

Senate Bill 232

By: Senators Gooch of the 51st, Wilkinson of the 50th, Harper of the 7th, Lucas of the 26th, Burke of the 11th and others

A BILL TO BE ENTITLED

AN ACT

1 To enact the "Facilitating Internet Broadband Rural Expansion (FIBRE) Act"; to amend
 2 Titles 36, 46, 48, and 50 of the Official Code of Georgia Annotated, relating to local
 3 government, public utilities and public transportation, revenue and taxation, and state
 4 government, respectively, so as to provide for broadband service planning, deployment, and
 5 incentives; to limit the ability of local governing authorities to prohibit, regulate, or charge
 6 for the collocation of small wireless facilities in public rights of way under certain
 7 circumstances; to provide for definitions; to specify that a local governing authority may
 8 require permit fees only under certain circumstances; to require a local governing authority
 9 to receive and process applications for and issue permits subject to specified requirements;
 10 to provide requirements for rates, fees, and other terms related to utility poles of the local
 11 governing authority; to prohibit certain regulation by local governments, including
 12 imposition of charges on certain facilities and services; to provide the Public Service
 13 Commission with the jurisdiction to determine disputes; to establish certification of certain
 14 counties and municipal corporations as gigabit ready communities; to provide for duties and
 15 responsibilities of the Department of Community Affairs; to provide a methodology for local
 16 governments to apply to the department for certification as a gigabit ready community; to
 17 provide for the promulgation of certain rules and regulations; to require that the development
 18 of any service delivery strategy by a local government include the promotion of the
 19 availability and delivery of broadband services; to provide that the Universal Access Fund
 20 may be used for the provision of broadband services and that all telecommunications
 21 companies within this state shall contribute to the fund; to specifically authorize electric
 22 membership corporations and their affiliates and subsidiaries to provide emerging
 23 communications technologies; to create a tax exemption for certain equipment used in the
 24 deployment of broadband technology in certain counties; to provide for the annual
 25 designation of certain eligible counties and for a list of all eligible counties to be published
 26 on the website of the Department of Community Affairs; to authorize funds collected by a
 27 county special purpose local option sales tax to be expended on broadband infrastructure; to
 28 provide for the creation and administration of the Georgia Gigabit Ready Community Site

29 designation program by the Department of Economic Development; to change the definitions
 30 relative to the "OneGeorgia Authority Act" to include broadband services in the terms "cost
 31 of project" and "project"; to provide for related matters; to provide for effective dates and
 32 applicability; to repeal conflicting laws; and for other purposes.

33 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

34 PART I

35 SECTION 1-1.

36 This Act shall be known and may be cited as the "Facilitating Internet Broadband Rural
 37 Expansion (FIBRE) Act."

38 PART II

39 SECTION 2-1.

40 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
 41 by adding a new chapter to read as follows:

42 "CHAPTER 66C

43 36-66C-1.

44 As used in this chapter, the term:

45 (1) 'Antenna' means communications equipment that transmits or receives
 46 electromagnetic radio frequency signals used in the provision of wireless services.

47 (2) 'Applicable codes' means uniform building, fire, electrical, plumbing, or mechanical
 48 codes adopted by a recognized national code organization or local amendments to such
 49 codes enacted solely to address imminent threats of destruction of property or injury to
 50 persons to the extent not inconsistent with the terms of this chapter.

51 (3) 'Applicant' means any wireless provider that submits an application to an authority
 52 pursuant to this chapter.

53 (4) 'Application' means a request submitted by an applicant to an authority:

54 (A) For a permit to collocate small wireless facilities; or

55 (B) To approve the installation, modification, or collocation of a utility pole or a
 56 wireless support structure.

57 (5) 'Authority' means the Department of Transportation or any local governing authority.

- 58 (6) 'Authority pole' means a utility pole, other than a utility pole for designated services,
59 owned or operated by an authority in a right of way.
- 60 (7) 'Base station' means wireless facilities or a wireless support structure or utility pole
61 that currently supports wireless facilities. The term 'base station' shall not include a tower
62 or any equipment associated with a tower.
- 63 (8) 'Cable operator' means any person that:
- 64 (A) Provides cable service over a cable system and directly or through one or more
65 affiliates owns a significant interest in such cable system; or
- 66 (B) Otherwise controls or is responsible for, through any arrangement, the management
67 and operation of a cable system.
- 68 (9) 'Collocate' or 'collocation' means to install, mount, maintain, modify, operate, or
69 replace one or more wireless facilities on, under, within, or adjacent to a wireless support
70 structure or utility pole.
- 71 (10) 'Communications service provider' means a cable operator, an information service
72 provider, a telecommunications carrier, or a wireless provider.
- 73 (11) 'Fee' means a one-time charge.
- 74 (12) 'Information service provider' means any person that offers the capability for
75 generating, acquiring, storing, transforming, processing, retrieving, utilizing, or making
76 available information via telecommunications, including, but not limited to, electronic
77 publishing. The term 'information service provider' shall not include a person that offers
78 any use of any such capability for the management, control, or operation of a
79 telecommunications system or the management of a telecommunications service.
- 80 (13) 'Law' means federal, state, or local law, statute, common law, code, rule, regulation,
81 order, or ordinance.
- 82 (14) 'Local governing authority' means a municipality or county that has adopted land
83 use or zoning regulations for all or the majority of land use within its jurisdiction or has
84 adopted separate regulations pertaining to the location, construction, collocation,
85 modification, or operation of wireless facilities.
- 86 (15) 'Micro wireless facility' means a small wireless facility not larger in dimension than
87 24 inches in length, 15 inches in width, and 12 inches in height and that has an exterior
88 antenna, if any, no longer than 11 inches.
- 89 (16) 'Permit' means a written authorization required by an authority to perform an action
90 or initiate, continue, or complete a project.
- 91 (17) 'Person' means an individual, corporation, limited liability company, partnership,
92 association, trust, or other entity or organization, including an authority.
- 93 (18) 'Rate' means a recurring charge.

94 (19) 'Right of way' means the area on, below, or above a public roadway, highway,
95 street, sidewalk, alley, utility easement, or similar property, not including a federal
96 interstate highway.

97 (20) 'Small wireless facility' means a wireless facility that meets the following
98 qualifications:

99 (A) Each antenna is located inside an enclosure of no more than six cubic feet in
100 volume or, in the case of an antenna that has exposed elements, the antenna and all of
101 its exposed elements could fit within an imaginary enclosure of no more than six cubic
102 feet; and

103 (B) All other wireless equipment associated with the facility is cumulatively no more
104 than 28 cubic feet in volume. The following types of associated ancillary equipment
105 shall not be included in the calculation of equipment volume: electric meters,
106 concealment elements, telecommunications demarcation boxes, ground based
107 enclosures, grounding equipment, power transfer switches, cut-off switches, and
108 vertical cable runs for the connection of power and other services.

109 (21) 'Substantial modification' means a proposed modification to an existing wireless
110 support structure or base station which will change the physical dimensions of the
111 wireless support structure or base station by installing new equipment cabinets for the
112 technology involved resulting in more than four cabinets total, by installing new
113 equipment cabinets on the ground if there are no preexisting ground cabinets associated
114 with the structure, or by installing ground cabinets that are more than 10 percent larger
115 in height or overall volume than any other ground cabinets associated with the structure.

116 (22) 'Telecommunications carrier' means a person that offers telecommunications service
117 for a fee directly to the public, or to such classes of users as to be effectively available
118 directly to the public, regardless of the facilities used.

119 (23) 'Utility pole' means a pole or similar structure that is used in whole or in part by a
120 communications service provider or for electric distribution, lighting, traffic control,
121 signage, or a similar function. The term 'utility pole' shall not include structures
122 supporting only wireless facilities.

123 (24) 'Utility pole for designated services' means a utility pole owned or operated in a
124 right of way by an authority, a public utility district, an electric membership corporation,
125 or a rural electric cooperative that is designed to, or used in whole or in part for the
126 purpose of, carrying electric distribution lines or cables or wires for telecommunications,
127 cable, or electric service.

128 (25) 'Wireless facility' means equipment at a fixed location that enables wireless
129 communications between user equipment and a communications network, including:

130 (A) Equipment associated with wireless communications; and

131 (B) Radio transceivers, antennas, coaxial or fiber optic cables, regular and backup
 132 power supplies, and comparable equipment, regardless of technological configuration.
 133 The term 'wireless facility' shall include small wireless facilities. Such term shall not
 134 include the structure or improvements on, under, or within which the equipment is
 135 collocated.

136 (26) 'Wireless infrastructure provider' means any person, including a person authorized
 137 to provide telecommunications service in this state, that builds or installs wireless
 138 communication transmission equipment, wireless facilities, or wireless support structures
 139 but that is not a wireless services provider.

140 (27) 'Wireless provider' means a wireless infrastructure provider or a wireless services
 141 provider.

142 (28) 'Wireless services' means any services provided, using a licensed or unlicensed
 143 spectrum, whether at a fixed location or mobile, provided using wireless facilities.

144 (29) 'Wireless services provider' means a person that provides wireless services.

145 (30) 'Wireless support structure' means a freestanding structure, such as a monopole;
 146 tower, either guyed or self-supporting; billboard; or other existing or proposed structure
 147 designed to support or capable of supporting wireless facilities. Such term shall not
 148 include a utility pole.

149 36-66C-2.

150 (a) The provisions of this Code section shall only apply to activities of a wireless provider
 151 within a right of way.

152 (b) An authority may not enter into an exclusive arrangement with any person for use of
 153 a right of way for the construction, operation, marketing, or maintenance of wireless
 154 facilities or wireless support structures or the collocation of small wireless facilities.

155 (c) An authority may only charge a wireless provider a rate or fee for the use of a right of
 156 way with respect to the construction, installation, mounting, maintenance, modification,
 157 operation, or replacement of a wireless facility or wireless support structure in the right of
 158 way, including collocation in such right of way, if the authority charges other
 159 communications service providers, or publicly, cooperatively, or municipally owned
 160 utilities for the use of a right of way. Unless otherwise required by federal law, an
 161 authority shall not impose any additional charge on a communications service provider that
 162 is already charged for use of the public right of way with respect to its placement or
 163 operation of strand-mounted micro wireless facilities in the right of way.

164 (d)(1) If an authority is authorized by applicable law to charge a rate or fee to other
 165 communications service providers, any such rate or fee for a wireless provider must be:

166 (A) Limited to no more than the direct and actual cost of managing a right of way; and

167 (B) Competitively neutral with regard to other users of the right of way, including
 168 investor, authority, or cooperatively owned entities.

169 (2) No rate or fee shall:

170 (A) Result in a double recovery where existing rates, fees, or taxes already recover the
 171 direct and actual costs of managing a right of way;

172 (B) Be in the form of a franchise or other fee based on revenue or customer counts;

173 (C) Be unreasonable or discriminatory;

174 (D) Violate any applicable law; or

175 (E) Exceed annually an amount equal to \$20.00 multiplied by the number of utility
 176 poles or wireless support structures in the authority's geographic jurisdiction on which
 177 the wireless provider has collocated a small wireless facility antenna.

178 (3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, in
 179 recognition of the public benefits of the deployment of wireless services, an authority
 180 shall be permitted, on a nondiscriminatory basis, to refrain from charging any rate or fee
 181 to a wireless provider for the use of a right of way.

182 (e) Should an authority have an existing rate or fee to construct, install, mount, maintain,
 183 modify, operate, or replace a wireless facility or wireless support structure in a right of
 184 way, including collocation in such right of way, controlled by the authority and such rate
 185 or fee does not comply with the requirements of subsection (d) of this Code section, the
 186 authority shall reset such rate or fee prior to January 1, 2018, in compliance with
 187 subsection (d) of this Code section for all affected persons.

188 (f)(1) Subject to the provisions of this Code section and approval of an application, if
 189 required, a wireless provider shall have the right, as a permitted use not subject to zoning
 190 review or approval, to collocate wireless facilities and construct, modify, maintain, and
 191 operate utility poles, wireless support structures, conduits, cables, and related
 192 appurtenances and facilities along, across, upon, and under a right of way.

193 (2) The structures and facilities provided for in paragraph (1) of this subsection shall be
 194 so constructed and maintained as not to obstruct or hinder the usual travel or public safety
 195 on such right of way or obstruct the legal use of such right of way by other utilities. Each
 196 new or modified utility pole and wireless support structure installed in the right of way
 197 shall not exceed the greater of:

198 (A) Ten feet in height above the tallest existing utility pole in place as of
 199 January 1, 2018, located within 500 feet of the new pole in the same right of way; or

200 (B) Fifty feet above ground level.

201 (3) New wireless facilities in a right of way may not extend:

202 (A) More than ten feet above any utility pole or wireless support structure in place as
 203 of January 1, 2018; or

204 (B) Above the height permitted for a new utility pole or wireless support structure
 205 under this Code section.

206 (4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection:

207 (A) Subject to this Code section and Code Section 36-66C-4, a wireless provider shall
 208 have the right to collocate, construct, modify, and maintain a utility pole, wireless
 209 support structure, or wireless facility that exceeds these size limits along, across, upon,
 210 and under a right of way, subject to applicable zoning regulations; and

211 (B) Applicants shall comply with nondiscriminatory undergrounding requirements that
 212 prohibit communications service providers from installing structures in a right of way
 213 without prior zoning approval in areas zoned for single-family residential use, provided
 214 that such requirements shall not prohibit the replacement of existing structures.

215 (g) The authority, in the exercise of its administration and regulation related to the
 216 management of a right of way, must be competitively neutral with regard to other users of
 217 the right of way, and terms may not be unreasonable or discriminatory and may not violate
 218 any applicable law.

219 (h) The authority may require a wireless provider to repair all damage to a right of way
 220 directly caused by the activities of a wireless provider, while occupying, installing,
 221 repairing, or maintaining wireless facilities, wireless support structures, or utility poles in
 222 the right of way, and to return the right of way to its functional equivalence before the
 223 damage pursuant to the competitively neutral, reasonable requirements and specifications
 224 of the authority. If the wireless provider fails to make the repairs required by the authority
 225 within a reasonable time after written notice, the authority may effect those repairs and
 226 charge the applicable party the reasonable, documented cost of such repairs.

227 36-66C-3.

228 (a) The provisions of this Code section shall apply to activities of the wireless provider
 229 within or outside a right of way.

230 (b) Except as otherwise provided in this Code section and Code Sections 36-66C-2,
 231 36-66C-4, and 36-66C-5, an authority may not prohibit, regulate, or charge for the
 232 collocation of small wireless facilities.

233 (c) Small wireless facilities shall be classified as permitted uses and shall not be subject
 234 to zoning review or approval if they are collocated in a right of way in any zone or outside
 235 a right of way on any property not zoned exclusively for single-family residential use.

236 (d) An authority may require an applicant to obtain one or more permits to collocate a
 237 small wireless facility, provided that such permits are of general applicability and do not
 238 apply exclusively to wireless facilities. An authority shall receive applications for, process,
 239 and issue such permits subject to the following requirements:

- 240 (1) An authority may not directly or indirectly require an applicant to perform services
 241 unrelated to the collocation for which approval is sought, such as in-kind contributions
 242 to the authority including reserving fiber, conduit, or pole space for the authority;
- 243 (2) An applicant shall not be required to provide more information to obtain a permit
 244 than communications service providers that are not wireless providers;
- 245 (3) Within ten days of receiving an application, an authority must determine and notify
 246 the applicant whether the application is complete. If an application is incomplete, the
 247 authority must specifically identify the missing information;
- 248 (4) An application shall be processed on a nondiscriminatory basis and deemed approved
 249 if the authority fails to approve or deny the application within 60 days;
- 250 (5) An authority shall approve an application unless it does not meet the applicable laws.
 251 The authority must document the basis for a denial, including the specific provisions of
 252 law on which the denial was based, and send the documentation to the applicant on or
 253 before the day the authority denies an application. The applicant may cure the
 254 deficiencies identified by the authority and resubmit the application within 30 days of the
 255 denial without paying an additional application fee. The authority shall approve or deny
 256 the revised application within 30 days. Any subsequent review shall be limited to the
 257 deficiencies cited in the denial;
- 258 (6) An applicant seeking to collocate small wireless facilities within the jurisdiction of
 259 a single authority shall be allowed at the applicant's discretion to file a consolidated
 260 application and receive a single permit for the collocation of multiple small wireless
 261 facilities;
- 262 (7) Collocation for which a permit is granted shall commence within one year of
 263 approval and shall be pursued to completion. The authority shall not place any time
 264 limitations on a permit; provided, however, that an applicant may subsequently and
 265 voluntarily terminate a permit; and
- 266 (8) An authority may not institute, either expressly or de facto, a moratorium on:
 267 (A) Filing, receiving, or processing applications; or
 268 (B) Issuing permits or other approvals, if any, for the collocation of small wireless
 269 facilities.
- 270 (e) Application fees shall be subject to the following requirements:
 271 (1) An authority may charge an application fee only if such fee is required for similar
 272 types of commercial development within the authority's jurisdiction;
 273 (2) An authority shall only charge fees for the actual, direct, and reasonable costs
 274 incurred by the authority relating to the granting or processing of an application. Such
 275 fees shall be reasonably related in time to the incurring of such costs. Where such costs

276 are already recovered by existing fees, rates, or taxes paid by a wireless provider, no
 277 application fee shall be assessed to recover such costs;

278 (3) A fee may not include:

279 (A) Travel expenses incurred by a third party in its review of an application; or

280 (B) Direct payment or reimbursement of third-party rates or fees charged on a
 281 contingency basis or a result based arrangement;

282 (4) In any controversy concerning the appropriateness of a fee, the authority shall have
 283 the burden of proving that the fee is reasonably related to the actual, direct, and
 284 reasonable costs incurred by the authority; and

285 (5) Total application fees, where permitted, shall not exceed the lesser of the amount
 286 charged by the authority for:

287 (A) A building permit for any similar commercial construction, activity, or land use
 288 development; or

289 (B) One hundred dollars each for up to five small wireless facilities addressed in an
 290 application and \$50.00 for each additional small wireless facility addressed in the
 291 application.

292 (f) An authority shall not require an application for routine maintenance or the replacement
 293 of wireless facilities with wireless facilities that are substantially similar in size or the same
 294 size or smaller; provided, however, that an authority may require a permit to work within
 295 a right of way for such activities, if applicable. Any such permits shall be subject to the
 296 requirements provided in subsections (c) and (d) of this Code section.

297 36-66C-4.

298 (a) The provisions of this Code section shall apply to zoning reviews for:

299 (1) Installation of a new wireless support structure;

300 (2) A substantial modification outside a right of way;

301 (3) A collocation that is subject to zoning review and approval and not a permitted use
 302 under subsection (f) of Code Section 36-66C-2 or subsection (c) of Code
 303 Section 36-66C-3;

304 (4) The modification of existing wireless support structures, utility poles, and wireless
 305 facilities that are subject to zoning review and approval and not a permitted use under
 306 subsection (f) of Code Section 36-66C-2 or subsection (c) of Code Section 36-66C-3; and

307 (5) Activities of a wireless provider within or outside a right of way.

308 (b) Authorities shall process applications within the following time frames:

309 (1) Within 30 days of receiving an application under this Code section, an authority shall
 310 notify the applicant whether the application is complete, and if incomplete, the authority
 311 shall specifically identify the missing information;

312 (2) An application under this Code section shall be processed on a nondiscriminatory
 313 basis and deemed approved if the authority fails to approve or deny the application
 314 within 150 calendar days of receipt of an application for installation of a new wireless
 315 support structure or within 90 calendar days of receipt of an application for any activity
 316 provided for in paragraphs (2) through (5) of subsection (a) of this Code section. The time
 317 period for approval may be tolled to accommodate timely requests for information
 318 required to complete the application or may be extended by mutual agreement between
 319 the applicant and the authority; and

320 (3) A decision to deny an application pursuant to this Code section shall be in writing
 321 and supported by substantial evidence contained in a written record and publicly released
 322 contemporaneously. If an authority denies an application, there must be a reasonable
 323 basis for the denial. An authority shall not deny an application if such denial is
 324 discriminatory against the applicant with respect to the placement of the facilities of other
 325 wireless providers.

326 (c) Application fees shall be subject to the same requirements as in subsection (e) of Code
 327 Section 36-66C-3 and total application fees, where permitted, shall not exceed the lesser
 328 of the amount charged by the authority for:

329 (1) A building permit for any similar commercial construction, activity, or land use
 330 development; or

331 (2) One thousand dollars for a new wireless support structure or a substantial
 332 modification of a wireless support structure.

333 (d) An authority shall receive and process applications under this Code section subject to
 334 the following requirements:

335 (1) An applicant's business decision on the type and location of wireless facilities,
 336 wireless support structures, utility poles, or technology to be used shall be presumed
 337 reasonable. This presumption shall not apply with respect to the height of wireless
 338 facilities, wireless support structures, or utility poles. An authority may consider the
 339 height of such structures in its zoning review, provided that it may not unreasonably
 340 discriminate between the applicant and other communications service providers;

341 (2) An authority shall not require an applicant to submit information about an applicant's
 342 business decisions with respect to the need for the wireless support structure, utility pole,
 343 or wireless facilities;

344 (3) An authority shall not require an applicant to submit information about or evaluate
 345 an applicant's business decisions with respect to its service, customer demand for service,
 346 or quality of service;

347 (4) Any requirements regarding the appearance of facilities, including those relating to
 348 materials used for arranging, screening, or landscaping, must be reasonable;

- 349 (5) Any setback or fall zone requirements must be substantially similar to such a
 350 requirement that is imposed on other types of commercial structures of a similar height;
 351 (6) An approval term of an application shall be without expiration, except that
 352 construction of the approved structure or facilities shall commence within two years of
 353 final approval, and be diligently pursued to completion; and
 354 (7) An authority may not institute, either expressly or de facto, a moratorium on:
 355 (A) Filing, receiving, or processing applications; or
 356 (B) Issuing approvals for substantial modifications or installations that are not a
 357 permitted use.

358 36-66C-5.

359 (a) A person owning or controlling authority poles or utility poles for designated services
 360 may not enter into an exclusive arrangement with any person for the right to attach to such
 361 poles.

362 (b) The rates and fees for collocations on authority poles or utility poles for designated
 363 services shall be nondiscriminatory regardless of the services provided by the collocating
 364 wireless provider.

365 (c)(1) The rate to collocate on utility poles for designated services may not exceed the
 366 lesser of:

367 (A) Twenty dollars per year per utility pole; or

368 (B) The annual recurring rate permitted under rules and regulations adopted pursuant
 369 to 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such
 370 existed on June 30, 2017.

371 (2) The rate to collocate on authority poles shall recover the actual, direct, and
 372 reasonable costs related to the applicant's application for and use of space on the authority
 373 pole. The total annual rate for collocations and any activities related to such collocations
 374 shall not exceed the lesser of:

375 (A) The actual, direct, and reasonable costs related to the collocation on the pole; or

376 (B)(i) Twenty dollars per year per utility pole; or

377 (ii) The annual recurring rate permitted under rules and regulations adopted pursuant
 378 to 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such
 379 existed on June 30, 2017.

380 (d) In any controversy concerning the appropriateness of a rate for an authority pole, the
 381 authority shall have the burden of proving that the rates are reasonably related to the actual,
 382 direct, and reasonable costs incurred for use of space on the pole for such period.

383 (e) Should a person owning or controlling authority poles or utility poles for designated
 384 services have an existing pole attachment rate, fee, or other term that does not comply with

385 the requirements of this Code section, such person shall reform such rate, fee, or term in
386 compliance with this Code section by January 1, 2018.

387 (f) Persons owning or controlling authority poles and utility poles for designated services
388 shall offer rates, fees, and other terms that comply with subsections (b) through (e) of this
389 Code section. On and after January 1, 2018, a person owning or controlling authority poles
390 or utility poles for designated services shall make available the rates, fees, and terms for
391 the collocation of small wireless facilities on such poles that comply with the following:

392 (1) The rates, fees, and terms shall be nondiscriminatory, competitively neutral, and
393 commercially reasonable and shall comply with this chapter. Such rates, fees, and terms
394 shall be made publicly available so that a wireless provider may accept them without
395 negotiation. Documents reflecting the rates, fees, and terms entered into with each
396 wireless provider shall be made publicly available;

397 (2) For authority poles that support aerial cables used for the provision of services by
398 communications service providers or for electric service, and for utility poles for
399 designated services, the parties shall comply with all applicable federal laws and rules
400 and regulations promulgated thereunder as such existed on June 30, 2017, including, but
401 not limited to 47 U.S.C. Section 224. The good faith estimate of the person owning or
402 controlling the pole for any make-ready work necessary to enable the pole to support the
403 requested collocation shall include pole replacement if necessary;

404 (3) For authority poles that do not support aerial cables used for video, communications
405 service, or electric service, the authority shall provide a good faith estimate for any
406 make-ready work necessary to enable the pole to support the requested collocation,
407 including pole replacement if necessary, within 60 days after receipt of a complete
408 application. Make-ready work including any pole replacement shall be completed
409 within 60 days of written acceptance of the good faith estimate by the applicant; and

410 (4) The person owning or controlling the authority pole or utility pole for designated
411 services shall not require more make-ready work than required to meet applicable codes
412 or industry standards. Fees for make ready work shall not include costs related to
413 preexisting or prior damage or noncompliance. Fees for make-ready work including any
414 pole replacement shall not exceed actual costs or the amount charged to other
415 communications service providers for similar work and shall not include any consultants'
416 fees or expenses.

417 (g) An authority shall authorize the collocation of small wireless facilities on wireless
418 support structures and utility poles owned or controlled by an authority that are not located
419 within the right of way to the same extent the authority permits access to such structures
420 for other commercial projects or uses. Such collocations shall be subject to reasonable and

421 nondiscriminatory rates, fees, and terms as provided in an agreement between the authority
422 and the wireless provider.

423 36-66C-6.

424 (a) Subject to the provisions of this chapter and applicable federal law, an authority may
425 continue to exercise zoning, land use, and planning within its territorial boundaries,
426 including with respect to wireless support structures and utility poles, except that no
427 authority shall have or exercise any jurisdiction or authority over the design, engineering,
428 construction, installation, or operation of any small wireless facility located in an interior
429 structure or upon the site of any campus, stadium, or athletic facility not otherwise owned
430 or controlled by the authority, other than to comply with applicable codes.

431 (b) Nothing in this chapter shall authorize this state or any political subdivision thereof,
432 including, but not limited to, an authority, to require wireless facility deployment or to
433 regulate wireless services.

434 36-66C-7.

435 (a) The Public Service Commission shall have jurisdiction to determine all disputes arising
436 under this chapter.

437 (b) Unless agreed otherwise and pending resolution of a right of way access rate dispute,
438 the authority controlling access to and use of the right of way shall allow the placement of
439 a wireless facility or wireless support structure at a temporary rate of one-half of authority
440 proposed annual rates or \$20.00, whichever is less, with rates to be trued up upon final
441 resolution of the dispute.

442 (c) Pending resolution of a dispute concerning rates for collocation of small wireless
443 facilities on authority poles or utility poles for designated services, the person owning or
444 controlling the pole shall allow the collocating person to collocate on its poles at annual
445 rates of the lesser of:

446 (1) Twenty dollars per year per utility pole; or

447 (2) The annual recurring rate permitted under rules and regulations adopted pursuant to
448 47 U.S.C. Section 224(d) by the Federal Communications Commission, as such existed
449 on June 30, 2017.

450 Rates shall be trued up upon final resolution of the dispute.

451 (d) Complaints shall be resolved no later than 180 days after a complaint or petition is
452 filed.

453 36-66C-8.

454 An authority shall not require a communications service provider to indemnify and hold
 455 the authority and its officers and employees harmless against any claims, lawsuits,
 456 judgments, costs, liens, losses, expenses, or fees, except when a court of competent
 457 jurisdiction has found that the negligence of the communications service provider while
 458 installing, repairing, or maintaining caused the harm that created such claims, lawsuits,
 459 judgments, costs, liens, losses, expenses, or fees, or to require a communications service
 460 provider to obtain insurance naming the authority or its officers and employees an
 461 additional insured against any of the foregoing."

462 PART III

463 SECTION 3-1.

464 Said title is further amended by adding a new chapter to read as follows:

465 "CHAPTER 66D

466 36-66D-1.

467 As used in this chapter, the term:

468 (1) 'Broadband network project' means any wired or wireless Internet access deployment
 469 that has the capability of transmitting data at a rate of at least 25 megabytes per second
 470 in the downstream direction and at least 3 megabytes per second in the upstream direction
 471 to end users.

472 (2) 'Broadband service provider' means any provider of wired or wireless
 473 telecommunications services or a public utility that builds or owns a broadband network
 474 project.

475 (3) 'Department' means the Department of Community Affairs.

476 (4) 'Political subdivision' means a county, municipal corporation, or consolidated
 477 government.

478 36-66D-2.

479 (a) A political subdivision may apply to the department for certification as a gigabit ready
 480 community. The department shall by rules and regulations prescribe the form and manner
 481 for making an application. The department shall prescribe by rules and regulations a
 482 process for public notice and comment on an application for a period of at least 30 days
 483 after the application is received, except that such process shall not apply to an application

484 by a political subdivision that enacts a model ordinance developed by the department under
485 Code Section 36-66D-3.

486 (b) The department shall approve an application and certify a political subdivision as a
487 gigabit ready community if the department determines that the political subdivision has
488 enacted an ordinance that complies with Code Section 36-66D-3. If the process for public
489 notice and comment applies to an application, the department shall, before approving the
490 application, consider any public comments made regarding such application.

491 36-66D-3.

492 (a) A political subdivision shall not be certified as a gigabit ready community unless the
493 political subdivision enacts an ordinance for reviewing applications and issuing permits
494 related to broadband network projects that provides for all of the following:

495 (1) Appointing a single point of contact for all matters related to a broadband network
496 project;

497 (2) Requiring the political subdivision to determine whether an application is complete
498 and notifying the applicant about such determination in writing within ten days of
499 receiving the application;

500 (3) If the political subdivision receives an application that is incomplete, requiring the
501 written notification under paragraph (2) of this subsection to specify in detail the required
502 information that is incomplete;

503 (4) If the political subdivision does not make the written notification required under
504 paragraph (2) of this subsection, requiring the political subdivision to consider an
505 application to be complete;

506 (5) Allowing an applicant to resubmit an application as often as necessary until the
507 application is complete;

508 (6) Within 60 days of receiving an application that is complete, requiring the political
509 subdivision to approve or deny the application and provide the applicant written
510 notification of such approval or denial;

511 (7) If the political subdivision denies an application, requiring the political subdivision
512 to include in the written notification under paragraph (6) of this subsection evidence that
513 the denial is not arbitrary and capricious;

514 (8) Requiring that an application shall be considered approved and any required permit
515 shall be issued if the political subdivision does not provide the written notification under
516 paragraph (6) of this subsection;

517 (9) That any fee imposed by the political subdivision to review an application, issue a
518 permit, or perform any other activity related to a broadband network project shall be
519 reasonable and cost based; and

520 (10) Allowing all forms, applications, and documentation related to a broadband network
 521 project to be filed and signed by electronic or other means authorized by the department.

522 (b) The department may develop a model ordinance that complies with subsection (a) of
 523 this Code section for a political subdivision to use to review applications and issue permits
 524 related to broadband network projects.

525 (c) If the department develops a model ordinance under subsection (b) of this Code section
 526 and a political subdivision enacts a different ordinance that complies with subsection (a)
 527 of this Code section, the political subdivision shall, when applying for certification under
 528 Code Section 36-66D-2, provide the department with a written statement that describes the
 529 ordinance and how the ordinance differs from the model ordinance.

530 36-66D-4.

531 A political subdivision that the department has certified as a gigabit ready community
 532 under Code Section 36-66D-2 shall not:

533 (1) Require an applicant to designate a final contractor to complete a broadband network
 534 project;

535 (2) Impose an unreasonable or noncost based fee to review an application or issue a
 536 permit for a broadband network project. Any application fee that exceeds \$100.00 shall
 537 be considered unreasonable;

538 (3) Impose a moratorium of any kind on the approval of applications or issuance of
 539 permits for broadband network projects or on construction related to broadband network
 540 projects;

541 (4) Discriminate among providers of telecommunications services or public utilities with
 542 respect to any action described in this chapter or otherwise related to a broadband
 543 network project, including granting access to public rights of way, infrastructure and
 544 poles, river and bridge crossings, or any other physical assets owned or controlled by the
 545 political subdivision; or

546 (5) As a condition for approving an application or issuing a permit for a broadband
 547 network project or for any other purpose, require the applicant to:

548 (A) Provide any service or make available any part of the broadband network project
 549 to the political subdivision; or

550 (B) Except for reasonable and cost based fees allowed, make any payment to or on
 551 behalf of the political subdivision.

552 36-66D-5.

553 (a) Upon the request of a broadband service provider, the department may decertify a
 554 political subdivision as a gigabit ready community if the political subdivision fails to

555 comply with or modifies the ordinance required for certification under Code
 556 Section 36-66D-3 or violates Code Section 36-66D-4.

557 (b) Upon a complaint that an application fee under an ordinance required for certification
 558 under Code Section 36-66D-3 is unreasonable, the department shall determine whether or
 559 not such fee is reasonable. In the proceeding for making such determination, the political
 560 subdivision shall have the burden of proving the reasonableness of any function undertaken
 561 by the political subdivision as part of the application process and the reasonableness of the
 562 costs of such functions.

563 36-66D-6.

564 The department shall promulgate any reasonable and necessary rules and regulations to
 565 effectuate the provisions of this chapter."

566 **PART IV**

567 **SECTION 4-1.**

568 Said title is further amended in Code Section 36-70-24, relating to criteria for service
 569 delivery strategy, by deleting "and" at the end of subparagraph (B) of paragraph (3), by
 570 replacing the period with "; and" at the end of subparagraph (B) of paragraph (4), and by
 571 adding a new paragraph to read as follows:

572 "(5) The strategy shall promote the availability and delivery of broadband services. The
 573 strategy shall identify steps which will be taken to ensure that the population of the local
 574 government has reasonable and cost-effective access to broadband services. As used in
 575 this paragraph, the term 'broadband services' means Internet access capable of
 576 transmitting data at a rate of not less than 25 megabytes per second in the downstream
 577 direction and not less than 3 megabytes per second in the upstream direction."

578 **PART V**

579 **SECTION 5-1.**

580 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
 581 transportation, is amended by revising Code Section 46-5-167, relating to the Universal
 582 Access Fund, as follows:

583 "46-5-167.

584 (a) As used in this Code section, the term 'broadband service' means Internet access
 585 capable of transmitting data at a rate of at least 25 megabytes per second in the downstream
 586 direction and at least 3 megabytes per second in the upstream direction.

587 ~~(a)~~(b) The commission shall administer a Universal Access Fund to assure the provision
 588 of reasonably priced access to basic local exchange services and broadband services
 589 throughout Georgia. The fund shall be administered by the commission pursuant to this
 590 Code section and under rules to be promulgated by the commission as needed to assure that
 591 the fund operates in a competitively neutral manner between competing
 592 telecommunications providers.

593 ~~(b)~~(c) All telecommunications companies ~~holding a certificate of authority issued by the~~
 594 ~~commission to provide services within Georgia~~ shall contribute quarterly to the fund as
 595 provided in this subsection. ~~The commission shall determine the manner of contribution~~
 596 ~~using either one or a combination of the following two contribution methodologies:~~

597 (1) ~~A based on a charge to be established by the commission~~ for each working telephone
 598 number; ~~or~~

599 (2) ~~A proportionate amount based on each company's gross intrastate revenues from the~~
 600 ~~provision of telecommunications services to end users.~~

601 ~~In calculating such contributions, the commission shall allow a local exchange company~~
 602 ~~holding a certificate of authority issued by the commission after July 1, 1995, and before~~
 603 ~~January 1, 2010, with primary headquarters in Georgia and more than 750 full-time~~
 604 ~~employees working in Georgia as of January 1, 2010, to utilize accumulated unexpired~~
 605 ~~Georgia net operating losses for taxable years ending prior to January 1, 2010, on a full~~
 606 ~~dollar-for-dollar basis to reduce up to 50 percent of its contribution to the Universal Access~~
 607 ~~Fund. Within the same tax year of the election, companies making such election shall~~
 608 ~~formally notify the Department of Revenue that the company agrees to forego any rights~~
 609 ~~or claims to the Georgia net operating losses so used. The commission may allow any~~
 610 ~~telecommunications company certified as a competitive local exchange carrier to request~~
 611 ~~a hearing seeking relief from this contribution requirement upon application,~~
 612 ~~demonstration, and good cause shown that such competitive local exchange carrier does~~
 613 ~~not receive a benefit from the reduction in intrastate switched access charges pursuant to~~
 614 ~~subsection (c) of Code Section 46-5-166.~~

615 ~~(c)~~(d) Contributions to the fund shall be determined if, after notice and opportunity for
 616 hearing, the commission calculates the difference in the reasonable actual costs of basic
 617 local exchange services and broadband services throughout Georgia and the maximum
 618 amounts that may be charged for such services and shall also account for reductions in
 619 intrastate switched access charges pursuant to subsection (c) of Code Section 46-5-166.

620 ~~(d)~~(1)(e)(1) Nothing in this subsection shall require any Tier 2 local exchange company
 621 to raise any of its rates. Nothing in this subsection shall authorize any Tier 2 local
 622 exchange company to receive any subsidy from the Universal Access Fund. For purposes
 623 of this subsection, the term 'subsidy' means any payment authorized by paragraph (2) of

624 this subsection in excess of the intrastate access charge reductions pursuant to subsection
625 (c) of Code Section 46-5-166.

626 (2) After notice and opportunity for hearing, the commission shall determine the amount
627 of moneys in the fund that shall be distributed quarterly. Such determination shall be
628 made as follows:

629 (A) Distributions to carriers that have reduced intrastate switched access charges
630 pursuant to subsection (c) of Code Section 46-5-166 shall be limited to an amount
631 reflective of such access charge reductions and shall also be reduced by the amount per
632 access line, which if added to the carrier's basic local exchange service rate, in
633 accordance with a schedule established by the commission, results in an amount that
634 would be equal to 110 percent of the July 1, 2009, residential state-wide weighted
635 average rate for basic local exchange services imputed across all access lines and
636 adjusted annually for inflation measured by the change in GDP-PI. Any distributions
637 pursuant to this subparagraph shall be limited to a period of no more than ten years; and
638 (B) Except for those distributions to Tier 2 local exchange companies that have
639 reduced intrastate switched access charges pursuant to subsection (c) of Code Section
640 46-5-166, distributions to a Tier 2 local exchange carrier subject to rate of return
641 regulation shall also be reduced by the amount per access line, which if added to the
642 carrier's basic local exchange service rate, in accordance with a schedule established by
643 the commission, results in an amount that would be equal to 110 percent of the July 1,
644 2009, residential state-wide weighted average rate for basic local exchange services
645 imputed across all access lines and adjusted annually for inflation measured by the
646 change in GDP-PI. The commission shall determine any such distributions upon
647 application, demonstration, and good cause shown that the reasonable actual costs to
648 provide basic local exchange services and broadband services exceed the maximum
649 fixed price permitted for such basic local exchange services and the minimum fixed
650 price as established by the commission for broadband services; any distributions
651 pursuant to this subparagraph shall be limited to a period of no more than 20 years.

652 ~~(e)~~(f) The commission shall require any local exchange company seeking reimbursement
653 from the fund pursuant to subparagraph ~~(d)(2)(B)~~ ~~(e)(2)(B)~~ of this Code section to file the
654 information reasonably necessary to determine the actual and reasonable costs of providing
655 basic local exchange services and broadband services.

656 ~~(f)~~(g) The commission shall have the authority to make adjustments to the contribution or
657 distribution levels based on yearly reconciliations and to order further contributions or
658 distributions as needed between companies to equalize reasonably the burdens of providing
659 basic local exchange service and broadband service throughout Georgia.

660 ~~(g)~~(h) A local exchange company or other company shall not establish a surcharge on
 661 customers' bills to collect contributions required under this Code section without first
 662 submitting to the Public Service Commission the methodology and data used by such
 663 company for approval by the commission and upon a showing to the commission that the
 664 surcharge does not result in an increase in the company's service rates; provided, however,
 665 that such company shall not be required to submit for approval separate line items or
 666 surcharges that are specifically authorized or required by federal law or other provisions
 667 of state law."

668 PART VI
 669 SECTION 6-1.

670 Said title is further amended by revising Code Section 46-5-221, relating to definitions, as
 671 follows:

672 "46-5-221.

673 As used in this article, the term:

674 (1) 'Broadband service' means a service that consists of the capability to transmit at a rate
 675 not less than 200 kilobits per second in either the upstream or downstream direction and
 676 in combination with such service provide either:

677 (A) Access to the Internet; or

678 (B) Computer processing, information storage, or protocol conversion.

679 For the purposes of this article, broadband service does not include any information
 680 content or service applications provided over such access service nor any intrastate
 681 service that was subject to a tariff in effect as of September 1, 2005.

682 (1.1) 'Electric membership corporation' or 'EMC' means an electric membership
 683 corporation organized under this title or any prior electric membership corporation law
 684 of this state, or a corporation which elected, in accordance with the provisions thereof,
 685 to be governed by Ga. L. 1937, p. 644, the 'Electric Membership Corporation Act.'

686 (1.2) 'Emerging communications technologies' means broadband service, VoIP, IP
 687 enabled service, wireless service, and all facilities and equipment associated therewith.

688 (1.3) 'IP enabled service' means any service, capability, functionality, or application that
 689 enables an end user to send or receive a communication in existing Internet Protocol
 690 format, or any successor format, regardless of whether the communication is voice, data,
 691 or video.

692 (2) 'VoIP' means Voice over Internet Protocol services offering real-time multidirectional
 693 voice functionality utilizing any Internet protocol.

694 (3) 'Wireless service' means:

- 695 (A) Commercial ~~commercial~~ mobile radio service carried on between mobile stations
 696 or receivers and land stations and by mobile stations communicating among
 697 themselves; or
 698 (B) Commercial fixed radio service carried on between or among land stations or
 699 receivers."

700 **SECTION 6-2.**

701 Said title is further amended by revising Code Section 46-5-222, relating to commission has
 702 no authority over setting of rates or terms and conditions for the offering of broadband
 703 service, voice over Internet protocol, or wireless service, and limitations, as follows:

704 "46-5-222.

705 (a) The Public Service Commission shall not have any jurisdiction, right, power, authority,
 706 or duty to impose any requirement or regulation relating to the setting of rates or terms and
 707 conditions for the offering of ~~broadband service, VoIP, or wireless services~~ or provision
 708 of emerging communications technologies.

709 (b) This Code section shall not be construed to affect:

710 (1) State laws of general applicability to all businesses, including, without limitation,
 711 consumer protection laws and laws relating to restraint of trade;

712 (2) Any authority of the Public Service Commission with regard to consumer
 713 complaints; or

714 (3) Any authority of the Public Service Commission to act in accordance with federal
 715 laws or regulations of the Federal Communications Commission, including, without
 716 limitation, jurisdiction granted to set rates, terms, and conditions for access to unbundled
 717 network elements and to arbitrate and enforce interconnection agreements.

718 (c) Except as otherwise expressly provided in this Code section, nothing in this ~~Code~~
 719 ~~section~~ article shall be construed to restrict or expand any other authority or jurisdiction of
 720 the Public Service Commission."

721 **SECTION 6-3.**

722 Said title is further amended by adding a new Code section to read as follows:

723 "46-5-223.

724 (a) An EMC shall be authorized to provide and operate emerging communications
 725 technologies. An EMC shall be authorized to create an affiliate or subsidiary that shall be
 726 authorized to provide and operate emerging communications technologies.

727 (b) An EMC shall be authorized to apply for, accept, repay, and utilize loans, grants, and
 728 other financing from the federal government, this state, or any department or agency
 729 thereof, or from any other public or private party, in order to provide funding to assist the

730 EMC or an affiliate or subsidiary of the EMC in the planning, engineering, construction,
 731 extension, operation, repair, and maintenance of emerging communications technologies
 732 and facilities which the EMC or an affiliate or subsidiary of the EMC shall be authorized
 733 to provide under this article."

734 PART VII

735 SECTION 7-1.

736 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
 737 amended in Code Section 48-8-3, relating to exemptions from state sales and use taxes, by
 738 deleting "or" at the end of paragraph (97), by replacing the period with "; or" at the end of
 739 paragraph (98), and by adding a new paragraph to read as follows:

740 "(99)(A) Broadband equipment used in the deployment of broadband technology in an
 741 eligible county by a provider of broadband technology regardless of whether the
 742 equipment is purchased by the owner, a contractor, or a subcontractor.

743 (B) As used in this paragraph, the term:

744 (i) 'Broadband equipment' means any device capable of being used for or in
 745 connection with the transmission of broadband service, including, but not limited to,
 746 asynchronous transfer mode switches, multiplexers, digital subscriber line access
 747 multiplexers, routers, servers, fiber optics, and related equipment.

748 (ii) 'Broadband service' means Internet access capable of transmitting data at a rate
 749 of at least 25 megabytes per second in the downstream direction and at least 3
 750 megabytes per second in the upstream direction.

751 (iii) 'Broadband technology' means high-speed Internet access transmissions,
 752 including, but not limited to, digital subscriber lines, cable modems, fiber, wireless,
 753 broadband over power lines, and satellites.

754 (iv) 'Eligible county' means any county:

755 (I) Having a population of not more than 50,000 according to the United States
 756 decennial census of 2010 or any future census; or

757 (II) That has been designated by the commissioner of community affairs in the
 758 previous calendar year as a county in which at least 40 percent of the population
 759 does not have access to fixed broadband service.

760 (C) Prior to July 1 of each year, the commissioner of community affairs shall make the
 761 annual designation described in division (iv) of subparagraph (B) of this paragraph and
 762 publish on the website of the Department of Community Affairs a listing of eligible
 763 counties.

764 (D) Any person making a sale of broadband equipment shall collect the tax imposed
 765 on the sale by this article unless the purchaser furnishes a certificate issued by the
 766 commissioner certifying that the purchaser is entitled to purchase the broadband
 767 equipment without paying the tax."

768 **PART VIII**

769 **SECTION 8-1.**

770 Said title is further amended by revising subsection (a) of Code Section 48-8-111, relating
 771 to the procedure for imposition of the tax, as follows:

772 "(a) Prior to the issuance of the call for the referendum and prior to the vote of a county
 773 governing authority within a special district to impose the tax under this part, such
 774 governing authority may enter into an intergovernmental agreement with any or all of the
 775 qualified municipalities within the special district. Any county that desires to have a tax
 776 under this part levied within the special district shall deliver or mail a written notice to the
 777 mayor or chief elected official in each qualified municipality located within the special
 778 district. Such notice shall contain the date, time, place, and purpose of a meeting at which
 779 the governing authorities of the county and of each qualified municipality are to meet to
 780 discuss the possible projects for inclusion in the referendum, including municipally owned
 781 or operated projects. The notice shall be delivered or mailed at least ten days prior to the
 782 date of the meeting. The meeting shall be held at least 30 days prior to the issuance of the
 783 call for the referendum. Following such meeting, the governing authority of the county
 784 within the special district voting to impose the tax authorized by this part shall notify the
 785 county election superintendent by forwarding to the superintendent a copy of the resolution
 786 or ordinance of the governing authority calling for the imposition of the tax. Such
 787 ordinance or resolution shall specify eligible expenditures identified by the county and any
 788 qualified municipality for use of proceeds distributed pursuant to subsection (b) of Code
 789 Section 48-8-115. Such ordinance or resolution shall also specify:

790 (1) The purpose or purposes for which the proceeds of the tax are to be used and may be
 791 expended, which purpose or purposes may consist of capital outlay projects located
 792 within or outside, or both within and outside, any incorporated areas in the county in the
 793 special district or outside the county, as authorized by subparagraph (B) of this paragraph
 794 for regional facilities, and which may include any of the following purposes:

795 (A) A capital outlay project consisting of road, street, and bridge purposes, which
 796 purposes may include sidewalks and bicycle paths;

797 (B) A capital outlay project or projects in the special district and consisting of a
 798 courthouse; administrative buildings; a civic center; a local or regional jail, correctional

799 institution, or other detention facility; a library; a coliseum; local or regional solid waste
 800 handling facilities as defined under paragraph (27.1) or (35) of Code Section 12-8-22,
 801 as amended, excluding any solid waste thermal treatment technology facility, including,
 802 but not limited to, any facility for purposes of incineration or waste to energy direct
 803 conversion; local or regional recovered materials processing facilities as defined under
 804 paragraph (26) of Code Section 12-8-22, as amended; or any combination of such
 805 projects;

806 (C) A capital outlay project or projects which will be operated by a joint authority or
 807 authorities of the county and one or more qualified municipalities within the special
 808 district;

809 (D) A capital outlay project or projects, to be owned or operated or both either by the
 810 county, one or more qualified municipalities within the special district, one or more
 811 local authorities within the special district, or any combination thereof;

812 (E) A capital outlay project consisting of a cultural facility, a recreational facility, or
 813 a historic facility or a facility for some combination of such purposes;

814 (F) A water capital outlay project, a sewer capital outlay project, a water and sewer
 815 capital outlay project, or a combination of such projects, to be owned or operated or
 816 both by a county water and sewer district and one or more qualified municipalities in
 817 the county;

818 (G) The retirement of previously incurred general obligation debt of the county, one
 819 or more qualified municipalities within the special district, or any combination thereof;

820 (H) A capital outlay project or projects within the special district and consisting of
 821 public safety facilities, airport facilities, or related capital equipment used in the
 822 operation of public safety or airport facilities, or any combination of such purposes;

823 (I) A capital outlay project or projects within the special district, consisting of capital
 824 equipment for use in voting in official elections or referendums;

825 (J) A capital outlay project or projects within the special district consisting of any
 826 transportation facility designed for the transportation of people or goods, including but
 827 not limited to railroads, port and harbor facilities, mass transportation facilities, or any
 828 combination thereof;

829 (K) A capital outlay project or projects within the special district and consisting of a
 830 hospital or hospital facilities that are owned by a county, a qualified municipality, or
 831 a hospital authority within the special district and operated by such county,
 832 municipality, or hospital authority or by an organization which is tax exempt under
 833 Section 501(c)(3) of the Internal Revenue Code, which operates the hospital through
 834 a contract or lease with such county, municipality, or hospital authority;

835 (L) The repair of capital outlay projects, including, but not limited to, roads, streets,
836 and bridges, located, in part or in whole, within the special district that have been
837 damaged or destroyed by a natural disaster;

838 (M) A capital outlay project or projects that are owned, operated, or administered by
839 the state and located, in part or in whole, within the special district; ~~or~~

840 (N) A capital outlay project or projects, to be owned or operated or both either by the
841 county or one or more qualified municipalities within the special district, or any
842 combination thereof, consisting of the construction, operation, and maintenance of
843 broadband infrastructure. As used in this subparagraph, the term 'broadband
844 infrastructure' includes:

845 (i) Broadband equipment, which means any device capable of being used for or in
846 connection with the transmission of broadband service, including, but not limited to,
847 asynchronous transfer mode switches, multiplexers, digital subscriber line access
848 multiplexers, routers, servers, fiber optics, and related equipment;

849 (ii) Broadband service, which means Internet access capable of transmitting data at
850 a rate of not less than 25 megabytes per second in the downstream direction and not
851 less than 3 megabytes per second in the upstream direction; and

852 (iii) Broadband technology, which means high-speed Internet access transmissions,
853 including, but not limited to, digital subscriber lines, cable modems, fiber, wireless,
854 broadband over power lines, and satellites; or

855 ~~(N)(O)~~ Any combination of two or more of the foregoing;

856 (2) The maximum period of time, to be stated in calendar years or calendar quarters and
857 not to exceed five years, unless the provisions of paragraph (1) of subsection (b) or
858 subparagraph (b)(2)(A) of Code Section 48-8-115 are applicable, in which case the
859 maximum period of time for which the tax may be levied shall not exceed six years;

860 (3) The estimated cost of the project or projects which will be funded from the proceeds
861 of the tax, which estimated cost shall also be the estimated amount of net proceeds to be
862 raised by the tax, unless the provisions of paragraph (1) of subsection (b) or subparagraph
863 (b)(2)(A) of Code Section 48-8-115 are applicable, in which case the final day of the tax
864 shall be based upon the length of time for which the tax was authorized to be levied by
865 the referendum; and

866 (4) If general obligation debt is to be issued in conjunction with the imposition of the tax,
867 the principal amount of the debt to be issued, the purpose for which the debt is to be
868 issued, the local government issuing the debt, the interest rate or rates or the maximum
869 interest rate or rates which such debt is to bear, and the amount of principal to be paid in
870 each year during the life of the debt."

871 PART IX
872 SECTION 9-1.

873 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
874 in Chapter 7, relating to the Department of Economic Development, by adding a new article
875 to read as follows:

876 "ARTICLE 10

877 50-7-130.

878 In order to encourage economic development and attract technology enabled growth in
879 Georgia, the Department of Economic Development shall develop and administer the
880 Georgia Gigabit Ready Community Site designation program which shall designate
881 facilities and developments that offer at least 1 gigabit of broadband service that can be
882 accessed for business, education, healthcare, government, and other public purposes as a
883 Georgia Gigabit Ready Community Site.

884 50-7-131.

885 The Department of Economic Development shall have the responsibility of creating and
886 developing the Georgia Gigabit Ready Community Site designation program. The
887 department shall evaluate the information submitted by applicants for such designation to
888 confirm, based on the best available local, state, and federal broadband information, that
889 at least 1 gigabit of broadband service is available within the facility or development.
890 Upon certification of such facility or development as a Georgia Gigabit Community Site
891 by the department, the department shall provide standardized graphics and materials to the
892 owner or owners of such facility or development and the county or municipal corporation
893 in which such facility or development is located in order to promote the status of the site
894 as a Georgia Gigabit Community Site. The department shall make all departments and
895 agencies which are involved in economic development and the promotion of this state
896 aware of the Georgia Gigabit Community Site designation and promote this local
897 community asset.

898 50-7-132.

899 The Department of Economic Development shall be authorized to adopt and promulgate
900 such rules and regulations as may be reasonable and necessary to carry out the purposes
901 of this article."

902

PART X

903

SECTION 10-1.

904 Said title is further amended in Code Section 50-34-2, relating to definitions relative to the
 905 "OneGeorgia Authority Act," by revising subparagraph (B) of paragraph (4) and by revising
 906 paragraph (9) by deleting "and" at the end of subparagraph (F), by replacing the period with
 907 "; and" at the end of subparagraph (G), and by adding a new subparagraph to read as follows:

908 "(B) All costs of real property, fixtures, equipment, or personal property used in or in
 909 connection with or necessary or convenient for any project or any facility or facilities
 910 related thereto, including, but not limited to, cost of land, interests in land, options to
 911 purchase, estates for years, easements, rights, improvements, water rights, and
 912 connections for utility services, and infrastructure and connections for broadband
 913 services as such term is defined in subparagraph (G) of paragraph (9) of this Code
 914 section; the cost of fees, franchises, permits, approvals, licenses, and certificates or the
 915 cost of securing any of the foregoing; the cost of preparation of any application
 916 therefor; and the cost of all fixtures, machinery, equipment, furniture, and other
 917 property used in connection with or necessary or convenient for any project or facility;"

918 "(H) The acquisition, construction, improvement, or modification of any property, real
 919 or personal, used to provide or used in connection with the provision of broadband
 920 services which the authority has determined as necessary for the operation of the
 921 industries which such property, real or personal, is to serve and which is necessary for
 922 the public welfare, provided that, for the purposes of this subparagraph, the term
 923 'broadband services' means Internet access capable of transmitting data at a rate of not
 924 less than 25 megabytes per second in the downstream direction and not less than 3
 925 megabytes per second in the upstream direction."

926

PART XI

927

SECTION 11-1.

928 (a) Except as provided in subsections (b) and (c) of this section, this Act shall become
 929 effective on July 1, 2017.

930 (b) Part VIII of this Act shall become effective upon its approval by the Governor or upon
 931 its becoming law without such approval and shall apply to transactions which occur on or
 932 after that date.

933 (c) For purposes of proposing rules and regulations, Part V of this Act shall become
 934 effective upon its approval by the Governor or upon its becoming law without such approval.
 935 For all other purposes, Part V of this Act shall become effective on January 1, 2018.

936

SECTION 11-2.

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