

The House Committee on Economic Development and Tourism offers the following substitute to SB 177:

A BILL TO BE ENTITLED
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to
9 general provisions relative to the Department of Economic Development, is amended by
10 revising subsection (e) of Code Section 50-7-17, relating to tourism marketing program and
11 tourism foundation, as follows:

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

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

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

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

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

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

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

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

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

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

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

48 ~~(C) Each of the executive directors of the Jekyll Island-State Park Authority, Stone~~
 49 ~~Mountain Memorial Association, Lake Lanier Islands Authority, Agricultural~~
 50 ~~Exposition Authority, North Georgia Mountains Authority, and Southwest Georgia~~
 51 ~~Railroad Excursion Authority;~~

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

54 ~~(E) Additional private members appointed by the Governor under foundation bylaws.~~
 55 ~~The chairpersons of the Senate Economic Development Committee and the House~~
 56 ~~Economic Development and Tourism Committee shall serve as ex officio nonvoting~~
 57 ~~members of the foundation.~~

58 (3) **Administration.** The Georgia Tourism Foundation ~~will~~ shall be attached to the
 59 department for administrative purposes. The Attorney General ~~will~~ shall be the attorney
 60 for the foundation. The department may solicit and accept contributions from the
 61 foundation and authorize agencies to do so. The department may cooperate and contract

62 with the foundation for their mutual benefit and authorize agencies to do so. Upon any
63 dissolution of the foundation, its assets will devolve in trust to the department or its
64 successor for use only for marketing to promote tourism for Georgia.

65 (4) **Public purpose.** The creation of the Georgia Tourism Foundation and the carrying
66 out of its corporate purposes are in all respects for the benefit of the people of this state
67 and constitute a public and charitable purpose. Further, the foundation will be
68 performing an essential governmental function in the exercise of the powers conferred
69 upon it by this Code section. Accordingly, the foundation shall not be subject to taxation
70 or assessment in any manner, including without limitation taxation or assessment upon
71 any transaction, income, money, or other property or activity. The exemptions granted
72 in this Code section ~~may~~ shall not be extended to any private person or entity."

73 **SECTION 2.**

74 Said article is further amended by adding a new Code section to read as follows:

75 "50-7-11.1.

76 In the event the board accepts grants and gifts from the federal government pursuant to
77 Code Section 50-7-10, the board shall also have the authority to administer and disperse
78 those funds for any and all purposes of this article in a manner consistent with the terms
79 of the grant or gift and other applicable laws, the provisions of Code Section 50-7-11
80 notwithstanding."

81 **SECTION 3.**

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