

## **Summary of HB 362: Lame Duck Legislation**

February 16, 2017 - ACCG

### **New Terms in Office for City and County Elected Officials**

All county commissioners elected after January 1, 2017, shall begin their term of office on the Monday following their election which is at least five days following their certification. If a race is contested via a petition, the winner will take office on the Monday following the petition's judgement (or the withdrawal of the petition). In both cases, the person will be sworn in at the first commission meeting following the commencement of their new term in office.

### **Lame Duck Sole Commissioner Actions Voidable for 30 Days**

Unless otherwise provided by a local Act of the General Assembly enacted on or after January 1, 2017, any action taken by a sole commissioner during the time between the date of their election defeat and the new sole commissioner's term in office shall be voidable if rescinded by the new sole commissioner during his or her first 30 days in office.

### **Lame Duck Commission Votes must be Unanimous**

Unless otherwise provided by a local Act of the General Assembly enacted on or after January 1, 2017, all actions of a city or county taken between the date of the election and new members taking office must be made by a unanimous vote.

### **The Local "Opt-Out" and Necessary Procedures**

"Although disfavored by the General Assembly" a city or county may opt out of the provisions requiring the new member take office on the Monday following the election (having them instead take office on January 1) if the governing authority passes a resolution or ordinance in the below manner:

- Provide notice containing a synopsis of the propose resolution/ordinance in the legal organ once a week for three consecutive weeks within a period of 60 days preceding the final adoption;
- State in the above notice that a copy of the resolution/ordinance is on file in the office of the county clerk or recording officer of the city and in the office of the superior court clerk;
- Conduct a public hearing on the resolution/ordinance;
- Adopt the resolution/ordinance at two regular, consecutive meetings not less than seven or more than 60 days apart; and
- Provide a copy of the resolution/ordinance, copy of the required notice of publication, and an affidavit of a duly authorized representative of the legal organ certifying the notice has all been filed with the Secretary of State and office of clerk of superior court.

\*\*\*there is no local "opt-out" for the sole commissioner's 60-day nullification period or a governing authority's unanimous vote provision.

### **Newly Elected County Commissioners Training**

Current law states that newly-elected commissioners training must be provided between the Tuesday after the first Monday in November and January 1 of the following year each biennial. This bill extends the cutoff date from January 1 to July 1 of the following year.

**Pension and Retirement**

“Nothing [in the bill] is intended to affect the vesting of or eligibility for any pension benefits of a public officer.