

Senate Bill 523

By: Senators Cowser of the 46th, Mullis of the 53rd, Heath of the 31st and Pearson of the 51st

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 state authorities involved with conservation, natural resources, and cultural
3 activities, so as to reconstitute the governance of the Georgia Sports Hall of Fame Authority;
4 to provide for a new governing body for the authority and its members and their
5 appointments, terms, vacancies, duties, and compensation; to provide for appropriate staff
6 of the authority; to authorize the authority to create and enter into a nonprofit corporation to
7 assist with certain functions of the authority; to provide that the Georgia Sports Hall of Fame
8 Authority and the Georgia Music Hall of Fame Authority shall to the maximum extent
9 possible work jointly to realize efficiencies and economies in the operation of their adjacent
10 facilities; to rename the Georgia Music Hall of Fame Authority Overview Committee and
11 provide it with a legislative oversight function with respect to both authorities named above;
12 to provide for related matters; to provide an effective date; to repeal conflicting laws; and for
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to state
17 authorities involved with conservation, natural resources, and cultural activities, is amended
18 by revising Code Section 12-3-562, relating to the Georgia Sports Hall of Fame Authority,
19 and adding a new Code Section 12-3-562.1 as follows:

20 "12-3-562.

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

26 (b)(1) The terms of all members of the authority who are in office on April 30, ~~1998~~
 27 2010, shall terminate on such date, and new members shall be appointed to the authority
 28 for initial terms beginning on May 1, 1998, as specified in this subsection. From May 1,
 29 1998, until January 1, 1999, the authority shall consist of 16 members. Thereafter, the
 30 authority shall consist of 18 members Effective May 1, 2010, the authority shall be under
 31 the governance of new members appointed as provided in paragraph (2) of this
 32 subsection.

33 (2) Members shall be appointed as follows:

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

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

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

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

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

44 (F)(B) Two members shall be appointed by the President of the Senate for initial terms
 45 of office ending on December 31, 2002; and

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

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

50 (3) ~~A successor to each member shall be appointed by the same appointing official as~~
 51 ~~provided in paragraph (2) of this subsection, provided that the Governor shall appoint~~
 52 ~~successors for only two of the members appointed by the Governor with initial terms~~
 53 ~~ending on January 1, 1999. Following the initial terms specified in paragraph (2) of this~~
 54 ~~subsection, the terms of all members shall be four years. The members appointed to take~~
 55 ~~office on May 1, 2010, shall serve until December 31, 2011, and until their respective~~
 56 ~~successors are appointed and qualified. Successors to such members shall be appointed~~
 57 ~~to serve four-year terms of office and until their respective successors are appointed and~~
 58 ~~qualified. A member may be appointed to succeed himself or herself.~~

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

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

66 (d) The members of the authority shall receive for each day that such members are in
67 attendance at a meeting of the authority the same daily expense allowance and
68 reimbursement for transportation costs as provided for members of the General Assembly,
69 as provided for in Code Section 45-7-21; and the members of the authority may be
70 reimbursed from funds of the authority for reasonable mileage expenses incurred in
71 furtherance of official business of the authority. Otherwise, they shall not receive any other
72 compensation for their services as such.

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

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

80 (g) The authority is assigned to the Department of Economic Development for
81 administrative purposes only.

82 (h) The authority shall appoint, with the prior consent of the commissioner of economic
83 development, appropriate staff as needed who shall be experienced and competent in such
84 areas as management, fund raising, and marketing. The staff shall serve at the pleasure of
85 the authority and shall be compensated from funds of the authority in such amount as shall
86 be fixed by the authority.

87 (i) The authority may create and may enter into cooperative agreements with a nonprofit
88 corporation to serve as a foundation to assist with the raising of funds and the generation
89 of revenues for the purposes of the authority.

90 12-3-562.1.

91 The Georgia Sports Hall of Fame Authority and the Georgia Music Hall of Fame Authority
92 shall to the maximum extent possible work jointly to realize efficiencies and economies in
93 the operation of their adjacent facilities. The two authorities shall make all possible efforts
94 to consolidate and coordinate marketing, operational, maintenance, property management
95 and other activities so as to achieve such efficiencies and economies."

96 **SECTION 2.**

97 Said article is further amended by adding a new Code Section 12-3-522.1 to read as follows:

98 "12-3-522.1.

99 The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority
 100 shall to the maximum extent possible work jointly to realize efficiencies and economies in
 101 the operation of their adjacent facilities. The two authorities shall make all possible efforts
 102 to consolidate and coordinate marketing, operational, maintenance, property management
 103 and other activities so as to achieve such efficiencies and economies."

104 **SECTION 3.**

105 Said article is further amended by revising Part 11, relating to the Georgia Music Hall of
 106 Fame Authority Overview Committee, as follows:

107 "12-3-550.

108 There is created as a joint committee of the General Assembly the Georgia ~~Music Hall of~~
 109 Halls of Fame Authority Overview Committee to be composed of five members of the
 110 House of Representatives appointed by the Speaker of the House and five members of the
 111 Senate appointed by the President of the Senate. The members of the committee shall
 112 serve two-year terms concurrent with their terms as members of the General Assembly.
 113 The chairman of the committee shall be appointed by the President of the Senate from the
 114 membership of the committee, and the vice chairman of the committee shall be appointed
 115 by the Speaker of the House of Representatives from the membership of the committee.
 116 The chairman and vice chairman shall serve terms of two years concurrent with their terms
 117 as members of the General Assembly. Vacancies in an appointed member's position or in
 118 the offices of chairman or vice chairman of the committee shall be filled for the unexpired
 119 term in the same manner as the original appointment. The committee shall periodically
 120 inquire into and review the operations of the Georgia Music Hall of Fame Authority and
 121 the Georgia Sports Hall of Fame Authority, as well as periodically review and evaluate the
 122 success with which ~~the~~ each authority is accomplishing its statutory duties and functions
 123 as provided in this ~~part~~ article.

124 12-3-551.

125 The state auditor, the Attorney General, and all other agencies of state government, upon
 126 request by the committee, shall assist the committee in the discharge of its duties as set
 127 forth in this part. The committee may employ not more than two staff members and may
 128 secure the services of independent accountants, engineers, and consultants.

129 12-3-552.

130 The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority
 131 shall cooperate with the committee, its authorized personnel, the Attorney General, the
 132 state auditor, the state accounting officer, and other state agencies in order that the charges
 133 of the committee, set forth in this part, may be timely and efficiently discharged. The Each
 134 authority shall submit to the committee such reports and data as the committee shall
 135 reasonably require of ~~the~~ each authority in order that the committee may adequately
 136 perform its functions. The Attorney General is authorized to bring appropriate legal
 137 actions to enforce any laws specifically or generally relating to the ~~Georgia Music Hall of~~
 138 ~~Fame Authority~~ two authorities. The committee shall, on or before the first day of January
 139 of each year, and at such other times as it deems necessary, submit to the General
 140 Assembly a report of its findings and recommendations based upon the review of the
 141 ~~Georgia Music Hall of Fame Authority~~ two authorities, as set forth in this part.

142 12-3-553.

143 In the discharge of its duties, the committee shall evaluate the performance of the Georgia
 144 Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority consistent
 145 with the following criteria:

- 146 (1) Prudent, legal, and accountable expenditure of public funds;
- 147 (2) Efficient operation; and
- 148 (3) Performance of its statutory responsibilities.

149 12-3-554.

- 150 (a) The committee is authorized to expend state funds available to the committee for the
 151 discharge of its duties. Said funds may be used for the purposes of compensating staff
 152 personnel, paying for services of independent accountants, engineers, and consultants, and
 153 paying all other necessary expenses incurred by the committee in performing its duties.
- 154 (b) The members of the committee shall receive the same compensation, per diem,
 155 expenses, and allowances for their service on the committee as is authorized by law for
 156 members of interim legislative study committees.
- 157 (c) The funds necessary for the purposes of the committee shall come from the funds
 158 appropriated to and available to the legislative branch of government."

159 **SECTION 4.**

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

162

SECTION 5.

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