

House Bill 130 (AS PASSED HOUSE AND SENATE)

By: Representative Parrish of the 158th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to implement the Constitutional amendment creating the "Emanuel County
2 Development Authority," approved March 27, 1965 (Ga. L. 1965, p. 2770), as amended,
3 particularly by an Act approved April 13, 1982 (Ga. L. 1982, p. 4861) and an Act approved
4 March 30, 1993 (Ga. L. 1993, p. 4324), so as to change the number of members serving on
5 the Authority; to change the qualifications to serve as members of the Authority; to increase
6 the number of years that the Authority may obligate itself contractually and issue bonds; to
7 provide for related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act to implement the Constitutional amendment creating the "Emanuel County
11 Development Authority," approved March 27, 1965 (Ga. L. 1965, p. 2770), as amended,
12 particularly by an Act approved April 13, 1982 (Ga. L. 1982, p. 4861) and an Act approved
13 March 30, 1993 (Ga. L. 1993, p. 4324), is amended by revising Section 4 as follows:

14 "SECTION 4.

15 (a) The Authority shall consist of seven members appointed by the governing Authority
16 of Emanuel County. Those five members of the Authority as such serving in those offices
17 on January 1, 2017, and any person appointed to fill a vacancy in any such office, shall
18 continue to serve the remainder of their current six-year terms, with two members' terms
19 expiring on June 30, 2018, two members' terms expiring on June 30, 2020, and one
20 member's term expiring on June 30, 2022. The two additional members of the Authority
21 shall be appointed no later than June 30, 2017, for initial terms of office that shall expire
22 on June 30, 2022. After the expiration of these initial terms, the terms of office of all
23 members shall continue as staggered terms of six years. If at the end of any term of any
24 member a successor to such member has not been appointed, the member whose term of
25 office has expired shall continue to hold office until that person's successor is appointed.

26 (b) All members who have served on said Authority shall be eligible for reappointment to
 27 succeed themselves if they are reappointed by said governing Authority designated by this
 28 Act to appoint them. Members of the Authority shall be citizens of the United States who
 29 have attained the age of 21 years, and who shall have been citizens of this State for two
 30 years, and shall either be a resident of or the owner of real property located in Emanuel
 31 County immediately preceding his or her appointment as a member of the Authority. No
 32 member of the Authority shall simultaneously serve as either a member of the governing
 33 Authority of Emanuel County or an employee of such county. Should any member resign,
 34 be unable to serve, move beyond the territorial limits of Emanuel County as it is now
 35 situated or may hereafter be situated or cease to own real property located in Emanuel
 36 County as it is now situated or may hereafter be situated, or should there be an Authority
 37 member vacancy for any reason, the successor shall be appointed to serve the remaining
 38 term of such member by the governing Authority of Emanuel County. Prior to taking
 39 office, each member shall subscribe to the following oath, to wit: 'I do solemnly swear that
 40 I will fully and faithfully perform the duties as a member of the Emanuel County
 41 Development Authority, So Help Me God.' The members of said Authority shall be
 42 entitled to no compensation. Any four members shall constitute a quorum for the
 43 transaction of ordinary business of the Authority; however, any action with respect to any
 44 project of the Authority must be approved by not less than four affirmative votes. No
 45 vacancy shall impair the power of the Authority to act."

46 **SECTION 2.**

47 Said Act is further amended by revising paragraph (6) of Section 11 as follows:

48 "(6) To enter into any contract or contracts for any period of time not exceeding 40
 49 years;"

50 **SECTION 3.**

51 Said Act is further amended by revising Section 12 as follows:

52

53 "SECTION 12.

54 The acquisition, construction, improvement, betterment, expansion, or extension of any
 55 undertaking or project of the Authority, and the issuance in anticipation of the collection
 56 of revenues of such undertaking or project, of bonds to provide funds to pay the whole or
 57 part of the cost thereof may be authorized by resolution or resolutions of the Authority that
 58 may be adopted at a regular or special meeting of a majority of the members of the
 59 Authority. Unless otherwise provided therein, such resolution or resolutions shall take
 60 effect immediately and need not be laid over or published or posted. The Authority in

61 determining the cost of any undertaking or project for which revenue bonds are to be issued
62 may include all costs as hereinbefore defined. Such bonds shall bear such date or dates,
63 mature at such time or times, not exceeding 40 years from their respective dates, bear
64 interest at such rate or rates as established by the Authority, and may be in such
65 denominations and may carry such registration privileges and be subject to redemption and
66 may contain such terms, covenants, assignments, and conditions as the resolution or
67 resolutions authorizing the issuance of such bonds may provide. Except as herein provided
68 to the contrary, such bonds shall be issued and validated in the Superior Court of Emanuel
69 County, Georgia, in the same manner as revenue bonds of municipalities are issued and
70 validated under the Revenue Bond Law (Ga. L. 1937, p. 761; Article 3 of Chapter 82 of
71 Title 36 of the O.C.G.A.) as the same is now or may hereafter be amended. In the
72 proceedings to validate such bonds, the County of Emanuel and the Emanuel County
73 Development Authority shall be named as party defendants. In the event no bill of
74 exceptions is filed within the time prescribed by law, or if filed, the judgment validating
75 the bonds shall be affirmed by the Supreme Court of Georgia, such judgment shall be
76 forever conclusive as to the validity of such bonds and the security therefor against said
77 Authority."

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SECTION 4.

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