

Senate Bill 97

By: Senators Grant of the 25th, Tate of the 38th, Seay of the 34th and Unterman of the 45th

**AS PASSED**

**A BILL TO BE ENTITLED**

**AN ACT**

1 To amend the Official Code of Georgia Annotated so as to change the designation of the  
2 State Merit System of Personnel Administration to the State Personnel Administration; to  
3 repeal conflicting laws; and for other purposes.

4 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

5 **SECTION 1.**

6 The Official Code of Georgia Annotated is amended by replacing the term "state merit  
7 system" with "State Personnel Administration" wherever such term appears in:

- 8 (1) Code Section 1-4-1, relating to public and legal holidays and leave for observance  
9 of religious holidays not specifically provided for;
- 10 (2) Code Section 7-1-35, relating to deputy commissioners, examiners, and assistants;
- 11 (3) Code Section 12-3-536, relating to transferring powers of authority to the Department  
12 of Economic Development;
- 13 (4) Code Section 12-11-5, relating to the director and administration of corps programs;
- 14 (5) Code Section 15-6-88, relating to minimum annual salary schedule;
- 15 (6) Code Section 15-9-63, relating to a schedule of minimum salaries;
- 16 (7) Code Section 15-9-63.1, relating to compensation for services as magistrate or chief  
17 magistrate, and longevity increases;
- 18 (8) Code Section 15-10-23, relating to minimum compensation, annual salary, increases,  
19 and supplements;
- 20 (9) Code Section 15-11-24.3, relating to intake and probation services of juvenile courts;
- 21 (10) Code Section 15-16-20, relating to minimum annual salary, increase, and operating  
22 expenses;
- 23 (11) Code Section 17-12-25, relating to public defender salary;
- 24 (12) Code Section 20-1A-3, relating to a director, board, duties and powers, salary,  
25 personnel, and rules and regulations;
- 26 (13) Code Section 20-1A-8, relating to transfer of functions, powers, personnel  
27 equipment, and assets to a department and funding;

- 28 (14) Code Section 20-2-302, relating to funds for operation of schools for deaf and blind  
29 persons;
- 30 (15) Code Section 20-3-250.24, relating to compensation and benefits of commission  
31 employees;
- 32 (16) Code Section 20-3-329, relating to employees of commission transferred to  
33 authority, status of authority employees hired after July 1, 1996, status of transferred  
34 employees, and benefits of transferred employees not impaired;
- 35 (17) Code Section 20-4-12, relating to expenses and mileage allowance;
- 36 (18) Code Section 20-4-17, relating to agencies to receive federal funds and transfer of  
37 personnel to Department of Technical and Adult Education;
- 38 (19) Code Section 20-4-27, relating to service in state merit system;
- 39 (20) Code Section 20-4-30, relating to compensation of classified employees electing to  
40 become unclassified;
- 41 (21) Code Section 21-5-30.2, relating to contributions by public agencies;
- 42 (22) Code Section 34-9-52, relating to officials, personnel, and employees subject to  
43 state merit system and compensation of board members and administrative law judges.
- 44 (23) Code Section 34-9-355, relating to directors emeritus of board and duties;
- 45 (24) Code Section 35-1-6, relating to appointment of nonuniformed investigators,  
46 salaries, status, assignment, and powers;
- 47 (25) Code Section 35-2-46, relating to dismissal of officers, troopers, and  
48 communications officers;
- 49 (26) Code Section 35-2-47, relating to suspension pending dismissal;
- 50 (27) Code Section 36-5-28, relating to members of county governing authority to receive  
51 compensation increase when classified service employees receive increase, calculation,  
52 and effective date;
- 53 (28) Code Section 38-2-132, relating to administration of militia and Department of  
54 Defense, personnel, and state merit system;
- 55 (29) Code Section 38-4-9, relating to commissioner of veterans service, employment of  
56 personnel, preference to veterans, surviving spouses, and dependents, and advise  
57 Governor, board, and General Assembly;
- 58 (30) Code Section 40-15-4, relating to coordinator authorized and duties and  
59 requirements;
- 60 (31) Code Section 43-1-2, relating to duties of division director;
- 61 (32) Code Section 43-40-4, relating to office of commissioner, qualifications,  
62 restrictions, staff, oath, duties and powers, and reimbursement;
- 63 (33) Code Section 45-1-4, relating to complaints or information from public employees  
64 as to fraud, waste, and abuse in state programs and operations;

- 65 (34) Code Section 45-7-4, relating to annual salaries of certain state officials and  
66 cost-of-living adjustments;
- 67 (35) Code Section 45-15-30, relating to creation of the Department of Law, assistants,  
68 deputies, and other support personnel; determination of duties, salaries, and effect  
69 promotions, limitation on private practice of law, and disclosure requirement for assistant  
70 attorney general representing criminal defendant;
- 71 (36) Code Section 45-16-11, relating to compensation of county coroners, increases,  
72 calculation, supplements, and expenses;
- 73 (37) Code Section 45-18-51, relating to the creation of the Employee Benefit Plan  
74 Council, membership, terms of office, and vacancies, compensation and expense  
75 reimbursement, officers, executive secretary and staff support, meetings, adoption of  
76 procedures and promulgation of rules and regulations;
- 77 (38) Code Section 45-20-1, relating to purposes and principles;
- 78 (39) Code Section 45-20-6, relating to composition of classified and unclassified service,  
79 effect of exclusion from classified service on eligibility for membership in Employees'  
80 Retirement System of Georgia, and working test period before obtaining merit system  
81 protection;
- 82 (40) Code Section 45-20-11, relating to audits of merit system and reports of audit  
83 findings;
- 84 (41) Code Section 45-20-15, relating to confidentiality of information received by staff  
85 in counseling and exceptions;
- 86 (42) Code Section 45-23-3, relating to definitions regarding a drug-free public work  
87 force;
- 88 (43) Code Section 45-23-4, relating to suspension or termination of public employee  
89 convicted of drug offense;
- 90 (44) Code Section 45-23-7, relating to continuance of employment for drug user and  
91 requirements and procedure;
- 92 (45) Code Section 45-23-8, relating to administrative procedures;
- 93 (46) Code Section 46-2-42, relating to employment of assistant director of Utility  
94 Finance Section, employment of accountants, statisticians, experts, and clerical personnel  
95 and classification of employees;
- 96 (47) Code Section 48-2-5, relating to office of deputy state revenue commissioner;
- 97 (48) Code Section 48-2-6, relating to departmental organization, employees,  
98 compensation, and collection of delinquent taxes by contractors;
- 99 (49) Code Section 48-5-183, relating to salaries of tax collectors and tax commissioners;
- 100 (50) Code Section 48-5-263, relating to qualifications, duties, and compensation of  
101 appraisers;

- 102 (51) Code Section 48-5-267, relating to state payments for minimum staff of appraisers  
 103 and state salary supplements for qualified appraisers;
- 104 (52) Code Section 50-5B-2, relating to administrative units, directors, and employees;
- 105 (53) Code Section 50-8-17, relating to employees serve in unclassified service and  
 106 election option for current classified employees;
- 107 (54) Code Section 50-8-142, relating to employees;
- 108 (55) Code Section 50-12-65, relating to appointment, terms, compensation, and expenses  
 109 of board members, personnel, meetings, and quorum;
- 110 (56) Code Section 50-12-71, relating to appointment, terms, and expenses of board  
 111 member;
- 112 (57) Code Section 50-13-40, relating to creation of the Office of State Administrative  
 113 Hearings and chief state administrative law judge;
- 114 (58) Code Section 50-13-44, relating to administrative transfer of individuals to Office  
 115 of State Administrative Hearings, approval of chief state administrative law judge,  
 116 funding of transferred positions, and transferred employees status;
- 117 (59) Code Section 50-18-93, relating to duties of division;
- 118 (60) Code Section 50-26-22, relating to transfer of personnel to Department of  
 119 Community Affairs; and
- 120 (61) Code Section 50-34-18, relating to transfer of positions authorized by authority to  
 121 Department of Community Affairs.

122 **SECTION 2.**

123 The Official Code of Georgia Annotated is further amended by replacing the term "State  
 124 Merit System of Personnel Administration" with "State Personnel Administration" wherever  
 125 such term appears in:

- 126 (1) Code Section 2-2-4, relating to the Commissioner of Agriculture and salary and  
 127 expenses and compensation of employees;
- 128 (2) Code Section 12-2-6, relating to the authority to arrange for and accept federal aid  
 129 and cooperation, volunteer services, and cooperation with other government entities and  
 130 civic organizations;
- 131 (3) Code Section 12-4-1, relating to powers and duties of Environmental Protection  
 132 Division as to mineral and geological resources;
- 133 (4) Code Section 12-6-5, relating to powers and duties of commission generally and  
 134 volunteer services;
- 135 (5) Code Section 15-5-6, relating to administrative assistant, duties, status, and  
 136 compensation;

- 137 (6) Code Section 15-6-27, relating to procedure for hiring personnel employed by  
138 superior court judges, authority and duties, uniform policies, salaries and benefits,  
139 expenses, supplies, and local supplements;
- 140 (7) Code Section 15-18-19, relating to state paid personnel, powers, policies relating to,  
141 authorized leave, and salary schedules;
- 142 (8) Code Section 17-12-27, relating to appointment of assistant public defenders, salary,  
143 and promotions;
- 144 (9) Code Section 17-12-30, relating to classification of personnel, responsibilities,  
145 compensation, and local supplements;
- 146 (10) Code Section 20-3-39, relating to reassignment of responsibilities for operation and  
147 management of public libraries, employees, transfer of funding, and rules and regulations;
- 148 (11) Code Section 27-1-16, relating to establishment of unit of conservation rangers,  
149 qualifications, appointment, and supervisory personnel, and retention of badge and  
150 weapon upon disability retirement;
- 151 (12) Code Section 31-3-11, relating to appointments of director and staff and  
152 supervision;
- 153 (13) Code Section 31-3-15, relating to establishment of health districts;
- 154 (14) Code Section 31-5A-4, relating to the Department of Community Health's powers,  
155 duties, functions, and responsibilities, divisions, directors, the Office of Women's Health,  
156 and contracts for health benefits;
- 157 (15) Code Section 31-5A-5, relating to transfer of personnel and functions, conforming  
158 to federal standards of personnel administration, existing procedures, regulations, and  
159 agreements, and rules adoption and implementation;
- 160 (16) Code Section 31-7-17, relating to licensure and regulation of hospitals and related  
161 institutions transfer to Department of Community Health;
- 162 (17) Code Section 31-7-159, relating to licensure and regulation of home health agencies  
163 transfer to Department of Community Health;
- 164 (18) Code Section 31-7-265, relating to facility licensing and employee records checks  
165 for personal care homes transfer to Department of Community Health;
- 166 (19) Code Section 31-7-308, relating to licensure and regulation of private home care  
167 providers transfer to Department of Community Health;
- 168 (20) Code Section 31-10-4, relating to appointment of state registrar of vital records;
- 169 (21) Code Section 31-29-6, relating to rights of employees under merit system;
- 170 (22) Code Section 34-15-2, relating to July transfer of Division of Rehabilitation  
171 Services to the Department of Labor;
- 172 (23) Code Section 35-1-6, relating to appointment of nonuniformed investigators,  
173 salaries, status, assignment, and powers;

- 174 (24) Code Section 35-2-74, relating to governor to prescribe coverage by state merit  
175 system;
- 176 (25) Code Section 35-3-6, relating to Director of the State Merit System of Personnel  
177 Administration, classification in state merit system, and compensation;
- 178 (26) Code Section 35-3-9, relating to narcotics agents;
- 179 (27) Code Section 35-3-11, relating to applicability to agents of bureau of rules of State  
180 Personnel Board and state merit system and retention of badge and weapon by disabled  
181 agent;
- 182 (28) Code Section 35-3-31, relating to establishment of the Georgia Crime Information  
183 Center, staff and equipment generally, and merit system status of personnel;
- 184 (29) Code Section 35-3-81, relating to establishment, development, maintenance, and  
185 operation of center and staff;
- 186 (30) Code Section 37-1-21, relating to institutional powers and duties of Department of  
187 Human Resources and Board of Human Resources;
- 188 (31) Code Section 37-2-6.1, relating to community service boards, program director,  
189 staff, budget, and facilities, powers and duties, and exemption from state and local  
190 taxation;
- 191 (32) Code Section 37-2-6.2, relating to employees whose jobs include duties or functions  
192 which will become duties or functions of a community service board on July 1, 1994, and  
193 rights, duties, and benefits of employees;
- 194 (33) Code Section 42-8-26, relating to qualifications of probation supervisors,  
195 compensation and expenses, conflicts of interest, and bonds;
- 196 (34) Code Section 45-1-4, relating to complaints or information from public employees  
197 as to fraud, waste, and abuse in state programs and operations;
- 198 (35) Code Section 45-7-54, relating to voluntary contributions by state government  
199 employees through payroll deductions to certain not for profit organizations;
- 200 (36) Code Section 45-10-20, relating to definitions of conflicts of interests regarding  
201 public officers and employees;
- 202 (37) Code Section 45-10-27, relating to construction of part with rules and regulations  
203 of the State Merit System of Personnel Administration;
- 204 (38) Code Section 45-12-72, relating to the establishment of Office of Planning and  
205 Budget and general provisions;
- 206 (39) Code Section 45-19-22, relating to definitions of fair employment practices  
207 regarding public officers and employees;
- 208 (40) Code Section 45-20-2, relating to definitions regarding the state merit system and  
209 personnel administration;

- 210 (41) Code Section 45-20-3, relating to duties and functions of State Personnel Board  
 211 generally, compensation, and quorum;
- 212 (42) Code Section 45-20-3.1, relating to rule-making procedure;
- 213 (43) Code Section 45-20-4, relating to creation of commissioner of personnel  
 214 administration, appointment, compensation, powers and duties, and appointment and  
 215 prescription of duties of deputy commissioner and other assistants;
- 216 (44) Code Section 45-20-12, relating to implementation of public management certificate  
 217 program;
- 218 (45) Code Section 45-23-3, relating to definitions of a drug-free public work force in  
 219 regard to public officers and employees;
- 220 (46) Code Section 49-1-5, relating to suspension and removal of county board member,  
 221 county director, or employee or official of department;
- 222 (47) Code Section 49-3-4, relating to appointment of staff, salaries, and power of  
 223 commissioner to transfer employees;
- 224 (48) Code Section 49-3-7, relating to removal of county director for falsification of  
 225 qualifications;
- 226 (49) Code Section 49-4A-5, relating to transfer of functions and employees of Division  
 227 of Youth Services;
- 228 (50) Code Section 49-5-6, relating to merit system to conform to federal standards,  
 229 power to employ and contract for professional services, employment and dismissal  
 230 procedures, and membership in state retirement system;
- 231 (51) Code Section 50-5-53, relating to authorization to employ assistants, fix salaries,  
 232 and make assignments;
- 233 (52) Code Section 50-8-6, relating to divisions, sections, and offices of department; and  
 234 (53) Code Section 50-25-5.1, relating to chief information officer, appointment and  
 235 removal, compensation, and powers and duties.

236 **SECTION 3.**

237 The Official Code of Georgia Annotated is further amended by changing the terms "state  
 238 merit system" and "merit system" to "State Personnel Administration" in Code Section  
 239 45-20-15, relating to confidentiality of information received by staff in counseling and  
 240 exceptions.

241 **SECTION 4.**

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