

The Senate Regulated Industries and Utilities Committee offered the following substitute to HB 568:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and members of the Public Service Commission, so as to change the term and manner of the election of the chairperson of the Public Service Commission; to provide for the election of other officers; to provide for the establishment of rules by the commission as to quorum, attendance, and other matters; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and members of the Public Service Commission, is amended by revising Code Section 46-2-5, relating to chairman of the commission and selection, as follows:

"46-2-5.

(a) There shall be a ~~chairman~~ chairperson of the commission. The chairperson shall be selected by a simple majority of the members of the commission. The initial chairperson selected under this Code section shall take office within 15 days after January 1, 2010, and shall serve for a term of office as chairperson until January 1, 2013, or until his or her term as a member of the commission shall expire, whichever is shorter. Each subsequent chairperson shall serve for a three-year term of office as chairperson or until his or her term as a member of the commission shall expire, whichever is shorter. Any two members of the commission may call for an election of a chairperson at any time prior to the end of the three-year term of a chairperson; provided, however, such elections shall not be held more than once per calendar year, except in the case of a vacancy by the chairperson; and provided, further, any chairperson so elected shall serve for a three-year term of office as chairperson or until his or her term as a member of the commission shall expire, whichever is shorter. No commissioner shall be elected or serve as chairperson for consecutive terms. ~~The chairman shall be selected on an annual basis. The initial chairman selected under this~~

27 ~~Code section shall take office within 15 days after April 20, 1992, and shall serve for a~~
 28 ~~term of office as chairman expiring January 1, 1993. Thereafter a new chairman shall take~~
 29 ~~office within 15 days after the first day of January in 1993 and each subsequent year, and~~
 30 ~~each such chairman shall serve for a one-year term of office as chairman.~~

31 ~~(b) The chairman shall be selected by the members of the commission according to the~~
 32 ~~following rules; and for purposes of these rules, seniority on the commission shall be~~
 33 ~~determined according to the longest period of continuous unbroken service:~~

34 ~~(1) A member of the commission with less than one year of continuous unbroken service~~
 35 ~~on the commission shall not be eligible to take office as chairman;~~

36 ~~(2) A member of the commission who has previously served as chairman shall not be~~
 37 ~~eligible to serve again as chairman until each other eligible member (i.e., each other~~
 38 ~~member with more than one year of continuous service on the commission) has served~~
 39 ~~as chairman or has deferred service as chairman;~~

40 ~~(3) Subject to paragraphs (1) and (2) of this subsection, the most senior member of the~~
 41 ~~commission who is eligible to serve as chairman shall be selected to the office of~~
 42 ~~chairman; provided, however, that such member may elect to defer service as chairman~~
 43 ~~for a period of one year, at the conclusion of which year such member shall resume his~~
 44 ~~place at the head of the order of rotation for the chairmanship; and~~

45 ~~(4) If in any year the foregoing rules fail to provide for a chairman because two or more~~
 46 ~~members have equal seniority, then the member to serve as chairman shall be selected by~~
 47 ~~lot.~~

48 ~~(c) Anything in subsection (b) of this Code section to the contrary notwithstanding, the~~
 49 ~~members of the commission may by unanimous vote of the members select any member~~
 50 ~~as chairman for any given year for a term of office as chairman as specified in~~
 51 ~~subsection (a) of this Code section.~~

52 ~~(d)(b) The chairman chairperson shall give his or her entire time to the duties of his the~~
 53 ~~office."~~

54 **SECTION 2.**

55 This Act shall become effective on January 1, 2010.

56 **SECTION 3.**

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