

The House Committee on Agriculture and Consumer Affairs offers the following substitute to HB 676:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to
2 create the Georgia Farmers' Market and Produce Terminal Development Authority; to
3 provide for a short title; to provide for definitions; to provide for members; to provide for a
4 legislative advisory committee; to provide for the purpose and general business of the
5 authority; to provide for powers; to provide for the public purpose, and taxation and
6 assessment exemption; to provide for the exercise of police powers; to provide authorization
7 for a security force; to provide for receipts to be deemed as trust funds; to provide for setting
8 rentals and other charges; to provide for the legal services of the Attorney General; to
9 provide for venue and jurisdiction; to provide for conflict of interest and full disclosure; to
10 provide for the power to issue revenue bonds; to provide for authorization for department
11 construction and acquisitions of projects; to provide for the applicability of certain laws; to
12 provide for the liberal construction; to amend Chapter 15 of Title 45 of the Official Code of
13 Georgia Annotated, relating to the Attorney General, so as to provide for the inclusion of the
14 Georgia Farmers' Market and Produce Terminal Development Authority as a state authority;
15 to provide for related matters; to repeal conflicting laws; and for other purposes.

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

H. B. 676 (SUB)

17 **SECTION 1.**

18 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
19 adding a new Chapter 24 to read as follows:

20 "CHAPTER 2421 2-24-1.

22 This chapter shall be known and may be cited as the 'Georgia Farmers' Market and Produce
23 Terminal Development Authority Act.'

24 2-24-2.

25 As used in this chapter, the term:

26 (1) 'Activities' means trade shows, mission tours, coming into or out of Georgia, for
27 current or prospective buyers of Georgia farm products, advertising campaigns for
28 Georgia farm products, or other undertakings designed primarily to improve the
29 economic well-being of Georgia agriculture.

30 (2) 'Authority' means the Georgia Farmers' Market and Produce Terminal Development
31 Authority and any successor thereto. Any change in name or composition of the
32 authority shall in no way affect the vested rights of any person under this chapter or
33 impair the obligations of any contracts existing under this chapter.

34 (3) 'Cost of the project' means the cost of construction; the cost of all lands, properties,
35 rights, easements, and franchises acquired; the cost of all machinery and equipment;
36 financing charges; interest prior to and during construction and for one year after
37 completion of construction; the cost of engineering, architectural, and legal expenses and
38 of plans and specifications and other expenses necessary or incident to determining the
39 feasibility or practicability of the project; administrative expenses; and such other
40 expenses as may be necessary or incident to the financing authorized in this chapter, the

41 construction of any project, the placing of the same in operation, and the condemnation
42 of property necessary for such construction and operation. Any obligation or expense
43 incurred for any of the foregoing purposes shall be regarded as a part of the cost of the
44 project and may be paid or reimbursed as such out of such bonds or obligations as may
45 be issued by any authority, department, commission, or agency of the State of Georgia.

46 (4) 'Facilities' means any real property or personal property of any and every kind.

47 (5) 'Obligations' means revenue bonds, bond anticipation notes, other promissory notes,
48 certificates of participation, custodial receipts, or other similar instruments creating
49 interests in any contracts, lease agreements, or installment sales agreements or in the
50 amounts payable to the authority, directly or indirectly, thereunder.

51 (6) 'Project' means and includes one or a combination of two or more of the following:
52 buildings, facilities, and all structures and improvements of every kind and character
53 deemed by the authority necessary or convenient for its purposes.

54 (7) 'Revenue bonds' means revenue bonds authorized to be issued by the authority
55 pursuant to this chapter or under Article 3 of Chapter 82 of Title 36, the 'Revenue Bond
56 Law.'

57 2-24-3.

58 (a) There is created a body corporate and politic to be known as the Georgia Farmers'
59 Market and Produce Terminal Development Authority which shall be deemed to be an
60 instrumentality of the State of Georgia and a public corporation; and by that name, style,
61 and title such body may contract and be contracted with, sue and be sued, implead and be
62 impleaded, and complain and defend any actions in this state.

63 (b) The authority shall consist of ten members, including nine appointed members and the
64 Commissioner of Agriculture who shall serve ex officio. Initially, appointed members
65 shall serve staggered terms of office as follows: three members for one year, three members
66 for two years, and three members for three years. Thereafter, each appointed member shall

67 serve for a term of four years. The Governor, the President of the Senate, and the Speaker
68 of the House shall each appoint two members who represent the state's agriculture and
69 business interests, and one member representing the interests of consumers. The members
70 appointed shall be selected from the state at large but shall be representative of all of the
71 geographic areas of the state. The Governor, the President of the Senate, and the Speaker
72 of the House are authorized to appoint any elected or appointed state, county, municipal,
73 or school board official or employee, except officials and employees of the legislative or
74 judicial branches of state government, as members of the authority, and any person so
75 appointed is authorized to serve as a member of the authority. The members shall elect a
76 chairperson and vice chairperson from among themselves and shall elect officers of the
77 authority.

78 (c) All successors to appointed members shall be appointed in the same manner as original
79 appointments. Vacancies in office of appointed members shall be filled in the same
80 manner as original appointments. An appointment to fill a vacancy shall be for the
81 unexpired term. No vacancy on the authority shall impair the right of the quorum to
82 exercise all rights and perform all duties of the authority.

83 (d) The members of the authority shall receive a daily expense allowance and
84 reimbursement for transportation costs as provided for in Code Section 45-7-21; and the
85 members of the authority shall not receive any other compensation for their services as
86 such.

87 (e) The authority shall have perpetual existence. Any change in name or composition of
88 the authority shall in no way affect the vested rights of any person under this chapter or
89 impair the obligations of any contracts existing under this chapter.

90 (f) The members of the authority shall be accountable in all respects as trustees. The
91 authority shall keep suitable and proper books and records of all receipts, income, and
92 expenditures of every kind and shall submit for inspection all the books, together with the
93 proper statement of the authority's financial position, to the state auditor.

94 (g) The authority shall also operate under the oversight of a legislative advisory committee
95 to be composed of the chairpersons of the House Agriculture and Consumer Affairs
96 Committee and the Senate Agriculture and Consumer Affairs Committee, and one
97 appointee each of the Speaker of the House of Representatives and the President of the
98 Senate.
99 (h) The authority is assigned to the Department of Agriculture for administrative purposes
100 only.

101 2-24-4.

102 The corporate purpose and the general nature of the business of the authority shall be the
103 operation, administration, and supervision of this state's farmers' markets operated pursuant
104 to this chapter and the provision of facilities, markets, and activities for the agricultural
105 community to market and promote its products to agribusiness persons and the public in
106 an effort to boost the state's economy.

107 2-24-5.

108 The authority is authorized:

109 (1) To have a seal and alter it at pleasure;

110 (2) To acquire, hold, and dispose of personal property for its corporate purposes;

111 (3) To appoint, select, and employ officers, agents, and employees, including
112 engineering, architectural, and construction experts and fiscal agents; to contract for the
113 services of individuals or organizations not employed full time by the authority who or
114 which are engaged primarily in the rendition of personal services rather than the sale of
115 goods or merchandise, such as, but not limited to, the services of accountants, engineers,
116 architects, consultants, and advisors, and to allow suitable compensation for such
117 services; and to make provisions for group insurance, retirement, or other employee

118 benefit arrangements, provided that no part-time or contract employees shall participate
119 in group insurance or retirement benefits;

120 (4) To make contracts and to execute all instruments necessary or convenient, including
121 contracts for construction of projects or contracts with respect to the leasing or use of
122 projects which the authority causes to be subdivided, erected, or acquired;

123 (5) To plan, survey, subdivide, administer, construct, erect, acquire, own, repair,
124 remodel, maintain, add to, extend, improve, equip, operate, and manage projects as
125 defined in this chapter, such projects to be located on property owned or leased by the
126 authority or the State of Georgia or under the control and management of the authority.

127 The cost of any such project shall be paid from its income, from the proceeds of revenue
128 anticipation certificates of the authority, or from such proceeds and any loan, gift, or
129 grant from the United States of America or any agency or instrumentality thereof, or the
130 State of Georgia, or any county, municipal corporation, authority, or local government
131 or governing body;

132 (6) To accept loans or grants, or both, of money, materials, or property of any kind from
133 the United States of America or any agency or instrumentality thereof upon such terms
134 and conditions as the United States of America or such agency or instrumentality may
135 impose;

136 (7) To borrow money for any of its corporate purposes, to issue negotiable revenue
137 anticipation certificates from earnings of such projects, and to provide for the payment
138 of the same and for the rights of the holders thereof;

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

141 (9) To act as agent for the United States of America or any agency, department,
142 corporation, or instrumentality thereof, in any manner within the purposes or powers of
143 the authority;

- 144 (10) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the
145 manner in which its business may be transacted and in which the power granted to it may
146 be enjoyed as the authority may deem necessary or expedient in facilitating its business;
147 (11) To receive and accept loans, gifts, grants, donations, or contributions of property,
148 facilities, or services, with or without consideration, from any person, firm, or corporation
149 or from the State of Georgia, or any agency or instrumentality thereof, or from any
150 county, municipal corporation, or local government or governing body;
151 (12) To hold, use, administer, and expend such sum or sums as may hereafter be received
152 as income, as gifts, or as appropriations by authority of the General Assembly for any of
153 the purposes of this authority;
154 (13) To do all things necessary or convenient to carry out the powers and purposes of the
155 authority;
156 (14) To acquire, lease as lessee, purchase, hold, own, and use any franchise or any
157 property, real or personal, tangible or intangible, or any interest therein; and to sell, lease
158 as lessor, transfer, or dispose thereof whenever the same is no longer required for
159 purposes of the authority or exchange the same for other property or rights which are
160 useful for the purposes of the authority;
161 (15) To fix, alter, charge, and collect fares, rates, rentals, and other charges for its
162 facilities and for admission to its grounds at reasonable rates to be determined by the
163 authority;
164 (16) To contract with the Georgia State Financing and Investment Commission for the
165 construction of the project as provided for in Article 2 of Chapter 17 of Title 50; or to
166 contract with other authorities, departments, or agencies of the State of Georgia for the
167 construction of the project;
168 (17) To invest and reinvest any or all idle funds or moneys, including, but not limited to,
169 funds held in reserve or debt retirement or received through the issuance of revenue
170 certificates or from contributions, gifts, or grants, which cannot be immediately used for

171 the purpose for which received, such investment to be made in any security or securities
172 which are legal investments for executors or trustees; provided, however, that
173 investments in such securities will at all times be held for and, when sold, used for the
174 purposes for which the money was originally received;

175 (18) To appoint special advisory committees and panels of citizens to advise the
176 authority of certain issues and to reimburse the individuals appointed for actual expenses
177 incurred in performing their tasks; and

178 (19) To promote and sell locally manufactured alcoholic beverages by vendors with an
179 approved license from the Department of Revenue and allow for consumption of such
180 products only upon property operated and controlled by the authority and only for
181 specifically approved special event purposes.

182 2-24-6.

183 It is found, determined, and declared that the creation of the authority and the carrying out
184 of its corporate purposes are in all respects for the benefit of the people of this state and
185 constitute a public purpose and that the authority will be performing an essential
186 governmental function in the exercise of the powers conferred upon it by this chapter. The
187 State of Georgia covenants that the authority shall be required to pay no taxes or
188 assessments upon any of the property acquired by it or under its jurisdiction, control,
189 possession, or supervision or upon its activities in the operation or maintenance of the
190 facilities erected, maintained, or acquired by it or any fees, rentals, or other charges for the
191 use of such facilities or other income received by the authority; provided, however, that in
192 no event shall the exemptions granted in this Code section extend to any lessee or other
193 private person or entity.

194 2-24-7.

195 The authority is authorized to exercise such of the police powers of the state as may be
196 necessary to maintain peace and order and to enforce any and all zoning, use, and personal
197 conduct restrictions upon the properties, facilities, and persons under its jurisdiction to the
198 extent that such is lawful under the laws of the United States and this state. The authority
199 may delegate all or any part of the performance of these functions temporarily or
200 permanently to the state or to the county in which its facilities are located.

201 2-24-8.

202 The authority is authorized to contract for or to provide for and maintain a security force
203 with respect to the facilities and property owned, leased, operated, or under the control of
204 the authority and within the territory thereof. The security force shall have the duty to
205 protect persons and property, disperse unlawful or dangerous assemblages, control
206 pedestrian and vehicular traffic, and otherwise preserve and protect the public peace,
207 health, and safety. For these purposes, a member of such force shall be a peace officer and,
208 as such, shall have authority equivalent to the authority of a police officer or law
209 enforcement officer of the county in which such officer is discharging his or her duties.

210 2-24-9.

211 All moneys received pursuant to the authority of this chapter, whether as grants,
212 appropriated funds, or other contributions or as revenues, rents, or earnings from
213 operations, shall be retained by the authority and applied solely as provided for in this
214 chapter.

215 2-24-10.

216 The authority is authorized to fix rentals and other charges which any user, exhibitor,
217 concessionaire, franchisee, or vendor shall pay to the authority for the use of the project or

218 part thereof or combination thereof, and to charge and collect the same, and to lease and
219 make contracts with political subdivisions and agencies with respect to use of any part of
220 the project. The rentals and other charges shall be so fixed and adjusted in respect to the
221 aggregate thereof from the project or any part thereof so as to provide a fund sufficient with
222 other revenues of such project, if any, to pay the cost of maintaining, repairing, and
223 operating the project, including the reserves for extraordinary repairs and insurance, unless
224 such cost shall be otherwise provided for, which cost shall be deemed to include the
225 expenses incurred by the authority on account of the project for water, light, sewer, and
226 other services furnished by other facilities at the project.

227 2-24-11.

228 The Attorney General shall provide legal services for the authority and in connection
229 therewith the provisions of Code Sections 45-15-13 through 45-15-16 shall be fully
230 applicable.

231 2-24-12.

232 Any action to protect or enforce any rights under this chapter shall be brought in the
233 Superior Court of Tift County, Georgia; and such court shall have exclusive, original
234 jurisdiction of such actions. Furthermore, the venue for actions brought against the
235 authority shall be in the Superior Court of Tift County, Georgia; and such court shall have
236 exclusive, original jurisdiction of such actions. Nothing contained in this chapter shall be
237 construed to impair any rights afforded the state under the Constitution of the United
238 States.

239 2-24-13.

240 (a) Every member of the authority and every employee of the authority who knowingly
241 has any interest, direct or indirect, in any contract to which the authority is or is about to
242 become a party, or in any other business of the authority, or in any firm or corporation
243 doing business with the authority shall make full disclosure of such interest to the authority.
244 Failure to disclose such an interest shall constitute cause for which a member of the
245 authority may be removed or an employee discharged or otherwise disciplined at the
246 discretion of the authority.

247 (b) The provisions of Article 1 of Chapter 10 of Title 16 and Code
248 Sections 16-10-21, 16-10-22, 16-10-92, and 16-10-93, regulating the conduct of officers,
249 employees, and agents of political subdivisions, municipal and other public corporations,
250 and other public organizations, shall be applicable to the conduct of members, officers,
251 employees, and agents of the authority.

252 (c) Any contract or transaction of the authority involving a conflict of interest which is not
253 disclosed under subsection (a) of this Code section, or involving a violation of Article 1 of
254 Chapter 10 of Title 16 or Code Section 16-10-21, 16-10-22, 16-10-92, or 16-10-93, or
255 involving a violation of any other provision of law regulating conflicts of interest which
256 is applicable to the authority or its members, officers, or employees shall be voidable by
257 the authority.

258 2-24-14.

259 (a) The authority or any authority or body which may succeed to the powers, duties, and
260 liabilities vested in the authority is authorized at one time, or from time to time, to provide
261 by resolution for the issuance of revenue bonds for the purpose of paying all or any part of
262 the cost, as defined in this chapter, of any one project or a combination of projects. The
263 principal and interest of such revenue bonds shall be payable solely from the special fund
264 provided in subsection (n) of this Code section for such payment. The bonds of each issue

265 shall be dated and shall mature at such times and bear interest at such rates as may be
266 determined by the authority, payable in such medium of payment as to both principal and
267 interest as may be determined by the authority, and may be made redeemable before
268 maturity, at the option of the authority, at such price or prices and under such terms and
269 conditions as may be fixed by the authority in the resolution providing for the issuance of
270 the bonds.

271 (b) The authority shall determine the form of the bonds, including any interest coupons to
272 be attached thereto, and shall fix the denomination or denominations of the bonds and the
273 place or places of payment of principal and interest thereof, which may be at any bank or
274 trust company inside or outside the state. The bonds may be issued in coupon or registered
275 form, or both, as the authority may determine, and provision may be made for the
276 registration of any coupon bond as to principal alone and also as to both principal and
277 interest.

278 (c) In case any officer whose signature appears on any bonds or whose facsimile signature
279 appears on any coupon ceases to be such officer before the delivery of such bonds, such
280 signature shall nevertheless be valid and sufficient for all purposes the same as if such
281 officer had remained in office until such delivery. All such bonds shall be signed by the
282 chairperson or vice chairperson of the authority, and the official seal of the authority shall
283 be affixed thereto and attested by the secretary or assistant secretary of the authority; and
284 any coupons attached thereto shall bear the signature or facsimile signature of the
285 chairperson or vice chairperson of the authority. Any coupon may bear the facsimile
286 signature of such person, and any bond may be signed, sealed, and attested on behalf of the
287 authority by such persons as at the actual time of the execution of such bonds shall be duly
288 authorized or hold the proper office, although at the date of such bonds such persons may
289 not have been so authorized or shall not have held such office.

290 (d) All revenue bonds issued under this chapter shall have and are declared to have all the
291 qualities and incidents of negotiable instruments. Such bonds and the income therefrom
292 shall be exempt from all taxation within the state.

293 (e) The authority may sell bonds in such manner and for such price as it may determine
294 to be for the best interests of the authority.

295 (f) The proceeds of bonds shall be used solely for the payment of the cost of the project
296 and shall be disbursed upon requisition or order of the chairperson or vice chairperson of
297 the authority under such restrictions, if any, as provided by the resolution authorizing the
298 issuance of the bonds or by the trust indenture provided for in subsection (k) of this Code
299 section.

300 (g) Prior to the preparation of definitive bonds, the authority may, under like restrictions,
301 issue interim receipts, interim certificates, or temporary bonds, with or without coupons,
302 exchangeable for definitive bonds upon the issuance of the latter.

303 (h) The authority may provide for the replacement of any bond which becomes mutilated
304 or is destroyed or lost.

305 (i) Revenue bonds may be issued without the conducting of any proceedings, the existence
306 of any conditions, or the happening of any events other than those proceedings, conditions,
307 and events which are specified or required by this chapter. In the discretion of the
308 authority, revenue bonds of a single issue may be issued for the purpose of paying the cost
309 of any one or more, including a combination of, projects at any one institution or any
310 number of institutions. Any resolution providing for the issuance of revenue bonds under
311 this chapter shall become effective immediately upon its passage and need not be published
312 or posted. Any such resolution may be passed at any regular, special, or adjourned meeting
313 of the authority by a majority of its members.

314 (j) Revenue bonds issued under this chapter shall not be deemed to constitute a debt of the
315 State of Georgia or a pledge of the faith and credit of the state. Such bonds shall be
316 payable solely from the fund provided for in subsections (m) through (p) of this Code

317 section, and the issuance of such revenue bonds shall not directly, indirectly, or
318 contingently obligate the state to levy or to pledge any form of taxation whatever therefor
319 or to make any appropriation for their payment. All such bonds shall contain recitals on
320 their faces covering substantially the foregoing provisions of this Code section. Anything
321 in this Code section to the contrary notwithstanding, such funds as may be received from
322 state appropriations or from any other source are declared to be available and may be used
323 by any department, board, commission, or agency of the State of Georgia for the
324 performance of any lease contract entered into by such department, board, commission, or
325 agency with the authority.

326 (k)(1) In the discretion of the authority, any issue of revenue bonds may be secured by
327 a trust indenture by and between the authority and a corporate trustee, which may be any
328 trust company or bank having the powers of a trust company inside or outside of the state.
329 Such trust indenture may pledge or assign rents, revenues, and earnings to be received by
330 the authority.

331 (2) Either the resolution providing for the issuance of revenue bonds or the trust
332 indenture may contain such provisions for protecting and enforcing the rights and
333 remedies of the bondholders as may be reasonable and proper and not in violation of law,
334 including covenants setting forth the duties of the authority in relation to the acquisition
335 of property, the construction of the project, the maintenance, operation, repair, and
336 insurance of the project, and the custody, safeguarding, and application of all moneys.
337 The resolution or indenture may also provide that any project shall be constructed and
338 paid for under the supervision and approval of consulting engineers or architects
339 employed or designated by the authority and satisfactory to the original purchasers of the
340 bonds issued therefor. The resolution or indenture may also require that the security
341 given by contractors and by any depository of the proceeds of the bonds or revenues or
342 other moneys be satisfactory to such purchasers and may also contain provisions
343 concerning the conditions, if any, upon which additional revenue bonds may be issued.

344 (3) The indenture may set forth the rights and remedies of the bondholders and of the
345 trustee and may restrict the individual right of action of bondholders as is customary in
346 trust indentures securing bonds and debentures of corporations. In addition to the
347 foregoing provisions of this Code section, the trust indenture may contain such other
348 provisions as the authority may deem reasonable and proper for the security of the
349 bondholders.

350 (4) It shall be lawful for any bank or trust company incorporated under the laws of this
351 state to act as such depository and to furnish such indemnifying bonds or pledge such
352 securities as may be required by the authority.

353 (5) All expenses incurred in carrying out the trust indenture may be treated as a part of
354 the cost of maintenance, operation, and repair of the project and of the cost of the project
355 affected by such indenture.

356 (l) The authority shall, in the resolution providing for issuance of revenue bonds or in the
357 trust indenture, provide for the payment of the proceeds of the sale of the bonds to any
358 officer or person who, or any agency, bank, or trust company which, shall act as trustee of
359 such funds and shall hold and apply the same to the purposes expressed in this chapter,
360 subject to such regulations as this chapter and such resolution or trust indenture may
361 provide.

362 (m) Unless otherwise pledged and allocated, any and all revenues, rents, and earnings
363 received by the authority, regardless of whether or not such revenues, rents, and earnings
364 were produced by a particular project for which bonds have been issued, may be pledged
365 and allocated by the authority to the payment of the principal and interest on revenue bonds
366 of the authority as the trust indenture or the resolution authorizing the issuance of the bonds
367 may provide.

368 (n) Such funds so pledged from whatever source received, which pledge may include
369 funds received from one or more or all sources, shall be set aside at regular intervals, as

370 may be provided in the resolution or trust indenture, into a sinking fund which shall be
371 pledged to and charged with the payment of:

372 (1) The interest upon such revenue bonds as such interest shall fall due;

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

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

375 (4) Any premium upon bonds retired by call or purchase.

376 (o) The use and disposition of such sinking fund shall be subject to such regulations as
377 may be provided in the resolution authorizing the issuance of the revenue bonds or in the
378 trust indenture, but, except as may otherwise be provided in such resolution or trust
379 indenture, such sinking fund shall be a fund for the benefit of all revenue bonds without
380 distinction or priority of one over another.

381 (p) Subject to the provisions of the resolution authorizing the issuance of the bonds, or
382 subject to the trust indenture, surplus moneys in the sinking fund may be applied to the
383 purchasing or redemption of bonds, and any such bonds so purchased or redeemed shall
384 forthwith be canceled and shall not again be issued.

385 (q) Except to the extent the rights given in this Code section may be restricted by
386 resolution passed before the issuance of bonds or by a trust indenture, any holder of
387 revenue bonds or interest coupons issued under this chapter, any receiver for such holders,
388 or any indenture trustee, if any, may either at law or in equity, by action, mandamus, or
389 other proceedings, protect and enforce any and all rights under the laws of the State of
390 Georgia or granted by this chapter or under such resolution or trust indenture. Such holder,
391 receiver, or trustee may enforce and compel performance of all duties required by this
392 chapter, or by resolution or trust indenture, to be performed by the authority or any officer
393 thereof, including the fixing, charging, and collecting of revenues, rents, and other charges
394 for the use of the project or projects. In the event of default of the authority upon the
395 principal and interest obligations of any revenue bond issue, such holder, receiver, or
396 trustee shall be subrogated to each and every right which the authority may possess and,

397 in the pursuit of his, her, or its remedies as subrogee, may proceed either at law or in
398 equity, by action, mandamus, or other proceedings to collect any sums by such proceedings
399 due and owing to the authority and pledged or partially pledged directly or indirectly to the
400 benefit of the revenue bond issue of which such holder, receiver, or trustee is
401 representative. No holder, receiver, or trustee shall have the right to compel any exercise
402 of the taxing power of the state to pay any such bond or the interest thereon, or to enforce
403 the payment thereof against any property of the state, nor shall any such bond constitute
404 a charge, lien, or encumbrance, legal or equitable, upon the property of the state.

405 (r) The authority is authorized to provide by resolution for the issuance of revenue
406 refunding bonds of the authority for the purpose of refunding any revenue bonds issued
407 under this chapter and then outstanding, together with accrued interest thereon. The
408 issuance of such revenue refunding bonds, the maturities, and all other details thereof, the
409 rights of the holders thereof, and the duties of the authority in respect to the same shall be
410 governed by the foregoing provisions of this chapter insofar as the same may be applicable.

411 (s) While any of the bonds issued by the authority remain outstanding, the powers, duties,
412 or existence of the authority, or of its officers, employees, or agents, or of any department,
413 board, commission, or agency of the state shall not be diminished or impaired in any
414 manner that will affect adversely the interests and rights of the holders of such bonds. This
415 chapter shall be for the benefit of the state, the authority, and the holders of any such bonds
416 and, upon the issuance of bonds under this chapter, shall constitute a contract with the
417 holders of such bonds.

418 (t) Bonds of the authority shall be confirmed and validated in accordance with the
419 procedure of Article 3 of Chapter 82 of Title 36, the 'Revenue Bond Law.' The petition for
420 validation shall also make party defendant to such action any authority, division,
421 subdivision, instrumentality, or agency of the State of Georgia which, or any person who,
422 has contracted with the authority for the use of any building, structure, or facilities for
423 which bonds have been issued and sought to be validated. Such authority, division,

424 subdivision, instrumentality, agency, or person shall be required to show cause, if any, why
425 such contract or contracts and the terms and conditions thereof should not be inquired into
426 by the court, the validity of the terms thereof determined, and the contract adjudicated as
427 security for the payment of any such bonds of the authority. The bonds when validated and
428 the judgment of validation shall be final and conclusive with respect to such bonds and
429 against the authority issuing the same and against any authority, division, subdivision,
430 instrumentality, department, agency, or person contracting with the authority.

431 (u) No bonds shall be issued by the authority under this chapter unless the issuance of such
432 bonds has been reviewed and approved by the Georgia State Financing and Investment
433 Commission.

434 (v) The bonds authorized by this chapter are made securities in which all public officers
435 and bodies of this state; all municipalities and all municipal subdivisions; all insurance
436 companies and associations and other persons carrying on an insurance business; all banks,
437 bankers, trust companies, savings banks, and savings associations, including savings and
438 loan associations, building and loan associations, investment companies, and other persons
439 carrying on a banking business; all administrators, guardians, executors, trustees, and other
440 fiduciaries; and all other persons whatsoever who are now or may hereafter be authorized
441 to invest in bonds or other obligations of the state may properly and legally invest funds,
442 including capital in their control or belonging to them. The bonds are also made securities
443 which may be deposited with and shall be received by all public officers and bodies of this
444 state and all municipalities and municipal subdivisions for any purpose for which the
445 deposit of the bonds or other obligations of this state is now or may hereafter be authorized.

446 2-24-15.

447 The Department of Agriculture is authorized to construct, erect, acquire, and own the
448 project, as defined in this chapter. The costs of any such project may be paid from the
449 proceeds of state general obligation or guaranteed revenue debt. The department is

450 authorized to contract with the authority, the State Properties Commission, the Georgia
451 State Financing and Investment Commission, or with any other department, agency,
452 commission, board, official, or person for the construction, operation, maintenance,
453 funding, design, or use of such project."

454 **SECTION 2.**

455 Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the Attorney
456 General, is amended by revising Code Section 45-15-13, relating to representation of state
457 authorities by the Attorney General, as follows:

458 "45-15-13.

459 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
460 following instrumentalities of the state: Georgia Farmers' Market and Produce Terminal
461 Development Authority, Georgia Building Authority, Georgia Education Authority
462 (Schools), Georgia Education Authority (University), Georgia Highway Authority, Georgia
463 Ports Authority, State Road and Tollway Authority, Jekyll Island—State Park Authority,
464 Stone Mountain Memorial Association, Georgia Emergency Communications Authority
465 and Savannah-Georgia Convention Center Authority."

466 **SECTION 3.**

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