

The House Committee on State Planning and Community Affairs offers the following substitute to HB 75:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, so as to require the reporting of certain information with respect to any bonds, notes, or other obligations of any political subdivision; to provide for compilation and reporting; to provide for enforcement; to provide for powers, duties, and authority of the Department of Community Affairs with respect to the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to bonds, is amended by adding a new Code section immediately following Code Section 36-82-8, to be designated Code Section 36-82-9, to read as follows:

"36-82-9.

(a) As used in this Code section, the term 'political subdivision' means any municipality, county, local government authority, board, or commission empowered to enter into debt. Such term shall not include any state agency or state authority.

(b) A political subdivision which issues general obligation bonds, revenue bonds, or any other bonds, notes, certificates of participation, or other such obligations of that political subdivision in an amount exceeding \$1 million, shall file a report with the Department of Community Affairs which contains the following:

- (1) Name of issuer;
- (2) Whether the issue is a new issue or a refinancing or refunding;
- (3) Total amount issued;
- (4) Term of issue;
- (5) Detailed description of purpose or purposes;
- (6) Name of underwriter;
- (7) Underwriting costs;

- 1 (8) Name of bond counsel;
- 2 (9) Interest rate; and
- 3 (10) True or net interest costs.

4 Such information shall be reported to the Department of Community Affairs in accordance
 5 with subsection (b) of Code Section 36-81-8.

6 (c) Any political subdivision required to report under this Code section that fails to submit
 7 such report to the Department of Community Affairs shall be prohibited from entering into
 8 any future debt until such reporting requirements are met."

9 **SECTION 2.**

10 Said chapter is further amended by striking Article 7, relating to regulation of bonds and
 11 obligations issued by development authorities, and inserting in its place the following:

12 "ARTICLE 7

13 ~~36-82-160.~~

14 ~~(a) Any downtown development authority created pursuant to Chapter 42 of this title, any~~
 15 ~~development authority created pursuant to Chapter 62 of this title, any resource recovery~~
 16 ~~development authority created pursuant to Chapter 63 of this title, and any other authority~~
 17 ~~created by or pursuant to a local law or local constitutional amendment for the purpose of~~
 18 ~~developing or promoting trade, commerce, industry, or employment opportunities or for~~
 19 ~~other similar purposes shall file with the Department of Community Affairs a statement~~
 20 ~~with respect to all bonds, notes, and other obligations which such authority issues, and such~~
 21 ~~statement shall contain with respect to each such issue of bonds, notes, or other obligations:~~

22 ~~(1) The name and address of the authority;~~

23 ~~(2) The date of the issue and the face amount of the issue;~~

24 ~~(3) The name and address of the principal user or principal users, determined based upon~~
 25 ~~reasonable expectations at the time of issuance, of any facilities provided with the~~
 26 ~~proceeds of the issue; and~~

27 ~~(4) A general description of the type of project financed with proceeds of the issue.~~

28 ~~Such filing shall be deemed to be made upon mailing to the Department of Community~~
 29 ~~Affairs in Atlanta, Georgia. Failure to make such filing shall not affect the validity of any~~
 30 ~~bonds, notes, or other obligations. A statement shall be filed, with respect to all bonds,~~
 31 ~~notes, and other obligations issued by an authority during each calendar quarter, not later~~
 32 ~~than the fifteenth day of the second calendar month after the close of the calendar quarter.~~
 33 ~~Such statement may, at the authority's option, be filed separately with respect to each issue~~
 34 ~~at the time of issuance or at any time thereafter through the fifteenth day of the second~~

1 ~~calendar month after the close of the calendar quarter during which such bonds, notes, or~~
 2 ~~other obligations were issued. The Department of Community Affairs may, for cause~~
 3 ~~shown, grant an extension of the time within which such filing is required. The~~
 4 ~~requirements of this subsection shall apply to bonds, notes, and other obligations which are~~
 5 ~~issued on or after July 1, 1984.~~

6 ~~(b) The Department of Community Affairs may prescribe or designate a form on which~~
 7 ~~the information required by subsection (a) of this Code section shall be filed. Any form~~
 8 ~~required by the federal government and requesting information similar to that required by~~
 9 ~~subsection (a) of this Code section may be so designated by the Department of Community~~
 10 ~~Affairs, notwithstanding any deviations in the type or amount of information requested by~~
 11 ~~such federal form from the type or amount of information required by subsection (a) of this~~
 12 ~~Code section.~~

13 ~~(c) Notwithstanding anything therein to the contrary, the requirements of subsection (a)~~
 14 ~~of this Code section shall not apply to:~~

15 ~~(1) Any hospital authority created pursuant to Article 4 of Chapter 7 of Title 31;~~

16 ~~(2) The Municipal Electric Authority of Georgia, created pursuant to Article 3 of Chapter~~
 17 ~~3 of Title 46; or~~

18 ~~(3) The Metropolitan Atlanta Rapid Transit Authority, created pursuant to Ga. L. 1965,~~
 19 ~~p. 2243, as amended.~~

20 ~~The authorities listed above are specifically excluded in order to make clear that subsection~~
 21 ~~(a) of this Code section does not apply to them, but such specific exclusion is not intended~~
 22 ~~to imply that these authorities would otherwise be covered by subsection (a) of this Code~~
 23 ~~section Reserved.~~

24 **SECTION 3.**

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

27 **SECTION 4.**

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