

House Bill 1348

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 authorize acquisition of property interests by municipal
3 elected and appointed officials and employees in redevelopment areas with certain
4 conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

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

11 "36-44-21.

12 (a) No elected or appointed official or employee of a political subdivision or a board,
13 commission, or redevelopment agency thereof shall voluntarily acquire any interest, direct
14 or indirect, in any property included or planned to be included in a redevelopment area, or
15 in any contract or transaction or proposed contract or transaction in connection with the
16 redevelopment of that redevelopment area. ~~Where such acquisition is not voluntary, the~~

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17 ~~interest acquired shall be immediately disclosed~~ without immediately disclosing such
18 interest in writing to the local legislative body and such disclosure shall be entered upon
19 the minutes of the local legislative body. Any such elected or appointed official or
20 employee who, within two years immediately prior to the date the plan is submitted to a
21 local legislative body under subsection (b) of Code Section 36-44-7, acquires ownership
22 or control of any interest, direct or indirect, in any property which is included in the
23 redevelopment area designated in that plan and who retains that ownership or control at the
24 time that such plan is so submitted shall, at least 30 days prior to the date scheduled for the
25 local legislative body to adopt the plan, disclose the interest in writing to the local
26 legislative body and such disclosure shall be entered upon the minutes of the local
27 legislative body, ~~and that person shall not participate in any action by the political~~
28 ~~subdivision, board, commission, or redevelopment agency thereof which affects that~~
29 ~~property.~~ Any disclosure required to be made by this subsection shall concurrently be
30 made to the redevelopment agency.

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

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

40 SECTION 2.

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