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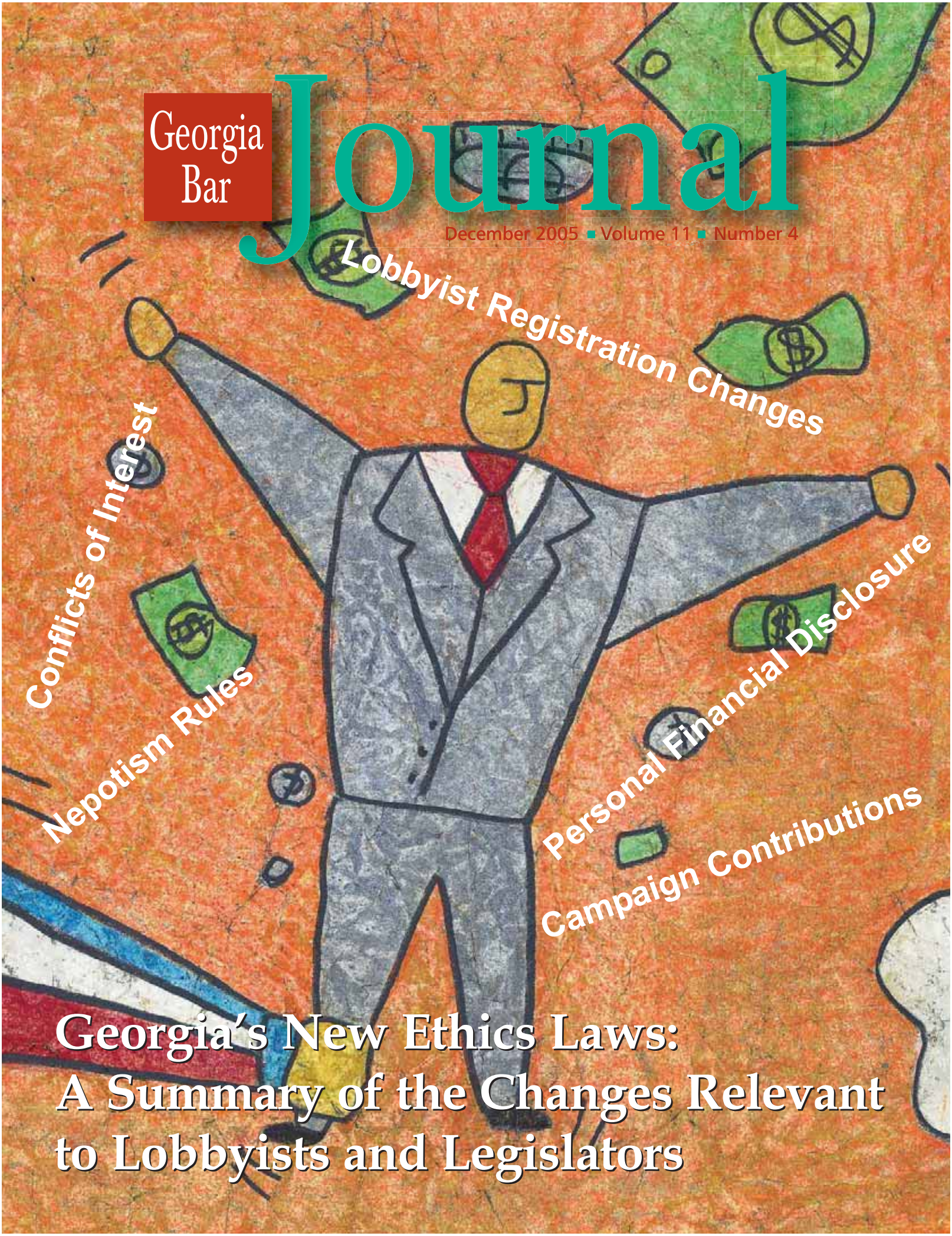

Georgia's New Ethics Laws: A Summary of the Changes Relevant to Lobbyists and Legislators

Georgia's New Ethics Laws

A Summary of the Changes Relevant to Lobbyists and Legislators

A Look at the Law

By J. Randolph Evans and Douglas Chalmers Jr.

Enacting comprehensive ethics reform is never an easy process, and ethics reform in Georgia was certainly no exception. Legislatures—putting it mildly—do not like to regulate themselves. They assume honest and hardworking elected officials will ordinarily do the right thing and legalistic rules only serve as opportunities for partisan political traps. The easiest solution has always been to change a few meaningless words, call it ethics reform, and then claim a huge win. Real ethics reform requires much more. On May 6, 2005, Gov. Sonny Perdue signed House Bill 48,[1] which substantially overhauled Georgia's Ethics in Government Act (the Act).[2] The changes go into effect on Jan. 9, 2006, and will be seen and felt by everyone involved.

This article reviews the changes to Georgia's ethics laws that will apply to lobbyists and legislators in the upcoming 2006 session of the General Assembly.

SUBSTANTIVE CHANGES TO GEORGIA'S ETHICS LAWS

Increased Disclosure Obligations

The disclosure obligations in the revised act will be strengthened in three key areas: lobbyist disclosures, personal financial disclosure statements, and campaign contribution disclosure reports.

Lobbyist Disclosures

First, significant changes were made to the law governing lobbyist registration and disclosure of lobbyist expenditures.

The most significant change in the lobbyist rules is the expansion of the definition of the word "lobbyist" to include individuals who attempt to influence the awarding of state contracts to vendors (vendor lobbyists), as well as individuals who attempt to influence the adoption of agency rules and regulations (regulatory lobbyists). At the state level, the Act currently regulates only the activities of lobbyists who attempt to influence the passage or defeat of legislation (legislative lobbyists).[3] Until now, the law has not regulated the conduct of vendor lobbyists or regulatory lobbyists. This has left a significant gap in Georgia's regulatory and disclosure scheme.

On Oct. 1, 2003, in an attempt to address this issue, Gov. Perdue issued an executive order requiring certain agencies to adopt rules and regulations requiring registration of, and disclosures related to, vendor lobbyists.[4] The governor's executive order was a worthwhile attempt to require such lobbyists to register and file disclosure reports. The scope of the order was necessarily limited, however, by the powers granted to the governor's office. It was quickly recognized that legislation was also needed.

The new version of the Act essentially codifies the principles outlined in the governor's previous executive order. In short, the Act now provides that vendor lobbyists and regulatory lobbyists are "lobbyists" under the Act,[5] and as such these individuals are now required to register with the State Ethics Commission (the Commission) and file disclosure reports in the same manner as are legislative lobbyists. These two additions are a significant improvement in Georgia's disclosure scheme for lobbying activities.

It should be noted that the revised Act defines the term "state agency" to exclude political subdivisions of the state and any instrumentalities thereof.[6] Thus, the Act's regulation of vendor lobbyists is limited to lobbyists who attempt to facilitate the awarding of state contracts. The Act does not regulate the conduct of lobbyists who attempt to influence the issuance of contracts by counties, cities, municipalities or other political subdivisions of the state.

In addition, the law has been revised to require additional disclosures on lobbying registration and disclosure forms. Each lobbyist must disclose, on his or her registration application, the identity of each client that has agreed to pay the lobbyist an amount exceeding $10,000 in a calendar year.[7] Lobbyists must also now classify their spending by category, including such categories as gifts, meals, entertainment, etc.[8]

Legislative lobbyists have long been required to list the number of the pending bill, resolution, ordinance or regulation on which they are working. The revisions to the Act track this requirement by requiring regulatory lobbyists to identify the rule or regulation which they have been retained to influence.[9] These lobbyists are also required to disclose the name of the individual or entity on whose behalf they have undertaken to influence the rule or regulation.[10]

Similarly, vendor lobbyists must identify on their registration applications the name of the state agency before which they will be lobbying.[11] Vendor lobbyists must also provide (a) the name of the vendor(s) they are representing, (b) a description of the contract(s) being sought, and (c) the monetary amount of the contract(s).[12] The revisions to the Act also confirm that the reporting obligations imposed by the Act on vendor lobbyists are cumulative of the obligations already imposed on vendors by Section 45-1-6 of the Georgia Code.[13] That statute currently provides that any vendor who makes a gift to public employees exceeding $250 in a calendar year must file a report disclosing such gifts. Such reports must still be filed.

One reporting requirement for lobbyists was eliminated. Under the revised Act, a lobbyist need not disclose the names of any immediate family member (i.e., spouse and children) of any public officer who is employed by, or whose professional services are paid for by, the lobbyist. This provision, Section 21-5-73(d)(2), was removed from the Act.

Personal Financial Disclosure Statements

The revised Act has also significantly increases the obligations of candidates and public officials to disclose personal financial information.[14] In addition, the revised

Act expands the scope of the reporting obligation to public officials who were not previously required to file such reports.

For the first time, a candidate or public official must disclose (a) real property owned by his or her spouse; (b) his or her own occupation and employer, as well as the principal business activity of the employer; (c) his or her spouse's occupation and employer, and the principal business activity of that employer; and (d) the names of his or her dependent children.[15] In addition, certain of the existing disclosure requirements were tightened. For example, candidates and public officials must now disclose an ownership interest in any business that exceeds $10,000 or 5 percent of the interests in the business; these thresholds were previously $20,000 and 10 percent, respectively.[16] Further, if the spouse or dependent children of a candidate or public official has a direct ownership interest in any business that exceeds $10,000 or 5 percent of the total interests in the business (exclusive of individual stocks or bonds in mutual funds) and the candidate or public official has "actual knowledge" of such ownership interest, he or she must report the name of any such business "or subsidiary thereof."[17]

In addition, candidates and public officials will now need to disclose their ownership in real property if the value of the property exceeds $10,000; this threshold was previously $20,000.[18] Moreover, in calculating the value of the real property, a mortgage or other such debt is no longer to be considered. In other words, the relevant question for purposes of the $10,000 threshold is the fair market value of the property, not the value of the candidate's equity in that property.

It is worth noting that the new Section 21-5-50(b)(8) seems duplicative of the existing Section 21-5-50(b)(3). Each section requires disclosure of any business in which the candidate or public official owns a direct ownership interest which exceeds defined thresholds. The only difference is that the new Section 21-5-50(b)(8) appears to require disclosure of any "subsidiary" of any business in which the candidate or business entity owns the required interest. Although Section 21-5-50(b)(8) excludes from the reporting requirements disclosure of stocks or bonds held in mutual funds, as a rule candidates have not been required to disclose mutual fund ownership when filing reports under 21-5-50(b)(3). The Legislature may want to revisit this issue in the next session to reconcile these two provisions and eliminate any duplication arising therefrom.

In addition to the expansion of the personal disclosure obligations,

the scope of the obligation to file personal financial disclosure statements has also been broadened to include members and executive directors of state "commissions." This change occurred because the definition of "public officer" was expanded to include such individuals.[19] Previously, this definition was limited in relevant part to the executive director and members of each "board" or "authority."

Enhanced Penalties

In addition to these changes to the disclosure obligations, the revisions to the Act increases the penalties that may be imposed for violations of the Act.

Penalties Generally

Under the current law, with one significant exception discussed below, the maximum fine that may be imposed by the Commission for any single violation of the Act is $1,000.[20] The revised Act significantly enhances the available penalties for repeat offenders. The Act will now provide that "a civil penalty not to exceed $5,000 may be imposed for a second occurrence of a violation of the same provision and a civil penalty not to exceed $10,000 may be imposed for each third or subsequent occurrence of a violation of the same provision."[21]

In short, once the Commission has determined that a candidate or public official has violated a provision of the Act, that candidate or public official may be fined $5,000 for a second violation of the same provision, and $10,000 for a third such violation. This is a significant increase in the Commission's enforcement authority. This is particularly true in light of the fact that penalties are generally paid out of the candidate's personal funds.

Under the safety valve provision, the initial error that caused these problems, i.e., the failure to disclose a contribution or expenditure, will result in only one violation of the Act, rather than multiple violations.

In order to ameliorate the dangers that these significantly increased penalties might be imposed in unwarranted cases, the Legislature added two important safety valves. First, the Act will now provide that:

> the same error, act, omission, or inaccurate entry shall be considered a single violation if the error, act, omission, or inaccurate entry appears multiple times on the same report or causes further errors, omissions, or inaccurate entries in that report or in any future reports or further violations in that report or in any future reports.[22]

The principal purpose of this restriction is to ensure that, if an error appears on a disclosure report, and that same error either appears multiple times on the same report or causes further errors on other reports, the candidate or public official has committed at most one violation.

One example of how this might occur is a candidate's failure to disclose a contribution or expenditure in excess of $101, which would be a violation of the Act. Any such omission would, however, also necessarily affect the summary pages on the report for that reporting period. The resulting failure to properly report the total amount of all contributions or expenditures on the summary pages would potentially be another, separate violation of the Act. An error on the summary pages on a given report also necessarily carries over to the summary pages on subsequent reports, which would result in potentially additional, separate violations of the Act. Under the safety valve provision, the initial error that caused these problems, i.e., the failure to disclose a contribution or expenditure, will result in only one violation of the Act, rather than multiple violations.

This safety valve provision may also come into play if a given contributor is improperly or inadequately identified on more than one occasion. The Commission's rules require that the corporate, labor union, or other affiliation of a political action committee (PAC) be disclosed whenever the PAC makes a campaign contribution.[23] If a PAC were to make multiple contributions, and the campaign omitted each time to include the PAC's affiliation information, this would be the "same error." As such, multiple incomplete entries as to the same contributor would result in a maximum of one violation of the Act.

The second important safety valve that the Legislature inserted into this provision is a reference to the revised "technical defects" provisions (discussed below).[24] For minor, technical violations of the Act, the maximum fine that may be imposed is $50. This provision thus minimizes the risk that a candidate may face a fine of thousands of dollars for failing to properly disclose,

for example, proper addresses for campaign contributors whose contributions are otherwise properly disclosed on the reports.[25]

Penalties Related to Public Utility Contributions

In addition to increasing the fines that may be imposed by the Commission generally for violations of the Act, the revisions also increase the penalties that may be imposed in connection with contributions by regulated public utilities to candidates for the Public Service Commission. The current law prohibits any person "acting on behalf of a public utility corporation regulated by the Public Service Commission" from making a contribution to any political campaign.[26] The same statutory section also provides:

> Any person who knowingly violates this subsection with respect to a member of the Public Service Commission, a candidate for the Public Service Commission, or the campaign committee of a candidate for the Public Service Commission shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years or by a fine not to exceed $5,000 or both.[27]

Under the Act as revised, the fine that may be imposed for such an intentional violation has been doubled to $10,000.[28]

Conflicts of Interest

Contrary to some reports, the Commission has never had the authority to investigate and decide matters involving the official conduct of legislators. Instead, the jurisdiction of the Commission was limited to enforcing the Act, which is aimed at the political or campaign-related activities of candidates for office. This paralleled the federal level where the Federal Election Commission enforces laws regarding campaign related activities, with House and Senate ethics committees enforcing House and Senate rules governing the conduct of their members. The problem in Georgia has been that there were no effective rules or mechanisms for governing the conduct of members of the Legislature in their official capacity.

The revised Act creates a Joint Legislative Ethics Committee (JLEC), a new body that will address conflicts of interest complaints against members of the General Assembly and legislative employees.[29] In so doing, the Legislature rejected suggestions that the Commission be granted the authority to investigate conflicts of interest, and instead opted for a self-policing mechanism. A joint, ten-member bipartisan committee, consisting of minority and majority members of both chambers and the house speaker and senate President pro tempore, JLEC will "advise and assist the General Assembly in establishing rules and regulations relating to conflicts between the private interests of a member of the legislative branch of state government and the duties as such."[30] Although certain rules related to conflicts of interest already exist in the Code of Ethics for Government Service,[31] those rules are relatively limited, and they relate almost exclusively to business transactions between public officials and state agencies. Presumably, the rules recommended to the General Assembly by JLEC will supplement these existing rules.

Under the revised Act, JLEC will "receive and investigate all complaints alleging a violation of the rules and regulations established by the committee."[32] JLEC is authorized to issue sanctions against legislative employees who violate the conflict of interest rules.[33] With respect to members of the General Assembly, the committee's authority is limited to making recommendations to the respective house of the type of punishment to be imposed.[34] The statute does not provide JLEC itself with the authority to impose punishments on members of the General Assembly. Because JLEC itself is made up of members of both the House and Senate, any such provision might be unconstitutional in light of Article 3, Section 4, Paragraph 7 of the state Constitution, which provides:

> Each house shall be the judge of the election, returns, and qualifications of its members and shall have power to punish them for disorderly behavior or misconduct by censure, fine, imprisonment, or expulsion; but no member shall be expelled except by a vote of two-thirds of the members of the house to which such member belongs.[35]

Regulation of Acceptance, Solicitation and Use of Campaign Contributions

In addition, the revisions to the Act add some important regulations and restrictions concerning the acceptance, solicitation, and uses of campaign contributions.

Acceptance and Solicitation of Contributions during Legislative Session

The Act has long prohibited members of the General Assembly or public officials elected statewide from accepting campaign contributions during a legislative session. In a 1995 opinion, however, the Attorney General indicated that candidates also should not solicit contributions or pledges of contributions during the session.[36] The Attorney General stated that, "while the [Act] does not expressly prohibit an incumbent member of the General Assembly from soliciting a pledge or setting goals for contributions during a legislative session, such actions would clearly be contrary to the policies and purposes of the Act and should be avoided."[37] The opinion based this conclusion on the fact that "a strong argument can be made that, while the statute does not expressly prohibit the solicitation of 'pledges' or 'goals,' they could still very well be considered 'contributions,'" the acceptance of which during a legislative session would violate the Act.[38]

The new version of the Act acknowledges and codifies the principles in the Attorney General's opinion. Specifically, public officials are now barred from seeking or accepting either contributions or pledges of contributions during the legislative session.[39] An exception in the law continues to allow candidates to accept contributions during the session if they are proceeds from a fundraising event held before the session began.[40] The revisions to the Act also clear up a potential ambiguity by confirming that contributions may still be made to political parties during the session, and that public officials may attend political party fundraisers during the session.[41]

"Ordinary and Necessary" Expenses

The Act has long provided that campaign contributions may be utilized "only to defray ordinary and necessary expenses . . . incurred in connection with such candidate's campaign for elective office or such public officer's fulfillment or retention of such office."[42] The Act has not, however, defined the phrase "ordinary and necessary expenses."

For the first time, the law now defines the phrase "ordinary and necessary expenses." Specifically, the Act provides that this term shall include, but shall not be limited to:

> expenditures made during the reporting period for office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, contributions to nonprofit organizations, and flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, and all other expenditures contemplated in Code Section 21-5-33.[43]

Most of the items on the list are non-controversial. There is one issue, however, that may be significant to legislators.

The significant change is the addition of the word "lodging." In a case involving former House Majority Leader Jimmy Skipper, which was decided in November 2004, shortly before the 2005 legislative session, the Commission ruled that Skipper violated the Act by using campaign funds to pay for the costs of an apartment in Atlanta. Skipper had spent $18,768 in campaign donations to keep the apartment year-round in Atlanta in 2001 and 2002. In a hotly contested 3-2 vote, the Commission fined Skipper $2,000 and ordered him to personally repay all of the "legislative housing costs" that had been paid for by the campaign.

This ruling had potentially far-reaching implications for the many legislatures who live outside Atlanta but who nonetheless need to maintain a residence in the city during the annual legislative session. In the Skipper case, the Commission ruled that legislators who keep apartments in Atlanta should first pay the costs of rent or a mortgage with the $128/day per diem that lawmakers are paid for each day they are on official state business. The Commission determined that campaign funds may be used for this purpose only after the per diem has been exhausted. The Commission rejected arguments that, by imposing requirements on the use of the per diem, which is not covered by the Act, the Commission was exceeding the scope of its authority, which by law is limited to enforcement of the Act.

The addition of the word "lodging" in the Act may have been a response to the Skipper case. The Legislature apparently intended to clarify that, subject to the long-standing restrictions on personal use of campaign funds, a member of the General Assembly may use campaign funds to pay for the costs of lodging in Atlanta when on official or campaign business.

The Legislature's attempt to address this issue may not, however, finally resolve the issue. In the Skipper case, the Commission did not take the position that campaign funds may not be used for lodging during the session. The Commission instead focused on the relationship between the per diem and the use of campaign funds. A narrow majority of the Commission held that a member must first exhaust the per diem before he or she may use campaign funds to pay for any lodging costs. A change in the Act that confirms that legislators may use campaign funds for lodging does not necessarily affect this ruling, because the change does not directly address the relationship between the per diem and the use of campaign funds.

Another major factor may also bear on this issue. Specifically, the membership of the Commission has changed since the ruling in the Skipper case. In addition, in a recent hearing, current Commission Chairman Steve Farrow indicated that the Commission may revisit this issue in another pending case.

Level Playing Field

The Act as amended also includes a number of provisions designed to level the playing field in a number of areas related to campaigns and public service.

Nepotism Rules

The revisions to the Act prohibit senior state officials from promoting family members for state government positions that pay annual salaries of $10,000 or more.[44] The prohibition applies to every constitutional officer; every elected state official including members of the General Assembly; the executive head of every department or agency; and the executive director and member of every board, commission or authority.

Judicial Appointments and Campaign Contributions

The ethics package also included a new prohibition on the granting of judicial appointments to any individual who has made a contribution to the governor's campaign either (a) in the 30-day period preceding the vacancy, unless the contribution is refunded, or (b) on the date of the vacancy or anytime after the vacancy occurs.[45] The obvious intent of such a provision is to avoid creating an appearance that judicial appointments are in any way related to campaign contributions.

Tighter Rules Governing Lobbyists

The revised Act also imposes a number of important, additional restrictions on the activities of lobbyists.

Elimination of Revolving Door

First, the revisions to the Act prohibits all constitutional officers; elected state officials, including members of the General Assembly; the executive head of every state department or agency, whether elected or appointed; and the executive director of each state board, commission or authority from lobbying until one year after the termination of their employment.[46] An exception exists for officials who would otherwise qualify for this prohibition but who remain in state government. The introduction of this provision will prevent senior state officials who have recently left government service from cashing in on their connections with other government officials by lobbying for private interests. This prohibition does not apply to all former state employees, but instead applies only to those who served as head of, or executive director of, a state department, agency, board, commission or authority.

Lobbyist Not Eligible for Appointment to Board that Regulates Clients

In addition, a lobbyist who has recently represented a client is now ineligible for appointment to any state entity which regulates the activities of that client. The lobbyist's ineligibility extends for one year after the termination of his or her representation of the client.[47]

Prohibition on Contingent Compensation for Lobbyists

In addition, the Act now includes a prohibition on the payment of contingent compensation to lobbyists.[48] The new provision in the Act closely approximates an existing statute, Section 28-7-3 of the Georgia Code. That statute provides that:

> No person, firm, corporation, or association shall retain or employ an attorney at law or an agent to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislative measure. No attorney at law or agent shall be employed to aid or oppose legislation for compensation contingent, in whole or in part, upon the passage or defeat of any legislation.[49]

This prohibits legislative lobbyists from accepting compensation that is contingent on the passage or defeat of any legislation.

In drafting the new provision in the Act, the Legislature apparently intended not only to maintain the existing prohibition, but also to expand it to include a prohibition on contingent compensation for

vendor lobbyists. To accomplish this, the Legislature copied verbatim the language of Section 28-7-3, and it added the phrase "or upon the receipt or award of any state contract" at the end of each sentence in the new statute in the Act.[50]

Unfortunately, as drafted the statute is ambiguous. The statute only prohibits retaining a lobbyist "to aid or oppose legislation" if payment for that retention is contingent upon either the defeat or passage of the legislation or the awarding of any contract. Presumably, the Legislature also intended to prohibit persons from retaining lobbyists to influence any state agency in the selection of a vendor in circumstances where the vendor lobbyist's compensation is contingent on the awarding of a contract. As currently drafted, the language does not appear to accomplish this. The Legislature may wish to revisit this issue in its next legislative session.

CONCLUSION

These changes represent the most comprehensive strengthening of Georgia's ethics laws since the Ethics in Government Act was adopted more than 20 years ago. Penalties for violations of the Act have been increased. The obligations of candidates and public officials to disclose personal financial information have been significantly strengthened. The regulatory and disclosure scheme for legislative lobbyists has been extended to those who lobby for state contracts and for changes to state agency rules and regulations. The scope of lobbyist disclosures has itself been expanded. The scope of a candidate's authority to spend campaign funds has been clarified. A ban has been imposed on solicitation of contributions or pledges of contributions during legislative sessions. Anti-nepotism provisions have been adopted. New rules have been adopted prohibiting a lobbyist from serving on state boards that regulate the conduct of the lobbyist's clients. Finally, a revolving door, in which former senior state officials have been permitted to lobby for clients, has been closed.

To be sure, there are always things that could have made Georgia's ethics laws tougher—but not many. Certainly, a ban or limitation on lobbyist gifts to legislators should be addressed in the rules to be considered by the Joint Legislative Ethics Committee. It is clear, however, that the new statute amounts to the toughest ethics overhaul in the history of Georgia.

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Endnotes

1. H.B. 48, 2005 Sess. of Gen. Assem. (Ga. 2005).
2. O.C.G.A. § 21-5-1 *et seq.* (2005). Except as otherwise provided herein, all citations are to the Act as revised by House Bill 48.
3. *See* O.C.G.A. § 21-5-70(6) (defining the term "Lobbyist") (citation to current statute).
4. The order is available on the governor's website at www.gov.state.ga.us/ExOrders/10_01_03_01.pdf.
5. *See* O.C.G.A. §§ 21-5-70(5)(G) (legislative lobbyists) and 21-5-70(5)(H) (regulatory lobbyists).
6. O.C.G.A. § 21-5-70(7).
7. O.C.G.A. § 21-5-71(b)(7).
8. O.C.G.A. § 21-5-73(e)(1)(B).
9. O.C.G.A. § 21-5-73(e)(1)(E).
10. O.C.G.A. § 21-5-73(e)(3).
11. O.C.G.A. § 21-5-71(b)(6).
12. O.C.G.A. § 21-5-73(e)(2).
13. *Compare* O.C.G.A. § 21-5-73(f) *with* O.C.G.A. § 45-1-6 (citation to current statute).
14. *See* O.C.G.A. § 21-5-50(b).
15. *Id.*
16. *Id.*
17. *Id.*
18. *Id.*
19. O.C.G.A. § 21-5-3(22).
20. O.C.G.A. § 21-5-6(b)(14)(C)(i) (citation to current statute).
21. *Id.*
22. *Id.*
23. Ga. State Ethics Rule § 189-3-.01(1)(b).
24. O.C.G.A. § 21-5-7.1.
25. Section 21-5-7.1 as revised requires the Commission to adopt rules to effectuate these "technical defect" provisions. However, the current technical defects statute, Section 21-5-7(b), already required the Commission to adopt such rules. Although this latter statute has been in effect since early 2001, the Commission has not yet adopted these rules. It remains to be seen whether the Commission will adopt the rules required by the revised Act.
26. O.C.G.A. § 21-5-30(f).
27. *Id.*
28. *Id.*
29. O.C.G.A. § 45-10-91(a).
30. O.C.G.A. § 45-10-93(b)(1).
31. O.C.G.A. § 45-10-1 *et seq.* (citation to current statute).
32. O.C.G.A. § 45-10-93(b)(2).
33. O.C.G.A. § 45-10-93(b)(10).
34. *Id.*
35. GA. CONST. art. 3, § 4, ¶ 7.
36. Unofficial Advisory Opinion U95-27 (1995), *available at* www.state.ga.us/ago/read.cgi?searchval=U95-27&openval=U95-27.
37. *Id.*
38. *Id.*
39. O.C.G.A. § 21-5-35(a).
40. O.C.G.A. § 21-5-35(b)(2).
41. O.C.G.A. § 21-5-35(b)(3).
42. O.C.G.A. § 21-5-33(a) (citation to current statute).
43. O.C.G.A. § 21-5-3(18).
44. O.C.G.A. § 45-10-80.
45. O.C.G.A. § 45-12-61.
46. O.C.G.A. § 21-5-75.
47. O.C.G.A. § 21-5-74.
48. O.C.G.A. § 21-5-76(a).
49. O.C.G.A. § 28-7-3 (citation to current statute).
50. O.C.G.A. § 21-5-76(a).