

Senate Bill 177

By: Senators Ginn of the 47th, Jeffares of the 17th, Bethel of the 54th and Jackson of the 24th

AS PASSED

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 amend Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia
 5 Annotated, relating to the State Properties Code, so as to authorize the commission to
 6 manage the utilization of administrative space by the Department of Labor; to provide for
 7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

72 **SECTION 2.**

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

74 "50-7-11.1.

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

80 **SECTION 3.**

81 Article 2 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to the
 82 State Properties Code, is amended by revising subsection (b) of Code Section 50-16-41,
 83 relating to rental agreements without competitive bidding authorized, limitations,
 84 commission charged with managing administrative space of all state entities, standards
 85 governing the utilization of administrative space, reassignment of administrative space, and
 86 rules and regulations, as follows:

87 "(b) The commission is given the authority and charged with the duty of managing the
 88 utilization of administrative space by all state entities, except that the Board of Regents of
 89 the University System of Georgia ~~and the Georgia Department of Labor~~ may manage ~~their~~
 90 its own space but only for leases that are for a term of one year or less, within the State of
 91 Georgia, and required for ~~their~~ its core mission. The commission shall manage the
 92 utilization of administrative space for all multiyear lease agreements entered into on behalf
 93 of any state entity, including the Board of Regents of the University System of Georgia ~~and~~
 94 ~~the Georgia Department of Labor~~. The commission shall manage in a manner that is the
 95 most cost efficient and operationally effective and which provides decentralization of state

96 government. Such management shall include the authority to assign and reassign
97 administrative space to state entities based on the needs of the entities as determined by
98 standards for administrative space utilization promulgated by the commission pursuant to
99 subsection (g) of this Code section and shall include the obligation to advise the Office of
100 Planning and Budget and state entities of cost-effective, decentralized alternatives."

101

SECTION 4.

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