House Bill 814 (AS PASSED HOUSE AND SENATE)

By: Representatives Manning of the 32nd, Tumlin of the 38th, Parsons of the 42nd, Ehrhart of the 36th, Setzler of the 35th, and others

A BILL TO BE ENTITLED

AN ACT

To amend an Act creating the Cobb County Commission on Children and Youth, approved February 24, 1988 (Ga. L. 1988, p. 3569), as amended particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3672), so as to re-create the Cobb County Commission on Children and Youth; to provide for the manner of appointment of members; to provide for duties and powers; to authorize the commission to receive and expend funds; to provide for all related matters; to provide for an annual report; to allow the commission to qualify for treatment under the Internal Revenue Code as a tax exempt organization; to provide for a termination date; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Cobb County Commission on Children and Youth, approved February 24, 1988 (Ga. L. 1988, p. 3569), as amended particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3672), is amended by revising Sections 1 through 12 as follows:

"SECTION 1.

(a) The Cobb County Commission on Children and Youth is re-created. The commission shall be composed as follows:

(1) Each member of the Cobb County State House and State Senate delegation shall appoint one member to the commission. Each commission member appointed pursuant to this paragraph shall reside in the respective district of the State House Representative or State Senator who appointed such commission member;

(2) Six members to be appointed by the Board of Commissioners of Cobb County, three of whom shall reside in Commission Districts 2 and 3 who shall be appointed by members of the board who represent such districts and three of whom shall reside in Commission Districts 1 and 4 who shall be appointed by members of the board who represent such districts; and

(3) Seven members to be appointed by the judiciary of the Cobb County courts, including the superior court, the state court, the magistrate court, the juvenile court, and the probate court.

Appointments to the Cobb County Commission on Children and Youth shall include at least one member from each of the following fields or professions:

(1) Law enforcement;

(2) Child welfare;

(3) Medical;

(4) The judiciary;

(5) Education; and

(6) The business and civic community.

(b) All appointments to the commission shall be made within 30 days after the effective date of this Act. All persons appointed to serve on the Cobb County Commission on Children and Youth shall be residents of said county. If a member of the commission moves his or her residence from the county, that member´s position shall immediately become vacant and shall be filled in the same manner as the initial appointment.

SECTION 2.

The commission shall undertake a study of the needs, issues, and problems relating to children and youth in Cobb County. The commission may meet at such times and places as it deems necessary to perform its duties and accomplish the goals and purposes of this resolution. The members of the commission shall elect a chairperson and such other officers as it deems necessary from its membership at the organizational meeting. The commission may adopt such rules or procedures as it finds necessary or desirable for the governance of its operations. The members of the commission shall serve without compensation or reimbursement for expenses from public funds.

SECTION 3.

The commission is authorized to receive, accept, and expend funds from public or private sources for programs to benefit the children and youth of Cobb County. The commission is authorized to expend such funds to employ an administrative assistant or a coordinator, or both, who shall not be a member of the commission, for such programs. The salary of such employee or employees shall be set by the commission.

SECTION 4.

The commission shall make an annual report on July 1 of each year of its findings and recommendations to the members of the Cobb County legislative delegation, the Board of Commissioners of Cobb County, and the judicial officers of Cobb County.

SECTION 5.

The commission shall be a corporate body specially created by this Act of the General Assembly. The commission shall not exercise any governmental powers. The purposes for which the commission is organized are exclusively charitable and educational within the meaning of Section 501(c)(3) of the Internal Revenue Code or the corresponding provisions of any future Internal Revenue Code and are, as stated in Sections 2 and 3 of this Act, to conduct and carry on other such activities as are compatible with the principal purpose and goal of the commission and to conduct all said business as principal, agent, or otherwise as permitted by Georgia law.

SECTION 6.

No part of the net earnings, revenues, or other funds of the commission shall inure to the benefit of or be distributable to the commission´s members or other private persons with the exception that the commission shall be authorized and empowered to pay such reasonable compensation for services rendered to it by its employees and other private persons in furtherance of the purposes of the commission, as authorized by the board of directors.

SECTION 7.

No substantial part of the activities of the commission shall be the carrying on of propaganda, or otherwise attempting to influence legislation, and the commission shall not participate in, or intervene in (including the publishing or distribution of statements), any political campaign on behalf of or in opposition to any candidate for public office.

SECTION 8.

Notwithstanding any other provisions of this Act, the commission shall not carry on any other activities not permitted to be carried on by an organization exempt from federal income tax under Section 501(c)(3) of the Internal Revenue Code or any corresponding section of any future Internal Revenue Code or by an organization, contributions to which are deductible under Section 170(c)(2) of the Internal Revenue Code or any corresponding section of any future Internal Revenue Code.

SECTION 9.

In the event of dissolution, the residual assets of the commission shall be turned over to one or more organizations which themselves are exempt as organizations described in Sections 501(c)(3) and 170(c)(2) of the Internal Revenue Code or corresponding sections of any future Internal Revenue Code or to the federal, state, or local government for exclusively public purposes. The residual assets of the predecessor commission abolished as of February 1, 2008, may be transferred to the commission re-created by this Act.

SECTION 10.

The commission is organized pursuant to the provisions of Section 501(c)(3) of the Internal Revenue Code, as now or hereafter amended, and shall have and enjoy all the rights and privileges herein set out, and such other additional powers and privileges as may be necessary, proper, or incidental to the pursuit of the purposes for which the commission was created.

SECTION 11.

The commission shall stand abolished July 1, 2014.

SECTION 12.

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

SECTION 2.

This Act shall become effective on July 1, 2008.

SECTION 3.

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