

House Bill 89

By: Representatives Bruce of the 61st, Beverly of the 143rd, Bazemore of the 69th, and Gilliard of the 162nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to
2 commissions and other agencies, so as to create the Georgia Equity and Fairness
3 Commission; to provide for members and officers; to provide for meetings, quorum, and
4 compensation; to provide for the commission's duties and powers; to provide for reporting;
5 to provide a definition; to provide a short title; to provide legislative findings; to provide for
6 automatic repeal; to provide for related matters; to repeal conflicting laws; and for other
7 purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 This Act shall be known and may be cited as the "Georgia Equity and Fairness Commission
11 Act."

12 **SECTION 2.**

13 The General Assembly finds and declares the following:

- 14 (1) Millions of Africans and their descendants were enslaved in the 13 American
15 colonies and the United States, including the Georgia colony and the State of Georgia,
16 from 1619 through 1865;
- 17 (2) The institution of slavery was constitutionally and statutorily sanctioned by the
18 United States government from 1789 through 1865;
- 19 (3) The slavery that flourished in the Georgia and the United States constituted an
20 immoral and inhumane deprivation of each African's life, liberty, African citizenship
21 rights, and cultural heritage, and denied them the fruits of their own labor;
- 22 (4) A preponderance of scholarly, legal, community evidentiary documentation, and
23 popular culture markers constitute the basis for inquiry into the ongoing effects of the
24 institution of slavery and its legacy of persistent systemic structures of discrimination on
25 living African Americans and society in the Georgia and the United States; and
- 26 (5) Following the abolition of slavery, governments at the federal, state, and local levels
27 continued to perpetuate, condone, and often profit from practices that continued to
28 brutalize and disadvantage African Americans, including sharecropping, convict leasing,
29 Jim Crow, redlining, unequal education, and disproportionate treatment at the hands of
30 the criminal justice system; and
- 31 (6) As a result of the historic and continued discrimination, African Americans continue
32 to suffer debilitating economic, educational, and health hardships including, having
33 nearly 1,000,000 black people incarcerated; an unemployment rate more than twice the
34 current white unemployment rate; and an average of less than one-sixteenth of the wealth
35 of white families, a disparity which has worsened, not improved over time.

36 **SECTION 3.**

37 Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to commissions
38 and other agencies, is amended by adding a new article to read as follows:

39

"ARTICLE 1040 50-12-150.

41 (a) There is created the Georgia Equity and Fairness Commission for examining the
42 impact of slavery on the descendants of slaves and recommending appropriate remedies
43 therefor.

44 (b) As used in this article, the term 'commission' means the Georgia Equity and Fairness
45 Commission.

46 (c) The commission is assigned to the Department of Administrative Services for
47 administrative purposes only as prescribed in Code Section 50-4-3.

48 50-12-151.

49 (a) The commission shall be composed of 11 members who are citizens of this state and
50 shall be appointed as follows:

51 (1) Three members appointed by the Governor, one of whom the Governor shall select
52 as chairperson;

53 (2) Two members appointed by the President of the Senate;

54 (3) Two members appointed by the minority leader of the Senate;

55 (4) Two members appointed by the Speaker of the House of Representatives; and

56 (5) Two members appointed by the minority leader of the House of Representatives.

57 (b) All members shall be appointed from persons recommended by organizations
58 concerned with the issues of: civil rights; human rights; racial, social, and economic justice
59 and equality; reparations; and other issues concerning the African-American community.

60 (c) All members shall serve for the duration of the commission. Any vacancy shall be
61 filled in the same manner in which the original appointment was made.

62 (d) The commission may elect officers, other than the chairperson, as it deems necessary.

63 50-12-152.

64 (a) The commission may conduct meetings at such places and times as it deems necessary
65 or convenient to enable it to fully and effectively exercise its powers, perform its duties,
66 and accomplish the objectives and purposes of this article. The commission shall hold
67 meetings at the call of the chairperson.

68 (b) A quorum for transacting business shall be a majority of the members of the
69 commission.

70 (c) Legislative members of the commission shall receive the allowances provided for in
71 Code Section 28-1-8. Nonlegislative members shall receive a daily expense allowance in
72 the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or
73 transportation allowance authorized for state employees. Members of the commission who
74 are state officials, other than legislative members, or state employees shall receive no
75 compensation for their services on the commission, but shall be reimbursed for expenses
76 incurred by them in the performance of their duties as members of the commission in the
77 same manner as they are reimbursed for expenses in their capacities as state officials or
78 state employees. The funds necessary for the reimbursement of the expenses of state
79 officials, other than legislative members, and state employees shall come from funds
80 appropriated to or otherwise available to their respective departments. All other funds
81 necessary to carry out the provisions of this article shall come from funds appropriated to
82 the commission.

83 50-12-153.

84 (a) The commission shall:

85 (1) Examine the extent to which the State of Georgia supported the institution of slavery
86 in constitutional and statutory provisions;

87 (2) Examine the state's laws that discriminated against freed slaves and their descendants
88 from the end of the Civil War, through the era of Jim Crow laws, to the present;

- 89 (3) Examine the lingering negative effects of the institution of slavery on the descendants
90 of slavery in Georgia;
91 (4) Recommend appropriate ways to educate the public on the commission's findings;
92 and
93 (5) Recommend appropriate remedies in consideration of the commission's findings. In
94 making such recommendation, the commission shall address the form, amount, and
95 eligibility for any restitution.
- 96 (b) The commission shall submit a written report of its findings and recommendations to
97 the Governor, the President of the Senate, the Speaker of the House of Representatives, and
98 the minority leaders of the Senate and House of Representatives no later than one year after
99 the date of the first meeting of the commission. The commission shall also make such
100 report available to the public.

101 50-12-154.

- 102 (a) The commission shall have the following powers:
103 (1) To accept public or private grants, devises, and bequests;
104 (2) To authorize entering into contracts or agreements through the commission's
105 chairperson necessary or incidental to the performance of its duties;
106 (3) To establish rules and procedures for conducting the business of the commission;
107 (4) To hold public hearings; and
108 (5) To request the attendance and testimony of such witnesses and the production of such
109 documents as the commission deems necessary to fulfill its duties.
- 110 (b) The commission may request and receive information from appropriate state agencies
111 which the commission deems useful in fulfilling its duties. Such agencies shall cooperate
112 with the commission with respect to such information and shall furnish all information
113 requested by the commission to the extent permitted by law.

114 50-12-155.

115 The commission shall be abolished and this article shall stand repealed June 30, 2024."

116 **SECTION 4.**

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