

Senate Bill 285

By: Senators Polak of the 42nd, Lee of the 29th, Jackson of the 50th, Golden of the 8th and Hecht of the 34th

A BILL TO BE ENTITLED
AN ACT

1 To be known as the "Financial Disclosure Reform Act of 2001"; to provide a short title; to
2 amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
3 government, so as to change only the provisions relating to the filing of financial disclosure
4 statements, the persons required to file financial disclosure statements, and the contents
5 thereof; to require the filing of such statements by electronic means; to change the provisions
6 relating to lobbyist disclosure reports and the contents thereof; to provide for electronic filing
7 of lobbyist disclosure reports; to provide an effective date; to repeal conflicting laws; and for
8 other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

12 This Act shall be known and may be cited as the "Financial Disclosure Reform Act of 2001."

13 style="text-align:center">**SECTION 2.**

14 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in
15 government, is amended by striking subsection (b) of Code Section 21-5-50, relating to filing
16 of financial disclosure statements by public officers and candidates for public office, and
17 inserting in its place the following:

18 "(b) A financial disclosure statement shall be in the form specified by the commission and
19 shall identify:

20 (1) Each monetary fee or honorarium ~~of \$101.00 or less~~ which is accepted by a public
21 officer from speaking engagements, participation in seminars, discussion panels, or other
22 activities which directly relate to the official duties of the public officer or the office of
23 the public officer, with a statement identifying the fee or honorarium accepted and the
24 person or entity from whom it was accepted;

25 (2) Each monetary fee or honorarium of more than \$101.00 which is accepted by a
26 public officer who holds office on a full-time basis from speaking engagements,

1 participation in seminars, discussion panels, or other activities that is not directly related
 2 to the official duties of the public officer or the office of the public officer, with a
 3 statement identifying the fee or honorarium accepted and the person or entity from whom
 4 it was accepted;

5 ~~(2) All fiduciary positions held by the candidate for public office or the public officer,~~
 6 ~~with a statement of the title of each such position, the name and address of the business~~
 7 ~~entity, and the principal activity of the business entity;~~

8 ~~(3) The name, address, and principal activity of any business entity and the office held~~
 9 ~~by and the duties of the candidate for public office or public officer within such business~~
 10 ~~entity as of December 31 of the covered year in which such candidate or officer has a~~
 11 ~~direct ownership interest which interest:~~

12 ~~(A) Is more than 10 percent of the total interests in such business; or~~

13 ~~(B) Has a net fair market value of more than \$20,000.00;~~

14 ~~(4) Each tract of real property in which the candidate for public office or public officer~~
 15 ~~has a direct ownership interest as of December 31 of the covered year when that interest~~
 16 ~~has a net fair market value in excess of \$20,000.00. As used in this paragraph, the term~~
 17 ~~'net fair market' value means the appraised value of the property for ad valorem tax~~
 18 ~~purposes less any indebtedness thereon. The disclosure shall contain the county and state~~
 19 ~~and general location therein where the property is located;~~

20 ~~(3) The filing party's name, residential address, business, and the principal activity of~~
 21 ~~such business; the names, addresses, businesses, and the principal activity of such~~
 22 ~~businesses of his or her living spouse and dependents; and the names of living adult~~
 23 ~~children;~~

24 ~~(4) A listing of occupations, title, and a brief description of duties of the public official~~
 25 ~~or his or her spouse during the previous reporting year;~~

26 ~~(5) A listing of the total combined household income of the public official during the~~
 27 ~~most recent reporting year as to income from salaries, fees, dividends, profits,~~
 28 ~~commissions, and other compensation and a listing of the name of each business and the~~
 29 ~~income derived from such business in the following categorical amounts: less than~~
 30 ~~\$50,000.00; at least \$50,000.00 but less than \$100,000.00; at least \$100,000.00 but less~~
 31 ~~than \$200,000.00; at least \$200,000.00 but less than \$300,000.00; at least \$300,000.00~~
 32 ~~but less than \$500,000.00; and \$500,000.00 or more. The person reporting shall also~~
 33 ~~name any business or subsidiary thereof in which he or she or his or her spouse or~~
 34 ~~dependent, jointly or severally, owns 5 percent or more of the stock or in which he or she~~
 35 ~~or his or her spouse or dependent serves as an officer, director, trustee, or consultant~~
 36 ~~where the service provides income of at least \$1,000.00 but less than \$5,000.00; and~~
 37 ~~\$5,000.00 or more for the reporting period;~~

1 (6) If the filing public official or his or her spouse has engaged as an individual or
2 partner, but in a capacity other than as an employee, in a business during the last
3 reporting year which provides legal, accounting, medical or health related, real estate,
4 banking, insurance, educational, farming, engineering, architectural management, or other
5 professional services or consultations, then the filing party shall report the number of
6 clients of such business as either less than ten or as ten or more in each of the following
7 categories: electric utilities, gas utilities, telephone utilities, water utilities, cable
8 television companies, intrastate transportation companies, pipeline companies, oil or gas
9 exploration companies or both, oil and gas retail companies, banks, savings and loan
10 associations, loan or finance companies or both, manufacturing firms, mining companies,
11 life insurance companies, casualty insurance companies, other insurance companies, retail
12 companies, beer, wine, or liquor companies or distributors or any combination thereof,
13 trade associations, professional associations, governmental associations, associations of
14 public employees or public officials, counties, and any other businesses or associations
15 that the commission may deem appropriate. Amounts received from combined clients
16 in each category shall be reported only if the income received from that category exceeds
17 \$10,000.00;

18 (7) If real estate or a purchase option therefor is held for investment or revenue
19 production by a public official or his or her spouse or dependent, then a listing of such
20 holding in the following fair market value categorical amounts: less than \$50,000.00; at
21 least \$50,000.00 but less than \$100,000.00; at least \$100,000.00 but less than
22 \$150,000.00; at least \$150,000.00 but less than \$250,000.00; and \$250,000.00 or more.
23 A listing of annual gross rent and lease income on real estate shall be made in the
24 following categorical amounts: less than \$10,000.00; at least \$10,000.00 but less than
25 \$50,000.00; and \$50,000.00 or more. If a public official or a business in which the
26 person is associated received rent or lease income from any governmental agency in this
27 state, specific details of the lease or rent agreement shall be filed with the commission;

28 (8) A listing of indebtedness to businesses operating in this state showing the type and
29 number of each as follows: banks, savings and loan associations, insurance companies,
30 mortgage firms, stockbrokers and brokerages or bond firms. The indebtedness to
31 combined organizations shall be listed in the following categorical amounts: less than
32 \$25,000.00; at least \$25,000.00 but less than \$50,000.00; at least \$50,000.00 but less than
33 \$100,000.00; at least \$100,000.00 but less than \$150,000.00; at least \$150,000.00 but less
34 than \$250,000.00; and \$250,000.00 or more. The commission may add additional
35 businesses to this listing. Indebtedness associated with the homestead of the filing party
36 is exempt from this disclosure requirement;

1 (9) The name and address of any person or entity, other than one required to file a
 2 disclosure report under Code Section 21-5-73, if the candidate or public officer has actual
 3 knowledge that such person or entity has transacted, sought to transact, or seeks to
 4 transact any business with the state or has sought or seeks any administrative or
 5 legislative action by any state official and which makes an expenditure exceeding
 6 \$101.00 in the aggregate during a calendar year payable to or for the benefit of the
 7 candidate or public officer, or spouse or dependent of such candidate or public officer,
 8 together with a description, date, and amount of the expenditure. The candidate or public
 9 officer shall exclude from the information required by this paragraph any gifts to the
 10 candidate or public officer from his or her spouse, parents, grandparents, siblings, or
 11 children or the spouse of any of them. For the purposes of this paragraph, the term
 12 'expenditure' shall have the meaning as provided in paragraph (1) of Code Section 21-5-
 13 70, excluding division (x) of subparagraph (E) of said paragraph;

14 ~~(5)~~(10) All annual payments in excess of \$20,000.00 received by the public officer or
 15 any business entity identified in paragraph (3) of this subsection from the state, any
 16 agency, department, commission, or authority created by the state, and authorized and
 17 exempted from disclosure under Code Section 45-10-25, and the agency, department,
 18 commission, or authority making the payments, and the general nature of the
 19 consideration rendered for the source of the payments; and

20 ~~(6)~~(11) No form prescribed by the commission shall require more information or specify
 21 more than provided in the several paragraphs of this Code section with respect to what
 22 is required to be disclosed."

23 SECTION 3.

24 Said chapter is further amended by adding to Code Section 21-5-50, relating to filing of
 25 financial disclosure statements by public officers and candidates for public office, a new
 26 subsection (d) to read as follows:

27 "(d)(1) Beginning January 1, 2002, constitutional officers, Justices of the Supreme Court,
 28 Judges of the Court of Appeals, members of the Public Service Commission, and
 29 candidates to any such office shall use electronic means to file their financial disclosure
 30 statements.

31 (2) Beginning January 1, 2003, all persons required to file financial disclosure statements
 32 shall use electronic means to file their financial disclosure statements. Prior to such date
 33 electronic filing of financial disclosure statements by such persons is permitted and
 34 encouraged but not required."

SECTION 4.

Said chapter is further amended by striking subsection (a) of Code Section 21-5-73, relating to lobbyist disclosure reports, and inserting in its place the following:

"(a) Each lobbyist registered under this article shall file disclosure reports as provided for in this Code section. Beginning January 1, 2002, such reports shall be filed by electronic means."

SECTION 5.

Said chapter is further amended by striking subsection (d) of Code Section 21-5-73, relating to lobbyist disclosure reports, and inserting in its place the following:

"(d) Reports filed by lobbyists shall be verified and shall include:

(1) A description of all expenditures, as defined in Code Section 21-5-70, or the value thereof made by the lobbyist, ~~or employees of the lobbyist,~~ or employer of the lobbyist on behalf or for the benefit of a public officer. The description of each reported expenditure shall include:

(A) The name and title of the public officer or, if the expenditure is simultaneously incurred for an identifiable group of public officers the individual identification of whom would be impractical, a general description of that identifiable group;

(B) The amount, date, and description of the expenditure;

(C) The provisions of Code Section 21-5-70 notwithstanding, aggregate expenditures described in divisions (1)(E)(vii) and (1)(E)(x) of Code Section 21-5-70 incurred during the reporting period; provided, however, expenses for travel and for food, beverage, and lodging in connection therewith afforded a public officer shall be reported in the same manner as under subparagraphs (A), (B), and (D) of this paragraph; and

(D) If applicable, the number of the bill, resolution, ordinance, or regulation pending before the governmental entity in support of or opposition to which the expenditure was made; and

(2) The names of any members of the immediate family of a public officer employed by or whose professional services are paid for by the lobbyist during the reporting period."

SECTION 6.

This Act shall become effective on January 1, 2002.

SECTION 7.

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