

The House Committee on Governmental Affairs offers the following substitute to SB 193:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,  
2 so as to provide that, if a county governing authority provides group health insurance benefits  
3 for county employees, such benefits must also be offered to the sheriff, judge of probate  
4 court, clerk of superior court, full-time magistrate court judges, tax receiver, tax collector,  
5 and tax commissioner on the same terms and conditions as other county employees; to  
6 specify a procedure relating to compensation; to provide for certain notices relating to audit  
7 reports; to provide for related matters; to provide effective dates; to repeal conflicting laws;  
8 and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
12 by revising Code Section 36-1-11.1, relating to expenditure of funds for insurance and  
13 employment benefits, as follows:

14 "36-1-11.1.

15 (a) The governing authority of any county is authorized to provide, and to expend county  
16 funds for the provision of, group health, life, disability, and liability insurance, retirement  
17 or pension coverage, social security and employment security coverage, and other similar  
18 or related employment benefits for members of the county governing authority and for  
19 elected county officers and the personnel thereof, as well as for the dependents and  
20 beneficiaries of such officials and personnel; provided, however, that no member of a  
21 county governing authority may become vested in the provision of any retirement or  
22 pension benefits authorized by this subsection until after the next general election in which  
23 said official stands for reelection.

24 (b) In the event that a county governing authority provides group health insurance benefits  
25 to employees of the county, such benefits shall also be offered to the sheriff, judge of  
26 probate court, clerk of superior court, full-time magistrate court judges, tax receiver, tax

1 collector, and tax commissioner on the same terms and conditions as other county  
 2 employees.

3 ~~(b)~~(c) Any prior expenditure of county funds in the manner authorized by this Code  
 4 section is validated and confirmed; and no person shall be liable in any respect by reason  
 5 of his or her participation in any prior provision of the benefits authorized by this Code  
 6 section."

## 7 SECTION 2.

8 Said title is further amended by revising Code Section 36-5-28, relating to compensation  
 9 increases for county governing authorities, as follows:

10 "36-5-28.

11 (a) On and after January 1, 2001, whenever the employees in the classified service of the  
 12 state merit system receive a cost-of-living increase or general performance based increase  
 13 of a certain percentage or a certain amount, the compensation to which a member of a  
 14 governing authority is entitled under general or local law shall be increased by the same  
 15 percentage or same amount applicable to such state employees. If the cost-of-living  
 16 increase or general performance based increase received by state employees is in different  
 17 percentages or different amounts as to certain categories of employees, the amount to  
 18 which a member of a county governing authority is entitled under general or local law shall  
 19 be increased by a percentage or an amount not to exceed the average percentage or average  
 20 amount of the general increase in salary granted to the state employees. The Office of  
 21 Planning and Budget shall calculate the average percentage increase or average amount  
 22 increase when necessary. The periodic changes in the amount to which a member of a  
 23 county governing authority is entitled under general or local law shall become effective on  
 24 the first day of January following the date that the cost-of-living increases or general  
 25 performance based increases received by state employees become effective; provided,  
 26 however, that if the cost-of-living increases received by state employees become effective  
 27 on January 1, such periodic changes in the amount to which a member of a county  
 28 governing authority is entitled under general or local law shall become effective on the  
 29 same date that the cost-of-living increases or general performance based increases received  
 30 by state employees become effective.

31 (b) Whenever the compensation to which a member of a governing authority is entitled is  
 32 increased by local Act or pursuant to Code Section 36-5-24, any additional increase to be  
 33 applied as a result of subsection (a) of this Code section shall be applied to the most recent  
 34 such increase."

**SECTION 3.**

Said title is further amended by revising Code Section 36-81-7, relating to conduct of audits and audit reports, to add a new subsection to read as follows:

"(h) A statement advising the residents of the local unit of government of the availability of the audit shall be published in a newspaper of general circulation within the jurisdiction of the governing authority. In lieu of publishing in a newspaper of general circulation within the jurisdiction of the governing authority, it may be posted through the official county website. The notice shall be published upon completion of the audit by the governing authority. In addition, the statement shall also advise the residents where a copy of the audit shall be available for public viewing. The statement shall be a prominently displayed advertisement or news article and shall not be placed in that section of the newspaper where legal notices appear."

**SECTION 4.**

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 1 of this Act shall become effective on July 1, 2007.

**SECTION 5.**

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