

House Bill 988

By: Representatives Hill of the 180th, Lane of the 167th, Keen of the 179th, Smith of the 168th,
and Mosley of the 178th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to state
2 government commissions and other agencies, so as to provide for the establishment of the
3 War of 1812 Bicentennial Commission; to provide for the membership of the commission
4 and the powers and duties of the commission; to provide for expenses; to provide for matters
5 relating to commemorating the historic events that preceded and are associated with the War
6 of 1812; to provide for abolition of the commission; to provide for repeal of the laws relating
7 to such commission and the powers and duties of the commission; to create the War of 1812
8 Commemoration Commission and provide for its membership, powers, duties, and
9 operations; to provide for related matters; to provide an effective date; to repeal conflicting
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to state
14 government commissions and other agencies, is amended by adding a new article to read as
15 follows:

16 style="text-align:center">"ARTICLE 9

17 50-12-140.

18 This article shall be known and may be cited as the 'War of 1812 Bicentennial Commission
19 Act.'

20 50-12-141.

21 (a) The General Assembly finds and declares that the War of 1812 was a perilous time in
22 our young nation's history. The war was essentially fought over our nation's sovereign
23 right to free trade and the inviolability of our nation's vessels on the high seas; it serves as

1 a timeless reminder of the vulnerability of Georgia's coastline and land borders to attack
2 by elements of a hostile foreign power. During the war period, July 18, 1812, through
3 February 18, 1815, there were 39 counties in Georgia those being: Baldwin, Bryan,
4 Bulloch, Burke, Camden, Chatham, Clarke, Columbia, Effingham, Elbert, Emanuel;
5 Franklin, Glynn, Greene, Hancock, Jackson, Jasper, Jefferson, Jones, Laurens, Liberty,
6 Lincoln, Madison, McIntosh, Montgomery, Morgan, Oglethorpe, Pulaski, Putnam,
7 Richmond, Screven, Tattnall, Telfair, Twiggs, Warren, Washington, Wayne, Wilkes, and
8 Wilkinson; Emanuel was added on Dec. 10, 1812. Although not designated within the
9 borders of the state, there existed during the war period territory that would eventually be
10 designated as counties of Georgia; in addition to which, new counties were created from
11 existing counties, and some counties whose boundaries were later redefined were the site
12 of historically significant activity during the War of 1812. Among those counties, but not
13 specifically limited to those now mentioned, are: Appling, Bibb, Bleckley, Charlton,
14 Coffee, Crawford, Crisp, Dodge, Dooly, Early, Lee, Monroe, Muscogee, Pierce, Talbot,
15 Taylor, Ware, Wilcox, Worth, and Upson. While not all counties suffered combat, each
16 of the 39 aforementioned counties contributed troops to the state militia; some had
17 fortifications situated within their respective boundaries; and all had militia training
18 grounds. Various regions of Georgia were affected by the War of 1812 in different ways:
19 coastal regions were subject to combat with British forces, British raiding parties, and the
20 interdiction of coastal shipping between the ports of Savannah and St. Marys; beyond Fort
21 Hawkins (the present day City of Macon), Georgia settlers and troops were subject to raids
22 by rebel elements of the Creek nation allied to Great Britain. Georgia territory occupied
23 by British forces included Brunswick, Cumberland Island, Jekyll Island, St. Marys, and St.
24 Simons Island. The same naval and military forces that burned Washington, D.C., and
25 attacked Fort McHenry, inspiring Francis Scott Key to write the poem which became
26 known as the 'Star Spangled Banner,' also invaded Cumberland Island, attacked St. Marys
27 and the Battery at Cantonment Point Petre, and wreaked havoc along Georgia's coast. The
28 final combat between British military forces and American military forces, specifically the
29 Georgia Militia, took place on the St. Marys River, near Coleraine, on February 23, 1815,
30 and the final shots fired in anger between British naval forces and American naval forces
31 in American territorial sea took place in Georgia waters on March 16, 1815, off Wassaw
32 Island.

33 (b) The bicentennial commemoration period offers an excellent opportunity to enhance
34 educational programs, add to the general knowledge of that era, and engender history and
35 heritage based tourism within the state. Therefore, it is in the interest of the state to provide
36 appropriate commemorative activities to maximize public understanding of the meaning
37 of the War of 1812 in the history of Georgia.

1 (c) The purpose of the commission is to ensure a suitable state-wide observance of the War
 2 of 1812 by complementing, cooperating with, and providing assistance to the programs and
 3 activities of the various counties involved in the commemoration. The commission is to
 4 encourage War of 1812 observances that provide an excellent visitor experience and
 5 beneficial interaction between visitors and the natural and cultural resources of the various
 6 War of 1812 sites. The commission is to engage the state archeologist in compiling an
 7 inventory of War of 1812 archeological assets on land and in waters under Georgia
 8 jurisdiction or control and work in concert with the appropriate federal government
 9 agencies when warranted to accomplish that goal.

10 (d) The commission is also to welcome international involvement in the War of 1812
 11 observances; contribute to, coordinate with, participate in, and enhance the activities of the
 12 National War of 1812 Bicentennial Commission; foster and promote the protection of War
 13 of 1812 resources; and assist in the appropriate development of heritage and history based
 14 tourism and economic benefits to the State of Georgia.

15 50-12-142.

16 As used in this article, the term:

17 (1) 'Commemoration' means commemoration of the War of 1812.

18 (2) 'Commission' means the War of 1812 Bicentennial Commission established in this
 19 article.

20 (3) 'Commissioner' means the commissioner of natural resources.

21 (4) 'Counties' means those counties mentioned in subsection (a) of Code Section
 22 50-12-141, to wit: Appling, Baldwin, Bibb, Bleckley, Bryan, Bulloch, Burke, Camden,
 23 Charlton, Chatham, Clarke, Coffee, Columbia, Crawford, Crisp, Dodge, Dooly, Early,
 24 Effingham, Elbert, Emanuel, Franklin, Glynn, Greene, Hancock, Jackson, Jasper,
 25 Jefferson, Jones, Laurens, Lee, Liberty, Lincoln, Madison, McIntosh, Montgomery,
 26 Monroe, Morgan, Muscogee, Oglethorpe, Pierce, Pulaski, Putnam, Richmond, Screven,
 27 Talbot, Tattnall, Taylor, Telfair, Twiggs, Ware, Warren, Washington, Wayne, Wilcox,
 28 Wilkes, Wilkinson, Worth, and Upson, and includes agencies and entities of each county.

29 (5) 'Qualified resident' means any resident of the State of Georgia with an interest in,
 30 support for, and expertise appropriate to the commemoration.

31 50-12-143.

32 (a) The commission shall be composed of 28 members as follows:

33 (1) Thirteen members shall be qualified residents appointed by the commissioner after
 34 consideration of nominations submitted by the county commissioners of Baldwin, Bibb,

1 Camden, Chatham, Crawford, Crisp, Fulton, Glynn, Liberty, McIntosh, Pulaski, Telfair,
2 and Twiggs counties;

3 (2) Three members shall be qualified residents appointed by the commissioner after
4 consideration of nominations submitted by the mayors of the City of Savannah, City of
5 Macon, and the City of St. Marys;

6 (3) Three members shall be employees of the Department of Natural Resources, of
7 whom:

8 (A) One shall be from the Division of Historic Preservation;

9 (B) One shall be the superintendent of the Fort Morris (Fort Defiance) State Historic
10 Site; and

11 (C) One shall be an employee of the Division of Historic Preservation having
12 experience relevant to the commemoration;

13 (4) One shall be an employee of the Georgia Department of Defense;

14 (5) One shall be an employee of the Department of Economic Development, Tourism
15 Division;

16 (6) One shall be an employee of the University System of Georgia from a department of
17 history;

18 (7) One shall be an employee of the Department of Education;

19 (8) Four shall be qualified residents appointed by the commissioner, of whom:

20 (A) One shall be recommended by the majority leader of the Senate;

21 (B) One shall be recommended by the minority leader of the Senate;

22 (C) One shall be recommended by the majority leader of the House of Representatives;
23 and

24 (D) One shall be recommended by the minority leader of the House of Representatives;
25 and

26 (9) One member shall be appointed by the commissioner from among individuals with
27 experience in the history of the War of 1812.

28 (b) Those residents of Georgia nominated by the Governor to serve on the National War
29 of 1812 Bicentennial Commission shall ensure the coordination of efforts by the State of
30 Georgia War of 1812 Bicentennial Commission with the efforts of the National War of
31 1812 Bicentennial Commission.

32 (c) The appointments of members of the commission shall be made not later than 120 days
33 after the date of enactment of this article.

34 (d) A member shall be appointed for the life of the commission.

35 (e) A vacancy on the commission:

36 (A) Shall not affect the powers of the commission; and

37 (B) Shall be filled in the same manner as the original appointment was made.

1 (f) The commission shall act only on an affirmative vote of a majority of the members of
2 the commission.

3 (g) A majority of the members of the commission shall constitute a quorum.

4 (h) The commission shall select a chairperson and a vice chairperson from among the
5 members of the commission.

6 (i) The commission shall hold its initial meeting no later than 60 days after the date on
7 which all members of the commission have been appointed.

8 (j) During the years 2006 through 2011, not less than three times a year the commission
9 shall meet at the call of the chairperson or a majority of the members of the commission.

10 (k) During the years 2012 through 2015, not less than two times a year the commission
11 shall meet at the call of the chairperson or a majority of the members of the commission.

12 (l) The commission shall:

13 (1) Plan, encourage, develop, execute, and coordinate programs, observances, and
14 activities commemorating the historic events that preceded and are associated with the
15 War of 1812;

16 (2) Facilitate the commemoration throughout the State of Georgia;

17 (3) Coordinate the activities of the commission with appropriate private, city, and federal
18 agencies including, but not limited to, the National Park Service and the federal
19 Department of Defense;

20 (4) Encourage civic, patriotic, historical, educational, religious, economic, tourism, and
21 other organizations throughout the State of Georgia to organize and participate in the
22 commemoration to expand the understanding and appreciation of the significance of the
23 War of 1812;

24 (5) Provide technical assistance to counties, cities, localities, the Department of Natural
25 Resources, and nonprofit organizations to further the commemoration and
26 commemorative events;

27 (6) Direct the following regional development centers to coordinate the efforts of the
28 participating counties within their respective regions: Coastal Georgia, Central Savannah
29 River, Heart of Georgia, Atlanta Regional Commission, Southeast Georgia, Northeast
30 Georgia, Middle Georgia, Middle Flint Lower Chattahoochee, South Georgia, and
31 Southwest Georgia;

32 (7) Direct the aforementioned regional development centers to provide a calendar of
33 events to the state Departments of Transportation, Economic Development, and
34 Education no later than six months prior to the event date;

35 (8) Design, develop, and provide, during the commemoration period January 1, 2012,
36 through May 30, 2015, for the purposes of education and tourism, a website that shall
37 include a calendar of commemoration festivities state wide and an explanation of events

1 preceding and associated with the War of 1812 as it was prosecuted on Georgia soil, in
2 Georgia waters, and by military and naval units associated with the State of Georgia
3 deployed in other states or territories;

4 (9) Design, develop, and provide, during the commemoration period January 1, 2012,
5 through May 30, 2015, an exhibit that will travel throughout the state to interpret events
6 of the War of 1812 for the educational benefit of the residents of and tourists to the State
7 of Georgia;

8 (10) Direct the state archeologist to produce an inventory of historically significant
9 structures and, upon completion of said inventory, shall execute surveys of sites
10 associated with the War of 1812;

11 (11) Direct the state archeologist to produce, with the assistance of a state historian, an
12 inventory of historically significant shipwrecks in Georgia waters and, upon completion
13 of said inventory, shall, with the cooperation of appropriate state and federal agencies,
14 execute surveys of significant shipwrecks associated with the War of 1812 in Georgia
15 waters;

16 (12) Direct a state historian to provide not later than July 18, 2011, information relating
17 the location of battlegrounds, fortifications, historic sites, routes, trails, and other places
18 of interest to the State Department of Transportation so that agency may produce a 'War
19 of 1812 Trail' map which shall be made available for the Georgia War of 1812
20 Bicentennial period: July 18, 2012, through March 16, 2015;

21 (13) Direct a state historian to compile for distribution to appropriate state historic sites
22 and Georgia schools a pamphlet including the biographies of notable War of 1812 era
23 Georgians: citizens, military figures, political figures, and namesakes for Georgia
24 counties;

25 (14) Ensure that the War of 1812 commemorations provide a lasting legacy and
26 long-term public benefit leading to protection of the natural and cultural resources
27 associated with the War of 1812; and

28 (15) Examine and review essential facilities and infrastructure at War of 1812 sites and
29 enable necessary improvements to enhance and maximize visitor experience at the sites.

30 (m) The commission shall prepare a strategic plan and annual performance plans for any
31 activity carried out by the commission under this article.

32 50-12-144.

33 (a) The commission shall submit to the General Assembly an annual report that contains
34 a list of each gift, bequest, or devise to the commission or a member of the commission
35 with a value of more than \$250.00, together with the identity of the donor of each gift,
36 bequest, or devise.

1 (b) Not later than September 30, 2015, the commission shall submit to the commissioner
2 and the General Assembly a final report that includes:

- 3 (1) A summary of the activities of the commission;
- 4 (2) A final accounting of any funds received or expended by the commission; and
- 5 (3) The final disposition of any historically significant item acquired by the commission
6 and other properties not previously reported.

7 50-12-145.

8 (a) The commission may:

- 9 (1) Solicit, accept, use, and dispose of gifts or donations of money, services, and real and
10 personal property related to the commemoration;
- 11 (2) Appoint such advisory committees as the commission determines to be necessary to
12 carry out this article;
- 13 (3) Authorize any member or employee of the commission to take any action the
14 commission is authorized to take under this article;
- 15 (4) Use the United States mails in the same manner and under the same conditions as
16 other agencies of the state government; and
- 17 (5) Make grants to communities, nonprofit commemorative commissions or
18 organizations, and research and scholarly organizations to develop programs and products
19 to assist in researching, publishing, marketing, and distributing information relating to the
20 commemoration.

21 (b) In carrying out this Code section, the commission may:

- 22 (1) Procure supplies, services, and property; and
- 23 (2) Make or enter into contracts, leases, or other legal agreements.

24 (c) Any contract, lease, or other legal agreement made or entered into by the commission
25 shall not extend beyond the date of termination of the commission.

26 (d) The commission may secure directly from a state agency such information as the
27 commission considers to be necessary to carry out this Code section and, upon request of
28 the chairperson of the commission, the head of the agency shall provide information to the
29 commission.

30 50-12-146.

31 (a) Except as provided in subsection (b) of this Code section, a member of the commission
32 shall serve without compensation.

33 (b) A member of the commission who is an officer or employee of the State of Georgia
34 shall serve without compensation in addition to the compensation received for the services
35 of the member as an officer or employee of the State of Georgia.

1 (c) A member of the commission shall be allowed travel expenses, including per diem in
2 lieu of subsistence, at rates authorized for an employee of an agency under the law while
3 away from the home or regular place of business of the member in the performance of the
4 duties of the commission.

5 (d) The chairperson of the commission may, without regard to merit system laws,
6 including regulations, appoint and terminate an executive director and such other additional
7 personnel as are necessary to enable the commission to perform the duties of the
8 commission.

9 (e) The employment of an executive director shall be subject to confirmation by the
10 commission.

11 (f) The chairperson of the commission may fix the compensation of the executive director
12 and other personnel without regard to the provisions of the law relating to classification of
13 positions and general schedule pay rates.

14 (g) At the request of the commission, the head of any state agency may assign, on a
15 reimbursable or nonreimbursable basis, any of the personnel of the agency to the
16 commission to assist the commission in carrying out the duties of the commission under
17 this article.

18 (h) The assignment of an employee under subsection (g) of this Code section shall be
19 without loss of merit system status or privilege.

20 (i) The commission may:

21 (1) Accept the services of personnel assigned from counties and cities; and

22 (2) Reimburse counties and cities for the services of assigned personnel.

23 (j) The commission may accept and use such voluntary and uncompensated services as the
24 commission determines necessary.

25 (k) The commissioner shall provide to the commission, on a reimbursable basis, such
26 administrative support services as the commission may request.

27 (l) The chairperson of the commission may procure temporary and intermittent services
28 at rates for individuals that do not exceed the daily equivalent of the annual rate.

29 (m) Nothing in this Code section supersedes the authority of the counties or the
30 Department of Natural Resources concerning the commemoration.

31 50-12-147.

32 (a) The commission shall terminate on December 31, 2015.

33 (b) Not later than the date of termination, the commission shall transfer any documents,
34 materials, books, manuscripts, miscellaneous printed matter, memorabilia, relics, and
35 exhibits and any materials donated to the commission that relate to the War of 1812 to the
36 Fort Morris (Fort Defiance) State Historic Site.

1 (c) Any funds held by the commission on the date of termination shall be deposited in the
2 general fund of the treasury.

3 (d) This article shall stand repealed in its entirety December 31, 2015."

4 **SECTION 2.**

5 This Act shall become effective upon its approval by the Governor or upon its becoming law
6 without such approval.

7 **SECTION 3.**

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