

Senate Bill 7

By: Senators Jones of the 10th, Butler of the 55th, Parent of the 42nd, Anderson of the 43rd, Davenport of the 44th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act revising, superseding, and consolidating the laws relating to the governing
2 authority of DeKalb County and creating a chairman and board of commissioners of said
3 county, approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act
4 approved April 9, 1981 (Ga. L. 1981, p. 4304), an Act approved March 20, 1990
5 (Ga. L. 1990, p. 3900), an Act approved April 13, 1992 (Ga. L. 1992, p. 6137), and an Act
6 approved May 12, 2015 (Ga. L. 2015, p. 3811), so as to change a definition regarding the
7 Board of Ethics of DeKalb County to exclude certain employees and persons; to change the
8 manner of appointment and terms of office of the members of the board; to provide for
9 preliminary investigations by the board; to provide for related matters; to provide for a
10 referendum; to provide for contingent effective dates; to repeal conflicting laws; and for
11 other purposes.

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

14 An Act revising, superseding, and consolidating the laws relating to the governing authority
15 of DeKalb County and creating a chairman and board of commissioners of said county,
16 approved March 8, 1956 (Ga. L. 1956, p. 3237), as amended, particularly by an Act approved
17 April 9, 1981 (Ga. L. 1981, p. 4304), an Act approved March 20, 1990 (Ga. L. 1990,
18 p. 3900), an Act approved April 13, 1992 (Ga. L. 1992, p. 6137), and an Act approved
19 May 12, 2015 (Ga. L. 2015, p. 3811), is amended by revising paragraph (8) of subsection (b)
20 of Section 22A as follows:

21 "(8) 'Official or employee' means any person elected or appointed to or employed or
22 retained by DeKalb County or any agency, whether paid or unpaid and whether part time
23 or full time. This definition includes retired employees or former county employees
24 during the period of time in which they are later employed or retained by the county or
25 any agency, but does not otherwise include retired employees or former county
26 employees or persons elected or appointed to or retained by DeKalb County or any

27 agency. This definition does not include superior and state court judges and their
28 immediate staffs, the district attorney, the solicitor of the state court, the clerks of the
29 superior and state courts, magistrates, judges of the recorders court, the judge of the
30 probate court, and their respective staffs."

31 **SECTION 2.**

32 Said Act is further amended by revising subparagraphs (h)(2)(A) through (h)(2)(D) of
33 Section 22A as follows:

34 "(2)(A) The members of the Board of Ethics in office on the effective date of this
35 section shall serve until December 31, 2019, and then their terms shall terminate. A
36 new board shall be appointed as provided in this paragraph to take office on
37 January 1, 2020, and to serve for the terms prescribed in this paragraph.

38 (B) Not later than December 31, 2019, the members of the new Board of Ethics shall
39 be selected as follows:

40 (i) Two members shall be appointed by majority vote of the DeKalb County
41 legislative delegation in the House of Representatives of the Georgia General
42 Assembly, which legislative delegation shall be composed of all Representatives in
43 the Georgia General Assembly whose districts are wholly or partially located in
44 DeKalb County;

45 (ii) Two members shall be appointed by majority vote of the DeKalb County
46 legislative delegation in the Senate of the Georgia General Assembly, which
47 legislative delegation shall be composed of all Senators in the Georgia General
48 Assembly whose districts are wholly or partially located in DeKalb County;

49 (iii) One member shall be appointed by majority vote of the Commission;

50 (iv) One member shall be appointed by the judge of the Probate Court of DeKalb
51 County; and

52 (v) One member shall be appointed by the chief judge of the Superior Court of
53 DeKalb County.

54 (C) The members shall each serve for terms of two years; provided, however, that the
55 initial terms of the first appointees of the chief judge of the Superior Court of DeKalb
56 County and the judge of the Probate Court of DeKalb County shall each be one year.

57 (D) Successors to all members of the Board of Ethics and future successors shall be
58 appointed by the respective appointing authorities not less than 30 days prior to the
59 expiration of each such member's term of office, and such successors shall take office
60 on January 1 following such appointment and shall serve terms of two years and until
61 their respective successors are appointed and qualified. No individual may be
62 appointed to more than two consecutive terms."

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SECTION 3.

64 Said Act is further amended by revising paragraphs (4) and (5) of subsection (j) of
65 Section 22A as follows:

66 "(4) Upon receipt of the complaint, the ethics officer shall provide the complaint to the
67 Board of Ethics, which shall conduct a preliminary investigation to determine whether
68 it meets the jurisdictional requirements as set forth in this section. The ethics officer shall
69 provide administrative and other support to the Board of Ethics regarding each such
70 preliminary investigation. If in the opinion of the Board of Ethics the complaint fails to
71 meet these requirements, the ethics officer shall notify the person who filed the complaint
72 and he or she shall have ten days from the date of notice to correct and refile the
73 complaint directly with the ethics officer. A complaint which fails to satisfy the
74 jurisdictional requirements as established by this section and by the rules and procedures
75 established by the Board of Ethics shall be dismissed by the Board of Ethics no later than
76 30 days after the complaint is filed with the office of the ethics officer, unless extended
77 by a majority vote of the Board of Ethics.

78 (5) If the Board of Ethics determines, after the preliminary investigation of a complaint,
79 that there does not exist probable cause for belief that this section has been violated, the
80 ethics officer shall so notify the complainant and the subject of the investigation, and the
81 complaint will be dismissed. If the Board of Ethics determines, after a preliminary
82 investigation of the complaint, that there does exist probable cause for belief that this
83 section has been violated, the ethics officer shall give notice to the person involved to
84 attend a hearing to determine whether there has been a violation of this section."

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SECTION 4.

86 The election superintendent of DeKalb County shall call and conduct an election as provided
87 in this section for the purpose of submitting this Act to the electors of DeKalb County for
88 approval or rejection. The election superintendent shall conduct that election on the Tuesday
89 next following the first Monday in November, 2019, and shall issue the call and conduct that
90 election as provided by general law. The election superintendent shall cause the date and
91 purpose of the election to be published once a week for two weeks immediately preceding
92 the date thereof in the official organ of DeKalb County. The ballot shall have written or
93 printed thereon the words:

94 "() YES Shall the Act be approved which revises the Board of Ethics for DeKalb
95 () NO County?"

96 All persons desiring to vote for approval of the Act shall vote "Yes," and all persons desiring
97 to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on
98 such question are for approval of the Act, Sections 1 through 3 and Section 5 of this Act shall

99 become of full force and effect immediately. If the Act is not so approved or if the election
100 is not conducted as provided in this section, Sections 1 through 3 and Section 5 of this Act
101 shall not become effective, and this Act shall be automatically repealed on the first day of
102 January immediately following that election date. The expense of such election shall be
103 borne by DeKalb County. It shall be the election superintendent's duty to certify the result
104 thereof to the Secretary of State.

105 **SECTION 5.**

106 Except as otherwise provided in Section 4 of this Act, this Act shall become effective upon
107 its approval by the Governor or upon its becoming law without such approval.

108 **SECTION 6.**

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