

Senate Bill 88

By: Senators Brown of the 26th, Blich of the 7th, Henson of the 41st, Meyer von Bremen of the 12th, Johnson of the 1st and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
2 relating to public authorities, so as change a provision relating to the Georgia Music Hall of
3 Fame Advisory Committee; to change the composition of the Georgia Sports Hall of Fame
4 Authority; to change provisions relating to the purpose of said authority; to provide for a
5 Georgia Sports Hall of Fame Advisory Committee; to provide for its responsibilities; to
6 provide for the transfer of personnel to the Department of Community Affairs; to amend
7 Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
8 general provisions relative to the Department of Community Affairs, so as to authorize the
9 department to assist the Georgia Sports Hall of Fame Authority; to change provisions relating
10 to the membership of the Board of Community Affairs; to authorize the department to enter
11 into contracts with the Georgia Sports Hall of Fame Authority; to provide for other matters
12 relative thereto; to repeal conflicting laws; and for other purposes.

13 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

14 **SECTION 1.**

15 Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to
16 public authorities, is amended by striking subsection (b) of Code Section 12-3-535, relating
17 to the Georgia Music Hall of Fame Advisory Committee, and inserting in lieu thereof the
18 following:

19 "(b) The number and identity of the advisory committee members shall be recommended
20 by the executive director and confirmed by the Georgia Music Hall of Fame Authority. The
21 chairperson of the advisory committee shall also be a member of the Georgia Music Hall
22 of Fame Authority. Members of the advisory committee shall consist of individuals who
23 have an interest or expertise in the music industry. At its initial meeting, the advisory
24 committee shall elect a chairperson, a vice chairperson, and such officers as it deems
25 necessary to enable it to carry out its duties and functions. Officers shall serve for terms
26 of one year each. No person shall hold the same office on the advisory committee for more

1 than one term consecutively. Advisory committee members shall receive no compensation
 2 for their services but shall receive for each day that such members are in attendance at a
 3 meeting of the advisory committee a daily expense allowance and reimbursement for
 4 transportation costs as provided for in Code Section 45-7-21. The advisory committee
 5 shall meet at such time as the advisory committee deems necessary. A majority of the
 6 members shall constitute a quorum for the transaction of business."

7 SECTION 2.

8 Said article is further amended by striking Code Section 12-3-562, relating to the
 9 membership of the Georgia Sports Hall of Fame Authority, and inserting in lieu thereof the
 10 following:

11 "12-3-562.

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

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

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

23 ~~(A) Three members shall be appointed by the Governor for initial terms of office~~
 24 ~~ending on January 1, 1999;~~

25 ~~(B) Three members shall be appointed by the Governor for initial terms of office~~
 26 ~~ending on June 30, 2000;~~

27 ~~(C) Two members shall be appointed by the Governor for initial terms of office ending~~
 28 ~~on December 31, 2000;~~

29 ~~(D) Five members shall be appointed by the Governor for initial terms of office ending~~
 30 ~~on December 31, 2002;~~

31 ~~(E) One member shall be appointed by the President of the Senate for an initial term~~
 32 ~~of office ending on January 1, 1999;~~

33 ~~(F) Two members shall be appointed by the President of the Senate for initial terms of~~
 34 ~~office ending on December 31, 2002;~~

35 ~~(G) One member shall be appointed by the Speaker of the House of Representatives~~
 36 ~~for an initial term of office ending on January 1, 1999; and~~

1 ~~(H) Two members shall be appointed by the Speaker of the House of Representatives~~
2 ~~for initial terms of office ending on December 31, 2002.~~

3 ~~(3) A successor to each member shall be appointed by the same appointing official as~~
4 ~~provided in paragraph (2) of this subsection, provided that the Governor shall appoint~~
5 ~~successors for only two of the members appointed by the Governor with initial terms~~
6 ~~ending on January 1, 1999. Following the initial terms specified in paragraph (2) of this~~
7 ~~subsection, the terms of all members shall be four years.~~

8 ~~(4) Any elected or appointed state, county, municipal, or school board official or~~
9 ~~employee, except officials and employees of the legislative or judicial branches of state~~
10 ~~government, may be appointed and serve as a member of the authority.~~

11 ~~(c) Vacancies in office shall be filled in the same manner as original appointments. An~~
12 ~~appointment to fill a vacancy shall be for the unexpired term. The authority shall elect its~~
13 ~~own officers. No vacancy on the authority shall impair the right of the quorum to exercise~~
14 ~~all rights and perform all duties of the authority.~~

15 ~~(d) The members of the authority shall receive for each day that such members are in~~
16 ~~attendance at a meeting of the authority the same daily expense allowance and~~
17 ~~reimbursement for transportation costs as provided for members of the General Assembly,~~
18 ~~as provided for in Code Section 45-7-21; and the members of the authority shall not receive~~
19 ~~any other compensation for their services as such.~~

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

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

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

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

34 (b) The authority shall consist of the same persons who comprise the Board of Community
35 Affairs. The terms of all members of the authority serving immediately prior to July 1,
36 2003, shall expire effective July 1, 2003.

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

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

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

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

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

26 (h) The commissioner of community affairs shall be the executive director of the authority.
27 The executive director shall appoint such directors, deputies, assistants, and other staff
28 members as may be necessary to manage the operations of the authority and may organize
29 the authority into such divisions, sections, or offices as may be deemed necessary or
30 convenient.

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

1 **SECTION 3.**

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

4 "12-3-563.

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

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

14 **SECTION 4.**

15 Said article is further amended in Code Section 12-3-564, relating to the powers and duties
16 of the authority, by striking paragraph (3) of such Code section and inserting in lieu thereof
17 a new paragraph (3) and by striking "and" at the end of paragraph (20), by substituting "
18 and" for "." at the end of paragraph (21), and by adding a new paragraph (22) at the end
19 thereof to read as follows:

20 "(3) To appoint, select, and employ officers, agents, and employees, including
21 engineering, architectural, and construction experts and fiscal agents; to contract for the
22 services of individuals or organizations not employed full time by the authority who or
23 which are engaged primarily in the rendition of personal services rather than the sale of
24 goods or merchandise, such as, but not limited to, the services of accountants, engineers,
25 architects, consultants, and advisors, and to allow suitable compensation for such
26 services; including the power to contract with the Department of Community Affairs for
27 professional, technical, clerical, and administrative support as may be required and to
28 make provisions for group insurance, retirement, or other employee benefit arrangements,
29 provided that no part-time or contract employees shall participate in group insurance or
30 retirement benefits;"

31 "(22) The authority shall have the power to contract with the Department of Community
32 Affairs for any purpose necessary or incidental to carrying out or performing the duties,
33 responsibilities, or functions of the authority in exercising the power and management of
34 the authority; provided, however, that such contracts shall not delegate the authorization
35 of the issuance of any bonds or other indebtedness of the authority. No part of the funds
36 or assets of the authority shall be distributed to the Department of Community Affairs or

1 any other department, authority, or agency of the state unless otherwise provided by law,
 2 except that the authority shall be authorized and empowered to pay reasonable
 3 compensation for services rendered and to reimburse expenses incurred and except as
 4 may be deemed necessary or desirable by the authority to fulfill the purposes of the
 5 authority as set forth in this chapter. Nothing in this paragraph shall be construed as
 6 precluding the provision, by the Department of Community Affairs, any other
 7 department, authority, or agency of the state, or the authority, of joint or complementary
 8 services or programs within the scope of their respective powers."

9 SECTION 5.

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

12 "12-3-575.

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

14 (b) The number and identity of the advisory committee members shall be recommended
 15 by the executive director and confirmed by the Georgia Sports Hall of Fame Authority.

16 The chairperson of the advisory committee shall also be a member of the Georgia Sports
 17 Hall of Fame Authority. Members of the advisory committee shall consist of individuals
 18 who have an interest or expertise in sports. At its initial meeting, the advisory committee
 19 shall elect a chairperson, a vice chairperson, and such officers as it deems necessary to
 20 enable it to carry out its duties and functions. Officers shall serve for terms of one year
 21 each. No person shall hold the same office on the advisory committee for more than one
 22 term consecutively. Advisory committee members shall receive no compensation for their
 23 services but shall receive for each day that such members are in attendance at a meeting of
 24 the advisory committee a daily expense allowance and reimbursement for transportation
 25 costs as provided for in Code Section 45-7-21. The advisory committee shall meet at such
 26 time as the advisory committee deems necessary. A majority of the members shall
 27 constitute a quorum for the transaction of business.

28 (c) The advisory committee shall have responsibility for selecting, appropriately honoring,
 29 and inducting future members of the Georgia Sports Hall of Fame. The advisory
 30 committee shall establish criteria for eligibility for selection and induction into the Georgia
 31 Sports Hall of Fame.

32 12-3-576.

33 Effective July 1, 2003, without diminishing the powers of the authority pursuant to Code
 34 Section 12-3-524, all personnel positions authorized by the authority in fiscal year 2003
 35 shall be transferred to the Department of Community Affairs. All employees of the

1 authority on June 30, 2003, whose positions are transferred by the authority to the
 2 Department of Community Affairs shall become employees of the Department of
 3 Community Affairs and shall become employees in the unclassified service of the state
 4 merit system as defined in Code Section 45-20-6."

5 **SECTION 6.**

6 Article 1 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
 7 general provisions relative to the Department of Community Affairs, is amended in
 8 subsection (b) of Code Section 50-8-3, relating to the duties of the department, by striking
 9 "and" at the end of paragraph (8); by striking the period at the end of paragraph (9) and
 10 inserting in lieu thereof "; and"; and by adding a new paragraph (10) to read as follows:

11 "(10) Assist the Georgia Sports Hall of Fame Authority for any purpose necessary or
 12 incidental in the administration and performance of the Georgia Sports Hall of Fame
 13 Authority's duties, powers, responsibilities, and functions as provided in Part 12 of
 14 Article 7 of Chapter 3 of Title 12."

15 **SECTION 7.**

16 Said article is further amended by striking paragraph (2) of subsection (a) of Code Section
 17 50-8-4, relating to the Board of Community Affairs, and inserting in lieu thereof a new
 18 paragraph (2) to read as follows:

19 "(2) The board shall be composed of one member from each United States congressional
 20 district in the state and ~~five~~ seven additional members from the state at large, which
 21 additional members shall include the chairperson of the Georgia Sports Hall of Fame
 22 Advisory Committee created pursuant to Code Section 12-3-575 and the chairperson of
 23 the Georgia Music Hall of Fame Advisory Committee created pursuant to Code Section
 24 12-3-535. Members of the board shall include elected officials of either counties or
 25 municipalities, individuals who have an interest or expertise in community or economic
 26 development, environmental issues, housing development, or finance, or other citizens
 27 who in the judgment and discretion of the Governor would enhance the board by their
 28 membership;"

29 **SECTION 8.**

30 Said article is further amended by inserting at the end of Code Section 50-8-9, relating to
 31 contracts with public and private entities or individuals, a new subsection (f) to read as
 32 follows:

33 "(f) The department shall have the power to enter into contracts with the Georgia Sports
 34 Hall of Fame Authority for any purpose necessary or incidental in assisting the Georgia

1 Sports Hall of Fame Authority in carrying out or performing its duties, responsibilities, and
2 functions; provided, however, that all such assistance shall be performed on behalf of and
3 pursuant to the lawful purposes of the Georgia Sports Hall of Fame Authority and not on
4 behalf of the department; and provided, further, that such assistance shall not include the
5 authorization of the issuance of any bonds or other indebtedness of the authority. The
6 department may undertake joint or complementary programs with the Georgia Sports Hall
7 of Fame Authority, including the provision for joint or complementary services, within the
8 scope of their respective powers."

9

SECTION 9.

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