

The Senate Finance and Public Utilities Committee offered the following substitute to HB 744:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state  
2 parks and facilities, so as to enact the "Power Alley Development Authority Act"; to provide  
3 for the creation of the Power Alley Development Authority; to provide for the geographic  
4 jurisdiction of the authority; to provide for the members of the authority and their selection,  
5 service, and terms of office; to provide for the powers, duties, operations, and financial  
6 affairs of the authority; to authorize the issuance of financial obligations of the authority and  
7 provide for all matters connected with such obligations; to provide for the general purpose  
8 of the authority; to provide for other related matters; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state parks and  
13 facilities, is amended by adding at the end of said chapter a new Article 12 to read as follows:

14 style="text-align:center">"ARTICLE 12

15 12-3-680.

16 This article shall be known and may be cited as the 'Power Alley Development Authority  
17 Act.'

18 12-3-681.

19 (a) There is created a body corporate and politic to be known as the Power Alley  
20 Development Authority which shall be deemed to be a political subdivision of the State of  
21 Georgia and a public corporation by that name, style, and title. Said body may contract and  
22 be contracted with, sue and be sued, implead and be impleaded, and complain and defend  
23 in all courts of law and equity, except that the authority or the trustee acting under the trust

1 indenture shall in no event be liable for any torts committed by any of the officers, agents,  
2 and employees. The authority is granted the same exemptions and exclusions from taxes  
3 as are now granted to cities and counties for the operation of facilities similar to facilities  
4 to be operated by the authority as provided under the provisions of this article.

5 (b) The authority shall consist of nine members who are residents of the counties in the  
6 geographic jurisdiction of the authority as follows:

7 (1) Five members shall be appointed by the Governor. The terms of the initial members  
8 appointed by the Governor shall begin July 1, 2002, and one such member shall serve for  
9 a term of two years, two such members shall serve for terms of three years, and two such  
10 members shall serve for terms of four years. Thereafter all members appointed by the  
11 Governor shall serve for terms of four years;

12 (2) Two members shall be appointed by the President of the Senate for terms concurrent  
13 with the President of the Senate's term as Lieutenant Governor; and

14 (3) Two members shall be appointed by the Speaker of the House of Representatives for  
15 terms concurrent with the Speaker's term as Speaker.

16 All members shall serve until their successors are appointed and qualified.

17 (c) The members of the authority shall elect one of their members as chairperson and  
18 another as vice chairperson. They shall also elect a secretary and a treasurer who need not  
19 be members. The offices of secretary and treasurer may be combined in one person.

20 (d) The authority may make such bylaws for its government as is deemed necessary but  
21 is under no obligation to do so.

22 (e) Any five members of the authority shall constitute a quorum necessary for the  
23 transaction of business, and a majority vote of those present at any meeting at which there  
24 is a quorum shall be sufficient to do and perform any action permitted to the authority by  
25 this article. However, no person shall be entitled to exercise or cast a proxy vote for any  
26 member. No vacancy on the authority shall impair the right of a quorum to transact any  
27 and all business as aforesaid.

28 (f) The members shall receive no compensation for their services; but all members shall  
29 be entitled to be reimbursed from funds of the authority for actual expenses, including  
30 travel and any other expenses, incurred while in the performance of their duties.  
31 Employees of the authority shall receive reasonable compensation, to be determined by the  
32 members of the authority, for their services.

33 (g) A vacancy in one of the appointive positions shall be filled in the same manner as the  
34 original appointment for the remainder of the unexpired term.

35 12-3-682.

1 (a) As used in this article, the term:

2 (1) 'Authority' means the Power Alley Development Authority created in Code Section  
3 12-3-681.

4 (2) 'Cost of the project' means and embraces the cost of construction; the cost of all  
5 lands, properties, rights, easements, and franchises acquired and the cost of all  
6 conveyances in fee simple of the authority's title thereto and leases thereof; the cost of  
7 all machinery and equipment; financing charges; interest prior to and during construction  
8 and for one year after completion of construction; cost of engineering, architectural,  
9 fiscal, and legal expenses, plans, and specifications; other expenses necessary or incident  
10 to determining the feasibility or practicability of the project; administrative expenses; and  
11 such other expenses as may be necessary or incident to the financing authorized in this  
12 article, the construction of any project, and the placing of the same in operation. Any  
13 obligation or expense incurred for any of the foregoing purposes shall be regarded as a  
14 part of the cost of the project and may be paid or reimbursed as such out of the proceeds  
15 of revenue bonds issued under the provisions of this article for such project.

16 (3) 'Geographic jurisdiction of the authority' means each county in the state which  
17 contains any part of U.S. Highway 280 running from Columbus to Savannah.

18 (4) 'Project' means and includes the acquisition, financing, construction, equipping,  
19 maintenance, marketing, or operation of roads, bridges, or rail or air or other  
20 transportation facilities; industrial, commercial, office, and retail facilities; restaurants,  
21 motels, hotels, and recreation centers and areas, including, but not limited to,  
22 playgrounds; parks; hiking, camping, and picnicking areas and facilities; swimming and  
23 wading pools; lakes; golf courses; tennis courts; athletic fields and courts; clubhouses;  
24 gymnasiums; auditoriums; and related buildings; and the usual and convenient facilities  
25 pertaining to such undertakings and extensions and improvements of such facilities; the  
26 acquisition of transportation facilities, parking facilities, or parking areas in connection  
27 therewith; the acquisition of the necessary property therefor, both real and personal; and  
28 the lease and sale of any part or all of such facilities, including real and personal property,  
29 so as to assure the efficient and proper development, maintenance, and operation of such  
30 recreational facilities and areas deemed by the authority to be necessary, convenient, or  
31 desirable.

32 (5) 'Public property' means any public property within the geographic jurisdiction of the  
33 authority.

34 (6) 'Revenue bonds,' 'bonds,' and 'obligations' mean revenue bonds as defined and  
35 provided for in Article 3 of Chapter 82 of Title 36 and such type of obligations may be  
36 issued by the authority as authorized under said Article 3 and, in addition, shall also mean

1 obligations of the authority, the issuance of which are hereinafter specifically provided  
2 for in this article.

3 (b) Any project shall be deemed 'self-liquidating' if, in the judgment of the authority, the  
4 revenues and earnings to be derived by the authority therefrom and all properties used,  
5 leased, and sold in connection therewith will be sufficient to pay the cost of operating,  
6 maintaining, repairing, improving, and extending the project and to pay the principal of and  
7 interest on the revenue bonds which may be issued to finance, in whole or in part, the cost  
8 of such project or projects.

9 12-3-683.

10 The authority shall have powers:

11 (1) To have a seal and alter the same at pleasure;

12 (2) To acquire by purchase, lease, or otherwise, with the exception of eminent domain,  
13 and to hold, lease, and dispose of real and personal property of every kind and character  
14 for its corporate purposes;

15 (3) To acquire in its own name by purchase, on such terms and conditions and in such  
16 manner as it may deem proper, real property or rights of easements therein or franchises  
17 necessary or convenient for its corporate purposes and to use the same so long as its  
18 corporate existence shall continue; to lease or make contracts with respect to the use of  
19 the same; or to dispose of the same in any manner it deems to the best advantage of the  
20 authority, subject to the provisions of Code Section 12-3-705. No property shall be  
21 acquired under the provisions of this article upon which any lien or other encumbrance  
22 exists unless, at the time such property is so acquired, a sufficient sum of money is  
23 deposited in trust to pay and redeem the fair value of such lien or encumbrance. If the  
24 authority shall deem it expedient to construct any project on any lands, the title to which  
25 shall then be in the State of Georgia, the Governor is authorized to convey, for and in  
26 behalf of the state, title to such lands to the authority upon payment to the State of  
27 Georgia for the credit of the general fund of the state the reasonable value of such lands,  
28 such value to be determined by three appraisers to be agreed upon by the Governor and  
29 the chairperson of the authority. If the authority shall deem it expedient to construct any  
30 project on any lands, the title to which shall then be in a county or in any municipality  
31 incorporated in the geographic jurisdiction of the authority, the governing body of that  
32 county or municipality is authorized to convey title to such lands to the authority upon  
33 payment for the credit of the general funds of said counties or municipalities the  
34 reasonable value of such lands, such value to be determined by three appraisers to be

1 agreed upon by the governing authority or body of said county or municipality and the  
2 chairperson of the authority;

3 (4) To appoint, select, and employ officers, agents, and employees, including, but not  
4 limited to, engineering, architectural, and construction experts; fiscal agents; and  
5 attorneys and fix their respective compensations;

6 (5) To make contracts and leases and to execute all instruments necessary or convenient,  
7 including contracts for construction of projects and leases of projects or contracts with  
8 respect to the use of projects which it causes to be erected or acquired, and to dispose by  
9 conveyance of its title in fee simple of real and personal property of every kind and  
10 character, subject to the provisions of Code Section 12-3-705. Any and all persons, firms  
11 and corporations, the state, and any and all political subdivisions, departments,  
12 institutions, or agencies of the state are authorized to enter into contracts, leases, or  
13 agreements with the authority upon such terms and for such purposes as they deem  
14 advisable; and, without limiting the generality of the above, authority is specifically  
15 granted to municipal corporations and counties and to the authority to enter into contracts  
16 and lease and sublease agreements with the State of Georgia or any agencies or  
17 departments thereof relative to parks and recreational centers, areas, and facilities and  
18 relative to any property, which such department or other agency or department of the  
19 State of Georgia has now or may hereafter obtain by lease from the United States  
20 government or any agency or department thereof, and with the United States government  
21 or any agency or department thereof. The authority is specifically authorized to convey  
22 title, in fee simple, to any and all of its lands and any improvements thereon to any  
23 persons, firms, corporations, municipalities, the State of Georgia, or the United States  
24 government, or any agency or department thereof, subject to the rights and interests of  
25 the holders of any of the bonds or obligations authorized to be issued pursuant to this  
26 article, by the resolution or trust indenture of the authority authorizing the issuance of any  
27 of its bonds or obligations as provided in Code Section 12-3-696;

28 (6) To construct, erect, acquire, own, repair, remodel, maintain, add to, extend, improve,  
29 equip, operate, and manage projects as defined in paragraph (4) of Code Section  
30 12-3-682, the cost of any such project to be paid in whole or in part from the proceeds of  
31 revenue bonds or other funds of the authority or from such proceeds or other funds and  
32 any grant from the United States of America or any agency or instrumentality thereof;

33 (7) To accept loans or grants of money or materials or property of any kind from the  
34 United States of America or any agency or instrumentality thereof upon such terms and  
35 conditions as the United States of America or such agency or instrumentality may  
36 impose;

1 (8) To accept loans or grants of money or materials or property of any kind from the  
2 State of Georgia or any agency or instrumentality or political subdivision thereof upon  
3 such terms and conditions as the State of Georgia or such agency or instrumentality or  
4 political subdivision may impose;

5 (9) To borrow money for any of its corporate purposes and to execute evidences of such  
6 indebtedness and to secure the same, to issue negotiable revenue bonds payable solely  
7 from funds pledged for that purpose, and to provide for the payment of the same and for  
8 the rights of the holders thereof;

9 (10) To exercise any power usually possessed by private corporations performing similar  
10 functions which is not in conflict with the Constitution and laws of this state;

11 (11) The authority and the trustee acting under the trust indenture are specifically  
12 authorized from time to time to sell, lease, grant, exchange, or otherwise dispose of any  
13 surplus property, both real or personal, or interest therein not required in the normal  
14 operation of and usable in the furtherance of the purpose for which the authority was  
15 created, except as such right and power may be limited as provided in Code Section  
16 12-3-696;

17 (12) To borrow money for any of its corporate purposes from any bank, banks, or other  
18 lending institutions and to execute evidences of such indebtedness and to secure the  
19 same;

20 (13) To serve as an agency in managing, developing, and leasing property received or  
21 leased from the United States of America;

22 (14) To fix, alter, charge, and collect tolls, fees, rents, charges, and assessments for the  
23 use of the facilities of or for the services rendered by the authority, such rates to be at  
24 least sufficient to provide for payment of all expenses of the authority, the conservation,  
25 maintenance, and operation of its facilities and properties, the payment of principal and  
26 interest on its notes, bonds, and other evidences of indebtedness or obligation, and to  
27 fulfill the terms and provisions of any agreement made with the purchasers and holders  
28 of any such notes, bonds, or other evidences of indebtedness or obligation; and

29 (15) To do all things necessary or convenient to carry out the powers expressly given in  
30 this article.

31 12-3-684.

32 (a) The authority, or any authority or body which has succeeded or which may in the  
33 future succeed to the powers, duties, and liabilities vested in the authority, shall have power  
34 and is authorized at one time, or from time to time, to provide by resolution for the issuance  
35 of negotiable revenue bonds for the purpose of paying all or any part of the cost, as defined

1 in this article, of any one project or a combination of projects. The principal and interest  
2 of such revenue bonds shall be payable solely from the special fund provided in Code  
3 Section 12-3-695 for such payment. The bonds of each issue shall be dated and shall  
4 mature at such times and bear interest at such rates as may be determined by the authority,  
5 payable in such medium of payment as to both principal and interest as may be determined  
6 by the authority, and may be made redeemable before maturity, at the option of the  
7 authority, at such price or prices and under such terms and conditions as may be fixed by  
8 the authority in the resolution providing for the issuance of the bonds.

9 (b) Such revenue bonds or obligations shall be issued pursuant to and in conformity with  
10 Article 3 of Chapter 82 of Title 36; and all procedures pertaining to such issuance and the  
11 conditions thereof shall be the same as those contained in said Article 3 of Chapter 82 of  
12 Title 36.

13 12-3-685.

14 The authority shall determine the form of the bonds, including any interest coupons to be  
15 attached thereto, and shall fix the denomination or denominations of the bonds and the  
16 place or places of payment of principal and interest thereof which may be at any bank or  
17 trust company within or outside the state. The bonds may be issued in coupon or registered  
18 form, or both, as the authority may determine; and provision may be made for the  
19 registration of any coupon bond as to principal alone and also as to both the principal and  
20 interest.

21 12-3-686.

22 All such bonds shall be signed by the chairperson of the authority, and attested by the  
23 secretary and treasurer of the authority, the official seal of the authority shall be affixed  
24 thereto, and any coupons attached thereto shall bear the facsimile signatures of the  
25 chairperson and secretary and treasurer of the authority. Any coupon may bear the  
26 facsimile signatures of such persons; and any bond may be signed, sealed, and attested on  
27 behalf of the authority by such persons as, at the actual time of the execution of such bonds,  
28 shall be duly authorized or hold the proper office, although at the date of such bonds such  
29 persons may not have been so authorized or shall not have held such office. In case any  
30 officer whose signature shall appear on any bonds or whose facsimile signature shall  
31 appear on any coupon shall cease to be such officer before delivery of such bonds, such  
32 signature shall nevertheless be valid and sufficient for all purposes as if he or she had  
33 remained in office until such delivery.

1 12-3-687.

2 All revenue bonds issued under this article shall have and are declared to have all the  
3 qualities and incidents of negotiable instruments under the laws of this state. Such bonds  
4 are declared to be issued for an essential public and governmental purpose, and the said  
5 bonds and the income thereof shall be exempt from all taxation within the state.

6 12-3-688.

7 The authority may sell such bonds in such manner and for such price as it may determine  
8 to be in the best interest of the authority, and the proceeds derived from the sale of such  
9 bonds shall be used solely for the purpose provided in the proceedings authorizing the  
10 issuance of such bonds.

11 12-3-689.

12 Prior to the preparation of definitive bonds, the authority may, under like restrictions, issue  
13 interim receipts, interim certificates, or temporary bonds with or without coupons  
14 exchangeable for definitive bonds upon the issuance of the latter.

15 12-3-690.

16 The authority may also provide for the replacement of any bond or any coupons which  
17 shall become mutilated or be destroyed or lost.

18 12-3-691.

19 Such revenue bonds may be issued without any other proceedings or the happening of any  
20 other conditions or things than those proceedings, conditions, and things which are  
21 specified or required by this article. Any resolution providing for the issuance of revenue  
22 bonds under the provisions of this article shall become effective immediately upon its  
23 passage and need not be published or posted; and any such resolution may be passed at any  
24 regular or special or adjourned meeting of the authority by a majority of its members.

25 12-3-692.

26 Revenue bonds issued under the provisions of this article shall not be deemed to constitute  
27 a debt of any county in the geographic jurisdiction of the authority or the state nor a pledge  
28 of the faith and credit of any of said counties or the state; but such bonds shall be payable  
29 solely from the fund provided for in Code Section 12-3-695. The issuance of such revenue  
30 bonds shall not directly, indirectly, or contingently obligate any of said counties or the state  
31 to levy or to pledge any form of taxation whatever therefor or to make any appropriation

1 for their payment. All such bonds shall contain recitals on their face covering substantially  
2 the foregoing provisions of this Code section.

3 12-3-693.

4 In the discretion of the authority, any issue of such revenue bonds may be secured by a  
5 trust indenture by and between the authority and a corporate trustee which may be any trust  
6 company or bank having the powers of a trust company within or outside of the state. Such  
7 trust indenture may pledge or assign fees, rents, tolls, revenues, and earnings to be received  
8 by the authority, including the proceeds derived from the sale from time to time of any  
9 surplus property of the authority, both real and personal. Either the resolution providing for  
10 the issuance of revenue bonds or such trust indenture may contain such provisions for  
11 protecting and enforcing the rights and remedies of the bondholders as may be reasonable  
12 and proper and not in violation of law, including covenants setting forth the duties of the  
13 authority in relation to the acquisition of property; the construction of the project; the  
14 maintenance, operation, repair, and insurance of the project; and the custody, safeguarding,  
15 and application of all moneys, including the proceeds derived from the sale of property of  
16 the authority, both real and personal; and may also provide that any project shall be  
17 constructed and paid for under the supervision and approval of consulting engineers or  
18 architects employed or designated by the authority; and may also contain provisions  
19 concerning the conditions, if any, upon which additional revenue bonds may be issued. It  
20 shall be lawful for any bank or trust company incorporated under the laws of this state to  
21 act as such depository and to furnish such indemnifying bonds or pledge such securities as  
22 may be required by the authority. Such indenture may set forth the rights and remedies of  
23 the bondholders and of the trustee and may restrict the individual right of action of  
24 bondholders as is customary in trust indentures securing bonds and debentures of  
25 corporations. In addition to the foregoing, such trust indenture may contain such other  
26 provisions as the authority may deem reasonable and proper for the security of the  
27 bondholders. All expenses incurred in carrying out such trust indenture may be treated as  
28 a part of the cost of maintenance, operation, and repair of the project affected by such  
29 indenture.

30 12-3-694.

31 The authority shall, in the resolution providing for the issuance of revenue bonds or in the  
32 trust indenture, provide for the payment of the proceeds of the sale of the bonds to any  
33 officer or person who or any agency, bank, or trust company which shall act as trustee of

1 such funds and shall hold and apply the same to the purposes hereof, subject to such  
2 regulations as this article and such resolution or trust indenture may provide.

3 12-3-695.

4 The revenues, rents, fees, tolls, and earnings derived from any particular project or projects,  
5 regardless of whether or not such fees, earnings, and revenues were produced by a  
6 particular project for which bonds have been issued, and any moneys derived from the sale  
7 of any properties, both real and personal, of the authority, unless otherwise pledged and  
8 allocated, may be pledged and allocated by the authority to the payment of the principal  
9 and interest on revenue bonds of the authority as the resolution authorizing the issuance of  
10 the bonds or in the trust instrument may provide. Such funds so pledged, from whatever  
11 source received, which said pledge may include funds received from one or more or all  
12 sources, shall be set aside at regular intervals as may be provided in the resolution or trust  
13 indenture into a sinking fund, which said sinking fund shall be pledged to and charged with  
14 the payment of:

- 15 (1) The interest upon such revenue bonds as such interest shall fall due;
- 16 (2) The principal of the bonds as the same shall fall due;
- 17 (3) Any premium upon bonds acquired by the redemption, payment, or otherwise;
- 18 (4) The necessary charges of the paying agent or agents for paying principal and interest;
- 19 and
- 20 (5) Any investment fees or charges.

21 The use and disposition of such sinking fund shall be subject to such regulations as may  
22 be provided in the resolution authorizing the issuance of the revenue bonds or in the trust  
23 indenture; but, except as may otherwise be provided in such resolution or trust indenture,  
24 such sinking fund shall be maintained as a trust account for the benefit of all revenue bonds  
25 without distinction or priority of one over another. Subject to the provisions of the  
26 resolution authorizing the issuance of the bonds or in the trust indenture, any surplus  
27 moneys in the sinking fund may be applied to the purchase or redemption of bonds; and  
28 any such bonds so purchased or redeemed shall forthwith be canceled and shall not be  
29 reissued, printed, and delivered.

30 12-3-696.

31 Except to the extent the rights given in this Code section may be restricted by resolution  
32 passed before the issuance of bonds or by a trust indenture, any holder of revenue bonds  
33 or interest coupons issued under this article, any receiver for such holders, or any indenture  
34 trustee, if any, may either at law or in equity, by action, mandamus, or other proceedings,

1 protect and enforce any and all rights under the laws of the State of Georgia or granted by  
2 this article or under such resolution or trust indenture. Such holder, receiver, or trustee may  
3 enforce and compel performance of all duties required by this article, or by resolution or  
4 trust indenture, to be performed by the authority or any officer thereof, including the fixing,  
5 charging, and collecting of revenues, rents, and other charges for the use of the project or  
6 projects. In the event of default of the authority upon the principal and interest obligations  
7 of any revenue bond issue, such holder, receiver, or trustee shall be subrogated to each and  
8 every right, specifically including the contract rights of collecting rental, which the  
9 authority may possess against the state or any department, agency, or institution of the state  
10 and, in the pursuit of his or her or its remedies as subrogee, may proceed either at law or  
11 in equity, by action, mandamus, or other proceedings, to collect any sums by such  
12 proceedings due and owing to the authority and pledged or partially pledged directly or  
13 indirectly to the benefit of the revenue bond issue of which such holder, receiver, or trustee  
14 is representative. No holder, receiver, or trustee shall have the right to compel any exercise  
15 of the taxing power of the state to pay any such bond or the interest thereon, or to enforce  
16 the payment thereof against any property of the state, nor shall any such bond constitute  
17 a charge, lien, or encumbrance, legal or equitable, upon the property of the state.

18 12-3-697.

19 The authority is authorized to provide by resolution for the issuance of bonds of the  
20 authority for the purpose of funding or refunding any revenue bonds issued under the  
21 provisions of this article and then outstanding, together with accrued interest thereon and  
22 premium, if any. The issuance of such funding or refunding bonds, the maturities and all  
23 other details thereof, the rights of the holders thereof, and the duties of the authority in  
24 respect to the same shall be governed by the foregoing provisions of this article insofar as  
25 the same may be applicable.

26 12-3-698.

27 Any action to protect or enforce any rights under the provisions of this article or any action  
28 against such authority shall be brought in the superior court of one of the counties in the  
29 geographic jurisdiction of the authority; and any action pertaining to validation of any  
30 bonds issued under the provisions of this article shall likewise be brought in one of said  
31 courts which shall have exclusive, original jurisdiction of such actions.

32 12-3-699.

1 Bonds of the authority shall be confirmed and validated in accordance with the procedure  
2 of Article 3 of Chapter 82 of Title 36. The petition for validation shall also make party  
3 defendant to such action the State of Georgia or any municipality, county, authority,  
4 political subdivision, or instrumentality of the State of Georgia or the United States  
5 government or any department or agency of the United States government, if subject to  
6 having such action brought against it and if consenting to same, which has contracted with  
7 the authority for the services and facilities of the project for which bonds are to be issued  
8 and sought to be validated; and the state or such municipality, county, authority, political  
9 subdivision, or instrumentality shall be required to show cause, if any, why such contract  
10 or contracts and the terms and conditions thereof should not be inquired into by the court  
11 and the validity of the terms thereof be determined and the contract or contracts adjudicated  
12 as a part of the basis of the security for the payment of any such bonds of the authority. The  
13 bonds, when validated, and the judgment of validation shall be final and conclusive with  
14 respect to such bonds and the security for the payment thereof and interest thereon and  
15 against the authority issuing the same, the state and any municipality, county, authority,  
16 political subdivision, or instrumentality, if a party to the validation proceedings, contracting  
17 with the Power Alley Development Authority.

18 12-3-700.

19 While any of the bonds issued by the authority remain outstanding, the powers, duties, or  
20 existence of said authority or of its officers, employees, or agents shall not be diminished  
21 or impaired in any manner that will affect adversely the interest and rights of the holders  
22 of such bonds; and no other entity, department, agency, or authority will be created which  
23 will compete with the authority to such an extent as to affect adversely the interest and  
24 rights of the holders of such bonds; nor will the state itself so compete with the authority.  
25 The provisions of this article shall be for the benefit of the authority and the holders of any  
26 such bonds and, upon the issuance of bonds under the provisions hereof, shall constitute  
27 a contract with the holders of such bonds.

28 12-3-701.

29 All moneys received pursuant to the authority of this article, whether as proceeds from the  
30 sale of revenue bonds; as grants or other contributions; or as revenues, income, fees, and  
31 earnings, shall be deemed to be trust funds to be held and applied solely as provided in this  
32 article.

33 12-3-702.

1 Without limiting the generality of any provisions of this article, the general purpose of the  
2 authority is declared to be that of economic and tourism development in the geographic  
3 jurisdiction of the authority through acquiring, constructing, financing, equipping,  
4 maintaining, marketing, or operating projects as defined in this article and acquiring the  
5 necessary property therefor, both real and personal, and leasing or selling any or all of such  
6 facilities, including real property, and doing any and all things deemed by the authority to  
7 be necessary, convenient, or desirable for and incident to the efficient and proper  
8 development and operation of such types of undertakings.

9 12-3-703.

10 The authority is authorized to prescribe and revise from time to time rates, rents, fees, tolls,  
11 and charges, and to collect such rates, rents, fees, tolls, and charges for the services,  
12 facilities, or commodities furnished, including leases, concessions, or subleases of its lands  
13 or facilities, and to determine the price and terms at and under which its lands or facilities  
14 may be sold and, in anticipation of the collection of the revenues and income of such  
15 undertakings or projects, to issue revenue bonds as provided in this article to finance in  
16 whole or in part the cost of the acquisition, construction, reconstruction, improvement,  
17 equipment, betterment, or extension of its lands and facilities and to pledge to the punctual  
18 payment of said bonds and interest thereon all or any part of the revenues and income of  
19 such undertakings or projects, including the revenues of improvements, betterments, or  
20 extensions thereto thereafter made or the sale of any of its lands and facilities.

21 12-3-704.

22 It shall be the duty of the authority to prescribe rules and regulations for the operation of  
23 the project or projects constructed under the provisions of this article, including the basis  
24 on which recreational facilities shall be furnished.

25 12-3-705.

26 (a) All meetings of the authority shall be opened to the public at all times. Ample notice  
27 shall be given to all members of the authority and to the public of any special or called  
28 meeting of the authority. The minutes of all meetings and all actions taken by the authority  
29 shall likewise be opened to public inspection.

30 (b) Each purchase made in behalf of the authority of personal property or services in  
31 excess of \$5,000.00 shall be accomplished pursuant to competitive bids, after having  
32 published invitations to bid in one or more newspapers in general circulation in the state  
33 prior to the award of any contract. All bids shall be opened during meetings of the

1 authority, and the rejection or acceptance thereof shall be entered upon the minutes of the  
2 authority.

3 (c) Any surplus or unserviceable property of the authority shall be disposed of pursuant  
4 to competitive bids which shall be advertised in one or more newspapers in general  
5 circulation in the state. All bids for the disposal of such property shall be opened during  
6 public meetings of the authority, and the acceptance or rejection thereof shall be entered  
7 upon the minutes of the authority.

8 (d) At the conclusion of each fiscal year of the authority, the affairs of the authority shall  
9 be audited by a certified public accounting firm. A synopsis of the audit shall be published  
10 in one or more newspapers in general circulation in the geographic jurisdiction of the  
11 authority as soon as the report of the auditors is submitted to the authority.

12 (e) All funds of the authority which are not required for the normal operations of the  
13 authority shall be invested in interest-bearing investments within 30 days of their receipt  
14 by the authority.

15 12-3-706.

16 It is found, determined, and declared that the creation of the authority and the carrying out  
17 of its corporate purposes are in all respects for the benefit of the people of this state and  
18 constitute a public purpose and that the authority will be performing an essential  
19 governmental function in the exercise of the power conferred upon it by this article. This  
20 state covenants with the holders of the bonds that the authority shall be required to pay no  
21 taxes or assessments upon any of the property acquired or leased by it or under its  
22 jurisdiction, control, possession, or supervision, or upon its activities in the operation or  
23 maintenance of the buildings erected or acquired by it, or upon any fees, rentals, or other  
24 charges for the use of such buildings, or upon other income received by the authority.  
25 Further, this state covenants that the bonds of the authority, their transfer, and the income  
26 therefrom shall at all times be exempt from taxation within the state. The exemption  
27 provided in this Code section shall not include any exemption from sales and use tax on  
28 property purchased by the authority or for use by the authority.

29 12-3-707.

30 (a) Every member of the authority and every employee of the authority who knowingly  
31 has any interest, direct or indirect, in any contract to which the authority is or is about to  
32 become a party, or in any other business of the authority, or in any firm or corporation  
33 doing business with the authority, shall make full disclosure of such interest to the  
34 authority. Failure to disclose such an interest shall constitute cause for which an authority

1 member may be removed or an employee discharged or otherwise disciplined at the  
2 discretion of the authority.

3 (b) Provisions of Article 1 of Chapter 10 of Title 16, Code Sections 16-10-21 and  
4 16-10-22, and Code Sections 16-10-92 and 16-10-93, regulating the conduct of officers,  
5 employees, and agents of political subdivisions, municipal and other public corporations,  
6 and other public organizations, shall be applicable to the conduct of members, officers,  
7 employees, and agents of the authority.

8 (c) Any contract or transaction of the authority involving a conflict of interest not  
9 disclosed under subsection (a) of this Code section, or involving a violation of Article 1 of  
10 Chapter 10 of Title 16, Code Sections 16-10-21 and 16-10-22, and Code Sections 16-10-92  
11 and 16-10-93, or involving a violation of any other provision of law regulating conflicts  
12 of interest which is applicable to the authority or its members, officers, or employees shall  
13 be voidable by the authority.

14 12-3-708.

15 Any other provision of this article to the contrary notwithstanding, the authority shall not  
16 incur any debt of any kind, whether through contract, mortgage, or otherwise, or encumber  
17 any real or personal property in any manner unless such action has been approved in  
18 advance, in writing, by the Georgia State Financing and Investment Commission as defined  
19 by Article VII, Section IV, Paragraph VII of the Constitution and Article 2 of Chapter 17  
20 of Title 50, the 'Georgia State Financing and Investment Commission Act.'"

21 **SECTION 2.**

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