

House Bill 1361

By: Representatives Reece of the 11th and Buckner of the 130th

A BILL TO BE ENTITLED
AN ACT

1 To amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia
2 Annotated, relating to Jekyll Island—State Park Authority, so as to provide for membership
3 on the authority and to prohibit conflicts of interest by members of the authority and
4 employees of the authority; to provide for related matters; to provide an effective date; to
5 repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated,
9 relating to Jekyll Island—State Park Authority, is amended in Code Section 12-3-233,
10 relating to the appointment of members to the authority, terms, vacancies, officers, quorum,
11 reimbursement for expenses, members as constituting policy-making body of the authority,
12 and the executive director, as follows:

13 "12-3-233.

14 (a) ~~The authority shall be composed of the commissioner of natural resources or his or her~~
15 ~~designee and eight residents of this state, two of whom shall be from Chatham, Bryan,~~
16 ~~Liberty, McIntosh, Glynn, or Camden counties, to be appointed by the Governor. The~~
17 ~~eight members appointed by the Governor shall be selected from the state at large but shall~~
18 ~~be representative of the geographical areas of the state. Except as provided in this Code~~
19 ~~section, the members appointed by the Governor shall serve for a term of four years and~~
20 ~~until the appointment and qualification of their successors. The first four appointments~~
21 ~~made by the Governor shall be as follows: one member shall be appointed for a term of one~~
22 ~~year beginning July 1, 1978; one member shall be appointed for a term of two years~~
23 ~~beginning July 1, 1978; one member shall be appointed for a term of three years beginning~~
24 ~~July 1, 1978; and one member shall be appointed for a term of four years beginning July~~
25 ~~1, 1978. The fifth member appointed by the Governor shall serve for a term of four years~~
26 ~~beginning July 1, 1984. The sixth member appointed by the Governor shall serve for an~~

27 ~~initial term beginning upon appointment and ending on June 30, 1997. The seventh~~
 28 ~~member appointed by the Governor shall serve for an initial term beginning upon~~
 29 ~~appointment and ending on June 30, 1998. The eighth member appointed by the Governor~~
 30 ~~shall serve for an initial term beginning upon appointment and ending on June 30, 1999.~~
 31 ~~Subsequent terms for those members appointed as the sixth, seventh, and eighth members,~~
 32 ~~or their successors, shall be for four years. An appointment by the Governor to fill a~~
 33 ~~vacancy shall be made for the unexpired term. The authority shall be composed of the~~
 34 ~~commissioner of natural resources or his or her designee and ten residents of this state, who~~
 35 ~~shall be appointed by the Governor as follows:~~

- 36 (1) One member who shall have a degree, training, certification, or no less than ten years
 37 experience as a marine biologist, other biologist, or botanist;
 38 (2) Two members who shall have a degree, training, certification, or no less than ten
 39 years experience as an ecologist, environmentalist, or conservation manager;
 40 (3) One member who shall have a degree, training, certification, or no less than ten years
 41 experience in the area of recreation management or community recreational affairs;
 42 (4) One member who shall have a degree, training, certification, or no less than ten years
 43 experience in the area of motel, hotel, or similar hospitality operations or tourism;
 44 (5) One member who shall be a representative from the business community who shall
 45 have owned and operated a business in this state for no less than ten years;
 46 (6) One member who has been a Georgia resident for ten years or more and who has a
 47 degree, training, certification, and no less than ten years experience as a public educator
 48 or teacher in kindergarten through grade 12;
 49 (7) One member who has been a Georgia resident for ten years or more and who shall
 50 have a degree, training, certification, or no less than ten years experience as a historian
 51 or other person knowledgeable of the culture and history of Jekyll Island;
 52 (8) One member who has been a resident of Georgia for not less than ten years and who
 53 shall have a degree, training, certification, or no less than ten years experience in the area
 54 of public land planning or development; and
 55 (9) One member who shall be a resident from Chatham, Bryan, Liberty, McIntosh,
 56 Glynn, or Camden counties.

57 The first two members provided for in this Code section shall be appointed on July 1, 2010.
 58 The remaining members shall be appointed as the current terms of office expire. Any new
 59 appointment after June 30, 2010, shall meet the qualifications specified in this subsection
 60 and shall be appointed in the order enumerated in this subsection. The members appointed
 61 by the Governor shall serve for a term of four years and until the appointment and
 62 qualification of their successors. An appointment by the Governor to fill a vacancy shall
 63 be made for the unexpired term.

64 (b) The Governor shall appoint the chairperson of the authority for a term of one year. A
 65 member may serve no more than two consecutive terms as chairperson nor more than two
 66 terms as chairperson in any one four-year term as a member of the authority. The authority
 67 shall elect one of its members as vice chairperson and shall elect a secretary and treasurer
 68 who may not necessarily be a member of the authority. The chairperson shall be selected
 69 from among the members appointed by the Governor.

70 (c) ~~Five~~ Six members of the authority shall constitute a quorum. No vacancy in the
 71 authority shall impair the right of a quorum to exercise all the rights and perform all the
 72 duties of the authority.

73 (d) Reserved.

74 (e) Membership on the authority does not constitute public office and no member shall be
 75 disqualified from holding public office by reason of his or her membership.

76 (f) The members of the authority shall not be entitled to compensation for their services
 77 but shall be reimbursed for their actual expenses necessarily incurred in the performance
 78 of their duties.

79 (g) The members of the authority shall constitute the policy-making body of the authority.
 80 The authority shall employ a full-time executive director to execute the policy decisions
 81 of the authority and to provide continuing professional management of the day-to-day
 82 activities of the authority."

83 **SECTION 2.**

84 Said part is amended further by adding a new Code section to read as follows:

85 "12-3-278.

86 (a) Every member or officer of the authority and every officer or employee of the authority
 87 who knowingly has any interest, direct or indirect, in any contract to which the authority
 88 is or is about to become a party, or in any other business of the authority, or in any firm or
 89 corporation doing business with the authority, shall make full disclosure of such interest
 90 to the authority. Failure to disclose such an interest shall constitute cause for which an
 91 authority member or officer may be removed or an employee discharged or otherwise
 92 disciplined at the discretion of the authority.

93 (b) No contract or business of the authority shall be entered into where a member, officer,
 94 or employee of the authority has an interest in such contract or business.

95 (c) Provisions of Article 1 of Chapter 10 of Title 16 and Code Sections 16-10-21,
 96 16-10-22, 16-10-92, and 16-10-93 regulating the conduct of officers, employees, and
 97 agents of political subdivisions, municipal and other public corporations, and other public
 98 organizations, shall be applicable to the conduct of members, officers, employees, and
 99 agents of the authority. A violation of the provisions of this subsection or a violation of

100 any other provision of law regulating conflicts of interest which is applicable to the
101 members, officers, or employees of the authority shall be grounds for removal, discharge,
102 or discipline of the violating member, officer, or employee.
103 (c) Any contract or transaction of the authority involving a conflict of interest not
104 disclosed under subsection (a) of this Code section, or involving a violation of Article 1 of
105 Chapter 10 of Title 16 and Code Sections 16-10-21, 16-10-22, 16-10-92, and 16-10-93, or
106 involving a violation of any other provision of law regulating conflicts of interest which
107 is applicable to the authority or its members, officers, or employees shall be voidable by
108 the authority."

109 **SECTION 3.**

110 This Act shall become effective on July 1, 2010, and Section 2 of this Act shall apply to
111 contracts and transactions entered into on or after such date.

112 **SECTION 4.**

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