

House Bill 1124 (AS PASSED HOUSE AND SENATE)

By: Representative Pirkle of the 155th

A BILL TO BE ENTITLED
AN ACT

1 To reconstitute the Ocilla-Irwin County Industrial Development Authority; to provide for
2 powers, authority, funds, purposes, and procedures connected therewith; to repeal the
3 amendment to the Constitution of Georgia creating the previous Ocilla-Irwin County
4 Industrial Development Authority; to provide for a referendum with respect to the
5 effectiveness of the foregoing; to provide for contingent effective dates; to provide for related
6 matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 PART I
9 SECTION 1-1.

10 There is hereby reconstituted the Ocilla-Irwin County Industrial Development Authority,
11 hereinafter referred to as the "Authority," which shall be a body corporate and politic. The
12 Authority shall be a successor in interest to the former Ocilla-Irwin County Industrial
13 Development Authority created by 1964 House Resolution No. 27-34, Resolution Act No.
14 7 (Ga. L. 1964, Ex. Sess., p. 356), and continued in force and effect by an Act approved
15 March 6, 1987 (Ga. L. 1987, p. 3817). The composition, duties, and powers of the Authority
16 shall be as described in this part.

17 SECTION 1-2.

18 As used herein, the following words and terms shall have the following meanings, unless a
19 different meaning clearly appears from the context:

20 (a) The word "Authority" shall mean the "Ocilla-Irwin County Industrial Development
21 Authority," created in this part.

22 (b) The word "Project" shall mean and include property, real or personal, acquired or held
23 by the Authority for the assistance, promotion, establishment, or development of a new
24 industry or industries, or the assistance, promotion, or expansion of existing industry, trade,

25 or commerce in Irwin County, or any combination thereof, the acquisition of any such
 26 property for any such purpose or purposes; the improvement of any such property or
 27 properties; or the construction, installation, or expansion of one or more buildings, plants,
 28 or articles of equipment for the purpose of using, selling, donating, leasing, or renting such
 29 land, properties, improvements, structures, or equipment to public or private persons, firms,
 30 corporations, or associations for such purposes.

31 (c) The term "Cost of project" shall mean the cost of lands, buildings, improvements,
 32 machinery, equipment, properties, easements, rights, franchises, materials, labor, and
 33 services acquired or contracted for; the cost of financing charges or interest prior to and
 34 during construction; architectural, accounting, engineering, inspection, fiscal, or legal
 35 expenses; cost of plans or specifications; or any other expenses necessary or incident to
 36 construction or improvements, or to determining the feasibility or practicability of the
 37 project, administrative expenses, or the acquisition, construction, equipping, or operating
 38 of any project or any part thereof.

39 **SECTION 1-3.**

40 The Authority shall consist of six members, who shall be eligible for reappointment. The
 41 chairperson of the board of commissioners of roads and revenues of Irwin County shall
 42 appoint himself or herself, one other member of the board, and one at large unelected person
 43 to the membership of the Authority. The mayor of the City of Ocilla shall appoint himself
 44 or herself, one member of the city council, and one at large unelected person to membership
 45 on the Authority. The terms of office of members of the governing authorities of Irwin
 46 County and the City of Ocilla appointed to membership on the Authority shall be concurrent
 47 with their respective terms as members of said governing authorities, and the term of office
 48 of each member appointed by the chairperson of the board of commissioners of roads and
 49 revenues of Irwin County and the mayor of the City of Ocilla shall be concurrent with the
 50 term of his or her respective appointing member. Vacancies for unexpired terms shall be
 51 filled by the chairperson of the board of commissioners of roads and revenues or the mayor
 52 of the City of Ocilla in the same manner as appointments. A majority of the directors shall
 53 constitute a quorum and the majority may act for the Authority in any manner. No vacancy
 54 shall impair the power of the Authority to act in the presence of a quorum.

55 **SECTION 1-4.**

56 The members of the Authority shall elect one of their members as chairperson and another
 57 as vice chairperson, and shall also elect a secretary and a treasurer or a secretary-treasurer.
 58 The members shall receive no compensation for their services, but shall be reimbursed for
 59 their actual reasonable expenses incurred in the performance of their duties. The Authority

60 shall make bylaws and regulations for its government and may delegate to one or more of its
 61 members or its officers, agents, and employees such powers and duties as may be deemed
 62 necessary and proper.

63 **SECTION 1-5.**

64 The property obligations and the interest obligations of the Authority shall have the same
 65 immunity from taxation as the property obligations and interest on the obligations of Irwin
 66 County. The exemption from taxation provided in this part shall not extend to tenants or
 67 lessees of the Authority.

68 **SECTION 1-6.**

69 The Authority shall have all the powers necessary or convenient to carry out and effectuate
 70 the purposes and provisions of this amendment, including, but without limiting the generality
 71 of the foregoing, the power:

- 72 (1) To sue and be sued;
- 73 (2) To adopt and amend a corporate seal;
- 74 (3) To make and execute contracts and other instruments necessary to exercise the
 75 powers of the Authority, any of which contracts may be made with Irwin County or the
 76 City of Ocilla. Irwin County and the City of Ocilla are hereby authorized to enter into
 77 contracts with the Authority;
- 78 (4) To receive and administer gifts, grants, and devises of any property and to administer
 79 trusts;
- 80 (5) To acquire by purchase, gift, or construction of any real or personal property desired
 81 to be acquired as part of any project or for the purpose of improving, extending, adding
 82 to, reconstructing, renovating, or remodeling any project or part thereof already acquired,
 83 or for the purpose of demolition to make room for such project or any part thereof;
- 84 (6) To sell, lease, exchange, transfer, assign, pledge, mortgage, or dispose of, or grant
 85 options for any such purposes, any real or personal property or interest therein;
- 86 (7) To mortgage, pledge, or assign any revenues, income, tolls, charges, or fees received
 87 by the Authority;
- 88 (8) To appoint officers and retain agents, engineers, attorneys, fiscal agents, accountants,
 89 and employees and to provide their compensation and duties;
- 90 (9) To construct, acquire, own, repair, remodel, maintain, extend, improve, and equip
 91 projects located on land owned or leased by the Authority, and to pay all or part of the
 92 cost of any such project from the proceeds of revenue-anticipation bonds of the Authority
 93 or from any contribution or loans by persons, firms, or corporations, or any other

94 contribution, all of which the Authority is hereby authorized to receive and accept and
95 use;

96 (10) To issue revenue anticipation bonds for the purpose of paying all or any part of the
97 cost of any project, including the cost of extending, adding to, or improving such project,
98 or for the purpose of refunding any such bonds of the Authority theretofore issued. Such
99 revenue anticipation bonds shall be issued and validated under and in accordance with
100 the applicable provisions of general law, including the Georgia Revenue Bond Law,
101 Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, as
102 amended, providing for the issuance of revenue anticipation bonds. As security for the
103 payment of any revenue anticipation bonds so authorized, any property, real or personal,
104 of the Authority may be pledged, mortgaged, conveyed, assigned, hypothecated, or
105 otherwise encumbered and the Authority may execute any trust agreement or indenture
106 containing any provisions not in conflict with the law for security of such bonds, which
107 trust agreement or indenture may provide for foreclosure or forced sale of any property
108 of the Authority upon default on such bonds either in payment of principal or interest or
109 upon default in the performance of any term or condition contained in such agreement of
110 indenture. The State of Georgia in behalf of the state and Irwin County and the City of
111 Ocilla hereby waives any right the state, Irwin County, or the City of Ocilla may have to
112 prevent the forced sale or foreclosure of any property of the Authority so mortgaged or
113 encumbered and any such mortgage or encumbrance may be foreclosed in accordance
114 with applicable law and the terms hereof. For purposes of the aforesaid judicial
115 validation, the Authority shall be regarded as being located in Irwin County, and the
116 Superior Court of Irwin County shall have jurisdiction and the requisite notices shall be
117 published in Irwin County. If no exception is filed to the decree validating such bonds
118 within 12 days from the date upon which such decree is entered, such decree shall be
119 final and no appeal may be taken therefrom; and

120 (11) To do all things necessary or convenient to carry out the powers expressly conferred
121 by this Act.

122 **SECTION 1-7.**

123 The governing authority of Irwin County is hereby authorized to levy an annual ad valorem
124 tax on all taxable property located within the unincorporated areas of Irwin County not to
125 exceed two mills per dollar on assessed valuation, and the funds produced by such levy shall
126 be used to aid and assist in the promotion of new industries and the expansion of agriculture,
127 trade, and commerce.

128 **SECTION 1-8.**

129 The governing authority of the City of Ocilla is hereby authorized to levy an annual ad
130 valorem tax on all taxable property located within the corporate limits of said city not to
131 exceed two mills per dollar on assessed valuation, and the funds produced by such levy shall
132 be used to aid and assist in the promotion of new industries and the expansion of agriculture,
133 trade, and commerce.

134 **SECTION 1-9.**

135 The Authority shall have the same immunity and exemption from liability for torts and
136 negligence as the State of Georgia and the officers, agents, and employees of the Authority
137 when in the performance of the work of the Authority shall have the same immunity and
138 exemption from liability for torts and negligence as the officers, agents, and employees of
139 the State of Georgia when in the performance of their public duties of work of the state. The
140 Authority may be sued the same as private corporations on any contractual obligation of the
141 Authority.

142 **SECTION 1-10.**

143 The property of the Authority shall not be subject to levy and sale under legal process except
144 such property, income, or funds as may be pledged, assigned, mortgaged, or conveyed to
145 secure an obligation of the Authority, and any such property, funds, or income may be sold
146 under legal process or under any power granted by the Authority to enforce payment of the
147 obligation.

148 **SECTION 1-11.**

149 This Act is adopted for the purpose of promoting and expanding the public good and welfare
150 and industry and trade within the territorial limits of Irwin County and reduce unemployment
151 to the greatest extent possible, and this Act shall be liberally construed for the
152 accomplishment of this purpose.

153 **SECTION 1-12.**

154 The scope of its operations of the authority shall be limited to the territory embraced within
155 Irwin County.

156 **SECTION 1-13.**

157 There shall be no limitation upon the amount of debt which the Authority may incur, but no
158 debt created by the Authority shall be a debt of the State of Georgia, Irwin County, or the
159 City of Ocilla.

160 **SECTION 1-14.**

161 Should the Authority for any reason be dissolved, title to all property of any kind and nature,
 162 real and personal, held by the Authority at the time of such dissolution shall be conveyed to
 163 be held jointly by Irwin County and the City of Ocilla, subject to any mortgages, liens,
 164 leases, or other encumbrances outstanding against or in respect to said property at that time.

165 **PART II**

166 **SECTION 2-1.**

167 The amendment to the Constitution of Georgia creating the Ocilla-Irwin County Industrial
 168 Development Authority, which amendment was proposed by 1964 House Resolution No.
 169 27-34, Resolution Act No. 7 (Ga. L. 1964, Ex. Sess., p. 356), and was continued in force and
 170 effect by an Act approved March 6, 1987 (Ga. L. 1987, p. 3817), is hereby repealed.

171 **SECTION 2-2.**

172 That Act, continuing in force and effect an amendment to the Constitution of Georgia
 173 creating the Ocilla-Irwin County Industrial Development Authority, approved March 6, 1987
 174 (Ga. L. 1987, p. 3817), is hereby repealed.

175 **PART III**

176 **SECTION 3-1.**

177 The election superintendent of Irwin County shall call and conduct an election as provided
 178 in this section for the purpose of submitting this Act to the electors of Irwin County for
 179 approval or rejection. The election superintendent shall conduct such election on the
 180 Tuesday next following the first Monday in November, 2016. The election superintendent
 181 shall issue the call and conduct such election as provided by general law. The superintendent
 182 shall cause the date and purpose of the election to be published once a week for two weeks
 183 immediately preceding the date thereof in the official organ of Irwin County. The ballot shall
 184 have written or printed thereon the words:

185 "() YES Shall the Act be approved which reconstitutes the Ocilla-Irwin County
 186 Industrial Development Authority contingent upon the repeal of the
 187 () NO amendment to the Constitution of Georgia creating the Ocilla-Irwin County
 188 Industrial Development Authority?"

189 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
 190 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
 191 such question are for approval of the Act, Parts I and II of this Act shall become of full force

192 and effect on December 31, 2016. If this Act is not so approved or if the election is not
193 conducted as provided in this section, Parts I and II of this Act shall not become effective,
194 and this Act shall be automatically repealed on January 1, 2017. The expense of such
195 election shall be borne by Irwin County. It shall be the election superintendent's duty to
196 certify the result thereof to the Secretary of State.

197 **PART IV**

198 **SECTION 4-1.**

199 Except as otherwise provided in Section 3-1 of this Act, this Act shall become effective upon
200 its approval by the Governor or upon its becoming law without such approval.

201 **SECTION 4-2.**

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