

House Bill 516 (AS PASSED HOUSE AND SENATE)

By: Representatives New of the 40th, Hawkins of the 27th, Ballard of the 147th, Scoggins of the 14th, Persinger of the 119th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to designate the Attorney General as an applicable elected representative who may approve issuance of certain private activity bonds; to establish procedures for public notices and hearings relative to such bonds; to authorize county and regional library boards and community service boards to conduct teleconference meetings under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new Code section to read as follows:

"50-1-14.

The Attorney General is designated as an applicable elected representative, as provided for in 26 U.S.C. Section 147(f)(2)(E) of the Internal Revenue Code, who may approve the issuance of one or more private activity bonds to finance or refinance a state charter school facility after a public hearing following reasonable notice in accordance with 26 U.S.C. Section 147(f) of the Internal Revenue Code and applicable state and federal rules. Within 60 days of the Attorney General receiving a written request for a public hearing, he or she

18 or his or her designee shall hold such hearing, as required by 26 U.S.C. Section 147(f) of
19 the Internal Revenue Code. Within 30 days of such hearing, the Attorney General shall
20 approve the issuance of private activity bonds to finance or refinance a state charter school
21 facility if the applicable charter school is authorized by Article 31A of Chapter 2 of
22 Title 20 and is an organization described under 26 U.S.C. Section 501(c)(3) of the Internal
23 Revenue Code, and such state charter school facility to be financed or refinanced by such
24 private activity bonds will be owned or principally used by such state charter school."

SECTION 2.

26 Code Section 50-14-1 of the Official Code of Georgia Annotated, relating to meetings open
27 to the public, limitation on action to contest agency action, recording, notice of time and
28 place, access to minutes, and teleconferences, is amended by revising subsection (h) as
29 follows:

30 "(h)(1) The following bodies and committees thereof shall be authorized to conduct
31 meetings by teleconference, provided that any such meeting shall be considered to be
32 conducted in compliance with this chapter so long as the notice required by this chapter
33 is provided and, if fewer than a quorum of the members of a body or committee thereof
34 are physically present, means have been afforded for the public to have simultaneous
35 access to the teleconference meeting:

36 (A) Development authorities created pursuant to or authorized by the provisions of
37 Chapter 42 or Chapter 62 of Title 36, by or pursuant to Article IX, Section VI,
38 Paragraph III of the Georgia Constitution, or by or pursuant to any amendment to the
39 Constitution continued pursuant to the authority of Article XI, Section I, Paragraph IV
40 of the Constitution;

41 (B) Community improvement districts created pursuant to the provisions of Article IX,
42 Section VII of the Georgia Constitution;

43 (C) Hospital authorities created pursuant to Article 4 of Chapter 7 of Title 31; and

(D) The board of trustees or other governing body of any large retirement system as such term is defined in subsection (a) of Code Section 47-20-84;

(E) The board of trustees of any county or regional public library created pursuant to Part 2 of Article 2 of Chapter 5 of Title 20; provided, however, that such meetings:

(i) Shall be held at a physical location with at least 50 percent of the board members physically present; and

(ii) Shall provide one or more methods for public viewing of such meetings and providing commentary at such meetings without being physically present at such meetings; and

(F) Community service boards created pursuant to Article 1 of Chapter 2 of Title 37; provided, however, that such meetings:

(i) Shall be held at a physical location with at least 50 percent of the board members physically present; and

(ii) Shall provide one or more methods for public viewing of such meetings and providing commentary at such meetings without being physically present at such meetings.

(2) The participation by teleconference of members of such bodies or committees thereof means full participation in the same manner as if such members were physically present. In the event such teleconference meeting is a public hearing, and if fewer than a quorum of the members of a body or committee thereof are physically present, then members of the public shall be afforded the means to participate fully in the same manner as if such members of the public were physically present."

SECTION 3.

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