

House Bill 33

By: Representatives Raffensperger of the 50<sup>th</sup>, Rynders of the 152<sup>nd</sup>, Brockway of the 102<sup>nd</sup>, Taylor of the 173<sup>rd</sup>, Williamson of the 115<sup>th</sup>, and others

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, lawful permanent  
7 residents, or aliens having lawful status to be present in the United States; to provide for  
8 other residency requirements; to provide for other qualifications; to provide for exceptions;  
9 to provide for definitions; to provide for enforcement; to provide an effective date and  
10 applicability; to provide for related matters; to repeal conflicting laws; and for other  
11 purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
15 provisions applicable to counties, municipal corporations, and other governmental entities,  
16 is amended by adding a new Code section to read as follows:

17 "36-80-26.

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

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22 United States, and such status has not been revoked or found administratively or  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

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

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

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

34 (1)(A) He or she is a citizen or national of the United States, a lawful permanent  
 35 resident, or an alien having lawful status to be present in the United States; and

36 (B) He or she is a legal resident of the State of Georgia; provided, however, that an  
 37 individual who resides in another state who either owns an interest in a business in the  
 38 State of Georgia or is employed within the State of Georgia shall be eligible; or

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

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

43 **SECTION 2.**

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

47 "45-2-10.

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

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

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

57 (b) Except for ex officio, nonvoting members, in addition to all other qualifications to be  
 58 appointed to serve on any municipal or county board, commission, or authority which  
 59 establishes policy, spends public funds, levies taxes, or imposes or collects fees or charges,  
 60 an individual shall be:

61 (1)(A) A citizen or national of the United States, a lawful permanent resident, or an  
 62 alien having lawful status to be present in the United States; and

63 (B) A legal resident of the State of Georgia; provided, however, that an individual who  
 64 resides in another state who either owns an interest in a business in the State of Georgia  
 65 or is employed within the State of Georgia shall be eligible; or

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

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

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### SECTION 3.

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

78 "50-1-10.

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

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

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

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

91 (1) Is a citizen or national of the United States, a lawful permanent resident, or an alien  
 92 having lawful status to be present in the United States, and is a legal resident of this state;  
 93 provided, however, that an individual who resides in another state who either owns an  
 94 interest in a business in the State of Georgia or is employed within the State of Georgia  
 95 shall be eligible; or

96 (2) Is an active duty member of the armed forces of the United States or an immediate  
 97 family member of such person.

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

100 **SECTION 4.**

101 This Act shall become effective on July 1, 2017, and shall apply to appointments made on  
102 or after such date.

103 **SECTION 5.**

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