

The Senate Economic Development Committee offered the following substitute to SB 353:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to
2 development authorities, so as to change a definition; to provide for revision of public
3 purpose; to provide for changes to general powers; to provide for changes to certain revenue
4 bond provisions; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

7 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development
8 authorities, is amended by revising subparagraph (H) of paragraph (6) of Code
9 Section 36-62-2, relating to definition of "project," as follows:
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11 "(H) The acquisition, construction, improvement, or modification of any property, real
12 or personal, which shall be suitable for or used as or in connection with:

13 (i) Sports facilities, including private training and related office and other facilities
14 when authorized by the governing authority of the political subdivision or municipal
15 corporation in which the facility is to be constructed and maintained if such sports
16 facilities promote trade, commerce, industry, and employment opportunities by
17 hosting regional, state-wide, or national events;

18 (ii) Convention or trade show facilities;

19 (iii) Airports, docks, wharves, mass commuting facilities, parking facilities, or
20 storage or training facilities directly related to any of the foregoing;

21 (iv) Facilities for the local furnishing of electric energy or gas;

22 (v) Facilities for the furnishing of water, if available, on reasonable demand to
23 members of the general public; and

24 ~~(vi) Hotel and motel facilities for lodging which also may provide meals, provided~~
25 ~~that such facilities are constructed in connection with and adjacent to convention,~~

26 ~~sports, or trade show facilities. No project as defined by this division shall be exempt~~
 27 ~~from any ad valorem taxation; and~~

28 (vii)(vi) Amphitheaters with seating capacity exceeding 1,000 patrons and any
 29 facilities directly related to the operation of such amphitheaters, if such amphitheaters
 30 promote trade, commerce, industry, and employment opportunities by hosting
 31 regional, state-wide, or national events;"

32 SECTION 2.

33 Said chapter is further amended by revising Code Section 36-62-3, relating to constitutional
 34 authority for the chapter, finding of public purposes, and tax exemptions, as follows:

35 "36-62-3.

36 This chapter is passed pursuant to authority granted the General Assembly by Article IX,
 37 Section VI, Paragraph III of the Constitution of this state. Each authority created by this
 38 chapter is created for nonprofit and public purposes, and it is found, determined, and
 39 declared that the creation of each such authority and the carrying out of its corporate
 40 purposes is in all respects for the benefit of the people of this state and that the authority
 41 is an institution of purely public charity and will be performing an essential governmental
 42 function in the exercise of the power conferred upon it by this chapter. For such reasons,
 43 the state covenants, from time to time, with the holders of the bonds issued under this
 44 chapter that such authority shall be required to pay no taxes or assessments imposed by the
 45 state or any of its counties, municipal corporations, political subdivisions, or taxing districts
 46 upon any property acquired by the authority or under its jurisdiction, control, possession,
 47 or supervision or leased by it to others ~~(other than property leased for the purposes of a~~
 48 ~~'project' as defined in subparagraph (J) or (K) of paragraph (6) of Code Section 36-62-2,~~
 49 ~~which shall be taxable by the state and its counties, municipal corporations, political~~
 50 ~~subdivisions, and taxing districts)~~ or upon its activities in the operation or maintenance of
 51 any such property or on any income derived by the authority in the form of fees, recording
 52 fees, rentals, charges, purchase price, installments, or otherwise, and that the bonds of such
 53 authority, their transfer, and the income therefrom shall at all times be exempt from
 54 taxation within this state. The tax exemption provided in this Code section shall not
 55 include any exemption from sales and use tax on property purchased by the authority or for
 56 use by the authority."

57 SECTION 3.

58 Said chapter is further amended by revising paragraph (13) of subsection (a) of Code
 59 Section 36-62-6, relating to general powers of the authority, as follows:

95 or the Attorney General, the authority shall bear the burden of making the case for the
96 validation of the bonds at the validation hearing or any subsequent proceedings;

97 (6) The validation hearing shall provide for confirmation and validation of the bonds and
98 the security for such bonds and may include any ancillary or related agreements or
99 documents as the court deems appropriate; and

100 (7) In the event that no appeal is filed within the time prescribed by law, or if an appeal
101 is filed and the judgment is affirmed on appeal, the judgment of the superior court
102 confirming and validating the issuance of the bonds and the security for such bonds shall
103 be forever conclusive against the governmental body relating to the validity of the bonds
104 and the security for such bonds with respect to all matters and issues that were raised or
105 could have been raised in the bond validation proceeding."

106

SECTION 5.

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