

House Bill 953

By: Representatives Hill of the 180<sup>th</sup>, Stephens of the 164<sup>th</sup>, Lane of the 167<sup>th</sup>, Williams of the 165<sup>th</sup>, and Keen of the 179<sup>th</sup>

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 a short title; to provide for the  
4 membership of the commission and the powers and duties of the commission; to provide for  
5 expenses subject to available funds; to provide for matters relating to commemorating the  
6 historic events that preceded and are associated with the War of 1812; to provide for  
7 abolition of the commission; to provide for repeal of the laws relating to such commission  
8 and the powers and duties of the commission; to create the War of 1812 Commemoration  
9 Commission and provide for its membership, powers, duties, and operations; to provide for  
10 related matters; to provide an effective date; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

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

18 50-12-140.

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

21 50-12-141.

22 (a) The General Assembly finds and declares that the War of 1812 was a perilous time in  
23 our young nation's history. The war was essentially fought over our nation's sovereign

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

34 (b) The bicentennial commemoration period offers an excellent opportunity to enhance  
35 educational programs, add to the general knowledge of that era, and engender history and  
36 heritage based tourism within this state. Therefore, it is in the interest of this state to

1 provide appropriate commemorative activities to maximize public understanding of the  
2 meaning of the War of 1812 in the history of Georgia.

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

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

17 50-12-142.

18 As used in this article, the term:

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

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

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

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

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

33 50-12-143.

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

- 1 (1) Thirteen members shall be qualified residents appointed by the commissioner after  
2 consideration of nominations submitted by the county commissioners of Baldwin, Bibb,  
3 Camden, Chatham, Crawford, Crisp, Fulton, Glynn, Liberty, McIntosh, Pulaski, Telfair,  
4 and Twiggs counties;
- 5 (2) Three members shall be qualified residents appointed by the commissioner after  
6 consideration of nominations submitted by the mayors of the City of Savannah, City of  
7 Macon, and the City of St. Marys;
- 8 (3) Three members shall be employees of the Department of Natural Resources  
9 appointed by the Governor;
- 10 (4) One shall be an employee of the Georgia Department of Defense;
- 11 (5) One shall be an employee of the Department of Economic Development, Tourism  
12 Division;
- 13 (6) One shall be an employee of the University System of Georgia from a department of  
14 history;
- 15 (7) One shall be an employee of the Department of Education;
- 16 (8) Four shall be qualified residents appointed by the commissioner, of whom:
- 17 (A) One shall be recommended by the majority leader of the Senate;
- 18 (B) One shall be recommended by the minority leader of the Senate;
- 19 (C) One shall be recommended by the majority leader of the House of Representatives;
- 20 and
- 21 (D) One shall be recommended by the minority leader of the House of Representatives;
- 22 and
- 23 (9) One member shall be appointed by the commissioner from among individuals with  
24 experience in the history of the War of 1812.
- 25 (b) Those residents of Georgia nominated by the Governor to serve on the National War  
26 of 1812 Bicentennial Commission shall ensure the coordination of efforts by the State of  
27 Georgia War of 1812 Bicentennial Commission with the efforts of the National War of  
28 1812 Bicentennial Commission.
- 29 (c) The appointments of members of the commission shall be made not later than 120 days  
30 after the date of enactment of this article.
- 31 (d) A member shall be appointed for the life of the commission.
- 32 (e) A vacancy on the commission:
- 33 (A) Shall not affect the powers of the commission; and
- 34 (B) Shall be filled in the same manner as the original appointment was made.
- 35 (f) The commission shall act only on an affirmative vote of a majority of the members of  
36 the commission.
- 37 (g) A majority of the members of the commission shall constitute a quorum.

- 1 (h) The commission shall select a chairperson and a vice chairperson from among the  
2 members of the commission.
- 3 (i) The commission shall hold its initial meeting no later than 60 days after the date on  
4 which all members of the commission have been appointed.
- 5 (j) During the years 2008 through 2011, not less than three times a year the commission  
6 shall meet at the call of the chairperson or a majority of the members of the commission.
- 7 (k) During the years 2012 through 2015, not less than two times a year the commission  
8 shall meet at the call of the chairperson or a majority of the members of the commission.
- 9 (l) The commission shall:
- 10 (1) Plan, encourage, develop, execute, and coordinate programs, observances, and  
11 activities commemorating the historic events that preceded and are associated with the  
12 War of 1812;
- 13 (2) Facilitate the commemoration throughout the State of Georgia;
- 14 (3) Coordinate the activities of the commission with appropriate private, city, and federal  
15 agencies including, but not limited to, the National Park Service and the federal  
16 Department of Defense;
- 17 (4) Encourage civic, patriotic, historical, educational, religious, economic, tourism, and  
18 other organizations throughout the State of Georgia to organize and participate in the  
19 commemoration to expand the understanding and appreciation of the significance of the  
20 War of 1812;
- 21 (5) Provide technical assistance to counties, cities, localities, the Department of Natural  
22 Resources, and nonprofit organizations to further the commemoration and  
23 commemorative events;
- 24 (6) Subject to available funds, direct the following regional development centers to  
25 coordinate the efforts of the participating counties within their respective regions: Coastal  
26 Georgia, Central Savannah River, Heart of Georgia, Atlanta Regional Commission,  
27 Southeast Georgia, Northeast Georgia, Middle Georgia, Middle Flint Lower  
28 Chattahoochee, South Georgia, and Southwest Georgia;
- 29 (7) Subject to available funds, direct the aforementioned regional development centers  
30 to provide a calendar of events to the state Departments of Transportation, Economic  
31 Development, and Education no later than six months prior to the event date;
- 32 (8) Design, develop, and provide, during the commemoration period January 1, 2012,  
33 through May 30, 2015, for the purposes of education and tourism, a website that shall  
34 include a calendar of commemoration festivities state wide and an explanation of events  
35 preceding and associated with the War of 1812 as it was prosecuted on Georgia soil, in  
36 Georgia waters, and by military and naval units associated with the State of Georgia  
37 deployed in other states or territories;

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

5 (10) Subject to available funds, direct the state archeologist to produce an inventory of  
6 historically significant structures and, upon completion of said inventory, execute surveys  
7 of sites associated with the War of 1812;

8 (11) Subject to available funds, direct the state archeologist to produce, with the  
9 assistance of a state historian, an inventory of historically significant shipwrecks in  
10 Georgia waters and, upon completion of said inventory, with the cooperation of  
11 appropriate state and federal agencies, execute surveys of significant shipwrecks  
12 associated with the War of 1812 in Georgia waters;

13 (12) Subject to available funds, direct a state historian to provide not later than July 18,  
14 2011, information relating the location of battlegrounds, fortifications, historic sites,  
15 routes, trails, and other places of interest to the State Department of Transportation so that  
16 agency may produce a 'War of 1812 Trail' map which shall be made available for the  
17 Georgia War of 1812 Bicentennial period: July 18, 2012, through March 16, 2015;

18 (13) Subject to available funds, direct a state historian to compile for distribution to  
19 appropriate state historic sites and Georgia schools a pamphlet including the biographies  
20 of notable War of 1812 era Georgians: citizens, military figures, political figures, and  
21 namesakes for Georgia counties;

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

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

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

29 (n) The commission shall have no authority to obligate state funds or to require any unit  
30 of state or local government to expend or obligate funds. Where any provisions of this  
31 article make any power or duty of the commission subject to availability of funding, such  
32 provisions are intended to make the exercise of such power or duty contingent on the  
33 commission having received grants, donations, or contract funds sufficient for such  
34 purpose.

1 50-12-144.

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

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

8 (1) A summary of the activities of the commission;

9 (2) A final accounting of any funds received or expended by the commission; and

10 (3) The final disposition of any historically significant item acquired by the commission  
11 and other properties not previously reported.

12 50-12-145.

13 (a) The commission may:

14 (1) Solicit, accept, use, and dispose of gifts or donations of money, services, and real and  
15 personal property related to the commemoration;

16 (2) Appoint such advisory committees as the commission determines to be necessary to  
17 carry out this article;

18 (3) Authorize any member or employee of the commission to take any action the  
19 commission is authorized to take under this article;

20 (4) Use the United States mails in the same manner and under the same conditions as  
21 other agencies of the state government; and

22 (5) Make grants to communities, nonprofit commemorative commissions or  
23 organizations, and research and scholarly organizations to develop programs and products  
24 to assist in researching, publishing, marketing, and distributing information relating to the  
25 commemoration.

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

27 (1) Procure supplies, services, and property; and

28 (2) Make or enter into contracts, leases, or other legal agreements.

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

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

- 1 50-12-146.
- 2 (a) Except as provided in subsection (b) of this Code section, a member of the commission  
3 shall serve without compensation.
- 4 (b) A member of the commission who is an officer or employee of the State of Georgia  
5 shall serve without compensation in addition to the compensation received for the services  
6 of the member as an officer or employee of the State of Georgia.
- 7 (c) Subject to available funds, a member of the commission shall be allowed travel  
8 expenses, including per diem in lieu of subsistence, at rates authorized for an employee of  
9 an agency under the law while away from the home or regular place of business of the  
10 member in the performance of the duties of the commission.
- 11 (d) Subject to available funds, the chairperson of the commission may, without regard to  
12 merit system laws, including regulations, appoint and terminate an executive director and  
13 such other additional personnel as are necessary to enable the commission to perform the  
14 duties of the commission.
- 15 (e) Subject to available funds, the employment of an executive director shall be subject to  
16 confirmation by the commission.
- 17 (f) Subject to available funds, the chairperson of the commission may fix the compensation  
18 of the executive director and other personnel without regard to the provisions of the law  
19 relating to classification of positions and general schedule pay rates.
- 20 (g) At the request of the commission and subject to available funds, the head of any state  
21 agency may assign, on a reimbursable or nonreimbursable basis, any of the personnel of  
22 the agency to the commission to assist the commission in carrying out the duties of the  
23 commission under this article.
- 24 (h) The assignment of an employee under subsection (g) of this Code section shall be  
25 without loss of merit system status or privilege.
- 26 (i) The commission may:
- 27 (1) Accept the services of personnel assigned from counties and cities; and  
28 (2) Subject to available funds, reimburse counties and cities for the services of assigned  
29 personnel.
- 30 (j) The commission may accept and use such voluntary and uncompensated services as the  
31 commission determines necessary.
- 32 (k) Subject to available funds, the commissioner shall provide to the commission, on a  
33 reimbursable basis, such administrative support services as the commission may request.
- 34 (l) Subject to available funds, the chairperson of the commission may procure temporary  
35 and intermittent services at rates for individuals that do not exceed the daily equivalent of  
36 the annual rate.

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

3 (n) Nothing in this article shall be construed to require state appropriations.

4 50-12-147.

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

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

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

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

13 **SECTION 2.**

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

16 **SECTION 3.**

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