

House Bill 203

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

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 provide an express exception to the prohibition against requiring development  
3 authorities to be subject to certain referendums; to clarify certain terms; to clarify and give  
4 effect to the legislative intent regarding House Bill No. 181, approved May 24, 2007  
5 (Ga. L. 2007, p. 421); to clarify the application of the referendum requirement for the  
6 issuance of bonds by certain authorities; to provide for related matters; to provide an  
7 effective date; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
11 by revising Code Section 36-62-11, relating to applicability of certain other provisions of law  
12 to proceedings under chapter, as follows:

13 "36-62-11.

14 This chapter shall be liberally construed to effect the purposes hereof, and insofar as this  
15 chapter may be inconsistent with the provisions of any other law, including the charter of  
16 any municipal corporation, this chapter shall be controlling. The sale or issuance of bonds  
17 by any authority shall not be subject to regulation under Chapter 5 of Title 10, the 'Georgia  
18 Securities Law,' or any other law. No proceeding or publication not required in this chapter  
19 shall be necessary to the performance of any act authorized in this chapter, nor shall any  
20 such act be subject to referendum except as provided by subsection (c) of Code  
21 Section 36-75-11."

22 **SECTION 2.**

23 Said chapter is further amended by revising Code Section 36-75-11, relating to resolutions  
24 and referendums required prior to issuance of bonded indebtedness for new projects, as  
25 follows:

26 "36-75-11.

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

32 (b) If a public safety and judicial facilities authority created and activated by a single  
 33 county pursuant to this chapter desires to fund multiple projects in a bond issue, such  
 34 projects shall be ranked in the order they will be funded after approval by the governing  
 35 authority and ratification by the electors under this Code section. Such order of funding  
 36 shall be binding on the public safety and judicial facilities authority and such projects shall  
 37 be funded in the order approved unless a different order is submitted to the governing  
 38 authority for approval and electors for ratification.

39 (c) Any authority other than the type of authority defined in paragraph (1) of Code Section  
 40 36-75-3:

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

44 (2) Which constructs or operates buildings or facilities for use by any department,  
 45 agency, division, or commission of any county that has activated or that activates a public  
 46 safety and judicial facilities authority pursuant to this chapter  
 47 shall obtain approval by resolution and referendum as provided in this Code section prior  
 48 to issuing bonds for any new buildings or facilities or improvements to existing buildings  
 49 or facilities.

50 (d) This Code section shall apply only to the issuance of bonds, the principal and interest  
 51 of which will be repaid, directly or indirectly, through funds of the county, which shall  
 52 include, but not be limited to, arrangements in which the county agrees to lease or rent the  
 53 buildings, facilities, or improvements from the authority to provide the revenue to repay  
 54 the bonds."

55 **SECTION 3.**

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

58 **SECTION 4.**

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