

The House Committee on Governmental Affairs offers the following substitute to HB 1180:

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated,
2 relating to regional commissions, so as to revise provisions regarding the appointment of
3 nonpublic members to the regional commission councils; to provide for executive
4 committees for each regional commission council; to provide for filing audits with the
5 Department of Community Affairs; to provide for related matters; to provide for an effective
6 date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to
10 regional commissions, is amended by revising Code Section 50-8-34, relating to councils of
11 regional commissions, membership, terms of membership, voting, officers, and powers, as
12 follows:

13 "50-8-34.

14 (a) The council of each regional commission shall establish policy and direction for the
15 regional commission and shall perform such other functions as may be provided or
16 authorized by law.

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17 (b) The manner of selecting such regional commission ~~council members~~ councilmembers
18 shall be as prescribed by its bylaws and membership on the council shall be determined as
19 follows:

20 (1) The council shall include the chief elected official of each county governing body in
21 the region for a period of time concurrent with each such elected official's term of elected
22 office. If the chief elected official for a county is unable to serve on the council, he or she
23 shall appoint another elected county official. In the case of a consolidated government
24 where there is not another municipality located within the boundaries of the county, a
25 second member of such consolidated government shall be appointed to the board;

26 (2) The council shall include one elected official from one municipality in each county
27 in the region for a period of time concurrent with each such elected official's term of
28 elected office; and

29 (3) The council shall include ~~three residents of the region appointed by the Governor,~~
30 ~~each for a term of two years. One of such three appointees shall be a member of a school~~
31 ~~board located within the region or a superintendent of schools within the region, and two~~
32 ~~of such three appointees shall be nonpublic council members; one nonpublic resident of~~
33 ~~each county in the region appointed by the governing authority of such county to serve~~
34 ~~a term of two years.~~

35 (4) ~~The council shall include one nonpublic council member appointed by the Lieutenant~~
36 ~~Governor for a term of two years and one nonpublic council member appointed by the~~
37 ~~Speaker of the House of Representatives for a term of two years; and~~

38 (5) ~~The council may include any additional members determined necessary by the~~
39 ~~commissioner for purposes of complying with laws or regulations, or otherwise. Any~~
40 ~~such additional members shall be selected by the council and shall serve for a term of one~~
41 ~~year.~~

42 (c) The term of a member shall terminate immediately upon:

43 (1) Resignation by a member;

- 44 (2) Death of a member or inability to serve as a member due to medical infirmity or other
45 incapacity; or
- 46 (3) Any change in local elective office or residence of a member which would cause the
47 composition of the council not to comply with the requirements of subsection (b) of this
48 Code section.
- 49 (d) Each member of the council shall have one vote. Establishment of a quorum for
50 purposes of the conduct of business shall be determined by the bylaws of the regional
51 commission.
- 52 (e) Each regional commission council shall elect from among its ~~council members~~
53 councilmembers a chairperson, vice chairperson, and secretary or treasurer who shall serve
54 for a term of two years and until their successors are elected and qualified. Such elections
55 shall be held biennially at a meeting designated for that purpose in the regional
56 commission's bylaws.
- 57 (f) Each council shall exercise the following powers:
- 58 (1) The powers, duties, responsibilities, and functions enumerated in Code
59 Section 50-8-35;
- 60 (2) The appointment and removal of a full-time executive director for the regional
61 commission;
- 62 (3) ~~The establishment of such committees as the council shall deem appropriate~~
63 Reserved;
- 64 (4) The adoption of an annual work program for the regional commission;
- 65 (5) The adoption of an annual budget to support the annual work program; and
- 66 (6) The determination of the policies and programs to be implemented and operated by
67 the regional commission as may be provided or authorized by law.
- 68 (g) Each council shall also have an executive committee comprising no less than five but
69 no more than nine members of the council appointed by the chairperson, vice chairperson,
70 and the secretary or treasurer selected pursuant to subsection (e) of this Code section and

71 approved by the full council. Notwithstanding subsection (f) of this Code section, the
72 executive committee shall:

73 (1) Develop and propose an annual budget for the council to adopt;

74 (2) Oversee the commission's expenditure of the budget adopted by the council;

75 (3) Develop and propose an annual work program for the council to adopt;

76 (4) Oversee the implementation of the annual work program by the commission;

77 (5) When a vacancy occurs in the executive directorship, nominate an executive director
78 candidate for consideration by the council for appointment pursuant to paragraph (2) of
79 subsection (f) of this Code section;

80 (6) Oversee the commission's personnel policies and benefits;

81 (7) Establish council committees and appoint councilmembers to the same;

82 (8) Carry out any other task assigned to the executive committee by the council; and

83 (9) Produce a thorough annual report for each regional commission that contains details
84 and metrics on all work programs, services provided, and other activities undertaken
85 during the prior calendar or, if desired, the regional commission's prior fiscal year. Such
86 reports shall be filed within 60 days of the close of such calendar or fiscal year to the
87 commissioner of community affairs, the chairperson of the House State Planning and
88 Community Affairs Committee, and the chairperson of the Senate State and Local
89 Governmental Operations Committee."

90 **SECTION 2.**

91 Said article is further amended in Code Section 50-8-38, relating to accounting of funds by
92 commission, disclosure, and access to documents, by revising subsection (d) as follows:

93 "(d) A copy of the report and of any comments made by the state auditor pursuant to
94 paragraph (2) of subsection (c) of this Code section shall be sent to the commissioner and
95 a copy of such report and any such comments shall be maintained as a public record for

96 public inspection during the regular working hours at the principal office of the regional
97 commission."

98 **SECTION 3.**

99 This Act shall become effective on January 1, 2023.

100 **SECTION 4.**

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