

Senate Bill 494

By: Senators Starr of the 44th, Clay of the 37th and Meyer von Bremen of the 12th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-15-70 of the Official Code of Georgia Annotated, relating to
2 provision of counsel for state officials and agencies, so as to provide that under certain
3 circumstances when an action is brought against a state official or agency by or on behalf of
4 the Attorney General, the Governor shall provide counsel for such official or agency; to
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 45-15-70 of the Official Code of Georgia Annotated, relating to provision of
9 counsel for state officials and agencies, is amended by striking subsection (a) and inserting
10 in its place a new subsection to read as follows:

11 "(a) When any action or proceeding is filed in any court of this state, in any federal court,
12 or with any professional licensing board, disciplinary board or commission, or other similar
13 body, which action or proceeding is against a public officer, public official, a state board
14 or bureau, or against any member of such board or bureau and which action or proceeding
15 seeks relief against such officer, official, board, or bureau in the administration of his, her,
16 or its duties, and when the state compensates or appropriates or allocates moneys to such
17 officer, official, board, or bureau which is used in the administration of his, her, or its
18 duties, and this shall include county registrars, and when no regular counsel is provided
19 within a reasonable time for such officer, official, board, bureau, or county registrar by the
20 Attorney General, then the Governor may direct the Attorney General to provide such
21 counsel. In the event the Attorney General refuses to provide such counsel within a
22 reasonable time after having been directed by the Governor to do so, the Governor is
23 authorized to designate legal counsel in such case for such officer, official, board, or
24 bureau, or any member of such board or bureau, or county registrar. If such an action is
25 brought by the Attorney General as counsel or by counsel acting on behalf of the Attorney
26 General and the party against whom the action is brought certifies to the Governor that in

1 the official judgment of such party there is a genuine and important issue concerning the
2 correctness of the position asserted by or on behalf of the Attorney General, then the
3 Governor shall designate legal counsel in such case for such party."

4 **SECTION 2.**

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