

House Bill 1044 (AS PASSED HOUSE AND SENATE)

By: Representatives Pirkle of the 155<sup>th</sup>, Watson of the 172<sup>nd</sup>, England of the 116<sup>th</sup>, Jasperse of the 11<sup>th</sup>, Corbett of the 174<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to provide for the creation of regional industrial development authorities; to provide an  
3 enhancement for the quality jobs tax credit for such authorities; to provide for a definition  
4 of cable service and video service in the "Consumer Choice for Television Act"; to provide  
5 for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
9 by adding a new Code section to read as follows:

10 "36-62-5.2.

11 (a) As used in this Code section, the term 'participating counties' means all counties party  
12 to a proper joint resolution as set forth in subsection (b) of this Code section.

13 (b) By proper joint resolution of the local governing bodies, an authority, to be known as  
14 a regional industrial development authority, may be created and activated by any group of  
15 three to five contiguous counties, provided that at least one-half of the members of the  
16 governing body from each county have completed a basic economic development training

17 course certified by the Department of Community Affairs as meeting certain minimum  
18 educational standards, which such department shall prescribe by rule and regulation.

19 (c) A regional industrial development authority so created shall be governed by this  
20 chapter in the same manner as other authorities created pursuant to this chapter, except as  
21 specifically provided otherwise in this Code section.

22 (d) A joint resolution creating and activating a regional industrial development authority  
23 shall specify the total number of members of the governing body of the authority, the  
24 number of such members to be appointed by each participating county, their respective  
25 terms of office, and their residency requirements.

26 (e) A joint resolution creating and activating a regional industrial development authority  
27 may be amended from time to time by appropriate concurrent joint resolutions of the  
28 regional industrial development authority and all of the participating counties.

29 (f) Each regional industrial development authority created pursuant to this Code section  
30 shall:

31 (1) Be an active, bona fide authority;

32 (2) Have a board of directors;

33 (3) Meet at least quarterly;

34 (4) Develop an operational business plan;

35 (5) Own property lying within one or more of the participating counties with all of the  
36 participating counties; and

37 (6) Maintain among itself and the participating counties an active intergovernmental  
38 agreement that provides for sharing:

39 (A) The operating expenses for all real property described in paragraph (5) of this  
40 subsection; and

41 (B) The proceeds generated from ad valorem taxes assessed and collected on all such  
42 real property, excluding the proceeds that are pledged to secure bonded indebtedness  
43 or dedicated by law to specific purposes inconsistent with such sharing.

44 (g) A county shall not belong to more than one regional industrial development authority.  
 45 (h) A taxpayer whose qualified investment property, as such terms are defined in Code  
 46 Section 48-7-40.17, is located on property as described in paragraph (5) of subsection (f)  
 47 of this Code section shall be eligible for a tax credit for each new quality job at such  
 48 location as provided by Code Section 48-7-40.17 for the lowest tier participating county  
 49 within the regional industrial development authority; provided, however, that the tax credit  
 50 authorized by this paragraph shall be subject to all other conditions and limitations  
 51 provided by Code Section 48-7-40.17."

52 **SECTION 1A.**

53 Said title is further amended in Code Section 36-76-2, relating to definitions, by revising  
 54 paragraphs (3) and (16) as follows:

55 "(3) 'Cable service' means the one-way transmission to subscribers of video programming  
 56 or other programming service and subscriber interaction, if any, which is required for the  
 57 selection or use of such video programming or other programming service. Such term  
 58 Cable service shall not include any video programming provided by a provider of  
 59 commercial mobile service as defined in 47 U.S.C. Section 332(d) or video programming  
 60 provided as part of and accessed via a service that ~~enable~~ enables users to access content,  
 61 information, ~~e-mail~~ email, or other services offered over the ~~public Internet~~ internet,  
 62 including digital audiovisual works."

63 "(16) 'Video service' means the provision by a video service provider of video  
 64 programming through wireline facilities located at least in part in the public rights of way  
 65 without regard to delivery technology, including ~~Internet~~ internet protocol technology.  
 66 Such This term shall not include any video programming provided by a provider of  
 67 commercial mobile service or direct-to-home satellite services, as defined in 47 U.S.C.  
 68 ~~Section 332(d)~~ Sections 332 (d) and 303(v), respectively, or video programming ~~provided~~  
 69 ~~as part of and~~ accessed via a service that enables users to access content, information,

70 ~~e-mail~~ email, or other services offered over the ~~public Internet~~ internet, including digital  
71 audiovisual works."

72 **SECTION 2.**

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