

House Bill 318

By: Representatives Stover of the 71st, Pezold of the 133rd, Allison of the 8th, Caldwell of the 20th, Kirby of the 114th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Titles 36 and 50 of the Official Code of Georgia Annotated, relating to local
2 government and state government, respectively, so as to provide that membership in regional
3 commissions is optional for counties and municipalities; to provide for related matters; to
4 repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

7 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
8 by revising Code Section 36-70-4, relating to municipality and county as members of
9 regional commissions, membership dues, and participation in compiling Department of
10 Community Affairs data base, as follows:

11 "36-70-4.

12 (a) Each municipality and county ~~shall automatically~~ may choose to be a member of the
13 regional commission for the region which includes such municipality or county, as the case
14 may be.

15 (b) Each municipality and county that chooses to be a member of a regional commission
16 shall pay, when and as they become due, the annual dues required for membership in its
17 regional commission.

18 (c) Each municipality and county shall participate in compiling a Georgia data base and
19 network, coordinated by the department, to serve as a comprehensive source of information
20 available, in an accessible form, to local governments and state agencies."

21 style="text-align:center">**SECTION 2.**

22 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
23 by revising Code Section 50-8-33, relating to municipal and county membership, annual
24 dues, and distribution of state funds, as follows:

25 "50-8-33.

26 (a) Each municipality and county in the state ~~shall automatically~~ may choose to be a
27 member of the regional commission for the region which includes the municipality or
28 county, as the case may be.

29 (b)(1) Each county and municipality in the state that chooses to be a member of a
30 regional commission shall pay the annual dues for membership in its regional
31 commission. ~~Each county and the municipalities within such county shall continue to use~~
32 ~~the arrangement for the payment of dues which was in effect on June 30, 2009, for the~~
33 ~~payment of dues to the regional development centers which preceded the regional~~
34 ~~commissions created by this article until a revised arrangement for the amount,~~
35 ~~apportionment, and payment of annual dues is established by the county and the~~
36 ~~municipalities within such county. If an arrangement for the payment of such dues is~~
37 ~~structured so that a county pays dues only on behalf of residents of the unincorporated~~
38 ~~areas of the county, then the annual dues paid by such county shall come solely from~~
39 ~~revenues derived from the unincorporated areas of the county~~ On and after
40 January 1, 2016, the payment of annual dues by each county and municipality for
41 membership in its regional commission shall be structured so that each municipality shall
42 pay dues on behalf of the residents of such municipality and the county shall pay dues
43 only on behalf of the residents of the unincorporated areas of the county. The annual
44 dues paid by each such county shall come solely from revenues derived from insurance
45 premium tax revenues or other revenues derived from the unincorporated areas of the
46 county.

47 (2) State funds appropriated to the department and available for the purpose of assisting
48 regional commissions shall be distributed in accordance with this paragraph. The
49 department shall establish a minimum funding amount for regional commissions,
50 conditioned upon the amount of state funds appropriated, and a supplemental funding
51 formula to be used for the distribution of available state funds in excess of the minimum
52 funding amount. While each regional commission must assess and collect annual dues
53 from participating counties in the amount of 25¢ for each resident of each participating
54 county within the regional commission, based upon the most recent estimate of
55 population approved by the department for this purpose, to be eligible for any minimum
56 funding from state appropriated funds, each regional commission must assess and collect
57 annual dues in the aggregate averaging a minimum amount of \$1.00 for each resident of
58 each participating county within the regional commission, based upon the most recent
59 estimate of population approved by the department for this purpose. To be eligible for
60 any supplemental funding, each regional commission shall apply to the department in a

61 manner established by the department to determine eligibility for funds distributed
62 pursuant to the supplemental funding formula.

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

67 **SECTION 3.**

68 Said title is further amended by revising subsections (a) and (b) of Code Section 50-8-34,
69 relating to councils of regional commissions, membership, terms of membership, voting,
70 officers, and powers, as follows:

71 "50-8-34.

72 (a) The council of each regional commission shall establish policy and direction for the
73 regional commission and shall perform such other functions as may be provided or
74 authorized by law.

75 (b) The manner of selecting such regional commission ~~council members~~ councilmembers
76 shall be as prescribed by its bylaws and membership on the council shall be determined as
77 follows:

78 (1) The council shall include the chief elected official of each participating county
79 governing body in the region for a period of time concurrent with each such elected
80 official's term of elected office. If the chief elected official for a participating county is
81 unable to serve on the council, he or she shall appoint another elected county official. In
82 the case of a participating consolidated government where there is not another
83 municipality located within the boundaries of the county, a second member of such
84 participating consolidated government shall be appointed to the board;

85 (2) The council shall include one elected official from one participating municipality in
86 each county in the region for a period of time concurrent with each such elected official's
87 term of elected office;

88 (3) The council shall include three residents of the region appointed by the Governor,
89 each for a term of two years. One of such three appointees shall be a member of a school
90 board located within the region or a superintendent of schools within the region, and two
91 of such three appointees shall be nonpublic ~~council members~~ councilmembers;

92 (4) The council shall include one nonpublic ~~council member~~ councilmember appointed
93 by the Lieutenant Governor for a term of two years and one nonpublic ~~council member~~
94 councilmember appointed by the Speaker of the House of Representatives for a term of
95 two years; and

96 (5) The council may include any additional members determined necessary by the
97 commissioner for purposes of complying with laws or regulations, or otherwise. Any
98 such additional members shall be selected by the council and shall serve for a term of one
99 year."

100

SECTION 4.

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