

The House Special Committee on Small Business Development and Job Creation offers the following substitute to HB 1249:

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia
2 Annotated, relating to ad valorem tax exemptions, so as to provide for an exemption from
3 local ad valorem taxes assessed on certain tangible real property for certain businesses
4 providing new jobs; to provide for qualifications for such businesses; to provide for
5 procedures for the approval for such exemptions; to provide for related matters; to provide
6 for a contingent effective date; to provide for automatic repeal; to repeal conflicting laws;
7 and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated,
11 relating to ad valorem tax exemptions, is amended by adding a new Code section to read as
12 follows:

13 "48-5-48.5.

14 (a) As used in this Code section, the term 'job creating business project' means any
15 business project designated by the Department of Economic Development to be a business
16 project that will create no fewer than 50 jobs for the county or municipal governing
17 authority providing an ad valorem exemption pursuant to this Code section.

18 (b)(1) The governing authority of any county or municipality may, subject to the
19 approval of the governing authority of such county or municipality, provide an exemption
20 from ad valorem taxation for a period of three years, including all such taxes levied for
21 educational purposes, for all inventory goods and tangible real property subject to an ad
22 valorem exemption pursuant to a job creating business project.

23 (2) To be designated a job creating business project, a person shall submit an application
24 to the Department of Economic Development. Such application shall include the city or
25 county in which the person wishes to propose the job creating business project. If the
26 Department of Economic Development approves such application and designates the

27 project a job creating business project, the Department of Economic Development shall
28 forward the application together with the details of such project to the governing
29 authority of the city or county in which the job creating business project is proposed to
30 be constructed. The governing authority for the city or county in which the job creating
31 business project is proposed to be constructed shall vote whether to approve the project
32 and the ad valorem tax exemptions provided for pursuant to this subsection.
33 (c) The Commissioner of the Department of Economic Development shall by regulation
34 adopt uniform criteria, procedures, and forms regarding the application process for job
35 creating business projects."

36 **SECTION 2.**

37 This Act shall become effective on January 1, 2011; provided, however, that this Act shall
38 only become effective on January 1, 2011, upon the ratification of a resolution at the
39 November 2010, state-wide general election that amends the Constitution so as to authorize
40 the governing authority of a county or municipality to provide exemption from ad valorem
41 taxation to a job creating business project. If such resolution is not so ratified, this Act shall
42 not become effective and shall stand repealed in its entirety immediately.

43 **SECTION 3.**

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