

House Bill 923 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to
2 development authorities, so as to cap the per diem allowance available to directors of certain
3 development authorities; to provide enforcement procedures for ethics code violations of
4 certain development authority members; to provide an effective date; to provide for related
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 62 of Title 36 of the Official Code of Georgia Annotated, relating to development
9 authorities, is amended in Code Section 36-62-4, relating to development authorities created,
10 appointment and terms of directors, quorum, and adoption and filing of resolution of need,
11 by revising subsection (a) as follows:

12 "(a) There is created in and for each county and municipal corporation in the state a public
13 body corporate and politic to be known as the 'development authority' of such county or
14 municipal corporation, which shall consist of a board of not less than seven and not more
15 than nine directors to be appointed by resolution of the governing body of the county or
16 municipal corporation. At the expiration of the current terms of office of the first four

17 members of the board of directors, the governing body of the county or municipal
18 corporation shall elect successors to such members to serve for initial terms of two years
19 and shall elect successors to the remaining members of the board for initial terms of four
20 years. Thereafter, the terms of all directors shall be for four years. The terms of any
21 directors added to the original seven directors shall be four years. If, at the end of any term
22 of office of any director, a successor thereto has not been elected, the director whose term
23 of office has expired shall continue to hold office until his or her successor is so elected."

24 **SECTION 2.**

25 Said chapter is further amended in Code Section 36-62-5, relating to directors, officers,
26 compensation, adoption of bylaws, delegation of powers and duties, conflicts of interest, and
27 audits of development authorities, by revising subsections (c) and (e) as follows:

28 "(c) The directors shall receive no compensation for their services but shall be reimbursed
29 for their actual expenses incurred in the performance of their duties; provided, however,
30 that the directors of the development authority activated by counties having a population
31 of 550,000 or more according to the United States decennial census of 1980 or any future
32 such census shall be paid a per diem allowance to be determined by the governing authority
33 of such counties for each day, or part thereof, spent in the performance of their duties and
34 further provided that any such per diem allowance shall not exceed the per diem allowance
35 set for members of the General Assembly in paragraph (22) of subsection (a) of Code
36 Section 45-7-4."

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

40 (B) The provisions of paragraph (9) of Code Section 45-10-3 and subparagraph (A) of
41 this paragraph shall be deemed to have been complied with and the authority may
42 purchase from, sell to, borrow from, loan to, contract with, or otherwise deal with any

43 director or any organization or person with which any director of the authority is in any
44 way interested or involved, provided (1) that any interest or involvement by such
45 director is disclosed in advance to the directors of the authority and is recorded in the
46 minutes of the authority, (2) that any interest or involvement by such director with a
47 value in excess of \$200.00 per calendar quarter is published by the authority one time
48 in the legal organ in which notices of sheriffs' sales are published in each county
49 affected by such interest, at least 30 days in advance of consummating such
50 transaction, (3) that no director having a substantial interest or involvement may be
51 present at that portion of an authority meeting during which discussion of any matter
52 is conducted involving any such organization or person, and (4) that no director having
53 a substantial interest or involvement may participate in any decision of the authority
54 relating to any matter involving such organization or person. As used in this
55 subsection, a 'substantial interest or involvement' means any interest or involvement
56 which reasonably may be expected to result in a direct financial benefit to such director
57 as determined by the authority, which determination shall be final and not subject to
58 review.

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

63 (3)(A) Concurrent jurisdiction to enforce this subsection is granted to the Georgia
64 Government Transparency and Campaign Finance Commission created under Code
65 Section 21-5-4.

66 (B) Upon formal charges being filed with an alternate enforcement authority provided
67 for in subparagraph (A) of this paragraph relative to a violation of this subsection on
68 the part of a member of any such development authority, the enforcement authority or
69 its designated agent shall conduct a hearing for the purpose of receiving evidence

70 relative to the merits of such charges. The development authority member so charged
71 shall be given at least 30 days' notice prior to such hearing. If such charges are found
72 to be true, the enforcement authority shall forthwith remove such member from office
73 and the vacancy shall be filled as provided by law. Such hearing shall be held in
74 accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,'
75 and judicial review of any such decision shall be in accordance with such chapter.
76 (C) The Georgia Government Transparency and Campaign Finance Commission is
77 vested with the same powers with respect to this Code section as enumerated in Code
78 Section 21-5-6."

79 **SECTION 3.**

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

82 **SECTION 4.**

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