

The House Committee on Governmental Affairs offers the following substitute to SB 85:

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 80 of Title 36, Article 1 of Chapter 2 of Title 45, and Chapter 1 of Title 50
 2 of the Official Code of Georgia Annotated, relating to general provisions applicable to
 3 counties, municipal corporations, and other governmental entities; general provisions
 4 regarding eligibility and qualifications for public office; and general provisions relating to
 5 state government, respectively, so as to require that individuals appointed to authorities,
 6 boards, councils, and commissions be United States citizens or nationals or lawful permanent
 7 residents; to provide for other residency requirements; to provide for other qualifications; to
 8 provide for exceptions; to provide for definitions; to provide for enforcement; to provide an
 9 effective date and applicability; to provide for related matters; to repeal conflicting laws; and
 10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 SECTION 1.

13 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general
 14 provisions applicable to counties, municipal corporations, and other governmental entities,
 15 is amended by revising Code Section 36-80-1, which is designated as reserved, as follows:
 16 "36-80-1.

17 (a) As used in this Code section, the term:

18 (1) 'Lawful permanent resident' means a person who is not a United States citizen but
 19 who has the status of having been lawfully accorded the privilege of residing permanently
 20 in the United States as an immigrant in accordance with the immigration laws of the
 21 United States, and such status has not been revoked or found administratively or
 22 judicially to have been abandoned.

23 (2) 'Local governing body' means any political subdivision of this state, including any
 24 county, consolidated government, municipality, or other local public body corporate,
 25 governmental unit, or political subdivision.

26 (3) 'Policy' means the establishment of procedures, rules, regulations, or requirements
 27 which do not require the approval or review of the appointing official or body to be
 28 implemented.

29 (b) Except for ex officio, nonvoting members, no individual shall be appointed to serve
 30 on an authority, school district, commission, council, or board for a local governing body
 31 which establishes policy, spends public funds, levies taxes, or assesses, imposes or collects
 32 fees or charges unless:

33 (1)(A) He or she is a citizen or national of the United States or a lawful permanent
 34 resident; and

35 (B) He or she is a legal resident of the State of Georgia; provided, however, that an
 36 individual who resides in another state in a county of such state that abuts the State of
 37 Georgia and who is the owner of a business in the State of Georgia of which such
 38 individual exercises day-to-day executive or operational control shall be eligible. As
 39 used in this paragraph, the term 'owner' means the direct or indirect ownership of more
 40 than 50 percent of the assets or stock of a business; or

41 (2) He or she is an active duty member of the armed forces of the United States or an
 42 immediate family member of such person.

43 (c) It shall be the duty of the appointing official or body to ensure compliance with this
 44 Code section. Reserved."

45 **SECTION 2.**

46 Article 1 of Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to
 47 general provisions regarding eligibility and qualifications for public office, is amended by
 48 adding a new Code section to read as follows:

49 "45-2-10.

50 (a) As used in this Code section, the term:

51 (1) 'Lawful permanent resident' means a person who is not a United States citizen but
 52 who has the status of having been lawfully accorded the privilege of residing permanently
 53 in the United States as an immigrant in accordance with the immigration laws of the
 54 United States, and such status has not been revoked or found administratively or
 55 judicially to have been abandoned.

56 (2) 'Policy' means the establishment of procedures, rules, regulations, or requirements
 57 which do not require the approval or review of the appointing official or body to be
 58 implemented.

59 (b) Except for ex officio, nonvoting members, in addition to all other qualifications to be
 60 appointed to serve on any municipal or county board, commission, or authority which

61 establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges,
 62 an individual shall be:

63 (1)(A) A citizen or national of the United States or a lawful permanent resident; and
 64 (B) A legal resident of the State of Georgia; provided, however, that an individual who
 65 resides in another state in a county of such state that abuts the State of Georgia and who
 66 is the owner of a business in the State of Georgia of which such individual exercises
 67 day-to-day executive or operational control shall be eligible. As used in this paragraph,
 68 the term 'owner' means the direct or indirect ownership of more than 50 percent of the
 69 assets or stock of a business; or

70 (2) He or she is an active duty member of the armed forces of the United States or an
 71 immediate family member of such person.

72 (c) Except for ex officio, nonvoting members, in addition to all other qualifications to be
 73 appointed to serve on any state authority, board, council, or commission which establishes
 74 policy, spends public funds, levies taxes, or imposes or collects fees or charges, an
 75 individual shall be a citizen or national of the United States or a lawful permanent resident,
 76 and a legal resident of this state."

77 **SECTION 3.**

78 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
 79 provisions relating to state government, is amended by adding a new Code section to read
 80 as follows:

81 "50-1-10.

82 (a) As used in this Code section, the term:

83 (1) 'Lawful permanent resident' means a person who is not a United States citizen but
 84 who has the status of having been lawfully accorded the privilege of residing permanently
 85 in the United States as an immigrant in accordance with the immigration laws of the
 86 United States, and such status has not been revoked or found administratively or
 87 judicially to have been abandoned.

88 (2) 'Policy' means the establishment of procedures, rules, regulations, or requirements
 89 which do not require the approval or review of the appointing official or body to be
 90 implemented.

91 (b) Except for ex officio, nonvoting members, no individual shall be appointed to serve
 92 on a state authority, board, council, or commission which establishes policy, spends public
 93 funds, levies taxes, or imposes or collects fees or charges unless he or she:

94 (1) Is a citizen or national of the United States or a lawful permanent resident, and a legal
 95 resident of this state; or

