

The Senate Economic Development Committee offered the following substitute to SB 177:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the
2 Department of Economic Development, so as to change the membership of the Georgia
3 Tourism Foundation; to provide for related matters; to repeal conflicting laws; and for other
4 purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

6 Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the Department
7 of Economic Development, is amended by revising subsection (e) of Code Section 50-7-17,
8 relating to tourism marketing program and tourism foundation, as follows:
9

10 "(e) **Georgia Tourism Foundation.**

11 (1) **Establishment.** There is hereby established the Georgia Tourism Foundation,
12 existing as a public corporation and instrumentality of the state, exclusively limited to the
13 following charitable and public purposes and powers:

14 (A) To solicit and accept contributions of money and in-kind contributions of services
15 and property for the State-wide Tourism Marketing Program;

16 (B) To make and disburse contributions to the department for such purposes;

17 (C) To seek recognition of tax exempt status by the United States Internal Revenue
18 Service and to seek confirmation concerning the deductibility of contributions;

19 (D) To formulate recommendations for the State-wide Tourism Marketing Program;

20 (E) Subject to approval of the Governor, to create subsidiaries with like character and
21 powers but with limited missions keyed to particular component programs and activities
22 of the department's State-wide Tourism Marketing Program; and

23 (F) To provide for additional officers and governance through bylaws which are
24 consistent with the goals of lessening the government burden in promoting tourism,
25 establishing and maintaining tax exempt status, and soliciting deductible contributions.

26 (2) **Members.** The governance of the Georgia Tourism Foundation shall be in members,
 27 consisting of: not less than nine nor more than 20 members, appointed by the Governor.
 28 Members shall always include at least three members of the Board of Economic
 29 Development, together with such other members as appointed by the Governor. Service
 30 by a member of the Board of Economic Development as a member of the Georgia
 31 Tourism Foundation shall not constitute a conflict of interest. A member of the Georgia
 32 Tourism Foundation who is a member of the Board of Development shall serve as the
 33 chairperson of the Georgia Tourism Foundation and shall be elected by the members of
 34 the Georgia Tourism Foundation. In no event shall members of the Board of Economic
 35 Development comprise more than one-third of the members of the Georgia Tourism
 36 Foundation. The Georgia Tourism Foundation shall be authorized to fix the precise
 37 number of members, within the minimum and maximum numbers, by resolution adopted
 38 from time to time at a meeting of the Georgia Tourism Foundation by a majority of all
 39 the members of the Georgia Tourism Foundation. No member shall be individually liable
 40 for the acts or omissions to act by the foundation.

41 ~~(A) The commissioner of economic development, who will be chairperson;~~

42 ~~(B) The commissioner of natural resources;~~

43 ~~(C) Each of the executive directors of the Jekyll Island State Park Authority, Stone~~
 44 ~~Mountain Memorial Association, Lake Lanier Islands Authority, Agricultural~~
 45 ~~Exposition Authority, North Georgia Mountains Authority, and Southwest Georgia~~
 46 ~~Railroad Excursion Authority;~~

47 ~~(D) One representative each from the Aviation, Music, Sports, and Golf Halls of Fame;~~
 48 ~~and~~

49 ~~(E) Additional private members appointed by the Governor under foundation bylaws.~~
 50 ~~The chairpersons of the Senate Economic Development Committee and the House~~
 51 ~~Economic Development and Tourism Committee shall serve as ex officio nonvoting~~
 52 ~~members of the foundation.~~

53 (3) **Administration.** The Georgia Tourism Foundation ~~will~~ shall be attached to the
 54 department for administrative purposes. The Attorney General ~~will~~ shall be the attorney
 55 for the foundation. The department may solicit and accept contributions from the
 56 foundation and authorize agencies to do so. The department may cooperate and contract
 57 with the foundation for their mutual benefit and authorize agencies to do so. Upon any
 58 dissolution of the foundation, its assets will devolve in trust to the department or its
 59 successor for use only for marketing to promote tourism for Georgia.

60 (4) **Public purpose.** The creation of the Georgia Tourism Foundation and the carrying
 61 out of its corporate purposes are in all respects for the benefit of the people of this state
 62 and constitute a public and charitable purpose. Further, the foundation will be

63 performing an essential governmental function in the exercise of the powers conferred
64 upon it by this Code section. Accordingly, the foundation shall not be subject to taxation
65 or assessment in any manner, including without limitation taxation or assessment upon
66 any transaction, income, money, or other property or activity. The exemptions granted
67 in this Code section ~~may~~ shall not be extended to any private person or entity."

68

SECTION 2.

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