

House Bill 399 (AS PASSED HOUSE AND SENATE)

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

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) Unless otherwise provided by local law, the governing authority of each county is  
20 authorized to fix the salary, compensation, expenses, and expenses in the nature of  
21 compensation of the members of the governing authority subject to the following  
22 conditions:

23 (1) Any increase in salary, compensation, expenses, or expenses in the nature of  
24 compensation for members of a county governing authority shall not be effective until  
25 the first day of January of the year following the next general election held after the date  
26 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 and the fiscal impact of such action has been published in a newspaper designated  
4 as the legal organ for the county at least once a week for three consecutive weeks  
5 immediately preceding the meeting at 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; and this Code section shall not  
15 affect the power of the General Assembly at any time by local or general law to increase  
16 or decrease any or all of such compensation or by local law to withdraw the authority  
17 otherwise granted to a county governing authority under this Code section."

18 **SECTION 2.**

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

21 **SECTION 3.**

22 All laws and parts of laws in conflict with this Act are repealed.