

House Bill 1287

By: Representative McDonald III of the 26th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated,
2 relating to officers of the Department of Transportation, so as to revise the method for
3 selection of the position of commissioner; to provide for related matters; to repeal conflicting
4 laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 Article 3 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to
8 officers of the Department of Transportation, is amended by revising Code Section 32-2-40,
9 relating to selection of commissioner of transportation, term, vacancy, bond, and other
10 elective office, as follows:

11 "32-2-40.

12 (a) The commissioner of transportation shall be the chief executive officer of the
13 department.

14 (b) The commissioner, his or her successor, and each succeeding commissioner thereafter
15 shall be nominated by the Governor and selected by a vote of the majority of the total
16 number of members of the board. At the time of said vote, the board shall stipulate the term
17 the commissioner shall serve, and said commissioner shall serve during the stipulated term

18 and until his or her successor is selected by the board and duly qualified. The board shall
19 stipulate one of the following to be the term of the commissioner:

20 (1) The commissioner shall serve at the pleasure of the board and Governor; or

21 (2) The commissioner shall serve any term specified by the board up to and including a
22 maximum of four years; however, the board shall not specify a term of office that extends
23 beyond the end of the term of the Governor in office at the time the commissioner's term
24 is scheduled to begin.

25 (c) If the board stipulates that the commissioner shall serve under the provisions of
26 paragraph (2) of ~~this subsection~~ (b) of this Code section, upon a vote of the majority of the
27 total members of the board, the commissioner shall be subject to removal by the board for
28 just cause after reasonable notice, copy of charge, hearing, and opportunity for presentation
29 of evidence. In the event of a vacancy in the office of the commissioner by reason of
30 resignation, removal, death, or permanent incapacity and inability to perform the duties of
31 the office, the deputy commissioner shall become acting commissioner to serve until such
32 time as the board at any regular or called meeting selects a new commissioner to fill the
33 unexpired term of office created by such vacancy.

34 (d) The commissioner shall qualify, upon selection, by executing a bond in the amount of
35 \$100,000.00 with a corporate surety licensed to do business in this state and payable to the
36 Governor and his or her successors in office, such bond to be approved by the Governor
37 and conditioned on the faithful discharge of his or her duties as commissioner. The
38 premium of such bond shall be paid from funds of the department.

39 (e) The commissioner shall devote full time and attention to the duties and responsibilities
40 of his or her office. No person who serves as commissioner shall be eligible, except as
41 hereinafter provided in this subsection, to qualify as a candidate in any primary, special,
42 or general election for any state or federal elective office nor to hold any such office,
43 except as hereinafter provided in this subsection, during the time he or she serves as
44 commissioner and for a period of 12 months after the date he or she ceases to serve as

45 commissioner. However, nothing contained in this subsection shall prevent the
46 commissioner from being appointed to any other office nor disqualify him or her from
47 running in any election to succeed himself or herself in any office to which he or she was
48 appointed nor to hold such office in the event he or she is elected thereto and otherwise
49 qualified therefor; provided, however, that the commissioner shall resign as commissioner
50 of transportation before accepting any such appointive office."

51

SECTION 2.

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