

House Bill 203 (COMMITTEE SUBSTITUTE)

By: Representatives Jacobs of the 80th, Chambers of the 81st, Millar of the 79th, and Levitas of the 82nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to clarify certain terms; to clarify the application of the referendum requirement for the
3 issuance of bonds by certain authorities; to revise the limitations on the use of bond funds;
4 to provide for certain approvals for the issuance of bonds; to provide an exception; to provide
5 for related matters; to provide an effective date; to repeal conflicting laws; and for other
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
10 by revising Code Section 36-75-11, relating to resolutions and referendums required prior
11 to issuance of bonded indebtedness for new projects, as follows:

12 "36-75-11.

13 (a) On and after May 24, 2007, no public safety and judicial facilities authority created and
14 activated by a single county pursuant to this chapter shall be authorized to issue ~~bonded~~
15 ~~indebtedness~~ bonds for new projects unless a resolution approving such projects passed by
16 a majority vote of the governing authority of the county that created and activated such
17 authority was ratified by the electors of the county in a referendum.

18 (b) ~~If The proceeds of bonds issued by a public safety and judicial facilities authority~~
19 ~~created and activated by a single county pursuant to this chapter ~~desires to fund multiple~~~~
20 ~~projects in a bond issue, such projects and any interest on such proceeds shall be ranked~~
21 ~~in the order they will be funded after approval by the governing authority and ratification~~
22 ~~by the electors under this Code section. Such order of funding shall be binding on the~~
23 ~~public safety and judicial facilities authority and such projects shall be funded in the order~~
24 ~~approved unless a different order is submitted to the governing authority for approval and~~
25 ~~electors for ratification used only for the projects set forth in the resolution approving the~~
26 ~~issuance of such bonds or for debt service on such bonds.~~

27 (c) Any authority other than the type of authority defined in paragraph (1) of Code Section
28 36-75-3:

29 (1) Which is authorized by general or local Act to operate and ~~incur bonded indebtedness~~
30 issue bonds in a single county that has activated or that activates a public safety and
31 judicial facilities authority pursuant to this chapter; and

32 (2) Which constructs or operates buildings or facilities for use by any department,
33 agency, division, or commission of any county that has activated or that activates a public
34 safety and judicial facilities authority pursuant to this chapter

35 shall obtain approval by resolution and referendum as provided in this Code section prior
36 to issuing bonds for any new buildings, ~~or facilities, or real property~~ or improvements to
37 existing buildings, ~~or facilities, or real property~~ and shall be bound to such resolution as
38 provided in subsection (b) of this Code section.

39 (d) Subsections (a), (b), and (c) of this Code section shall apply only to the issuance of
40 bonds the principal and interest of which will be repaid, directly or indirectly, in whole or
41 in part, through funds of the county by agreement between the county and:

42 (1) A public safety and judicial facilities authority created and activated pursuant to this
43 chapter; or

44 (2) Any authority other than the type of authority defined in paragraph (1) of Code
45 Section 36-75-3 that meets the conditions set forth in paragraphs (1) and (2) of
46 subsection (c) of this Code section.

47 (e) The provisions of this Code section shall not apply under any circumstances to the
48 issuance of 'recovery zone economic development bonds' and 'recovery zone facility bonds'
49 as such terms are defined in Section 1401 of the federal American Recovery and
50 Reinvestment Act of 2009."

51 **SECTION 2.**

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

54 **SECTION 3.**

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