House Bill 579 (AS PASSED HOUSE AND SENATE)
By: Representatives Oliver of the 82nd, Efstration of the 104th, Wilson of the 80th, Drenner of the 85th, Lopez of the 86th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 75 of Title 36 of the Official Code of Georgia Annotated, relating to war on terrorism local assistance, so as to change a short title to the "Public Safety and Judicial Facilities Act"; to repeal the requirement for referendums prior to issuance of bonded indebtedness for new projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
Chapter 75 of Title 36 of the Official Code of Georgia Annotated, relating to war on terrorism local assistance, is amended by revising Code Section 36-75-1, relating to a short title, as follows:

"36-75-1. This chapter shall be known and may be cited as the 'War on Terrorism Local Assistance Act.' "Public Safety and Judicial Facilities Act."

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SECTION 2.

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

"36-75-11.

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

(b) The proceeds of bonds issued by a public safety and judicial facilities authority created and activated by a single county pursuant to this chapter and any interest on such proceeds shall be used only for the projects set forth in the resolution approving the issuance of such bonds or for debt service on such bonds.

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

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

(2) Which constructs or operates buildings or facilities for use by any department, agency, division, or commission of any county that has activated or that activates a public safety and judicial facilities authority pursuant to this chapter shall obtain approval by resolution and referendum as provided for in subsection (a) in of this Code section prior to issuing bonds for any new buildings, facilities, or real property or improvements to existing buildings, facilities, or real property and shall be bound to such resolution as provided in subsection (b) of this Code section.

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

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

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

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

SECTION 3.

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