

House Bill 399

By: Representatives Royal of the 164th, Walker of the 141st, Skipper of the 137th, Jamieson of the 22nd and Shanahan of the 10th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated,
2 relating to county governing authorities, so as to provide a procedure for establishing
3 compensation for members of county governing authorities and elected chief executive
4 officers; to provide for definitions, conditions, and notice; to provide that compensation in
5 effect on January 1, 2001, shall remain in effect until increased; to provide for related
6 matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to
10 county governing authorities, is amended by striking Code Section 36-5-24, which is
11 reserved, and inserting in its place a new Code Section 36-5-24 to read as follows:

12 "36-5-24.

13 (a) As used in this Code section, the term:

14 (1) 'County governing authority' means a governing authority as defined in paragraph (7)
15 of Code Section 1-3-3 and an elected county chief executive officer.

16 (2) 'Expenses in the nature of compensation' means any expense allowance or any form
17 of payment or reimbursement of expenses other than reimbursement for expenses actually
18 and necessarily incurred by members of a county governing authority.

19 (b) The governing authority of each county is authorized to fix the salary, compensation,
20 expenses, and expenses in the nature of compensation of the members of the governing
21 authority subject to the following conditions:

22 (1) Any increase in salary, compensation, expenses, or expenses in the nature of
23 compensation for members of a county governing authority shall not be effective until
24 the first day of January of the year following the next general election held after the date
25 on which the action to increase the compensation was taken;

1 (2) A county governing authority shall take no action to increase salary, compensation,
2 expenses, or expenses in the nature of compensation until notice of intent to take such
3 action has been published in a newspaper designated as the legal organ for the county at
4 least once a week for three consecutive weeks immediately preceding the meeting at
5 which the action is taken; and

6 (3) Such action shall not be taken during the period of time beginning with the date that
7 candidates for election as members of the county governing authority may first qualify
8 as such candidates and ending with the first day of January following the date of
9 qualification.

10 (c) Salary, compensation, expenses, and expenses in the nature of compensation paid to
11 members of a county governing authority in accordance with applicable local or general
12 salary laws in effect on January 1, 2001, and as subsequently amended, shall continue in
13 full force and effect as compensation for such county officials unless such compensation
14 is increased pursuant to subsection (b) of this Code section."

15 **SECTION 2.**

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

18 **SECTION 3.**

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