

House Bill 630

By: Representatives Borders of the 175<sup>th</sup>, Wix of the 33<sup>rd</sup>, Black of the 174<sup>th</sup>, and Shaw of the 176<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to mitigate the impact of employers moving job positions out of the state by promoting  
3 the creation and retention of jobs in the state through the creation of the Georgia Job  
4 Development Authority which would be empowered to recruit, train, and facilitate  
5 employment for persons who are unemployed; to provide for findings; to provide for  
6 membership on the board of directors of the authority; to provide for the powers and duties  
7 of the authority; to provide for the appointment of a director; to provide an effective date; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
12 by inserting at the end thereof a new Chapter 36 to read as follows:

13 "CHAPTER 36

14 50-36-1.

15 The General Assembly finds all of the following:

16 (1) Increasingly, companies in Georgia are relocating job positions out of the state and  
17 procuring services from locations outside the state and at times outside the United States.

18 (2) Such job displacement exacerbates unemployment and work force dislocation and  
19 deprives Georgia residents of job opportunities, including industries and jobs this state  
20 has expended resources to attract.

21 (3) The relocation of jobs outside the state due to displacement erodes state and local  
22 revenues by drawing jobs and income away from the state.

23 (4) The relocation of jobs outside the state due to displacement or outsourcing may, in  
24 some cases, provide less privacy protections for state residents whose personal

1 information may, in the course of service delivery, be transmitted to locations outside the  
2 United States.

3 (5) The establishment of targeted job training programs and the provision of job  
4 opportunities for displaced workers must be a priority for this state.

5 50-36-2.

6 As used in this chapter, the term 'authority' means the Georgia Job Development Authority  
7 created by this chapter.

8 50-36-3.

9 (a) There is created and established the Georgia Job Development Authority.

10 (b)(1) The job development authority shall be governed by a board of directors,  
11 consisting of ten members as follows:

12 (A) The Governor shall appoint four members;

13 (B) The Lieutenant Governor shall appoint one member;

14 (C) The President Pro Tempore of the Senate shall appoint one member;

15 (D) The Speaker of the House of Representatives shall appoint two members;

16 (E) The chancellor of the Board of Regents of the University System of Georgia, or his  
17 or her designee; and

18 (F) The Commissioner of the Department of Tourism and Economic Development, or  
19 his or her designee.

20 (2) The Governor shall designate a member of the board as chair who shall serve as chair  
21 at the pleasure of the Governor.

22 (c)(1) Initial appointments of board members shall be for the following terms:  
23 Governor's appointments, three years; appointments by the Lieutenant Governor,  
24 President Pro Tempore of the Senate, and Speaker of the House of Representatives shall  
25 be for two years; all other initial appointments shall be for five years. After the initial  
26 appointments, all succeeding appointments shall be for terms of five years; provided that  
27 appointed members shall serve until their successors are appointed. No person may serve  
28 more than two consecutive terms. No member of the board shall be an employee of the  
29 authority at the time of or during his or her appointment.

30 (2) The Governor may remove any appointed member of the board for misfeasance,  
31 malfeasance, nonfeasance, or dereliction of duty. In such event, the replacement shall be  
32 appointed by the official then occupying the position that originally appointed the board  
33 member who was removed; provided, however, that the replacement appointment shall  
34 only be for the balance of the term of the board member who was removed.

1 (3) The appointed membership of the board shall be inclusive and shall reflect the racial,  
2 gender, geographic, urban, rural, and economic diversity of the state to the maximum  
3 extent possible in light of the structure of the board.

4 (d) Once appointments have been made to the positions on the board that require  
5 appointment, the entire board shall be convened by the chair designee for organizational  
6 purposes, to elect officers of the board, as it deems appropriate, and to transact any  
7 necessary business, including, but not limited to, beginning the process of appointing a  
8 director.

9 (e) The board shall have an office in Atlanta and may establish such other offices and  
10 training facilities as are deemed necessary by a majority of the board to further the goals  
11 set forth in this chapter. The board shall meet monthly on the call of the chair, who shall  
12 designate the time and place. The chair also may call special meetings. A quorum of the  
13 board for any regular or special meeting shall consist of not less than six members. Board  
14 members shall be given at least ten days' notice of regular meetings and five days' notice  
15 of special meetings, except that, if, in the judgment of the chair, urgent business so  
16 requires, the chair may give such shorter notice of a meeting as is practicable. Members of  
17 the board or any committee thereof may participate in meetings of the board or such  
18 committees by telephone conference or similar communications equipment through which  
19 all persons participating in the meeting can hear each other at the same time, and such  
20 participation by the members shall constitute presence at a meeting for all purposes.

21 (f) Each member of the board shall be reimbursed for actual and necessary expenses  
22 incurred while attending meetings of the board, traveling to or from such meetings, or  
23 conducting any other activities on behalf of the job development authority, including, but  
24 not limited to, expenses for travel and other activities while outside the state on authority  
25 business.

26 (g) Board members shall be subject to the code of ethics governing members of boards,  
27 commissions, and authorities as contained in Code Sections 45-10-3 through 45-10-5.

28 50-36-4.

29 The board shall have the following duties and powers:

30 (1) To appoint, if necessary and appropriate, the director, fix the terms and conditions  
31 of his or her employment including salary and tenure in office, and be responsible for the  
32 efficient discharge of his or her duties as set forth in Code Section 50-36-5. The board  
33 shall fix the salary of the director at any reasonable amount giving due consideration to  
34 the salaries of comparable positions in other states and in private industry;

35 (2) To develop and approve each year operating budgets of the authority;

36 (3) To develop and implement a strategic plan that shall be updated annually for:

- 1 (A) Promoting job development in this state;  
 2 (B) Mitigating the impact of job relocations;  
 3 (C) Reducing the attraction of employers to job relocations;  
 4 (D) Increasing job training and work force development activities.  
 5 (E) Facilitating increased employment for Georgia workers;  
 6 (F) Creating business enterprises that directly provide jobs for unemployed and  
 7 displaced Georgia workers;  
 8 (G) Pursuing public and private grants that further the goals and purposes of the  
 9 authority; and  
 10 (H) Managing the incubation of commercial enterprises that create new opportunities  
 11 for unemployed Georgians;
- 12 (4) To have and use a corporate seal and to alter the same at its pleasure;  
 13 (5) To acquire by purchase, gift, sell, rent, lease, and otherwise dispose of real, personal,  
 14 or mixed property in its own name, in furtherance of the purposes for which the authority  
 15 was established;  
 16 (6) To receive, take, and hold by sale, gift, lease, devise, real and personal estate of every  
 17 description in its own name, and to manage the same in furtherance of the purposes for  
 18 which the authority was established;  
 19 (7) To appoint and employ attorneys, accountants, financial advisors, underwriters,  
 20 trustees, depositories, registrars, and other advisors, agents, and independent contractors  
 21 as needed to fulfill the purposes for which the authority was established;  
 22 (8) To enter into contracts with municipalities, counties, agencies, or political  
 23 subdivisions of the state or any other state, institutions of higher learning and other  
 24 educational institutions, private persons, firms, corporations, and any branch of the  
 25 federal government, in furtherance of its public purposes and objectives, and as necessary  
 26 and convenient to the exercise of its other powers and to the discharge of its duties and  
 27 obligations, either relative to work done or to be done; and  
 28 (9) Exercise all other powers conferred on the board by this chapter and other applicable  
 29 laws.

30 50-36-5.

- 31 (a) The chief executive officer of the authority shall be known as the director of the  
 32 Georgia Job Development Authority. The director shall be appointed by the board but may  
 33 have no financial interest in any entity that benefits from the authority's training facilities.  
 34 Furthermore, the director shall be subject to the code of ethics governing members of  
 35 boards, commissions, and authorities as contained in Code Sections 45-10-3 through  
 36 45-10-5. The director shall not be a participant in the classified service of the state under

1 provisions of Chapter 20 of Title 45, but may be entitled to the other benefits afforded other  
2 state employees, including, but not limited to, retirement, sick and annual leave, and  
3 insurance benefits. The board may provide and fund an alternate benefits package for the  
4 director.

5 (b) The duties of the director shall be as follows:

6 (1) Exercise the chief executive authority of the job development authority and exercise,  
7 consistent with this chapter, the directions of the board, and other applicable laws, all the  
8 powers, authority, and duties vested by this chapter or other applicable laws in the  
9 authority; and

10 (2) Appoint and promote, with the advice and consent of the board, employees of the  
11 authority as necessary for the efficient operation of the job development authority,  
12 including a secretary-treasurer, fix their conditions of employment and tenure in office,  
13 and be responsible for the efficient discharge of their duties.

14 50-36-6.

15 Any employees and officers of the job development authority, except the executive  
16 director, shall be subject to the provisions of the state merit system with respect to the  
17 method of selection, classification, and compensation of state employees.

18 50-36-7.

19 (a) The authority, any property or income of the authority and the board, the income from  
20 such conveyances by or to the authority or the board, and leases, mortgages and deeds of  
21 trust or trust indentures by or to the authority or the board shall be exempt from all taxation  
22 in the State of Georgia, including, but without limitation to, all ad valorem, sales, excise,  
23 license, and privilege taxes levied by the state or any county, incorporated city or town, or  
24 other political subdivision of the state, including, but without limitation to, license and  
25 excise taxes imposed in respect of the privilege of engaging in any of the activities in  
26 which the authority or the board may engage; provided, however, this exemption shall not  
27 be construed to exempt private business working with the authority or lessees of the  
28 authority from the payment of any taxes, including licenses, privileges, or sales taxes levied  
29 by the state, county, or any municipality.

30 (b) The authority and the board shall not be obligated to pay or allow any fees, taxes, or  
31 costs to the judge of probate of any county of the state in respect of the recording of any  
32 document."

## 33 SECTION 2.

34 This Act shall become effective on July 1, 2005.

1

**SECTION 3.**

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