

House Bill 442

By: Representatives Gasaway of the 28<sup>th</sup>, Ramsey of the 72<sup>nd</sup>, Quick of the 117<sup>th</sup>, Efstration of the 104<sup>th</sup>, Brockway of the 102<sup>nd</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated,  
2 relating to abuse of governmental office, so as to provide definitions; to provide that it shall  
3 be illegal for an elected member of a county or municipal governing authority or local board  
4 of education or a member of a development authority to participate in the discussion  
5 regarding or to vote upon the question of whether such county, municipality, school system,  
6 or development authority should purchase real property if such member has a substantial  
7 interest in such property or if any business in which such member serves in a fiduciary  
8 capacity has any interest in such property, including liens and security instruments; to  
9 provide a penalty; to provide for related matters; to provide an effective date; to repeal  
10 conflicting 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 (2) 'Direct ownership' means an interest that is held by an elected member of a county  
20 or municipal governing authority or local board of education personally.

21 (3) 'Indirect ownership' means an interest which is held beneficially for an elected  
22 member of a county or municipal governing authority or local board of education or is  
23 held by such member's spouse or dependents.

24 (4) 'Substantial interest' means the direct or indirect ownership of more than 25 percent  
25 of a parcel of real property.

26 (b) It shall be illegal for an elected member of a county or municipal governing authority  
27 or local board of education or a member of a development authority to participate in the  
28 discussion regarding or to vote upon the question of whether such county, municipality,  
29 school system, or development authority should purchase real property if such member has  
30 a substantial interest in such property or if any business in which such member serves in  
31 a fiduciary capacity has any interest in such property, including liens and security  
32 instruments.  
33 (c) Any person violating this Code section shall, upon conviction, be punished by  
34 imprisonment for not less than one nor more than five years."

35 **SECTION 2.**  
36 This Act shall become effective on July 1, 2015.

37 **SECTION 3.**  
38 All laws and parts of laws in conflict with this Act are repealed.