

Senate Bill 328

By: Senators Albers of the 56th, Hufstetler of the 52nd, Cowser of the 46th, Hill of the 4th,
Watson of the 1st and others

AS PASSED

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, and exemptions from state income tax, so as to
3 modify income taxation of corporations; to provide for the expiration of certain income tax
4 credits; to provide for related matters; to provide for an effective date and applicability; 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, and exemptions from state income tax, is amended in Code
10 Section 48-7-21, relating to taxation of corporations, by revising subparagraph (b)(8)(A) as
11 follows:

12 "(A) A corporation from sources outside the United States as defined in the Internal
13 Revenue Code of 1986. For purposes of this subparagraph, dividends received by a
14 corporation from sources outside of the United States shall include amounts treated as
15 a dividend and income deemed to have been received under provisions of the Internal
16 Revenue Code of 1986 by such corporation if such amounts could have been subtracted
17 from taxable income under this paragraph, had such amounts actually been received ~~but~~
18 ~~shall not include income specified in Section 951A of the Internal Revenue Code of~~
19 ~~1986.~~ The deduction provided by Section 250 shall apply to the extent the same
20 income was included in Georgia taxable net income. The deduction, exclusion, or
21 subtraction provided by Section 245A, Section 965, or any other section of the Internal
22 Revenue Code of 1986 shall not apply to the extent income has been subtracted
23 pursuant to this subparagraph. Amounts to be subtracted under this subparagraph shall
24 include the following unless excluded by this paragraph, as defined by the Internal
25 Revenue Code of 1986:

26 (i) Qualified electing fund income;

27 (ii) Subpart F income, including income specified in Section 951A of the Internal
28 Revenue Code of 1986; and

29 (iii) Income attributable to an increase in United States property by a controlled
30 foreign corporation.

31 The amount subtracted under this subparagraph shall be reduced by any expenses
32 directly attributable to the dividend income; and"

33 **SECTION 2.**

34 Said article is further amended in Code Section 48-7-29.3, relating to income tax credits for
35 federal qualified transportation fringe benefits, by adding a new subsection to read as
36 follows:

37 "(e) This Code section shall stand repealed on December 31, 2018."

38 **SECTION 3.**

39 Said article is further amended in Code Section 48-7-29.5, relating to income tax credits for
40 private driver education courses, by adding a new subsection to read as follows:

41 "(f) This Code section shall stand repealed on December 31, 2018."

42 **SECTION 4.**

43 Said article is further amended in Code Section 48-7-40.19, relating to income tax credits for
44 diesel particulate emission reduction technology equipment, by adding a new subsection to
45 read as follows:

46 "(e) This Code section shall stand repealed on December 31, 2018."

47 **SECTION 5.**

48 This Act shall become effective upon its approval by the Governor or upon its becoming law
49 without such approval and shall be applicable to all taxable years beginning on or after
50 January 1, 2018.

51 **SECTION 6.**

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