

House Bill 235 (AM)

By: Representatives Hanner of the 159th, Hudson of the 156th and Ray of the 128th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, and
2 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic
3 areas, memorials, and recreation, so as to transfer the Georgia Agrirama Development
4 Authority from assignment to the Department of Agriculture to assignment to the Department
5 of Natural Resources for administrative purposes and support services; to change the
6 membership of the authority; to provide for matters relative to the foregoing; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by
11 striking in its entirety Chapter 3, relating to the Georgia Agrirama Development Authority,
12 and inserting in lieu thereof the following:

13 "CHAPTER 3
14 RESERVED"

15 **SECTION 2.**

16 Chapter 3 of Title 12, relating to parks, historic areas, memorials, and recreation, is amended
17 by inserting at the end thereof the following:

18 "ARTICLE 11

19 12-3-650.

20 As used in this article, the term:

21 (1) 'Authority' means the Georgia Agrirama Development Authority.

1 (2) 'Project' means any acquisition, construction, alteration, subdivision, development,
2 improvement, or maintenance of an agricultural museum in or around the City of Tifton.

3 12-3-651.

4 (a) There is created a body corporate and politic, to be known as the Georgia Agrirama
5 Development Authority, which shall be deemed an instrumentality of the State of Georgia
6 and a public corporation. By that name, style, and title, such body may contract and be
7 contracted with, sue and be sued, implead and be impleaded, and complain and defend in
8 all courts.

9 (b) The authority may delegate to one or more of its members or to its agents and
10 employees such powers and duties as it may deem proper.

11 (c) The authority shall exist for 99 years.

12 (d) The Georgia Agrirama is designated and shall be recognized as the State Museum of
13 Agriculture.

14 12-3-652.

15 All income, revenues, gifts, grants, appropriations, rights, and privileges of value of every
16 nature accruing to the authority shall be used for the sole purpose of beautifying,
17 improving, developing, maintaining, administering, managing, and promoting an
18 agricultural museum in or around the City of Tifton.

19 12-3-653.

20 The authority is assigned to the Department of Natural Resources for administrative
21 purposes and support services.

22 12-3-654.

23 (a) The authority shall consist of 15 members as follows:

- 24 (1) The commissioner of the Department of Natural Resources or his or her designee;
25 (2) The president of the Georgia Farm Bureau Federation or his or her designee;
26 (3) A member of the Public Service Commission to be appointed by the Governor;
27 (4) The director of the Tourist Division of the Department of Industry, Trade, and
28 Tourism;
29 (5) The director of the Coastal Plains Experiment Station;
30 (6) A member of the Chamber of Commerce of Tift County to be appointed by the board
31 of directors of that organization;
32 (7) The director of the State Soil and Water Conservation Commission; and

1 (8) Eight members to be appointed by the Governor, two of whom shall be residents
2 of Tift County, and another who shall have a background in public education. The
3 members appointed by the Governor shall be appointed for a term of four years and
4 shall remain in office until the appointment and qualification of their successors.
5 Appointments by the Governor to fill vacancies on the authority shall be for the
6 unexpired term.

7 (b) The authority shall elect one of its members as chairperson and another as vice
8 chairperson. It shall also elect a secretary and a treasurer who need not be members. The
9 offices of secretary and treasurer may be combined in one person.

10 (c) The authority may make such bylaws for its government as it deems necessary but is
11 under no duty to do so.

12 (d) Any eight members of the authority shall constitute a quorum necessary for the
13 transaction of business. A majority vote of those present at any meeting at which there is
14 a quorum shall be sufficient to do and perform any action permitted to the authority by this
15 article. No vacancy on the authority shall impair the right of a quorum to transact any and
16 all such business.

17 (e) The members of the authority shall receive no compensation for their services, but all
18 members shall be entitled to the expense allowance and travel cost reimbursement provided
19 for members of certain boards and commissions pursuant to Code Section 45-7-21 while
20 in the performance of their duties. Employees of the authority shall receive reasonable
21 compensation for their services, the amount to be determined by the members of the
22 authority.

23 (f) The Attorney General shall provide legal services for the authority. In connection
24 therewith, Code Sections 45-15-13 through 45-15-16 shall be fully applicable.

25 12-3-655.

26 (a) Every member and employee of the authority who knowingly has any direct or indirect
27 interest in any contract to which the authority is or is about to become a party or in any
28 other business of the authority or in any firm or corporation doing business with the
29 authority shall make full disclosure of such interest to the authority. Failure to disclose such
30 an interest shall constitute cause for which an authority member may be removed or an
31 employee discharged or otherwise disciplined, at the discretion of the authority.

32 (b) Any contract or transaction of the authority involving a conflict of interest not
33 disclosed under subsection (a) of this Code section or involving a violation of any other
34 provision of law applicable to the authority and its members, officers, or employees and
35 regulating conflicts of interest shall be voidable by the authority.

1 12-3-656.

2 (a) The members of the authority shall be accountable in all respects as trustees.

3 (b) The authority shall keep suitable and proper books and records of all receipts, income,
4 and expenditures of every kind and shall submit for inspection all of such books, together
5 with a proper statement of the authority's financial position, on or about December 31 of
6 each year, to the state auditor.

7 12-3-657.

8 The authority shall have the power:

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

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

11 (3) To appoint a director and select officers, agents, and employees, including
12 engineering, architectural, and construction experts, and to fix their compensation;

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

16 (5) To plan, survey, subdivide, improve, administer, construct, erect, acquire, own,
17 repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects,
18 as defined in Code Section 2-3-1, to be located on property owned or leased by the
19 authority; the cost of any such project shall be paid from its income, from any grant from
20 the United States government or any agency or instrumentality thereof or from this state;

21 (6) To accept loans or grants, or both, of money, materials, or property of any kind from
22 the United States government or any agency or instrumentality thereof, upon such terms
23 and conditions as the United States government or such agency or instrumentality may
24 impose;

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

27 (8) To do all things necessary or convenient to carry out the powers expressly given in
28 this article;

29 (9) To act as agent for the United States government or any agency, department,
30 corporation, or instrumentality thereof in any manner within the purposes or powers of
31 the authority;

32 (10) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the
33 manner in which its business may be transacted and in which the power granted to it may
34 be enjoyed, as the authority may deem necessary or expedient in facilitating its business;

35 (11) To do any and all other acts and things authorized or required to be done by this
36 article, whether or not included in the general powers mentioned in this Code section;

1 (12) To receive gifts, donations, or contributions from any person, firm, or corporation
2 or from any county, municipal, or local governing body;

3 (13) To hold, use, administer, and expend such sum or sums as may hereafter be received
4 as income or gifts or as may be appropriated by authority of the General Assembly for
5 any of the purposes of this authority;

6 (14) To acquire, lease as lessee, purchase, hold, own, and use any franchise or real or
7 personal property, whether tangible or intangible, or any interest therein and, whenever
8 the same is no longer required for purposes of the authority, to sell, lease as lessor,
9 transfer, or dispose thereof or to exchange the same for other property or rights which are
10 useful for its purposes;

11 (15) To fix, alter, charge, and collect fares, rates, rentals, and other charges for its
12 facilities and for admission to the museum at reasonable rates to be determined
13 exclusively by the authority;

14 (16) To invest and reinvest any or all idle funds or moneys, including, but not limited to,
15 contributions, gifts, or grants, which cannot be immediately used for the purpose for
16 which received in any security or securities which are legal investments for executors or
17 trustees, provided that such investments in such securities will, at all times, be held for
18 and, when sold, used for the purposes for which the money was originally received; and

19 (17) To take or damage by condemnation property in Tift County, whether the property
20 is held privately or held by a private or public service corporation, for the public purposes
21 of the authority, upon paying or tendering to the owner thereof just and adequate
22 compensation. Condemnation proceedings by the authority shall take the form provided
23 in Chapter 1 of Title 22 and Articles 1 and 2 of Chapter 2 of Title 22 or the form provided
24 in Article 3 of Chapter 2 of Title 22. The method used shall be the one which, in the
25 opinion of the authority, will result in a quick and effective adjudication of the just and
26 adequate compensation to be paid to the owner or owners of the property taken.

27 12-3-658.

28 It is found, determined, and declared that the creation of the authority and the carrying out
29 of its corporate purposes are in all respects for the benefit of the people of this state and
30 constitute a public purpose and that the authority will be performing an essential
31 governmental function in the exercise of the power conferred upon it by this article. The
32 authority shall be required to pay no taxes or assessments upon any of the property
33 acquired by it or under its jurisdiction, control, possession, or supervision or upon its
34 activities in the operation or maintenance of the facilities erected, maintained, or acquired
35 by it nor upon any fees, rentals, or other charges for the use of such facilities or other
36 income received by the authority.

1 12-3-659.

2 The authority is empowered to exercise such of the police powers of the state as may be
3 necessary to maintain peace and order and to enforce any and all restrictions upon its
4 properties and facilities, to the extent that such is lawful under the laws of the United States
5 and this state; however, the authority may delegate all or any part of the performance of
6 this function for a time or permanently to the state or to the county in which the museum
7 is located.

8 12-3-660.

9 It is found, determined, and declared that the consideration paid and given and to be paid
10 and given to this state by the authority for its leasehold and privileges thereunder is good,
11 valuable, and sufficient consideration therefor and that this action on the part of the
12 authority and the state is in the interest of the public welfare of the state and its citizens.

13 12-3-661.

14 Any action to protect or enforce any rights under this article shall be brought in the
15 Superior Court of Fulton County, which shall have exclusive original jurisdiction of such
16 actions."

17 **SECTION 3.**

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