

House Bill 933

By: Representatives Bannister of the 77th, Shanahan of the 10th, Massey of the 86th, Irvin of the 45th, Harbin of the 113th and others

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to code of ethics and conflicts of interest with regard to public officers and employees, so as to provide for certain disclosures under certain conditions for persons and entities who sell or provide property, goods, or services to the state or any of its agencies, departments, authorities, instrumentalities, or political subdivisions; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to code of ethics and conflicts of interest with regard to public officers and employees, is amended by inserting a new Part 5 to read as follows:

"Part 5

45-10-90.

(a) As used in this Code section, the term:

(1) 'Entity' means any partnership, limited liability partnership, corporation, limited liability company, association, or other entity other than an individual. However, entity shall not include corporations whose stock is publicly traded.

(2) 'Governmental body' means the State of Georgia or any of its agencies, departments, authorities, instrumentalities, or political subdivisions.

(3) 'Significant interest' means direct or indirect ownership or control of an interest in the entity that is more than 5 percent of the total assets or stock of the entity or has a value of more than \$20,000.00, whichever is less.

(b) When any entity contracts or agrees to sell or provide property, goods, or services, the value of which exceeds \$1 million, to a governmental body, such entity shall certify in

1 writing to the governmental body to which such property, goods, or services are being sold
2 or provided prior to the execution of the contract or the finalizing of the agreement to sell
3 or provide such property, goods, or services the name and address of each individual that
4 has a significant interest in the entity. The governmental body buying or receiving such
5 property, goods, or services shall ensure that such certification is received and placed on
6 file for public inspection prior to the execution of such contract or the finalizing of such
7 agreement. Such disclosure shall be for the purpose of allowing the governmental body
8 to determine if any conflict of interest exists which could affect the contract or agreement
9 for the sale or provision of such property, goods, or services. The failure of an entity to
10 provide such certificate prior to the execution of a contract or finalization of an agreement
11 to sell or provide property, goods, or services shall be a misdemeanor. In addition, the
12 failure of an entity to provide such certificate prior to the execution of a contract or
13 finalization of an agreement to sell or provide property, goods, or services shall render any
14 such contract or agreement void ab initio. Providing such certificate subsequent to the
15 execution of the contract or finalization of the agreement shall be of no effect and it shall
16 be necessary for the governmental body to execute a new contract or finalize a new
17 agreement in accordance with this Code section before the property, goods, or services may
18 be obtained or received from the entity."

19 **SECTION 2.**

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