

House Bill 595

By: Representatives Black of the 174th, Shaw of the 176th, and Carter of the 175th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 48-7-40.1 of the Official Code of Georgia Annotated, relating to
2 income tax credits for jobs created by business enterprises in less developed areas, so as to
3 provide that in certain circumstances tax credits may be earned for jobs created in the year
4 prior to the year in which an area is designated by the Department of Community Affairs; to
5 provide for the tax years to which such credits shall apply; to provide for other related
6 matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 48-7-40.1 of the Official Code of Georgia Annotated, relating to income tax
10 credits for jobs created by business enterprises in less developed areas, is amended by adding
11 a new subsection to read as follows:

12 "(e.1)(1) As used in this subsection, approval of an opportunity zone designation shall
13 refer to the process described in Regulations 110-24-1-.01 through 110-24-1-.05 of the
14 Department of Community Affairs.

15 (2) Notwithstanding any other provision of law to the contrary, a business enterprise may
16 earn tax credits as provided for in this Code section for jobs created in the year prior to
17 the year in which an opportunity zone designation is approved by the Department of
18 Community Affairs if the jobs were created based on a reasonable expectation that
19 opportunity zone designation would occur in the year of job creation. In such case the
20 credits shall be earned for tax years beginning on or after January 1 of the year in which
21 the opportunity zone designation is approved by the Department of Community Affairs.
22 Except as specifically provided in this subsection, all other provisions of this Code
23 section shall apply in the circumstances described in this subsection.

24 (3) The determination of whether a reasonable expectation existed under paragraph (2)
25 of this subsection shall be made and certified by the commissioner of community affairs."

26 **SECTION 2.**

27 This Act shall become effective upon its approval by the Governor or upon its becoming law
28 without such approval.

29 **SECTION 3.**

30 All laws and parts of laws in conflict with this Act are repealed.