

House Bill 475

By: Representatives Powell of the 171st, Roberts of the 154th, Rynders of the 152nd, Cheokas of the 134th, Meadows of the 5th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, the
2 "Development Authorities Law," so as amend the definition of the term "project" to include
3 facilities owned by a public or private entity or a combination of the two integrated for
4 purposes of trade, commerce, industry, or employment opportunities; to provide that such
5 term includes highway facilities, surface transportation projects, and projects that are related
6 to transportation; to provide that a development authority shall have the unfettered authority
7 to determine which definition of the term "project" applies to a particular project and that a
8 project which involves a public body is comprised of both public and private components
9 integrated to produce the desired purposes and will promote and develop trade, commerce,
10 industry, or employment opportunities; to provide that such decision by the authority shall
11 not be subject to review; to provide that a development authority shall have the authority to
12 issue bonds to purchase or acquire a completed project and carry out such further
13 construction or equipping that it may desire; to provide that an authority may issue bonds to
14 construct, purchase, acquire, or equip a project for any purpose permitted by such chapter;
15 to provide for severability in the event a portion of this Act is found to be unconstitutional;
16 to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, the "Development
20 Authorities Law," is amended by revising division (6)(H)(iii) of Code Section 36-62-2,
21 relating to definitions relative to the "Development Authorities Law," as follows:

22 "(iii) Airports, docks, wharves, mass commuting facilities, parking facilities, or
23 storage or training facilities directly related to any of the foregoing. As used in this
24 division, the term 'mass commuting facilities' includes, without limitation, property,
25 facilities, and related improvements owned, operated, leased, or held by:

26 (I) A private person or entity;

27 (II) A public entity, if the project is comprised of both public and private
 28 components which are integrated so as to promote and develop some part or all of
 29 the public purposes of trade, commerce, industry, and employment opportunities;
 30 or

31 (III) A combination of a private person or entity and a public entity.

32 Such property, facilities, and related improvements may include, without limitation,
 33 highway facilities, surface transportation projects, and projects undertaken pursuant
 34 to Code Sections 32-2-79 and 32-2-80 that are necessary, convenient, or useful for or
 35 in connection with the transportation, exchange, or access of occupants; passengers;
 36 cargo or freight, whether by vehicle, bus, rail, or other mode of transportation;
 37 hand-carried packages; or baggage of an occupant or passenger, by any means other
 38 than air transportation, including, without limitation, surface, overhead, or
 39 underground transportation."

40 **SECTION 2.**

41 Said chapter is further amended in Code Section 36-62-6, relating to powers of authority
 42 generally, by redesignating current subsection (b) as new subsection (d) and by adding two
 43 new subsections to read as follows:

44 "(b) An authority may determine if any project should be exclusively classified under one
 45 of the definitions of the term 'project' under paragraph (6) of Code Section 36-62-2. An
 46 authority may also determine that a project which involves a public body is comprised of
 47 both public and private components which are integrated so as to produce the desired
 48 purposes and will promote and develop some part or all of the public purposes of trade,
 49 commerce, industry, and employment opportunities. The authority's determination or
 50 determinations as to such matters shall be final for all purposes of this chapter and not
 51 subject to review.

52 (c) An authority may issue bonds which qualify as paying the cost of a project (1) to
 53 purchase or acquire a completed project and, if necessary, to carry out any further
 54 construction or equipping that it may desire; or (2) to construct, purchase, acquire, or equip
 55 a project, for any purpose permitted by this chapter, including, without limitation, for the
 56 purpose of the authority's leasing, selling, or placing under management any such project
 57 as provided in Code Section 36-62-7. The provisions of this subsection are a restatement
 58 of current law and shall not be construed to restrict the right of a person or entity to lease
 59 a project from an authority when such person or entity is the seller or builder of such
 60 project or when such bonds are issued to such person or entity."

61 **SECTION 3.**

62 Any part of this Act that is finally determined judicially to be unconstitutional or otherwise
63 invalid shall be severed from this Act, and the remaining parts shall continue in full force and
64 effect, the General Assembly declaring that it would have passed such remaining parts in any
65 event.

66 **SECTION 4.**

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