

House Bill 800 (AS PASSED HOUSE AND SENATE)

By: Representatives Mainor of the 56th, Olaleye of the 59th, Thomas of the 65th, Evans of the 57th, Jones of the 60th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act to create the Fulton Technology and Energy Enhancement Authority,
2 approved May 3, 2021 (Ga. L. 2021, p. 3612), so as to revise the short title; to rename the
3 authority; to provide for a new board for the authority; to terminate the terms of existing
4 board members; to revise provisions related to the appointment of board members; to provide
5 for the removal of board members; to revise definitions; to provide for a student advisory
6 panel; to provide for eligibility and application; to provide for related matters; to repeal
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 An Act to create the Fulton Technology and Energy Enhancement Authority, approved
11 May 3, 2021 (Ga. L. 2021, p. 3612), is amended by revising Section 1 as follows:

12 "SECTION 1.

13 Short title.

14 This Act shall be known and may be cited as the 'Fulton Technology and Energy Authority
15 Act.'"

16 **SECTION 2.**

17 Said Act is further amended by revising paragraph (3) of Section 2 as follows:

18 "(3) It is the intent of the General Assembly in creating the Fulton Technology and
19 Energy Authority to establish an entity capable of identifying, targeting, and alleviating
20 the specific elements relating to the underdevelopment of technological resources and
21 energy burdens which are causing poverty, increased unemployment rates, and statistics
22 comparable to failing school rates and underdevelopment in these pockets and develop
23 programs to address them."

24 **SECTION 3.**

25 Said Act is further amended by revising subsections (a), (b), (c), and (f) of Section 3 as
26 follows:

27 "(a) There is created a public body corporate and politic to be known as the 'Fulton
28 Technology and Energy Authority,' which shall be deemed to be a political subdivision of
29 the state and a public corporation, and by that name, style, and title, said body may contract
30 and be contracted with, sue and be sued, implead and be impleaded, and complain and
31 defend in all courts of law and equity.

32 (b) The terms of those members of the authority serving on the effective date of this Act
33 shall terminate on June 30, 2023. As of July 1, 2023, the authority shall be governed by
34 a board consisting of seven voting members and two ex officio members. Board members
35 shall be appointed as follows:

- 36 (1) One member appointed by the Development Authority of Fulton County who may
37 either be from among the membership of such development authority or a business
38 professional with experience in law, economic development, finance, or capital
39 structures;
- 40 (2) One member appointed by the general manager of Hartsfield-Jackson Atlanta
41 International Airport; such individual shall be a member of the general manager's
42 executive management team and shall have a background in technology or
43 environmental, social, and government financing;
- 44 (3) One member appointed by the Board of Directors of MARTA, and such individual
45 shall have a background in revenue bonds or environmental, social, and government
46 financing;
- 47 (4) One member appointed by the State Workforce Development Board created pursuant
48 to Code Section 34-14-1 of the O.C.G.A.;
- 49 (5) One member appointed by the other members of the authority from a list of nominees
50 provided by the members of the General Assembly whose districts include a majority of
51 the area of operation. Notwithstanding any other provision of this Act to the contrary,
52 such member shall serve a term of four years;
- 53 (6) One member shall be from the Urban Studies Institute of Georgia State University,
54 appointed by the leadership team of such institute, and such appointee shall have a
55 background in sustainability and economic development;
- 56 (7) One member shall be from the Strategic Energy Institute of the Georgia Institute of
57 Technology, appointed by the leadership team of such institute;
- 58 (8) One member appointed by the executive leadership team of the City of Atlanta Office
59 of Resilience;
- 60 (9) One ex officio member appointed by the Atlanta Regional Commission Board of
61 Directors, and such individual shall have a background in governance, policy, or
62 community engagement; and

63 (10) One ex officio member who shall have a background in renewable energy project
64 development and shall be appointed by other members of the authority from a list of
65 nominees provided by the members of the General Assembly whose districts include all
66 of the area of operation.

67 (c) The authority shall elect from its members a vice chairperson, a secretary, and a
68 treasurer or a secretary-treasurer. All officers shall be voting members."

69 "(f)(1) Except as provided for in subsection (b) of this section and in paragraph (2) of this
70 subsection, each member shall serve a term of four years.

71 (2) The board by majority vote may remove any board member in the event that the
72 board finds that such member:

73 (A) Has violated this Act;

74 (B) Has violated bylaws adopted by the board; or

75 (C) Is not meeting his or her fiduciary obligations to the authority.

76 (3) Vacancies on the board shall be filled by the appointing authority appointing a new
77 member to serve out the remainder of the unexpired term."

78 **SECTION 4.**

79 Said Act is further amended by revising paragraph (1) of and adding a new paragraph to
80 Section 4 as follows:

81 "(1) 'Area of operation' means any census tract, as defined in the 2020 decennial census,
82 within Fulton County that:

83 (A) Has an average energy burden of 6 percent or higher as estimated using the 2019
84 Federal Poverty Level model of the Office of Energy Efficiency and Renewable Energy
85 of the United States Department of Energy; and

86 (B) Has a poverty rate of 20 percent or higher according to the five-year estimate in
87 the 2019 American Community Survey related by the United States Census Bureau.

88 (2) 'Authority' means the Fulton Technology and Energy Authority created by this Act."

89 "(5.1) 'Eligible school' means any publicly funded school, including a charter school,
90 located within Fulton County that:

91 (A) Received a grade of 'D' or 'F' on the 2018-2019 school year Governor's Office of
92 Student Achievement Georgia School Grades Report; and

93 (B) Had at least 40% of its enrollment, as of the end of the 2018-2019 school year and
94 based upon the student records maintained by the state Department of Education,
95 residing within the area of operation."

96 **SECTION 5.**

97 Said Act is further amended by adding a new section to read as follows:

98 **"SECTION 6.1.**

99 **Student Advisory Panel.**

100 (a) As of September 1, 2023, there shall be a student advisory panel which shall be
101 composed of 15 students appointed by the authority's board. Each student on the panel
102 shall serve at the pleasure of the appointing authority, or until such student is no longer
103 enrolled at one of the educational institutions provided for in subsection (b) of this section.
104 Students on the panel shall serve without compensation. The purpose of the student
105 advisory panel shall be to offer advice regarding the mission and vision of the authority to
106 the authority's board.

107 (b) To be eligible to be appointed to the student advisory panel, a student must be enrolled
108 as an undergraduate, graduate, or post-graduate student at Atlanta Technical College, Clark
109 Atlanta University, Georgia Institute of Technology, Georgia State University, Morehouse
110 College, Morehouse School of Medicine, Spelman College, the Atlanta campus of the
111 Savannah College of Arts and Design, Morris Brown College, or the Interdenominational
112 Theological Center on the Atlanta University Center Consortium campus. Such student

113 shall also have a research or scholastic background in economics, public or nonprofit
114 policy, energy, history, sociology, political science, globalization, business, marketing, or
115 communication.

116 (c) The board shall adopt bylaws outlining the application and selection process for
117 members of the student advisory panel."

118 **SECTION 6.**

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