

The House Committee on Judiciary Non-Civil offers the following substitute to HB 949:

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 and provide for definitions; to
5 revise provisions of law relating to government purchasing cards and government credit
6 cards; to provide for the issuance of government purchasing cards and government credit
7 cards; to provide for the conditions for such issuance; to provide for related matters; to
8 provide an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**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 clerk of superior court, judge of the probate court, sheriff, tax
24 receiver, tax collector, or tax commissioner."

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) As used in this Code section, the term 'constitutional officer' means the locally elected
 32 clerk of superior court, judge of the probate court, sheriff, tax receiver, tax collector, or tax
 33 commissioner.

34 ~~(a)~~(b) An elected official of a county, municipal corporation, local school system, or
 35 consolidated government or a constitutional officer shall be prohibited from the use of a
 36 government purchasing card or a government credit card unless:

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

39 (2) Such purchases are in accordance with guidelines adopted by the county, municipal
 40 corporation, local school system, ~~or~~ consolidated government, or constitutional officer.

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

43 ~~(c)~~(d) No such county, municipal corporation, local school system, or consolidated
 44 government shall issue government purchasing cards or government credit cards to elected
 45 officials on or after January 1, 2016, until the governing authority of such county,
 46 municipal corporation, local school system, or consolidated government, by public vote,
 47 has authorized such issuance and has promulgated specific policies regarding the use of
 48 such government purchasing cards or government credit cards ~~for elected officials.~~ No
 49 constitutional officer shall issue government purchasing cards or government credit cards
 50 to himself, herself, or his or her employees on or after July 1, 2016, until he or she has
 51 promulgated specific policies regarding the use of such government purchasing cards or
 52 government credit cards that apply to himself or herself and his or her employees and such
 53 policies have been filed with the governing authority of the county. If an elected official
 54 of such county, municipal corporation, local school system, or consolidated government:
 55 Such or constitutional officer promulgates specific policies regarding the use of such
 56 government purchasing cards or government credit cards, such, policies shall include the
 57 following:

58 (1) Designation of officials or employees who shall be authorized to be issued such
 59 government purchasing cards or government credit cards;

60 (2) A requirement that, before being issued a government purchasing card or government
 61 credit card, authorized users shall sign and accept an agreement with the county,

62 municipal corporation, local school system, ~~or~~ consolidated government, or constitutional
63 officer issuing the government purchasing card or government credit card that such users
64 will use such cards only in accordance with the policies of the issuing governmental
65 entity or constitutional officer;

66 (3) Transaction limits for the use of such cards;

67 (4) A description of purchases that shall be authorized for use of such cards;

68 (5) A description of purchases that shall not be authorized for use of such cards;

69 (6) Designation of a government purchasing card or government credit card
70 administrator;

71 (7) A process for auditing and reviewing purchases made with such cards; and

72 (8) Procedures for addressing a violation of such purchasing card or credit card policies
73 and imposing penalties for violations, including, but not limited to, revocation of
74 purchasing card or credit card privileges. Nothing in such procedures or any
75 administrative action taken pursuant thereto shall preclude any other civil or criminal
76 remedy under any other provision of law."

77 **SECTION 3.**

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

79 **SECTION 4.**

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