

House Bill 91

By: Representatives Jacobs of the 80th, Chambers of the 81st, Millar of the 79th, Wilkinson of the 52nd, Geisinger of the 48th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,
2 relating to conflicts of interest, so as to prohibit members of public authorities from
3 participating in and communicating with any other member of such authority regarding any
4 matter before such authority if such member or his or her immediate family member has a
5 pecuniary interest in the matter; to provide for definitions; to provide for penalties; to provide
6 that matters that are approved in violation of such prohibition shall be void; to provide for
7 related matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to
11 conflicts of interest, is amended by adding a new part to read as follows:

12 "Part 7

13 45-10-100.

14 As used in this part, the term:

15 (1) 'Immediate family member' means the spouse, child, sibling, or parent or the spouse
16 of a child, sibling, or parent.

17 (2) 'Pecuniary interest' means a direct or indirect financial interest.

18 (3) 'Public authority' means any public authority or public corporation whether created
19 by general law, local law, or local ordinance or resolution to carry out purposes or
20 functions within or on behalf of the state or within or on behalf of counties,
21 municipalities, or other political subdivisions.

22 45-10-101.

23 If any member of a public authority or an immediate family member of such member has
24 any pecuniary interest in a matter being considered by such public authority, the fact of
25 such pecuniary interest shall be disclosed by such member and recorded on the minutes of
26 such public authority. Such member shall abstain from urging the approval of or voting
27 on any such matter in which the member or his or her immediate family member has a
28 pecuniary interest and shall not be present while such matter is being discussed or voted
29 upon. Such member shall not communicate, either directly or indirectly, with any other
30 member of such public authority concerning such matter at any time while such matter is
31 being discussed or considered by the public authority.

32 45-10-102.

33 (a) Any member of a public authority who violates this part shall be subject to:

34 (1) Removal from office or employment;

35 (2) A civil fine not to exceed \$10,000.00; and

36 (3) Restitution to the appropriate governmental entity of any pecuniary benefit received
37 as a result of such violation.

38 (b) Any matter approved by a public authority in violation of this part shall be void.

39 (c) The penalties provided for in subsection (a) of this Code section may be imposed in
40 any civil action brought for that purpose, and such actions shall be brought by the Attorney
41 General.

42 (d) Any person may file a written complaint with the Attorney General alleging a violation
43 of this part, and the Attorney General shall issue a written response to such complainant
44 setting forth the result of his or her investigation of the matter."

45 **SECTION 2.**

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