

House Bill 1010

By: Representatives Gaines of the 117th, Wiedower of the 119th, and Frye of the 118th

A BILL TO BE ENTITLED

AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and
2 employees, so as to provide for the Attorney General to represent the Georgia Classic Center
3 Authority; to amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated,
4 relating to the Department of Economic Development, so as to provide a short title; to create
5 the Georgia Classic Center Authority; to provide for the appointment of members of the
6 authority; to confer powers upon the authority; to provide for the purpose and scope of
7 operations of the authority; to provide for definitions; to authorize the issuance of revenue
8 bonds of the authority; to fix and provide the venue and jurisdiction of actions relating to the
9 authority; to provide for moneys received and trust funds; to provide for tort immunity; to
10 provide for tax exemption, rates, charges, and revenues; to provide for construction; to
11 provide for related matters; to provide for an effective date; to repeal conflicting laws; and
12 for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

15 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
16 is amended by revising Code Section 45-15-13, relating to representation of state authorities
17 by Attorney General, as follows:

18 "45-15-13.

19 As used in Code Sections 45-15-14 through 45-15-16, the term 'state authorities' means the
20 following instrumentalities of the state: Georgia Building Authority, Georgia Education
21 Authority (Schools), Georgia Education Authority (University), Georgia Highway
22 Authority, Georgia Ports Authority, State Road and Tollway Authority, Jekyll
23 Island—State Park Authority, Stone Mountain Memorial Association, Georgia Emergency
24 Communications Authority, Georgia Classic Center Authority, and Savannah-Georgia
25 Convention Center Authority."

26 **SECTION 2.**

27 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
28 of Economic Development, is amended by adding a new article to read as follows:

29 "ARTICLE 11

30 50-7-130.

31 This article shall be known and may be cited as the 'Georgia Classic Center Authority Act.'

32 50-7-131.

33 As used in this article, the term:

34 (1) 'Authority' means the Georgia Classic Center Authority created by this article.

35 (2) 'Classic Center Authority' means the Classic Center Authority for Clarke County
36 created by an Act approved March 10, 1988 (Ga. L. 1988, p. 3799), as amended.

37 (3) 'Costs of the project' means and embraces the cost of construction; the cost of all
38 lands, properties, rights, easements, and franchises acquired; the cost of all machinery and
39 equipment; financing charges; interest prior to and during construction and for six months
40 after completion of construction; the cost of engineering, architectural expenses, fiscal
41 agents' expenses, legal expenses, plans and specifications, and other expenses necessary
42 or incidental to determining the feasibility or practicability of the project; administrative
43 expenses and such other expenses as may be necessary or incidental to the financing
44 authorized in this article; working capital; and all other costs necessary to acquire,
45 construct, add to, extend, improve, equip, operate, and maintain the project.

46 (4) 'Project' or 'undertaking' means all buildings, facilities, and equipment necessary or
47 convenient to be used for trade shows, conferences, and amusement, recreational, civil,
48 cultural, commercial, hotel, parking, or educational purposes and for fairs, expositions,
49 exhibits, conventions, conferences, public meetings or gatherings, concerts, theaters,
50 arenas, museums, and marketing in connection therewith, together with all other
51 undertakings which may be acquired, constructed, added to, extended, improved,
52 equipped, maintained, or operated by public authorities as permitted by the Revenue
53 Bond Law or this article.

54 (5) 'Revenue Bond Law' means Article 3 of Chapter 82 of Title 36 of the Official Code
55 of Georgia Annotated.

56 (6) 'Revenue bonds' means revenue bonds authorized to be issued pursuant to the
57 Revenue Bond Law or this article.

58 (7) 'Self-liquidating' means any project from which the revenues and earnings to be
59 derived by the authority therefrom, including, but not limited to, any contractual
60 payments with governmental or private entities and all properties used, leased, and sold
61 in connection herewith, together with any grants, will be sufficient to pay the costs of
62 operating, maintaining, and repairing the project and to pay the principal and interest on

63 the revenue bonds or other obligations which may be issued for the purpose of paying the
64 costs of the project.

65 50-7-132.

66 (a) It is declared that there exists in this state a need for a state public authority for the
67 purpose of developing and promoting for the public good of Athens-Clarke County and the
68 State of Georgia a site for conventions, trade shows, and other tourism and to facilitate
69 economic growth, and without limiting the powers granted to the authority by this article,
70 the creation of said authority shall be and is declared to be for public and governmental
71 purposes, including, but not limited to, the promotion of meetings, conventions, and
72 tourism and other matters of economic development, growth, and commerce, and in an
73 effort to better the general condition of the people of this state. The purpose of the
74 authority shall be for the development and promotion in Athens-Clarke County and in this
75 state of public projects for the cultural growth, public welfare, education, and recreation
76 of the people of Athens-Clarke County and of this state.

77 (b) There is hereby created a public body corporate and politic to be known as the 'Georgia
78 Classic Center Authority,' which shall be deemed to be an instrumentality of the state and
79 a public corporation, and by that name, style, and title such body may contract and be
80 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
81 all courts of law and equity. The authority shall have perpetual existence and shall have
82 its principal office in Athens-Clarke County.

83 50-7-133.

84 (a) The authority shall consist of nine members as follows:

85 (1) Five members who shall be appointed by the Governor, three of whom shall have
86 been residents of Athens-Clarke County, Georgia, for at least two years prior to the date
87 of their appointments;

88 (2) Two members who shall be appointed by the Speaker of the House, one of whom
89 shall have been a resident of Athens-Clarke County, Georgia, for at least two years prior
90 to the date of his or her appointment; and

91 (3) Two members who shall be appointed by the President of the Senate, one of whom
92 shall have been a resident of Athens-Clarke County, Georgia, for at least two years prior
93 to the date of his or her appointment.

94 (b) Initial appointments shall be made within 30 days of the effective date of this Act, and
95 the initial members shall take office on July 1, 2022, if appointments are made prior to such
96 date. With respect to the initial appointments, three members shall be appointed for terms
97 of three years, three members shall be appointed for terms of two years, and three members
98 shall be appointed for terms of one year. Thereafter, all appointments shall be made for
99 terms of three years and until their respective successors are appointed and qualified.
100 Immediately after such appointments, the members of the authority shall enter upon their
101 duties. To be eligible for appointment as a member of the authority, a person shall be at
102 least 21 years of age and shall not have been convicted of a felony. Any member of the
103 authority may be selected and appointed to succeed himself or herself. A member may be
104 removed from office for failure to perform the appropriate duties of membership, which
105 shall include, but shall not be limited to, a member's failure to attend more than three
106 regularly scheduled meetings of the authority during a calendar year.

107 (c) Members of the authority shall not be compensated for their services; provided,
108 however, that members shall be reimbursed for their actual expenses necessarily incurred
109 in the performance of their duties.

110 (d) The members of the authority shall elect one of their number as chairperson and
111 another as vice chairperson. The members of the authority shall also elect a secretary, who
112 need not be a member of the authority, and may also elect a treasurer, who need not be a
113 member of the authority. The secretary may also serve as treasurer. If the secretary and
114 treasurer are not members of the authority, such officers shall have no voting rights; and

115 each shall serve for a period of one year and until their successors are duly elected and
116 qualified.

117 (e) Five members of the authority shall constitute a quorum. No vacancy on the authority
118 shall impair the right of the quorum to exercise all of the rights and perform all of the
119 duties of the authority.

120 50-7-134.

121 The authority shall have the power:

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

123 (2)(A) To acquire by purchase, lease, gift, condemnation, or otherwise and to hold,
124 operate, maintain, lease, and dispose of real and personal property of every kind and
125 character for its corporate purposes;

126 (B) To acquire in its own name by purchase on such terms and conditions and in such
127 manner as it may deem proper or by condemnation, in accordance with the provisions
128 of any and all existing laws applicable to the condemnation of property for public use,
129 real property, or rights or easements therein, or franchises necessary or convenient for
130 its corporate purposes; to use the same so long as its corporate existence shall continue;
131 and to lease or make contracts with respect to the use or disposal of the same in any
132 manner it deems to the best advantage of the authority. The authority shall be under no
133 obligation to accept and pay for any property condemned under this article except from
134 the funds provided under the authority of this article. In any proceedings to condemn,
135 such orders may be made by the court having jurisdiction of the suit, action, or
136 proceedings as may be just to the authority and to the owner or owners of the property
137 to be condemned. No property shall be acquired under the provisions of this Act upon
138 which any lien or encumbrance exists, unless, at the time such property is so acquired,
139 a sufficient sum of money is to be deposited in trust to pay and redeem the fair value
140 of such lien or encumbrance;

- 141 (3) To appoint, select, and employ officers, agents, and employees, including fiscal
142 agents, attorneys, and engineering, architectural, and construction experts, and to fix their
143 respective compensations;
- 144 (4) To execute contracts, leases, installment sale agreements, and other agreements and
145 instruments necessary or convenient in connection with the acquisition, construction,
146 addition, extension, improvement, equipping, operation, or maintenance of a project; and
147 any and all persons, firms, and corporations and any political subdivision or municipal
148 corporation of the State of Georgia are hereby authorized to enter into contracts, leases,
149 installment sale agreements, and other agreements or instruments with the authority upon
150 such terms and for such purposes as they deem advisable and as they are authorized by
151 law;
- 152 (5) To acquire, construct, add to, extend, improve, equip, hold, operate, maintain, lease,
153 and dispose of projects;
- 154 (6) To pay the costs of projects with the proceeds of revenue bonds or other obligations
155 issued by the authority or from any grant or contribution from the United States or any
156 agency or instrumentality thereof; from this state or any agency, instrumentality, or other
157 political subdivision thereof; or from any other source whatsoever;
- 158 (7) To accept loans or grants of money, materials, or property of any kind from the
159 United States or any agency or instrumentality thereof, upon such terms and conditions
160 as the United States or such agency or instrumentality may require;
- 161 (8) To accept loans or grants of money, materials, or property of any kind from this state
162 or any agency, instrumentality, political subdivision, or municipal corporation thereof,
163 upon such terms and conditions as this state or such agency, instrumentality, political
164 subdivision, or municipal corporation may require;
- 165 (9) To borrow money for any of its corporate purposes, to issue revenue bonds, and to
166 provide for the payment of the same and for the rights of the holders thereof; provided,

167 however, that the maximum amount of bonded indebtedness that may be outstanding at
168 any given time shall be limited to \$100 million;

169 (10) To exercise any power usually possessed by private corporations performing similar
170 functions, including, but not limited to, the power to incur short-term debt and to approve,
171 execute, and deliver appropriate evidence of any such indebtedness;

172 (11) To prescribe rules, regulations, service policies, and procedures for the operation
173 of any project;

174 (12) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the
175 manner in which its business is transacted; and

176 (13) To do all things necessary or convenient to carry out the powers expressly given in
177 this article.

178 50-7-135.

179 The authority, or any authority or body which has or which may in the future succeed to
180 the powers, duties, and liabilities vested in the authority created by this article, shall have
181 power and is authorized, pursuant to this article, to provide by resolution for the issuance
182 of revenue bonds of the authority for the purpose of paying all or any part of the costs of
183 a project and for the purpose of refunding revenue bonds or other obligations previously
184 issued. Revenue bonds shall be undertaken, issued, priced, validated, sold, paid, redeemed,
185 refunded, secured, and replaced in accordance with the provisions of this article.

186 50-7-136.

187 The authority shall adopt a resolution authorizing the issuance of the revenue bonds. In the
188 resolution, the authority shall determine that the project financed with the proceeds of such
189 revenue bonds shall be self-liquidating. Revenue bonds may be issued without any other
190 proceedings or the happening of any other conditions or things other than those
191 proceedings, conditions, and things which are specified in or required by this article. Any

192 resolution providing for the issuance of revenue bonds under the provisions of this article
193 shall become effective immediately upon its passage and need not be published or posted,
194 and any such resolution may be passed at any regular, special, or adjourned meeting of the
195 authority by a majority of its members present and voting.

196 50-7-137.

197 Revenue bonds of the authority shall not be deemed to constitute a debt of the State of
198 Georgia, nor a pledge of the faith and credit of this state, but such revenue bonds shall be
199 payable solely from the fund hereinafter provided for. The issuance of such revenue bonds
200 shall not directly, indirectly, or contingently obligate this state to levy or pledge any form
201 of taxation whatsoever for payment of such revenue bonds or to make any appropriation
202 for their payment, and all such revenue bonds shall contain recitals on their faces covering
203 substantially the foregoing provisions of this section. Notwithstanding the foregoing
204 provisions, this article shall not affect the ability of the authority and any political
205 subdivision to enter into an intergovernmental contract pursuant to which the political
206 subdivision agrees to pay amounts sufficient to pay operating charges and other costs of
207 the authority or any project including, without limitation, the principal of and interest on
208 revenue bonds in consideration for services or facilities of the authority.

209 50-7-138.

210 In the discretion of the authority, any issuance of revenue bonds may be secured by a trust
211 indenture by and between the authority and a corporate trustee, which may be any trust
212 company or bank having the powers of a trust company within or without this state. Either
213 the resolution providing for the issuance of the revenue bonds or such trust indenture shall
214 contain such provisions for protecting and enforcing the rights and remedies of the
215 bondholders as may be reasonable and proper and not in violation of law, including
216 covenants setting forth the duties of the authority in relation to the acquisition and

217 construction of the project; the maintenance, operation, repair, and insuring of the project;
218 and the custody, safeguarding, and application of all money.

219 50-7-139.

220 Except to the extent that the rights given herein may be restricted by a resolution passed
221 before the issuance of the revenue bonds or by the trust indenture, any holder of revenue
222 bonds and the trustee under the trust indenture, if any, may, either at law or in equity, by
223 suit, action, mandamus, or other proceedings, protect and enforce any and all rights such
224 holder or trustee may have under the laws of the state, including specifically, but without
225 limitation, the Revenue Bond Law, or granted hereunder or under such resolution or trust
226 indenture and may enforce and compel performance of all duties required by this article or
227 by such resolution or trust indenture to be performed by the authority or any officer thereof,
228 including the fixing, charging, and collecting of revenues, fees, tolls, fines, and other
229 charges for the use of the facilities and services furnished.

230 50-7-140.

231 Revenue bonds and the security therefor shall be issued, confirmed, and validated in
232 accordance with the provisions of the Revenue Bond Law. The petition for validation shall
233 also make as a party defendant to such action the Classic Center Authority and any
234 government or other authority that has contracted with the authority for services or
235 facilities relating to the project for which revenue bonds are to be issued and sought to be
236 validated, and such defendant shall be required to show cause, if any exists, as to why such
237 contract or contracts shall not be adjudicated as a part of the basis for the security for the
238 payment of any such revenue bonds. The revenue bonds, when validated, and the judgment
239 of validation shall be final and conclusive with respect to such revenue bonds and the
240 security for the payment thereof and interest thereon and against the authority and all other
241 defendants.

242 50-7-141.

243 In the resolution providing for the issuance of revenue bonds or in the trust indenture, the
244 authority shall provide for the payment of the proceeds of the sale of the revenue bonds to
245 any officer or person who or any agency, bank, or trust company which shall act as trustee
246 of such funds and shall hold and apply the same to the purposes thereof, subject to such
247 regulations as this article and such resolution or trust indenture may provide.

248 50-7-142.

249 (a) The money received pursuant to an intergovernmental contract and the revenues, fees,
250 tolls, fines, charges, and earnings derived from any particular project or projects, regardless
251 of whether or not such revenues, fees, tolls, fines, charges, and earnings were produced by
252 a particular project for which revenue bonds have been issued, unless otherwise pledged
253 and allocated, may be pledged and allocated by the authority to the payment of the
254 principal and interest on revenue bonds of the authority as the resolution authorizing the
255 issuance of the revenue bonds or the trust indenture may provide. Such funds so pledged
256 from whatever source received may be set aside at regular intervals as may be provided in
257 the resolution or trust indenture into a sinking fund, which sinking fund shall be pledged
258 to and charged with the payment of:

259 (1) The interest upon such revenue bonds as the same shall fall due;

260 (2) The principal or purchase price of such revenue bonds as the same shall fall due;

261 (3) Any premium upon such revenue bonds as the same shall fall due;

262 (4) The purchase of such revenue bonds in the open market; and

263 (5) The necessary charges of the paying agent for paying principal and interest.

264 (b) The use and disposition of such sinking fund shall be subject to such regulations as
265 may be provided in the resolution authorizing the issuance of the revenue bonds or in the
266 trust indenture, but, except as may otherwise be provided in such resolution or trust

267 indenture, such sinking fund shall be maintained as a trust account for the benefit of all
268 revenue bonds without distinction or priority of one over another.

269 50-7-143.

270 Any action to protect or enforce any rights under the provisions of this article or any suit
271 or action against such authority shall be brought in the Superior Court of Athens-Clarke
272 County, and any action pertaining to validation of any revenue bonds issued under the
273 provisions of this article shall likewise be brought in said court which shall have exclusive,
274 original jurisdiction of such actions.

275 50-7-144.

276 While any of the revenue bonds issued by the authority remain outstanding, the powers,
277 duties, or existence of such authority or its officers, employees, or agents shall not be
278 diminished or impaired in any manner that will affect adversely the interests and rights of
279 the holders of such revenue bonds; and no other entity, department, agency, or authority
280 shall be created which will compete with the authority to such an extent as to affect
281 adversely the interests and rights of the holders of such revenue bonds, nor shall the state
282 itself so compete with the authority. The provisions of this article shall be for the benefit
283 of the authority and the holders of any such revenue bonds, and upon the issuance of such
284 revenue bonds under the provisions of this article, shall constitute a contract with the
285 holders of such revenue bonds.

286 50-7-145.

287 All money received by the authority pursuant to this article, whether as proceeds from the
288 sale of revenue bonds, as grants or other contributions, or as revenue, income, fees, and
289 earnings, shall be deemed to be trust funds to be held and applied solely as provided in this
290 article.

291 50-7-146.

292 (a) The authority is created for the purpose of promoting the public good and general
293 welfare of the citizens of this state and financing and providing facilities, equipment, and
294 services within this state, for sale to, lease or sublease to, ownership by, or operation by the
295 authority, the Classic Center Authority, or other government or political subdivision as
296 otherwise authorized by law.

297 (b) Upon the dissolution of the authority, all assets owned by the authority shall become
298 the property of the state.

299 (c) The members of the authority shall be accountable in all respects as trustees. The
300 authority shall keep suitable books and records of all its obligations, contracts, transactions,
301 and undertakings and of all income and receipts of every nature and all expenditures of
302 every kind and shall provide for an annual independent audit of income and expenditures.

303 (d) The authority shall be subject to the provisions of Chapter 14 of this title, relating to
304 open and public meetings.

305 (e) The authority shall prepare and submit to the Governor, the Mayor and Commission
306 of Athens-Clarke County, and the Athens-Clarke County delegation of the General
307 Assembly an annual report at the end of each fiscal year or calendar year of the authority
308 outlining the work of the authority and furnishing the results of its most recent annual
309 independent audit of income and expenditures.

310 (f) The authority is assigned to the Department of Economic Development for
311 administrative purposes only, as specified in Code Section 50-4-3.

312 (g) The Attorney General shall provide legal services for the authority as provided for in
313 Code Sections 45-15-13 through 45-15-16.

314 50-7-147.

315 The authority is hereby authorized to prescribe and fix rates and to revise the same from
316 time to time and to collect revenues, tolls, fees, and charges for the services, facilities, and

317 commodities furnished and, in anticipation of the collection of the revenues, to issue
318 revenue bonds or other types of obligations as provided in this article to finance, in whole
319 or in part, the costs of the project and to pledge to the punctual payment of said revenue
320 bonds or other obligations all or any part of the revenues.

321 50-7-148.

322 To the extent permitted by law, the authority shall have the same immunity and exemption
323 from liability for torts and negligence as the state; and the officers, agents, and employees
324 of the authority when in the performance of the work of the authority shall have the same
325 immunity and exemption from liability for torts and negligence as the officers, agents, and
326 employees of the state when in the performance of their public duties or work of the state.

327 50-7-149.

328 The income of the authority; the properties of the authority, both real and personal; and all
329 revenue bonds, certificates of participation, notes, and other forms of obligations issued by
330 the authority shall be exempt from all state and local taxes and special assessments of any
331 kind to the extent permitted by and in accordance with the general laws of the state.

332 50-7-150.

333 This article, being for the welfare of various political subdivisions of this state and its
334 inhabitants, shall be liberally construed to effect the purposes hereof."

335 **SECTION 3.**

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

338

SECTION 4.

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