

House Bill 326

By: Representative Stephens of the 164<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 4 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated,  
2 relating to the Georgia International and Maritime Trade Center, so as to reconstitute the  
3 Georgia International and Maritime Trade Center Authority; to provide for legislative  
4 findings; to provide for definitions; to provide for its membership, manner of appointment,  
5 terms of office, and powers and duties; to provide for exemption from taxation; to provide  
6 for venue; to provide for disposition of property; to exempt its property from levy and sale;  
7 to transfer certain assets and liabilities; to authorize the Department of Economic  
8 Development to contract with the authority for certain projects; to repeal certain laws; to  
9 provide for related matters; to provide for effective dates; to repeal conflicting laws; and for  
10 other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 4 of Chapter 7 of Title 50 of the Official Code of Georgia Annotated, relating to the  
14 Georgia International and Maritime Trade Center, is amended by revising the article as  
15 follows:

16 style="text-align:center">"ARTICLE 4

17 style="text-align:center">Part 1

18 50-7-50.

19 ~~For purposes of this Code section the following definitions shall apply~~ As used in this  
20 article, the term:

21 (1) 'Authority' means the Georgia International and Maritime Trade Center Authority  
22 created by Part 2 of this article.

23 ~~(1)(2)~~ (2) 'Department' means the Department of Economic Development.

24 ~~(2) 'Local government' means, individually or in combination, the City of Savannah,~~  
25 ~~Chatham County, or any development authority of either or both.~~

26 (3) 'Project' means a comprehensive convention and trade center, suitable for  
 27 multipurpose use for housing trade shows; conventions; cultural, political, musical,  
 28 educational, entertainment, athletic, or other events; for displaying exhibits of Georgia's  
 29 counties, municipalities, industries, and attractions; and for promoting the maritime,  
 30 transportation, coastal, agricultural, historical, natural, and recreational resources of the  
 31 State of Georgia, including all facilities necessary or convenient to such purpose,  
 32 regardless of whether such facilities are contiguous, including, by way of illustration and  
 33 not limitation, the following facilities: exhibit halls; auditoriums; theaters; restaurants and  
 34 other facilities for the purveying of foods, beverages, publications, souvenirs, novelties,  
 35 and goods and services of all kinds, whether operated or purveyed directly or indirectly  
 36 through concessionaires, licensees or lessees, or otherwise; parking facilities and parking  
 37 areas in connection therewith; meeting room facilities, including meeting rooms  
 38 providing for simultaneous translation capabilities for several languages; related lands,  
 39 buildings, structures, fixtures, equipment, and personalty appurtenant or convenient to the  
 40 foregoing; and extension, addition, and improvement of such facilities.

41 50-7-51.

42 (a)(1) The department is authorized to acquire, construct, operate, maintain, expand, and  
 43 improve a project for the purpose of promoting trade, commerce, industry, and  
 44 employment opportunities within this state for the public good and general welfare and,  
 45 without limitation of the foregoing, with the approval of the State Properties Commission,  
 46 to acquire land for such purposes.

47 (2) The department may pay the costs of such project from any lawful fund source  
 48 available for the purpose, including without limitation, where applicable, funds received  
 49 by appropriation, proceeds of general obligation debt, funds of ~~local government~~ the  
 50 authority, grants of the United States or any agency or instrumentality thereof, gifts, and  
 51 otherwise.

52 (3) The project shall be located in Chatham County, Georgia, and shall be known as the  
 53 'Georgia International and Maritime Trade Center,' except that any facility included  
 54 within the project may be otherwise designated.

55 (b) ~~A local government~~ The authority and the department are both authorized to contract  
 56 with one another whereby ~~local government~~ the authority may exercise on behalf of the  
 57 department such future responsibility in connection with the construction, operation,  
 58 management, and maintenance of the project as is now or may be vested in the department;  
 59 and the department is authorized by such contract to delegate to the ~~local government~~  
 60 authority corresponding responsibilities and powers with respect to the project and to  
 61 transfer to the ~~local government~~ authority any and all contracts, plans, documents, or other

62 papers of said department relating to the project, as compensation to the ~~local government~~  
 63 authority under such contract. To the extent provided by such contract with the  
 64 department, ~~local government~~ the authority on behalf of the department shall acquire, plan,  
 65 construct, erect, repair, remodel, maintain, add to, extend, improve, equip, operate, and  
 66 manage the project.

67 (c) Without limiting the generality of any provision of this article, the general purpose of  
 68 the ~~local government~~ authority is declared to be that of acquiring, constructing, equipping,  
 69 maintaining, and operating the project, in whole or in part, directly or under contract with  
 70 the department and engaging in such other activities as it deems appropriate to promote  
 71 trade shows, conventions, and political, musical, educational, entertainment, recreational,  
 72 athletic, or other events and related tourism within the state so as to promote the use of the  
 73 project and the use of the industrial, maritime, agricultural, educational, historical, cultural,  
 74 recreational, commercial, and natural resources of the State of Georgia by those using the  
 75 project or visiting the state.

76 (d) The department shall have the authority with the approval of the State Properties  
 77 Commission to lease any improved or unimproved land or other property acquired by it  
 78 under this Code section to ~~local government~~ the authority for a term not to exceed 50 years  
 79 but upon such other terms and conditions as the department may determine necessary or  
 80 convenient. Any such lease may be for and in consideration of \$1.00 annually for each  
 81 calendar year or portion thereof paid in kind to and receipted for by the Office of the State  
 82 Treasurer and in further consideration that such property be held, constructed, operated,  
 83 maintained, expanded, or improved for the purposes for which the department was  
 84 authorized to acquire such property. It is determined that such consideration is good and  
 85 valuable and sufficient consideration for such lease and in the interest of the public welfare  
 86 of the State of Georgia and its citizens.

87 Part 2

88 50-7-55.

89 (a) It is declared that there exists in this state, a need for a state public authority to operate  
 90 the Georgia International and Maritime Trade Center project for the purpose of developing  
 91 and promoting for the public good, the growth of the state's import and export markets  
 92 through its ports and other transportation modes and to facilitate economic growth, public  
 93 welfare, education, and recreation for the people of the state, and without limiting the  
 94 powers granted to the authority by this part, the creation of the authority shall be and is  
 95 declared to be for public and governmental purposes, that is, for the promotion of the  
 96 public general welfare in matters of economic growth, import and export, public welfare,

97 education, and recreation, and in an effort to better the general condition of the people of  
98 the state.

99 (b) As used in this part, the term:

100 (1) 'Authority' means the Georgia International and Maritime Trade Center Authority  
101 created by this part.

102 (2) 'Project' or 'undertaking' shall be deemed to mean and include buildings and facilities  
103 to be used for trade shows, conferences, amusements, or educational purposes and for  
104 fairs, expositions, exhibitions, or marketing in connection therewith, together with all  
105 other undertakings which may be acquired, constructed, equipped, maintained, or  
106 operated by public authorities.

107 (c) There is created a body corporate and politic to be known as the Georgia International  
108 and Maritime Trade Center Authority, which shall be deemed to be a public corporation  
109 by that name, style, and title and such body may contract and be contracted with, sue and  
110 be sued, implead and be impleaded, and complain and defend in all courts of law and  
111 equity. The authority shall not be a state institution nor a department or agency of the state,  
112 but shall be an instrumentality of the state, a mere creation of the state, having a distinct  
113 corporate entity. The authority shall have its principal office in Chatham County, and its  
114 legal situs or residence for the purposes of this part shall be Chatham County. It is found,  
115 determined, and declared that the creation of the authority and the carrying out of its  
116 corporate purpose are in all respects for the benefit of the people of this state and constitute  
117 a public purpose and that the authority will be performing an essential governmental  
118 function in the exercise of the power conferred upon it by this part. This state covenants  
119 with the holders of any bonds issued by the authority that the authority shall be required  
120 to pay no taxes or assessments upon any of the property acquired or leased by it, or under  
121 its jurisdiction, control, possession, or supervision, or upon its activities in the operation  
122 or maintenance of the buildings erected or acquired by it, or upon any fees, rentals, or other  
123 charges received by the authority for the use of such buildings, or upon other income  
124 received by the authority and that the authority shall be exempt from all sales and use taxes.  
125 Further, this state covenants that bonds of the authority, their transfer, and the income  
126 therefrom shall at all times be exempt from all taxation within the state.

127 (d)(1) The authority shall consist of the following membership:

128 (A) One member shall be appointed by each member of the Georgia General Assembly  
129 representing a portion of Chatham County, each of whom shall have a vote;

130 (B) One member shall be the county manager of Chatham County, who shall serve ex  
131 officio and shall have a vote;

132 (C) One member shall be the city manager of the City of Savannah, who shall serve ex  
133 officio and shall have a vote;

134 (D) The president of the Savannah Economic Development Authority, who shall serve  
135 ex officio and shall have a vote; and

136 (E) The president of the Savannah Area Convention and Visitors' Bureau, who shall  
137 serve ex officio and shall have a vote.

138 (2) Except for the ex officio members, the terms of all members shall be for three years.  
139 The initial members of the authority shall be appointed not later than June 1, 2017, and  
140 shall take office on July 1, 2017. The terms of office of the members of the Georgia  
141 International and Maritime Trade Center Authority created by Georgia Laws 1995,  
142 p. 4499, as amended, shall end on July 1, 2017. The initial member appointed by the  
143 state senator representing a portion of Chatham County with the longest period of service  
144 in the Senate and the initial member appointed by the state representative representing  
145 a portion of Chatham County with the longest period of service in the House of  
146 Representatives shall each serve an initial term of three years and until each such  
147 member's respective successor is appointed and qualified. The initial member appointed  
148 by the state senator representing a portion of Chatham County with the second longest  
149 period of service in the Senate and the initial member appointed by the state  
150 representative representing a portion of Chatham County with the second longest period  
151 of service in the House of Representatives shall each serve an initial term of two years  
152 and until each such member's respective successor is appointed and qualified. The  
153 remaining initial members appointed by the other members of the legislative delegation  
154 representing portions of Chatham County shall each serve an initial term of one year and  
155 until each such member's respective successor is appointed and qualified.

156 (e) Vacancies on the authority by reason of expiration of term or otherwise shall be filled  
157 by the body or individual that appointed the member vacating the position.

158 (f) The authority shall have perpetual existence.

159 (g) The authority shall elect one of its members as chairperson and another as vice  
160 chairperson, and shall also elect a secretary and a treasurer or a secretary-treasurer, either  
161 of whom may, but need not, be a member of the authority.

162 (h) Six members of the authority shall constitute a quorum, and no vacancy on the  
163 authority shall impair the right of the quorum to exercise all the rights and perform all the  
164 duties of the authority at every meeting, and in every instance a majority vote shall  
165 authorize any legal act of the authority, including all things necessary to authorize and issue  
166 revenue bonds.

167 (i) A member other than an ex officio member shall be removed from office for failure to  
168 perform the appropriate duties of membership. Without limitation, this shall include a  
169 member's failure to attend more than three regularly scheduled meetings of the authority  
170 during any calendar year.

171 (j) The members shall not be entitled to compensation for their services but shall be  
172 entitled to and shall be reimbursed for their actual expenses properly incurred in the  
173 performance of their duties. Each member of the authority shall hold office until his or her  
174 successor shall have been appointed and qualified. The authority may make bylaws, rules,  
175 and regulations for its governance. The members of the authority shall be accountable in  
176 all respects as trustees. The authority shall keep suitable books and records of all its  
177 obligations, contracts, transactions, and undertakings and of all income and receipts of  
178 every nature and all expenditures of every kind and shall provide for an annual independent  
179 audit of income and expenditures.

180 (k) The authority shall be subject to the provisions of Chapter 14 of Title 50 of the  
181 O.C.G.A., relating to open and public meetings.

182 (l) The authority shall prepare and submit to the Governor, the Lieutenant Governor, the  
183 Speaker of the House of Representatives, the Board of Commissioners of Chatham County,  
184 the mayor and aldermen of the City of Savannah, and the Chatham County delegation of  
185 the Georgia General Assembly an annual report at the end of each fiscal year or calendar  
186 year of the authority outlining the work of the authority and furnishing to each such body  
187 a copy of its most recent annual independent audit of income and expenditure.

188 (m) The authority is authorized:

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

190 (2) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and  
191 personal property of every kind and character for its corporate purposes;

192 (3) To acquire in its own name by purchase, on such terms and conditions and in such  
193 manner as it may deem proper, real property or rights of easements therein or franchises  
194 necessary or convenient for its corporate purposes, to use the same so long as its  
195 corporate existence shall continue, to lease or make contracts with respect to the use of  
196 the same or to dispose of the same in any manner it deems to the best advantage of the  
197 authority; and, if the authority shall deem it expedient to construct any property on any  
198 lands, the title to which shall then be in the State of Georgia, the Governor is authorized  
199 to convey for and on behalf of the state title to such lands to the authority upon payment  
200 to the State of Georgia for the credit of the general fund of the state of the reasonable  
201 value of such lands or upon the receipt of such lawful consideration as may be  
202 determined by the parties to such conveyance. If the authority shall deem it expedient  
203 to acquire and construct any project on any lands, the title to which shall then be in the  
204 Board of Commissioners of Chatham County, the mayor and aldermen of the City of  
205 Savannah, or any other municipality incorporated in such county, the governing authority  
206 or body of such county or any of the municipalities is authorized to convey title to such  
207 lands to the authority upon the receipt of such lawful consideration as may be determined

208 by the parties to such conveyance or upon payment for the credit of the general funds of  
209 such county or municipality of the reasonable value of such lands, such value to be  
210 determined by the mutual consent of such county or municipality and the authority or by  
211 an appraiser to be agreed upon by the governing authority or body of such county or  
212 municipality and the chairperson of the authority;

213 (4) To select, appoint, and employ professional, administrative, clerical, or other  
214 personnel and to contract for professional or other services and to allow suitable  
215 compensation for such personnel and services;

216 (5) To make contracts and leases and to execute all instruments necessary or convenient,  
217 including contracts for the acquisition and constructions of projects and leases of projects  
218 or contracts with respect to the use and management of projects which it causes to be  
219 erected or acquired, including contracts for acquiring, constructing, renting, managing,  
220 and leasing of its projects for use of the State of Georgia or any of its departments,  
221 agencies, or authorities, the Board of Commissioners of Chatham County, or the mayor  
222 and aldermen of the City of Savannah, and to dispose by conveyance of its title in fee  
223 simple of real and personal property of every kind and character, and any and all persons,  
224 firms, and corporations and the state and any and all political subdivisions, departments,  
225 institutions, or agencies of the state are authorized to enter into contracts, leases, or  
226 agreements with the authority upon such terms and for such purposes as they deem  
227 advisable; and, without limiting the generality of the above, authority is specifically  
228 granted to municipal corporations and counties and to the authority to enter into contracts  
229 and lease and sublease agreements with the State of Georgia or any agencies or  
230 departments thereof and relative to any property which such department or other agency  
231 or department of the State of Georgia has now or may hereafter obtain by lease from the  
232 United States government or any agency or department thereof and the authority is  
233 specifically authorized to convey title in fee simple to any and all of its lands and any  
234 improvements thereon to any persons, firms, corporations, political subdivisions, the  
235 State of Georgia, or the United States government, or any agency or department thereof;

236 (6) To acquire, construct, erect, own, repair, remodel, maintain, add to, extend, improve,  
237 equip, operate, and manage projects, the cost of any such project to be paid in whole or  
238 in part from the funds of the authority or funds from Chatham County or the City of  
239 Savannah and any grant from the State of Georgia, its departments, agencies, or  
240 authorities, or the United States or any agency or instrumentality thereof;

241 (7) To accept grants of money or materials or property of any kind from the United  
242 States or any agency or instrumentality thereof, upon such terms and conditions as the  
243 United States or such agency or instrumentality may impose;

- 244 (8) To accept grants of money or materials or property of any kind from the State of  
245 Georgia or any department, agency, authority, or instrumentality or political subdivision  
246 thereof, upon such terms and conditions as the State of Georgia or such department,  
247 agency, authority, or instrumentality or political subdivision thereof may impose;
- 248 (9) To receive, accept, and utilize gifts, grants, donations, or contributions of money,  
249 property, facilities, or services, with or without consideration, from any person, firm,  
250 corporation, foundation, or other entity;
- 251 (10) To exercise any power which is usually possessed by private corporations  
252 performing similar functions and which is not in conflict with the Constitution and laws  
253 of this state;
- 254 (11) From time to time to sell, lease, grant, exchange, or otherwise dispose of any surplus  
255 property, both real and personal, or interest therein not required in the normal operation  
256 of and usable in the furtherance of the purpose for which the authority was created;
- 257 (12) To advise the State of Georgia, its departments, agencies, or authorities, Chatham  
258 County, and the mayor and aldermen of the City of Savannah on land acquisition,  
259 facilities development, and other matters relating to the provision of convention and trade  
260 opportunities for the coastal region of the state;
- 261 (13) To procure insurance against any loss in connection with property and other assets  
262 of the authority;
- 263 (14) To exercise the power provided by Code Section 45-9-1 to procure policies of  
264 liability insurance or contracts of indemnity or to formulate sound programs of  
265 self-insurance to insure or indemnify members of the authority and its officers and  
266 employees against personal liability for damages arising out of the performance of their  
267 duties or in any way connected therewith to the extent that such members, officers, or  
268 employees are not immune from such liability;
- 269 (15) To make contracts and to execute all instruments necessary or convenient in  
270 connection therewith;
- 271 (16) To adopt, alter, or repeal its own bylaws, rules, and regulations governing the  
272 manner in which its business may be transacted and in which the power granted to it may  
273 be enjoyed as the authority may deem necessary or expedient in facilitating its business;
- 274 (17) To accept loans of any kind from the government of the United States or any agency  
275 or instrumentality thereof upon such terms and conditions as the federal government or  
276 such agency or instrumentality may require;
- 277 (18) To accept loans of any kind from the State of Georgia or any agency or  
278 instrumentality or political subdivision thereof upon such terms and conditions as the  
279 State of Georgia or such agency or instrumentality or political subdivision may require;



280 (19) To borrow money for any of its corporate purposes and to issue revenue bonds  
281 payable solely from funds pledged for that purpose and to provide for the payment of the  
282 same and for the rights of the holders thereof;

283 (20) To exercise any power usually possessed by private corporations performing similar  
284 functions, including the power to obtain long- or short-term loans, to give deeds to secure  
285 debt on real property, security agreements on personal property, or any other security  
286 agreements, and approve, execute, and deliver appropriate evidence of such indebtedness,  
287 provided no such power is in conflict with the Constitution or general laws of this state;

288 (21) To the extent that a contract between the authority and a public or private agency  
289 provides therefor, to act as an agent for such public or private agency in any matter  
290 coming within the purposes or powers of the authority; and

291 (22) To do all things necessary or convenient to carry out the powers expressly given in  
292 this part.

293 (n) The exercise of the powers conferred upon the authority in this part shall constitute an  
294 essential governmental function for a public purpose and the authority shall be required to  
295 pay no taxes or assessments upon any of the property acquired by it or under its  
296 jurisdiction, control, possession, or supervision or upon its activities in the operation and  
297 maintenance of property acquired by it or of buildings erected or acquired by it or any fees,  
298 rentals, or other charges for the use of such property or buildings or other income received  
299 by the authority. The authority shall be exempt from sales and use tax on property  
300 purchased by or for the use of the authority.

301 (o) The property of the authority shall not be subject to levy and sale under legal process.

302 (p) Any action to protect or enforce any rights under the provisions of this Act or any suit  
303 or action against such authority shall be brought in the Superior Court of the Eastern  
304 Judicial Circuit, Chatham County, Georgia.

305 (q) All funds received by the authority pursuant to this part, whether as revenue, rents,  
306 fees, charges, or other earnings or as grants, gifts, or other contributions, shall be deemed  
307 to be trust funds to be held and applied by the authority solely as provided in this part.

308 (r) This part and any other law enacted with reference to the authority shall be liberally  
309 construed for the accomplishment of its purposes.

310 (s) Should the authority for any reason be dissolved, title to all property of any kind and  
311 nature, real and personal, held by the authority at the time of such dissolution shall be  
312 conveyed to the State of Georgia; or title to any such property may be conveyed prior to  
313 such dissolution in accordance with provisions which may be made therefor in any  
314 resolution or trust instrument relating to such property, subject to any liens, leases, or other  
315 encumbrances outstanding against or in respect to said property at the time of such  
316 conveyance.

317 (t) On July 1, 2017, all powers, duties, assets, real and personal property, liabilities, and  
318 indebtedness of the Georgia International and Maritime Trade Center Authority created by  
319 Georgia Laws 1995, p. 4499, as amended, are transferred to the authority. The authority  
320 shall be the successor to the Georgia International and Maritime Trade Center Authority  
321 created by Georgia Laws 1995, p. 4499, as amended, in all contracts entered into by the  
322 Georgia International and Maritime Trade Center Authority created by Georgia Laws 1995,  
323 p. 4499, as amended, which are in existence on July 1, 2017, and to all accounts of and  
324 debts owed to the Georgia International and Maritime Trade Center Authority created by  
325 Georgia Laws 1995, p. 4499, as amended, that are outstanding on July 1, 2017.

326 **SECTION 2.**

327 An Act to create the Georgia International and Maritime Trade Center Authority, approved  
328 April 21, 1995 (Ga. L. 1995, p. 4499), and all Acts amendatory thereto are repealed.

329 **SECTION 3.**

330 This Act shall become effective upon its approval by the Governor or upon its becoming law  
331 without such approval for the sole purpose of appointing the initial members of the authority.  
332 The Act shall become effective for all purposes on July 1, 2017.

333 **SECTION 4.**

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