Senate Bill 531

By: Senators Seabaugh of the 28th, Mullis of the 53rd and Meyer von Bremen of the 12th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

To amend Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relating to the Department of Industry, Trade, and Tourism, so as to authorize the Department of Industry, Trade, and Tourism to acquire personal property with no mandatory requirement that the department proceed through the Department of Administrative Services; to provide for certain other procedures, conditions, qualifications, limitations, and restrictions; to provide for certain exemptions from Chapter 13 of Title 50, the "Georgia Administrative Procedure Act"; to provide that the Governor shall have the authority to direct the Department of Industry, Trade, and Tourism to acquire real property and construct, operate, and maintain certain projects in the development of commerce and trade; to define certain terms; to provide that the department may enter into lease and rental agreements, with the approval of the State Properties Commission, in furtherance of such goals; to provide that the department shall not convey an estate in any such property without approval; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relating to the Department of Industry, Trade, and Tourism, is amended by striking Code Section 50-7-8, relating to additional duties and powers of the board, and inserting in its place the following:

"50-7-8.

The board shall also have the following duties and powers:

(1) To conduct and make such surveys and investigations, to gather and compile such information, and to make and prepare such reports, plans, and maps as may be necessary or proper effectually to discharge the duties and exercise the powers of the board enumerated in this article;

(2) To engage in and promote and encourage research designed to further new and more extensive uses of the agricultural and natural resources or other products or resources of the state and designed to develop new products and industrial processes;

(3) To study trends and developments in business, industry, and agriculture in the state and analyze such trends and developments and the reasons therefor; to study costs and other factors underlying the successful operation of businesses and industries in the state; and to make recommendations regarding circumstances promoting or hampering industrial or agricultural development;

(4) To collect, compile, and publish periodically a census of business and industry in the state with the cooperation of other agencies, and to analyze and publish information relating to current conditions of business, industry, and agriculture in the state;

(5) To compile, publish, and make available for distribution to interested persons the results of any and all studies, surveys, and investigations; any and all information gathered; and any and all reports made and plans and maps prepared;

(6) To coordinate any of its activities, efforts, or functions with those of any other agency or agencies of the federal government, this state, other states, and local governments having duties, powers, or functions similar to those of the board, and to cooperate, counsel, and advise with such agencies;

(7) To cooperate, counsel, and advise with and to encourage and promote coordination in the efforts of other organizations or groups within the state, public or private, engaged in publicizing the advantages, attractions, or resources of the state;

(8) To cooperate, counsel, and advise with municipal, county, regional, or other local planning agencies in the state for the purpose of promoting coordination between the state and localities as to plans, policies, development of commerce, industry, or agriculture, publicity, and other related activities and functions;

(9) To receive gifts, donations, or contributions from any person, firm, or corporation in furtherance of the services, purposes, duties, responsibilities, or functions vested in the board;

(10) To authorize the Department of Industry, Trade, and Tourism in accordance with all applicable state laws to contract and make cooperative agreements, contracts, and rental agreements with the United States government; any county, municipality, or local government or any combination thereof; any public or private corporation or firm; any persons whatsoever; or any public authority, agency, commission, or institution, including agencies of state government for any of the services, purposes, duties, responsibilities, or functions vested in the board; and

(11) To authorize the Department of Industry, Trade, and Tourism to participate with public and private groups, organizations, and businesses in joint advertising and

promotional projects that promote the economic and tourist development of the State of Georgia and make efficient use of state appropriated advertising and promotional funds. In connection with such projects, the department may receive supplies, materials, equipment, services, and other personal property and intangible benefits. It may also issue licenses to others for the use of property in its custody or control, including intellectual property and other personal property, but may not become a joint owner. In acquisitions under this subsection, the department shall be exempt from the provisions of Chapter 5 of this title. By way of illustration and not limitation, the department may allow the use of its logo in advertising and on uniforms provided by cooperating entities for wear by department employees. The board shall adopt and amend its policies, regulations, rules, and procedures as necessary to implement this provision and shall not be subject to Chapter 13 of this title, the 'Georgia Administrative Procedure Act,' in doing so.″

SECTION 2.

Said article is further amended by inserting at the end thereof the following:

″50-7-16.

(a) As used in this Code section, the term:

(1) 'Acquire' means the obtaining of a fee simple interest in real property by any method including, but not limited to, gift, purchase, condemnation, devise, court order, and exchange.

(2) 'Lease' means a written instrument under the terms and conditions of which one party out of its own estate grants and conveys to another party or parties an estate for years retaining a reversion in itself after such grant and conveyance.

(3) 'Person' means any individual; general or limited partnership; joint venture; firm; private, public, or public service corporation; association; authority; fiduciary; governmental body, instrumentality, or other organization of the state; county of the state; municipal corporation of the state; political subdivision of the state; governmental subdivision of the state; and any other legal entity doing business in the state.

(4) 'Project' means a facility to be used in conjunction with trade, commerce, industry, manufacturing, or tourism in the state.

(5) 'Rental agreement' means a written instrument the terms and conditions of which create the relationship of landlord and tenant. Under such relationship no estate passes out of the landlord and the tenant has only usufruct.

(b) The Department of Industry, Trade, and Tourism is authorized to acquire real property and to construct, operate, and maintain such projects as are beneficial to the development of industry, trade, and tourism and to create economic and employment opportunities in the

state. The department is authorized, with the approval of the State Properties Commission, to enter into agreements to lease, rent, or convey the real property of any such project with any person in order to accomplish such goals and upon such other terms and conditions as the department may determine to be necessary or convenient for such substantial public benefit and such consideration as may be determined by the department to be fair and equitable to the state under all the circumstances in accordance with the provisions of Article III, Section VI, Paragraph VI of the Constitution of Georgia, relating to gratuities. Subject to such principles, any such lease or rental agreement may be for and in consideration of a minimum of $1.00 annually for each calendar year or portion thereof paid in kind to the Office of Treasury and Fiscal Services and may arrange for the conveyance of such land for a fixed price, provided that such property be held, constructed, operated, maintained, expanded, or improved by the grantee and its successors and assigns consonant with the purposes of the project and other requirements of the department.″

SECTION 3.

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

SECTION 4.

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