

House Bill 70

By: Representatives Kendrick of the 93rd, Bruce of the 61st, Bennett of the 94th, Williams of the 168th, Allen of the 40th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to
2 general provisions of state government, so as to provide that the composition of each
3 statutorily created board, commission, council, or committee reflects the general population;
4 to provide for a definition; to provide for related matters; to repeal conflicting laws; and for
5 other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
9 provisions of state government, is amended by adding a new Code section to read as follows:
10 "50-1-10.

11 (a) As used in this Code section, the term 'minority person' means:

12 (1) An African American who has origins in any of the racial groups of the African
13 diaspora;

14 (2) A Hispanic American of Spanish or Portuguese descent who has origins in Spain,
15 Portugal, Mexico, South America, Central America, or the Caribbean, regardless of race;

16 (3) An Asian American descending from any of the original peoples of the Far East,
17 Southeast Asia, the Indian subcontinent, or the Pacific Islands, including the Hawaiian
18 Islands prior to 1778;

19 (4) A Native American who has origins in any of the Indian tribes of North America
20 prior to 1835; or

21 (5) An American woman.

22 (b)(1) When appointing members to any statutorily created decision-making or
23 regulatory board, commission, council, or committee, the appointing authority shall select
24 the most qualified persons whose appointment would ensure that the membership of the
25 board, commission, council, or committee accurately reflects the proportion that each
26 group of minority persons represents in the population of the state as a whole or, in the
27 case of a local board, commission, council, or committee, in the population of the area
28 represented by the board, commission, council, or committee, as determined pursuant to
29 the most recent federal decennial census, unless the law regulating such appointment
30 requires otherwise or minority persons cannot be recruited.

31 (2) When appointing members to a statutorily created decision-making or regulatory
32 board, commission, council, or committee which was created to address a specific issue
33 relating to a group of minority persons, the appointing authority shall give weight to the
34 group of minority persons that the board, commission, council, or committee was created
35 to serve. The board, commission, council, or committee shall use it's best efforts to
36 represent as many groups of minority persons as possible if the board, commission,
37 council, or committee is too small to accurately represent all groups. If there are multiple
38 appointing authorities for the board, commission, council, or committee, such appointing
39 authorities shall consult with each other to ensure compliance with this subsection.

40 (c)(1) Each appointing authority described in subsection (b) of this Code section shall
41 submit an annual report to the Secretary of State by December 1 of each year which
42 discloses the number of appointments made during the preceding year from each group

43 of minority persons and the number of nonminority appointments made, expressed both
44 in numerical terms and as a percentage of the total membership of the board, commission,
45 council, or committee. A copy of the report shall be submitted to the Governor, the
46 Speaker of the House of Representatives, and the President of the Senate and made
47 available to the public on the official state website.

48 (2) Each appointing authority shall designate a person responsible for retaining all
49 applications for appointment who shall ensure that information describing each
50 applicant's race; ethnicity; gender, if applicable; and qualifications is available for public
51 inspection during reasonable hours. Nothing in this subsection requires disclosure of an
52 applicant's identity or any other information made confidential by law."

53

SECTION 2.

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