

Senate Bill 523

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

AS PASSED SENATE

**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 provide for requests for proposals for new locations or alternative ownership,
11 management and operation at the same location; to rename the Georgia Music Hall of Fame
12 Authority Overview Committee and provide it with a legislative oversight function with
13 respect to both authorities named above; to provide for related matters; to provide an
14 effective date; to repeal conflicting laws; and for other purposes.

15 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

16 **SECTION 1.**

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

21 "12-3-562.

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

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

34 (2) Members shall be appointed as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

91 12-3-562.1.

92 The Georgia Sports Hall of Fame Authority and the Georgia Music Hall of Fame Authority
93 shall to the maximum extent possible work jointly to realize efficiencies and economies in
94 the operation of their adjacent facilities. The two authorities shall make all possible efforts
95 to consolidate and coordinate marketing, operational, maintenance, property management
96 and other activities so as to achieve such efficiencies and economies. Not later than
97 December 31, 2010, each such hall of fame authority shall issue a request for proposals for
98 a new location or alternative ownership, management and operation at the same location
99 for the respective hall of fame facility. Such requests for proposals shall be disseminated

100 to each county and municipal governing authority in the state and shall require that any
101 proposal be submitted not later than July 1, 2011. Any county or municipality wherein
102 such a hall of fame authority is located shall be eligible to submit a proposal; and it is the
103 intention of the General Assembly that such a proposal shall be required as a condition for
104 continued state funding support in a current location. Upon receipt of one or more
105 proposals, the hall of fame authority shall conduct a staff review of each proposal received.
106 A primary consideration in the review of the proposals shall be the effect of each proposal
107 on the current and future operating budgets of the authority and self-sustainability of the
108 authority, including a determination of whether cost savings and operational efficiencies
109 can be effected through moving to a new location or alternative ownership, management
110 and operation at the same location as proposed. Upon completion of the staff review, the
111 findings shall be submitted to the governing body of the hall of fame authority. Each hall
112 of fame authority shall not later than November 1, 2011, submit to the Governor, the
113 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
114 of the Senate and House appropriations committees a report detailing the activities of the
115 authority with respect to issuance of the request for proposals, receipt and evaluation of
116 proposals, and the decision of the authority with respect to acceptance of proposals."

117 **SECTION 2.**

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

119 "12-3-522.1.

120 The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority
121 shall to the maximum extent possible work jointly to realize efficiencies and economies in
122 the operation of their adjacent facilities. The two authorities shall make all possible efforts
123 to consolidate and coordinate marketing, operational, maintenance, property management
124 and other activities so as to achieve such efficiencies and economies. Not later than
125 December 31, 2010, each such hall of fame authority shall issue a request for proposals for
126 a new location or alternative ownership, management and operation at the same location
127 for the respective hall of fame facility. Such requests for proposals shall be disseminated
128 to each county and municipal governing authority in the state and shall require that any
129 proposal be submitted not later than July 1, 2011. Any county or municipality wherein
130 such a hall of fame authority is located shall be eligible to submit a proposal; and it is the
131 intention of the General Assembly that such a proposal shall be required as a condition for
132 continued state funding support in a current location. Upon receipt of one or more
133 proposals, the hall of fame authority shall conduct a staff review of each proposal received.
134 A primary consideration in the review of the proposals shall be the effect of each proposal
135 on the current and future operating budgets of the authority and self-sustainability of the

136 authority, including a determination of whether cost savings and operational efficiencies
 137 can be effected through moving to a new location or alternative ownership, management
 138 and operation at the same location as proposed. Upon completion of the staff review, the
 139 findings shall be submitted to the governing body of the hall of fame authority. Each hall
 140 of fame authority shall not later than November 1, 2011, submit to the Governor, the
 141 Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons
 142 of the Senate and House appropriations committees a report detailing the activities of the
 143 authority with respect to issuance of the request for proposals, receipt and evaluation of
 144 proposals, and the decision of the authority with respect to acceptance of proposals."

145 **SECTION 3.**

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

148 "12-3-550.

149 There is created as a joint committee of the General Assembly the Georgia ~~Music Hall of~~
 150 Halls of Fame Authority Overview Committee to be composed of five members of the
 151 House of Representatives appointed by the Speaker of the House and five members of the
 152 Senate appointed by the President of the Senate. The members of the committee shall
 153 serve two-year terms concurrent with their terms as members of the General Assembly.
 154 The chairman of the committee shall be appointed by the President of the Senate from the
 155 membership of the committee, and the vice chairman of the committee shall be appointed
 156 by the Speaker of the House of Representatives from the membership of the committee.
 157 The chairman and vice chairman shall serve terms of two years concurrent with their terms
 158 as members of the General Assembly. Vacancies in an appointed member's position or in
 159 the offices of chairman or vice chairman of the committee shall be filled for the unexpired
 160 term in the same manner as the original appointment. The committee shall periodically
 161 inquire into and review the operations of the Georgia Music Hall of Fame Authority and
 162 the Georgia Sports Hall of Fame Authority, as well as periodically review and evaluate the
 163 success with which ~~the~~ each authority is accomplishing its statutory duties and functions
 164 as provided in this ~~part~~ article.

165 12-3-551.

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

170 12-3-552.

171 The Georgia Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority
 172 shall cooperate with the committee, its authorized personnel, the Attorney General, the
 173 state auditor, the state accounting officer, and other state agencies in order that the charges
 174 of the committee, set forth in this part, may be timely and efficiently discharged. The Each
 175 authority shall submit to the committee such reports and data as the committee shall
 176 reasonably require of ~~the~~ each authority in order that the committee may adequately
 177 perform its functions. The Attorney General is authorized to bring appropriate legal
 178 actions to enforce any laws specifically or generally relating to the ~~Georgia Music Hall of~~
 179 ~~Fame Authority~~ two authorities. The committee shall, on or before the first day of January
 180 of each year, and at such other times as it deems necessary, submit to the General
 181 Assembly a report of its findings and recommendations based upon the review of the
 182 ~~Georgia Music Hall of Fame Authority~~ two authorities, as set forth in this part.

183 12-3-553.

184 In the discharge of its duties, the committee shall evaluate the performance of the Georgia
 185 Music Hall of Fame Authority and the Georgia Sports Hall of Fame Authority consistent
 186 with the following criteria:

187 (1) Prudent, legal, and accountable expenditure of public funds;

188 (2) Efficient operation; and

189 (3) Performance of its statutory responsibilities.

190 12-3-554.

191 (a) The committee is authorized to expend state funds available to the committee for the
 192 discharge of its duties. Said funds may be used for the purposes of compensating staff
 193 personnel, paying for services of independent accountants, engineers, and consultants, and
 194 paying all other necessary expenses incurred by the committee in performing its duties.

195 (b) The members of the committee shall receive the same compensation, per diem,
 196 expenses, and allowances for their service on the committee as is authorized by law for
 197 members of interim legislative study committees.

198 (c) The funds necessary for the purposes of the committee shall come from the funds
 199 appropriated to and available to the legislative branch of government."

200 **SECTION 4.**

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

203 **SECTION 5.**

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