

House Bill 1414 (AS PASSED HOUSE AND SENATE)

By: Representatives Holt of the 112<sup>th</sup>, Mumford of the 95<sup>th</sup>, and Lunsford of the 110<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To authorize Newton County to exercise all redevelopment and other powers except for  
2 condemnation and eminent domain under Article IX, Section II, Paragraph VII of the  
3 Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law,"  
4 as amended; to provide for a referendum; to provide effective dates; to provide for automatic  
5 repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Newton County shall be and is authorized to exercise all redevelopment and other powers  
9 under Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as  
10 amended; provided, however, that this authorization expressly excludes any powers of  
11 condemnation or eminent domain. The intention of this Act is to authorize Newton County  
12 to undertake and carry out community redevelopment, create tax allocation districts, issue  
13 tax allocation bonds, and incur other obligations within the meaning of and as fully  
14 permitted under the provisions of Article IX, Section II, Paragraph VII of the Constitution,  
15 as amended, and to authorize Newton County to exercise redevelopment powers under the  
16 "Redevelopment Powers Law"; provided, however, that this authorization expressly excludes  
17 any powers of condemnation or eminent domain.

18 **SECTION 2.**

19 Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election  
20 superintendent of Newton County shall call and conduct an election as provided in this  
21 section for the purpose of submitting this Act to the electors of Newton County for approval  
22 or rejection. The election superintendent shall conduct that election on a practicable date in  
23 2006 provided for in subparagraph (c)(1)(B) of Code Section 21-2-540 of the O.C.G.A. which  
24 date shall be determined by resolution of the governing authority of Newton County;

1 provided, however, that if the conducting of the election on earlier authorized dates is  
 2 impracticable, then the election superintendent shall conduct that election on the date of the  
 3 November, 2006, state-wide general election and shall issue the call and conduct that election  
 4 as provided by general law. The superintendent shall cause the date and purpose of the  
 5 election to be published once a week for two weeks immediately preceding the date thereof  
 6 in the official organ of Newton County. The ballot shall have written or printed thereon the  
 7 words:

8 " YES Shall the Act be approved which authorizes Newton County to exercise  
 9 redevelopment powers excluding condemnation and eminent domain under  
 10  NO the "Redevelopment Powers Law," as it may be amended from time to  
 11 time?"

12 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring  
 13 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on  
 14 such question are for approval of the Act, then Section 1 of this Act shall become of full  
 15 force and effect immediately. If Section 1 of this Act is not so approved or if the election is  
 16 not conducted as provided in this section, Section 1 of this Act shall not become effective  
 17 and this Act shall be automatically repealed on the first day of January immediately  
 18 following that election date. The expense of such election shall be borne by Newton County.  
 19 It shall be the election superintendent's duty to certify the result thereof to the Secretary of  
 20 State.

**SECTION 3.**

21  
 22 Except as otherwise provided in Section 2 of this Act, this Act shall become effective upon  
 23 its approval by the Governor or upon its becoming law without such approval.

**SECTION 4.**

24  
 25 All laws and parts of laws in conflict with this Act are repealed.