

House Bill 923

By: Representatives Oliver of the 82<sup>nd</sup>, Martin of the 49<sup>th</sup>, McLaurin of the 51<sup>st</sup>, Kelley of the 16<sup>th</sup>, Dreyer of the 59<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 36-62-5 of the Official Code of Georgia Annotated, relating to  
2 directors, officers, compensation, adoption of bylaws, delegation of powers and duties,  
3 conflicts of interest, and audits of development authorities, so as to cap the per diem  
4 allowance available to directors of certain development authorities; to provide enforcement  
5 procedures for ethics code violations of authority members; to provide an effective date; to  
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 36-62-5 of the Official Code of Georgia Annotated, relating to directors,  
10 officers, compensation, adoption of bylaws, delegation of powers and duties, conflicts of  
11 interest, and audits of development authorities, is amended by revising subsections (c)  
12 and (e) as follows:

13 "(c) The directors shall receive no compensation for their services but shall be reimbursed  
14 for their actual expenses incurred in the performance of their duties; provided, however,  
15 that the directors of the development authority activated by counties having a population  
16 of 550,000 or more according to the United States decennial census of 1980 or any future

17 such census shall be paid a per diem allowance to be determined by the governing authority  
18 of such counties for each day, or part thereof, spent in the performance of their duties and  
19 further provided that any such per diem allowance shall not exceed the per diem allowance  
20 set for members of the General Assembly in paragraph (22) of subsection (a) of Code  
21 Section 45-7-4."

22 "(e)(1)(A) The provisions of Code ~~Section~~ Sections 45-10-3 and 45-10-4 shall apply  
23 to all directors of the authority, and a director of the authority shall not engage in any  
24 transaction with the authority.

25 (B) The provisions of paragraph (9) of Code Section 45-10-3 and subparagraph (A) of  
26 this paragraph shall be deemed to have been complied with and the authority may  
27 purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any  
28 director or any organization or person with which any director of the authority is in any  
29 way interested or involved, provided (1) that any interest or involvement by such  
30 director is disclosed in advance to the directors of the authority and is recorded in the  
31 minutes of the authority, (2) that any interest or involvement by such director with a  
32 value in excess of \$200.00 per calendar quarter is published by the authority one time  
33 in the legal organ in which notices of sheriffs' sales are published in each county  
34 affected by such interest, at least 30 days in advance of consummating such  
35 transaction, (3) that no director having a substantial interest or involvement may be  
36 present at that portion of an authority meeting during which discussion of any matter  
37 is conducted involving any such organization or person, and (4) that no director having  
38 a substantial interest or involvement may participate in any decision of the authority  
39 relating to any matter involving such organization or person. As used in this  
40 subsection, a 'substantial interest or involvement' means any interest or involvement  
41 which reasonably may be expected to result in a direct financial benefit to such director  
42 as determined by the authority, which determination shall be final and not subject to  
43 review.

44 (2) Nothing contained in paragraph (1) of this subsection or in Code Section 45-10-3  
45 shall be deemed to prohibit any director who is present at any meeting or who participates  
46 in any decision of the authority from providing legal services in connection with any of  
47 the undertakings of the authority or from being paid for such services.

48 (3)(A) In addition to the powers granted to the Governor in Code Section 45-10-4,  
49 concurrent jurisdiction to enforce this subsection is granted to:

50 (i) The Georgia Government Transparency and Campaign Finance Commission  
51 created under Code Section 21-5-4; and

52 (ii) Any local ethics board, agency, office, or officer established for the county or  
53 municipal corporation for which the authority is created, regardless of whether such  
54 local ethics board, agency, office, or officer is created by state law or by local  
55 ordinance.

56 (B) Upon formal charges being filed with an alternate enforcement authority provided  
57 for in subparagraph (A) of this paragraph relative to a violation of this subsection on the  
58 part of a member of any such development authority, the enforcement authority or its  
59 designated agent shall conduct a hearing for the purpose of receiving evidence relative  
60 to the merits of such charges. The development authority member so charged shall be  
61 given at least 30 days' notice prior to such hearing. If such charges are found to be true,  
62 the enforcement authority shall forthwith remove such member from office and the  
63 vacancy shall be filled as provided by law. Such hearing shall be held in accordance  
64 with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' and judicial  
65 review of any such decision shall be in accordance with such chapter.

66 (C) The Georgia Government Transparency and Campaign Finance Commission is  
67 vested with the same powers with respect to this Code section as enumerated in Code  
68 Section 21-5-6."

69

**SECTION 2.**

70 This Act shall become effective upon its approval by the Governor or upon its becoming law  
71 without such approval.

72

**SECTION 3.**

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