

House Bill 1202

By: Representatives Reese of the 140th, Hugley of the 141st, Smith of the 138th, and Buckner of the 137th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 44 of Title 36 of the Official Code of Georgia Annotated, relating to
2 redevelopment powers, so as to revise provisions related to prohibitions on employees
3 holding interest in redevelopment activities and areas so as to limit such prohibition to
4 employees whose job responsibilities are related to such activities or areas; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Chapter 44 of Title 36 of the Official Code of Georgia Annotated, relating to redevelopment
9 powers, is amended by revising Code Section 36-44-21, relating to public employees and
10 officials prohibited from holding interest disclosures, voidability of prohibited transactions,
11 and misconduct in office as follows:

12 "36-44-21.

13 (a) No elected or appointed official ~~or employee~~ of a political subdivision or a board,
14 commission, or redevelopment agency thereof, or an employee thereof whose primary job
15 responsibilities related to the creation or administration of a redevelopment area or
16 redevelopment activities, shall voluntarily acquire any interest, direct or indirect, in any

17 property included or planned to be included in a redevelopment area, or in any contract or
18 transaction or proposed contract or transaction in connection with the redevelopment of
19 that redevelopment area. Where such acquisition is not voluntary, the interest acquired
20 shall be immediately disclosed in writing to the local legislative body and such disclosure
21 shall be entered upon the minutes of the local legislative body. Any such elected or
22 appointed official or employee who, within two years immediately prior to the date the plan
23 is submitted to a local legislative body under subsection (b) of Code Section 36-44-7,
24 acquires ownership or control of any interest, direct or indirect, in any property which is
25 included in the redevelopment area designated in that plan and who retains that ownership
26 or control at the time that such plan is so submitted shall, at least 30 days prior to the date
27 scheduled for the local legislative body to adopt the plan, disclose the interest in writing
28 to the local legislative body and such disclosure shall be entered upon the minutes of the
29 local legislative body, and that person shall not participate in any action by the political
30 subdivision, board, commission, or redevelopment agency thereof which affects that
31 property. Any disclosure required to be made by this subsection shall concurrently be
32 made to the redevelopment agency.

33 (b) Any contract or transaction in violation of subsection (a) of this Code section or
34 disclosure of which is not made as provided in that subsection (a) shall be voidable by the
35 local legislative body. This subsection shall not apply to any indenture, agreement,
36 contract, or transaction which constitutes security, direct or indirect, for payment of bonds
37 or other obligations incurred pursuant to a redevelopment plan, and the judgment and order
38 confirming and validating any such bonds or other obligations shall constitute a final and
39 conclusive adjudication as to any such security.

40 (c) Failure by an official or employee to comply with subsection (a) of this Code section
41 shall constitute misconduct in office."

42

SECTION 2.

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