

Senate Bill 147

By: Senators Bethel of the 54th, Williams of the 19th, Rogers of the 21st, Thompson of the 33rd, Brown of the 26th and others

**AS PASSED SENATE**

**A BILL TO BE ENTITLED  
AN ACT**

1 To amend Part 1 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia  
2 Annotated, relating to general provisions for conflicts of interest, so as to prohibit public  
3 officials from granting themselves licenses by waiving certain requirements; to provide for  
4 penalties; to provide for renewal of such licenses; to provide for related matters; to repeal  
5 conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Part 1 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,  
9 relating to general provisions for conflicts of interest, is amended by revising subsection (a)  
10 of Code Section 45-10-28, relating to penalties for violation of the part, as follows:

11 "(a)(1) Any appointed public official or employee who violates Code Section 45-10-22,  
12 45-10-23, 45-10-24, ~~or 45-10-26~~, or 45-10-29 shall be subject to:

- 13 (A) Removal from office or employment;
- 14 (B) A civil fine not to exceed \$10,000.00; and
- 15 (C) Restitution to the state of any pecuniary benefit received as a result of such  
16 violation.

17 (2) Any elected public official who violates Code Section 45-10-22, 45-10-23, 45-10-24,  
18 ~~or 45-10-26~~, or 45-10-29 shall be subject to:

- 19 (A) A civil fine not to exceed \$10,000.00; and
- 20 (B) Restitution to the state of any pecuniary benefit received as a result of such  
21 violation.

22 (3) Any business which violates Code Section 45-10-22, 45-10-23, 45-10-24, ~~or~~  
23 45-10-26, or 45-10-29 shall be subject to:

- 24 (A) A civil fine not to exceed \$10,000.00; and

25 (B) Restitution to the state of any pecuniary benefit received as a result of such  
26 violation."

27 **SECTION 2.**

28 Said part is further amended by adding a new Code section to read as follows:

29 "45-10-29.

30 (a) Notwithstanding any law, rule, or regulation to the contrary, a public official shall not  
31 be authorized to waive any legal, educational, or testing requirement for himself or herself  
32 relative to the issuance of any license to himself, herself, or to his or her business.

33 (b) Any license that has been issued by a public official by waiving any legal, educational,  
34 or testing requirement for himself or herself relative to the issuance of any license to  
35 himself, herself, or to his or her business shall not be renewed until and unless the license  
36 holder has satisfied all of the requirements for securing a renewal license as well as any  
37 requirement that had been waived for the issuance of the original license.

38 (c) Any license that has been issued by a public official by waiving any legal, educational,  
39 or testing requirement for himself or herself relative to the issuance of any license to  
40 himself, herself, or his or her business shall bear a disclaimer in all capital letters in  
41 boldface type that states: 'NOTICE TO THE PUBLIC: THIS LICENSE WAS  
42 SELF-ISSUED BY (NAME OF PUBLIC OFFICIAL) WITHOUT THE HOLDER FULLY  
43 MEETING THE LEGAL, EDUCATIONAL, OR TESTING REQUIREMENTS.' Said  
44 disclaimer shall be included in any public listing or directory of license holders.

45 (d) Any person who knowingly violates subsection (a) or (b) of this Code section shall be  
46 subject to the penalties provided for in Code Section 45-10-28."

47 **SECTION 3.**

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