

## Senate Bill 10

By: Senators Meyer von Bremen of the 12th, Tate of the 38th, Brown of the 26th, Golden of the 8th, Stoner of the 6th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 5 of Title 21 and Titles 42 and 45 of the Official Code of Georgia  
2 Annotated, relating, respectively, to ethics in government; penal institutions; and public  
3 officers, so as to provide for the comprehensive revision of provisions regarding ethics and  
4 conflicts of interest; to provide for a short title; to provide for and change certain definitions;  
5 to provide for the timely issuance of advisory opinions by the State Ethics Commission and  
6 other matters relative to advisory opinions; to create certain restrictions on receipt or award  
7 of state contracts; to change provisions relating to acceptance of contributions during  
8 legislative sessions; to change certain provisions relating to filing of financial disclosure  
9 statements; to change certain provisions relating to lobbyist registration; to change provisions  
10 relating to lobbyist disclosure reports and the contents thereof and the definition of lobbyist;  
11 to create provisions relating to a lobbyist's eligibility for certain appointments and ability to  
12 serve as a public employee; to provide for restrictions on former public officers from  
13 engaging in lobbying under certain circumstances; to provide restrictions for lobbyists  
14 relating to contingency agreements; to provide for restrictions for lobbyists relating to  
15 presence on the floor of the House of Representatives and Senate; to provide for actions for  
16 slander and libel and the commission's authority over such activity; to change provisions  
17 relative to appearances before the Board of Pardons and Paroles by members of the General  
18 Assembly or state elected or appointed officials; to change certain provisions relating to  
19 complaints or information regarding fraud, waste, and abuse in state programs and  
20 operations; to change certain provisions relating to the code of ethics for government service  
21 generally; to change certain provisions relating to the code of ethics for members of boards,  
22 commissions, and authorities; to change certain provisions relating to yearly disclosure  
23 statements of public officials and employees concerning business transactions with the state;  
24 to provide for an antinepotism policy; to provide for restrictions on the Governor's  
25 appointment power under certain circumstances; to provide for an effective date and  
26 applicability; to repeal conflicting laws; and for other purposes.

1 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

2 **SECTION 1.**

3 This Act shall be known and may be cited as the "Ethics in Government Reform Act of  
4 2005."

5 **SECTION 2.**

6 Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in  
7 government, is amended by striking paragraph (13) of subsection (b) of Code Section 21-5-6,  
8 relating to powers and duties of the commission, and inserting in its place a new paragraph  
9 (13) of subsection (b) and adding new subsections (d), (e), and (f) to read as follows:

10 "(13) To issue, upon request, and publish receipt of a written request based on real or  
11 hypothetical circumstances, advisory opinions on the requirements of this chapter, based  
12 on a real or hypothetical set of circumstances within 30 days of receipt of each request  
13 for an advisory opinion;"

14 "(d) In any matter pending before the commission, if a member of the commission has  
15 made or caused to be made a contribution in the current or immediately preceding election  
16 cycle to any respondent, any other party to the complaint, any candidate who opposed the  
17 respondent in any election in the current or immediately preceding election cycle, or the  
18 campaign committee of any of the foregoing, that member shall recuse himself or herself  
19 from consideration of the matter. The commission may, upon motion, order the recusal of  
20 a member.

21 (e) The State Ethics Commission shall have the same powers and duties with respect to  
22 Code Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 as the commission  
23 has with respect to this chapter.

24 (f) The Attorney General shall have the same powers and duties with respect to Code  
25 Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 as the Attorney General  
26 has with respect to this chapter. Without limiting the generality of the foregoing, it is  
27 specifically provided that the Attorney General may bring civil actions for the enforcement  
28 of Code Section 45-10-3 and Part 1 of Article 2 of Chapter 10 of Title 45 in the same  
29 general manner as provided in this chapter."

30 **SECTION 3.**

31 Said chapter is further amended by inserting a new Code Section 21-5-13 to follow Code  
32 Section 21-5-12 to read as follows:

1 "21-5-13.

2 (a) No elected public officer or employee or agent of an elected public officer shall  
3 advocate for or cause the receipt or award of any state contract to a person who has made  
4 a campaign contribution to the elected public officer or the elected public officer's  
5 campaign committee in the current or immediately preceding election cycle.

6 (b) No elected public officer or employee or agent of an elected public officer shall  
7 advocate for or cause the receipt or award of any state contract to any person who employs  
8 the elected public officer."

9 **SECTION 4.**

10 Said chapter is further amended by striking Code Section 21-5-35, relating to acceptance of  
11 contributions during legislative sessions, and inserting in lieu thereof the following:

12 "21-5-35.

13 (a) No member of the General Assembly or that member's campaign committee or public  
14 officer elected state wide or campaign committee of such public officer shall accept or  
15 solicit a contribution or a pledge of a contribution during a legislative session.

16 (b) Subsection (a) of this Code section shall not apply to:

17 (1) The receipt of a contribution which is returned with reasonable promptness to the  
18 donor or the donor's agent;

19 (2) The receipt and acceptance during a legislative session of a contribution consisting  
20 of proceeds from a dinner, luncheon, rally, or similar fundraising event held prior to the  
21 legislative session; or

22 (3) A judicial officer elected state wide or campaign committee of such judicial officer."

23 **SECTION 5.**

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

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

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

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

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

5 ~~(2)~~(3) 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)~~(4) 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~~ 5 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)~~(5) Each tract of real property in which the candidate for public office or public  
 15 officer has a direct ownership interest or purchase option as of December 31 of the  
 16 covered year when that interest has a ~~net~~ fair market value in excess of \$20,000.00. As  
 17 used in this paragraph, the term 'net fair market' value means the appraised value of the  
 18 property for ad valorem tax purposes ~~less any indebtedness thereon~~. The disclosure shall  
 19 contain the county and state and general location therein where the property is located  
 20 description of the property;

21 (6) The filer's occupation, employer, and the principal activity and address of such  
 22 employer;

23 (7) If he or she has actual knowledge of such ownership interest or knowledge of facts  
 24 which would put a reasonable and prudent person on notice of such ownership interest,  
 25 the filer shall name any business or subsidiary thereof in Georgia in which the filer's  
 26 spouse or dependent children, jointly or severally, own a direct ownership interest which  
 27 interest:

28 (A) Is more than 5 percent of the total interests in such business; or

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

30 or in which the filer's spouse or any child, sibling, or parent serves as an officer, director,  
 31 equitable partner, trustee, or consultant;

32 (8) If the filer or his or her spouse has engaged in a business in a fiduciary position  
 33 during the last reporting year which provides legal, investment, accounting, medical or  
 34 health related, real estate, banking, insurance, educational, farming, engineering,  
 35 architectural, construction, or other professional services or consultations, then the filer  
 36 shall report each category from which the gross income received from all combined  
 37 clients in such category exceeds \$10,000.00. Such categories shall be established by rule

1 of the commission and may include a stock investment portfolio, electric utilities, gas  
 2 utilities, telephone utilities, water utilities, cable television companies, intrastate  
 3 transportation companies, pipeline companies, oil or gas exploration companies or both,  
 4 oil and gas retail companies, banks, savings and loan associations, loan or finance  
 5 companies or both, manufacturing firms, mining companies, life insurance companies,  
 6 casualty insurance companies, other insurance companies, retail companies, beer, wine,  
 7 or liquor companies or distributors or any combination thereof, trade associations,  
 8 professional associations, governmental associations, associations of public employees  
 9 or public officials, and counties;

10 ~~(5)~~(9) All annual payments in excess of \$20,000.00 received by the public officer or any  
 11 business entity identified in paragraph ~~(3)~~ (4) of this subsection from the state, any  
 12 agency, department, commission, or authority created by the state, and authorized and  
 13 exempted from disclosure under Code Section 45-10-25, and the agency, department,  
 14 commission, or authority making the payments, and the general nature of the  
 15 consideration rendered for the source of the payments; and

16 ~~(6)~~(10) No form prescribed by the commission shall require more information or specify  
 17 more than provided in the several paragraphs of this Code section with respect to what  
 18 is required to be disclosed."

19 "(d) Beginning January 9, 2006, all state-wide elected officials and members of the  
 20 General Assembly required to file financial disclosure statements shall use electronic  
 21 means to file his or her financial disclosure statements. Prior to such date, electronic filing  
 22 of financial disclosure statements by such persons is permitted and encouraged but not  
 23 required."

## 24 SECTION 6.

25 Said chapter is further amended by striking paragraphs (6) and (7) of Code Section 21-5-70,  
 26 relating to definitions, and inserting in their respective places and adding new paragraphs (6),  
 27 (7), (8), and (9) to read as follows:

28 "(6) 'Lobbyist' means:

29 (A) Any natural person who, for compensation, either individually or as an employee  
 30 of another person, undertakes to promote or oppose the passage of any legislation by  
 31 the General Assembly, or any committee thereof, or the approval or veto of legislation  
 32 by the Governor;

33 (B) Any natural person who makes a total expenditure of more than \$250.00 in a  
 34 calendar year, not including the person's own travel, food, lodging expenses, or  
 35 informational material to promote or oppose the passage of any legislation by the

1 General Assembly, or any committee thereof, or the approval or veto of legislation by  
2 the Governor;

3 (C) Any natural person who as an employee of the executive branch or judicial branch  
4 of state government engages in any activity covered under subparagraph (A) of this  
5 paragraph;

6 (D) Any natural person who, for compensation, either individually or as an employee  
7 of another person, undertakes to promote or oppose the passage of any ordinance or  
8 resolution by a public officer specified under subparagraph (F) or (G) of paragraph (15)  
9 of Code Section 21-5-3, or any committee of such public officers, or the approval or  
10 veto of any such ordinance or resolution;

11 (E) Any natural person who makes a total expenditure of more than \$250.00 in a  
12 calendar year, not including the person's own travel, food, lodging expenses, or  
13 informational material to promote or oppose the passage of any ordinance or resolution  
14 by a public officer specified under subparagraph (F) or (G) of paragraph (15) of Code  
15 Section 21-5-3, or any committee of such public officers, or the approval or veto of any  
16 such ordinance or resolution; ~~or~~

17 (F) Any natural person who as an employee of the executive branch or judicial branch  
18 of local government engages in any activity covered under subparagraph (D) of this  
19 paragraph;

20 (G) Any natural person who, for compensation, either individually or as an employee  
21 of another person, undertakes to influence a public officer or state agency in the  
22 selection of a vendor to supply any goods or services to any state agency; provided,  
23 however, this subparagraph shall not include a person solely on the basis of such  
24 person's participation in preparing a written bid, written proposal, or other document  
25 relating to a potential sale to a state agency; or

26 (H) Any natural person who, for compensation, either individually or as an employee  
27 of another person, undertakes to promote or oppose the promulgation of administrative  
28 rules or regulations by any state agency.

29 (7) 'Public officer' means those public officers specified under subparagraphs (A)  
30 through (G) of paragraph (15) of Code Section 21-5-3, as amended, except as otherwise  
31 provided in this article and also includes any public officer or employee who has any  
32 discretionary authority over, or is a member of a state agency which has any discretionary  
33 authority over, the selection of a vendor to supply any goods or services to any state  
34 agency.

35 (8) 'State agency' means any agency, authority, department, board, bureau, commission,  
36 council, corporation, entity, or instrumentality of the state but does not include a local

1 political subdivision, such as a county, city, or local school district or an instrumentality  
 2 of such a local political subdivision.

3 (9) 'Vendor' means any person who sells to or contracts with any state agency for the  
 4 provision of any goods or services."

## 5 SECTION 7.

6 Said chapter is further amended by striking subsections (a) and (d) of Code Section 21-5-73,  
 7 relating to disclosure reports, and inserting in their respective places new subsections (a), (d),  
 8 and (e) to read as follows:

9 "(a) Each lobbyist registered under this article shall file disclosure reports as provided for  
 10 in this Code section. Beginning January 9, 2006, lobbyists shall file such reports by  
 11 electronic means."

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

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

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

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

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

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

29 (2) The names of any public officer or any members of the immediate family of a public  
 30 officer employed by or whose professional services are paid for by the lobbyist or any  
 31 person on whose behalf a lobbyist is registered during the reporting period;

32 (3) For those who are lobbyists within the meaning of subparagraph (G) of paragraph (6)  
 33 of Code Section 21-5-70, the name of any vendor or vendors which the lobbyist  
 34 undertook to influence the awarding of a contract or contracts by any state agency  
 35 together with a description of the contract or contracts and the monetary amount of the  
 36 contract or contracts;

1 (4) For those who are lobbyists within the meaning of subparagraph (H) of paragraph (6)  
 2 of Code Section 21-5-70, a description, by number or otherwise, of any rule or regulation  
 3 promoted or opposed by the lobbyist; and

4 (5) For every lobbyist whose gross income received from all combined clients exceeds  
 5 \$10,000.00, a listing by category of clients of the income received from each category of  
 6 clients. Such categories shall be established by rule of the commission and may include  
 7 electric utilities, gas utilities, telephone utilities, water utilities, cable television  
 8 companies, intrastate transportation companies, pipeline companies, oil or gas exploration  
 9 companies or both, oil and gas retail companies, banks, savings and loan associations,  
 10 loan or finance companies or both, manufacturing firms, mining companies, life  
 11 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, and counties.

15 (e) The reports required by this article shall be in addition to any reports required under  
 16 Code Section 45-1-6, relating to required reports by state vendors of gifts to public  
 17 employees. Compliance with this Code section shall not excuse noncompliance with that  
 18 Code section, and compliance with that Code section shall not excuse noncompliance with  
 19 this Code section, notwithstanding the fact that in some cases the same information may  
 20 be required to be disclosed under both Code sections."

## 21 **SECTION 8.**

22 Said chapter is further amended by adding new Code Sections 21-5-74, 21-5-75, and 21-5-76  
 23 to follow Code Section 21-5-73 to read as follows:

24 "21-5-74.

25 A lobbyist shall not be eligible to serve or receive compensation as a public employee or  
 26 be eligible for legislative or executive appointment to any state office, board, authority,  
 27 commission, or bureau created and established by the laws of this state which regulates the  
 28 activities of a business, firm, corporation, or agency that the lobbyist represented until one  
 29 year after the expiration of the lobbyist's registration.

30 21-5-75.

31 On and after January 8, 2007, every public officer shall be prohibited from registering as  
 32 a lobbyist or engaging in lobbying under this article for a period of one year after leaving  
 33 such office.

1 21-5-76.

2 (a) No person, firm, corporation, or association shall retain or employ an attorney at law  
3 or an agent to aid or oppose legislation for compensation contingent, in whole or in part,  
4 upon the passage or defeat of any legislative measure or upon the receipt or award of any  
5 state contract. No attorney at law or agent shall be employed to aid or oppose legislation  
6 for compensation contingent, in whole or in part, upon the passage or defeat of any  
7 legislation or upon the receipt or award of any state contract.

8 (b) It shall be unlawful for any person registered pursuant to the requirements this article  
9 or for any other person, except as authorized by the rules of the House of Representatives  
10 or Senate, to be on the floor of either house of the General Assembly while the same is in  
11 session to discuss privately measures then pending in the General Assembly."

12 **SECTION 9.**

13 Said chapter is further amended by adding a new article at the end of the chapter to read as  
14 follows:

15 "ARTICLE 5

16 21-5-80.

17 (a) A candidate is liable for any slander or libel, as defined and provided in Chapter 5 of  
18 Title 51, committed by a campaign committee that is controlled by that candidate if the  
19 candidate willfully and knowingly directs or permits the libel or slander.

20 (b) In addition to the action provided for in this Code section, the commission may issue  
21 an order after appropriate proceedings as provided in this chapter requiring the candidate  
22 whose committee committed the libel or slander to be fined as set forth in subparagraph  
23 (b)(14)(C) of Code Section 21-5-6 and may also make public its conclusion as provided in  
24 paragraph (15) of subsection (b) of Code Section 21-5-6."

25 **SECTION 10.**

26 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
27 by striking Code Section 42-9-17, relative to appearances before the Board of Pardons and  
28 Paroles by members of the General Assembly or state elected or appointed officials, and  
29 inserting in lieu thereof the following:

30 "42-9-17.

31 (a) It shall be unlawful for members of the General Assembly or any other state elected  
32 or appointed official to ~~accept any compensation for appearing before~~ contact the board in  
33 ~~behalf of~~ with respect to a person under the jurisdiction of the board ~~and for seeking a~~

1 ~~decision on behalf of the person.~~ Nothing in this Code section shall be construed so as to  
 2 prohibit:

3 (1) Members of the General Assembly or state elected or appointed officials from  
 4 appearing before the board when their official duties require them to do so; ~~or~~

5 (2) Members of the General Assembly or state elected or appointed officials from  
 6 requesting information from ~~and presenting information to the board on behalf of~~  
 7 ~~constituents when no compensation, gift, favor, or anything of value is accepted, either~~  
 8 ~~directly or indirectly, for such services;~~

9 (3) Members of the General Assembly or state elected or appointed officials from  
 10 forwarding correspondence or communications received from third parties to the board,  
 11 so long as the correspondence or communications are forwarded in substantially the same  
 12 form in which they were received;

13 (4) The Attorney General, assistant attorney general, judge, district attorney, assistant  
 14 district attorney, solicitor-general, assistant solicitor-general, or public defender as  
 15 defined in Code Section 17-12-2 from appearing before the board while acting in his or  
 16 her official capacity; or

17 (5) Members of the General Assembly who are attorneys representing clients from  
 18 appearing before the board.

19 ~~(b) Nothing in subsection (a) of this Code section shall be construed to apply to the~~  
 20 ~~acceptance of compensation, expenses, and allowances received by members of the~~  
 21 ~~General Assembly or any other state elected or appointed official for their duties as such~~  
 22 ~~members or officials.~~

23 ~~(c)~~(b) Any person who violates subsection (a) of this Code section shall be guilty of a  
 24 misdemeanor."

## 25 SECTION 11.

26 Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended  
 27 by striking Code Section 45-1-4, relating to complaints or information regarding fraud,  
 28 waste, and abuse in state programs and operations, and inserting in lieu thereof the following:  
 29 "45-1-4.

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

31 (1) 'Government agency' means any agency of federal, state, or local government  
 32 charged with the enforcement of laws, rules, or regulations.

33 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or  
 34 any rule or regulation adopted according to any federal, state, or local statute or  
 35 ordinance.

1 ~~(2)~~(3) 'Private employee' means any person who is employed by a private employer  
 2 whose employer has been awarded a contract to provide services or goods to the State of  
 3 Georgia and whose employee duties relate to provision of those services or goods for the  
 4 State of Georgia.

5 (4) 'Private employer' means a person or business entity which has entered into a contract  
 6 to provide goods or services to the State of Georgia.

7 ~~(4)~~(5) 'Public employee' means any person who is employed by the executive, judicial,  
 8 or legislative branch of the state or by any other department, board, bureau, commission,  
 9 authority, or other agency of the state except the office of the Governor, the judicial  
 10 branch, or the legislative branch. This term also includes all employees, officials, or  
 11 administrators of any agency covered under the State Merit System of Personnel  
 12 Administration and any local or regional governmental entity that receives any funds  
 13 from the State of Georgia or any state agency.

14 (6) 'Public employer' means the executive, judicial, or legislative branch of the state and  
 15 or any other department, board, bureau, commission, authority, or other agency of the  
 16 state which employs or appoints a public employee or public employees except the office  
 17 of the Governor, the judicial branch, or the legislative branch or any local or regional  
 18 governmental entity that receives any funds from the State of Georgia or any state  
 19 agency.

20 (7) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public  
 21 or private employer of a public or private employee or any other adverse employment  
 22 action taken by a public or private employer against a public or private employee in the  
 23 terms or conditions of employment.

24 (8) 'Supervisor' means any individual:

25 (A) To whom a public or private employer has given authority to direct and control the  
 26 work performance of the affected public or private employee;

27 (B) To whom a public or private employer has given authority to take corrective action  
 28 regarding a violation of or noncompliance with a law, rule, or regulation of which the  
 29 public or private employee complains; or

30 (C) Who has been designated by a public or private employer to receive complaints  
 31 regarding a violation of or noncompliance with a law, rule, or regulation.

32 (b) A public employer may receive and investigate complaints or information from any  
 33 public employee concerning the possible existence of any activity constituting fraud, waste,  
 34 and abuse in or relating to any state programs and operations under the jurisdiction of such  
 35 public employer.

36 (c) Notwithstanding any other law to the contrary, such public employer shall not after  
 37 receipt of a complaint or information from a public employee disclose the identity of the

1 public employee without the written consent of such public employee, unless the public  
2 employer determines such disclosure is necessary and unavoidable during the course of the  
3 investigation. In such event, the public employee shall be notified in writing at least seven  
4 days prior to such disclosure.

5 ~~(d) No action against any public employee shall be taken or threatened by any public  
6 employer who has authority to take, direct others to take, recommend, or approve any  
7 personnel action as a reprisal for making a complaint or disclosing information to the  
8 public employer unless the complaint was made or the information was disclosed with the  
9 knowledge that it was false or with willful disregard for its truth or falsity.~~

10 (d)(1) No public or private employer shall make, adopt, or enforce any policy or practice  
11 preventing a public or private employee from disclosing or threatening to disclose a  
12 violation of or noncompliance with a law, rule, or regulation to either a supervisor or a  
13 government agency.

14 (2) No public or private employer shall retaliate against a public or private employee for  
15 disclosing or threatening to disclose a violation of or noncompliance with a law, rule, or  
16 regulation to either a supervisor or a government agency, unless the disclosure or  
17 threatened disclosure was made with knowledge that the disclosure was false or with  
18 reckless disregard for its truth or falsity.

19 (3) No public or private employer shall retaliate against a public or private employee for  
20 objecting to, or refusing to participate in, any activity, policy, or practice of the public or  
21 private employer that the public or private employee has reasonable cause to believe is  
22 in violation of or noncompliance with a law, rule, or regulation.

23 (4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices  
24 which implement, or to actions by public or private employers against public or private  
25 employees who violate, privileged or confidentiality obligations recognized by  
26 constitutional, statutory, or common law.

27 ~~(e) Any action taken in violation of subsection (d) of this Code section shall give the  
28 public employee a right to have such action set aside in a proceeding instituted in the  
29 superior court.~~

30 (e)(1) A public or private employee who has been the object of retaliation in violation  
31 of this Code section may institute a civil action in superior court for relief as set forth in  
32 paragraph (2) of this subsection within one year after discovering the retaliation or within  
33 three years after the retaliation, whichever is earlier.

34 (2) In any action brought pursuant to this subsection, the court may order any or all of  
35 the following relief:

36 (A) An injunction restraining continued violation of this Code section;

1 (B) Reinstatement of the public or private employee to the same position held before  
 2 the retaliation or to an equivalent position;

3 (C) Reinstatement of full fringe benefits and seniority rights;

4 (D) Compensation for lost wages, benefits, and other remuneration; and

5 (E) Any other compensatory damages allowable at law.

6 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing  
 7 public or private employee."

## 8 SECTION 12.

9 Said title is further amended by striking Code Section 45-10-1, relating to the code of ethics  
 10 for government service generally, and inserting in lieu thereof the following:

11 "45-10-1.

12 There is established for and within the state and for and in all governments therein a code  
 13 of ethics for government service which shall read as follows:

### 14 CODE OF ETHICS FOR GOVERNMENT SERVICE

15 Any person in government service should:

16 I. Put loyalty to the highest moral principles and to country above loyalty to persons,  
 17 party, or government department.

18 II. Uphold the Constitution, laws, and legal regulations of the United States and the  
 19 State of Georgia and of all governments therein and never be a party to their evasion.

20 III. Be honest and truthful in all statements and representations made before the  
 21 General Assembly and its committees; the State's departments, commissions, and  
 22 boards; and the courts of the State of Georgia and the United States of America.

23 ~~III~~.IV. Give a full day's labor for a full day's pay and give to the performance of his  
 24 or her duties his or her earnest effort and best thought.

25 ~~IV~~.V. Seek to find and employ more efficient and economical ways of getting tasks  
 26 accomplished.

27 ~~V~~.VI. Never discriminate unfairly by the dispensing of special favors or privileges to  
 28 anyone, whether for remuneration or not, and never accept, for himself or herself or his  
 29 or her family, favors or benefits under circumstances which might be construed by  
 30 reasonable persons as influencing the performance of his or her governmental duties.

31 ~~VI~~.VII. Make no private promises of any kind binding upon the duties of office, since  
 32 a government employee has no private word which can be binding on public duty.

33 ~~VII~~.VIII. Engage in no business with the government, either directly or indirectly,  
 34 which is inconsistent with the conscientious performance of his or her governmental  
 35 duties.

1 ~~VIII.~~IX. Never use any information coming to him or her confidentially in the  
2 performance of governmental duties as a means for making private profit.

3 IX. Expose corruption wherever discovered.

4 XI. Uphold these principles, ever conscious that public office is a public trust."

### 5 SECTION 13.

6 Said title is further amended by striking Code Section 45-10-3, relating to code of ethics for  
7 members of boards, commissions, and authorities, and inserting in lieu thereof the following:  
8 "45-10-3.

9 Notwithstanding any provisions of law to the contrary, each ~~member of all boards,~~  
10 ~~commissions, and authorities created by general statute~~ public official and employee as  
11 those terms are defined in Code Section 45-10-20 shall:

12 (1) Uphold the Constitution, laws, and regulations of the United States, the State of  
13 Georgia, and all governments therein and never be a party to their evasion;

14 (2) Never discriminate by the dispensing of special favors or privileges to anyone,  
15 whether or not for remuneration;

16 (3) Not engage in any business with the government, either directly or indirectly, which  
17 is inconsistent with the conscientious performance of his or her governmental duties;

18 (4) Never use any information coming to him or her confidentially in the performance  
19 of governmental duties as a means for making private profit;

20 (5) Expose corruption wherever discovered;

21 (6) Never solicit, accept, or agree to accept gifts, loans, gratuities, discounts, favors,  
22 hospitality, or services from any person, association, or corporation under circumstances  
23 from which it could reasonably be inferred that a major purpose of the donor is to  
24 influence the performance of the member's official duties;

25 (7) Never accept any economic opportunity under circumstances where he or she knows  
26 or should know that there is a substantial possibility that the opportunity is being afforded  
27 him or her with intent to influence his or her conduct in the performance of his or her  
28 official duties;

29 (8) Never engage in other conduct which is unbecoming to a member or which  
30 constitutes a breach of public trust; and

31 (9) Never take any official action with regard to any matter under circumstances in  
32 which he or she knows or should know that he or she has a direct or indirect monetary  
33 interest in the subject matter of such matter or in the outcome of such official action."



1 (b) Any person advanced, appointed, employed, promoted, or transferred in violation of  
2 this Code section shall not be entitled to any payment, salary, or benefits received for any  
3 position so illegally obtained; and any person who receives payment, salary, or benefits for  
4 a position obtained in violation of this Code section shall be required to reimburse the state  
5 for all amounts so received."

6 **SECTION 16.**

7 Said title is further amended by adding a new Code Section 45-12-61 to follow Code Section  
8 45-12-60 to read as follows:

9 "45-12-61.

10 (a) As used in this Code section, the terms 'campaign committee,' 'contribution,' and  
11 'expenditure' shall have the meanings set forth in Code Section 21-5-3.

12 (b) No person shall be eligible for appointment to fill a vacancy on any board, council, or  
13 commission or on the Supreme Court, the Court of Appeals, the superior courts, or the state  
14 courts if the person has made a contribution to or expenditure on behalf of the Governor  
15 or the Governor's campaign committee in the previous 120 days."

16 **SECTION 17.**

17 This Act shall become effective on January 9, 2006, and shall apply to all reports due that  
18 year and in subsequent years.

19 **SECTION 18.**

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