

House Bill 828

By: Representatives Ridley of the 6th, Hagan of the 156th, Hatchett of the 155th, Jasperse of the 11th, Smith of the 138th, and others

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 provide for the method of
3 selection of the commissioner of transportation by the General Assembly; to provide for
4 related matters; to provide for a contingent effective date and automatic repeal; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

12 "32-2-40.

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

15 ~~(b) The commissioner, his successor, and each succeeding commissioner thereafter shall~~
16 ~~be selected by a vote of the majority of the total number of members of the board. At the~~

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17 ~~time of said vote, the board shall stipulate the term the commissioner shall serve, and said~~
18 ~~commissioner shall serve during the stipulated term and until his successor is selected by~~
19 ~~the board and duly qualified. The board shall stipulate one of the following to be the term~~
20 ~~of the commissioner:~~

21 ~~(1) The commissioner shall serve at the pleasure of the board; or~~

22 ~~(2) The commissioner shall serve any term specified by the board up to and including a~~
23 ~~maximum of four years; however, the board shall not specify a term of office that extends~~
24 ~~beyond the end of the term of the Governor in office at the time the commissioner's term~~
25 ~~is scheduled to begin. Upon the conclusion of the term of office of the commissioner~~
26 ~~serving as of January 1, 2025, the commissioner, his or her successor, and each~~
27 ~~succeeding commissioner thereafter shall be selected by the General Assembly in the~~
28 ~~following manner: A joint resolution which shall fix a definite time for the nomination~~
29 ~~and election of the commissioner may be introduced in either branch of the General~~
30 ~~Assembly. Upon passage of the resolution by a majority vote of the membership of the~~
31 ~~Senate and House of Representatives, it shall be the duty of the Speaker of the House of~~
32 ~~Representatives to call for the nomination and election of the commissioner at the time~~
33 ~~specified in the resolution, at which time the name of the qualified person receiving a~~
34 ~~majority vote of the membership of the House of Representatives shall be transmitted to~~
35 ~~the Senate for confirmation. Upon the qualified person's receiving a majority vote of the~~
36 ~~membership of the Senate, he or she shall be declared the duly selected commissioner.~~
37 ~~The commissioner shall serve for a term of four years.~~

38 ~~(c) If the board stipulates that the commissioner shall serve under the provisions of~~
39 ~~paragraph (2) of this subsection, upon a vote of the majority of the total members of the~~
40 ~~board, the commissioner shall be subject to removal by the board for just cause after~~
41 ~~reasonable notice, copy of charge, hearing, and opportunity for presentation of evidence.~~
42 ~~In the event of a vacancy in the office of the commissioner by reason of resignation,~~
43 ~~removal, death, or permanent incapacity and inability to perform the duties of the office,~~

44 the deputy commissioner shall become acting commissioner to serve until such time as ~~the~~
45 ~~board at any regular or called meeting selects~~ a new commissioner is selected to fill the
46 unexpired term of office created by such vacancy.

47 (d) The commissioner shall qualify, upon selection, by executing a bond in the amount of
48 \$100,000.00 with a corporate surety licensed to do business in this state and payable to the
49 Governor and ~~his~~ the Governor's successors in office, such bond to be approved by the
50 Governor and conditioned on the faithful discharge of his or her duties as commissioner.
51 The premium of such bond shall be paid from funds of the department.

52 (e) The commissioner shall devote full time and attention to the duties and responsibilities
53 of ~~his~~ the office. No person who serves as commissioner shall be eligible, except as
54 hereinafter provided in this subsection, to qualify as a candidate in any primary, special,
55 or general election for any state or federal elective office nor to hold any such office,
56 except as hereinafter provided in this subsection, during the time he or she serves as
57 commissioner and for a period of 12 months after the date he or she ceases to serve as
58 commissioner. However, nothing contained in this subsection shall prevent the
59 commissioner from being appointed to any other office nor disqualify ~~him~~ such individual
60 from running in any election to succeed himself or herself in any office to which he or she
61 was appointed nor to hold such office in the event he or she is elected thereto and otherwise
62 qualified therefor; provided, however, that the commissioner shall resign as commissioner
63 of transportation before accepting any such appointive office."

64 **SECTION 2.**

65 This Act shall become effective on January 1, 2025, only if there is ratified at the 2024
66 general election an amendment to the Constitution of Georgia which authorizes the General
67 Assembly to prescribe by law the method of selection of the commissioner of transportation.
68 If such resolution is not ratified, this Act shall not become effective and shall stand repealed
69 in its entirety on January 1, 2025.

70

SECTION 3.

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