

House Resolution 338

By: Representative Stephens of the 164th

A RESOLUTION

1 Recommending legislation be introduced which would provide that the state revenue
2 commissioner may exercise his or her discretion when determining the applicability of
3 certain tax credits; and for other purposes.

4 WHEREAS, the General Assembly is concerned about the disastrous impact on a taxpayer
5 when certain anticipated tax credits are not realized; and

6 WHEREAS, the General Assembly recognizes the economic impact and benefits that could
7 be expanded in specific circumstances by the exercise of limited discretion by the state
8 revenue commissioner; and

9 WHEREAS, if the state revenue commissioner was able to exercise his or her discretion,
10 there are entities within the state of Georgia that would be able to make significant
11 investments in future operations within state borders, which could impact the retention of
12 employed citizens of this state; and

13 WHEREAS, the exercise of discretion recommended herein would be applicable to any
14 taxpayer, but limited to only certain circumstances as described below.

15 NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF
16 GEORGIA that it is recommended that legislation be introduced which would provide that
17 the state revenue commissioner may exercise his or her discretion regarding the
18 monetization, allocation, apportionment, transferability, and utilization of the Georgia
19 Investment Tax Credit against state payroll taxes or any other tax levied by the Department
20 of Revenue solely for purposes of furthering economic development in the state.

21 BE IT FURTHER RESOLVED that such legislation should provide that in order to exercise
22 such discretion, the state revenue commissioner would have to determine that the economic

23 development activity shall be generated by a manufacturing facility located in this state, and
24 the owner of such manufacturing facility shall fulfill the following minimum criteria:

25 A. Invest \$50 million or more in capital expenditures for the expansion or maintenance
26 of capital needs for sustainability of operations; or

27 B. Retain or create more than 500 jobs; and

28 i. Employ more than 15 percent of any single county's workforce;

29 ii. Account for more than 10 percent of a county's total personal income via direct and
30 indirect employment as supported by an economic impact analysis performed by
31 Georgia Institute of Technology;

32 iii. Account for more than 50 percent of a county's exports to international markets;

33 iv. Ship more than 15,000 ocean freight containers via Georgia ports; and

34 v. Impact distressed or severely distressed census tracts as designated by the United
35 States Census Bureau.