

House Bill 1047

By: Representatives Franklin of the 39th and Joyce of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To rename the Geo. L. Smith II World Congress Center as the Geo. L. Smith II American
2 Heroes Center; to rename the Geo. L. Smith II World Congress Center Authority as the Geo.
3 L. Smith II American Heroes Center Authority; to rename the Geo. L. Smith II World
4 Congress Center Authority Overview Committee as the Geo. L. Smith II American Heroes
5 Center Authority Overview Committee; to amend Chapter 9 of Title 10 of the Official Code
6 of Georgia Annotated, relating to the Geo. L. Smith II World Congress Center, so as to
7 accomplish the foregoing; to amend Part 10 of Article 8 of Chapter 2 of Title 47 of the
8 Official Code of Georgia Annotated, relating to employees of certain authorities and
9 commissions relative to membership in the Employees' Retirement System of Georgia, so
10 as to change certain provisions relating to membership in the Employees' Retirement System
11 of Georgia of officers and employees of the Geo. L. Smith II Georgia World Congress Center
12 Authority, creditable service, and contributions; to amend Code Section 48-13-51 of the
13 Official Code of Georgia Annotated, relating to county and municipal levies on public
14 accommodations charges for promotion of tourism, conventions, and trade shows, so as to
15 change certain references to the authority; to amend Article 3 of Chapter 7 of Title 50 of the
16 Official Code of Georgia Annotated, relating to the Geo. L. Smith II Georgia World
17 Congress Center, so as to change certain provisions relating to lease of property to the
18 authority; to provide legislative findings and declarations; to repeal conflicting laws; and for
19 other purposes.

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

21 **SECTION 1.**

22 The General Assembly finds and declares that it is fitting and proper to prominently honor
23 those Georgians who heroically risk their lives to protect, defend, and rescue their fellow
24 citizens from harm, including members of the regular and reserve armed forces of the United
25 States, Army National Guard, and Air National Guard, along with police and fire department
26 personnel, emergency medical technicians, and other persons employed or engaged in

1 providing similar public service, by renaming the Geo. L. Smith II World Congress Center
2 as the Geo. L. Smith II American Heroes Center.

3 **SECTION 2.**

4 Chapter 9 of Title 10 of the Official Code of Georgia Annotated, relating to the Geo. L.
5 Smith II World Congress Center, is amended by striking Code Section 10-9-1, relating to a
6 short title, and inserting in lieu thereof the following:

7 "10-9-1.

8 This chapter may be known and cited as the 'Geo. L. Smith II ~~Georgia World Congress~~
9 American Heroes Center Act.'"

10 **SECTION 3.**

11 Said chapter is further amended by striking Code Section 10-9-2, relating to re-creation of
12 the Geo. L. Smith II World Congress Center Authority, and inserting in lieu thereof the
13 following:

14 "10-9-2.

15 ~~There is re-created the~~ The 'Geo. L. Smith II Georgia World Congress Center Authority'
16 is re-created as the 'Geo. L. Smith II American Heroes Center Authority' and as a body
17 corporate and politic, which shall be an instrumentality of the State of Georgia and a public
18 corporation."

19 **SECTION 4.**

20 Said chapter is further amended by striking paragraphs (1) and (3) of Code Section 10-9-3,
21 relating to definitions, and inserting in lieu thereof the following:

22 "(1) 'Authority' means the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes
23 Center Authority."

24 "(3) 'Project' means a comprehensive international trade and convention center consisting
25 of a complex of facilities suitable for multipurpose use for housing trade shows,
26 conventions, and cultural, political, musical, educational, entertainment, athletic, or other
27 events; for displaying exhibits of Georgia's counties, municipalities, industries, and
28 attractions; and for promoting the agricultural, historical, natural, and recreational
29 resources of the State of Georgia, including all facilities necessary or convenient to such
30 purposes, regardless of whether such facilities are contiguous, including, by way of
31 illustration and not limitation, the following facilities: exhibit halls; auditoriums; theaters
32 and amphitheatres; stadiums or coliseums and related athletic fields, courts or other
33 surfaces, and clubhouses and gymnasiums; restaurants and other facilities for the
34 purveying of foods, beverages, publications, souvenirs, novelties, and goods and services

1 of all kinds, whether operated or purveyed directly or indirectly through concessionaires,
 2 licensees or lessees, or otherwise; parking facilities and parking areas in connection
 3 therewith; facilities deemed necessary or convenient within the structure of any facility,
 4 including any stadium or coliseum facility; meeting room facilities, including meeting
 5 rooms providing for simultaneous translation capabilities for several languages; museum
 6 facilities; facilities used for plazas, parks, pavilions, and pedestrian ways; related lands,
 7 buildings, structures, fixtures, equipment, and personalty appurtenant or convenient to the
 8 foregoing; and extension, addition, and improvement of such facilities. The project shall
 9 be located in the City of Atlanta and shall be known as the 'Geo. L. Smith II ~~Georgia~~
 10 ~~World Congress~~ American Heroes Center,' except that any facility included within the
 11 project may be otherwise designated by the authority. As used in this chapter, the project
 12 described by the term 'Geo. L. Smith II ~~Georgia World Congress~~ American Heroes
 13 Center' shall include the same project formerly known as and referred to as the 'Geo. L.
 14 Smith II Georgia World Congress Center' or the 'Georgia World Congress Center,' and
 15 ~~the authority may be referred to as the 'Georgia World Congress Center Authority.'~~

16 SECTION 5.

17 Said chapter is further amended by striking subsection (b) of Code Section 10-9-4.1, relating
 18 to adoption and enforcement of ordinances relating to property, affairs, and administration
 19 of authority and penalties, and inserting in lieu thereof the following:

20 "(b) The authority shall have legislative power to adopt reasonable ordinances relating to
 21 the property, affairs, and administration of the authority for which no provision has been
 22 made by general law and which are not inconsistent with the general laws and Constitution
 23 of the State of Georgia and the laws and Constitution of the United States. The officers of
 24 the ~~Georgia World Congress~~ Geo. L. Smith II American Heroes Center Police, including
 25 the Security Guard Division thereof, and law enforcement officers acting within the
 26 jurisdiction of the authority under paragraph (3) of subsection (d) of Code Section 10-9-15,
 27 and subject to the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer
 28 Standards and Training Act,' shall be authorized to serve and execute warrants and to make
 29 arrests for violation of ordinances adopted by the authority. For the purposes of exercising
 30 the powers and responsibilities of such officers as peace officers under paragraph (8) of
 31 Code Section 35-8-2, including their duties and responsibilities with respect to matters
 32 occurring within the limits of the facilities of the authority or requests by another law
 33 enforcement agency to provide aid and assistance, such officers shall have the same
 34 authority, powers, privileges, and immunities regarding enforcement of laws as law
 35 enforcement officers employed by the state. Prosecutions for violations of the ordinances
 36 of the authority shall be in the magistrate court sitting in the county in which such violation

1 occurs as provided in Article 4 of Chapter 10 of Title 15. The authority may provide that
 2 ordinance violations may be tried upon citations with or without a prosecuting attorney as
 3 well as upon accusations in the manner prescribed in Code Section 15-10-63."

4 SECTION 6.

5 Said chapter is further amended by striking paragraphs (1) and (2) of subsection (d) of Code
 6 Section 10-9-15, relating to power of authority with regard to ensuring maximum use of
 7 project, rules and regulations for operation and use, and security guard, and inserting in lieu
 8 thereof the following:

9 "(d)(1) The authority shall be authorized to establish the ~~Georgia World Congress~~ Geo.
 10 L. Smith II American Heroes Center Police to keep watch over and protect the Geo. L.
 11 Smith II ~~Georgia World Congress~~ American Heroes Center and such other properties or
 12 projects of the authority or as may be under the management and control of the authority.
 13 The police officers of the ~~Georgia World Congress~~ Geo. L. Smith II American Heroes
 14 Center Police shall be subject to Chapter 8 of Title 35. Subject to rules and regulations
 15 of the authority, any person employed as a police officer of the ~~Georgia World Congress~~
 16 Geo. L. Smith II American Heroes Center Police who is accepted as a candidate for or
 17 who has obtained certification under Chapter 8 of Title 35 shall have powers to possess
 18 and carry firearms and to exercise such other powers and duties as are possessed by a
 19 police officer or other peace officer employed by the county or the municipality in which
 20 the properties of or under the control and management of the authority are located, and
 21 without limitation of the foregoing, shall have the powers of protecting and preserving
 22 the properties or projects of or under the management and control of the authority and,
 23 within such properties and projects and within the boundaries of any public street or
 24 sidewalk adjacent to any such property or projects or which area is otherwise subject to
 25 regulation by the authority, have the powers of protecting persons, of enforcing law and
 26 order, of controlling pedestrian and vehicular traffic, and of prevention, detection, and
 27 investigation of offenses committed thereon.

28 (2) The authority shall be authorized to establish the Security Guard Division of the
 29 ~~Georgia World Congress~~ Geo. L. Smith II American Heroes Center Police and to employ
 30 and assign security guards to the division. Security guards so assigned shall not be subject
 31 to Chapter 8 of Title 35. Subject to rules and regulations of the authority, security guards
 32 shall have the powers of protecting and preserving the properties in projects of or under
 33 the management and control of the authority and within such properties or projects and
 34 within the boundaries of any public street or sidewalk adjacent to any such property or
 35 projects, or which is otherwise subject to regulation by the authority, have the powers of
 36 protecting persons, enforcing law and order, controlling pedestrian and vehicular traffic,

1 and of the prevention, detection, and investigation of offenses committed thereon and for
 2 those purposes shall be authorized to exercise such powers as are authorized by law for
 3 security guards employed by the Georgia Building Authority and subsection (f) of Code
 4 Section 50-9-9."

5 **SECTION 7.**

6 Said chapter is further amended by striking subsection (b) of Code Section 10-9-16.1,
 7 relating to authority to contract with local entities to act on its behalf with regard to local
 8 trade and convention center, provision of goods and services, reimbursement for costs,
 9 liabilities, and expenses, and liability, and inserting in lieu thereof the following:

10 "(b) Any such contract shall provide that the local entity shall reimburse the authority for
 11 all of the costs, liabilities, and expenses of the authority incurred by the authority in
 12 exercising such powers or providing such goods or services. The authority shall not
 13 directly or indirectly be liable for any liability, cost, or expense incurred by such local
 14 entity in the acquisition, construction, operation, management, or maintenance of a local
 15 trade and convention center. No funds derived by the authority from or in connection
 16 with the operation of the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes
 17 Center shall be used to pay any liability, cost, or expense incurred in connection with
 18 such contract, except pursuant to contract providing for reimbursement of the authority
 19 by the local entity therefor."

20 **SECTION 8.**

21 Said chapter is further amended by striking Code Section 10-9-20, relating to Geo. L. Smith
 22 II Georgia World Congress Center Authority Overview Committee and the creation,
 23 composition, officers, and duties thereof, and inserting in lieu thereof the following:

24 "10-9-20.

25 There is created as a joint committee of the General Assembly the Geo. L. Smith II ~~Georgia~~
 26 ~~World Congress~~ American Heroes Center Authority Overview Committee to be composed
 27 of three members of the House of Representatives appointed by the Speaker of the House
 28 and three members of the Senate appointed by the President of the Senate. The members
 29 of the committee shall serve two-year terms concurrent with their terms as members of the
 30 General Assembly. The chairman of the committee shall be appointed by the President of
 31 the Senate from the membership of the committee, and the vice chairman of the committee
 32 shall be appointed by the Speaker of the House from the membership of the committee.
 33 The chairman and vice chairman shall serve terms of two years concurrent with their terms
 34 as members of the General Assembly. Vacancies in an appointed member's position or in
 35 the offices of chairman or vice chairman of the committee shall be filled for the unexpired

1 term in the same manner as the original appointment. The committee shall periodically
 2 inquire into and review the operations of the Geo. L. Smith II ~~Georgia World Congress~~
 3 American Heroes Center Authority, as well as periodically review and evaluate the success
 4 with which the authority is accomplishing its statutory duties and functions as provided in
 5 this chapter."

6 SECTION 9.

7 Said chapter is further amended by striking Code Section 10-9-22, relating to authority to
 8 cooperate with committee; enforcement actions, and annual committee reports, and inserting
 9 in lieu thereof the following:

10 "10-9-22.

11 The Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center Authority shall
 12 cooperate with the committee, its authorized personnel, the Attorney General, the state
 13 auditor, and other state agencies in order that the charges of the committee, set forth in this
 14 article, may be timely and efficiently discharged. The authority shall submit to the
 15 committee such reports and data as the committee shall reasonably require of the authority
 16 in order that the committee may adequately perform its functions. The Attorney General
 17 is authorized to bring appropriate legal actions to enforce any laws specifically or generally
 18 relating to the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center
 19 Authority. The committee shall, on or before the first day of January of each year, and at
 20 such other times as it deems necessary, submit to the General Assembly a report of its
 21 findings and recommendations based upon the review of the Geo. L. Smith II ~~Georgia~~
 22 ~~World Congress~~ American Heroes Center Authority, as set forth in this chapter."

23 SECTION 10.

24 Said chapter is further amended by striking Code Section 10-9-23, relating to criteria for
 25 evaluating authority, and inserting in lieu thereof the following:

26 "10-9-23.

27 In the discharge of its duties, the committee shall evaluate the performance of the Geo. L.
 28 Smith II ~~Georgia World Congress~~ American Heroes Center Authority consistent with the
 29 following criteria:

- 30 (1) Prudent, legal, and accountable expenditure of public funds;
- 31 (2) Efficient operation; and
- 32 (3) Performance of its statutory responsibilities."

SECTION 11.

Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to employees of certain authorities and commissions relative to membership in the Employees' Retirement System of Georgia, is amended by striking Code Section 47-2-314, relating to membership in the Employees' Retirement System of Georgia of officers and employees of the Geo. L. Smith II Georgia World Congress Center Authority, creditable service, and contributions, and inserting in lieu thereof the following:

"47-2-314.

All officers and employees of the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center Authority, established by Code Section 10-9-3, who are not already members of the retirement system may elect to become members on or after April 1, 1977. Any officer or employee of the authority who is already a member of the retirement system by virtue of services with another employer shall be entitled to credit for his services and shall not suffer any loss of such credit to which he is otherwise entitled. There shall be paid from funds appropriated or otherwise available for the operation of the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center Authority all employer contributions required under this chapter, including employer social security contributions. The commencement date shall be April 1, 1977."

SECTION 12.

Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows, is amended by striking subparagraph (a)(8)(B) and inserting in lieu thereof the following:

"(B) For purposes of this Code section, 'state authority' shall mean an authority created by state law which serves a state-wide function including, but not limited to, the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center Authority, but shall not mean an authority created for support of a local government or a local purpose or function and shall not include authorities such as area planning and development commissions and any organizational entities they may create, regional development centers and any organizational entities they may create, or local water and sewer authorities."

SECTION 13.

Article 3 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Geo. L. Smith II Georgia World Congress Center, is amended by striking Code Section 50-7-41, relating to lease of property to authority, and inserting in lieu thereof the following:

1 "50-7-41.
2 In addition to its authority and duties provided under Code Section 10-9-5, the department
3 shall have the authority with the approval of the State Properties Commission to lease any
4 improved or unimproved land or other property acquired by it under Code Section 50-7-40
5 to the Geo. L. Smith II ~~Georgia World Congress~~ American Heroes Center Authority for a
6 term not to exceed 50 years but upon such other terms and conditions as the department
7 may determine necessary or convenient. Any such lease shall be for and in consideration
8 of \$1.00 annually for each calendar year or portion thereof paid in kind to and receipted for
9 by the Office of Treasury and Fiscal Services and in further consideration of the reasonable
10 compliance by the authority with the requirement that such property be held, constructed,
11 operated, maintained, expanded, or improved for the purposes for which the department
12 was authorized to acquire such property. It is determined that such consideration is good
13 and valuable and sufficient consideration for such lease and in the interest of the public
14 welfare of the State of Georgia and its citizens."

15 **SECTION 14.**

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