

House Bill 1160

By: Representatives Roberts of the 154<sup>th</sup>, Houston of the 170<sup>th</sup>, Burns of the 157<sup>th</sup>, McCall of the 30<sup>th</sup>, and Williams of the 165<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

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

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "46-2-5.

12 (a) There shall be a ~~chairman~~ chairperson of the commission. The chairperson shall be  
13 selected by a simple majority of the members of the commission. The chairperson  
14 currently serving on the effective date of this Code section shall serve for a term of office  
15 as chairperson until January 1, 2013, or until his or her term as a member of the  
16 commission shall expire, whichever is shorter. Each subsequent chairperson shall serve  
17 for a two-year term of office as chairperson or until his or her term as a member of the  
18 commission shall expire, whichever is shorter. Any three members of the commission may  
19 call for an election of a chairperson at any time prior to the end of the term of a  
20 chairperson; provided, however, that such elections shall not be held more than twice per  
21 calendar year, except in the case of a vacancy by the chairperson; and provided, further,  
22 that any chairperson so elected shall serve for a two-year term of office as chairperson or  
23 until his or her term as a member of the commission shall expire, whichever is shorter. No  
24 commissioner shall be elected or serve as chairperson for more than two consecutive terms.  
25 ~~The chairman shall be selected on an annual basis. The initial chairman selected under this~~  
26 ~~Code section shall take office within 15 days after April 20, 1992, and shall serve for a~~

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

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

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

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

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

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

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

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

53 **SECTION 2.**

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

56 **SECTION 3.**

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