

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

AS PASSED SENATE

**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
10 contingent effective dates; to repeal conflicting laws; and for other purposes.

11 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

12 **SECTION 1.**

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

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

27 immediate staffs, the district attorney, the solicitor of the state court, the clerks of the
 28 superior and state courts, magistrates, judges of the recorders court, the judge of the
 29 probate court, and their respective staffs."

30

SECTION 2.

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

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

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

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

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

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

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

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

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

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

62

SECTION 3.

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

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

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

84

SECTION 4.

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