a person modifies or enhances computer software of which
 376 the person is not the author or creator, the person shall be deemed to be the author or
 377 creator only of such person's modifications or enhancements. Prewritten computer
 378 software or a prewritten portion thereof that is modified or enhanced to any degree,
 379 where such modification or enhancement is designed and developed to the
 380 specifications of a specific purchaser, remains prewritten computer software;
 381 provided, however, that where there is a reasonable, separately stated charge or an
 382 invoice or other statement of the price given to the purchaser for such modification
 383 or enhancement, such modification or enhancement shall not constitute prewritten
 384 computer software.

385 (vii) 'School art supply' means an item commonly used by a student in a course of
 386 study for artwork.

387 (viii) 'School computer supply' means an item commonly used by a student in a
 388 course of study in which a computer is used.

389 (ix) 'School instructional material' means written material commonly used by a
 390 student in a course of study as a reference and to learn the subject being taught.

391 (x) 'School supply' means an item commonly used by a student in a course of study.

392 (C) The commissioner shall promulgate any rules and regulations necessary to
 393 implement and administer this paragraph including but not be limited to a list of those
 394 articles and items qualifying for the exemption pursuant to this paragraph Reserved;"

395 "(82)(A) Purchase of Energy Star Qualified Products or WaterSense Products with a
 396 sales price of \$1,500.00 or less per product purchased for noncommercial home or
 397 personal use. The exemption provided by this paragraph shall apply only to sales:

398 (i) Commencing at 12:01 A.M. on October 3, 2014, and concluding at 12:00
 399 Midnight on October 5, 2014; and

400 (ii) Commencing at 12:01 A.M. on October 2, 2015, and concluding at 12:00
 401 Midnight on October 4, 2015.

402 (B) As used in this paragraph, the term:

403 (i) 'Energy Star Qualified Product' means any dishwasher, clothes washer, air
 404 conditioner, ceiling fan, fluorescent light bulb, dehumidifier, programmable
 405 thermostat, refrigerator, door, or window that meets the energy efficient guidelines
 406 set by the United States Environmental Protection Agency and the United States
 407 Department of Energy and is authorized to carry the Energy Star label.

408 (ii) 'WaterSense Product' means a product authorized to bear the United States
 409 Environmental Protection Agency WaterSense label.

410 ~~(C) The exemption provided for in subparagraph (A) of this paragraph shall not apply~~
 411 ~~to purchases of Energy Star Qualified Products or WaterSense Products purchased for~~
 412 ~~trade, business, or resale.~~

413 ~~(D) The commissioner shall promulgate any rules and regulations necessary to~~
 414 ~~implement and administer this paragraph~~ Reserved;"

415 **SECTION 5-4.**

416 Said title is further amended by revising subsections (a) and (b) of Code Section 48-8-3.1,
 417 relating to sales tax exemptions as applied to motor fuels, as follows:

418 "(a) Except as provided in subsection (b) of this Code section, sales of motor fuels as
 419 defined in paragraph (9) of Code Section 48-9-2 shall be exempt from the ~~first 3 percent~~
 420 ~~of the state~~ sales and use taxes levied or imposed by this article ~~and shall be subject to the~~
 421 ~~remaining 1 percent of the sales and use taxes levied or imposed by this article.~~

422 (b) Sales of motor fuel, other than gasoline, ~~which motor fuel other than gasoline is~~
 423 purchased for purposes other than propelling motor vehicles on public highways as defined
 424 in Article 1 of Chapter 9 of this title shall be fully subject to the ~~4 percent~~ state sales and
 425 use taxes levied or imposed by this article unless otherwise specifically exempted by this
 426 article."

427 **SECTION 5-5.**

428 Said title is further amended by revising subsection (k) of Code Section 48-8-30, relating to
 429 the imposition, rate, and collection of state sales tax, as follows:

430 "(k) The prepaid local tax shall be imposed at the time tax is imposed ~~under subparagraph~~
 431 ~~(b)(2)(B) of Code Section 48-9-14~~ under Code Section 48-9-3."

432 **SECTION 5-6.**

433 Said title is further amended by revising paragraph (2) of subsection (b) of Code Section
 434 48-8-49, relating to dealers' returns as gross proceeds of sales and purchases, as follows:

435 "(2) If the tax liability of a dealer in the preceding calendar year was greater than
 436 \$60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the
 437 commissioner not less than 50 percent of the estimated tax liability for the taxable period
 438 on or before the twentieth day of the period. The amount of the payment of the estimated
 439 tax liability shall be credited against the amount to be due on the return required under
 440 subsection (a) of this Code section. ~~This subsection shall not apply to any dealer whose~~
 441 ~~primary business is the sale of motor fuels who is remitting prepaid state tax under~~
 442 ~~paragraph (2) of subsection (b) of Code Section 48-9-14."~~

443

SECTION 5-7.

444 Said title is further amended by revising paragraphs (2), (3), and (4) of subsection (b) of
 445 Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax, as
 446 follows:

447 "(2) With respect to each certificate of registration number on such return, a deduction
 448 of one-half of 1 percent of that portion exceeding \$3,000.00 of the combined total amount
 449 of all sales and use taxes reported due on such return for each location other than the
 450 taxes specified in paragraph (3) of this subsection; and

451 (3) With respect to each certificate of registration number on such return, a deduction of
 452 3 percent of the combined total amount due of all sales and use taxes on motor fuel as
 453 defined under paragraph (9) of Code Section 48-9-2, which are imposed under any
 454 provision of this title, including, but not limited to, sales and use taxes on motor fuel
 455 imposed under any of the provisions described in subsection (f) of this Code section, but
 456 not including Code Section 48-9-14; and

457 ~~(4) A deduction with respect to Code Section 48-9-14, as defined in Code Section~~
 458 ~~48-8-2, shall be at the rate of one-half of 1 percent of the total amount due of the prepaid~~
 459 ~~state tax reported due on such return, so long as the return and payment are timely,~~
 460 ~~regardless of the classification of tax return upon which the remittance is made."~~

461

SECTION 5-8.

462 Said title is further amended by revising Code Section 48-8-82, relating to authorization of
 463 counties and municipalities to impose a joint sales and use tax, as follows:

464 "48-8-82.

465 (a) When the imposition of a joint county and municipal sales and use tax is authorized
 466 according to the procedures provided in this article within a special district, the county
 467 whose geographical boundary is conterminous with that of the special district and each
 468 qualified municipality located wholly or partially within the special district shall levy a
 469 joint sales and use tax at the rate of 1 percent, except as provided in subsection (b) of this
 470 Code section. Except as to rate, the joint tax shall correspond to the tax imposed and
 471 administered by Article 1 of this chapter. No item or transaction which is not subject to
 472 taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article,
 473 except that the joint tax provided in this article shall be applicable to sales of motor fuels
 474 as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable
 475 to the sale of food and food ingredients and alcoholic beverages only to the extent provided
 476 for in paragraph (57) of Code Section 48-8-3.

477 (b) On or after July 1, 2015, such joint sales and use tax levied on sales of motor fuels as
 478 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
 479 the motor fuel which is not more than \$3.39 per gallon."

480

SECTION 5-9.

481 Said title is further amended by revising subsection (b) of Code Section 48-8-102, relating
 482 to the creation of special districts and use of proceeds of the homestead option sales and use
 483 tax, as follows:

484 "(b)(1) When the imposition of a local sales and use tax is authorized according to the
 485 procedures provided in this article within a special district, the county whose
 486 geographical boundary is conterminous with that of the special district shall levy a local
 487 sales and use tax at the rate of 1 percent, except as provided in paragraph (2) of this
 488 subsection. Except as to rate, the local sales and use tax shall correspond to the tax
 489 imposed and administered by Article 1 of this chapter. No item or transaction which is
 490 not subject to taxation by Article 1 of this chapter shall be subject to the sales and use tax
 491 levied pursuant to this article, except that the sales and use tax provided in this article
 492 shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in
 493 Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients and
 494 alcoholic beverages only to the extent provided for in paragraph (57) of Code Section
 495 48-8-3.

496 (2) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
 497 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
 498 the motor fuel which is not more than \$3.39 per gallon."

499

SECTION 5-10.

500 Said title is further amended by revising subsection (c) of and by adding a new subsection
 501 to Code Section 48-8-110.1, relating to the authorization for a county special purpose local
 502 option sales tax, to read as follows:

503 "~~(c) Any~~ Except as provided in subsection (d) of this Code section, any tax imposed under
 504 this part shall be at the rate of 1 percent. Except as to rate, a tax imposed under this part
 505 shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction
 506 which is not subject to taxation under Article 1 of this chapter shall be subject to a tax
 507 imposed under this part, except that a tax imposed under this part shall apply to sales of
 508 motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be
 509 applicable to the sale of food and food ingredients and alcoholic beverages as provided for
 510 in Code Section 48-8-3.

511 (d) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
 512 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
 513 the motor fuel which is not more than \$3.39 per gallon."

514 **SECTION 5-11.**

515 Said title is further amended by revising Code Section 48-8-141, relating to imposition of a
 516 sales tax for educational purposes, as follows:

517 "48-8-141.

518 (a) Except as otherwise expressly provided in Article VIII, Section VI, Paragraph IV of
 519 the Constitution of Georgia, the sales tax for educational purposes which may be levied by
 520 a board of education of a county school district or concurrently by the board of education
 521 of a county school district and the board of education of each independent school district
 522 located within such county shall be imposed and levied by such board or boards of
 523 education and collected by the commissioner on behalf of such board or boards of
 524 education in the same manner as provided for under Part 1 of this article and the provisions
 525 of Part 1 of this article in particular, but without limitation, the provisions regarding the
 526 authority of the commissioner to administer and collect this tax, retain the 1 percent
 527 administrative fee, and promulgate rules and regulations governing this tax shall apply
 528 equally to such board or boards of education. The report required pursuant to Code Section
 529 48-8-122 shall be applicable; provided, however, that in addition to posting such report in
 530 a newspaper of general circulation as required by such Code section, such report may be
 531 posted on the searchable website provided for under Code Section 50-6-32.

532 (b) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
 533 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
 534 the motor fuel which is not more than \$3.39 per gallon."

535 **SECTION 5-12.**

536 Said title is further amended by revising subsection (c) of and adding a new subsection to
 537 Code Section 48-8-201, relating to the intergovernmental agreement for the distribution of
 538 tax proceeds from the water and sewer projects sales tax, as follows:

539 "(c) In the event a tax imposed under this article is imposed only by the municipality:

540 (1) No item or transaction which is not subject to taxation under Article 1 of this chapter
 541 shall be subject to a tax imposed under this article, except that a tax imposed under this
 542 article shall apply to:

543 (A) Sales of motor fuels as prepaid local tax as that term is defined in Code Section
 544 48-8-2;

545 (B) The sale of food and food ingredients and alcoholic beverages as provided for in
546 Code Section 48-8-3;

547 (C) The sale of natural or artificial gas used directly in the production of electricity
548 which is subsequently sold, notwithstanding paragraph (70) of Code Section 48-8-3;
549 and

550 (D) The furnishing for value to the public of any room or rooms, lodgings, or
551 accommodations which is subject to taxation under Article 3 of Chapter 13 of this title;
552 and

553 (2) A tax imposed under this article shall not apply to the sale of motor vehicles."

554 "(e) On or after July 1, 2015, such sales and use tax levied on sales of motor fuels as
555 defined in Code Section 48-9-2 shall be at the rate of 1 percent of the retail sales price of
556 the motor fuel which is not more than \$3.39 per gallon."

557 **SECTION 5-13.**

558 Said title is further amended by revising Code Section 48-9-3, relating to an excise tax on
559 motor fuel, as follows:

560 "48-9-3.

561 (a)(1) An excise tax is imposed at the rate of ~~7 1/2¢~~ 24¢ per gallon on distributors who
562 sell or use motor fuel within this state. It is the intention of the General Assembly that
563 the legal incidence of the tax be imposed upon the distributor.

564 (1.1)(A) Beginning on July 1, 2016, and annually thereafter, the amount of this excise
565 tax per gallon on distributors shall be automatically adjusted on an annual basis in
566 accordance with this paragraph.

567 (B) The excise tax on motor fuel shall be automatically adjusted on an annual basis by
568 multiplying the percentage of increase or decrease in a given year in the Consumer
569 Price Index by the current tax rate. The resulting calculation shall be added to the
570 excise tax assessed by this subsection. The first adjustment shall be calculated and
571 implemented on July 1, 2016."

572 (2) In the event any motor fuels which are not commonly sold or measured by the gallon
573 are used in any motor vehicles on the public highways of this state, the commissioner
574 may assess, levy, and collect a tax upon such fuels, under such regulations as the
575 commissioner may promulgate, in accordance with and measured by the nearest power
576 potential equivalent to that of one gallon of regular grade gasoline. Any determination
577 by the commissioner of the power potential equivalent of such motor fuels shall be
578 prima-facie correct. Upon each such quantity of such fuels used upon the public
579 highways of this state, a tax at the same rate per gallon imposed on motor fuel under
580 paragraph (1) of this subsection shall be assessed and collected.

581 (3) No county, municipality, or other political subdivision of this state shall levy any fee,
 582 license, or other excise tax on a gallonage basis upon the sale, purchase, storage, receipt,
 583 distribution, use, consumption, or other disposition of motor fuel. Nothing contained in
 584 this article shall be construed to prevent a county, municipality, or other political
 585 subdivision of this state from levying license fees or taxes upon any business selling
 586 motor fuel.

587 (4)(A) For purposes of this subsection, and notwithstanding the provisions of
 588 paragraph (2) of this subsection and any provision contained in the National Bureau of
 589 Standards Handbook or any other national standard that may be adopted by law or
 590 regulation, the gallon equivalent of compressed natural gas shall be not less than
 591 110,000 British thermal units and the gallon equivalent of liquefied natural gas shall not
 592 be less than 6.06 pounds.

593 (B) As used in this paragraph, the term:

594 (i) 'Compressed natural gas' means a mixture of hydrocarbon gases and vapors,
 595 consisting principally of methane in gaseous form, that has been compressed for use
 596 as a motor fuel.

597 (ii) 'Liquefied natural gas' means methane or natural gas in the form of a cryogenic
 598 or refrigerated liquid for use as a motor fuel.

599 (b) No tax is imposed by this article upon or with respect to the following sales by duly
 600 licensed distributors:

601 (1) Bulk sales to a duly licensed distributor;

602 (2) Sales of motor fuel for export from this state when exempted by any provisions of
 603 the Constitutions of the United States or this state;

604 (3) Sales of motor fuel to a licensed distributor for export from this state;

605 (4) Sales of motor fuel to the United States for the exclusive use of the United States
 606 when the motor fuel is purchased and paid for by the United States;

607 (5) Sales of aviation gasoline to a duly licensed aviation gasoline dealer, except for 1¢
 608 per gallon of the tax imposed by paragraph (1) of subsection (a) of this Code section ~~and~~
 609 ~~all of the tax imposed by Code Section 48-9-14;~~

610 (6) Bulk sales of compressed petroleum gas or special fuel to a duly licensed consumer
 611 distributor;

612 (7)(A) Sales of compressed petroleum gas or special fuel to a consumer who has no
 613 highway use of the fuel at the time of the sale and does not resell the fuel. Consumers
 614 of compressed petroleum gas or special fuel who have both highway and nonhighway
 615 use of the fuel and resellers of such fuel must be licensed as distributors in order for
 616 sales of the fuel to be tax exempt. Each type of motor fuel is to be considered
 617 separately under this exemption.

618 (B)(i) In instances where a sale of compressed petroleum gas has been made to an
619 ultimate consumer who has both highway and nonhighway use of that type of motor
620 fuel and no tax has been paid by the distributor on the sale, the consumer shall
621 become licensed as a consumer distributor of that type of motor fuel. After the
622 consumer is licensed as a consumer distributor and if it is demonstrated to the
623 satisfaction of the commissioner that the motor fuel purchased prior to the licensee's
624 becoming licensed as a consumer distributor was used for nonhighway purposes, such
625 sales shall be exempt from the tax imposed by this article; provided, however, that,
626 if at the time of demonstration the ultimate consumer does not have both highway and
627 nonhighway use of such fuel but it can be demonstrated by the distributor to the
628 satisfaction of the commissioner that the motor fuel was used for nonhighway
629 purposes, the sales shall be exempt from the tax imposed by this article; and

630 (ii)(I) Any special fuel sold by a distributor to a purchaser who has a storage
631 receptacle which has a connection to a withdrawal outlet that may be used for
632 highway use, as defined in paragraph (8) of Code Section 48-9-2, is not exempt
633 from the motor fuel and road taxes imposed by this article unless: (1) the purchaser
634 is at the time of sale a valid licensed distributor of that type of motor fuel, or (2) an
635 exemption certificate has been obtained from the purchaser on forms furnished by
636 the Department of Revenue showing that the purchaser has no highway use of such
637 fuels and is not a reseller of such fuels. Each exemption certificate shall be valid
638 for a period of not more than three years and shall be kept by the distributor as one
639 of the records specified in Code Section 48-9-8. It shall be the responsibility of the
640 purchaser to notify the distributor when the purchaser is no longer qualified for the
641 nonhighway exemption. All applicable taxes must be charged the purchaser until
642 the purchaser is granted a valid distributor's license for that type of motor fuel.

643 (II) Any such purchaser granted an exemption under subdivision (I) of this division
644 who falsely claims the exemption or fails to rescind the purchaser's exemption
645 certificate to the distributor in writing when he or she is no longer eligible for the
646 exemption shall be deemed a distributor for purposes of taxation and is subject to
647 all provisions of this article relating to distributors. This division in no way shall
648 restrict the option of the purchaser to become licensed as a distributor. If the
649 distributor sells special fuel to a purchaser who has a storage receptacle which has
650 a connection to a withdrawal outlet that may be used for highway use, as defined in
651 paragraph (8) of Code Section 48-9-2, and the purchaser is not a valid licensed
652 distributor and has not executed a valid signed exemption certificate, the taxes
653 imposed by this article are due from the distributor and not the purchaser on all sales
654 of that type of fuel to that purchaser;

655 (8) Sales of fuel oils, compressed petroleum gas, or special fuel directly to an ultimate
656 consumer to be used for heating purposes only. The delivery of fuel oils, compressed
657 petroleum gas, or special fuel directly to an ultimate consumer to be used for heating
658 purposes only shall be made directly into the storage receptacle of the heating unit of the
659 consumer by the licensed distributor. To qualify for this exemption, sales must be
660 delivered into storage receptacles that are not equipped with any secondary withdrawal
661 outlets for the motor fuel;

662 (9) Sales of dyed fuel oils to a consumer for other than highway use as defined in
663 paragraph (8) of Code Section 48-9-2;

664 (10)(A) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel,
665 as defined in paragraph (9) of Code Section 48-9-2, for public mass transit vehicles
666 which are owned by public transportation systems which receive or are eligible to
667 receive funds pursuant to 49 U.S.C. Sections 5307 and 5311 for which passenger fares
668 are routinely charged and which vehicles are used exclusively for revenue generating
669 purposes which motor fuel sales occur at bulk purchase facilities approved by the
670 department.

671 (B) During the period of July 1, 2012, through June 30, 2015, sales of motor fuel, as
672 defined in paragraph (9) of Code Section 48-9-2, for vehicles operated by a public
673 campus transportation system, provided that such system has a policy which provides
674 for free transfer of passengers from the public transportation system operated by the
675 jurisdiction in which the campus is located; makes the general public aware of such free
676 transfer policy; and receives no state or federal funding to assist in the operation of such
677 public campus transportation system and which motor fuel sales occur at bulk purchase
678 facilities approved by the department.

679 (C) For purposes of this paragraph, the term 'vehicle' or 'vehicles' means buses, vans,
680 minibuses, or other vehicles which have the capacity to transport seven or more
681 passengers; or

682 (11) For the period of time beginning July 1, 2013, and ending June 30, 2015, sales of
683 motor fuel to public school systems in this state for the exclusive use of the school system
684 in operating school buses when the motor fuel is purchased and paid for by the school
685 system.

686 (c) Fuel oils, compressed petroleum gas, or special fuel used by a duly licensed distributor
687 for nonhighway purposes is exempt from the tax imposed by this article.

688 (d) No export from this state shall be recognized as being exempt from tax under
689 paragraphs (2) and (3) of subsection (b) of this Code section unless the exporter informs
690 the seller and the terminal operator of the intention to export and causes to be set out the
691 minimum information specified in subsection (e) of Code Section 48-9-17 on the bill of

692 lading or equivalent documentation under which the motor fuel is transported. In the event
 693 that the motor fuel is delivered to any point other than that which is set out on the bill of
 694 lading or equivalent documentation, the legal incidence of the tax shall continue to be
 695 imposed exclusively upon the exporter who caused the export documentation to be issued
 696 and no exemption shall be recognized until suitable proof of exportation has been provided
 697 to the commissioner."

698 **SECTION 5-14.**

699 Said title is further amended by repealing in its entirety Code Section 48-9-14, relating to the
 700 second motor fuel tax, and designating said Code section as reserved.

701 **SECTION 5-15.**

702 Said title is further amended by designating the existing provisions of Article 5 of Chapter
 703 13, relating to excise taxes on rental motor vehicles, as Part 1 and adding a new Part 2 to read
 704 as follows:

705 "Part 2

706 48-13-100.

707 (a) On or after July 1, 2015, each rental motor vehicle concern renting or leasing motor
 708 vehicles in this state shall charge a \$5.00 per day fee to the customer for each calendar day
 709 such vehicle is rented or leased. The rental motor vehicle concern shall collect the fee at
 710 the time the customer pays for the rental or lease of the vehicle. The rental motor vehicle
 711 concern collecting the fee shall remit the fee on a monthly basis to the department.

712 (b) Nothing in this Code section shall be construed to impair any existing contract.

713 (c) The commissioner shall promulgate and make available forms for the use of rental
 714 motor vehicle concerns to assist in compliance with this Code section. The commissioner
 715 may promulgate rules and regulations as necessary to implement the provisions of this
 716 Code section.

717 (d) It is the intention of the General Assembly, subject to appropriations, that the fees
 718 collected pursuant to subsection (a) of this Code section shall be made available and used
 719 exclusively for transportation projects in this state."

720 **PART VI**

721 **SECTION 6-1.**

722 Part 3 of Article 2 of Chapter 10 of Title 32 of the Official Code of Georgia Annotated, the
 723 "Georgia Transportation Infrastructure Bank Act," is amended by revising subsection (b) of
 724 Code Section 32-10-127, relating to loans and other financial assistance and the
 725 determination of eligible projects, as follows:

726 "(b)(1) The board shall determine which projects are eligible projects and then select
 727 from among the eligible projects qualified projects. When determining eligibility, the
 728 board shall make every effort to balance any loans or other financial assistance among
 729 all regions of this state.

730 (2) Preference for loans may be given to eligible projects which have local financial
 731 support in tier 1 and tier 2 counties, as defined in Code Section 48-7-40 and by the
 732 Department of Community Affairs.

733 (3) Preference for grants and other financial assistance may be given to eligible projects
 734 which have local financial support."

735 **PART VII**
 736 **SECTION 7-1.**

737 (a) This Act shall become effective on July 1, 2015.

738 (b) Tax, penalty, and interest liabilities and refund eligibility for prior taxable years shall not
 739 be affected by the passage of this Act and shall continue to be governed by the provisions of
 740 Title 48 of the Official Code of Georgia Annotated as it existed immediately prior to the
 741 effective date of this Act.

742 **SECTION 7-2.**

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