

The House Committee on Judiciary Non-Civil offers the following substitute to HB 90:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 10 of Title 16 and Part 3 of Article 2 of Chapter 10 of Title  
2 45 of the Official Code of Georgia Annotated, relating to abuse of governmental office and  
3 contracts of county commissioners with the county, respectively, so as to prohibit an elected  
4 member of a county governing authority, municipal governing authority, or local board of  
5 education or a member of a development authority to vote, attempt to influence a vote, or be  
6 present under certain circumstances when the body on which he or she is serving is  
7 considering the acquisition or sale of certain real property; to provide definitions; to provide  
8 for punishment; to change provisions relating to the requirements for the sale of real property  
9 by county commissioners to the county; to provide for related matters; to repeal conflicting  
10 laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to  
14 abuse of governmental office, is amended by adding a new Code section to read as follows:

15 "16-10-6.1.

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

17 (1) 'Business' means any corporation, partnership, proprietorship, firm, enterprise,  
18 franchise, association, organization, self-employed individual, trust, or other legal entity.  
19 Such term shall not include a county governing authority or municipal governing  
20 authority.

21 (2) 'Direct ownership' means an interest that is held by a member personally.

22 (3) 'Indirect ownership' means an interest which is held beneficially for a member or is  
23 held by such member's spouse, child, stepchild, parent, stepparent, grandparent,  
24 grandchild, sibling, or the spouses of such individuals.

25 (4) 'Member' means an individual elected to a county governing authority, municipal  
26 governing authority, or local board of education or serving on a local authority or board

27 created by a local law or a local constitutional amendment or created by general law and  
 28 requiring activation by an ordinance or resolution of a local governing authority.

29 (b) No member shall knowingly and intentionally vote, attempt to influence a vote, or be  
 30 present in executive or closed session when the body on which he or she is serving is  
 31 considering or discussing the acquisition or sale of real property if:

32 (1) Such member has any direct ownership or indirect ownership interest in such  
 33 property, exclusive of any stock interest in a publicly traded company; or

34 (2) Any business in which such member serves in a fiduciary capacity has an ownership  
 35 interest in such property or holds liens or security instruments in such property.

36 (c) Any person who violates this Code section shall be guilty of and punished as for a  
 37 misdemeanor of a high and aggravated nature.

38 (d) This Code section shall not prohibit a member from attending any public hearing when  
 39 the body on which he or she is serving is considering the acquisition or sale of real  
 40 property, provided that he or she otherwise complies with this Code section."

41 **SECTION 2.**

42 Part 3 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,  
 43 relating to contracts of county commissioners with the county, is amended by revising Code  
 44 Section 45-10-60, relating to the requirements for sale of real property by county  
 45 commissioners, as follows:

46 "45-10-60.

47 Notwithstanding any other provision of general or local law, a county commissioner or  
 48 member of a board of county commissioners may sell real property to the county if all of  
 49 the following conditions are met:

50 (1) The real property which is the subject of the sale is adjacent to a landfill owned and  
 51 operated by the county;

52 (2) The real property which is the subject of the sale is to be used by the county in  
 53 connection with the operation of the landfill;

54 (3) The sale price of the real property does not exceed the lowest of three appraisals of  
 55 the fair market value of the property made by three appraisers appointed by the probate  
 56 judge of the county; ~~and~~

57 (4) Disclosure of the sale is made as required by Code Section 16-10-6; and

58 (5) Compliance as required by Code Section 16-10-6.1 occurs."

59 **SECTION 3.**

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