

Senate Bill 193

By: Senators Mullis of the 53rd, Jones of the 10th and Grant of the 25th

**AS PASSED**

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 related matters; to provide  
7 effective dates; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

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

13 "36-1-11.1.

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

23 (b) In the event that a county governing authority provides group health insurance benefits  
24 to employees of the county, such benefits shall also be offered to the sheriff, judge of  
25 probate court, clerk of superior court, full-time magistrate court judges, tax receiver, tax  
26 collector, and tax commissioner on the same terms and conditions as other county  
27 employees.

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

## 5 SECTION 2.

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

8 "36-5-28.

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

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

## 33 SECTION 3.

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

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

2 **SECTION 4.**

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