

House Resolution 2041

By: Representatives Scheid of the 22nd, Franklin of the 43rd, Brown of the 69th, Lunsford of the 110th, Forster of the 3rd, and others

A RESOLUTION

1 Proposing an amendment to the Constitution so as to abolish the office of Commissioner of
 2 Labor; to provide for the submission of this amendment for ratification or rejection; to
 3 provide effective dates; and for other purposes.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

6 Article II, Section III, Paragraph I of the Constitution is amended by striking subparagraphs
 7 (a) and (b) and inserting in their place new subparagraphs (a) and (b) to read as follows:

8 (a) As used in this Paragraph, the term 'public official' means the Governor, the
 9 Lieutenant Governor, the Secretary of State, the Attorney General, the State School
 10 Superintendent, the Commissioner of Insurance, the Commissioner of Agriculture, ~~the~~
 11 ~~Commissioner of Labor~~, and any member of the General Assembly.

12 (b) Upon indictment for a felony by a grand jury of this state or by the United States,
 13 which felony indictment relates to the performance or activities of the office of any public
 14 official, the Attorney General or district attorney shall transmit a certified copy of the
 15 indictment to the Governor or, if the indicted public official is the Governor, to the
 16 Lieutenant Governor who shall, subject to subparagraph (d) of this Paragraph, appoint a
 17 review commission. If the indicted public official is the Governor, the commission shall
 18 be composed of the Attorney General, the Secretary of State, the State School
 19 Superintendent, the Commissioner of Insurance, and the Commissioner of Agriculture, ~~and~~
 20 ~~the Commissioner of Labor~~. If the indicted public official is the Attorney General, the
 21 commission shall be composed of three other public officials who are not members of the
 22 General Assembly. If the indicted public official is not the Governor, the Attorney General,
 23 or a member of the General Assembly, the commission shall be composed of the Attorney
 24 General and two other public officials who are not members of the General Assembly. If
 25 the indicted public official is a member of the General Assembly, the commission shall be
 26 composed of the Attorney General and one member of the Senate and one member of the
 27 House of Representatives. If the Attorney General brings the indictment against the public

1 official, the Attorney General shall not serve on the commission. In place of the Attorney
 2 General, the Governor shall appoint a retired Supreme Court Justice or a retired Court of
 3 Appeals Judge. The commission shall provide for a speedy hearing, including notice of the
 4 nature and cause of the hearing, process for obtaining witnesses, and the assistance of
 5 counsel. Unless a longer period of time is granted by the appointing authority, the
 6 commission shall make a written report within 14 days. If the commission determines that
 7 the indictment relates to and adversely affects the administration of the office of the
 8 indicted public official and that the rights and interests of the public are adversely affected
 9 thereby, the Governor or, if the Governor is the indicted public official, the Lieutenant
 10 Governor shall suspend the public official immediately and without further action pending
 11 the final disposition of the case or until the expiration of the officer's term of office,
 12 whichever occurs first. During the term of office to which such officer was elected and in
 13 which the indictment occurred, if a nolle prosequi is entered, if the public official is
 14 acquitted, or if after conviction the conviction is later overturned as a result of any direct
 15 appeal or application for a writ of certiorari, the officer shall be immediately reinstated to
 16 the office from which he was suspended. While a public official is suspended under this
 17 Paragraph and until initial conviction by the trial court, the officer shall continue to receive
 18 the compensation from his office. After initial conviction by the trial court, the officer shall
 19 not be entitled to receive the compensation from his office. If the officer is reinstated to
 20 office, he shall be entitled to receive any compensation withheld under the provisions of
 21 this Paragraph."

22 **SECTION 2.**

23 Article V, Section III of the Constitution is amended by striking Paragraph I and inserting
 24 in its place a new Paragraph I to read as follows:

25 "Paragraph I. ***Other executive officers, how elected.*** The Secretary of State, Attorney
 26 General, State School Superintendent, Commissioner of Insurance, Commissioner of
 27 Agriculture, and Commissioner of Labor shall be elected in the manner prescribed for the
 28 election of members of the General Assembly and the electors shall be the same. Such
 29 executive officers shall be elected at the same time and hold their offices for the same term
 30 as the Governor. The Commissioner of Labor elected in 2006, or any person selected to
 31 fill a vacancy in such office, shall continue to serve as Commissioner of Labor until the
 32 regular expiration of the term of office on December 31, 2010. No successor to the
 33 Commissioner of Labor shall be elected in 2010 or thereafter. The office of Commissioner
 34 of Labor is abolished effective January 1, 2011."

SECTION 3.

Article V, Section III of the Constitution is amended by striking Paragraph II and inserting in its place a new Paragraph II to read as follows:

"Paragraph II. *Qualifications.* (a) No person shall be eligible to the office of the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, or Commissioner of Agriculture, ~~or Commissioner of Labor~~ unless such person shall have been a citizen of the United States for ten years and a legal resident of the state for four years immediately preceding election or appointment and shall have attained the age of 25 years by the date of assuming office. All of said officers shall take such oath and give bond and security, as prescribed by law, for the faithful discharge of their duties.

(b) No person shall be Attorney General unless such person shall have been an active-status member of the State Bar of Georgia for seven years."

SECTION 4.

Article V, Section IV of the Constitution is amended by striking Paragraph I and inserting in its place a new Paragraph I to read as follows:

"Paragraph I. *'Elected constitutional executive officer,' how defined.* As used in this section, the term 'elected constitutional executive officer' means the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, the State School Superintendent, the Commissioner of Insurance, and the Commissioner of Agriculture, ~~and the Commissioner of Labor.~~"

SECTION 5.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended so as to abolish the office of
() NO Commissioner of Labor?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state and Section 2 of this amendment shall become effective on January 1, 2007, and Sections 1, 3, and 4 shall become effective on January 1, 2011.