

House Bill 891

By: Representatives Smith of the 13th, Benton of the 31st, Burns of the 157th, Cummings of the 16th, Barnes of the 78th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated,
2 relating to the State Transportation Board, so as to provide a procedure for removing a
3 member from the board; to provide for related matters; to provide an effective date; to repeal
4 conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Article 2 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the
8 State Transportation Board, is amended by striking subsection (b) of Code Section 32-2-20,
9 relating to the composition of the State Transportation Board, and inserting in its place the
10 following:

11 "(b) Each member shall be elected to serve for a term of five years and until his or her
12 successor is duly elected and certified. The member of the board from each congressional
13 district shall be elected by a majority vote of the members of the House of Representatives
14 and Senate whose respective districts are embraced or partly embraced within such
15 congressional district, meeting in caucus at the regular session of the General Assembly
16 immediately preceding the expiration of the term of office of each such board member.
17 Said caucus shall be called at the state capitol by the Speaker of the House of
18 Representatives and the President of the Senate within the first ten days of the convening
19 of the General Assembly in regular session by mailing to the members of the General
20 Assembly who are affected written notice at least four days before the caucus, which notice
21 shall state the time, place, and purpose of said caucus. Within 15 days after each such
22 election, the Speaker of the House and the President of the Senate shall jointly transmit a
23 certificate of such election to the Secretary of State who, upon receipt thereof, shall
24 immediately issue his or her commission thereon, with the great seal of the state affixed
25 thereto. A member of the board may be a subject of a recall vote if a petition for removal
26 is signed by 20 percent of the members of the General Assembly whose respective districts

1 are embraced or partly embraced within the congressional district of the member. The
2 removal from office shall be voted upon at a specially called meeting of the caucus, such
3 meeting to be called by the Speaker of the House of Representatives and the President of
4 the Senate. By a vote of a majority of the members, the legislative caucus may remove the
5 board member and fill the vacancy in the manner provided for in subsection (c) of this
6 Code section. At a minimum of ten days prior to the meeting of the caucus, the board
7 member who is the subject of the recall election shall be provided in writing a recall notice
8 that shall include the reasons for the recall. The board member shall also be informed in
9 the recall notice that an opportunity will be given to be heard in person or by counsel and
10 to present witnesses to the legislative caucus prior to the recall vote."

11 **SECTION 2.**

12 This Act shall become effective on July 1, 2005.

13 **SECTION 3.**

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