

House Bill 640

By: Representatives Williams of the 4<sup>th</sup>, Shaw of the 176<sup>th</sup>, and Ralston of the 7<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Titles 50 and 12 of the Official Code of Georgia Annotated, relating, respectively,  
2 to state government and conservation and natural resources, so as to provide for the  
3 comprehensive revision of provisions regarding regional commissions and change such  
4 regional commissions to regional development centers; to change certain provisions  
5 regarding technical assistance; to change certain provisions regarding planning; to provide  
6 for the creation, operation, powers, duties, and authority of regional development  
7 commissions; to provide for definitions; to provide for legislative intent; to provide for  
8 certain tax exemptions; to provide for applicability to certain zoning power; to change certain  
9 provisions regarding conflicts of interest in contract administration; to change certain  
10 provisions regarding influence of election of board members and adoption of disciplinary  
11 measures; to change certain provisions regarding duties and obligations; to change certain  
12 provisions regarding water resources; to change certain provisions regarding agency  
13 cooperation; to amend Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, and 48 of the Official Code of  
14 Georgia Annotated, relating, respectively, to agriculture, buildings and housing, conservation  
15 and natural resources, corporations, health, highways, local government, property, public  
16 officers and employees, and revenue and taxation, so as to change certain references relating  
17 to regional commissions to appropriate reference to regional development centers; to repeal  
18 Section 2 of an Act approved May 6, 2008 (Ga. L. 2008, p. 181), relating to territorial  
19 boundaries of regional commissions; to provide for related matters; to provide for an  
20 effective date; to repeal conflicting laws; and for other purposes.

21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

22 **PART I**

23 **SECTION 1-1.**

24 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
 25 by revising subparagraph (a)(18)(B) of Code Section 50-8-2, relating to definitions, as  
 26 follows:

27 "(B) Has ~~made its local plan implementation mechanisms consistent with those~~  
 28 established in regulations consistent with its comprehensive plan and with the minimum  
 29 standards and procedures; and"

30 **SECTION 1-2.**

31 Said title is further amended by revising subsection (b) of Code Section 50-8-7, relating to  
 32 planning and technical assistance and information gathering and distributing, as follows:

33 "(b) The department shall undertake and carry out, and shall coordinate with other state  
 34 agencies and local governments in undertaking and carrying out, such gathering of  
 35 information, such distribution of information, and such studies and recommendations as  
 36 the board or the commissioner may deem necessary for performing local government  
 37 services and as may be specified by law. Such coordinating, gathering, and distribution of  
 38 information and studies may include, but shall not be limited to, the following:

39 (1) The department shall coordinate and participate in compiling, and other state  
 40 agencies and local governments shall participate in compiling, a Georgia data base and  
 41 network to serve as a comprehensive source of information available, in an accessible  
 42 form, to local governments and state agencies. The Georgia data base and network shall  
 43 collect, analyze, and disseminate information with respect to local governments, regional  
 44 ~~commissions~~ development centers, and state agencies. The Georgia data base and  
 45 network shall include information obtained or available from other governments and  
 46 information developed by the department. To maintain the Georgia data base and  
 47 network, the department shall make, and shall coordinate with other state agencies and  
 48 local governments in making, comprehensive studies, investigations, and surveys of the  
 49 physical, social, economic, governmental, demographic, and other conditions of the state  
 50 and of local governments and of such other aspects of the state as may be necessary to  
 51 serve the purposes of the department. The department shall make available the Georgia  
 52 data base and network, or provide access to the Georgia data base and network, to other  
 53 state agencies, local governments, members of the General Assembly, and residents of  
 54 the state;

55 (2) The department shall maintain a strategic rural economic development plan in  
 56 cooperation with the regional development centers, the university system of the state,

57 other state agencies and departments, and local governments. The plan shall include,  
 58 without being limited to, identifying industries for which the rural areas of the state have  
 59 a comparative advantage, exploring resources for venture capital for the rural areas of the  
 60 state, and providing state financial assistance to support local initiatives for rural  
 61 economic development in rural areas;

62 ~~(2)~~(3) The department may assist the Governor, the General Assembly, any committees  
 63 of the General Assembly, any state department, any state agency, any state authority, or  
 64 any local government with studies, surveys, investigations, maps, reports, plans,  
 65 recommendations, advice, and information prepared, developed, or obtained by the  
 66 department;

67 ~~(3)~~(4) The department may undertake studies, investigations, and surveys to identify  
 68 potential physical, social, economic, governmental, demographic, or other problems and  
 69 opportunities in the urban, suburban, and rural areas of the state and to assist local  
 70 governments in preparing to avoid the consequences of such problems or to take  
 71 advantage of such opportunities; and

72 ~~(4)~~(5) The department may write, draft, prepare, or publish any studies, surveys,  
 73 investigations, maps, reports, plans, recommendations, advice, and information with  
 74 respect to local ~~or regional~~ government affairs. The department may distribute or  
 75 otherwise disseminate any such studies, surveys, investigations, maps, reports, plans,  
 76 recommendations, advice, and information to any government, any state authority or state  
 77 agency, or any private entity."

### 78 SECTION 1-3.

79 Said title is further amended by revising Code Section 50-8-7.1, relating to assisting the  
 80 Governor in planning, establishing minimum standards and procedures for coordinated and  
 81 comprehensive planning, and supervising regional development centers, as follows:

82 "50-8-7.1.

83 (a) The department shall perform the duties, responsibilities, and functions and may  
 84 exercise the power and authority described in this Code section. The department, utilizing  
 85 the comprehensive plans of qualified local governments, shall undertake and carry out such  
 86 activities as may be necessary to assist the Governor in encouraging, coordinating,  
 87 developing, and implementing coordinated and comprehensive planning. Such activities  
 88 may include, but shall not be limited to, the following:

89 (1) The department, utilizing the comprehensive plans of ~~regional commissions and~~  
 90 qualified local governments, shall assist the Governor in coordinated and comprehensive  
 91 planning on the state level and throughout the state, including, but not limited to,  
 92 assistance in the development of a comprehensive plan for the state;

93 (2) The department, utilizing the comprehensive plans of ~~regional commissions and~~  
94 qualified local governments, shall assist the Governor in defining the state's long-term  
95 goals, objectives, and priorities and implementing those goals, objectives, and priorities  
96 through coordinated and comprehensive planning;

97 (3) The department shall examine and analyze plans of state agencies, comprehensive  
98 plans of regional ~~commissions~~ development centers, and comprehensive plans of  
99 municipalities and counties, undertaken as part of the coordinated and comprehensive  
100 planning process, and advise the Governor with respect to those plans; and

101 (4) The department shall serve as policy liaison for the Governor, with respect to  
102 coordinated and comprehensive planning, with and among state agencies and local  
103 governments.

104 (b) The department shall establish in accordance with the provisions of Code Section  
105 50-8-7.2 minimum standards and procedures for coordinated and comprehensive planning,  
106 including standards and procedures for preparation of plans, for implementation of plans,  
107 and for participation in the coordinated and comprehensive planning process. The  
108 department shall undertake and carry out such activities as may be specified by law. Such  
109 activities may include, but shall not be limited to, the following:

110 (1) As part of such minimum standards and procedures, the department shall establish  
111 minimum elements which shall be addressed and included in comprehensive plans of  
112 local governments which are prepared as part of the coordinated and comprehensive  
113 planning process. These elements shall include, but shall not be limited to, housing,  
114 human services, natural resources, the environment, vital areas, historic ~~and cultural~~  
115 resources, infrastructure, land use other than zoning, recreation, transportation, and  
116 economic development;

117 (2) The department shall establish minimum standards and procedures which shall be  
118 used by local governments in developing, preparing, and implementing their  
119 comprehensive plans. The department shall incorporate the minimum standards and  
120 procedures with respect to natural resources, the environment, and vital areas of the state  
121 established and administered by the Department of Natural Resources pursuant to Code  
122 Section 12-2-8. In establishing such minimum standards and procedures, the department  
123 shall be authorized to differentiate among local governments and among regions based  
124 upon factors which the department determines merit differentiation, such as total  
125 population, density of population, geographic features, the size of tax base, the type and  
126 character of services furnished by local governments, the size of budget, and other  
127 factors;

128 (3) The department shall develop planning procedures with respect to regionally  
129 important resources, for planning with respect to developments of regional impact, and

130 for encouraging interjurisdictional cooperation among local governments. The  
131 department shall determine, in its judgment and for each region, what shall constitute  
132 developments of regional impact. Such determinations by the department shall be made  
133 for each region after receiving any necessary information from the regional ~~commission~~  
134 development center for the region, from local governments within the region, and from  
135 others within the region. The department's determinations shall be publicly promulgated,  
136 using such means as the commissioner may determine, so that all local governments  
137 within a region will receive notice of the department's determinations affecting that  
138 region; and

139 (4) The department shall establish and shall promulgate procedures for obtaining input  
140 from, and participation by, local governments and the public in establishing, amending,  
141 and updating from time to time the minimum standards and procedures.

142 (c) The department shall undertake and carry out such activities as the board or the  
143 commissioner may deem necessary for supervising regional ~~commissions~~ development  
144 centers and as may be specified by law. Such activities may include, but shall not be  
145 limited to, the following:

146 (1) The department shall recommend to the board from time to time the boundaries for  
147 the regions for each of the regional ~~commissions~~ development centers; and

148 (2) The department shall review and comment on comprehensive plans prepared by, and  
149 coordinated and comprehensive planning activities undertaken by or under the direction  
150 of, regional ~~commissions~~ development centers.

151 (d) The department shall undertake and carry out such activities as may be necessary to  
152 mediate, or otherwise assist in resolving, conflicts. Such activities may include, but shall  
153 not be limited to, the following:

154 (1) The department may establish such procedures and guidelines for mediation or other  
155 forms of resolving conflicts as the commissioner may deem necessary. The procedures  
156 and guidelines shall specify the times within which steps in the mediation or other form  
157 of conflict resolution shall take place and shall provide that such times shall not exceed,  
158 in the aggregate, 90 days from the date on which mediation or other conflict resolution  
159 begins. The department shall promulgate and make public all such procedures and  
160 guidelines;

161 (2) The department may act to mediate or otherwise assist in resolving conflicts upon  
162 written request from any regional ~~commission~~ development center or local government  
163 or may act, without any such request, on its own initiative;

164 (3) The department may establish rules and procedures which require that local  
165 governments submit for review any proposed action which would, based upon guidelines  
166 which the department may establish, affect regionally important resources or further any

167 development of regional impact. Any such proposed action by a local government (other  
 168 than a regional ~~commission~~ development center) shall be submitted for review to the  
 169 local government's regional ~~commission~~ development center. Any such proposed action  
 170 by a regional ~~commission~~ development center shall be submitted for review to the  
 171 department. Review shall be in accordance with rules and procedures established by the  
 172 department. The review shall result in a public finding by the regional ~~commission~~  
 173 development center or the department, as the case may be, that the action will be in the  
 174 best interest of the ~~region and~~ state or that it will not be in the best interest of the ~~region~~  
 175 ~~and~~ state;

176 (4) Any conflict which remains after review pursuant to the procedures established under  
 177 paragraph (3) of this subsection shall be submitted to mediation or such other form of  
 178 resolving conflicts as the commissioner may deem necessary; and

179 (5) The department may decline to certify a local government as a qualified local  
 180 government or may take or recommend action which would reduce state or other funding  
 181 for a regional ~~commission~~ development center if such local government or regional  
 182 ~~commission~~ development center, as the case may be, is a party to a conflict but fails to  
 183 participate in the department's mediation or other means of resolving conflicts in a  
 184 manner which, in the judgment of the department and a majority of the Board of  
 185 Community Affairs, reflects a good faith effort to resolve the conflict."

186 **SECTION 1-4.**

187 Said title is further amended by repealing in its entirety Article 2, relating to regional  
 188 commissions and inserting in its place an article to read as follows:

189 "ARTICLE 2

190 50-8-30.

191 The local governments of the State of Georgia are of vital importance to the state and its  
 192 citizens. The state has an essential public interest in promoting, developing, sustaining, and  
 193 assisting local governments. The natural resources, environment, and vital areas of the state  
 194 are also of vital importance to the state and its citizens. The state has an essential public  
 195 interest in establishing minimum standards for land use in order to protect and preserve its  
 196 natural resources, environment, and vital areas. Coordinated and comprehensive planning  
 197 by local governments, under direction from the state, is necessary in order to serve these  
 198 essential public interests of the state. The purpose of this article is to provide for regional  
 199 development centers to develop, promote, and assist in establishing coordinated and  
 200 comprehensive planning in the state, to assist local governments to participate in an orderly

201 process for coordinated and comprehensive planning, to assist local governments to prepare  
 202 and implement comprehensive plans which will develop and promote the essential public  
 203 interests of the state and its citizens, and to prepare and implement comprehensive regional  
 204 plans which will develop and promote the essential public interests of the state and its  
 205 citizens. This article shall be construed liberally to achieve its purpose. This article is  
 206 enacted pursuant to the authority granted the General Assembly in the Constitution of the  
 207 State of Georgia, including, but not limited to, the authority provided in Article III, Section  
 208 VI, Paragraphs I and II(a)(1) and Article IX, Section II, Paragraphs III and IV.

209 50-8-31.

210 As used in this article, the term:

211 (1) 'Board' means the board of a regional development center.

212 (2) 'Center' means a regional development center established under this article, including  
 213 its predecessor area planning and development commission.

214 (3) 'Commissioner' means the commissioner of community affairs.

215 (4) 'Comprehensive plan' means any plan by a county or municipality covering such  
 216 county or municipality or any plan by a regional development center covering the center's  
 217 region proposed or prepared pursuant to the minimum standards and procedures for  
 218 preparation of comprehensive plans and for implementation of comprehensive plans,  
 219 established by the department in accordance with Article 1 of this chapter.

220 (5) 'Conflict' means any conflict, dispute, or inconsistency arising:

221 (A) Between or among comprehensive plans for any counties or municipalities, as  
 222 proposed, prepared, proposed to be implemented, or implemented;

223 (B) Between or among comprehensive plans for any counties or municipalities and  
 224 comprehensive plans for the region which includes such counties or municipalities, as  
 225 such plans may be proposed, prepared, proposed to be implemented, or implemented;

226 (C) With respect to or in connection with any action proposed to be taken or taken by  
 227 any county, municipality, or other local government relating to or affecting regionally  
 228 important resources, as defined by the department; or

229 (D) With respect to or in connection with any action proposed to be taken or taken by  
 230 any county, municipality, or other local government relating to or affecting  
 231 developments of regional impact, as defined by the department.

232 (6) 'Constitution' means the Constitution of the State of Georgia.

233 (7) 'Contract' means any contract, agreement, or other legally binding arrangement.

234 (8) 'Coordinated and comprehensive planning' means planning by counties and  
 235 municipalities and by regional development centers in accordance with the minimum  
 236 standards and procedures.

- 237 (9) 'County board member' means any member of the board representing a county,  
 238 determined pursuant to paragraph (1) of subsection (b) of Code Section 50-8-34.
- 239 (10) 'Department' means the Department of Community Affairs.
- 240 (11) 'Governing body' means the board of commissioners of a county, sole commissioner  
 241 of a county, council, commissioners, or other governing authority for a county or  
 242 municipality.
- 243 (12) 'Government' means any governmental unit on the federal, state, or local level and  
 244 any department, agency, or authority of any such governmental unit and shall include all  
 245 local governments, school districts, state agencies, and state authorities.
- 246 (13) 'Local government' means any county, municipality, or other political subdivision  
 247 of the state; any regional development center; any public agency or public authority,  
 248 except any state agency or state authority, created under the Constitution or by Act of the  
 249 General Assembly; and shall include public agencies and public authorities which are  
 250 created or activated pursuant to the Constitution or Act of the General Assembly or by  
 251 action of the governing body of any county, municipality, or other political subdivision  
 252 of the state, separately or in any combination, and shall include any group of counties or  
 253 municipalities which forms the group to carry out jointly any lawful purposes but shall  
 254 not include school districts.
- 255 (14) 'Local plan' means the comprehensive plan for any county or municipality.
- 256 (15) 'Minimum standards and procedures' means the minimum standards and procedures,  
 257 including the minimum elements which shall be addressed and included, for preparation  
 258 of comprehensive plans, for implementation of comprehensive plans, and for  
 259 participation in the coordinated and comprehensive planning process, as established by  
 260 the department. Minimum standards and procedures shall include any elements,  
 261 standards, and procedures for such purposes prescribed by a regional development center  
 262 for counties and municipalities within its region and approved in advance by the  
 263 department, in accordance with Article 1 of this chapter.
- 264 (16) 'Municipal board member' means any member of the board representing a  
 265 municipality, determined pursuant to paragraph (1) of subsection (b) of Code Section  
 266 50-8-34.
- 267 (17) 'Municipality' means any municipal corporation of the state and any consolidated  
 268 city-county government of the state.
- 269 (18) 'Necessary' means necessary, desirable, or appropriate, as determined by the  
 270 commissioner, unless the context clearly indicates a different meaning.
- 271 (19) 'Nonpublic board member' means any board member who is a resident of a county  
 272 within the region, who is not an elected or appointed official or employee of any county

273 or municipality, and who is elected as a nonpublic member for that county pursuant to  
 274 paragraph (1) of subsection (b) of Code Section 50-8-34.

275 (19.1) 'Nonpublic funds' means the servicing fees which are received by a nonprofit  
 276 corporation for administering federal or state revolving loan programs or loan packaging  
 277 programs.

278 (20) 'Qualified local government' means a county or municipality which:

279 (A) Has a comprehensive plan in conformity with the minimum standards and  
 280 procedures;

281 (B) Has established regulations consistent with its comprehensive plan and with the  
 282 minimum standards and procedures; and

283 (C) Has not failed to participate in the department's mediation or other means of  
 284 resolving conflicts in a manner which, in the judgment of the department, reflects a  
 285 good faith effort to resolve any conflict.

286 (21) 'Region' means the territorial area within the boundaries of operation for any  
 287 regional development center, as such boundaries shall be established from time to time  
 288 by the board of the department.

289 (22) 'Regional development center' means a regional development center established  
 290 under this article.

291 (23) 'Regional plan' means the comprehensive plan for a region.

292 (24) 'State' means the State of Georgia.

293 50-8-32.

294 Regional development centers are created and established as public agencies and  
 295 instrumentalities of their members which shall facilitate coordinated and comprehensive  
 296 planning in conformity with minimum standards and procedures established pursuant to  
 297 law. Each such agency and instrumentality shall be known as a regional development  
 298 center and shall be designated, by name for all purposes, with such identifying words  
 299 before the term 'regional development center' as the board may, from time to time in  
 300 accordance with the provisions of subsection (f) of Code Section 50-8-4, choose and  
 301 designate by official action. The number of regional development centers and the region  
 302 within which each regional development center shall operate shall be established from time  
 303 to time by the board of community affairs. The board of community affairs shall initially  
 304 establish the boundaries of each region so that, for the period through June 30, 1990, each  
 305 region will cover the same territorial area as covered by the regional development center's  
 306 predecessor area planning and development commission in effect on June 30, 1989. Each  
 307 county shall be wholly within the region of one regional development center, and no county  
 308 shall be divided among more than one region. Without limiting the generality of the

309 foregoing, the board of community affairs shall establish the boundaries of any region for  
310 which a metropolitan area planning and development commission, created pursuant to  
311 Article 4 of this chapter, also serves as the regional development center.

312 50-8-33.

313 (a) Each municipality and county in the state shall automatically be a member of the  
314 regional development center for the region which includes the municipality or county, as  
315 the case may be.

316 (b)(1) Each county and municipality in the state shall pay the annual dues for  
317 membership in its regional development center. Each county and the municipalities  
318 within such county shall continue to use the arrangement for the payment of dues which  
319 was in effect on June 30, 1989, for the payment of dues to the area planning and  
320 development commission which preceded the regional development center created by this  
321 article until a revised arrangement for the amount, apportionment, and payment of annual  
322 dues is established by the county and the municipalities within such county. If an  
323 arrangement for the payment of such dues is structured so that a county pays dues only  
324 on behalf of residents of the unincorporated areas of the county, then the annual dues paid  
325 by such county shall come solely from revenues derived from the unincorporated areas  
326 of the county.

327 (2) State funds appropriated to the department and available for the purpose of assisting  
328 regional development centers shall be distributed in accordance with this paragraph. The  
329 department shall establish a minimum funding amount for regional development centers,  
330 conditioned upon the amount of state funds appropriated, and a supplemental funding  
331 formula to be used for the distribution of available state funds in excess of the minimum  
332 funding amount. To be eligible for the minimum funding amount, each regional  
333 development center must assess and collect annual dues in the amount of 25¢ for each  
334 resident of each county within the regional development center, based upon the most  
335 recent estimate of population approved by the department for this purpose. To be eligible  
336 for any supplemental funding, each regional development center shall be required to  
337 match the amount of the supplemental funds on a dollar-for-dollar basis and shall only  
338 use for the purpose of computing matching funds revenues of the regional development  
339 center in excess of the amount required for the minimum funding amount.

340 (3) The initial supplemental funding formula established by the department to be used  
341 for the distribution of available state funds in excess of the minimum funding amount  
342 shall be promulgated by the department in accordance with the procedures of Code  
343 Section 50-8-7.2.

344 50-8-34.

345 (a) The board of each regional development center shall establish policy and direction for  
346 the regional development center and shall perform such other functions as may be provided  
347 or authorized by law.

348 (b) Membership on the board shall be determined as follows:

349 (1) The board of each regional development center shall be comprised of not less than  
350 two nor more than five representatives from each member county served by the regional  
351 development center. The manner of selecting such regional development center board  
352 members shall be as prescribed by its bylaws, provided that the board shall have at least  
353 one elected or appointed municipal government official from each member county and  
354 at least one elected or appointed county government official from each member county.  
355 The bylaws of a regional development center may authorize the regional development  
356 center to include nonpublic board members;

357 (2) At the next regular meeting of each regional development center board held not less  
358 than 30 days following July 1, 1993, the chairperson of each regional development center  
359 board shall convene a meeting of the present membership of such board for the purpose  
360 of amending the regional development center's bylaws to provide for the election of the  
361 initial regional development center board in accordance with the provisions of paragraph  
362 (1) of this subsection. Not less than 30 nor more than 60 days following the adoption of  
363 such amended bylaws, the chairperson of each regional development center board shall  
364 convene a meeting of the present membership of each regional development center board  
365 to elect the initial regional development center board in accordance with the provisions  
366 of such amended bylaws. The terms of office of initial regional development center board  
367 members selected pursuant to this subsection shall commence upon such date and time  
368 as specified in the amended regional development center's bylaws; and

369 (3) In addition to the members of the board provided for in paragraphs (1) and (2) of this  
370 subsection, the Board of Community Affairs shall have the authority to appoint one  
371 nonvoting member from within each region to the membership of the board for that  
372 region.

373 (c) The term of a member shall be for a period of one year and until the member's  
374 successor is elected and qualified. The term of a member shall terminate immediately upon:

375 (1) Resignation by a member;

376 (2) Death of a member or inability to serve as a member due to medical infirmity or other  
377 incapacity; or

378 (3) Any change in local elective office or residence of a member which would cause the  
379 composition of the board not to comply with the requirements of subsection (b) of this  
380 Code section.

381 (d) Each member of the board shall have one vote. Establishment of a quorum for purposes  
382 of the conduct of business shall be determined by the bylaws of the regional development  
383 center.

384 (e) Each regional development center board shall elect from among its board members a  
385 chairperson, vice chairperson, and secretary who shall serve for a term of one year and until  
386 their successors are elected and qualified. Such elections shall be held annually at a  
387 meeting designated for that purpose in the regional development center's bylaws.

388 (f) The board shall meet not less than ten times each year and at such times as provided  
389 by its bylaws.

390 (g) Each board shall exercise the following powers:

391 (1) The powers, duties, responsibilities, and functions enumerated in Code Section  
392 50-8-35;

393 (2) The appointment and removal of a full-time executive director for the regional  
394 development center;

395 (3) The establishment of such committees as the board shall deem appropriate;

396 (4) The adoption of an annual work program for the regional development center;

397 (5) The adoption of an annual budget; and

398 (6) The determination of the policies and programs to be implemented and operated by  
399 the regional development center as may be provided or authorized by law.

400 50-8-34.1.

401 (a) Each regional development center shall have an executive director who shall serve at  
402 the pleasure of the board and who shall be subject to appointment and removal by a  
403 majority vote of the members of the board. The executive director shall perform such duties  
404 as assigned by the board.

405 (b) Each regional development center board shall require performance standards for  
406 measurement of the activities of the regional development center. The board shall conduct  
407 an annual performance review of the executive director of the regional development center  
408 measured by standards developed by the board.

409 50-8-35.

410 (a) Each regional development center, as authorized by the board of such regional  
411 development center and consistent with federal and state law, shall perform the duties,  
412 responsibilities, and functions and may exercise the power and authority described in this  
413 Code section. Each center may exercise the following power and authority:

414 (1) Each center may adopt bylaws and make rules and regulations for the conduct of its  
415 affairs;

- 416 (2) Each center may make and enter into all contracts necessary or incidental to the  
417 performance of its duties and functions. Neither a center, nor any nonprofit corporation  
418 established or controlled by that center, may enter into any contract obligating that center  
419 or nonprofit corporation to perform services for any political subdivision, individual, or  
420 business entity located wholly outside the boundaries of that center's region, except that  
421 one center, on its own behalf and not on behalf or for the direct benefit of any political  
422 subdivision, individual, or business entity within that center's boundaries, may contract  
423 with another center to provide services for the benefit of one or both centers;
- 424 (3) Each center may acquire and dispose of real and personal property;
- 425 (4) Each center may utilize the services of the Department of Administrative Services;
- 426 (5) Each center may prepare studies of the area's resources as they affect existing and  
427 emerging problems of industry, commerce, transportation, population, housing,  
428 agriculture, public services, local governments, and any other matters relating to area  
429 planning and development;
- 430 (6) Each center may collect, process, and analyze, at regular intervals, the social and  
431 economic statistics for the region, which statistics are necessary to planning studies, and  
432 make the results available to the general public;
- 433 (7) Each center may participate with local, state, or federal governmental agencies,  
434 educational institutions, and public and private organizations in the coordination and  
435 implementation of research and development activities;
- 436 (8) Each center may cooperate with all units of local government and planning and  
437 development agencies within the center's region and coordinate area planning and  
438 development activities with those of the state and of the units of local government within  
439 the center's region as well as neighboring regions and with the programs of federal  
440 departments, agencies, and regional commissions; and provide such technical assistance,  
441 including data processing and grant administration services for local governments, as may  
442 be requested of it by a unit or units of local government within the center's region; and  
443 such technical assistance shall not be limited to planning and development activities but  
444 may include technical assistance of any nature requested by a unit or units of local  
445 government within the center's region;
- 446 (9) Each center may carry out such other programs as its board or the department shall  
447 require from time to time;
- 448 (10) Each center may, when appropriate, administer funds involving more than one  
449 political subdivision;
- 450 (11) Each center may, upon the signed resolution of its board and written approval by  
451 each unit of local government affected, initiate, continue, or renew arrangements with the  
452 United States government, an adjoining state, this state, a unit of local government, any

453 agency or instrumentality of the foregoing, or a public or private organization for the  
454 management, administration, or operation of human service programs by such regional  
455 development center; but, in the conduct of any such human service programs, a center  
456 shall not engage in the direct delivery of goods or services to individual consumers but  
457 may enter into contracts with other authorized entities, including units of local  
458 government, for the delivery of such goods or services by and in the name of such  
459 entities; and

460 (12) Each center may provide the following benefits to its employees, their dependents,  
461 and survivors, in addition to any compensation or other benefits provided to such persons:

462 (A) Retirement, pension, disability, medical, and hospitalization benefits, through the  
463 purchase of insurance or otherwise;

464 (B) Life insurance coverage and coverage under federal old age and survivors'  
465 insurance programs;

466 (C) Sick leave, annual leave, and holiday leave; and

467 (D) Any other similar benefits including, but not limited to, death benefits.

468 (b) Each center shall adopt personnel policies and practices with specific reference to job  
469 descriptions and qualifications. Minimum qualifications for the professional personnel of  
470 each regional development center shall be established by the board of the regional  
471 development center and the Board of Community Affairs.

472 (c) Each center shall undertake and carry out such planning and technical assistance  
473 activities as its board or the department may deem necessary for the development,  
474 preparation, and implementation of comprehensive plans for the center's region and for  
475 municipalities and counties within the center's region and such planning and technical  
476 assistance activities as its board or the department may deem necessary for coordinated and  
477 comprehensive planning within the center's region. Such planning and technical assistance  
478 activities may include, but shall not be limited to, the following:

479 (1) A center may coordinate and assist local governments in preparing local plans for  
480 submission to the center;

481 (2) A center may provide technical planning assistance to local governments;

482 (3) A center may develop and prepare a local plan for a county or municipality if the  
483 county or municipality enters into a contract with a center for that purpose;

484 (4) A center may require that comprehensive plans within its region include elements in  
485 addition to those established by the department as minimum standards and procedures  
486 but, before imposing any such requirement, the center shall have received the  
487 department's approval of any additional elements to be included in such comprehensive  
488 plans;

489 (5) A center may establish goals and objectives, consistent with those established by the  
490 Governor's Development Council or by the department, for its region; and

491 (6) Each center shall prepare and adopt a regional plan and submit the regional plan to  
492 the department. The regional plan shall take into consideration local plans within the  
493 region. The regional plan may be prepared but shall not be adopted by the board until  
494 after a proposed regional plan has been made public and after the board has held, or  
495 caused to be held by a designated hearing officer, a public hearing on the regional plan,  
496 in accordance with such procedures as the department may establish.

497 (d) Each center shall participate in compiling a Georgia data base and network,  
498 coordinated by the department, to serve as a comprehensive source of information  
499 available, in an accessible form, to local governments, state agencies, and members of the  
500 General Assembly.

501 (e) A center shall serve as liaison with other governments, including federal government  
502 agencies and state agencies. In this capacity, a center may administer programs within the  
503 state upon the request of local governments and may administer federal or state government  
504 programs upon designation by the federal or state government. Each center shall be  
505 designated as the official planning agency for all state and federal programs to be carried  
506 out in the region if such designation is required and if the department concurs in such  
507 designation. A center may take all action and shall have all power and authority necessary  
508 to carry out its responsibilities, duties, and functions under any such state or federal  
509 programs.

510 (f)(1)(A) In order to accomplish the intent of subsection (e) of this Code section, each  
511 center is authorized to create nonprofit corporations to administer federal or state  
512 revolving loan programs or loan packaging programs, and to administer federal or state  
513 housing and development programs and funds available only to nonprofit corporations.  
514 Each such nonprofit corporation must be authorized by the center's board and each unit  
515 of local government affected.

516 (B) Any nonprofit corporation which, prior to April 1, 1994, has been created by a  
517 center and has had articles of incorporation which are regular on their face accepted for  
518 filing by the Secretary of State shall be recognized as and have legal status as a validly  
519 created nonprofit corporation under the laws of this state for all purposes,  
520 notwithstanding the requirements of subparagraph (A) of this paragraph and  
521 notwithstanding any lack of express statutory authority on the part of the center to carry  
522 out such incorporation at the time of filing of the articles of incorporation. Nothing in  
523 this subparagraph, however, shall excuse such a nonprofit corporation from complying  
524 on and after April 1, 1994, with any and all requirements imposed by law for  
525 continuation of its corporate existence in the same manner as other nonprofit

526 corporations created under this paragraph are required to comply with legal  
527 requirements for their continued existence.

528 (2) Employees and any other authorized representatives of a nonprofit corporation  
529 created pursuant to paragraph (1) of this subsection are authorized to expend nonpublic  
530 funds of such corporation for the business meals and incidental expenses of bona fide  
531 industrial prospects and other persons who attend any meeting at the request of the  
532 nonprofit corporation to discuss the location or development of new business, industry,  
533 or tourism within the center's region. All such expenditures shall be verified by vouchers  
534 showing date, place, purpose, and persons for whom such expenditures were made. All  
535 receipts of nonpublic funds shall be evidenced by vouchers showing the date, amount,  
536 and source of each receipt. A schedule shall be included in each annual audit which  
537 reports the beginning balance of unexpended nonpublic funds; the date, amount, and  
538 source of all receipts of nonpublic funds; the date, place, purpose, and persons for whom  
539 expenditures were made for all such expenditures of nonpublic funds; and the ending  
540 balance of unexpended nonpublic funds. The auditor shall verify and test such beginning  
541 balances, receipts, expenditures, and ending balances sufficient to express an opinion  
542 thereon in accordance with generally accepted government auditing standards.

543 (3) A nonprofit corporation shall keep books of account reflecting all funds received,  
544 expended, and administered by the nonprofit corporation which shall be independently  
545 audited at least once in each fiscal year during which a nonprofit corporation functions.  
546 Such audit shall be conducted in accordance with generally accepted government auditing  
547 standards. The state auditor shall promulgate policies and procedures for procurement of  
548 such audit of the financial affairs of a nonprofit corporation and shall annually review the  
549 audit procurement process to determine compliance with established policies and  
550 procedures. The nonprofit corporation shall be responsible for the costs associated with  
551 such audit. The auditor's report shall be presented to the commissioner, who shall make  
552 such report available to each board member within the region and to the Board of  
553 Community Affairs. The books of account shall be kept in a standard, uniform format to  
554 be determined by the state auditor and the commissioner. Each nonprofit corporation  
555 shall update its books of account on a quarterly basis and shall present the quarterly  
556 update to the commissioner. The department with the assistance of the commissioner of  
557 banking and finance shall conduct at least biennially a performance audit of each  
558 nonprofit corporation. The department shall provide copies of each such performance  
559 audit to the respective chief elected official of each county and municipality within the  
560 center's region.

561 (4) Each nonprofit corporation shall submit to the department copies of all filings made  
562 to federal, state, or local taxing authorities, including filings related to tax exemptions  
563 simultaneous with such filings.

564 (5)(A) Each annual audit report of a nonprofit corporation shall be completed and a  
565 copy of the report forwarded to the state auditor within 180 days after the close of the  
566 nonprofit corporation's fiscal year. In addition to the audit report, the nonprofit  
567 corporation shall forward to the state auditor, within 30 days after the audit report due  
568 date, written comments on the findings and recommendations in the report, including  
569 a plan for corrective action taken or planned and comments on the status of corrective  
570 action taken on prior findings. If corrective action is not necessary, the written  
571 comments should include a statement describing the reason it is not.

572 (B) The state auditor shall review the audit report and written comments submitted to  
573 his or her office to ensure that they meet the requirements for audits provided for in  
574 paragraph (3) of this subsection. If the state auditor finds the requirements for audits  
575 have not been complied with, the state auditor shall, within 60 days of his or her receipt  
576 of the audit or written comments, notify the nonprofit corporation and the auditor who  
577 performed the audit and shall submit to them a list of the deficiencies to be corrected.  
578 A copy of this notification shall also be sent by the state auditor to the center related to  
579 the nonprofit corporation, the chief elected official of each county and municipality  
580 within the center's region, and to each member of the General Assembly whose  
581 senatorial or representative district includes any part of the center's region.

582 (C) If the state auditor has not received any required audit or written comments by the  
583 date specified in subparagraph (A) of this paragraph, the state auditor shall within 30  
584 days of such date notify the nonprofit corporation that the audit has not been received  
585 as required by law. A copy of this notification shall also be sent by the state auditor to  
586 the center related to the nonprofit corporation, the chief elected official of each county  
587 and municipality within the related center's region, and to each member of the General  
588 Assembly whose senatorial or representative district includes any part of the related  
589 center's region.

590 (D) The state auditor, for good cause shown by those nonprofit corporations in which  
591 an audit is in the process of being conducted or will promptly be conducted, may waive  
592 the requirement for completion of the audit within 180 days. Such waiver shall be for  
593 an additional period of not more than 180 days and no such waiver shall be granted for  
594 more than two successive years to the same nonprofit corporation.

595 (6) A copy of the report and of any comments made by the state auditor pursuant to  
596 subparagraph (B) of paragraph (5) of this subsection shall be maintained as a public

597 record for public inspection during the regular working hours at the principal office of the  
598 nonprofit corporation and the related center.

599 (7) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a  
600 copy of the annual audit report with the state auditor or a failure to correct auditing  
601 deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to  
602 be published in the legal organ of and any other newspapers of general circulation within  
603 each county and municipality within the related center's region. Such notice shall be a  
604 prominently displayed advertisement or news article and shall not be placed in that  
605 section of the newspaper where legal notices appear. Such notice shall be published once  
606 a week for two consecutive weeks and shall state that the nonprofit corporation has failed  
607 or refused to file an audit report or to correct auditing deficiencies, as the case may be,  
608 for the fiscal year or years in question. Such notice shall further state that such failure or  
609 refusal is in violation of state law.

610 (8) The state auditor may waive the requirement of correction of auditing deficiencies  
611 for a period of one year from the required audit filing date, provided that evidence is  
612 presented that substantial progress is being made toward removing the cause of the need  
613 for the waiver. No such waiver for the same set of deficiencies shall be granted for more  
614 than two successive years to the same nonprofit corporation.

615 (g) Notwithstanding the provisions of paragraphs (2) and (8) of subsection (a) of this Code  
616 section, a center may contract with the department for coordinated and comprehensive  
617 planning covering areas not within the territorial boundary of the center, provided that any  
618 such contract is made with the approval of the regional development center's board of  
619 directors having jurisdiction in the area affected.

620 (h) A center shall be prohibited from either creating or controlling or causing to be created  
621 any nonprofit corporation, except as authorized in paragraph (1) of subsection (f) of this  
622 Code section.

623 (i) Neither a center nor a nonprofit corporation either created or controlled or caused to be  
624 created by the center shall administer any federal program which prohibits the department  
625 from conducting a performance audit relative to such program.

626 (j) In any case where a center contracts with a state agency, the contract shall include a  
627 provision requiring cancellation of the contract if the department determines that the center  
628 or a nonprofit corporation either created or controlled or caused to be created by the center  
629 is not fully cooperating with a performance audit conducted by the department.

630 (k) The department and the centers, jointly, shall develop a continuing education program  
631 for professional staff members of such centers.

632 50-8-36.

633 (a) For the purposes of paragraph (11) of subsection (a) of Code Section 50-8-35, the term  
634 'human service programs' means any activity authorized by law to be undertaken by the  
635 state or by any unit of local government in which it is undertaken, the funds for which  
636 program are provided by or through the United States government, an adjoining state, this  
637 state, any unit of local government, any agency or instrumentality of the foregoing, or a  
638 public or private organization, the purpose of which is to provide assistance to and relieve  
639 the special burdens of the young, the indigent, the aged, persons with disabilities, the  
640 unemployed, or the ill.

641 (b) As used in this subsection, 'governmental services' means those services provided by  
642 local units of government of this state. No authority granted to regional development  
643 centers by Code Section 50-8-35 shall be construed to authorize a regional development  
644 center to manage, administer, or operate any program involving the direct delivery of  
645 governmental services to consumers or to administer contracts for the delivery of  
646 governmental services to consumers, except that:

647 (1) The authority of regional development centers with respect to human service  
648 programs, as defined by subsection (a) of this Code section, shall be governed and  
649 controlled by paragraph (11) of subsection (a) of Code Section 50-8-35;

650 (2) The department may specifically authorize governmental services other than human  
651 service programs in writing from time to time and for any specified period of time; and

652 (3) Regional development centers shall be authorized to provide technical assistance to  
653 units of local government in areas of governmental services.

654 50-8-37.

655 (a) Each local plan shall be submitted for review, comment, and recommendation to the  
656 appropriate regional development center and shall become effective in accordance with this  
657 Code section. Each municipality and county within a region shall submit its local plan to  
658 the regional development center for that region for review, comment, and recommendation  
659 by the regional development center. The center shall maintain all local plans which it  
660 receives in this manner in files available for inspection by the public.

661 (b) Within ten days after receipt of a local plan, the center shall notify each municipality  
662 or county within its region which may be affected by the local plan of the general nature  
663 of the plan, the date of its submission, and the identity of the submitting municipality or  
664 county. In addition, any local governments contiguous to, or operating within, the  
665 submitting municipality or county shall be notified by the center in the same manner.

666 (c) Within 15 days after the center gives the notice required by subsection (b) of this Code  
667 section, any local government within the region and any other local government which

668 received notice from the regional development center may present, to the regional  
669 development center, its views on the local plan in a public meeting or hearing which shall  
670 be held in accordance with rules established by the center with prior approval of the  
671 department.

672 (d) The center shall determine whether the adoption or implementation of the local plan  
673 would present any conflict. The center may recommend a modification of the local plan in  
674 such a manner as to eliminate any conflict or alleviate any problem or difficulty which such  
675 conflict may create. The center's determination shall be in writing, shall be made public,  
676 and shall be communicated by written notice given to the municipality or county which  
677 submitted the local plan within 15 days after the date of the public meeting or hearing.

678 (e) The municipality or county which submitted the local plan may request reconsideration  
679 of any recommendation by a center within ten days after the center's recommendation is  
680 made public. For purposes of such reconsideration, the center shall schedule, announce,  
681 and hold a public hearing within 15 days after receipt of the request for reconsideration.  
682 Notice of the time and place of any such public hearing shall be given by the center to all  
683 members of the regional development center, in accordance with such procedures as the  
684 regional development center may establish, subject to the prior approval of the department.  
685 The regional development center shall also give such notice to all affected municipalities  
686 and counties and appropriate state regulatory boards and agencies.

687 (f) Within ten days after the public hearing, the center shall either continue its  
688 recommendations or modify the recommendations. In either case, the center shall make  
689 public its determination and shall give written notice of its determination to the  
690 municipality or county which submitted the local plan.

691 (g) No municipality or county shall take any action to adopt any local plan, or to put into  
692 effect any local plan, until 60 days after the date when the municipality or county, as the  
693 case may be, submitted the local plan to the center for review, comment, and  
694 recommendation, except that any request for reconsideration of any recommendation by  
695 a center pursuant to subsection (e) of this Code section shall automatically operate to  
696 extend the 60 day period to 90 days.

697 (h) Nothing in this Code section shall limit or compromise the right of the governing  
698 authority of a county or municipality to exercise the power of zoning.

699 50-8-38.

700 A center shall review all applications of municipalities, counties, authorities, commissions,  
701 boards, or agencies within the area for a loan or grant from the United States, the state, or  
702 any agency thereof if review by a region-wide agency or body is required by federal or  
703 state law, rule, or regulation. In each case requiring review, the municipality, county,

704 authority, commission, board, or agency shall, prior to submitting its application to the  
705 United States or state or agency thereof, transmit the same to the center for its review. The  
706 comments of the center shall then become a part of the application, to be appended thereto  
707 when finally submitted for the consideration of the United States, the state, or any agency  
708 thereof.

709 50-8-39.

710 (a) A center shall keep books of account reflecting all funds received, expended, and  
711 administered by the center which shall be independently audited at least once in each fiscal  
712 year during which a center functions. Such audit shall be conducted in accordance with  
713 generally accepted government auditing standards. The state auditor shall promulgate  
714 policies and procedures for procurement of such audit of the financial affairs of a center  
715 and shall annually review the audit procurement process to determine compliance with  
716 established policies and procedures. The center shall be responsible for the costs associated  
717 with such audit. The auditor's report shall be presented to the governing body of each  
718 member within the region and to the department. Beginning July 1, 1990, the books of  
719 account shall be kept in a standard, uniform format to be determined by the state auditor  
720 and the commissioner. Each regional development center shall update its books of account  
721 on a quarterly basis and shall present the quarterly update to the commissioner. The  
722 department shall conduct at least biennially a performance audit of each regional  
723 development center. The department shall provide copies of a performance audit of a center  
724 to the chief elected official of each county and municipality within the center's region.

725 (b) In conducting a performance audit of a center, the department shall be allowed access  
726 to all books, records, and documents of the center and all books, records, and documents  
727 of any nonprofit corporations either created or controlled or caused to be created by the  
728 center, to the extent the commissioner deems necessary.

729 (c)(1) Each annual audit report of a center shall be completed and a copy of the report  
730 forwarded to the state auditor within 180 days after the close of the center's fiscal year.  
731 In addition to the audit report, the center shall forward to the state auditor, within 30 days  
732 after the audit report due date, written comments on the findings and recommendations  
733 in the report, including a plan for corrective action taken or planned and comments on the  
734 status of corrective action taken on prior findings. If corrective action is not necessary,  
735 the written comments should include a statement describing the reason it is not.

736 (2) The state auditor shall review the audit report and written comments submitted to his  
737 or her office to ensure that they meet the requirements for audits provided for in  
738 subsection (a) of this Code section. If the state auditor finds the requirements for audits  
739 have not been complied with, the state auditor shall, within 60 days of his or her receipt

740 of the audit or the written comments, notify the center and the auditor who performed the  
741 audit and shall submit to them a list of deficiencies to be corrected. A copy of this  
742 notification shall also be sent by the state auditor to the chief elected official of each  
743 county and municipality within the center's region and to each member of the General  
744 Assembly whose senatorial or representative district includes any part of the center's  
745 region.

746 (3) If the state auditor has not received any required audit or written comments by the  
747 date specified in paragraph (1) of this subsection, the state auditor shall within 30 days  
748 of such date notify the center that the audit has not been received as required by law. A  
749 copy of this notification shall also be sent by the state auditor to the chief elected official  
750 of each county and municipality within the center's region and to each member of the  
751 General Assembly whose senatorial or representative district includes any part of the  
752 center's region.

753 (4) The state auditor, for good cause shown by those centers in which an audit is in the  
754 process of being conducted or will promptly be conducted, may waive the requirement  
755 for completion of the audit within 180 days. Such waiver shall be for an additional period  
756 of not more than 180 days and no such waiver shall be granted for more than two  
757 successive years to the same center.

758 (d) A copy of the report and of any comments made by the state auditor pursuant to  
759 paragraph (2) of subsection (c) of this Code section shall be maintained as a public record  
760 for public inspection during the regular working hours at the principal office of the center.

761 (e) Upon a failure, refusal, or neglect to have an annual audit made or a failure to file a  
762 copy of the annual audit report with the state auditor or a failure to correct auditing  
763 deficiencies noted by the state auditor, the state auditor shall cause a prominent notice to  
764 be published in the legal organ of and any other newspapers of general circulation within  
765 each county and municipality within the center's region. Such notice shall be a prominently  
766 displayed advertisement or news article and shall not be placed in that section of the  
767 newspaper where legal notices appear. Such notice shall be published once a week for two  
768 consecutive weeks and shall state that the center has failed or refused to file an audit report  
769 or to correct auditing deficiencies, as the case may be, for the fiscal year or years in  
770 question. Such notice shall further state that such failure or refusal is in violation of state  
771 law.

772 (f) The state auditor may waive the requirement of correction of auditing deficiencies for  
773 a period of one year from the required audit filing date, provided that evidence is presented  
774 that substantial progress is being made toward removing the cause of the need for the  
775 waiver. No such waiver for the same set of deficiencies shall be granted for more than two  
776 successive years to the same center.

777 (g) Any other provision of this chapter to the contrary notwithstanding, nothing in this  
 778 chapter shall be construed to require public disclosure of or access to any documents or  
 779 information relating to loans made by or assigned to the United States Small Business  
 780 Administration which are exempt from disclosure based upon the federal Privacy Act of  
 781 1974, the federal Freedom of Information Act, or the Code of Federal Regulations.

782 (h) Notwithstanding any other provision of this chapter, neither the state auditor nor the  
 783 department shall be authorized or required to conduct financial or performance audits of  
 784 any records or documents relating to loans made by or assigned to the United States  
 785 Business Administration or any other entity or agency of the United States government if  
 786 said agency's administrator certifies in writing to the state auditor that said records or  
 787 documents may not be disclosed to state auditors under applicable federal regulations.

788 50-8-40.

789 When federal or state law or regulations require the designation of an area-wide or  
 790 multicounty public or private corporation, organization, or agency for multicounty delivery  
 791 of human service programs, the state agency administering such programs shall send a  
 792 notice of intent to designate such area-wide or multicounty corporation, organization, or  
 793 agency to units of local government in the area to be affected. The notice shall discuss in  
 794 general the details of the program and, when applicable, possible local government  
 795 involvement.

796 50-8-41.

797 Each area planning and development commission in existence as of June 30, 1989, shall  
 798 automatically be succeeded by the regional development center for the same region as of  
 799 July 1, 1989, and each such regional development center shall be governed, from and after  
 800 July 1, 1989, by this article. All contractual obligations, obligations to employees, other  
 801 duties, rights, and benefits of such area planning and development commissions shall  
 802 automatically become duties, obligations, rights, and benefits of their respective successor  
 803 regional development centers.

804 50-8-42.

805 Any metropolitan area planning and development commission, created pursuant to Article  
 806 4 of this chapter, shall also serve as the regional development center for the area covered  
 807 by such metropolitan area planning and development commission. The duties,  
 808 responsibilities, and functions and the power and authority granted the metropolitan area  
 809 planning and development commission by law are, and shall be construed to be, cumulative  
 810 with, and in addition to, the duties, responsibilities, and functions and the power and

811 authority granted regional development centers by law. In the event of any conflict between  
812 the provisions of law governing metropolitan planning and development commissions and  
813 those governing regional development centers, however, the laws governing metropolitan  
814 area planning and development commissions shall control and shall govern the  
815 metropolitan area planning and development commission. For example, but without  
816 intending to limit the generality of the foregoing statement, the provisions of Code Sections  
817 50-8-84 through 50-8-87, regarding membership of a metropolitan area planning and  
818 development commission, terms of officers, quorums, and elections of officers, would  
819 govern a metropolitan area planning and development commission instead of the provisions  
820 covering the same subject matter under this article.

821 50-8-43.

822 The governing authorities of the local governmental entities within each regional  
823 development center may appropriate or loan their funds, facilities, equipment, and supplies  
824 to the regional development center.

825 50-8-44.

826 Each regional development center exists for nonprofit and public purposes; and it is found  
827 and declared that the carrying out of the purposes of each regional development center is  
828 exclusively for public benefit and its property is public property. Thus, no regional  
829 development center shall be required to pay any state or local ad valorem, sales, use, or  
830 income taxes.

831 50-8-45.

832 (a) The following provisions apply to all regional development centers. The Department  
833 of Administrative Services is authorized to permit regional development centers, on an  
834 optional basis, to purchase their motor vehicles, material, equipment, services, and supplies  
835 through the state and to issue purchase orders for regional development centers for motor  
836 vehicles, material, equipment, services, and supplies.

837 (b) The regional development centers of this state are authorized to purchase stock from  
838 the state's central supply system operated by the Department of Administrative Services.

839 (c) The regional development centers of this state are authorized to purchase under  
840 state-wide term contracts and price agreements established by the Department of  
841 Administrative Services.

842 (d) The regional development centers of this state are authorized to receive directly from  
843 the Department of Administrative Services personal property declared surplus by the state.

844 (e) The commissioner of administrative services shall prescribe regulations necessary for  
 845 implementation of this Code section and is authorized to establish minimum standards and  
 846 uniform standard specifications and procedures for the purchase and distribution of motor  
 847 vehicles, material, equipment, services, and supplies for the regional development centers  
 848 of this state.

849 50-8-46.

850 Nothing in this article shall limit or compromise the right of the governing authority of any  
 851 county or municipality to exercise the power of zoning."

852 **SECTION 1-5.**

853 Said title is further amended by revising Code Section 50-8-60, relating to definitions  
 854 regarding conflicts of interest in contract administration, as follows:

855 "50-8-60.

856 As used in this article, the term:

857 (1) 'Board member' means any member of the board of a regional development center  
 858 established under Article 2 of this chapter.

859 ~~(1)(2)~~ (2) 'Business' means any corporation, partnership, proprietorship, firm, enterprise,  
 860 franchise, association, organization, self-employed individual, trust, or other legal entity.

861 ~~(2)(3)~~ (3) 'Center' means a regional development center established under Article 2 of this  
 862 chapter ~~'Commission' means a regional commission established pursuant to Article 2 of~~  
 863 ~~this chapter.~~

864 ~~(3)(4)~~ (4) 'Commissioner' means the commissioner of community affairs.

865 ~~(4) 'Council member' means any member of the council of a regional commission~~  
 866 ~~established under Article 2 of this chapter.~~

867 (5) 'Employee' means any person who, pursuant to a written or oral contract, is employed  
 868 by a regional commission center or by a nonprofit corporation.

869 (6) 'Family' means spouse and dependents.

870 (7) 'Nonprofit corporation' means any nonprofit corporation created or controlled by a  
 871 regional ~~commission~~ development center as expressly authorized by law, or as  
 872 administratively authorized pursuant to paragraph (18) of Code Section 50-8-31 and  
 873 subsection (f) of Code Section 50-8-35.

874 (8) 'Person' means any person, corporation, partnership, proprietorship, firm, enterprise,  
 875 franchise, association, organization, or other legal entity.

876 (9) 'Substantial interest' means the direct or indirect ownership of more than 25 percent  
 877 of the assets or stock of any business.

878 (10) 'Transact business' or 'transact any business' means to sell or lease any personal  
 879 property, real property, or services on behalf of oneself or on behalf of any third party as  
 880 an agent, broker, dealer, or representative; to purchase surplus real or personal property  
 881 on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or  
 882 representative; or to obtain loans or loan packaging services on behalf of oneself or any  
 883 third party as an agent, dealer, broker, or representative."

884 **SECTION 1-6.**

885 Said title is further amended by revising Code Section 50-8-67, relating to influence of  
 886 election of board members prohibited and adoption of disciplinary measures, as follows:

887 "50-8-67.

888 A ~~member~~ director or chief administrative officer of a regional development center  
 889 ~~commission's council or executive director of a regional commission~~ shall not actively or  
 890 directly attempt to influence the election of persons as members of the ~~council~~ board of  
 891 such regional ~~commission~~ development center. ~~An executive~~ A director or chief  
 892 administrative officer of a regional ~~commission~~ development center shall not participate  
 893 in any partisan political activities. The ~~council~~ board of a regional ~~commission~~  
 894 development center may adopt, as part of its personnel policies, disciplinary measures to  
 895 be imposed for noncompliance with this Code section."

896 **SECTION 1-7.**

897 Said title is further amended by revising Code Section 50-8-83, relating to powers, duties,  
 898 and obligations of regional commissioners, as follows:

899 "50-8-83.

900 A commission shall be, for its area, a regional ~~commission~~ development center as defined  
 901 in and with all the powers, duties, and obligations of a regional ~~commission~~ development  
 902 center set forth in Article 2 of this chapter and any other law of general application  
 903 pertaining to regional ~~commissions~~ development centers on July 1, ~~2009~~ 1989; and in  
 904 addition shall have all of the other powers, duties, and obligations set forth in this article."

905 **SECTION 1-8.**

906 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
 907 resources, is amended by revising paragraphs (4), (5.1), (7), and (14) of Code Section  
 908 12-5-441, relating to definitions regarding water resources, as follows:

909 "(4) 'Center' means the regional development center created for any county or group of  
 910 counties included in each such region pursuant to the authority contained in Article 2 of  
 911 Chapter 8 of Title 50 Reserved."

912 ~~"(5.1) 'Commission' means a regional commission established pursuant to this article,~~  
 913 ~~including its predecessor, a 'regional development center.'"~~

914 "(7) 'Flood plain' means that area adjacent to a major stream which is subject to being  
 915 flooded with a probable frequency of at least once every 100 years. The ~~regional~~  
 916 ~~commission center~~ shall delineate the flood plain and in doing so may utilize or adopt  
 917 studies prepared by the Corps of Engineers, United States Army, or such other studies as  
 918 the ~~regional commission center~~ deems competent."

919 "(14) 'Plan' means the comprehensive plan or plans prepared by the ~~regional commission~~  
 920 ~~center~~ pursuant to Code Section 12-5-443."

921 **SECTION 1-9.**

922 Said chapter is further amended by revising subsection (b) of Code Section 12-5-579, relating  
 923 to staffing and cooperation between agencies, as follows:

924 "(b) The Atlanta Regional Commission, the Georgia Mountains Regional Development  
 925 Center, the Coosa Valley Regional Development Center, the Chattahoochee-Flint Regional  
 926 Development Center, and the Northeast Georgia Regional Development Center Any  
 927 ~~commission, as defined by Code Section 50-8-31, falling within the geographic boundaries~~  
 928 ~~of the district~~ shall cooperate with the district and shall assist it in its efforts."

929 **PART II**

930 **SECTION 2-1.**

931 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in  
 932 subsection (b) of Code Section 2-6-28, relating to number and boundaries of soil and water  
 933 conservation districts, alteration of existing districts, or formation of new districts, by  
 934 replacing "commission" with "development center."

935 **SECTION 2-2.**

936 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is  
 937 amended in paragraph (a) of subsection (d) of Code Section 8-2-113, relating to  
 938 promulgation of rules and regulations by commissioner, delegation of inspection authority,  
 939 rules and regulations continued in full effect, advisory committee, powers of commissioner,  
 940 and training programs, by replacing "commission" with "development center."

941 **SECTION 2-3.**

942 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
943 resources, is amended by replacing "commission" with "development center" wherever the  
944 former occurs in:

- 945 (1) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste  
946 plans; and  
947 (2) Code Section 12-8-32, relating to permits for regional solid waste disposal facilities.

948 **SECTION 2-4.**

949 Said title is further amended by replacing "commissions" with "development centers"  
950 wherever the former occurs in:

- 951 (1) Code Section 12-3-114, relating to policies to guide department in creating and  
952 administering system;  
953 (2) Code Section 12-5-523, relating to cooperation with Water Council, involvement of  
954 stakeholders, and initial draft plan;  
955 (3) Code Section 12-8-31, relating to state solid waste management plan; and  
956 (4) Code Section 12-8-31.1, relating to local, multijurisdictional, or regional solid waste  
957 plans.

958 **SECTION 2-5.**

959 Said title is further amended by replacing "commission" with "center" wherever the former  
960 occurs in:

- 961 (1) Code Section 12-5-443, relating to comprehensive land and water use plan;  
962 (2) Code Section 12-5-444, relating to prohibited land and water uses;  
963 (3) Code Section 12-5-445, relating to review of application and supporting documents  
964 by regional development center;  
965 (4) Code Section 12-5-447, relating to minimum standards for certificates and  
966 recommendations;  
967 (5) Code Section 12-5-448, relating to appeal to aggrieved findings pursuant to the part;  
968 (6) Code Section 12-5-451, relating to uses to which part inapplicable;  
969 (7) Code Section 12-5-452, relating to cease and desist orders and land-disturbing  
970 activities as nuisances;  
971 (8) Code Section 12-5-453, relating to local regulation of land in drainage basins,  
972 enforcement where local regulation inadequate, and failure of governing authority to meet  
973 requirements; and

974 (9) Code Section 12-5-456, relating to notification to local authorities of violations of  
975 part.

976 **SECTION 2-6.**

977 Title 14 of the Official Code of Georgia Annotated, relating to corporations, is amended in  
978 paragraph (14) of Code Section 14-3-140, relating to definitions regarding notice, by  
979 replacing "commission" with "development center."

980 **SECTION 2-7.**

981 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in  
982 subsections (a) and (g) Code Section 31-6-43, relating to acceptance or rejection of  
983 application for certificate, by replacing "commission" with "development center."

984 **SECTION 2-8.**

985 Title 32 of the Official Code of Georgia Annotated, relating to highways, is amended in  
986 subsections (b) and (c) of Code Section 32-9-1, relating to financial support and project  
987 grants for research, programs, and purchases, by replacing "commission" with "development  
988 center."

989 **SECTION 2-9.**

990 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
991 by replacing "commission" with "development center" wherever the former occurs in:

992 (1) Code Section 36-70-2, relating to definitions regarding planning;

993 (2) Code Section 36-70-3, relating to powers of municipalities and counties;

994 (3) Code Section 36-70-4, relating to municipality and county as members of regional  
995 development centers, membership dues, and participation in compiling Department of  
996 Community Affairs data base;

997 (4) Code Section 36-80-20, relating to decal or seal required on vehicles owned or leased  
998 by any county, municipality, regional development center, school system, commission,  
999 board, or public authority; and

1000 (5) Code Section 36-81-8.1, relating to definitions regarding grant certification forms.

1001 **SECTION 2-10.**

1002 Said title is further amended in subparagraph (a)(2)(c) of Code Section 36-87-2, relating to  
1003 authority of counties and municipal corporations to participate in programs, by replacing  
1004 "commission" with "development center."

**SECTION 2-11.**

1005

1006 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in  
1007 subparagraph (a)(2)(P) of Code Section 44-3-3, relating to certain necessary documents  
1008 required prior to the sale of subdivided land, is amended in subparagraph (a)(2)(P) by  
1009 replacing "commission" with "development center."

**SECTION 2-12.**

1010

1011 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
1012 is amended by replacing "commissions" with "development centers" wherever the former  
1013 occurs in:

1014 (1) Code Section 45-12-172, relating to Office of Planning and Budget to review and  
1015 comment on proposed development programs and serve as liaison with levels of  
1016 government; and

1017 (2) Code Section 45-12-206, relating to cooperation of state agencies, counties,  
1018 municipalities, and other political subdivisions with Governor's Development Council.

**SECTION 2-13.**

1019

1020 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
1021 amended in subparagraph (a)(8)(B) of Code Section 48-13-51, relating to county and  
1022 municipal levies on public accommodations charges for promotion of tourism, conventions,  
1023 and trade shows, by replacing "commissions" with "development centers."

**SECTION 2-14.**

1024

1025 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
1026 by replacing "commission" with "development center" wherever the former occurs in:

1027 (1) Code Section 50-8-2, relating to definitions regarding general provisions relating to  
1028 the Department of Community Affairs;

1029 (2) Code Section 50-8-8, relating to grants, loans, other disbursements of funds, and state  
1030 community development program;

1031 (3) Code Section 50-8-81, relating to legislative intent;

1032 (4) Code Section 50-8-121, relating to rural economic development areas;

1033 (5) Code Section 50-8-122, relating to studies for proposed projects;

1034 (6) Code Section 50-8-212, relating to definitions regarding rural facilities economic  
1035 development;

1036 (7) Code Section 50-8-215, relating to policies and procedures for facilities development  
1037 committee;

- 1038 (8) Code Section 50-8-216, relating to preparation of comprehensive local plan for less  
1039 developed county; and
- 1040 (9) Code Section 50-29-2, relating to authority of public agencies that maintain  
1041 geographic information systems to contract for the provision of services.

1042 **SECTION 2-15.**

1043 Said title is further amended by replacing "commissions" with "development centers"  
1044 wherever the former occurs in:

- 1045 (1) Code Section 50-8-2, relating to definitions regarding general provisions relating to  
1046 the Department of Community Affairs;
- 1047 (2) Code Section 50-8-122, relating to studies for proposed projects;
- 1048 (3) Code Section 50-8-123, relating to recommendation, approval, funding, and  
1049 implementation of projects; and
- 1050 (4) Code Section 50-30-4, relating to powers of Institute for Community Business  
1051 Development.

1052 **PART III**

1053 **SECTION 3-1.**

1054 Section 2 of an Act approved May 6, 2008 (Ga. L. 2008, p. 181), relating to territorial  
1055 boundaries of regional commissions, is repealed in its entirety.

1056 **PART IV**

1057 **SECTION 4-1.**

1058 This Act shall become effective upon its approval by the Governor or upon its becoming law  
1059 without such approval.

1060 **SECTION 4-2.**

1061 All laws and parts of laws in conflict with this Act are repealed.