

House Bill 699

By: Representatives Welch of the 110th, Setzler of the 35th, Strickland of the 111th, and Tanner of the 9th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to
2 general provisions relative to provisions applicable to counties, municipal corporations, and
3 other governmental entities, so as to define a certain term; to provide that when a majority
4 of an elected governing body is not elected to serve the next term of office, such body shall
5 not have the authority to incur debt, execute contracts, or dispose of assets; to provide that
6 such contracts or instruments of indebtedness shall be void ab initio; to provide for a cause
7 of action to enforce such provisions; to provide for related matters; to repeal conflicting laws;
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

14 "36-80-24.

15 (a) As used in this Code section, the term 'transitional elected body' means:

16 (1) With respect to the elected governing authority of a political subdivision for which
17 the members are elected to concurrent terms of office, such governing body when either:

18 (A) The number of serving members reelected to serve the next term of office will not
19 constitute a majority of the newly elected body; or

20 (B) The number of serving members reelected to serve the next term of office will not
21 constitute a majority of a quorum necessary to do business; and

22 (2) With respect to the elected governing authority of a political subdivision for which
23 the members are elected to staggered terms of office, such governing body when either:

24 (A) The number of serving members reelected to serve the next term of office when
25 added to the number of serving members whose terms continue until the next election
26 cycle will not constitute a majority of the newly elected body; or

27 (B) The number of serving members reelected to serve the next term of office when
28 added to the number of serving members whose terms continue until the next election
29 cycle will not constitute a majority of a quorum necessary to do business.

30 (b) A transitional elected body shall have all powers granted to such body by general law
31 or local Act of the General Assembly; provided, however, that on and after July 1, 2015,
32 a transitional elected body shall not have the authority to enter into contracts, incur
33 indebtedness, or dispose of real or personal property on behalf of the political subdivision.
34 Any contract or instrument of indebtedness executed by a transitional elected body from
35 the date of the election through the end of the then current term of office shall be void ab
36 initio.

37 (c) Any citizen of the political subdivision in which a transitional elected body exists or
38 has existed may bring an action in the superior court of the county to enforce the provisions
39 of this Code section."

40 **SECTION 2.**

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