

House Bill 1090

By: Representatives Scott of the 153rd and Roberts of the 154th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks,
2 so as to abolish the Georgia Agrirama Development Authority; to provide that Abraham
3 Baldwin Agricultural College shall be the successor to such authority and shall continue all
4 functions of the authority without interruption; to provide for an assumption of assets and
5 liabilities; to provide for contracts; to provide for employees; to provide for related matters;
6 to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, is
10 amended by revising Article 11, relating to the Georgia Agrirama Development Authority,
11 as follows:

12 "ARTICLE 11

13 12-3-650.

14 As used in this article, the term:

15 (1) 'Authority' means the Georgia Agrirama Development Authority.

16 (2) ~~'Project' means any acquisition, construction, alteration, subdivision, development,~~
17 ~~improvement, or maintenance of an agricultural museum in or around the City of Tifton~~

18 'College' means Abraham Baldwin Agricultural College.

19 ~~12-3-651.~~

20 ~~(a) There is created a body corporate and politic, to be known as the Georgia Agrirama~~
21 ~~Development Authority, which shall be deemed an instrumentality of the State of Georgia~~
22 ~~and a public corporation. By that name, style, and title, such body may contract and be~~

23 ~~contracted with, sue and be sued, implead and be impleaded, and complain and defend in~~
 24 ~~all courts.~~

25 ~~(b) The authority may delegate to one or more of its members or to its agents and~~
 26 ~~employees such powers and duties as it may deem proper.~~

27 ~~(c) The authority shall exist for 99 years.~~

28 ~~(d) The Georgia Agrirama is designated and shall be recognized as the State Museum of~~
 29 ~~Agriculture.~~

30 (a) On and after July 1, 2010, Abraham Baldwin Agricultural College shall be the
 31 successor to and a continuation of the authority and shall continue the mission of
 32 beautifying, improving, developing, maintaining, administering, managing, and promoting
 33 an agricultural museum in or around the City of Tifton

34 (b) The change of governance of the State Museum of Agriculture and its continuation
 35 shall in no way affect any existing obligations, liabilities, or rights as existed on June 30,
 36 2010. All such obligations, liabilities, and rights are transferred to, vested in, and assumed
 37 by the college. All existing contracts and agreements between any party and the authority
 38 shall not be affected by this Code section but shall continue in full force and effect, without
 39 interruption, as contracts or agreements of the college.

40 (c) All right, title, interest, and ownership of all assets of the authority are transferred to
 41 and vested in the college.

42 (d) All employees of the authority shall become employees of the college without
 43 interruption in service.

44 ~~12-3-652.~~

45 ~~All income, revenues, gifts, grants, appropriations, rights, and privileges of value of every~~
 46 ~~nature accruing to the authority shall be used for the sole purpose of beautifying,~~
 47 ~~improving, developing, maintaining, administering, managing, and promoting an~~
 48 ~~agricultural museum in or around the City of Tifton.~~

49 ~~12-3-653.~~

50 ~~The authority is assigned to the Department of Natural Resources for administrative~~
 51 ~~purposes and support services.~~

52 ~~12-3-654.~~

53 ~~(a) The authority shall consist of 15 members as follows:~~

54 ~~(1) The commissioner of the Department of Natural Resources or his or her designee;~~

55 ~~(2) The president of the Georgia Farm Bureau Federation or his or her designee;~~

56 ~~(3) A member of the Public Service Commission to be appointed by the Governor;~~

- 57 ~~(4) The director of the Tourist Division of the Department of Economic Development;~~
 58 ~~(5) The director of the Coastal Plains Experiment Station;~~
 59 ~~(6) A member of the Chamber of Commerce of Tift County to be appointed by the board~~
 60 ~~of directors of that organization;~~
 61 ~~(7) The director of the State Soil and Water Conservation Commission; and~~
 62 ~~(8) Eight members to be appointed by the Governor, two of whom shall be residents of~~
 63 ~~Tift County, and another who shall have a background in public education. The members~~
 64 ~~appointed by the Governor shall be appointed for a term of four years and shall remain~~
 65 ~~in office until the appointment and qualification of their successors. Appointments by the~~
 66 ~~Governor to fill vacancies on the authority shall be for the unexpired term.~~
- 67 ~~(b) The authority shall elect one of its members as chairperson and another as vice~~
 68 ~~chairperson. It shall also elect a secretary and a treasurer who need not be members. The~~
 69 ~~offices of secretary and treasurer may be combined in one person.~~
- 70 ~~(c) The authority may make such bylaws for its government as it deems necessary but is~~
 71 ~~under no duty to do so.~~
- 72 ~~(d) Any eight members of the authority shall constitute a quorum necessary for the~~
 73 ~~transaction of business. A majority vote of those present at any meeting at which there is~~
 74 ~~a quorum shall be sufficient to do and perform any action permitted to the authority by this~~
 75 ~~article. No vacancy on the authority shall impair the right of a quorum to transact any and~~
 76 ~~all such business.~~
- 77 ~~(e) The members of the authority shall receive no compensation for their services, but all~~
 78 ~~members shall be entitled to the expense allowance and travel cost reimbursement provided~~
 79 ~~for members of certain boards and commissions pursuant to Code Section 45-7-21 while~~
 80 ~~in the performance of their duties. Employees of the authority shall receive reasonable~~
 81 ~~compensation for their services, the amount to be determined by the members of the~~
 82 ~~authority.~~
- 83 ~~(f) The Attorney General shall provide legal services for the authority. In connection~~
 84 ~~therewith, Code Sections 45-15-13 through 45-15-16 shall be fully applicable.~~
- 85 ~~12-3-655.~~
- 86 ~~(a) Every member and employee of the authority who knowingly has any direct or indirect~~
 87 ~~interest in any contract to which the authority is or is about to become a party or in any~~
 88 ~~other business of the authority or in any firm or corporation doing business with the~~
 89 ~~authority shall make full disclosure of such interest to the authority. Failure to disclose~~
 90 ~~such an interest shall constitute cause for which an authority member may be removed or~~
 91 ~~an employee discharged or otherwise disciplined, at the discretion of the authority.~~

92 ~~(b) Any contract or transaction of the authority involving a conflict of interest not~~
 93 ~~disclosed under subsection (a) of this Code section or involving a violation of any other~~
 94 ~~provision of law applicable to the authority and its members, officers, or employees and~~
 95 ~~regulating conflicts of interest shall be voidable by the authority.~~

96 ~~12-3-656.~~

97 ~~(a) The members of the authority shall be accountable in all respects as trustees.~~

98 ~~(b) The authority shall keep suitable and proper books and records of all receipts, income,~~
 99 ~~and expenditures of every kind and shall submit for inspection all of such books, together~~
 100 ~~with a proper statement of the authority's financial position, on or about December 31 of~~
 101 ~~each year, to the state auditor.~~

102 ~~12-3-657.~~

103 ~~The authority shall have the power:~~

104 ~~(1) To have a seal and alter it at pleasure;~~

105 ~~(2) To acquire, hold, and dispose of personal property for its corporate purposes;~~

106 ~~(3) To appoint a director and select officers, agents, and employees, including~~
 107 ~~engineering, architectural, and construction experts, and to fix their compensation;~~

108 ~~(4) To make contracts and to execute all instruments necessary or convenient, including~~
 109 ~~contracts for construction of projects or contracts with respect to the leasing or use of~~
 110 ~~projects which it causes to be subdivided, erected, or acquired;~~

111 ~~(5) To plan, survey, subdivide, improve, administer, construct, erect, acquire, own,~~
 112 ~~repair, remodel, maintain, add to, extend, improve, equip, operate, and manage projects,~~
 113 ~~as defined in Code Section 12-3-650, to be located on property owned or leased by the~~
 114 ~~authority; the cost of any such project shall be paid from its income, from any grant from~~
 115 ~~the United States government or any agency or instrumentality thereof or from this state;~~

116 ~~(6) To accept loans or grants, or both, of money, materials, or property of any kind from~~
 117 ~~the United States government or any agency or instrumentality thereof, upon such terms~~
 118 ~~and conditions as the United States government or such agency or instrumentality may~~
 119 ~~impose;~~

120 ~~(7) To exercise any power usually possessed by private corporations performing similar~~
 121 ~~functions which is not in conflict with the Constitution and laws of this state;~~

122 ~~(8) To do all things necessary or convenient to carry out the powers expressly given in~~
 123 ~~this article;~~

124 ~~(9) To act as agent for the United States government or any agency, department,~~
 125 ~~corporation, or instrumentality thereof in any manner within the purposes or powers of~~
 126 ~~the authority;~~

127 ~~(10) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the~~
 128 ~~manner in which its business may be transacted and in which the power granted to it may~~
 129 ~~be enjoyed, as the authority may deem necessary or expedient in facilitating its business;~~
 130 ~~(11) To do any and all other acts and things authorized or required to be done by this~~
 131 ~~article, whether or not included in the general powers mentioned in this Code section;~~
 132 ~~(12) To receive gifts, donations, or contributions from any person, firm, or corporation~~
 133 ~~or from any county, municipal, or local governing body;~~
 134 ~~(13) To hold, use, administer, and expend such sum or sums as may hereafter be received~~
 135 ~~as income or gifts or as may be appropriated by authority of the General Assembly for~~
 136 ~~any of the purposes of this authority;~~
 137 ~~(14) To acquire, lease as lessee, purchase, hold, own, and use any franchise or real or~~
 138 ~~personal property, whether tangible or intangible, or any interest therein and, whenever~~
 139 ~~the same is no longer required for purposes of the authority, to sell, lease as lessor,~~
 140 ~~transfer, or dispose thereof or to exchange the same for other property or rights which are~~
 141 ~~useful for its purposes;~~
 142 ~~(15) To fix, alter, charge, and collect fares, rates, rentals, and other charges for its~~
 143 ~~facilities and for admission to the museum at reasonable rates to be determined~~
 144 ~~exclusively by the authority;~~
 145 ~~(16) To invest and reinvest any or all idle funds or moneys, including, but not limited to,~~
 146 ~~contributions, gifts, or grants, which cannot be immediately used for the purpose for~~
 147 ~~which received in any security or securities which are legal investments for executors or~~
 148 ~~trustees, provided that such investments in such securities will, at all times, be held for~~
 149 ~~and, when sold, used for the purposes for which the money was originally received; and~~
 150 ~~(17) To take or damage by condemnation property in Tift County, whether the property~~
 151 ~~is held privately or held by a private or public service corporation, for the public purposes~~
 152 ~~of the authority, upon paying or tendering to the owner thereof just and adequate~~
 153 ~~compensation. Condemnation proceedings by the authority shall take the form provided~~
 154 ~~in Chapter 1 of Title 22 and Articles 1 and 2 of Chapter 2 of Title 22 or the form provided~~
 155 ~~in Article 3 of Chapter 2 of Title 22. The method used shall be the one which, in the~~
 156 ~~opinion of the authority, will result in a quick and effective adjudication of the just and~~
 157 ~~adequate compensation to be paid to the owner or owners of the property taken.~~

158 ~~12-3-658.~~

159 ~~It is found, determined, and declared that the creation of the authority and the carrying out~~
 160 ~~of its corporate purposes are in all respects for the benefit of the people of this state and~~
 161 ~~constitute a public purpose and that the authority will be performing an essential~~
 162 ~~governmental function in the exercise of the power conferred upon it by this article. The~~

163 ~~authority shall be required to pay no taxes or assessments upon any of the property~~
 164 ~~acquired by it or under its jurisdiction, control, possession, or supervision or upon its~~
 165 ~~activities in the operation or maintenance of the facilities erected, maintained, or acquired~~
 166 ~~by it nor upon any fees, rentals, or other charges for the use of such facilities or other~~
 167 ~~income received by the authority.~~

168 ~~12-3-659.~~

169 ~~The authority is empowered to exercise such of the police powers of the state as may be~~
 170 ~~necessary to maintain peace and order and to enforce any and all restrictions upon its~~
 171 ~~properties and facilities, to the extent that such is lawful under the laws of the United States~~
 172 ~~and this state; however, the authority may delegate all or any part of the performance of~~
 173 ~~this function for a time or permanently to the state or to the county in which the museum~~
 174 ~~is located.~~

175 ~~12-3-660.~~

176 ~~It is found, determined, and declared that the consideration paid and given and to be paid~~
 177 ~~and given to this state by the authority for its leasehold and privileges thereunder is good,~~
 178 ~~valuable, and sufficient consideration therefor and that this action on the part of the~~
 179 ~~authority and the state is in the interest of the public welfare of the state and its citizens.~~

180 ~~12-3-661.~~

181 ~~Any action to protect or enforce any rights under this article shall be brought in the~~
 182 ~~Superior Court of Fulton County, which shall have exclusive original jurisdiction of such~~
 183 ~~actions."~~

184 **SECTION 2.**

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