

Senate Bill 478

By: Senators Brown of the 26th, Moore of the 18th, Dean of the 31st, Starr of the 44th,
Walker of the 22nd and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 2 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to the Georgia Sports Hall of Fame Authority, so as to change the
3 composition of said authority; to change provisions relating to the purpose of said authority;
4 to provide for a Georgia Sports Hall of Fame Advisory Committee; to provide for its
5 responsibilities; to provide for the transfer of personnel to the Department of Community
6 Affairs; to provide for other matters relative thereto; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Part 2 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
11 relating to the Georgia Sports Hall of Fame Authority, is amended by striking Code Section
12 12-3-562, relating to the membership of the authority, and inserting in lieu thereof the
13 following:

14 "12-3-562.

15 ~~(a) There is created a body corporate and politic to be known as the Georgia Sports Hall~~
16 ~~of Fame Authority which shall be deemed to be an instrumentality of the State of Georgia~~
17 ~~and a public corporation; and by that name, style, and title such body may contract and be~~
18 ~~contracted with, bring and defend actions, implead and be impleaded, and complain and~~
19 ~~defend in all courts of this state.~~

20 ~~(b)(1) The terms of all members of the authority who are in office on April 30, 1998,~~
21 ~~shall terminate on such date, and new members shall be appointed to the authority for~~
22 ~~initial terms beginning on May 1, 1998, as specified in this subsection. From May 1,~~
23 ~~1998, until January 1, 1999, the authority shall consist of 16 members. Thereafter, the~~
24 ~~authority shall consist of 18 members.~~

25 ~~(2) Members shall be appointed as follows:~~

- 1 ~~(A) Three members shall be appointed by the Governor for initial terms of office~~
 2 ~~ending on January 1, 1999;~~
- 3 ~~(B) Three members shall be appointed by the Governor for initial terms of office~~
 4 ~~ending on June 30, 2000;~~
- 5 ~~(C) Two members shall be appointed by the Governor for initial terms of office ending~~
 6 ~~on December 31, 2000;~~
- 7 ~~(D) Five members shall be appointed by the Governor for initial terms of office ending~~
 8 ~~on December 31, 2002;~~
- 9 ~~(E) One member shall be appointed by the President of the Senate for an initial term~~
 10 ~~of office ending on January 1, 1999;~~
- 11 ~~(F) Two members shall be appointed by the President of the Senate for initial terms of~~
 12 ~~office ending on December 31, 2002;~~
- 13 ~~(G) One member shall be appointed by the Speaker of the House of Representatives~~
 14 ~~for an initial term of office ending on January 1, 1999; and~~
- 15 ~~(H) Two members shall be appointed by the Speaker of the House of Representatives~~
 16 ~~for initial terms of office ending on December 31, 2002.~~
- 17 ~~(3) A successor to each member shall be appointed by the same appointing official as~~
 18 ~~provided in paragraph (2) of this subsection, provided that the Governor shall appoint~~
 19 ~~successors for only two of the members appointed by the Governor with initial terms~~
 20 ~~ending on January 1, 1999. Following the initial terms specified in paragraph (2) of this~~
 21 ~~subsection, the terms of all members shall be four years.~~
- 22 ~~(4) Any elected or appointed state, county, municipal, or school board official or~~
 23 ~~employee, except officials and employees of the legislative or judicial branches of state~~
 24 ~~government, may be appointed and serve as a member of the authority.~~
- 25 ~~(c) Vacancies in office shall be filled in the same manner as original appointments. An~~
 26 ~~appointment to fill a vacancy shall be for the unexpired term. The authority shall elect its~~
 27 ~~own officers. No vacancy on the authority shall impair the right of the quorum to exercise~~
 28 ~~all rights and perform all duties of the authority.~~
- 29 ~~(d) The members of the authority shall receive for each day that such members are in~~
 30 ~~attendance at a meeting of the authority the same daily expense allowance and~~
 31 ~~reimbursement for transportation costs as provided for members of the General Assembly,~~
 32 ~~as provided for in Code Section 45-7-21; and the members of the authority shall not receive~~
 33 ~~any other compensation for their services as such.~~
- 34 ~~(e) The authority shall have perpetual existence. Any change in name or composition of~~
 35 ~~the authority shall in no way affect the vested rights of any person under this part or impair~~
 36 ~~the obligations of any contracts existing under this part.~~

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

5 ~~(g) The authority is assigned to the Department of Community Affairs for administrative~~
6 ~~purposes only.~~

7 (a) There is created a body corporate and politic to be known as the Georgia Sports Hall
8 of Fame Authority which shall be deemed to be an instrumentality of the State of Georgia
9 and a public corporation; and by that name, style, and title such body may contract and be
10 contracted with, bring and defend actions, implead and be impleaded, and complain and
11 defend in all courts of this state.

12 (b) The authority shall consist of the same persons who comprise the Board of Community
13 Affairs. The terms of all members of the authority serving immediately prior to July 1,
14 2002, shall expire effective July 1, 2002.

15 (c) Each member shall serve under the same terms and conditions as provided for in Code
16 Section 50-8-4. The authority shall hold a meeting each year in July, and, at each July
17 meeting, the authority shall elect its own officers. Officers shall serve for terms of one year
18 each beginning with their election and qualification and ending with the election and
19 qualification of their respective successors. No person shall hold the same office for more
20 than one consecutive term, and no member of the authority shall hold more than any one
21 office of the authority. No vacancy on the authority shall impair the right of the quorum
22 to exercise all rights and perform all duties of the authority.

23 (d) The members of the authority shall receive for each day that such members are in
24 attendance at a meeting of the authority a daily expense allowance and reimbursement for
25 transportation costs as provided for in Code Section 45-7-21; and the members of the
26 authority shall not receive any other compensation for their services as such.
27 Notwithstanding the foregoing, no member shall receive an expense allowance or
28 transportation reimbursement if such member is entitled to receive an expense allowance,
29 transportation reimbursement, or per diem allowance for performance of duties as a
30 member of the Board of Community Affairs for work performed on that day.

31 (e) The authority shall have perpetual existence. Any change in name or composition of
32 the authority shall in no way affect the vested rights of any person under this part or impair
33 the obligations of any contracts existing under this part.

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

1 (g) Except for the authorization of the issuance of bonds, the authority may delegate to the
 2 executive director such powers and duties as it may deem proper.

3 (h) The commissioner of community affairs shall be the executive director of the authority.
 4 The executive director shall appoint such directors, deputies, assistants, and other staff
 5 members as may be necessary to manage the operations of the authority and may organize
 6 the authority into such divisions, sections, or offices as may be deemed necessary or
 7 convenient.

8 (i) The provision of the functions, services, and duties of the authority which are solely
 9 administrative in nature shall be merged with the administrative functions, service, and
 10 duties of the Georgia Music Hall of Fame Authority provided under Part 12 of this article
 11 and shall be carried out jointly."

12 SECTION 2.

13 Said part is further amended by striking Code Section 12-3-563, relating to the purpose of
 14 the authority, and inserting in lieu thereof the following:

15 "12-3-563.

16 The corporate purpose and general nature of the business of the authority shall be:

- 17 (1) Constructing and maintaining a facility to house the Georgia Sports Hall of Fame to
 18 honor those, living or dead, who by achievement or service have made outstanding and
 19 lasting contributions to sports and athletics in this state or elsewhere; honoring those
 20 previously selected and inducted by the Georgia Sports Hall of Fame Board; ~~and~~
 21 ~~selecting, appropriately honoring, and inducting future members of the Georgia Sports~~
 22 ~~Hall of Fame. The authority shall establish and include in its bylaws criteria for~~
 23 ~~eligibility for selection and induction into the Georgia Sports Hall of Fame; and~~
 24 (2) Operating, advertising, and promoting the Georgia Sports Hall of Fame."

25 SECTION 3.

26 Said part is further amended in Code Section 12-3-564, relating to the powers and duties of
 27 the authority, by striking paragraph (3) of such Code section and inserting in lieu thereof a
 28 new paragraph (3) and by striking "and" at the end of paragraph (20), by substituting "; and"
 29 for "." at the end of paragraph (21), and by adding a new paragraph (22) at the end thereof
 30 to read as follows:

- 31 "(3) To appoint, select, and employ officers, agents, and employees, including
 32 engineering, architectural, and construction experts and fiscal agents; to contract for the
 33 services of individuals or organizations not employed full time by the authority who or
 34 which are engaged primarily in the rendition of personal services rather than the sale of
 35 goods or merchandise, such as, but not limited to, the services of accountants, engineers,

1 architects, consultants, and advisors, and to allow suitable compensation for such
 2 services; including the power to contract with the Department of Community Affairs for
 3 professional, technical, clerical, and administrative support as may be required and to
 4 make provisions for group insurance, retirement, or other employee benefit arrangements,
 5 provided that no part-time or contract employees shall participate in group insurance or
 6 retirement benefits;"

7 "(22) The authority shall have the power to contract with the Department of Community
 8 Affairs for any purpose necessary or incidental to carrying out or performing the duties,
 9 responsibilities, or functions of the authority in exercising the power and management of
 10 the authority; provided, however, that such contracts shall not delegate the authorization
 11 of the issuance of any bonds or other indebtedness of the authority. No part of the funds
 12 or assets of the authority shall be distributed to the Department of Community Affairs or
 13 any other department, authority, or agency of the state unless otherwise provided by law,
 14 except that the authority shall be authorized and empowered to pay reasonable
 15 compensation for services rendered and to reimburse expenses incurred and except as
 16 may be deemed necessary or desirable by the authority to fulfill the purposes of the
 17 authority as set forth in this chapter. Nothing in this paragraph shall be construed as
 18 precluding the provision, by the Department of Community Affairs, any other
 19 department, authority, or agency of the state, or the authority, of joint or complementary
 20 services or programs within the scope of their respective powers."

21 SECTION 4.

22 Said part is further amended by inserting at the end thereof two new Code sections to be
 23 designated Code Sections 12-3-575 and 12-3-576, to read as follows:

24 "12-3-575.

25 (a) There is created the Georgia Sports Hall of Fame Advisory Committee.

26 (b) The number and identity of the advisory committee members shall be recommended
 27 by the executive director and confirmed by the Georgia Sports Hall of Fame Authority.
 28 Members of the advisory committee shall consist of individuals who have an interest or
 29 expertise in sports. At its initial meeting, the advisory committee shall elect a chairperson,
 30 a vice chairperson, and such officers as it deems necessary to enable it to carry out its
 31 duties and functions. Officers shall serve for terms of one year each. No person shall hold
 32 the same office on the advisory committee for more than one term consecutively. Advisory
 33 committee members shall receive no compensation for their services but shall receive for
 34 each day that such members are in attendance at a meeting of the advisory committee a
 35 daily expense allowance and reimbursement for transportation costs as provided for in
 36 Code Section 45-7-21. The advisory committee shall meet at such time as the advisory

1 committee deems necessary. A majority of the members shall constitute a quorum for the
2 transaction of business.

3 (c) The advisory committee shall have responsibility for selecting, appropriately honoring,
4 and inducting future members of the Georgia Sports Hall of Fame. The advisory
5 committee shall establish criteria for eligibility for selection and induction into the Georgia
6 Sports Hall of Fame.

7 12-3-576.

8 Effective July 1, 2002, without diminishing the powers of the authority pursuant to Code
9 Section 12-3-524, all personnel positions authorized by the authority in fiscal year 2002
10 shall be transferred to the Department of Community Affairs. All employees of the
11 authority on June 30, 2002, whose positions are transferred by the authority to the
12 Department of Community Affairs shall become employees of the Department of
13 Community Affairs and shall become employees in the unclassified service of the state
14 merit system as defined in Code Section 45-20-6."

15 **SECTION 5.**

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