

House Bill 844

By: Representatives Martin of the 47<sup>th</sup>, Willard of the 49<sup>th</sup>, Wilkinson of the 52<sup>nd</sup>, and Lindsey of the 54<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 36-62-8 of the Official Code of Georgia Annotated, relating to  
2 obligations of an authority, use of proceeds, status as revenue obligations, subsequent series  
3 of bonds or notes, bond anticipation notes, interest rates, and issuance and validation, so as  
4 to provide for certain validation hearing appearance provisions; to provide that the  
5 confirmation and validation of bonds may include ancillary or related agreements or  
6 documents; to provide for procedures relating to an individual who desires to be party to the  
7 validation proceedings; to provide for related matters; to repeal conflicting law; and for other  
8 purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Code Section 36-62-8 of the Official Code of Georgia Annotated, relating to obligations of  
12 an authority, use of proceeds, status as revenue obligations, subsequent series of bonds or  
13 notes, bond anticipation notes, interest rates, and issuance and validation, is amended by  
14 revising subsection (g) as follows:

15 "(g) All revenue bonds issued by an authority under this chapter shall be issued and  
16 validated under and in accordance with Article 3 of Chapter 82 of this title, except as  
17 provided in subsection (f) of this Code section and except as specifically set forth below:

18 (1) Revenue bonds issued by an authority may be in such form, either coupon or fully  
19 registered, or both coupon and fully registered, and may be subject to such  
20 exchangeability and transferability provisions as the bond resolution authorizing the  
21 issuance of such bonds or any indenture or trust agreement may provide;

22 (2) Revenue bonds shall bear a certificate of validation. The signature of the clerk of the  
23 superior court of the judicial circuit in which the issuing authority is located may be made  
24 on the certificate of validation of such bonds by facsimile or by manual execution, stating  
25 the date on which such bonds were validated; and such entry shall be original evidence

26 of the fact of judgment and shall be received as original evidence in any court in this state;  
27 (3) The notice to the district attorney or the Attorney General and the notice to the public  
28 of the time, place, and date of the validation hearing need not state the rate of interest the  
29 bonds will bear;

30 (4) The term 'cost of project' shall have the meaning prescribed in paragraph (2) of Code  
31 Section 36-62-2 whenever referred to in bond resolutions of an authority, bonds and bond  
32 anticipation notes issued by an authority, or notices and proceedings to validate such  
33 bonds;

34 (5) The district attorney, the Attorney General, or their official representative shall not  
35 be required to appear at the validation hearing or any subsequent proceedings. In the  
36 absence of the district attorney, the Attorney General, or their official representative, the  
37 authority shall bear the burden of making the case for the validation of the bonds at the  
38 validation hearing or any subsequent proceedings;

39 (6) The validation hearing shall provide for confirmation and validation of the bonds and  
40 the security for such bonds that may include any ancillary or related agreements or  
41 documents as the court deems appropriate;

42 (7) Any individual who desires to become a part to the validation proceedings pursuant  
43 to subsection (a) of Code Section 36-82-77 shall be required to comply with the  
44 procedural requirements of Code Section 9-11-24 relating to intervention; and

45 (8) In the event that no appeal is filed within the time prescribed by law or, if an appeal  
46 is filed, that the judgment is affirmed on appeal, the judgment of the superior court  
47 confirming and validating the issuance of the bonds and the security for such bonds shall  
48 be forever conclusive against the governmental body upon the validity of the bonds and  
49 the security for such bonds with respect to all matters and issues that were raised or could  
50 have been raised in the bond validation proceeding."

51

**SECTION 2.**

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