

House Bill 949

By: Representatives Powell of the 32<sup>nd</sup>, Tarvin of the 2<sup>nd</sup>, Jasperse of the 11<sup>th</sup>, Lumsden of the 12<sup>th</sup>, and Epps of the 144<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to illegal use of financial transaction cards, and Chapter 80 of Title 36 of the Official  
3 Code of Georgia Annotated, relating to general provisions applicable to counties, municipal  
4 corporations, and other governmental entities, so as to revise a definition; to revise provisions  
5 of law relating to government purchasing cards and government credit cards; to provide for  
6 the issuance of government purchasing cards and government credit cards; to provide for the  
7 conditions for such issuance; to provide for related matters; to provide an effective date; to  
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Article 3 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to  
12 illegal use of financial transaction cards, is amended by revising paragraph (5.2) of Code  
13 Section 16-9-30, relating to definitions, as follows:

14 "(5.2) 'Government' means:

15 (A) Every state department, agency, board, bureau, commission, and authority;

16 (B) Every county, municipal corporation, school system, or other political subdivision  
17 of this state;

18 (C) Every department, agency, board, bureau, commission, authority, or similar body  
19 of each such county, municipal corporation, school system, or other political  
20 subdivision of this state; ~~and~~

21 (D) Every city, county, regional, or other authority established pursuant to the laws of  
22 this state; and

23 (E) Every locally elected constitutional officer as authorized under Article IX,  
24 Section I, Paragraph III of the Constitution of the State of Georgia."

25 **SECTION 2.**

26 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general  
27 provisions applicable to counties, municipal corporations, and other governmental entities,  
28 is amended by revising Code Section 36-80-24, relating to limitation on elected official's use  
29 of government issued purchasing or credit cards and policy development, as follows:

30 "36-80-24.

31 (a) An elected official of a county, municipal corporation, local school system, or  
32 consolidated government or a locally elected constitutional officer as authorized under  
33 Article IX, Section I, Paragraph III of the Constitution of the State of Georgia shall be  
34 prohibited from the use of a government purchasing card or a government credit card  
35 unless:

36 (1) Such purchases are solely for items or services that directly relate to such official's  
37 or constitutional officer's public duties; and

38 (2) Such purchases are in accordance with guidelines adopted by the county, municipal  
39 corporation, local school system, ~~or~~ consolidated government, or locally elected  
40 constitutional officer as authorized under Article IX, Section I, Paragraph III of the  
41 Constitution of the State of Georgia.

42 (b) Documents related to such purchases incurred by such elected officials or  
43 constitutional officers shall be available for public inspection.

44 (c) No such county, municipal corporation, local school system, or consolidated  
45 government shall issue government purchasing cards or government credit cards to elected  
46 officials on or after January 1, 2016, until the governing authority of such county,  
47 municipal corporation, local school system, or consolidated government, by public vote,  
48 has authorized such issuance and has promulgated specific policies regarding the use of  
49 such government purchasing cards or government credit cards, ~~for~~ No locally elected  
50 constitutional officers as authorized under Article IX, Section I, Paragraph III of the  
51 Constitution of the State of Georgia shall issue government purchasing cards or  
52 government credit cards to themselves or their employees on or after July 1, 2016, until  
53 they have promulgated specific policies regarding the use of such government purchasing  
54 cards or government credit cards that apply to themselves and their employees and such  
55 policies have been filed with the governing authority of the county. If an elected officials  
56 official of such county, municipal corporation, local school system, or consolidated  
57 government. ~~Such~~ or locally elected constitutional officer as authorized under Article IX,  
58 Section I, Paragraph III of the Constitution of the State of Georgia promulgates specific  
59 policies regarding the use of such government purchasing cards or government credit cards,  
60 such, policies shall include the following:

- 61 (1) Designation of officials or employees who shall be authorized to be issued such  
62 government purchasing cards or government credit cards;
- 63 (2) A requirement that, before being issued a government purchasing card or government  
64 credit card, authorized users shall sign and accept an agreement with the county,  
65 municipal corporation, local school system, ~~or consolidated government,~~ or constitutional  
66 officer issuing the government purchasing card or government credit card that such users  
67 will use such cards only in accordance with the policies of the issuing governmental  
68 entity or constitutional officer;
- 69 (3) Transaction limits for the use of such cards;
- 70 (4) A description of purchases that shall be authorized for use of such cards;
- 71 (5) A description of purchases that shall not be authorized for use of such cards;
- 72 (6) Designation of a government purchasing card or government credit card  
73 administrator;
- 74 (7) A process for auditing and reviewing purchases made with such cards; and
- 75 (8) Procedures for addressing a violation of such purchasing card or credit card policies  
76 and imposing penalties for violations, including, but not limited to, revocation of  
77 purchasing card or credit card privileges. Nothing in such procedures or any  
78 administrative action taken pursuant thereto shall preclude any other civil or criminal  
79 remedy under any other provision of law."

80 **SECTION 3.**

81 This Act shall become effective on July 1, 2016.

82 **SECTION 4.**

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