

Senate Bill 411

By: Senators Grant of the 25th, Mullis of the 53rd, Hamrick of the 30th, Williams of the 19th, Goggans of the 7th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated,
2 relating to general provisions relative to sheriffs, so as to create the Georgia Sheriffs'
3 Cooperative Authority as a body corporate and politic, an instrumentality of the state, and
4 a public corporation; to provide a definition; to provide for the purposes of the authority; to
5 provide for the membership of the authority; to provide for terms of the members; to provide
6 for the administration of the authority; to provide for the powers of the authority; to provide
7 for tax exempt status of the authority; to provide for jurisdiction of actions brought against
8 the authority; to provide that moneys received by the authority shall be held as trust funds;
9 to provide for liberal construction; to provide for related matters; to provide for the filing of
10 proposed charges; to provide for 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 Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to
15 general provisions relative to sheriffs, is amended by adding a new Code section to read as
16 follows:

17 "15-16-29.

18 (a)(1) There is established the Georgia Sheriffs' Cooperative Authority as a body
19 corporate and politic, an instrumentality of the state, and a public corporation; and by that
20 name, the authority may contract and be contracted with and bring and defend actions.

21 (2) As used in this Code section, the term 'authority' means the Georgia Sheriffs'
22 Cooperative Authority.

23 (3) The purpose of the authority shall be to provide a cooperative for the development,
24 acquisition, and distribution of record management systems, information, public safety
25 related data bases, electronic monitoring of inmates and probationers, services, supplies,
26 and materials for sheriffs of this state, on such terms and conditions as may be determined

27 to be in the best interests of the operation of the office of the sheriff, local government,
28 and the state, in light of the following factors:

29 (A) The public interest in providing cost-efficient access to record management
30 systems, information, services, supplies, and materials and a pool which will provide
31 related resources and uniformity;

32 (B) Cost savings to local government and the state through efficiency in the provision
33 of record management systems, information, public safety related data bases, electronic
34 monitoring of inmates and probationers, services, supplies, and materials;

35 (C) Fair and adequate compensation to local governments for costs incurred in the
36 operation of the offices of sheriffs; and

37 (D) Such other factors as are in the public interest and welfare.

38 The authority shall be the sole owner of information compiled or developed through any
39 function performed or any program or system administered by, or on behalf of, the
40 authority.

41 (b) The authority shall consist of seven members as follows:

42 (1) Two members appointed by the president of the Georgia Sheriffs' Association to
43 serve for a term of one year each and until their respective successors are appointed;

44 (2) Two members appointed by the executive board of the Georgia Sheriffs' Association
45 to serve for a term of two years each and until their respective successors are appointed;

46 (3) One member appointed by the executive board of the Association County
47 Commissioners of Georgia to serve for a term of three years and until such member's
48 respective successor is appointed; and

49 (4) Two members appointed by the Governor to serve for a term of three years each and
50 until their respective successors are appointed.

51 After the initial appointments, all members thereafter shall serve for terms of three years
52 each.

53 (c) Each member of the authority who is not otherwise a state officer or employee may be
54 authorized by the authority to receive an expense allowance and reimbursement from funds
55 of the authority in the same manner as provided for in Code Section 45-7-21. Each member
56 of the authority who is otherwise a state officer or employee may be reimbursed by the
57 agency of which he or she is an officer or employee for expenses actually incurred in the
58 performance of his or her duties as a member of the authority. Except as specifically
59 provided in this subsection, members of the authority shall receive no compensation for
60 their services.

61 (d) Four members of the authority shall constitute a quorum, and the affirmative votes of
62 four members of the authority shall be required for any action to be taken by the authority.

63 (e) The authority may, in its discretion, appoint an executive director as the administrative
64 head of the authority and shall set his or her salary. The executive director, with the
65 concurrence and approval of the authority, shall hire officers, agents, and employees;
66 prescribe their duties, responsibilities, and qualifications and set their salaries; and perform
67 such other duties as may be prescribed by the authority. Such officers, agents, and
68 employees shall serve at the pleasure of the executive director.

69 (f) The authority may promulgate rules and regulations for its own government and for
70 discharging its duties as may be permitted or required by law or applicable rules and
71 regulations.

72 (g) The authority shall have perpetual existence.

73 (h) The Attorney General shall provide legal services for the authority in the same manner
74 provided for in Code Sections 45-15-13 through 45-15-16.

75 (i) The authority shall have the following powers:

76 (1) To have a seal and alter the same at its pleasure;

77 (2) To make and execute contracts, lease agreements, and all other instruments necessary
78 or convenient to exercise the powers of the authority or to further the public purpose for
79 which the authority is created;

80 (3) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real or
81 personal property of every kind and character, or any interest therein, in furtherance of
82 the public purpose of the authority;

83 (4) To apply for and to accept any gifts or grants or loan guarantees or loans of funds or
84 property or financial or other aid in any form from the federal government or any agency
85 or instrumentality thereof, or from the state or any agency or instrumentality thereof, or
86 from any other source for any or all of the purposes specified in this Code section and to
87 comply, subject to the provisions of this Code section, with the terms and conditions
88 thereof;

89 (5) To contract with state agencies or any local government for the use by the authority
90 of any property, facilities, or services of the state or any such state agency or local
91 government or for the use by any state agency or local government of any facilities or
92 services of the authority; and such state agencies and local governments shall be
93 authorized to enter into such contracts;

94 (6) To fix and collect fees and charges for data, media, and other services furnished by
95 it to any individual or private entity; provided, however, that a schedule of proposed fees
96 and charges shall be filed with the Clerk of the House of Representatives and the
97 Secretary of the Senate by January 2, 2013, and annually thereafter for such action as the
98 General Assembly may desire to take thereon, if any;

99 (7) To deposit or otherwise invest funds held by it in any state depository or in any
 100 investment which is authorized for the investment of proceeds of state general obligation
 101 bonds and to use for its corporate purposes or redeposit or reinvest interest earned on
 102 such funds;

103 (8) To exercise any power granted by the laws of this state to public or private
 104 corporations which is not in conflict with the public purpose of the authority; and

105 (9) To do all things necessary or convenient to carry out the powers conferred by this
 106 Code section and to carry out such duties and activities as are specifically imposed upon
 107 the authority by law.

108 (j) The creation of the authority and the carrying out of its corporate purposes are in all
 109 respects for the benefit of the people of this state and are public purposes, and in no event
 110 shall the authority assess a fee against a sheriff's office or local government of this state for
 111 access to the information compiled by the authority. The authority shall perform an
 112 essential government function in the exercise of the powers conferred upon it by this Code
 113 section. The authority shall not be required to pay taxes or assessments upon any property
 114 acquired or under its jurisdiction, control, possession, or supervision.

115 (k) Any action against the authority shall be brought in the superior court of the county in
 116 which its primary office is situated, and such court shall have exclusive, original
 117 jurisdiction of such actions; provided, however, that actions seeking equitable relief may
 118 be brought in the county of residence of any member of the authority.

119 (l) All money received by the authority pursuant to this Code section shall be deemed to
 120 be trust funds to be held and applied solely as provided in this Code section.

121 (m) The provisions of this Code section shall be deemed to provide an additional and
 122 alternative method for doing things authorized by this Code section and shall be regarded
 123 as supplemental and additional to powers conferred by the Constitution and laws of the
 124 State of Georgia and shall not be regarded as in derogation of any powers now existing.

125 (n) This Code section, being for the welfare of this state and its residents, shall be liberally
 126 construed to effect the purposes thereof."

127 **SECTION 2.**

128 On or before January 2, 2013, the Georgia Sheriffs' Cooperative Authority shall file with the
 129 Clerk of the House of Representatives and the Secretary of the Senate a schedule of proposed
 130 charges for information and services to be furnished.

131 **SECTION 3.**

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

134

SECTION 4.

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