

House Bill 202 (AS PASSED HOUSE AND SENATE)

By: Representatives Powell of the 171<sup>st</sup>, England of the 116<sup>th</sup>, and Hatchett of the 150<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To provide for compensation and expenses of certain state officials; to amend Chapter 7 of  
2 Title 45 of the Official Code of Georgia Annotated, relating to salaries and fees, so as to  
3 change provisions relating to the salary for the Governor; to change certain provisions  
4 relating to annual salaries, expenses, and cost-of-living adjustments for certain state officials;  
5 to change provisions relating to the State Commission on Compensation; to provide for  
6 related matters; to provide for effective dates; to provide for applicability; to repeal  
7 conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 PART I  
10 SECTION 1-1.

11 Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salaries and fees,  
12 is amended by revising paragraph (1) of subsection (a) of Code Section 45-7-4, relating to  
13 annual salaries of certain state officials and cost-of-living adjustments, as follows:

14 "(1) Governor . . . . . \$ ~~60,000.00~~  
15 175,000.00

15 An allowance in an amount specified in the appropriations Act shall also be  
16 provided for the operation of the Governor's mansion."

17 PART II  
18 SECTION 2-1.

19 Said chapter is further amended in Code Section 45-7-4, relating to annual salaries of certain  
20 state officials, expenses, and cost-of-living adjustments, by revising subparagraphs (a)(22)(C)  
21 and (a)(22)(E) as follows:

22 "(C) In addition to any other compensation and allowances authorized for members of  
 23 the General Assembly, each member may be reimbursed for per diem differential and  
 24 for actual expenses incurred in the performance of duties ~~within the state~~ as a member  
 25 of the General Assembly in an amount not to exceed \$7,000.00 per year. Expenses  
 26 reimbursable up to such amount shall be limited to one or more of the following  
 27 purposes: lodging, meals, per diem differential, postage, personal services, printing and  
 28 publications, rents, supplies (including software), telecommunications, transportation,  
 29 utilities, ~~and purchasing or leasing of equipment, and other reasonable expenditures~~  
 30 directly related to the performance of a member's duties. If equipment purchased by  
 31 a member has a depreciated value of \$100.00 or less when such member leaves office,  
 32 the equipment does not need to be returned to the state. No reimbursement shall be  
 33 made for any postage which is used for a political newsletter. No reimbursement shall  
 34 be paid for lodging or meals for any day for which a member receives the daily expense  
 35 allowance as provided in this paragraph. ~~Such Eligible~~ expenses shall be reimbursed  
 36 upon following the submission of sworn vouchers to the legislative fiscal office in  
 37 compliance with the requirements of this subparagraph and subject to the provisions of  
 38 subparagraph (E) of this paragraph. Such ~~sworn~~ vouchers shall be submitted in such  
 39 form and manner as prescribed by the Legislative Services Committee pursuant to  
 40 subparagraph (E) of this paragraph, provided that each such voucher shall be  
 41 accompanied by a supporting document or documents, or legible copies thereof,  
 42 showing payment for each expense claimed or an explanation of the absence of such  
 43 documentation; in addition, each such voucher shall include a certification by the  
 44 member that the information contained in such voucher and supporting document or  
 45 documents, or legible copies thereof, is true and correct and that such expenses were  
 46 incurred by the member. The provisions of Code Section 16-10-20 shall be applicable  
 47 to any person submitting such certified vouchers and supporting documents or copies  
 48 the same as if the General Assembly were a department or agency of state government.  
 49 No ~~sworn~~ such voucher or supporting document shall be required for per diem  
 50 differential."

51 "(E) For the purposes of this paragraph, a year shall begin on the convening date of the  
 52 General Assembly in regular session each year and end on the day prior to the  
 53 convening of the General Assembly in the next calendar year. Any voucher or claim  
 54 for any reimbursement for any year as defined in this paragraph shall be submitted no  
 55 later than the fifteenth of April immediately following the end of such year. No  
 56 reimbursement shall be made on any voucher or claim submitted after that date. Any  
 57 amounts remaining in such expense account at the end of the first year of the two year  
 58 biennium may be claimed for expenses incurred during the second year of the two year

59 biennium. Any amounts remaining in any expense account which are not so claimed  
60 by April 15 of the year following the second year of the biennium and any amounts  
61 claimed which are returned as hereafter provided for in this paragraph shall lapse and  
62 shall be remitted by the legislative fiscal office to the general fund of the state treasury.  
63 Any former member of the General Assembly may be reimbursed for expenses incurred  
64 while a member of the General Assembly upon compliance with the provisions of this  
65 paragraph. The Legislative Services Committee is empowered to provide such  
66 procedures as it deems advisable to administer the provisions of this paragraph,  
67 including, but not limited to, definitions of the above list of items for which  
68 reimbursement may be made; provided, however, that the term 'other reasonable  
69 expenditures directly related to the performance of a member's duties' shall be as  
70 defined by policies adopted by the Speaker of the House of Representatives and by the  
71 Senate Administrative Affairs Committee as to reimbursement of such expenditures  
72 incurred by members of the House and Senate, respectively; and provided, further, that  
73 the amount of expenses which may be reimbursed within the limits of subparagraph (C)  
74 of this paragraph for travel outside the state may be as provided by policies adopted by  
75 the Speaker of the House of Representatives and by the Senate Administrative Affairs  
76 Committee as to such expenditures of members of the House and Senate, respectively.  
77 The Legislative Services Committee is further empowered to prescribe and the form of  
78 the voucher or claim which must be submitted to the legislative fiscal office. In the  
79 event of any disagreement as to whether any reimbursement shall be made or any  
80 allowance shall be paid, the Legislative Services Committee shall make the final  
81 determination; except that in the event of any disagreement as to whether any  
82 reimbursement under subparagraph (C) of this paragraph shall be made for other  
83 reasonable expenses directly related to the performance of a member's duties or for  
84 travel outside the state, the Speaker of the House shall make the final determination as  
85 to such expenses incurred by a member of the House, and the Senate Administrative  
86 Affairs Committee shall make the final determination as to such expenses incurred by  
87 a member of the Senate. In the event any reimbursement is made or any allowance is  
88 paid and it is later determined that such reimbursement or payment was made in error,  
89 the person to whom such reimbursement or payment was made shall remit to the  
90 legislative fiscal office the amount of money involved. In the event any such person  
91 refuses to make such remittance, the legislative fiscal office is authorized to withhold  
92 the payment of any other moneys to which such person is entitled until the amount of  
93 such reimbursement or payment which was made in error shall be realized."

94 **SECTION 2-2.**

95 Said chapter is further amended in Code Section 45-7-4, relating to annual salaries, expenses,  
 96 and cost-of-living adjustments of certain state officials, by revising subsection (b) as follows:  
 97 "(b) As a ~~cost-of-living~~ an adjustment except as qualified below as to members and  
 98 member-officers of the General Assembly, the annual salary of each state official whose  
 99 salary is established by Code Section 45-7-3, this Code section, and Code Sections 45-7-20  
 100 and 45-7-21, including members of the General Assembly, the Speaker of the House of  
 101 Representatives, the President Pro Tempore of the Senate, and the Speaker Pro Tempore  
 102 of the House of Representatives, may be increased by the General Assembly in the General  
 103 Appropriations Act by a percentage not to exceed the average percentage of the ~~general~~  
 104 increase in salary as may from time to time be granted to employees of the executive,  
 105 judicial, and legislative branches of government. However, any increase for such officials  
 106 shall not include within-grade step increases for which employees subject to compensation  
 107 plans authorized and approved in accordance with Code Section 45-20-4 are eligible. Any  
 108 increase granted pursuant to this subsection shall become effective at the same time that  
 109 funds are made available for the increase for such employees, except increases for  
 110 members and member-officers of the General Assembly. That portion of the increase  
 111 determined by the Legislative Services Committee to reflect a cost-of-living increase based  
 112 upon objective economic criteria shall become effective for members and member-officers  
 113 at the same time that funds are made available for the increase for such employees. The  
 114 balance of the increase for members and member-officers of the General Assembly shall  
 115 become effective on the convening of the next General Assembly in January of the next  
 116 odd-numbered year. The Office of Planning and Budget shall calculate the average  
 117 percentage increase."

118 **PART III**

119 **SECTION 3-1.**

120 Said chapter is further amended by revising Article 5, relating to the State Commission on  
 121 Compensation, as follows:

122 "ARTICLE 5

123 45-7-90.

124 A State Commission on Compensation is established for the purpose of assisting the  
 125 General Assembly in setting the compensation of constitutional state officers, including  
 126 members of the General Assembly and full-time heads of state agencies, authorities,

127 boards, bureaus, commissions, committees, and departments whose compensation is set by  
 128 the Constitution, by law, or by Act of the General Assembly.

129 45-7-91.

130 (a) As used in this article, the term 'commission' means the State Commission on  
 131 Compensation.'

132 (b) The commission shall be composed of ~~12~~ seven members who shall serve for terms of  
 133 four years and until their successors shall have been appointed and qualified. No person  
 134 shall be qualified for appointment to office as a member of the commission if he or she is  
 135 an officer or employee of the state at the time of his or her selection for appointment nor  
 136 shall such officer's or employee's spouse, child, stepchild, parent, stepparent, grandparent,  
 137 grandchild, sibling, or the spouse of such individuals be qualified for such appointment.  
 138 ~~Four~~ Three members shall be appointed by the Governor, at least one of whom shall be  
 139 regularly engaged in the field of business finance or business management. Two members  
 140 shall be appointed by the Lieutenant Governor, ~~at least one of whom shall be experienced~~  
 141 ~~in labor-management relations.~~ Two members shall be appointed by the Speaker of the  
 142 House of Representatives, ~~at least one of whom shall be experienced in labor-management~~  
 143 ~~relations. Four members shall be appointed by the Justices of the Supreme Court, at least~~  
 144 ~~one of whom shall be authorized to practice law in this state.~~

145 (c) Should any vacancy on the commission occur from death, resignation, or otherwise,  
 146 the appointing authority shall appoint a successor member to serve during the unexpired  
 147 term.

148 45-7-92.

149 Members of the commission shall take an oath to uphold the Constitution and laws of the  
 150 United States and of the State of Georgia and shall receive ~~a salary of \$59.00 per day for~~  
 151 ~~each day of service and such expenses and allowances while performing their duties of~~  
 152 ~~office as are refundable to state employees~~ a daily expense allowance and reimbursement  
 153 for transportation costs as provided for in Code Section 45-7-21. All expenses incurred by  
 154 the commission in the performance of its duties shall be paid from funds available to the  
 155 General Assembly. The commission shall meet no more than ~~30 days during the year it is~~  
 156 ~~established and no more than~~ 15 days in any year thereafter.

157 45-7-93.

158 The commission shall meet immediately after a majority of its members have taken the  
 159 oath of office, shall select from the members one of their ~~number~~ members to serve as  
 160 ~~chairman~~ chairperson, and shall adopt such rules and procedures as may be deemed

161 necessary for the expeditious accomplishment of the obligations of the commission. The  
162 commission shall be authorized to employ staff personnel as necessary to accomplish  
163 commission objectives.

164 45-7-94.

165 The commission shall make a study of the compensation currently being paid by the state  
166 to all constitutional state officers, including members of the General Assembly and all  
167 full-time heads of state agencies, authorities, boards, bureaus, commissions, committees,  
168 and departments whose compensation is set by the Constitution of Georgia, by law, or by  
169 an Act of the General Assembly; and the commission shall compare such compensation  
170 with that currently being received by officers and employees serving in comparable  
171 positions with the federal government, this state, other states, local governments, and in  
172 industry, business, and the professions. In making this comparative study, the commission  
173 shall utilize all available data pertaining to prevailing market rates and relating to the costs  
174 and standards of living of persons in comparable positions.

175 45-7-95.

176 (a) The commission shall file a written report based upon its studies in which a  
177 recommended compensation shall be stated for each constitutional state officer, including  
178 members of the General Assembly and all full-time heads of state agencies, authorities,  
179 boards, bureaus, commissions, committees, and departments whose compensation is set by  
180 the Constitution of Georgia, by law, or by Act of the General Assembly. A copy of ~~said~~  
181 such report shall be filed with the Governor, Lieutenant Governor, Speaker of the House  
182 of Representatives, Clerk of the House of Representatives, Secretary of the Senate, and  
183 legislative counsel, ~~Chief Justice of the Supreme Court, and Chief Judge of the Court of~~  
184 ~~Appeals~~. The commission shall file the written report at least ~~30~~ 90 days prior to the  
185 convening of the General Assembly in regular session at which the general appropriations  
186 bill is first considered. The written report of the commission shall be filed, notwithstanding  
187 a determination by the commission that no compensation increase or decrease is  
188 recommended.

189 ~~(b) Whenever a written report of the commission's compensation plan is filed, a bill shall~~  
190 ~~be prepared suitable for introduction in either the Senate or House of Representatives~~  
191 ~~containing the compensation recommended by the commission; and such bill shall be~~  
192 ~~introduced at the next session of the General Assembly convening after the filing of said~~  
193 ~~written report. Such bill and the compensation contained therein, in order to become~~  
194 ~~effective, shall receive the same number of readings and go through and be subject to the~~  
195 ~~same procedure as required by the Constitution of Georgia for any other bill; provided,~~

196 ~~however, that the bill relative to the commission's compensation plan, whether introduced~~  
197 ~~in the House or the Senate, or both, shall be automatically engrossed by both the House and~~  
198 ~~the Senate, and any such bill shall not be changed in either the House or the Senate after~~  
199 ~~its introduction.~~

200 45-7-96.

201 It is the intention of the General Assembly that this article shall not be construed so as to  
202 authorize the commission to reduce the compensation of constitutional state officers below  
203 that established by the Constitution of Georgia or so as to deprive the General Assembly  
204 of plenary power to enact laws affecting compensation in accordance with the Constitution  
205 of Georgia."

206 **PART IV**  
207 **SECTION 4-1.**

208 Part I of this Act shall become effective upon the inauguration of the Governor in January,  
209 2019, in accordance with Code Section 45-12-2 of the Official Code of Georgia Annotated.  
210 Part II of this Act shall become effective on July 1, 2017, and shall apply to expenses  
211 incurred on or after such date. This Part and Part III of this Act shall become effective upon  
212 approval of this Act by the Governor or upon its becoming law without such approval.

213 **SECTION 4-2.**  
214 All laws and parts of laws in conflict with this Act are repealed.