

Senate Bill 222

By: Senators Thompson of the 33rd and Lamutt of the 21st

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend an Act creating the Cobb County Commission on Children and Youth, approved
2 February 24, 1988 (Ga. L. 1988, p. 3569), as amended particularly by an Act approved April
3 19, 2000 (Ga. L. 2000, p. 3630), so as to re-create the Cobb County Commission on Children
4 and Youth; to provide for the manner of appointment of members; to provide for duties and
5 powers; to authorize the commission to receive and expend funds; to provide for all related
6 matters; to provide for an annual report; to allow the commission to qualify for treatment
7 under the Internal Revenue Code as a tax exempt organization; to provide for a termination
8 date; to provide for an effective date; to repeal conflicting laws; and for other purposes.

9 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

10 **SECTION 1.**

11 An Act creating the Cobb County Commission on Children and Youth, approved February
12 24, 1988 (Ga. L. 1988, p. 3569), as amended particularly by an Act approved April 19, 2000
13 (Ga. L. 2000, p. 3630), is amended by striking Sections 1 through 13 and inserting in place
14 thereof new Sections 1 through 12 to read as follows:

15 "SECTION 1.

16 (a) The Cobb County Commission on Children and Youth is re-created. The commission
17 shall be composed of 31 members as follows:

18 (1) Thirteen members to be appointed by the Cobb County House delegation, six of
19 whom shall reside in the territory of Cobb County comprised of House Districts 26, 28,
20 32, 33, 34, and 35 and be appointed by members of the delegation who represent such
21 districts and seven of whom shall reside in the territory of Cobb County comprised of
22 House Districts 17, 29, 30, 31, 41, 44, and 46 and who shall be appointed by members
23 of the delegation who represent such districts;

24 (2) Five members to be appointed by the Cobb County Senate delegation, one each from
25 Senate Districts 6, 21, 32, and 37, and one from Senate Districts 33 and 38 combined,

1 each of whom shall reside in his or her respective district and be appointed by the
2 member or members of the delegation who represent such district or districts;

3 (3) Six members to be appointed by the Board of Commissioners of Cobb County, three
4 of whom shall reside in Commission Districts 2 and 3 who shall be appointed by
5 members of the board who represent such districts and three of whom shall reside in
6 Commission Districts 1 and 4 who shall be appointed by members of the board who
7 represent such districts; and

8 (4) Seven members to be appointed by the judiciary of the Cobb County courts,
9 including the superior court, the state court, the magistrate court, the juvenile court, and
10 the probate court.

11 Appointments to the Cobb County Commission on Children and Youth shall include at least
12 one member from each of the following fields or professions:

13 (1) Law enforcement;

14 (2) Child welfare;

15 (3) Medical;

16 (4) The judiciary;

17 (5) Education; and

18 (6) The business and civic community.

19 (b) All appointments to the commission shall be made within 30 days after the effective date
20 of this Act. All persons appointed to serve on the Cobb County Commission on Children and
21 Youth shall be residents of said county. If a member of the commission moves his or her
22 residence from the county, that member's position shall immediately become vacant and
23 shall be filled in the same manner as the initial appointment.

24 SECTION 2.

25 The commission shall undertake a study of the needs, issues, and problems relating to
26 children and youth in Cobb County. The commission may meet at such times and places as
27 it deems necessary to perform its duties and accomplish the goals and purposes of this
28 resolution. The members of the commission shall elect a chairperson and such other officers
29 as it deems necessary from its membership at the organizational meeting. The commission
30 may adopt such rules or procedures as it finds necessary or desirable for the governance of
31 its operations. The members of the commission shall serve without compensation or
32 reimbursement for expenses from public funds.

33 SECTION 3.

34 The commission is authorized to receive, accept, and expend funds from public or private
35 sources for programs to benefit the children and youth of Cobb County. The commission is

1 authorized to expend such funds to employ an administrative assistant or a coordinator, or
2 both, who shall not be a member of the commission, for such programs. The salary of such
3 employee or employees shall be set by the commission.

4 SECTION 4.

5 The commission shall make an annual report on July 1 of each year of its findings and
6 recommendations to the members of the Cobb County legislative delegation, the Board of
7 Commissioners of Cobb County, and the judicial officers of Cobb County.

8 SECTION 5.

9 The commission shall be a corporate body specially created by this Act of the General
10 Assembly. The commission shall not exercise any governmental powers. The purposes for
11 which the commission is organized are exclusively charitable and educational within the
12 meaning of Section 501(c)(3) of the Internal Revenue Code or the corresponding provisions
13 of any future Internal Revenue Code and are, as stated in Sections 2 and 3 of this Act, to
14 conduct and carry on other such activities as are compatible with the principal purpose and
15 goal of the commission and to conduct all said business as principal, agent, or otherwise as
16 permitted by Georgia law.

17 SECTION 6.

18 No part of the net earnings, revenues, or other funds of the commission shall inure to the
19 benefit of or be distributable to the commission's members or other private persons with the
20 exception that the commission shall be authorized and empowered to pay such reasonable
21 compensation for services rendered to it by its employees and other private persons in
22 furtherance of the purposes of the commission, as authorized by the board of directors.

23 SECTION 7.

24 No substantial part of the activities of the commission shall be the carrying on of propaganda,
25 or otherwise attempting to influence legislation, and the commission shall not participate in,
26 or intervene in (including the publishing or distribution of statements), any political
27 campaign on behalf of or in opposition to any candidate for public office.

28 SECTION 8.

29 Notwithstanding any other provisions of this Act, the commission shall not carry on any
30 other activities not permitted to be carried on by an organization exempt from federal income
31 tax under Section 501(c)(3) of the Internal Revenue Code or any corresponding section of
32 any future Internal Revenue Code or by an organization, contributions to which are

1 deductible under Section 170(c)(2) of the Internal Revenue Code or any corresponding
2 section of any future Internal Revenue Code.

3 **SECTION 9.**

4 In the event of dissolution, the residual assets of the commission shall be turned over to one
5 or more organizations which themselves are exempt as organizations described in Sections
6 501(c)(3) and 170(c)(2) of the Internal Revenue Code or corresponding sections of any future
7 Internal Revenue Code or to the federal, state, or local government for exclusively public
8 purposes. The residual assets of the predecessor commission abolished as of February 1,
9 2003, may be transferred to the commission re-created by this Act.

10 **SECTION 10.**

11 The commission is organized pursuant to the provisions of Section 501(c)(3) of the Internal
12 Revenue Code, as now or hereafter amended, and shall have and enjoy all the rights and
13 privileges herein set out, and such other additional powers and privileges as may be
14 necessary, proper, or incidental to the pursuit of the purposes for which the commission was
15 created.

16 **SECTION 11.**

17 The commission shall stand abolished July 1, 2008.

18 **SECTION 12.**

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

20 **SECTION 2.**

21 This Act shall become effective upon its approval by the Governor or upon its becoming law
22 without such approval.

23 **SECTION 3.**

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