

Senate Bill 289

By: Senators Islam Parkes of the 7th, Jones II of the 22nd, Jackson of the 41st, Esteves of the 35th, Orrock of the 36th and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated,
2 relating to codes of ethics for government service, so as to provide a definition of "formal
3 charges" regarding ethical violations by members of certain boards, commissions, or
4 authorities; to provide for related matters; to provide for an effective date; to repeal
5 conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article 1 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to
9 codes of ethics for government service, is amended by revising Code Section 45-10-4,
10 relating to code of ethics for members of boards, commissions, and authorities — hearing,
11 notice, removal of member from office, filling vacancies, and judicial review, as follows:

12 "45-10-4.

13 (a) As used in this Code section, the term 'formal charge' means a statement made under
14 oath by an elected state, county, or municipal official, which alleges that probable cause
15 exists to believe that a member serving on a board, commission, or authority created by

16 general statute has committed an ethical violation relative to one or more provisions of
17 Code Section 45-10-3.

18 (b) Upon formal charges being filed with the Governor relative to a violation of Code
19 Section 45-10-3 on the part of a member of any such board, commission, or authority, the
20 Governor or his or her designated agent shall conduct a hearing for the purpose of receiving
21 evidence relative to the merits of such charges. The member so charged shall be given at
22 least 30 days' notice prior to such hearing. If such charges are found to be true, the
23 Governor shall forthwith remove such member from office and the vacancy shall be filled
24 as provided by law. Such hearing shall be held in accordance with Chapter 13 of Title 50,
25 the 'Georgia Administrative Procedure Act,' and judicial review of any such decision shall
26 be in accordance with such chapter."

27 **SECTION 2.**

28 This Act shall become effective upon its approval by the Governor or upon its becoming law
29 without such approval.

30 **SECTION 3.**

31 All laws and parts of laws in conflict with this Act are repealed.