

House Bill 932

By: Representatives Henson of the 65th, Ragas of the 64th, Squires of the 78th, Unterman of the 84th, Dix of the 76th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 6 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
2 relating to state memorials, so as to abolish the Stone Mountain Memorial Association and
3 transfer certain duties, powers, and obligations to the Parks and Historic Sites Division of the
4 Department of Natural Resources; to provide for the powers, duties, and authority of the
5 division and the Board of Natural Resources; to provide for a short title; to change certain
6 definitions; to change certain provisions regarding police powers and ordinances; to change
7 certain provisions regarding bonds; to provide an effective date; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

11 Article 6 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state
12 memorials, is amended by striking Part 4, relating to the Stone Mountain Memorial
13 Association, and inserting in its place a new Part 4 to read as follows:

14 style="text-align:center">"Part 4

15 12-3-190.

16 This part may be cited as the 'Stone Mountain Memorial ~~Association~~ Park Act.'

17 12-3-191.

18 As used in this part, the term:

19 ~~(1) 'Association' means the Stone Mountain Memorial Association created by this part~~
20 ~~or any authority or body in which the duties and liabilities of the association created~~
21 ~~hereby may hereafter become vested.~~

22 ~~(2)~~(1) 'Bonds' or 'revenue bonds' means any bonds issued by the ~~association~~ former Stone
23 Mountain Memorial Association under this part, including refunding bonds.

1 (2) 'Division' means the Parks and Historic Sites Division of the Department of Natural
 2 Resources.

3 ~~(3) 'Cost of project' means the cost of acquiring, constructing, developing, improving,~~
 4 ~~equipping, adding to, extending, remodeling, managing, and operating the project or any~~
 5 ~~part thereof, including, without being limited to, the cost of all lands, properties,~~
 6 ~~franchises, easements, and rights in property; the cost of all machinery and equipment~~
 7 ~~necessary for constructing, improving, developing, adding to, remodeling, managing,~~
 8 ~~maintaining, and operating the project; financing charges and interest accruing on any~~
 9 ~~bonds issued by the association prior to and during the period estimated as necessary to~~
 10 ~~complete the construction, development, and improvement of the project, and for one~~
 11 ~~year thereafter; the cost of plans and specifications; the cost of engineering, engineers,~~
 12 ~~and architects; legal fees; other expenses necessary or incident to determining the~~
 13 ~~feasibility or practicality of the project or any part thereof; administrative expenses; and~~
 14 ~~such other expenses as may be necessary or incidental to the financing authorized by this~~
 15 ~~part, including fiscal agents' fees and the estimated cost of operating the project for a~~
 16 ~~period not exceeding 12 months, and the expense of construction, development,~~
 17 ~~improvement, management, maintenance, operation, or any other action permitted by this~~
 18 ~~part with respect to the project and the placing of the same in operation, and including~~
 19 ~~any other expense authorized by this part to be incurred by the association which is~~
 20 ~~incurred with respect to any action as regards the project. Any obligation or expense~~
 21 ~~incurred for any of the foregoing purposes shall be regarded as a cost of the project and~~
 22 ~~may be paid or reimbursed as such out of the proceeds of bonds issued under this part for~~
 23 ~~such project.~~

24 ~~(4)~~(3) 'Governing authority of a county' means the commissioner, board of
 25 commissioners, commission, or other person or body of persons at the time entrusted by
 26 law with the administration of the fiscal affairs of any county.

27 ~~(5)~~(4) 'Governing authority of a municipality' means the council, board of aldermen, or
 28 other person or body of persons at the time entrusted by law with the administration of
 29 the fiscal affairs of any municipal corporation.

30 ~~(6)~~(5) 'Master plan' means that document created by Robert and Company and adopted
 31 by the association former Stone Mountain Memorial Association in December, 1992,
 32 consisting of districts and plans for various construction projects as amended prior to
 33 January 1, 1995, and as it may be amended from time to time by the division pursuant to
 34 Code Section ~~12-3-194.2~~ 12-3-6.

35 ~~(7)~~(6) 'Project' means Stone Mountain and property adjacent thereto acquired by the
 36 association division and all accommodations, utilities, facilities, services, and equipment
 37 necessary or convenient, and all property, real, personal, or mixed, used or useful,

1 including franchises and easements, in constructing, erecting, improving, remodeling,
 2 developing, equipping, adding to, extending, maintaining, managing, and operating Stone
 3 Mountain, located in DeKalb County, Georgia, and property adjacent thereto, as a
 4 Confederate memorial and public recreational area, and the construction, improvement,
 5 development, maintenance, management, operation, and extension of any part thereof,
 6 as to which the ~~association~~ division has undertaken or agreed to undertake any action
 7 permitted by this part.

8 12-3-192.

9 ~~(a) There is created a~~ The body corporate and politic and instrumentality and public
 10 corporation of this state ~~to be~~ known as the Stone Mountain Memorial Association is
 11 abolished. All duties and obligations of the association are assigned and transferred to the
 12 division. ~~It shall have perpetual existence. In such name it may contract and be contracted~~
 13 ~~with, sue and be sued, implead and be impleaded, and complain and defend in all courts.~~

14 ~~(b) The association is assigned to the Department of Natural Resources for administrative~~
 15 ~~purposes only.~~

16 ~~12-3-192.1.~~ 12-3-193.

17 ~~(a) The purposes of the Stone Mountain Memorial Association shall include:~~ It shall be
 18 the duty of the division, pursuant to Code Section 12-3-32, to:

- 19 (1) ~~To preserve~~ Preserve the natural areas situated within the Stone Mountain Park area;
 20 (2) ~~To provide~~ Provide access to Stone Mountain for Georgia's citizens; and
 21 (3) ~~To maintain~~ Maintain an appropriate and suitable memorial for the Confederacy.

22 (b) Members of the Board of Natural Resources shall be accountable as trustees with
 23 respect to Stone Mountain Park. They shall cause to be kept adequate books and records
 24 of all transactions concerning the park, including records of income and disbursements of
 25 every nature. The books and records shall be inspected and audited by the state auditor at
 26 least once in each year.

27 ~~12-3-193.~~

28 ~~(a) The association shall be composed of the commissioner of natural resources or his or~~
 29 ~~her designee and eight members to be appointed by the Governor, one of whom shall be~~
 30 ~~a resident of the metropolitan Atlanta area. The members appointed by the Governor shall~~
 31 ~~be appointed for terms of four years, with the beginning and ending dates of terms to be~~
 32 ~~specified by the Governor, and until the appointment and qualification of their successors,~~
 33 ~~except that the fourth member to be appointed by the Governor as provided for in this part~~
 34 ~~shall be appointed for an initial term of three years and until the appointment and~~

1 ~~qualification of his or her successor, and except that the members of the association~~
2 ~~appointed by the Governor and in office on July 1, 1978, shall continue in office until the~~
3 ~~expiration of the terms for which they were appointed and until the appointment and~~
4 ~~qualification of their successors, and except that the fifth member to be appointed by the~~
5 ~~Governor shall be appointed for an initial term beginning July 1, 1985, and ending~~
6 ~~December 31, 1987, and until the appointment and qualification of a successor.~~
7 ~~Appointments by the Governor to fill vacancies on the association shall be made for the~~
8 ~~unexpired term.~~

9 ~~(b) The Governor shall appoint the chairperson of the association for a term of one year~~
10 ~~from among the members of the association which the Governor appoints. A member may~~
11 ~~serve no more than two consecutive terms as chairperson nor more than two terms as~~
12 ~~chairperson in any one four-year term as a member of the association. The association~~
13 ~~shall also elect a secretary and a treasurer who need not be members. The office of~~
14 ~~secretary and treasurer may be combined in one person.~~

15 ~~(c) The association may make such bylaws for its government as is deemed necessary but~~
16 ~~is under no duty to do so.~~

17 ~~(d) Any five members of the association shall constitute a quorum necessary for the~~
18 ~~transaction of business, and a majority vote of those present at any meeting at which there~~
19 ~~is a quorum shall be sufficient to do and perform any action permitted to the association~~
20 ~~by this part. No vacancy on the association shall impair the right of a quorum to transact~~
21 ~~any and all business as aforesaid.~~

22 ~~(e) The members shall receive no compensation for their services, but all members shall~~
23 ~~be entitled to be reimbursed for actual expenses, including travel and any other expenses,~~
24 ~~incurred while in the performance of their duties. Employees of the association shall~~
25 ~~receive reasonable compensation, to be determined by the members of the association, for~~
26 ~~their services.~~

27 ~~(f) Members of the association shall be accountable as trustees. They shall cause to be~~
28 ~~kept adequate books and records of all transactions of the association, including records of~~
29 ~~income and disbursements of every nature. The books and records shall be inspected and~~
30 ~~audited by the state auditor at least once in each year.~~

31 12-3-195.

32 The association division shall have, in addition to any other powers conferred in this part,
33 the following powers:

34 (1) ~~To have a seal and alter it at its pleasure;~~

35 (2) ~~To acquire Stone Mountain and such surrounding area as the association may deem~~
36 ~~necessary for the proper development, management, preservation, and protection of Stone~~

1 ~~Mountain, by purchase from the owner or owners thereof, and to pay therefor such price~~
 2 ~~as may be agreed upon;~~

3 ~~(3) To acquire, by purchase, lease, or otherwise, and to hold, lease, and dispose of, in any~~
 4 ~~manner, real and personal property of every kind and character for its corporate purposes;~~
 5 ~~provided, however, that as provided in subsection (b) of Code Section 50-16-3.1, no real~~
 6 ~~property may be sold unless necessary for a public road right of way;~~

7 ~~(4) To appoint such additional officers, who need not be members of the association, as~~
 8 ~~the association deems advisable, and to employ such experts, agents, and employees as~~
 9 ~~may be in its judgment necessary to carry on properly the business of the association; to~~
 10 ~~fix the compensation for such officers, experts, agents, and employees and to promote~~
 11 ~~and discharge same; provided, however, that all legal services for the association except~~
 12 ~~legal services in validating and approving bonds authorized by this part shall be rendered~~
 13 ~~by the Attorney General and his staff and no fee shall be paid to any attorney or law firm~~
 14 ~~for legal services within or outside the State of Georgia, except for validating and~~
 15 ~~approving such bonds. The association shall have authority to pay such federal fees,~~
 16 ~~stamps, and all licenses, together with any court costs that may be incurred by virtue of~~
 17 ~~the powers granted by this part;~~

18 ~~(5)~~(1) To make such contracts and agreements as the legitimate and necessary purposes
 19 of this part shall require and to make all other contracts and agreements as may be
 20 necessary or convenient in the management of the affairs of the ~~association~~ division or
 21 in the operation of the project, including, but not limited to, any lease of the project or
 22 any part thereof, and any contract with respect to the use of the property or any part
 23 thereof for concessions, services, or accommodations to be offered to the public within
 24 the project area. Any and all persons, firms, and corporations, including any public
 25 officer or agency, are authorized to enter into contracts, leases, or agreements with the
 26 ~~association~~ division upon such terms and for such purposes as may be deemed advisable;

27 ~~(6)~~(2) To construct, reconstruct, lay out, repair, develop, improve, maintain, equip,
 28 manage, and operate the project as defined in Code Section 12-3-191, ~~the cost of any~~
 29 ~~such action to be paid in whole or in part from the proceeds of revenue bonds of the~~
 30 ~~association;~~ provided, however, that:

31 (A) The ~~association~~ division shall not undertake any such activity having a projected
 32 cost of over \$1 million unless it has first evaluated the feasibility of involving private
 33 persons or entities in the development, construction, operation, and management of the
 34 project, including the proposed activities, and has filed a copy of such evaluation with
 35 the Office of Planning and Budget and with the Recreational Authorities Overview
 36 Committee; and

1 (B) Except as contained in the master plan as it existed on January 1, 1995, no
 2 development shall occur within the bounds of the natural district. The venues for the
 3 1996 Summer Olympic Games for archery and for the velodrome shall be removed at
 4 the completion of the Olympic Games and the grounds returned to an undeveloped
 5 state. After the removal of such construction, only construction contained in the master
 6 plan as it existed on January 1, 1995, may take place in the natural district except as the
 7 master plan may be amended in accordance with Code Section ~~12-3-194.2~~ 12-3-195;
 8 ~~(7) To borrow money for any of its corporate purposes and to issue bonds and other~~
 9 ~~evidence of indebtedness for such purposes as provided in this part;~~
 10 ~~(8) To pledge to the payment of its bonds any property or revenues derived therefrom;~~
 11 ~~(9)~~(3) To establish rates, tolls, fees, and charges for its facilities and services, including
 12 fees or charges for access to the memorial, and to alter such rates and charges, and to
 13 collect and enforce collection of the same; provided, however, that ~~the association shall~~
 14 ~~be a nonprofit organization;~~ the project shall be operated on a nonprofit basis and such
 15 rates, tolls, fees, and charges shall be only sufficient to produce funds necessary to
 16 construct, reconstruct, develop, improve, equip, manage, and operate the project ~~and to~~
 17 ~~pay the principal of and the interest on obligations of the association and expenses in~~
 18 ~~connection therewith and to create reserves therefrom for the purpose of adding to,~~
 19 ~~extending, improving, and equipping the project; and~~
 20 ~~(10) To exercise any power which may be granted or authorized to be granted to private~~
 21 ~~corporations, not in conflict with the Constitution and laws of this state nor with the other~~
 22 ~~provisions of this part;~~
 23 ~~(11) To prescribe rules and regulations for the operation of the project, should the~~
 24 ~~association deem such rules and regulations necessary;~~
 25 ~~(12) To do and perform all things necessary or convenient to carry out the powers~~
 26 ~~conferred upon the association;~~
 27 ~~(13) To make reasonable regulations for the installation, construction, maintenance,~~
 28 ~~repair, renewal, removal, and relocation of pipes, mains, conduits, cables, wires, poles,~~
 29 ~~towers, tracts, and other equipment and appliances of any public utility in, on, along,~~
 30 ~~over, or under the project or any part thereof; and~~
 31 ~~(14)~~(4) To sell, upon obtaining a license from the Department of Revenue, alcoholic
 32 beverages, as defined in Title 3, at any motel, hotel, restaurant, coliseum area, or
 33 convention center of the ~~association~~ division and at any group or meeting function closed
 34 to the general public and for which services are provided by contract with the ~~association~~
 35 division within or upon property or facilities owned, operated, used, or controlled by the
 36 ~~Stone Mountain Memorial Association~~ division, but no licenses for the sale of alcoholic
 37 beverages in unbroken packages for carry-out purposes shall be issued.

1 ~~12-3-194.1.~~ 12-3-195.

2 (a)(1) The ~~association~~ division is empowered to exercise such of the police powers of the
3 state as may be necessary to maintain peace and order and to enforce any and all user and
4 personal conduct restrictions upon the properties and facilities and the persons under its
5 jurisdiction to the extent that such is lawful under the laws of the nation and the state.

6 (2) In addition to the powers provided in paragraph (1) of this subsection, the ~~association~~
7 division is empowered to exercise the police powers of the state in an area extending not
8 more than 500 yards from the park boundaries adjacent to the entrances and exits, other
9 than entrances or exits adjacent to the corporate limits of a municipality, which are used
10 regularly by patrons attending functions at Stone Mountain Park and in an area extending
11 not more than 500 yards from the tennis center.

12 (b) The ~~association~~ division shall have legislative power to adopt reasonable ordinances
13 relating to the property, affairs, and administration of Stone Mountain Park for which no
14 provision has been made by general law and which are not inconsistent with the general
15 laws or the Constitution of this state. The ~~association~~ division is further authorized to
16 adopt ordinances adopting by reference any or all of the provisions of Chapter 6 of Title
17 40 in accordance with Code Section 40-6-372. Within the limits of Stone Mountain Park
18 and within the area described in paragraph (2) of subsection (a) of this Code section, the
19 ~~association~~ division is authorized to appoint peace officers, who are authorized and
20 empowered to serve and execute warrants and to make arrests for violation of ordinances
21 adopted by the ~~association~~ division. Within the limits of Stone Mountain Park and within
22 the area described in paragraph (2) of subsection (a) of this Code section, such peace
23 officers shall have the same authority, powers, and privileges regarding enforcement of
24 laws as peace officers employed by county and municipal police departments of this state.
25 Prosecutions for violations of the ordinances of the ~~association~~ division shall be upon
26 citation or upon accusation as provided in Code Sections 15-10-62 and 15-10-63. The
27 ~~association~~ division may provide that ordinance violations may be tried upon citations with
28 or without a prosecuting attorney as well as upon accusations in the manner prescribed in
29 Code Section 15-10-63.

30 (c) For purposes of this Code section, the Magistrate Court of DeKalb County shall have
31 jurisdiction and authority to hear and try those offenses occurring within the limits of Stone
32 Mountain Park which violate the ordinances of the ~~association~~ division and to punish
33 violations of such ordinances, all in the manner and to the extent prescribed in Article 4 of
34 Chapter 10 of Title 15. The State Court of DeKalb County shall have jurisdiction and
35 authority to hear and try all cases removed from the Magistrate Court of DeKalb County
36 for jury trial by any defendant charged with one or more violations of the ordinances of the
37 ~~association~~ division. The Superior Court of DeKalb County shall have jurisdiction to

1 review all convictions by certiorari to the superior court. The jurisdiction and authority of
 2 the courts of DeKalb County provided for in this Code section shall be in addition to and
 3 not in limitation of the jurisdiction and authority of such courts as may be now or hereafter
 4 provided.

5 (d) The ~~Stone Mountain Memorial Association~~ division shall continue the practice of
 6 stocking, restocking, and sales of ~~confederate~~ Confederate memorabilia.

7 ~~12-3-194.2.~~ 12-3-196.

8 (a) The ~~association~~ division, in the exercise of its authority to develop, manage, preserve,
 9 and protect Stone Mountain, shall be guided by and shall adhere to the master plan. That
 10 area shown on the master plan as the 'natural district' shall be surveyed on or before
 11 December 1, 1995, by a Georgia registered engineer or surveyor and that survey, as
 12 approved by the ~~association~~ division members at a regularly scheduled public meeting of
 13 the ~~association~~ division, shall become a part of the master plan.

14 (b) Except as otherwise provided in subsection (c) of this Code section, the ~~association~~
 15 division may, from time to time, amend the master plan but only in compliance with the
 16 following procedure:

17 (1) Any proposed amendment to the master plan shall be described in written form and,
 18 if capable of such description, in visual form and presented publicly at a regular meeting
 19 of the ~~association~~ Board of Natural Resources;

20 (2) A brief summary of the proposed change shall be advertised in the legal organs of
 21 DeKalb and Gwinnett counties along with the date on which a meeting of the ~~association~~
 22 Board of Natural Resources shall be held to consider the proposed change. Directions
 23 as to the manner of receiving comments from the public, including the time and place of
 24 the public hearing on the proposed change required by paragraph (6) of this subsection,
 25 shall be provided. Information describing the proposed change and the public hearing
 26 also shall be distributed to the media by news release and published in appropriate
 27 publications of the ~~association~~ division;

28 (3) The ~~association~~ division shall transmit three copies of the summary provided for in
 29 paragraph (2) of this subsection to the legislative counsel. The copies shall be transmitted
 30 at least 30 days prior to the date of the ~~association's~~ division's intended action. Within
 31 three days after receipt of the copies, if possible, the legislative counsel shall furnish the
 32 presiding officers of each house with a copy of the summary, and the presiding officers
 33 shall assign the summary to the chairperson of the appropriate standing committee in
 34 each house for review and provide a copy to any member of that house who makes a
 35 standing written request. In the event a presiding officer is unavailable for the purpose
 36 of making the assignment within the time limitations, the legislative counsel shall assign

1 the summary to the chairperson of the appropriate standing committee and provide the
2 copies to members of each house who have made standing written requests. The
3 legislative counsel shall also transmit within the time limitations provided in this
4 paragraph a notice of the assignment to the chairperson of the appropriate standing
5 committee and the chairperson of the Recreational Authorities Overview Committee;

6 (4) In the event a standing committee to which a summary is assigned as provided in
7 paragraph (3) of this subsection files an objection to a proposed amendment to the master
8 plan with the chairperson of the ~~association~~ Board of Natural Resources prior to its
9 adoption and the ~~association~~ division adopts the proposed amendment over the objection,
10 the amendment may be considered by the branch of the General Assembly whose
11 committee objected to its adoption by the introduction of a resolution for the purpose of
12 overriding the amendment at any time within the first 30 days of the next regular session
13 of the General Assembly. It shall be the duty of the ~~association~~ division if it adopts a
14 proposed amendment to the master plan over such objection to notify the presiding
15 officers of the Senate and the House of Representatives, the chairpersons of the Senate
16 and House committees to which the summary was referred, and the legislative counsel
17 within ten days after the adoption of the amendment to the master plan. In the event the
18 resolution is adopted by such branch of the General Assembly, it shall be immediately
19 transmitted to the other branch of the General Assembly. It shall be the duty of the
20 presiding officer of the other branch of the General Assembly to have such branch, within
21 five days after the receipt of the resolution, to consider the resolution for the purpose of
22 overriding the amendment to the master plan. In the event the resolution is adopted by
23 two-thirds of the votes of each branch of the General Assembly, the amendment shall be
24 void on the day after the adoption of the resolution by the second branch of the General
25 Assembly. In the event the resolution is ratified by less than two-thirds of the votes of
26 either branch, the resolution shall be submitted to the Governor for his or her approval
27 or veto. In the event of the Governor's veto, the amendment to the master plan shall
28 remain in effect. In the event of the Governor's approval, the amendment to the master
29 plan shall be void on the day after the date of his or her approval;

30 (5) Any proposed changes to the boundaries of that area delineated on the master plan
31 as the natural district shall be surveyed and marked at least seven days prior to the public
32 hearing required by paragraph (6) of this subsection in such a fashion as to be readily
33 discernible on the ground by members of the public;

34 (6) A public hearing shall be held no earlier than 15 days after the most recent
35 publication of the notice required by paragraph (2) of this subsection in either the legal
36 organ of DeKalb County or Gwinnett County; and

1 (7) No sooner than 30 days after the meeting of the ~~association~~ Board of Natural
 2 Resources at which the proposed change was announced pursuant to paragraph (1) of this
 3 subsection, the ~~association~~ Board of Natural Resources shall meet and consider in an
 4 open and public meeting the proposed change which, if approved, shall become a part of
 5 the master plan, subject, however, to the provisions of paragraph (4) of this subsection.

6 (c)(1) The properties designated as the natural district on the master plan, as it exists on
 7 April 14, 1997, shall be held by the ~~association~~ division in trust for the benefit of the
 8 present and future generations of the people of the State of Georgia. The natural district
 9 shall be put to the designated use or uses which are shown within the master plan as it
 10 exists on April 14, 1997, which use or uses are found to confer the best and most
 11 important benefit to the public. The natural district shall not be put to any uses other than
 12 those shown on the master plan ~~except pursuant to the following procedures:~~

13 ~~(A) If the association determines that there may exist an imperative and unavoidable~~
 14 ~~necessity for a use of the natural district other than those uses identified in the master~~
 15 ~~plan, the association shall hold a public hearing thereon in either DeKalb County or~~
 16 ~~Gwinnett County;~~

17 ~~(B) The association shall consider fully all testimony relative to the proposed use of~~
 18 ~~the natural district and submit a recommendation to the General Assembly; and~~

19 ~~(C) The General Assembly may then determine if such use is in the public interest and~~
 20 ~~may by statute or joint resolution approve such other use of the natural district.~~

21 (2) Neither the designation of a piece of property as a part of the natural district nor any
 22 action taken by the ~~association~~ division pursuant to this Code section shall operate to
 23 void, preempt, or dilute any protected status which that property had or would have had
 24 but for its inclusion within the natural district.

25 (3) Notwithstanding any other provision of this Code section to the contrary, the
 26 ~~association~~ division shall:

27 (A) Consider in all of its decisions regarding changes to, and implementation of, the
 28 master plan the effect of such change or implementation upon the rare plant known as
 29 the rock aster, *Aster Avitus*, growing within Stone Mountain Park; and

30 (B) Maintain the services of a qualified naturalist to assure that rare and endangered
 31 plants within Stone Mountain Park, whether growing inside or outside of the natural
 32 areas, are protected.

33 ~~12-3-195.~~

34 ~~(a) The rentals contracted to be paid by the state or any department, agency, or institution~~
 35 ~~of the state to the association under leases entered upon pursuant to this part shall constitute~~
 36 ~~obligations of the state for the payment of which the good faith of the state is pledged. Such~~

1 ~~rentals shall be paid as provided in the lease contracts from funds appropriated for such~~
2 ~~purposes by the terms of the Constitution of Georgia. It shall be the duty of the state or any~~
3 ~~department, agency, or institution of the state to see to the punctual payment of all such~~
4 ~~rentals.~~

5 ~~(b) In the event of any failure or refusal on the part of lessees punctually to perform any~~
6 ~~covenant or obligation contained in any lease entered upon pursuant to this part, the~~
7 ~~association may enforce performance by any legal or equitable process against lessees, and~~
8 ~~consent is given for the institution of any such action.~~

9 ~~(c) The association shall be permitted to assign any rental due it by the lessees to a trustee~~
10 ~~or paying agent as may be required by the terms of any trust indenture entered into by the~~
11 ~~association.~~

12 ~~†2-3-196.~~

13 ~~(a) In the event any portion of Stone Mountain proper or of the area surrounding the~~
14 ~~mountain, which portion or area may be necessary in the opinion of the Governor for use~~
15 ~~in developing the property, cannot be acquired by purchase, it shall be the duty of the~~
16 ~~Governor, the state auditor, and the Attorney General to acquire the same by condemnation~~
17 ~~proceedings, such condemnation proceedings to be subject to the applicable provisions of~~
18 ~~law relating to the condemnation of property by the State of Georgia. The Governor, the~~
19 ~~state auditor, and the Attorney General are authorized and directed to proceed to acquire~~
20 ~~by condemnation, as authorized by such law, and in the way and manner provided by such~~
21 ~~law, any such portion of the property deemed by the Governor to be necessary for the~~
22 ~~proper development of Stone Mountain which cannot be acquired by the association by gift~~
23 ~~or purchase.~~

24 ~~(b) The Governor is authorized to convey to the association, on behalf of the state, Stone~~
25 ~~Mountain and the property adjacent thereto or any interest therein and any rights of way~~
26 ~~now or hereafter owned by the state. The consideration for such conveyance shall be~~
27 ~~determined by the Governor and expressed in a deed of conveyance; provided, however,~~
28 ~~that such consideration shall be nominal, the benefits flowing to the state and its citizens~~
29 ~~constituting full and adequate actual consideration. Upon such conveyance being executed~~
30 ~~and delivered, all right, power, and authority of any instrumentality, agency, department,~~
31 ~~or office of the state to possess or improve or otherwise deal with the Stone Mountain~~
32 ~~property, except as provided by this part, shall terminate.~~

33 ~~(c) The governing authority of any county or municipality of this state is authorized and~~
34 ~~empowered on behalf of such county or municipality to convey to the association any~~
35 ~~interest of such county or municipality in Stone Mountain and any property adjacent~~
36 ~~thereto and any rights of way for roads or highways, including such roads and highways~~

1 ~~traversing any such property, now or hereafter owned by such county or municipality. The~~
2 ~~consideration for any such conveyance shall be determined by the governing authority of~~
3 ~~such county or municipality and expressed in a deed of conveyance; provided, however,~~
4 ~~that such consideration shall be nominal, the benefits flowing to the county or municipality~~
5 ~~and its citizens constituting full and adequate actual consideration.~~

6 ~~(d) The state, any department, board, or agency of the state, and any county or~~
7 ~~municipality of the state are authorized to furnish to the association any available facilities,~~
8 ~~machinery, equipment, services, or labor needful or necessary in the improvement of the~~
9 ~~property of the association, without cost to the association. The expense of any such~~
10 ~~facilities or services shall be deemed proper and legitimate expenses of the state or of such~~
11 ~~department, board, agency, county, or municipality.~~

12 ~~12-3-197.~~

13 ~~The Governor is authorized and directed to transfer to the association, for use in acquiring~~
14 ~~Stone Mountain and the surrounding area, any available funds of the state not otherwise~~
15 ~~appropriated.~~

16 ~~12-3-198.~~ 12-3-197.

17 (a) The State Transportation Board is authorized to make such studies and estimates in
18 connection with the location and relocation of highways, roads, streets, and rights of way
19 in connection with the project, whether within or without the project area, as may be
20 necessary to the relocation of any roads, streets, or highways within the property of the
21 ~~association~~ division. The board shall, at the expense of the Department of Transportation,
22 relocate such roads, streets, and highways so as to conform to the plan of the ~~association~~
23 division for the development and improvement of the project.

24 (b) The ~~association~~ division may grant rights of way and easements for highways and
25 roads within the project area to the Department of Transportation. The Department of
26 Transportation is authorized to lay out, construct, improve, and maintain any such roads
27 and rights of way. The cost of any such undertaking shall be deemed to be a proper and
28 legitimate expense of the Department of Transportation.

29 (c) The State Transportation Board or its successors and the Department of Transportation
30 are empowered to acquire, in any manner permitted by law, real property, any interest
31 therein, or rights of way for the location and relocation of highways and roads located in
32 proximity to the project. The ~~board~~ State Transportation Board and the ~~department~~
33 Department of Transportation are authorized to expend any available funds for the purpose
34 of such locating and relocating and for constructing, improving, and maintaining any such

1 highways and roads; and the cost of any such undertaking shall be deemed a proper and
2 legitimate expense of such board or department.

3 ~~12-3-199.~~

4 ~~(a) All revenues in excess of all obligations of the association of every nature which are~~
5 ~~not otherwise pledged or restricted as to disposition and use by the terms of any trust~~
6 ~~indenture entered into by the association for the security of bonds issued under this part,~~
7 ~~together with all receipts and gifts of every kind and nature whatsoever, shall be and~~
8 ~~become the association fund.~~

9 ~~(b) The association, in its discretion, shall pledge or utilize the association fund for any~~
10 ~~one or more of the following purposes:~~

11 ~~(1) Pledges to the payment of any bond issue requirements, or to sinking or reserve~~
12 ~~funds, as may be provided for under the terms of this part;~~

13 ~~(2) Payment of any outstanding unpaid bond obligations or administrative expenses;~~

14 ~~(3) The most advantageous obtainable purchase, redemption, and retirement of the~~
15 ~~association's bonds pursuant to privileges accorded to the association in the various~~
16 ~~issues of bonds outstanding;~~

17 ~~(4) Investment or reinvestment in any of the following obligations:~~

18 ~~(A) Obligations of this state or other states;~~

19 ~~(B) Obligations issued by the United States;~~

20 ~~(C) Obligations fully insured or guaranteed by a United States government agency;~~

21 ~~(D) Obligations of any corporation of the United States;~~

22 ~~(E) Prime bankers' acceptances;~~

23 ~~(F) The local government investment pool established by Chapter 83 of Title 36, the~~
24 ~~'Local Government Investment Pool Act';~~

25 ~~(G) Repurchase agreements;~~

26 ~~(H) Obligations of other political subdivisions of this state; and~~

27 ~~(I) Certificates of deposit;~~

28 ~~provided, however, that funds so invested and income from such investments shall always~~
29 ~~be available to and ultimately expended for other purposes authorized by this chapter.~~

30 ~~(c) After all outstanding bonds or obligations of the association issued to pay the cost of~~
31 ~~the project or any part thereof have been paid or satisfied by payment redemption and~~
32 ~~retirement, or otherwise, all revenues from the project in excess of those necessary to~~
33 ~~maintain, operate, and manage such project (including extensions, renewals, and additions~~
34 ~~thereto), unless otherwise allocated or pledged as provided in this Code section, shall be~~
35 ~~paid to the state treasury and become a part of the general funds of the state.~~

1 ~~12-3-200.~~

2 ~~The association, or any association, authority, or body which has succeeded or which may~~
3 ~~in the future succeed to the powers, duties, and liabilities vested in the association, shall~~
4 ~~have power and is authorized at one time, or from time to time, to issue negotiable bonds~~
5 ~~in a sum not to exceed \$15 million in principal amount outstanding at any one time, for the~~
6 ~~purpose of paying all or any part of the cost of the project, including the acquisition of the~~
7 ~~property authorized by paragraph (2) of Code Section 12-3-194 to be acquired by the~~
8 ~~association, in the event funds for such acquisition do not become available under Code~~
9 ~~Section 12-3-197. The association shall also have the power to adopt all necessary and~~
10 ~~appropriate resolutions to provide for the issuance of such negotiable bonds.~~

11 ~~12-3-201.~~

12 ~~(a) All bonds of the association shall be sold at public competitive bidding at a price of not~~
13 ~~less than par plus accrued interest to date of delivery, provided that the association may~~
14 ~~obligate itself to deliver any given issue of bonds to the purchasers thereof within any~~
15 ~~reasonable period of time after the sale and may pay as a penalty for delay in such delivery~~
16 ~~such reasonable sums as may be agreed upon in advance in writing with the purchasers.~~
17 ~~All bonds of the association shall be advertised and offered prior to the fixing of the~~
18 ~~interest rates thereon; and bids thereon shall be competitive as to the interest rate offered~~
19 ~~by each bidder, provided that as to any issue of bonds the association may make rules~~
20 ~~limiting the number of divisions into which the bonds of various maturity dates may be~~
21 ~~divided and the number and percentage spreads of the different interest rates which may~~
22 ~~be bid to apply to such divisions of bonds. The association may require reasonable security~~
23 ~~for the performance of the contract of purchase of any successful bidder at any public~~
24 ~~competitive bidding.~~

25 ~~(b) Bonds shall be dated, shall bear interest determined as provided in subsection (a) of~~
26 ~~this Code section, and shall be payable as to both principal and interest in such manner as~~
27 ~~may be determined by the association. The principal of and interest on such bonds shall~~
28 ~~be payable solely from the special fund provided in Code Section 12-3-212 for such~~
29 ~~payment.~~

30 ~~(c) Bonds shall mature not more than 25 years from the date of such bonds and may be~~
31 ~~made redeemable before maturity at the option of the association at such price or prices and~~
32 ~~under such terms and conditions as may be fixed by the association in the resolution~~
33 ~~providing for the issuance of bonds.~~

1 ~~12-3-202.~~

2 ~~The association shall determine the form of the bonds, including any interest coupons to~~
3 ~~be attached thereto, and shall fix the denomination or denominations of the bonds and the~~
4 ~~place or places of payment of the principal and interest thereon, which may be at any bank~~
5 ~~or trust company within or without the state. The bonds may be issued in coupon or~~
6 ~~registered form, or both, as the association may determine, and provision may be made for~~
7 ~~the registration of any coupon bond as to principal alone or as to both principal and interest.~~

8 ~~12-3-203.~~

9 ~~All bonds shall be signed by the chairman of the association, shall be attested by the~~
10 ~~secretary thereof, and shall bear the official seal of the association. Any coupons attached~~
11 ~~thereto shall bear the signature of the chairman of the association and may, if the resolution~~
12 ~~authorizing the issuance of the bonds so provides, be attested by the secretary of the~~
13 ~~association. Any coupon may bear the facsimile signature of such persons, and any bond~~
14 ~~may be signed, sealed, and attested on behalf of the association by such persons as at the~~
15 ~~actual time of the execution of such bonds shall be duly authorized to hold the proper~~
16 ~~office, although at the date of such bonds such persons may not have been so authorized~~
17 ~~or shall not have held such office. In case any officer whose signature shall appear on any~~
18 ~~bonds or whose facsimile signature shall appear on any coupon shall cease to be such~~
19 ~~officer before the delivery of such bonds, such signature shall nevertheless be valid and~~
20 ~~sufficient for all purposes the same as if he had remained in office until such delivery.~~

21 ~~12-3-204.~~

22 ~~All bonds issued under this part shall have and are declared to have all the qualities and~~
23 ~~incidents of negotiable instruments under the negotiable instruments laws of this state.~~
24 ~~Such bonds and the income thereof shall be exempt from all taxation within the state.~~

25 ~~12-3-205.~~

26 ~~The proceeds of bonds shall be used solely for the payment of the cost of the project and~~
27 ~~shall be disbursed upon requisition or order of the chairman of the association or its duly~~
28 ~~bonded agents under such restrictions, if any, as the resolution authorizing the issuance of~~
29 ~~the bonds or the trust indentures may provide. If the proceeds of such bonds, by error of~~
30 ~~calculation or otherwise, shall be less than the cost of the project, then unless otherwise~~
31 ~~provided in the resolution authorizing the issuance of the bonds or in the trust indenture,~~
32 ~~additional bonds may in like manner be issued to provide the amount of such deficit. These~~
33 ~~additional bonds, unless otherwise provided in the resolution authorizing the issuance of~~
34 ~~the bonds or in the trust indenture, shall be deemed to be of the same issue and shall be~~

1 ~~entitled to payment from the same fund without preference or priority of the bonds first~~
2 ~~issued for the same purpose. If the proceeds of the bonds of any issue shall exceed the~~
3 ~~amount required for the purpose for which such bonds were issued, all surplus shall be paid~~
4 ~~into the sinking fund provided in Code Section 12-3-212 for the payment of principal and~~
5 ~~interest of such bonds.~~

6 ~~12-3-206.~~

7 ~~Prior to the preparation of definitive bonds, the association may, under like restrictions,~~
8 ~~issue interim receipts, interim certificates, or temporary bonds, with or without coupons,~~
9 ~~exchangeable for definitive bonds upon the issuance of the latter.~~

10 ~~12-3-207.~~

11 ~~The association may provide for the replacement of any bond which becomes mutilated or~~
12 ~~is destroyed or lost.~~

13 ~~12-3-208.~~

14 ~~Resolutions for the issuance of bonds may be adopted without any other proceedings or the~~
15 ~~happening of any other conditions or things than those proceedings, conditions, and things~~
16 ~~which are specified or required by this part. Any resolution providing for the issuance of~~
17 ~~bonds under this part shall become effective immediately upon its passage and need not be~~
18 ~~published or posted. Any such resolution may be passed at any regular, special, or~~
19 ~~adjourned meeting of the association by a majority of its members.~~

20 ~~12-3-209.~~

21 ~~Bonds issued under this part shall not be deemed to constitute a debt of the State of Georgia~~
22 ~~or a pledge of the credit of the state. Such bonds shall be payable solely from the fund~~
23 ~~provided for in Code Section 12-3-212; and the issuance of such bonds shall not directly,~~
24 ~~indirectly, or contingently obligate the state to levy or to pledge any form of taxation~~
25 ~~whatsoever therefor or to make any appropriation for their payment. All such bonds shall~~
26 ~~contain recitals on their face covering substantially the foregoing provisions of this Code~~
27 ~~section.~~

28 ~~12-3-210.~~

29 ~~(a) In the discretion of the association, any issue of bonds may be secured by a trust~~
30 ~~indenture by and between the association and a corporate trustee, which may be any trust~~
31 ~~company or bank having the powers of a trust company within or outside of the state.~~

1 ~~(b) Resolutions providing for the issuance of bonds and trust indentures may contain such~~
2 ~~provisions for protecting and enforcing the rights and remedies of the bondholders,~~
3 ~~including the right to the appointment of a receiver for the project upon the default of any~~
4 ~~principal or interest payment upon the bonds thereof, and including the right of any~~
5 ~~receiver or indenture trustee to enforce collections of rents, revenues, or other charges for~~
6 ~~the use of the project necessary to pay all costs of operation, the principal and interest on~~
7 ~~the issue, the cost of collection, and all things reasonably necessary to accomplish the~~
8 ~~collection of such sums, in the event of any default of the association.~~

9 ~~(c) Such resolutions or trust indentures may include covenants setting forth the duties of~~
10 ~~the association in relation to the acquisition of the property, the construction of the project,~~
11 ~~the maintenance, operation, repair, and insurance of the project, and the custody,~~
12 ~~safeguarding, and application of all moneys and may also contain provisions concerning~~
13 ~~the conditions, if any, upon which additional bonds may be issued. An indenture may also~~
14 ~~set forth the rights and remedies of the bondholders and of the trustee and may restrict the~~
15 ~~individual right of action of bondholders as is customary in trust indentures securing bonds~~
16 ~~and debentures of corporations. In addition, an indenture may contain such other~~
17 ~~provisions as the association may deem advisable, reasonable, and proper for the security~~
18 ~~of the bondholders.~~

19 ~~(d) It shall be lawful for any bank or trust company incorporated under the laws of this~~
20 ~~state to act as such depository and to furnish such indemnifying bonds or pledge such~~
21 ~~securities as may be required by the association.~~

22 ~~(e) All expenses incurred in carrying out such trust indenture may be treated either as a~~
23 ~~part of the cost of maintenance, operation, and repair of the project affected by such~~
24 ~~indenture or as an administrative expense of the association.~~

25 ~~12-3-211.~~

26 ~~The association shall, in the resolution providing for issuance of bonds or in the trust~~
27 ~~indenture, provide for the payment of the proceeds of the sale of the bonds to any officer~~
28 ~~or person who, or any agency, bank, or trust company which, shall act as trustee of such~~
29 ~~funds and shall hold and apply the same to the purposes expressed in this part, subject to~~
30 ~~such regulations as this part and such resolution or trust indenture may provide.~~

31 ~~12-3-212.~~

32 ~~(a) The revenues, rents, and earnings derived from the project may be pledged by the~~
33 ~~association to the payment of principal and interest on bonds of the association as any~~
34 ~~resolution authorizing the issuance of the bonds or any trust instrument may provide. Such~~
35 ~~funds so pledged, from whatever source received, may include funds received from one or~~

1 ~~more or all sources and may be set aside into sinking funds at regular intervals which may~~
 2 ~~be provided in any resolution or trust indenture.~~

3 ~~(b) All such sinking funds shall be pledged to and charged with the payment of:~~

4 ~~(1) The interest upon such bonds as such interest shall fall due;~~

5 ~~(2) The principal of the bonds as the same shall fall due;~~

6 ~~(3) The necessary charges of paying agents for paying principal and interest; and~~

7 ~~(4) Any premium upon bonds retired by call or purchase as provided in Code Section~~
 8 ~~12-3-199.~~

9 ~~(c) The use and disposition of such sinking fund shall be subject to such regulations as~~
 10 ~~may be provided for in the resolution authorizing the issuance of the bonds or in the trust~~
 11 ~~indenture; but, except as may otherwise be provided in such resolutions or trust indentures,~~
 12 ~~such sinking funds, individually, shall be funds for the benefit of all revenue bonds without~~
 13 ~~distinction or priority of one over another.~~

14 ~~(d) Subject to the provisions of the resolution authorizing the issuance of the bonds or the~~
 15 ~~provisions of the trust indenture of any given bond issue, any moneys in all sinking funds,~~
 16 ~~after all bonds and interest thereon for which such sinking funds were pledged have been~~
 17 ~~paid, may be paid into the association fund provided for in Code Section 12-3-199.~~

18 ~~12-3-213.~~

19 ~~The association is authorized, subject to the provisions of any prior resolution or trust~~
 20 ~~indenture, to provide by resolution for the issuance of refunding bonds of the association~~
 21 ~~for the purpose of refunding any bonds issued under this part and then outstanding, together~~
 22 ~~with accrued interest thereon. The issuance of such refunding bonds, the maturities and all~~
 23 ~~other details thereof, the rights of the holders thereof, and the duties of the association in~~
 24 ~~respect to the same shall be governed by this part insofar as the same may be applicable.~~

25 ~~12-3-214.~~

26 ~~Except to the extent the rights given in this Code section may be restricted by resolution~~
 27 ~~passed before the issuance of bonds or by a trust indenture, any holder of revenue bonds~~
 28 ~~or interest coupons issued under this part, any receiver for such holders, or any indenture~~
 29 ~~trustee, if there are any, may either at law or in equity, by action, mandamus, or other~~
 30 ~~proceedings, protect and enforce any and all rights under the laws of the State of Georgia~~
 31 ~~or granted by this part or under such resolution or trust indenture. Such holder, receiver,~~
 32 ~~or trustee may enforce and compel performance of all duties required by this part, or by~~
 33 ~~resolution or trust indenture, to be performed by the association or any officer thereof,~~
 34 ~~including the fixing, charging, and collecting of revenues, rents, and other charges for the~~
 35 ~~use of the project or projects. In the event of default of the association upon the principal~~

~~1 and interest obligations of any revenue bond issue, such holder, receiver, or trustee shall
 2 be subrogated to each and every right, specifically including the contract rights of
 3 collecting rental, which the association may possess against the state or any department,
 4 agency, or institution of the state and, in the pursuit of his or its remedies as subrogee, may
 5 proceed either at law or in equity, by action, mandamus, or other proceedings, to collect
 6 any sums by such proceedings due and owing to the association and pledged or partially
 7 pledged directly or indirectly to the benefit of the revenue bond issue of which such holder,
 8 receiver, or trustee is representative. No holder, receiver, or trustee shall have the right to
 9 compel any exercise of the taxing power of the state to pay any such bond or the interest
 10 thereon or the right to enforce the payment thereof against any property of the state; nor
 11 shall any such bond constitute a charge, lien, or encumbrance, legal or equitable, upon the
 12 property of the state, provided that any provision of this part or any other law to the
 13 contrary notwithstanding, any such holder, receiver, or trustee shall have the right by
 14 appropriate legal or equitable proceedings (including, without being limited to, mandamus)
 15 to enforce compliance by the appropriate public officials with the provisions of Article VII,
 16 Section IV of the Constitution of Georgia, and permission is given for the institution of any
 17 such proceedings to compel the payment of lease obligations.~~

18 ~~12-3-215.~~

~~19 The bonds authorized by this part shall be securities in which all public officers and bodies
 20 of the state; all municipalities and all municipal subdivisions; all insurance companies and
 21 associations and other persons carrying on an insurance business; all banks, bankers, trust
 22 companies, saving banks, and saving associations, including savings and loan associations;
 23 building and loan associations, investment companies, and other persons carrying on a
 24 banking business; all administrators, guardians, executors, trustees, and other fiduciaries;
 25 and all other persons whatsoever who are now or may hereafter be authorized to invest in
 26 bonds or other obligations of the state may properly and legally invest funds, including
 27 capital in their control or belonging to them. The bonds are also made securities which
 28 may be deposited with and shall be received by all public officers and bodies of this state
 29 and all municipalities and municipal subdivisions for any purpose for which the deposit of
 30 the bonds or other obligations of this state is now or may hereafter be authorized.~~

31 ~~12-3-216.~~

~~32 While any of the bonds issued by the association remain outstanding, the powers, duties,
 33 or existence of the association or of its officers, employees, or agents shall not be
 34 diminished or impaired in any manner that will affect adversely the interests and rights of
 35 the holders of such bonds; nor will the state itself in any way obstruct, prevent, impair, or~~

1 ~~render impossible the due and faithful performance of all project rental or lease contracts~~
 2 ~~and all the covenants thereof entered into under this part. This part shall be for the benefit~~
 3 ~~of the state, the association, and each and every holder of the association's bonds and, upon~~
 4 ~~and after the issuance of bonds under this part, shall constitute an irrevocable contract with~~
 5 ~~the holders of such bonds.~~

6 ~~12-3-217.~~

7 ~~Bonds of the association shall be confirmed and validated in accordance with the procedure~~
 8 ~~of Article 3 of Chapter 82 of Title 36.~~

9 ~~12-3-218.~~

10 ~~All moneys received pursuant to the authority of this part, whether as proceeds from the~~
 11 ~~sale of bonds or as revenues, tolls, and earnings, shall be deemed trust funds to be held and~~
 12 ~~applied solely as provided in this part. The bondholders paying or entitled to receive the~~
 13 ~~benefit of such funds shall have a lien on all such funds until applied as provided for in any~~
 14 ~~resolution or trust indenture of the association.~~

15 ~~12-3-219.~~ 12-3-198.

16 (a) ~~It is found, determined, and declared that the creation of the association and the~~
 17 ~~carrying out of its corporate purposes~~ functions under this part ~~are in all respects for the~~
 18 ~~benefit of the people of this state and that the association~~ division ~~is an institution of purely~~
 19 ~~public charity and will be performing an essential governmental function in the exercise~~
 20 ~~of the power conferred upon it by this part. Except as otherwise provided in subsection (b)~~
 21 ~~of this Code section, this state covenants with the holders of the bonds that the association~~
 22 ~~shall be required to pay no taxes or assessment upon any of the property acquired or leased~~
 23 ~~by it under its jurisdiction, control, possession, or supervision, or upon its activities in the~~
 24 ~~operation or maintenance of the project erected by it, or upon any fees, rental, or other~~
 25 ~~charges for the use of the facilities or services of the project, or upon other income received~~
 26 ~~by the association. Further, this state covenants that the bonds of the association, their~~
 27 ~~transfer, and the income therefrom shall at all times be exempt from taxation from within~~
 28 ~~the state.~~

29 (b)(1) ~~Facilities, services, and charges for the use of facilities and services of any project~~
 30 ~~owned or operated by the association~~ division ~~shall not be exempt from and shall be~~
 31 ~~subject to taxes under Article 3 of Chapter 13 of Title 48, notwithstanding any provision~~
 32 ~~to the contrary in paragraph (1) of subsection (a) of Code Section 48-13-51, and shall not~~
 33 ~~be exempt from and shall be subject to any taxes on alcoholic beverages under Title 3,~~

1 the 'Georgia Alcoholic Beverage Code,' to the extent that either or both such taxes are
2 levied.

3 (2) Notwithstanding any provision of paragraph (3) of subsection (a) of Code Section
4 48-13-51 to the contrary:

5 (A) The ~~association~~ division shall retain and not remit to the county or municipality
6 levying such tax, in each fiscal year during which a tax is collected under paragraph (3)
7 of subsection (a) of Code Section 48-13-51, an amount equal to the amount by which
8 the total taxes collected under Code Section 48-13-51 exceed the taxes which would be
9 collected at the rate of 3 percent;

10 (B) The ~~association~~ division shall expend the funds retained for the purposes of
11 promotion and advertising of the project operated under the jurisdiction of the
12 ~~association~~ division from which the money was collected or for similar purposes of
13 promoting, advertising, stimulating, and developing conventions and tourism in the
14 county or municipality in which the project is operated as long as said promotion or
15 advertising prominently features the project operated under the jurisdiction of the
16 ~~association~~ division; and

17 (C) The ~~association~~ division shall submit a report to the governing authority of the
18 county or municipality levying such tax for each fiscal year during which a tax is
19 collected under paragraph (3) of subsection (a) of Code Section 48-13-51 which report
20 shall include the total funds retained by the ~~association~~ division under this paragraph
21 and the manner in which such funds were expended.

22 ~~12-3-220.~~ 12-3-199.

23 Any action to declare, protect, or enforce any rights or duties under this part, brought in the
24 courts of the state, shall be brought in the Superior Court of DeKalb County, Georgia; ~~and~~
25 ~~any action pertaining to validation of any bonds issued under this part shall likewise be~~
26 ~~brought in such court,~~ which shall have exclusive original jurisdiction of such actions."

27 SECTION 2.

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 SECTION 3.

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