

House Bill 1529

By: Representatives O'Neal of the 117th, Burkhalter of the 36th, Parrish of the 102nd, Stephens of the 124th, Post 2, and Morris of the 120th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to
2 financial institutions, Chapter 9 of Title 10 of the Official Code of Georgia Annotated, the
3 "Geo. L. Smith II Georgia World Congress Center Act," Title 12 of the Official Code of
4 Georgia Annotated, relating to conservation and natural resources, Code Section 20-3-84 of
5 the Official Code of Georgia Annotated, relating to the Center for Trade and Technology
6 Transfer, Article 6 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated,
7 relating to aquaculture development, Chapter 7 of Title 45 of the Official Code of Georgia
8 Annotated, relating to salaries and fees of public officers and employees, Title 48 of the
9 Official Code of Georgia Annotated, relating to revenue and taxation, Code Section 49-5-241
10 of the Official Code of Georgia Annotated, relating to members of the Child Care Council,
11 and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as
12 to change the name of the Department of Industry, Trade, and Tourism to the Department of
13 Economic Development; to change the name of the Board of Industry, Trade, and Tourism
14 to the Board of Economic Development; to change the title of the commissioner of industry,
15 trade, and tourism to the commissioner of economic development; to make editorial
16 revisions; to provide for gender neutrality; to provide for related matters; to repeal conflicting
17 laws; and for other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial
21 institutions, is amended by striking paragraph (9) of Code Section 7-1-745, relating to
22 powers of business development corporations, and inserting in lieu thereof a new paragraph
23 (9) to read as follows:

24 "(9) To cooperate with and avail itself of the facilities of the United States Department
25 of Commerce, the Department of ~~Industry, Trade, and Tourism~~ Economic Development,
26 and any other similar state or federal governmental agencies and to cooperate with and

1 assist and otherwise encourage organizations in the various communities of this state in
 2 the promotion, assistance, and development of the business prosperity and economic
 3 well-being of such communities or of this state or any political subdivision thereof;".

4 **SECTION 2.**

5 Said title is further amended by striking paragraph (9) of Code Section 7-1-945, relating to
 6 powers of small minority business development corporations, and inserting in lieu thereof
 7 a new paragraph (9) to read as follows:

8 "(9) To cooperate with and avail itself of the facilities of the United States Department
 9 of Commerce, the Department of ~~Industry, Trade, and Tourism~~ Economic Development,
 10 and any other similar state or federal governmental agencies and to cooperate with and
 11 assist and otherwise encourage organizations in the various communities of this state in
 12 the promotion, assistance, and development of small minority business and the economic
 13 well-being of such communities or of this state or any political subdivision thereof;".

14 **SECTION 3.**

15 Chapter 9 of Title 10 of the Official Code of Georgia Annotated, the "Geo. L. Smith II
 16 Georgia World Congress Center Act," is amended by striking subsection (a) of Code Section
 17 10-9-4, relating to purpose of the Geo. L. Smith II Georgia World Congress Center
 18 Authority, and inserting in lieu thereof a new subsection (a) to read as follows:

19 "(a) Without limiting the generality of any provision of this chapter, the general purpose
 20 of the authority is declared to be that of acquiring, constructing, equipping, maintaining,
 21 and operating the project, in whole or in part, directly or under contract with the
 22 Department of ~~Industry, Trade, and Tourism~~ Economic Development or others, and
 23 engaging in such other activities as it deems appropriate to promote trade shows,
 24 conventions, and political, musical, educational, entertainment, recreational, athletic, or
 25 other events and related tourism within the state so as to promote the use of the project and
 26 the use of the industrial, agricultural, educational, historical, cultural, recreational,
 27 commercial, and natural resources of the State of Georgia by those using the project or
 28 visiting the state or who may use the project or visit the state."

29 **SECTION 4.**

30 Said chapter is further amended by striking Code Section 10-9-5, relating to transfer of duties
 31 from the Department of Industry, Tourism, and Trade, and inserting in lieu thereof a new
 32 Code Section 10-9-5 to read as follows:

1 "10-9-5.
 2 The authority is authorized and directed to contract with the Department of ~~Industry, Trade,~~
 3 ~~and Tourism~~ Economic Development to exercise on behalf of the department such future
 4 responsibility in connection with the acquisition, construction, operation, management, and
 5 maintenance of the project as is now or may be vested in the department; and the
 6 Department of ~~Industry, Trade, and Tourism~~ Economic Development is authorized by such
 7 contract to delegate to the authority all of its responsibilities and powers with respect to the
 8 project and to transfer to the authority any and all contracts, plans, documents, or other
 9 papers of said department relating to the project, together with any and all funds heretofore
 10 or hereafter appropriated to it for the acquisition, construction, operation, management, or
 11 maintenance of the project or for all other purposes related to the project, other than
 12 appropriations made specifically for debt service purposes, as compensation to the
 13 authority under such contract. Under contract with the Department of ~~Industry, Trade, and~~
 14 ~~Tourism~~ Economic Development, as herein authorized, the authority on behalf of the
 15 Department of ~~Industry, Trade, and Tourism~~ Economic Development shall plan, construct,
 16 erect, acquire, own, repair, remodel, maintain, add to, extend, improve, equip, operate, and
 17 manage the project, as hereinabove defined, on property owned by or leased by the State
 18 of Georgia in the City of Atlanta, Georgia, the cost of any such project to be paid in full or
 19 in part from the proceeds of general obligation bonds issued by the State of Georgia as the
 20 General Assembly may authorize or from such proceeds and other funds as may be
 21 available for such purposes, including any grant from the United States of America or any
 22 agency or instrumentality thereof. All actions of the authority and the Department of
 23 ~~Industry, Trade, and Tourism~~ Economic Development, or their predecessors, heretofore
 24 taken in connection with such contractual relationship, are ratified and confirmed and shall
 25 not be affected by any provision of this chapter. Nothing herein shall affect the powers or
 26 duties of the Georgia State Financing and Investment Commission or of the State
 27 Properties Commission. Nothing in this Code section nor anything in any contract between
 28 the authority and the Department of ~~Industry, Trade, and Tourism~~ Economic Development
 29 shall prevent the Department of ~~Industry, Trade, and Tourism~~ Economic Development
 30 from contracting with the Georgia Building Authority for the provision of a parking facility
 31 or for any other exercise of its powers necessary or convenient to the department."

32 **SECTION 5.**

33 Said chapter is further amended by striking Code Section 10-9-12, relating to acceptance of
 34 grants, contributions, and gifts of money, property, or services, and inserting in lieu thereof
 35 a new Code Section 10-9-12 to read as follows:

1 "10-9-12.
 2 The authority, in addition to the moneys received from the collection of revenues, rents,
 3 and earnings derived under the provisions of this chapter or from the Department of
 4 ~~Industry, Trade, and Tourism~~ Economic Development, shall have authority to accept from
 5 any entity or agency of the United States, of this state, or of any county, municipality,
 6 political subdivision, or public authority and from any private individual or entity, grants,
 7 contributions, or gifts of either money or property, real or personal, tangible or intangible,
 8 or services or other things of value, in the furtherance of the purposes and powers of the
 9 authority. Incident to the acceptance of any such grant, contribution, or gift, the authority
 10 may accept and bind itself to express terms and conditions imposed incident to the grant,
 11 contribution, or gift governing the use and application of the money or property or the use
 12 of disposition of any property acquired therewith, provided that such term or condition is
 13 expressly accepted by the authority, is consistent with the purposes and powers of the
 14 authority under this chapter, and is not inconsistent with the Constitution or laws of this
 15 state. Any such term or condition may require the authority to hold any money or property
 16 in trust separate from other money or property of the authority and any such money or
 17 property so held shall not be subject to any claims against or liability of the authority not
 18 arising from the use or application of the money or property so held or the operation of the
 19 property so held or acquired therewith."

20 **SECTION 6.**

21 Said chapter is further amended by striking subsection (a) of Code Section 10-9-16.2,
 22 relating to disposition of real property not required by the authority, and inserting in lieu
 23 thereof a new subsection (a) to read as follows:

24 "(a) This Code section does not apply to any real property:

25 (1) Held by the authority for management under Code Section 10-9-5 or contract with
 26 the Department of ~~Industry, Trade, and Tourism~~ Economic Development pursuant to such
 27 Code section;

28 (2) Held by the authority as lessee under lease from the Department of ~~Industry, Trade,
 29 and Tourism~~ Economic Development;

30 (3) Acquired by the authority with the proceeds of revenue bonds issued under Article
 31 3 of this chapter; or

32 (4) Acquired with the proceeds of appropriations or bonds issued by the state assigned
 33 to the authority for management."

SECTION 7.

1
2 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
3 resources, is amended by striking subsection (j) of Code Section 12-2-4, relating to the
4 powers and duties of the Department of Natural Resources, and inserting in lieu thereof a
5 new subsection (j) to read as follows:

6 "(j) It is the intent and purpose, in creating the Department of Natural Resources, that the
7 department shall confer with, cooperate with, and work in harmony with the Department
8 of ~~Industry, Trade, and Tourism~~ Economic Development on all new activities of the
9 Department of Natural Resources."

SECTION 8.

10
11 Said title is further amended by striking Code Section 12-3-640, relating to designation of
12 official gardens and nature centers, and inserting in lieu thereof a new Code Section 12-3-640
13 to read as follows:

14 "12-3-640.

15 In recognition of the many beautiful and outstanding gardens and nature centers of the
16 State of Georgia, the following gardens and nature centers and such others as may hereafter
17 be designated by resolution of the General Assembly are designated as the official gardens
18 and nature centers of Georgia: Atlanta Botanical Gardens in Fulton County, Barnsley
19 Garden in Bartow County, Bullock Hall in Fulton County, Brumby Hall and Gardens in
20 Cobb County, Callaway Gardens in Harris County, Chateau Elan in Barrow County,
21 Chattahoochee Nature Center in Fulton County, Fernbank Forest in DeKalb County,
22 Governor's Mansion in Fulton County, Lanier Museum of Natural History in Gwinnett
23 County, Masee Lane Gardens of the American Camellia Society in Peach County, Rock
24 City Gardens in Walker County, Rosalyn Carter Rose Garden at the Carter Center in Fulton
25 County, Stone Mountain Park in Gwinnett and DeKalb counties, Vines Botanical Gardens
26 in Gwinnett County, William H. Reynolds Memorial Nature Reserve in Clayton County,
27 Thomasville Rose Garden in Thomasville, Birdsong Nature Center in Thomasville,
28 Providence Canyon State Conservation Park in Lumpkin, Florence Marina State Park in
29 Omaha, Oxbow Meadows Environmental Learning Center in Columbus, Columbus
30 Riverwalk in Columbus, Founder's Park in Columbus, Columbus Museum Gardens in
31 Columbus, LaGrange Square in LaGrange, Oak Grove Plantation and Gardens in Newnan,
32 Pine Mountain Trail and FDR State Park nature trail in Pine Mountain, Grandmother's
33 Garden and Pathways of Gold Park in Sharpsburg, Sprewell Bluff State Park in Thomaston,
34 Georgia Veterans Memorial State Park in Cordele, Chatham County Garden Center and
35 Botanical Gardens in Savannah, Bamboo Farm & Coastal Gardens in Savannah, LeConte
36 Woodmanston National Historic Place in Midway, Athens-Area Gardens in Athens, Athens

1 Welcome Center Garden in Athens, Founder's Memorial Garden in Athens, State Botanical
 2 Garden of Georgia in Athens, Fred Hamilton Rhododendron Garden in Hiawassee, Cecil
 3 B. Day Butterfly Center in Harris County, and Elachee Nature Science Center in
 4 Gainesville. The Department of ~~Industry, Trade, and Tourism~~ Economic Development and
 5 other public agencies and leaders in this state are encouraged to work together to maximize
 6 advertising and other programs which will permit the citizens of this state and other states
 7 and nations to learn of the beautiful gardens and nature centers of Georgia."

8 SECTION 9.

9 Said title is further amended by striking subsection (a) of Code Section 12-3-654, relating
 10 to the composition of the Georgia Agrirama Development Authority, and inserting in lieu
 11 thereof a new subsection (a) to read as follows:

12 "(a) The authority shall consist of 15 members as follows:

- 13 (1) The commissioner of the Department of Natural Resources or his or her designee;
- 14 (2) The president of the Georgia Farm Bureau Federation or his or her designee;
- 15 (3) A member of the Public Service Commission to be appointed by the Governor;
- 16 (4) The director of the Tourist Division of the Department of ~~Industry, Trade, and~~
 17 ~~Tourism~~ Economic Development;
- 18 (5) The director of the Coastal Plains Experiment Station;
- 19 (6) A member of the Chamber of Commerce of Tift County to be appointed by the board
 20 of directors of that organization;
- 21 (7) The director of the State Soil and Water Conservation Commission; and
- 22 (8) Eight members to be appointed by the Governor, two of whom shall be residents of
 23 Tift County, and another who shall have a background in public education. The members
 24 appointed by the Governor shall be appointed for a term of four years and shall remain
 25 in office until the appointment and qualification of their successors. Appointments by the
 26 Governor to fill vacancies on the authority shall be for the unexpired term."

27 SECTION 10.

28 Said title is further amended by striking subsection (b) of Code Section 12-5-331, relating
 29 to the duties and powers of the Department of Natural Resources as to the development of
 30 the state's rivers, and inserting in lieu thereof a new subsection (b) to read as follows:

31 "(b) Such information pertinent to the development of Georgia's rivers as may be obtained
 32 by the Department of Natural Resources may be filed from time to time with the
 33 Department of ~~Industry, Trade, and Tourism~~ Economic Development and, subject to
 34 approval of the Governor and the Secretary of State, with the Division of Archives and
 35 History."

SECTION 11.

Said title is further amended by striking subsection (a) of Code Section 12-8-33, relating to the Recycling Market Development Council, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Effective July 1, 1990, there is created a 15 member Recycling Market Development Council to be appointed as follows:

(1) Seven members appointed by the Governor representing the paper, glass, aluminum, plastic, and ferrous and nonferrous metals industries and trade associations which are active in recycling;

(2) One member who is an elected or appointed municipal official to be appointed by the Governor;

(3) One member who is an elected or appointed member of a county governing authority to be appointed by the Governor;

(4) One member appointed by the Speaker of the House of Representatives;

(5) One member appointed by the ~~Lieutenant Governor~~ President of the Senate; and

(6) One representative each from the Department of Administrative Services; the Department of ~~Industry, Trade, and Tourism~~ Economic Development; the Department of Community Affairs; and the Department of Natural Resources."

SECTION 12.

Code Section 20-3-84 of the Official Code of Georgia Annotated, relating to the Center for Trade and Technology Transfer, is amended by striking subsection (a) and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) There is created the Center for Trade and Technology Transfer, which shall function as an economic assistance, information, and technical resource service center. There is also created the Board of Directors of the Center for Trade and Technology Transfer which shall be composed of 11 members to be appointed as follows: (1) two members to be appointed by the chancellor of the University System of Georgia; (2) two members to be appointed by the Speaker of the House of Representatives; (3) two members to be appointed by the President of the Senate; (4) three members to be appointed by the Governor; and (5) two members appointed by the ~~Commissioner of the Department of Industry, Trade and Tourism~~ commissioner of economic development. The members of the board of directors shall serve for terms of two years and until their respective successors are appointed and qualified. No member may serve more than two terms as a member of the board of directors. The first members of the board of directors shall be appointed not later than July 1, 1999, and the initial terms shall begin on such date. In order to be eligible for appointment as a member, a person must have a proven interest in

1 the advancement of economic and community development, an interest in the development
 2 of trade with emerging nations, and an interest in the purposes for which the center was
 3 created. Members of the board of directors shall not be entitled to compensation for the
 4 duties they perform as members of the board of directors. Each member shall, however,
 5 be entitled to the same pay for per diem and expenses as are members of the Georgia
 6 General Assembly."

7 **SECTION 13.**

8 Article 6 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to
 9 aquaculture development, is amended by striking paragraph (8) of subsection (a) of Code
 10 Section 27-4-253, relating to the Aquaculture Development Commission, and inserting in
 11 lieu thereof a new paragraph (8) to read as follows:

12 "(8) The commissioner of ~~industry, trade, and tourism~~ economic development or his or
 13 her representative; and".

14 **SECTION 14.**

15 Said article is further amended by striking subsection (c) of Code Section 27-4-254, relating
 16 to the duty of the Aquaculture Development Commission to develop an aquaculture
 17 development plan, and inserting in lieu thereof a new subsection (c) to read as follows:

18 "(c) Staff support for the commission shall be provided by the Department of Natural
 19 Resources with assistance from the Department of Agriculture and the Department of
 20 ~~Industry, Trade, and Tourism~~ Economic Development."

21 **SECTION 15.**

22 Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salaries and fees
 23 of public officers and employees, is amended by striking subsection (b) of Code Section
 24 45-7-7, relating to compensation and allowances of certain officials not being changed
 25 without giving public notice, and inserting in lieu thereof a new subsection (b) to read as
 26 follows:

27 "(b) Subsection (a) of this Code section shall apply to the compensation and allowances
 28 of the commissioner of community affairs, the director of the Employees' Retirement
 29 System of Georgia, the director of the State Forestry Commission, the director of
 30 investigation of the Georgia Bureau of Investigation, the executive director of the Georgia
 31 Franchise Practices Commission, the commissioner of human resources, the commissioner
 32 of ~~industry, trade, and tourism~~ economic development, the commissioner of natural
 33 resources, the commissioner of public safety, the chancellor of the University System of
 34 Georgia, the president or executive director of the Georgia Student Finance Commission,

1 the executive director of the State Soil and Water Conservation Commission, the executive
 2 secretary-treasurer of the Teachers Retirement System of Georgia, the commissioner of
 3 transportation, and the executive director of the State Ethics Commission."

4 **SECTION 16.**

5 Said chapter is further amended by striking paragraph (5) of subsection (a) of Code Section
 6 45-7-21, relating to reimbursement of travel costs for certain officials, and inserting in lieu
 7 thereof a new paragraph (5) to read as follows:

8 "(5) Board of ~~Industry, Trade, and Tourism~~ Economic Development;"

9 **SECTION 17.**

10 Said chapter is further amended by striking Code Section 45-7-22, relating to reimbursement
 11 for relocation expenses, and inserting in lieu thereof a new Code Section 45-7-22 to read as
 12 follows:

13 "45-7-22.

14 Notwithstanding any law, rule, or regulation to the contrary, a state department may
 15 reimburse an employee of state government for expenses incurred for transportation of
 16 household goods and expenses incident to a change of residence from one part of the state
 17 to another as a result of an action of the state department requiring such relocation when
 18 such action is in the best interest of the department; provided, however, that the
 19 Department of ~~Industry, Trade, and Tourism~~ Economic Development may also reimburse
 20 an employee of that department for transportation of household goods and expenses
 21 incident to a change of residence to a foreign country as a result of an action of that
 22 department requiring such relocation when such action is in the best interest of that
 23 department."

24 **SECTION 18.**

25 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 26 amended by striking paragraph (3) of subsection (a) of Code Section 48-7-31.1, relating to
 27 conditions for allocating taxpayer's income pursuant to agreement, and inserting in lieu
 28 thereof a new paragraph (3) to read as follows:

29 "(3) Following the commissioner's referral of the proposal to a panel composed of the
 30 commissioner of community affairs, the commissioner of ~~industry, trade, and tourism~~
 31 economic development, and the director of the Office of Planning and Budget, said panel,
 32 after reviewing the proposal, certifies that:

33 (A) The new facility or expansion will have a significant beneficial economic effect
 34 on the region for which it is planned; and

1 (B) The benefits to the public from the new facility or expansion exceed its costs to the
2 public."

3 SECTION 19.

4 Said title is further amended by striking paragraph (2) of subsection (b) of Code Section
5 48-7-40.21, relating to tax credits for existing business enterprises undergoing qualified
6 business expansion, and inserting in lieu thereof a new paragraph (2) to read as follows:

7 "(2) Following the commissioner's referral of the application to a panel composed of the
8 commissioner of community affairs, the commissioner of ~~industry, trade, and tourism~~
9 economic development, and the director of the Office of Planning and Budget, said panel,
10 after reviewing the application, certifies that the expansion will have a beneficial
11 economic effect on the region for which it is planned;".

12 SECTION 20.

13 Said title is further amended by striking paragraph (2) of subsection (b) of Code Section
14 48-7-40.24, relating to conditions for taking job tax credit by business enterprises, and
15 inserting in lieu thereof a new paragraph (2) to read as follows:

16 "(2) Following the commissioner's referral of the application to a panel composed of the
17 commissioner of community affairs, the commissioner of ~~industry, trade, and tourism~~
18 economic development, and the director of the Office of Planning and Budget, said panel,
19 after reviewing the application, certifies that the new facility or expansion will have a
20 significant beneficial economic effect on the region for which it is planned. The panel
21 shall make its determination within 30 days after receipt from the commissioner of the
22 taxpayer's application and any necessary supporting documentation. Although the
23 panel's certification may be based upon other criteria, a project that meets the minimum
24 employment and investment requirements specified in paragraph (1) of this subsection
25 will have a significant beneficial economic effect on the region for which it is planned
26 if one of the following additional criteria is met:

27 (A) The project will create new full-time employee jobs with average wages that are,
28 as determined by the Department of Labor, for all jobs for the county in question:

- 29 (i) Twenty percent above such average wage for projects located in tier 1 counties;
- 30 (ii) Ten percent above such average wage for projects located in tier 2 counties; or
- 31 (iii) Five percent above such average wage for projects located in tier 3 or tier 4
32 counties; or

33 (B) The project demonstrates high growth potential based upon the prior year's
34 Georgia net taxable income growth of over 20 percent from the previous year, if the

1 taxpayer's Georgia net taxable income in each of the two preceding years also grew by
2 20 percent or more."

3 SECTION 21.

4 Said title is further amended by striking paragraph (2) of subsection (b) of Code Section
5 48-7-40.25, relating to conditions for credit by business enterprises with existing
6 manufacturing facilities, and inserting in lieu thereof a new paragraph (2) to read as follows:

7 "(2) Following the commissioner's referral of the application to a panel composed of the
8 commissioner of community affairs, the commissioner of ~~industry, trade, and tourism~~
9 economic development, and the director of the Office of Planning and Budget, said
10 panel, after reviewing the application, certifies that the new facility will have a significant
11 beneficial economic effect on the region for which it is planned. The panel shall make
12 its determination within 30 days after receipt from the commissioner of the taxpayer's
13 application and any necessary supporting documentation. Although the panel's
14 certification may be based upon other criteria, a project that meets the minimum job and
15 investment requirements specified in paragraph (1) of this subsection will have a
16 significant beneficial economic effect on the region for which it is planned if one of the
17 following additional criteria is met:

18 (A) The full-time employee jobs that will be located at the manufacturing facility
19 resulting from such project will pay average wages that are, as determined by the
20 Georgia Department of Labor for all jobs for the county in question:

- 21 (i) Twenty percent above such average wage for projects located in tier 1 counties;
- 22 (ii) Ten percent above such average wage for projects located in tier 2 counties; or
- 23 (iii) Five percent above such average wage for projects located in tier 3 or tier 4
24 counties; or

25 (B) The project demonstrates high growth potential based upon the prior year's
26 Georgia net taxable income growth of over 20 percent from the previous year, if the
27 taxpayer's Georgia net taxable income in each of the two preceding years also grew by
28 20 percent or more."

29 SECTION 22.

30 Said title is further amended by striking subparagraph (C) of paragraph (73) of Code Section
31 48-8-3, relating to sales and use tax exemptions, and inserting in lieu thereof a new
32 subparagraph (C) to read as follows:

33 "(C) Any person making a sale of production equipment or production services to a
34 film producer or film production company as specified in this paragraph shall collect
35 the tax imposed on the sale by this article unless the purchaser furnishes such seller

1 with a certificate issued by the commissioner certifying that the purchaser is entitled to
 2 purchase the production equipment or production services without paying the tax. As
 3 a condition precedent to the issuance of the certificate, film producers and film
 4 production companies shall submit an application to the commissioner for designation
 5 as a certified film producer or certified film production company. Such application
 6 shall not be valid without prior written approval by the Georgia Film and Videotape
 7 Office of the Department of ~~Industry, Trade, and Tourism~~ Economic Development;"

8 SECTION 23.

9 Code Section 49-5-241 of the Official Code of Georgia Annotated, relating to members of
 10 the Child Care Council, is amended by striking subsection (a) and inserting in lieu thereof
 11 the following:

12 "(a) There is created the Georgia Child Care Council which shall consist of 19 members.

13 Thirteen of those members shall be voting members appointed by the Governor and
 14 confirmed by the Senate, and two shall be voting members appointed as provided in
 15 paragraph (10) of this subsection. The 15 voting members shall be appointed as follows:

16 (1) Two members shall be representatives of local or state chambers of commerce;

17 (2) One member shall be a representative of the licensed or commissioned for profit
 18 child care businesses in the state;

19 (3) One member shall be a representative of the licensed or commissioned not for profit
 20 child care businesses in the state;

21 (4) Four members shall be consumers of child care services or persons whose children
 22 are regularly placed in child care but who have no other business connection with any
 23 child care facility or business and at least one of them shall represent the interests of
 24 children with special needs and one shall represent the interests of school age children;

25 (5) One member shall represent registered family day-care homes, as defined in Code
 26 Section 49-5-3;

27 (6) One member shall represent licensed or commissioned church or synagogue day-care
 28 centers;

29 (7) One member shall be an expert or have special academic or research responsibilities
 30 in early childhood development;

31 (8) One member shall represent a child care resource and referral agency;

32 (9) One member shall represent a Head Start organization; and

33 (10) Two members shall represent the general public and shall be appointed by the
 34 President of the Senate and the Speaker of the House of Representatives.

35 At the expiration of the original three-year terms of office of members of the council,
 36 successors to such members shall be appointed as follows: six of the members appointed

1 by the Governor shall serve for initial terms of one year and seven of such Governor
 2 appointed members shall serve for initial terms of three years; thereafter all members
 3 appointed by the Governor shall serve for terms of three years. Successors to those
 4 members appointed by the Speaker of the House of Representatives and the President of
 5 the Senate shall each serve for terms of three years. The remaining four nonvoting
 6 members shall be the State School Superintendent, the Commissioner of Labor, the
 7 commissioner of human resources, and the commissioner of ~~industry, trade, and tourism~~
 8 economic development, or the designee of the State School Superintendent, the
 9 Commissioner of Labor, the commissioner of human resources, and the commissioner of
 10 ~~industry, trade, and tourism~~ economic development, all of whom shall be ex officio
 11 members."

12 **SECTION 24.**

13 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
 14 by striking subsection (b) of Code Section 50-3-64, relating to the official historical drama,
 15 and inserting in lieu thereof a new subsection (b) to read as follows:

16 "(b) The Department of ~~Industry, Trade, and Tourism~~ Economic Development and other
 17 public agencies and leaders in the tourism industry are encouraged to work together to
 18 maximize advertising programs which permit citizens of other states and nations to learn
 19 of the historic drama and to visit the State of Georgia for tourism purposes."

20 **SECTION 25.**

21 Said title is further amended by striking subsection (b) of Code Section 50-3-69, relating to
 22 the official musical theatre, and inserting in lieu thereof a new subsection (b) to read as
 23 follows:

24 "(b) The Department of ~~Industry, Trade, and Tourism~~ Economic Development and other
 25 public agencies and leaders in the tourism industry are encouraged to work together to
 26 maximize advertising programs which permit citizens of other states and nations to learn
 27 of the Jekyll Island Musical Theatre Festival and to visit the State of Georgia for tourism
 28 purposes."

29 **SECTION 26.**

30 Said title is further amended by striking subsection (b) of Code Section 50-3-74, relating to
 31 the official railroad museum, and inserting in lieu thereof a new subsection (b) to read as
 32 follows:

33 "(b) The Department of ~~Industry, Trade, and Tourism~~ Economic Development and other
 34 public agencies and leaders in the tourism industry are encouraged to work together to

1 maximize advertising programs which permit citizens of other states and nations to learn
 2 of the Central of Georgia Railroad Shops Complex and to visit the State of Georgia for
 3 tourism purposes."

4 **SECTION 27.**

5 Said title is further amended by striking subsection (b) of Code Section 50-3-77, relating to
 6 the official state transportation history museum, and inserting in lieu thereof a new
 7 subsection (b) to read as follows:

8 "(b) The Department of ~~Industry, Trade, and Tourism~~ Economic Development and other
 9 public agencies and leaders in the tourism industry are encouraged to work together to
 10 maximize advertising programs which permit citizens of other states and nations to learn
 11 of the Southeastern Railway Museum and to visit this state for tourism purposes."

12 **SECTION 28.**

13 Said title is further amended by striking subparagraph (N) of paragraph (1) of Code Section
 14 50-5-31, relating to definitions relating to administrative space management, and inserting
 15 in lieu thereof a new subparagraph (N) to read as follows:

16 "(N) Space in buildings located on and used in direct support of any welcome center
 17 or rest station under the jurisdiction of the Tourist Division of the Department of
 18 ~~Industry, Trade, and Tourism~~ Economic Development;"

19 **SECTION 29.**

20 Said title is further amended by striking Code Section 50-7-1, relating to the creation of the
 21 Department of Industry, Trade, and Tourism, and inserting in lieu thereof a new Code
 22 Section 50-7-1 to read as follows:

23 "50-7-1.

24 There is created as a part of the executive branch of the state government the Department
 25 of ~~Industry, Trade, and Tourism~~ Economic Development."

26 **SECTION 30.**

27 Said title is further amended by striking Code Section 50-7-2, relating to the commissioner
 28 of industry, trade, and tourism, and inserting in lieu thereof a new Code Section 50-7-2 to
 29 read as follows:

30 "50-7-2.

31 There is created the office of commissioner of ~~industry, trade, and tourism~~ economic
 32 development, who shall be executive officer and administrative head of the department.

33 The commissioner shall be appointed by and serve at the pleasure of the Board of ~~Industry,~~

1 ~~Trade, and Tourism~~ Economic Development. His The compensation of the commissioner
 2 shall be fixed by the board. The commissioner shall assist the board in the performance
 3 of its duties, powers, authority, and jurisdiction as the board shall provide. The
 4 commissioner shall receive expenses, including mileage, as do other state officials and
 5 employees. The board is authorized to designate an assistant commissioner and such other
 6 employees as are necessary to carry out and effectuate this chapter. The commissioner is
 7 further authorized and empowered to reimburse authorized personnel of the department for
 8 the actual cost incurred in the pursuit of official business for all meals, taxis, parking, and
 9 the rental of automobiles when the use of such vehicles is less expensive or more efficient
 10 than other commercial transportation."

11 **SECTION 31.**

12 Said title is further amended by striking Code Section 50-7-3, relating to the creation of the
 13 Board of Industry, Trade, and Tourism, and inserting in lieu thereof a new Code Section
 14 50-7-3 to read as follows:

15 "50-7-3.

16 (a) The department shall be under the direction and supervision of a Board of ~~Industry,~~
 17 ~~Trade, and Tourism~~ Economic Development.

18 (b) On and after July 1, 1999, the Board of ~~Industry, Trade, and Tourism~~ Economic
 19 Development shall consist of one member from each congressional district in the state and
 20 nine additional members from the state at large. All members shall be appointed by the
 21 Governor, subject to confirmation by the Senate. The initial terms of members shall be as
 22 follows: two members representative of congressional districts and two at-large members
 23 shall be appointed for a term ending July 1, 2000; two members representative of
 24 congressional districts and two at-large members shall be appointed for a term ending July
 25 1, 2001; three members representative of congressional districts and one at-large member
 26 shall be appointed for a term ending July 1, 2002; two members representative of
 27 congressional districts and two at-large members shall be appointed for a term ending July
 28 1, 2003; and two members representative of congressional districts and two at-large
 29 members shall be appointed for a term ending July 1, 2004. Thereafter, all members
 30 appointed to the board by the Governor shall be appointed for terms of five years and until
 31 their successors are appointed and qualified. In the event of a vacancy during the term of
 32 any member by reason of death, resignation, or otherwise, the appointment of a successor
 33 by the Governor shall be for the remainder of the unexpired term of such member.

34 (c) The first members appointed under this Code section shall be appointed for terms
 35 which begin July 1, 1999. The members of the Board of ~~Industry, Trade, and Tourism~~

1 Economic Development serving on April 1, 1999, shall remain in office until their
2 successors are appointed and qualified.

3 (d) In addition to all other powers granted to the Board of ~~Industry, Trade, and Tourism~~
4 Economic Development under this chapter, the board may authorize the Department of
5 ~~Industry, Trade, and Tourism~~ Economic Development to enter into and carry out
6 intergovernmental contracts and agreements for the purpose of providing financial and
7 other assistance in carrying out projects or undertakings which will further the public
8 purposes of development of trade, commerce, industry, and employment opportunities at
9 the state and local levels. The board may authorize such contracts and agreements between
10 the department and other departments, agencies, and entities of state government and may
11 also authorize such contracts and agreements between the department and local
12 development authorities. Any such contracts and agreements shall be awarded pursuant
13 to criteria and procedures developed by the board. Such criteria and procedures shall be
14 designed to effectuate those proposed contracts and agreements which will be most
15 effective in furthering the public purpose of development of trade, commerce, industry, and
16 employment opportunities at the state and local levels. Neither the development of such
17 criteria nor the award of such contracts and agreements shall be subject to Chapter 5 of this
18 title; Chapter 13 of this title; or Article 5 of Chapter 5 of Title 28. The board and the
19 department may expend funds appropriated or otherwise available to the board and the
20 department for the public purposes described in this subsection."

21 **SECTION 32.**

22 Said title is further amended by striking paragraphs (10) and (11) of Code Section 50-7-8,
23 relating to additional duties of the Board of Industry, Trade, and Tourism, and inserting in
24 lieu thereof new paragraphs (10) and (11) to read as follows:

25 "(10) To authorize the Department of ~~Industry, Trade, and Tourism~~ Economic
26 Development in accordance with all applicable state laws to contract and make
27 cooperative agreements, contracts, and rental agreements with the United States
28 government; any county, municipality, or local government or any combination thereof;
29 any public or private corporation or firm; any persons whatsoever; or any public
30 authority, agency, commission, or institution, including agencies of state government for
31 any of the services, purposes, duties, responsibilities, or functions vested in the board;
32 and

33 (11) To authorize the Department of ~~Industry, Trade, and Tourism~~ Economic
34 Development to participate with public and private groups, organizations, and businesses
35 in joint advertising and promotional projects that promote the economic and tourist

1 development of the State of Georgia and make efficient use of state appropriated
2 advertising and promotional funds."

3 **SECTION 33.**

4 Said title is further amended by striking Code Section 50-7-12, relating to welcome centers,
5 and inserting in lieu thereof a new Code Section 50-7-12 to read as follows:

6 "50-7-12.

7 (a) The Governor shall have authority to direct and provide for the construction of
8 welcome centers at or near the point of entrance into this state of any federal highway. The
9 Department of Transportation may exercise the power of eminent domain in acquiring fee
10 simple title to suitable locations for the erection of such welcome centers. Any welcome
11 center acquired prior to April 23, 1969, may be maintained and improved, regardless of
12 whether the fee simple title therefor is in the state.

13 (b) It shall be the duty of the Department of ~~Industry, Trade, and Tourism~~ Economic
14 Development to construct, operate, and maintain the welcome centers and keep them
15 supplied with such information, pamphlets, and other materials as will advertise and
16 publicize the tourist attractions, natural resources, industry, history, and commerce of this
17 state.

18 (c) The Department of ~~Industry, Trade, and Tourism~~ Economic Development, with the
19 concurrence of the Department of Transportation, is further authorized to install or provide
20 for the installation of and to operate or provide for the operation of vending machines and
21 to sell in such machines nonalcoholic beverages, snacks, candy, cigarettes, and other
22 articles as determined by the Department of ~~Industry, Trade, and Tourism~~ Economic
23 Development to be necessary or desirable for the traveling public at reasonable prices. The
24 prices charged for these products will approximate the prevailing rate within the area for
25 similar items so as not to compete unfairly with private enterprise, such prices to be set by
26 the Department of ~~Industry, Trade, and Tourism~~ Economic Development. The Department
27 of ~~Industry, Trade, and Tourism~~ Economic Development is also authorized to provide for
28 the sale or free distribution of articles and merchandise at the welcome centers in such
29 manner as is deemed to be in the best interest of promoting the tourist trade in this state.

30 (d) The Department of ~~Industry, Trade, and Tourism~~ Economic Development, with the
31 concurrence of the Department of Transportation, is authorized to provide for the
32 installation and operation at welcome centers of automated teller machines and
33 cash-dispensing machines. If so authorized, such machines shall be established, placed,
34 and operated in accordance with applicable law. Such machines shall be placed in
35 welcome centers upon such terms and conditions as shall be deemed by the Department of

1 ~~Industry, Trade, and Tourism~~ Economic Development to be in the best interest of the state
2 and the traveling public."

3 **SECTION 34.**

4 Said title is further amended by striking Code Section 50-7-13, relating to revenue from
5 vending machine sales, and inserting in lieu thereof a new Code Section 50-7-13 to read as
6 follows:

7 "50-7-13.

8 Notwithstanding any provision to the contrary, all net revenue derived from the sale of
9 nonalcoholic beverages, snacks, candy, cigarettes, and other articles from vending
10 machines at welcome centers and tourist centers shall be utilized by the Department of
11 ~~Industry, Trade, and Tourism~~ Economic Development to offset the cost of maintenance of
12 all welcome centers and tourist centers and litter pickup in these areas. Notwithstanding
13 any provision to the contrary, all net revenue derived from the sale of nonalcoholic
14 beverages, snacks, candy, cigarettes, and other articles from vending machines at safety
15 rest areas shall be utilized by the Department of Transportation to offset the cost of
16 maintenance of all safety rest areas and litter pickup in these areas."

17 **SECTION 35.**

18 Said title is further amended by striking Code Section 50-7-14, relating to a tourist center
19 within the vicinity of the domestic residence of a state citizen elected President, and inserting
20 in lieu thereof a new Code Section 50-7-14 to read as follows:

21 "50-7-14.

22 (a) The Governor shall have authority to direct and provide for the construction of a tourist
23 center on real property owned by or which may be acquired by the state within the general
24 vicinity or area of the domestic residence of any citizen of this state when such citizen has
25 been elected President of the United States and the Governor determines that the number
26 of tourists and other persons visiting the area justifies the center.

27 (b) It shall be the duty of the Department of ~~Industry, Trade, and Tourism~~ Economic
28 Development to construct, operate, and maintain the tourist center and keep it supplied with
29 such information, pamphlets, and other materials as will advertise and publicize the tourist
30 attractions, natural resources, industry, history, and commerce of this state.

31 (c) The Department of ~~Industry, Trade, and Tourism~~ Economic Development is further
32 authorized to provide space for other commercial or noncommercial projects in the center
33 and allow the persons to sell or provide such articles or services as may be prescribed in
34 the lease, contract, franchise, or other arrangement, as determined by the department. The
35 Department of ~~Industry, Trade, and Tourism~~ Economic Development shall regulate the sale

1 or free distribution of such articles, merchandise, and services by other persons at the
 2 center in the manner it deems to be in the best interest of promoting tourist trade in this
 3 state and otherwise furthering the purposes for which the center is created. The
 4 Department of ~~Industry, Trade, and Tourism~~ Economic Development is further authorized
 5 to install or provide for the installation of and to operate or provide for the operation of
 6 vending machines and to sell in such machines nonalcoholic beverages, snacks, candy,
 7 cigarettes, and other articles as determined by the Department of ~~Industry, Trade, and~~
 8 ~~Tourism~~ Economic Development to be necessary or desirable for the traveling public at
 9 reasonable prices. The prices charged for these products will approximate the prevailing
 10 rate within the area for similar items so as not to compete unfairly with private enterprise,
 11 such prices to be set by the department.

12 (d) The Department of ~~Industry, Trade, and Tourism~~ Economic Development may also
 13 enter into contracts with other state, local, or federal agencies or with other persons to assist
 14 it in construction, operation, or maintenance of the center. The department may acquire
 15 real and personal property for such purposes."

16 **SECTION 36.**

17 Said title is further amended by striking Code Section 50-7-15, relating to expenditures for
 18 meals and expenses of persons seeking to locate business, industry, or tourist facilities in the
 19 state, and inserting in lieu thereof a new Code Section 50-7-15 to read as follows:

20 "50-7-15.

21 The Department of ~~Industry, Trade, and Tourism~~ Economic Development, in order to make
 22 Georgia competitive with other states in securing new business, industry, and tourism, is
 23 authorized to expend available funds for the business meals and incidental expenses of
 24 bona fide industrial prospects and other persons who attend any meeting at the request of
 25 the department to discuss the location or development of new business, industry, or tourism
 26 within the state. All such expenditures shall be verified by vouchers showing the date,
 27 place, purpose, and persons for whom such expenditures were made. The state auditor
 28 shall conduct an audit of such expenditures at least every six months."

29 **SECTION 37.**

30 Said title is further amended by striking Code Section 50-7-30, relating to authority of the
 31 department with regard to marine research and industrial activities, and inserting in lieu
 32 thereof a new Code Section 50-7-30 to read as follows:

33 "50-7-30.

34 The principal activities of the Department of ~~Industry, Trade, and Tourism~~ Economic
 35 Development under this article are to promote participation in and arrange for the location

1 of marine research and industrial activities. The department may delegate to its officers,
 2 agents, and employees such duties as it may deem proper to carry out the purposes of this
 3 article. The department may contract with any department, board, or agency of the state,
 4 local, or federal government; the University System of Georgia or any of its component
 5 units; other public or private colleges and universities; nonprofit organizations;
 6 foundations; corporations; private business firms; and individuals as shall be consonant
 7 with the purposes of this article."

8 **SECTION 38.**

9 Said title is further amended by striking Code Section 50-7-40, relating to construction,
 10 operation, and improvement of the Geo. L. Smith II Georgia World Congress Center, and
 11 inserting in lieu thereof a new Code Section 50-7-40 to read as follows:

12 "50-7-40.

13 The Department of ~~Industry, Trade, and Tourism~~ Economic Development is authorized to
 14 acquire, construct, operate, maintain, expand, and improve a project as such term is defined
 15 in paragraph (3) of Code Section 10-9-3, including each of the facilities described in such
 16 paragraph, for the purpose of promoting trade, commerce, industry, and employment
 17 opportunities within this state for the public good and general welfare and, without
 18 limitation of the foregoing, with the approval of the State Properties Commission, to
 19 acquire land for such purposes."

20 **SECTION 39.**

21 Said title is further amended by striking paragraph (1) of Code Section 50-7-50, relating to
 22 definitions concerning the Georgia International and Maritime Trade Center, and inserting
 23 in lieu thereof a new paragraph (1) to read as follows:

24 "(1) 'Department' means the Department of ~~Industry, Trade, and Tourism~~ Economic
 25 Development."

26 **SECTION 40.**

27 Said title is further amended by striking subsection (a) of Code Section 50-8-193, relating
 28 to state agencies encouraged to give certified projects priority in licensing and processing
 29 grants and loans, and inserting in lieu thereof a new subsection (a) to read as follows:

30 "(a) The Department of Community Affairs shall certify that a project has received a
 31 certificate of compliance as a REAP to the Department of Natural Resources; the
 32 Department of ~~Industry, Trade, and Tourism~~ Economic Development; the Department of
 33 Transportation; the Department of Revenue; the Department of Labor; the Georgia
 34 Environmental Facilities Authority; and any other state department, agency, or

1 instrumentality which requests such certification. All state agencies, departments, and
 2 instrumentalities are encouraged to give priority in their permitting and licensing and in the
 3 processing of grants and loans to local governments for projects which have received a
 4 certification."

5 **SECTION 41.**

6 Said title is further amended by striking subsection (a) of Code Section 50-10-3, relating to
 7 the creation of the Georgia Development Authority, and inserting in lieu thereof a new
 8 subsection (a) to read as follows:

9 "(a) There is created a body corporate and politic to be known as the Georgia Development
 10 Authority which shall be deemed an instrumentality of the state and a public corporation;
 11 and by that name, style, and title such body may contract and be contracted with and bring
 12 and defend actions in all courts of this state. The authority shall consist of seven members:
 13 the Commissioner of Agriculture, ex officio, who shall be ~~chairman~~ chairperson of the
 14 authority; the state auditor, ex officio; the commissioner of ~~industry, trade, and tourism~~
 15 economic development, ex officio; two members of the public appointed by the Governor;
 16 and two members representing the interests of agriculture appointed by the Governor.
 17 Appointed members shall serve for terms of office of four years and until their successors
 18 are appointed and qualified. The authority shall be deemed to be the successor in law and
 19 interest to the Georgia Development Authority created by the General Assembly in Ga. L.
 20 1960, p. 764, as amended by Ga. L. 1983, p. 1026."

21 **SECTION 42.**

22 Said title is further amended by striking subsection (a) of Code Section 50-23-3, relating to
 23 the creation of the Georgia Environmental Facilities Authority, and inserting in lieu thereof
 24 a new subsection (a) to read as follows:

25 "(a) There is created a body corporate and politic to be known as the Georgia
 26 Environmental Facilities Authority which shall be deemed an instrumentality of the state
 27 and a public corporation; and by that name, style, and title such body may contract and be
 28 contracted with and bring and defend actions in all courts of this state. The authority shall
 29 consist of 11 members: the commissioner of community affairs, ex officio; the state
 30 auditor, ex officio; the commissioner of ~~industry, trade, and tourism~~ economic
 31 development, ex officio; and eight members to be appointed by the Governor. Three
 32 members shall be municipal officials, three members shall be county officials, and two
 33 members shall be at large. Any municipal or county official shall serve only so long as
 34 such official remains in office as a municipal or county official. The Governor shall
 35 appoint one municipal official, one county official, and one at-large member to serve until

1 July 1, 1989; and shall appoint two municipal officials, two county officials, and one
2 at-large member of the authority to serve until July 1, 1990. After the expiration of these
3 terms, the terms of all succeeding members shall be for four years."

4 **SECTION 43.**

5 Said title is further amended by striking subsection (b) of Code Section 50-34-3, relating to
6 the creation of the OneGeorgia Authority, and inserting in lieu thereof a new subsection (b)
7 to read as follows:

8 "(b) The authority shall consist of the Governor, who shall serve as chair of the authority;
9 the Lieutenant Governor, who shall serve as vice chair of the authority; the director of the
10 Office of Planning and Budget, who shall serve as secretary of the authority; the
11 commissioner of community affairs; the commissioner of ~~industry, trade, and tourism~~
12 economic development; and the commissioner of revenue."

13 **SECTION 44.**

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