

House Bill 367

By: Representatives Holly of the 116<sup>th</sup>, Gilliard of the 162<sup>nd</sup>, Bazemore of the 69<sup>th</sup>, Clark of the 108<sup>th</sup>, and Jackson of the 68<sup>th</sup>

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 chattel slavery was constitutionally and statutorily sanctioned by  
18 the United States government from 1789 through 1865;
- 19 (3) The chattel slavery that flourished in 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 chattel slavery and its legacy of persistent systemic structures of  
25 discrimination on the living descendants of chattel slavery and society in Georgia and the  
26 United States;
- 27 (5) Following the abolition of chattel slavery, governments at the federal, state, and local  
28 levels continued to perpetuate, condone, and often profit from practices that continued  
29 to brutalize and disadvantage the descendants of chattel slavery, including sharecropping,  
30 convict leasing, Jim Crow laws, redlining, unequal education, and disproportionate  
31 treatment at the hands of the criminal justice system; and
- 32 (6) As a result of historical and continued discrimination, the descendants of chattel  
33 slavery continue to suffer debilitating economic, educational, and health hardships,  
34 including having a high level of incarceration, a disproportionate unemployment rate, and  
35 an average of less than one-sixteenth of the wealth, a disparity which has worsened, not  
36 improved, over time.

37

**SECTION 3.**

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

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40

"ARTICLE 941 50-12-150.

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

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

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

49 50-12-151.

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

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

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

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

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

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

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

62 (c) Members of the commission shall serve for the duration of the commission. Any  
63 vacancy shall be filled in the same manner in which the original appointment was made.

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

65 50-12-152.

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

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

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

85 50-12-153.

86 (a) The commission shall:

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

- 89 (2) Examine the state's laws that discriminated against chattel slaves and their  
90 descendants from the end of the Civil War, through the era of Jim Crow laws, to the  
91 present;
- 92 (3) Examine the lingering negative effects of the institution of chattel slavery on the  
93 descendants of chattel slavery in Georgia;
- 94 (4) Recommend appropriate ways to educate the public on the commission's findings;  
95 and
- 96 (5) Recommend appropriate remedies in consideration of the commission's findings. In  
97 making such recommendation, the commission shall address the form, amount, and  
98 eligibility for any restitution.
- 99 (b) The commission shall submit a written report of its findings and recommendations to  
100 the Governor, the President of the Senate, the Speaker of the House of Representatives, and  
101 the minority leaders of the Senate and House of Representatives no later than three months  
102 after the date of the last meeting of the commission. The commission shall also make such  
103 report available to the public.
- 104 50-12-154.
- 105 (a) The commission shall have the following powers:
- 106 (1) To accept public or private grants, devises, and bequests;
- 107 (2) To authorize entering into contracts or agreements through the commission's  
108 chairperson necessary or incidental to the performance of its duties;
- 109 (3) To establish rules and procedures for conducting the business of the commission;
- 110 (4) To hold public hearings; and
- 111 (5) To request the attendance and testimony of such witnesses and the production of such  
112 documents as the commission deems necessary to fulfill its duties.
- 113 (b) The commission may request and receive information from appropriate state agencies  
114 which the commission deems useful in fulfilling its duties. Such agencies shall cooperate

115 with the commission with respect to such information and shall furnish all information  
116 requested by the commission to the extent permitted by law.

117 50-12-155.

118 The commission shall be abolished and this article shall stand repealed on June 30, 2027."

119 **SECTION 4.**

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