

House Bill 642 (COMMITTEE SUBSTITUTE)

By: Representatives Collins of the 27<sup>th</sup>, Hamilton of the 23<sup>rd</sup>, England of the 108<sup>th</sup>, Meadows of the 5<sup>th</sup>, Ehrhart of the 36<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 45 of the Official Code of Georgia Annotated, relating to public officers and  
2 employees, so as to abolish the State Personnel Administration and transfer certain functions  
3 to the Department of Administrative Services and the commissioner of administrative  
4 services; to extensively revise certain provisions relating to personnel administration; to  
5 amend numerous other provisions of the Official Code of Georgia Annotated so as to make  
6 conforming amendments and correct cross-references relative to the foregoing; to provide  
7 for transfers of personnel, facilities, equipment, and appropriations; to provide for other  
8 related matters; to provide an effective date; to repeal conflicting laws; and for other  
9 purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 PART I  
12 SECTION 1-1.

13 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
14 is amended by revising Chapter 20, relating to personnel administration, as follows:

15 "CHAPTER 20  
16 ARTICLE 1  
17 45-20-1.

18 (a) It is the purpose of this article to establish in the state a system of personnel  
19 administration which will attract, select, and retain the best employees based on merit, free  
20 from coercive political influences, with incentives in the form of equal opportunities for  
21 all; which will provide technically competent and loyal personnel to render impartial  
22 service to the public at all times and to render such service according to the dictates of  
23 ethics and morality; and which will remove unnecessary and inefficient employees. It is  
24 specifically the intent of the General Assembly to promote this purpose by allowing

25 agencies greater flexibility in personnel management so as to promote the overall  
 26 effectiveness and efficiency of state government. To this end, and in accordance with Code  
 27 Sections 45-20-2 and 45-20-6, all positions filled after July 1, 1996, shall be included in  
 28 the unclassified service ~~of the State Personnel Administration~~ as defined in this article,  
 29 except as provided in Code Section 15-11-24.3. It is also specifically the intent of the  
 30 General Assembly that employees in the classified service prior to July 1, 1996, shall  
 31 continue to be employees in the classified service so long as they remain in classified  
 32 positions or as otherwise provided by law. It is further specifically the intent of the General  
 33 Assembly that state government operate within a framework of consistent core personnel  
 34 policies and practices across all state agencies and entities and that the state's most valued  
 35 resource, its employees, be managed in a manner to promote work force productivity and  
 36 sound business practices.

37 (b) In order to achieve these purposes, it is the policy of the state that agencies treat all  
 38 employees in accordance with the following principles:

39 (1) Assuring fair treatment of applicants and employees in all aspects of personnel  
 40 administration without regard to race, color, national origin, sex, age, disability, religious  
 41 creed, or political affiliations. This 'fair treatment' principle includes compliance with all  
 42 state and federal equal employment opportunity and nondiscrimination laws;

43 (2) Recruiting, selecting, and advancing employees on the basis of their relative ability,  
 44 knowledge, and skills, including open consideration of qualified applicants for initial  
 45 employment;

46 (3) Providing equitable and adequate compensation based on merit, performance, job  
 47 value, and competitiveness within applicable labor markets;

48 (4) Training employees, as needed, to assure high quality performance and to provide  
 49 work force skills needed to maintain and advance the state's goals and objectives;

50 (5) Retaining employees on the basis of the adequacy of their performance, correcting  
 51 inadequate performance where possible and appropriate, and separating employees whose  
 52 performance is inadequate; and

53 (6) Assuring that employees are protected against coercion for partisan political purposes  
 54 and are prohibited from using their official authority for the purpose of interfering with  
 55 or affecting the result of an election or nomination for office.

56 (c) It shall be the responsibility of the ~~State Personnel Administration~~ Department of  
 57 Administrative Services (DOAS) to perform the following functions:

58 (1) Establish and maintain a state-wide system of pay ranges for all job classes;

59 (2) Define job classes, establish associated minimum qualifications for those classes, and  
 60 assign those classes to appropriate pay ranges;

- 61 (3) Develop and maintain a common employment application form to be used by all  
 62 applicants for state employment, which form may be supplemented as necessary by  
 63 agencies in seeking information about agency job classes;
- 64 ~~(4) Serve as the central contact point for all potential employees in order to streamline~~  
 65 ~~state-wide recruiting for applicants, to provide for a state-wide applicant data base, to~~  
 66 ~~refer applicants to agencies, and make applicant data available to agencies for review and~~  
 67 ~~consideration;~~
- 68 ~~(5) Upon request, develop, validate, or develop and validate applicant screening devices~~  
 69 ~~being utilized by agencies;~~
- 70 ~~(6) Upon request, administer screening devices on behalf of agencies;~~ Develop, validate,  
 71 or administer applicant screening devices when requested by agencies and when funding  
 72 for such activities can be accomplished on a cost recovery basis;
- 73 ~~(7) Make employment related training available to agencies and allow agencies the~~  
 74 ~~opportunity to provide input into the nature and scope of said training programs;~~
- 75 ~~(8)~~(5) In consultation with agencies, establish state-wide criteria for the implementation  
 76 of rules and policies adopted by the State Personnel Board which agencies shall use in  
 77 developing internal processes for classification, compensation, pay for performance, and  
 78 performance management, including processes involved in defining job classes,  
 79 establishing and applying associated minimum qualifications, assigning jobs to  
 80 appropriate state-wide pay ranges, developing and applying applicant screening methods,  
 81 and measuring worker effectiveness;
- 82 ~~(9)~~(6) Audit agencies' processes as referred to in paragraph ~~(8)~~(5) of this subsection and  
 83 report findings annually to the Governor and the General Assembly in conjunction with  
 84 an annual report on the overall status of the state work force. ~~The State Personnel~~  
 85 ~~Administration~~ DOAS shall not be required to distribute copies of the findings or annual  
 86 report referred to in this paragraph to the members of the General Assembly but shall  
 87 notify the members of the availability of the materials in the manner which it deems to  
 88 be most effective and efficient;
- 89 ~~(10) Serve as consultant to agencies on work force planning and effective work force~~  
 90 ~~strategies, provide technical support assistance, and direct services to agencies as~~  
 91 ~~requested; and~~
- 92 ~~(11)~~(7) Maintain and make available to the public at large a state-wide central registry  
 93 of employment vacancies and job announcements in state government as provided ~~to the~~  
 94 ~~State Personnel Administration~~ by agencies.
- 95 (d) Subsection (c) of this Code section shall not apply to the legislative or judicial  
 96 branches or to the board of regents.

97 (e) Each agency shall develop ~~an annual work force plan according to state-wide criteria~~  
 98 ~~and guidelines and shall provide a report of such plan annually to the State Personnel~~  
 99 ~~Administration for incorporation into the state-wide work force plan to be submitted to the~~  
 100 ~~Governor and the General Assembly~~ a work force plan as a component of the strategic plan  
 101 required by Code Section 45-12-177.

102 (f) In the event agencies do not use a competitive civil service examination to fill some or  
 103 all of their unclassified positions, it is expressly the intent of the General Assembly that  
 104 appropriate consideration be given to veterans as defined under Article IV, Section III,  
 105 Paragraph II of the Constitution of Georgia and Article 2 of Chapter 2 of this title in the  
 106 filling of job vacancies in this state. Guidelines defining consideration practices shall be  
 107 developed at the state level. Agencies shall specify agency policies and practices to  
 108 implement appropriate consideration of military veterans in filling agency job vacancies.

109 (g) The rules of statutory construction contained in Chapter 3 of Title 1, relating to general  
 110 provisions concerning the construction of statutes, as now or hereafter amended, shall  
 111 apply to this article.

112 45-20-2.

113 As used in this chapter, the term:

114 (1) 'Appointing authority' means the person or groups of persons authorized by law or  
 115 delegated authority to make appointments to fill positions.

116 ~~(2) 'Classified service' means that employment status conferring rights of appeal, as set~~  
 117 ~~forth in Code Sections 45-20-8 and 45-20-9. 'Classified service' includes only those~~  
 118 ~~employees of state departments as defined in this Code section who were in the classified~~  
 119 ~~service as of June 30, 1996, and who have remained in classified positions without a~~  
 120 ~~break in service since that date.~~

121 ~~(3) 'Commissioner of personnel administration' and 'commissioner' mean the chief~~  
 122 ~~executive officer of the State Personnel Administration who is responsible for~~  
 123 ~~administering the state personnel program in accordance with applicable state and federal~~  
 124 ~~laws and the policies and rules of the State Personnel Board.~~

125 ~~(4)~~(2) 'Classified employee' means an employee who was in the classified service as of  
 126 June 30, 1996, and who has remained in a classified position without a break in service  
 127 since that date.

128 ~~(5)~~(3) 'Classified position' means a position that was held classified on status conferring  
 129 rights of appeal, as set forth in Code Sections 45-20-8 and 45-20-9, as of June 30, 1996,  
 130 and that subsequent to June 30, 1996, has not been held by an unclassified employee.

131 (4) 'Classified service' means employment in a classified position.

132 (5) 'Commissioner' means the commissioner of administrative services provided for by  
 133 Code Section 50-5-1.

134 (6) 'Department' and 'agency' are synonymous and mean all separate and distinct  
 135 divisions and subdivisions of state government whose heads are legally authorized to  
 136 appoint employees to positions; but these terms shall not include authorities, public  
 137 corporations, the legislative and judicial branches, and the board of regents. 'Department'  
 138 and 'agency' shall also include an agency assigned to a department for administrative  
 139 purposes and ~~shall also include~~ local departments of public health, county departments  
 140 of family and children services, community service boards, and units of the Department  
 141 of Defense with local employees.

142 (7) 'Department of Administrative Services' or 'DOAS' means the department created by  
 143 Code Section 50-5-1.

144 ~~(7)~~(8) 'Employment at will' means an employment relationship in which either party to  
 145 the relationship may sever the relationship at any time for any reason other than an  
 146 unlawful reason.

147 ~~(8)~~(9) 'Position' means a set of duties and responsibilities assigned or delegated by  
 148 competent authority for performance by one person.

149 ~~(9)~~(10) 'Rules and regulations' and ~~'merit system rules and regulations'~~ mean means the  
 150 governing provisions ~~of the State Personnel Administration,~~ as adopted by the State  
 151 Personnel Board and approved by the Governor ~~which give force and effect to the~~  
 152 ~~policies of the State Personnel Board.~~

153 ~~(10)~~(11) 'State Personnel Board' and 'board' are synonymous and mean the body  
 154 authorized by Article IV, Section III, Paragraph I of the Constitution of Georgia.

155 ~~(11)~~(12) 'State Personnel Board policies' means those policies adopted by the board and  
 156 approved by the Governor which describe the goals and objectives of the state personnel  
 157 program and serve as a basis for the formulation and administration of the merit system  
 158 rules and regulations.

159 (13) 'Unclassified employee' means an employee who is not a classified employee.

160 ~~(12)~~(14) 'Unclassified service' means employment at will and includes all employees  
 161 except those in the classified service as defined in this Code section.

162 ~~(13)~~(15) 'Working test' or 'working test period' means a probationary period of  
 163 employment in a classified position during which the employee must demonstrate to the  
 164 satisfaction of the appointing authority that he or she has the knowledge, ability, aptitude,  
 165 and other necessary qualities to perform satisfactorily the duties of the position in which  
 166 employed. The working test period shall apply to each promotion of a classified  
 167 employee to a classified position. The commissioner may fix the length of the working  
 168 test period for any job at not less than six months nor more than 18 months exclusive of

169 any time in nonpay status; provided, however, that the length of the working test period  
 170 for troopers of the Uniform Division of the Department of Public Safety shall be 18  
 171 months.

172 ~~(14)~~(16) 'Working test employee' or 'employee on working test' means a classified  
 173 employee serving a working test period in the position in which he or she is employed;  
 174 provided, however, that an employee serving a working test period following a promotion  
 175 in the same department from a lower class in which he or she had successfully completed  
 176 a working test period shall retain appeal rights in the lower class until he or she  
 177 successfully completes the working test period in the job to which he or she has been  
 178 promoted.

179 45-20-3.

180 (a)(1) The State Personnel Board shall ~~prescribe the guidelines~~ provide direction by  
 181 which the state's personnel policies shall be administered. The state's personnel policies  
 182 shall constitute a state merit system of personnel administration. The board shall hold  
 183 regular meetings as needed for the proper discharge of its duties.

184 (2) Members of the board shall receive no salary but shall receive the same expense  
 185 allowance per day as that received by a member of the General Assembly for each day  
 186 such member is attending meetings or performing official business for the board, plus  
 187 reimbursement for actual transportation costs while traveling by public carrier or the legal  
 188 mileage rate for the use of a personal automobile in connection with such attendance or  
 189 official business.

190 (3) Three members shall constitute a quorum. Only the votes of a majority of the  
 191 members present shall be necessary for the transaction of any business or discharge of  
 192 any duties of the State Personnel Board, provided there is a quorum.

193 (b) It shall be the specific duty and function of the ~~State Personnel Board~~ board:

194 (1) To represent the public interest in the improvement of personnel administration in all  
 195 state departments;

196 (2) To determine appropriate human resource management goals and objectives and  
 197 prescribe policies for their accomplishment;

198 (3) At public hearings, to adopt and amend policies, rules, and regulations effectuating  
 199 the ~~State Personnel Administration~~ and the state's merit system. ~~personnel policies and~~  
 200 ~~practices subject to approval by the Governor.~~ Notice of ~~State Personnel Board~~ board  
 201 meetings shall be released to all departments and agencies and shall be prominently  
 202 posted at the office of the ~~State Personnel Administration~~ DOAS at least ten days prior  
 203 to each board meeting;

- 204 (4) Where the board deems ~~a review~~ appropriate, to review adverse personnel actions for  
 205 employees of the classified service, ~~to ensure that a review is afforded on a dismissal and~~  
 206 ~~other adverse personnel actions defined by~~ in accordance with the rules and regulations  
 207 ~~of the State Personnel Board~~. All appeals determinations of the board shall be written  
 208 and documented as to findings of fact, bases for decisions, and prescribed remedies;
- 209 (5) To assure the administration of state and federal laws relating to state personnel  
 210 administration; and
- 211 ~~(6) To establish an annual budget covering all the costs of State Personnel Board~~  
 212 ~~operations, said budget to be incorporated as a component of the annual budget of the~~  
 213 ~~State Personnel Administration; and~~
- 214 ~~(7)~~(6) To promote public understanding of the purposes, policies, and practices of the  
 215 ~~State Personnel Administration~~ state personnel system and to advise and assist the several  
 216 state departments in fostering merit selection and securing the interest of institutions of  
 217 learning and of civic, professional, and other organizations in the improvement of  
 218 personnel standards under the state's personnel system.

219 45-20-3.1.

- 220 (a) At least 30 days prior to the date of a public hearing held by the board to consider the  
 221 adoption of rules or regulations to effectuate this chapter, the ~~State Personnel Board~~  
 222 commissioner shall transmit a notice containing an exact copy of the proposed rule or  
 223 regulation to each member of the ~~State and Local Governmental Operations~~ Senate  
 224 Government Oversight Committee ~~of the Senate~~ and the House Committee on  
 225 Governmental Affairs ~~Committee of the House of Representatives~~. The notice shall  
 226 provide a citation to the authority pursuant to which the proposed rule or regulation is to  
 227 be adopted and, if it amends an existing rule or regulation, such existing rule or regulation  
 228 shall be clearly identified. The notice shall also state the date, time, and place of the public  
 229 hearing at which adoption of the proposed rule shall be considered.
- 230 (b) If, prior to the date of the public hearing at which the proposed rule or regulation is to  
 231 be considered for adoption, the ~~chairman~~ chairperson of either legislative committee  
 232 specified in subsection (a) of this Code section notifies the commissioner ~~of personnel~~  
 233 ~~administration and the State Personnel Board~~ that the committee objects to the adoption of  
 234 the proposed rule or regulation or has questions concerning the purpose, nature, or  
 235 necessity of the proposed rule or regulation, it shall be the duty of the ~~State Personnel~~  
 236 ~~Board~~ commissioner to consult with the committee prior to the board's adoption of the  
 237 proposed rule or regulation.
- 238 (c) If the ~~State Personnel Board~~ commissioner finds that the immediate adoption of a rule  
 239 or regulation is necessary to secure or protect the interests of the ~~State Personnel~~

240 ~~Administration~~ DOAS, such rule or regulation may be adopted by the board on an  
 241 emergency basis without following the procedures required by subsections (a) and (b) of  
 242 this Code section. In that event, the ~~State Personnel Board~~ commissioner shall adopt  
 243 present a resolution to the board for adoption declaring the existence of an emergency and  
 244 explaining the basis for such declaration as a condition necessary to adopt a rule or  
 245 regulation on an emergency basis. Any rule or regulation adopted pursuant to the authority  
 246 of this subsection shall expire in not more than 120 days immediately following its  
 247 adoption, but the adoption of an identical rule pursuant to the requirements of this Code  
 248 section shall not be precluded.

249 ~~(d) By not later than August 1, 1985, the State Personnel Board shall file with the~~  
 250 ~~Secretary of State a certified copy of all rules or regulations which were adopted by said~~  
 251 ~~board prior to July 1, 1985, and which are of force and effect on July 1, 1985, or which~~  
 252 ~~were adopted prior to July 1, 1985, to become effective after that date. Any rule or~~  
 253 ~~regulation adopted by the State Personnel Board prior to July 1, 1985, which is not filed~~  
 254 ~~with the Secretary of State by August 1, 1985, shall be void and of no force and effect after~~  
 255 ~~August 1, 1985.~~

256 ~~(e)~~(d) Each rule or regulation adopted by the ~~State Personnel Board~~ board ~~on or after July~~  
 257 ~~1, 1985,~~ shall become effective upon approval by the Governor. The commissioner of  
 258 ~~personnel administration~~ shall immediately file an original and two copies of the rule or  
 259 regulation in the office of the Secretary of State.

260 ~~(f)~~(e) Rules or regulations filed with the Secretary of State pursuant to ~~subsections (d) and~~  
 261 ~~(e)~~ subsection (d) of this Code section shall contain a citation to the authority pursuant to  
 262 which the rules or regulations are adopted and, when existing rules or regulations are  
 263 amended, the filings ~~required by said subsections (d) and (e)~~ shall clearly identify the  
 264 existing rules or regulations. The Secretary of State shall endorse on each filing ~~required~~  
 265 ~~by subsections (d) and (e) of this Code section~~ the time and date of the filing and shall  
 266 maintain a file of the rules and regulations for public inspection.

267 ~~(g)~~(f) Rules and regulations filed with the Secretary of State pursuant to the requirements  
 268 of subsections ~~(d), (e), and (f)~~ (d) and (e) of this Code section shall be published by the  
 269 Secretary of State as a part of the rules of state agencies published by the Secretary of State  
 270 pursuant to Code Section 50-13-7.

271 ~~(h)~~(g) The courts shall take judicial notice of any rule which has become effective pursuant  
 272 to this chapter.

273 45-20-4.

274 ~~(a) There is created the position of commissioner of personnel administration. The~~  
 275 ~~commissioner shall be appointed by the Governor after consultation with the State~~

276 ~~Personnel Board subject to confirmation by the Senate. The Governor shall fix the~~  
 277 ~~compensation of the commissioner, who shall serve at the pleasure of the Governor.~~

278 (b) The duties and responsibilities of the commissioner in the administration of this  
 279 chapter shall be:

280 (1) To serve as executive secretary to the board, to attend meetings as directed by the  
 281 board, and to provide such professional, technical, and other supportive assistance as may  
 282 be required by the board in the performance of its duties;

283 ~~(2) Consistent with board policy, to administer the operations of the State Personnel~~  
 284 ~~Administration and to otherwise act in the capacity of chief executive officer of the state~~  
 285 ~~personnel administration program;~~

286 ~~(3)~~(2) To submit to the Governor the rules and regulations adopted by the State  
 287 Personnel Board effectuating the State Personnel Administration board. Such rules and  
 288 regulations when approved by the Governor shall have the force and effect of law and  
 289 shall be binding upon the state departments covered by this article and shall include  
 290 provisions for the establishment and maintenance of classification and compensation  
 291 plans, the conduct of examinations, appointments, promotions, transfers, demotions,  
 292 appeals of classified employees, reports of performance, payroll certification, and other  
 293 phases of personnel administration. Such rules and regulations shall define and prohibit  
 294 improper political activity by any departmental employee of the State Personnel Board  
 295 or any employee covered under the terms of this article and shall provide that there shall  
 296 be no discrimination for or against any person or employee in any manner, to include, but  
 297 not be limited to, hiring, discharge, compensation, benefits, terms or conditions of  
 298 employment, promotion, job classification, transfer, privileges, or demotion because of  
 299 political affiliation, religious affiliation, race, creed, national origin, sex, age between 40  
 300 and 70 years, or physical disability. Such rules and regulations shall conform to the  
 301 minimum standards for merit systems of personnel administration as specified by those  
 302 federal departments from which federal funds are obtained for use by the several state  
 303 departments covered by this article. Compensation plans and modifications thereto  
 304 promulgated under the rules and regulations of the commissioner shall become effective  
 305 as adopted upon approval of the director of the Office of Planning and Budget;

306 ~~(4)~~(3) To administer the adoption and compliance with rules and regulations ~~and all other~~  
 307 ~~operational aspects of the State Personnel Administration and to assure compliance~~  
 308 ~~therewith~~ of the board in all departments;

309 ~~(5)~~(4) To appoint and prescribe the duties of ~~the merit system~~ DOAS staff as necessary  
 310 to carry out the duties of this chapter;

311 ~~(6)~~(5) To establish an annual budget covering ~~all the~~ administrative costs of ~~operating~~  
 312 ~~the State Personnel Administration performing the duties and responsibilities in~~

313 ~~accordance with this chapter, including the State Personnel Board, and the costs of~~  
 314 ~~administering such federal laws relating to personnel administration as the Governor may~~  
 315 ~~direct including the Intergovernmental Personnel Act of 1970, and to determine an~~  
 316 ~~equitable basis of prorating allocating the annual costs among the several departments~~  
 317 ~~covered served by the DOAS in accordance with this chapter, with the amounts and rates~~  
 318 ~~for such services to be established in each general or amended appropriations Act the~~  
 319 ~~State Personnel Administration, provided that upon approval of such budget by the~~  
 320 ~~Governor, the Governor shall be empowered to direct that the necessary pro rata share~~  
 321 ~~of the several assessed departments concerned be made available for expenditure by the~~  
 322 ~~State Personnel Administration in the same manner as appropriated funds are expended~~  
 323 ~~by other departments of the state;~~  
 324 ~~(7)(6) To ensure compliance with all applicable state and federal statutes and regulations~~  
 325 ~~concerning discrimination in employment, personnel administration, and related matters;~~  
 326 ~~and~~  
 327 ~~(8)(7) To cooperate with appointing authorities in the administration of this article in~~  
 328 ~~order to promote public service and establish conditions of service which will attract and~~  
 329 ~~retain employees of character and ability and to increase efficiency and economy in~~  
 330 ~~governmental departments by improving the methods of personnel administration with~~  
 331 ~~full recognition of the requirements and needs of management; and,~~  
 332 ~~(9) To appoint and prescribe the duties of a deputy commissioner of personnel~~  
 333 ~~administration who shall be the second highest executive officer in the State Personnel~~  
 334 ~~Administration and the deputy executive secretary to the State Personnel Board; and to~~  
 335 ~~appoint and prescribe the duties of such other assistant commissioners of personnel~~  
 336 ~~administration as the commissioner deems appropriate. The deputy commissioner and~~  
 337 ~~the assistant commissioners shall have the authority to perform any duty assigned to the~~  
 338 ~~commissioner if delegated to them by the commissioner.~~

339 45-20-5.

340 ~~(a) There is created the Council for State Personnel Administration. The objectives of the~~  
 341 ~~council shall be:~~

342 ~~(1) To promote improvements in the personnel program in state government;~~

343 ~~(2) To provide a forum for the interchange of information relating to the state personnel~~  
 344 ~~program;~~

345 ~~(3) To serve as a channel through which the operating agencies may express their~~  
 346 ~~opinions on matters affecting state personnel;~~

347 ~~(4) To seek equitable interpretation and application of the laws, rules, regulations,~~  
 348 ~~policies, and procedures which affect state personnel management and administration;~~  
 349 ~~and~~

350 ~~(5) To strive for professional consensus consistent with the democratic process in all~~  
 351 ~~actions which it may undertake.~~

352 ~~(b) Membership in the council shall be as defined in the bylaws of the council.~~

353 ~~(c) The council is authorized to adopt bylaws which prescribe its organizational structure,~~  
 354 ~~officers and terms and conditions of office, meeting schedules, and such other~~  
 355 ~~organizational and operational procedures as are necessary for its lawful and effective~~  
 356 ~~functioning. As the professional association authorized to represent the interests of the~~  
 357 ~~several departments in the area of state personnel administration, the council shall through~~  
 358 ~~its offices have direct access to the board, the commissioner, the Governor, and the General~~  
 359 ~~Assembly to present grievances, suggestions, and recommendations. Reserved.~~

360 45-20-6.

361 ~~(a) The classified service as defined by Code Section 45-20-2 shall consist of only those~~  
 362 ~~employees who were in the classified service on June 30, 1996, and who have remained~~  
 363 ~~in a classified position without a break in service since that date. Any officer or employee~~  
 364 ~~who occupies occupied a classified position under the State Personnel Administration prior~~  
 365 ~~to July 1, 1996, or as provided in Code Section 15-11-24.3 shall remain in the classified~~  
 366 ~~service so long as such officer or employee shall remain in a classified position or as~~  
 367 ~~otherwise provided by law. Employees in the classified service shall have, upon~~  
 368 ~~completing a working test period, appeal rights as provided in Code Sections 45-20-8 and~~  
 369 ~~45-20-9.~~

370 ~~(b) The unclassified service as defined by Code Section 45-20-2 shall consist of all~~  
 371 ~~employees in the departments of state government not included in the classified service~~  
 372 ~~under this article. Employees in the unclassified service shall be employees at will and~~  
 373 ~~shall not be afforded appeal rights Reserved.~~

374 (c) Exclusion from the classified service shall not exclude any employee, officer, or  
 375 official from eligibility for membership or membership in the Employees' Retirement  
 376 System of Georgia, provided that such employee, officer, or official is otherwise eligible  
 377 for membership under Chapter 2 of Title 47.

378 (d) It is the intent of the General Assembly that employees in the classified service be  
 379 required to serve a working test period before they obtain rights of appeal and that the  
 380 successful completion of this probationary period is part of the employment examination  
 381 procedure. Each employee serving in a working test period shall be provided with  
 382 management review by the appointing authority within ten calendar days of the date the

383 employee has completed one-half of the working test period or as near to such date as is  
384 practicable. The management review shall include an evaluation of the employee's  
385 progress and recommendations, if any, for corrective action. The provision of management  
386 review pursuant to this subsection is solely for the purpose of promoting efficient  
387 management and employee development and shall not be interpreted as granting any  
388 additional rights to a working test employee. The State Personnel Board shall be  
389 responsible for adopting and amending rules and regulations establishing the guidelines to  
390 be used by the appointing authority in completing the management review pursuant to this  
391 subsection.

392 45-20-7.

393 Reserved.

394 45-20-8.

395 (a) Classified employees who have successfully completed a working test period may be  
396 dismissed from employment or otherwise adversely affected as to compensation or  
397 employment status only if such action is taken in accordance with the rules and regulations  
398 of the State Personnel Board governing adverse actions and appeals for classified  
399 employees.

400 (b) This article is not intended to create a property interest in the job, but rather to create  
401 only a procedure under which classified employees can be dismissed or otherwise  
402 adversely affected. The procedure adopted for dismissing a classified employee from  
403 employment or otherwise adversely affecting his or her compensation or employment  
404 status shall include, as a minimum, that the appointing authority must provide the classified  
405 employee with reasons for the action and an opportunity to file an appeal and request a  
406 hearing which may be held before either the board or an administrative law judge of the  
407 Office of State Administrative Hearings; provided, however, that the hearing may be held  
408 subsequent to the effective date of the dismissal or other purported adverse action;  
409 provided, further, that the right to appeal shall not apply when persons are dismissed or  
410 otherwise adversely affected as to compensation due to curtailment of funds or reduction  
411 in staff when such action is in accordance with the rules and regulations of the State  
412 Personnel Board.

413 (c) No adverse action appealed to the State Personnel Board under the rules and  
414 regulations of the board, this article, or otherwise shall be considered invalid for failure to  
415 follow or comply with the rules and regulations of the board, this article, or any other  
416 requirement unless it is shown that the individual against whom the action has been taken  
417 has been substantially harmed by the procedural failure.

418 (d) The decision of the board on an appeal as to whether a dismissal or other adverse  
419 action was in accordance with the rules and regulations prescribed by the State Personnel  
420 Board shall be binding upon the appointing authority. The board may modify the action  
421 of the appointing authority but may not increase the severity of such action on the  
422 employee. Such appointing authority shall promptly comply with such order as may be  
423 issued as a result of the appeal to the State Personnel Board. The decision of the board  
424 shall not limit the rights of the employee or the department to judicial review as to errors  
425 of law, and such decision shall be stayed pending other further appeal.

426 (e) For purposes of this Code section and Code Section 45-20-9, administrative law judges  
427 appointed by the chief state administrative law judge pursuant to Article 2 of Chapter 13  
428 of Title 50 are authorized to hold hearings and otherwise assist the State Personnel Board  
429 in the resolution of appeals.

430 45-20-9.

431 (a) Any laws to the contrary notwithstanding, all hearings on dismissals, other adverse  
432 personnel actions, and other purported violations of the rules and regulations as applied to  
433 classified employees shall be instituted by filing a written appeal with the Office of State  
434 Administrative Hearings upon such ground and in such form and under such procedure as  
435 may be prescribed by rules and regulations of the office. The party appealing and the  
436 department from whose action the appeal is taken shall be notified in writing within 15  
437 days from the filing of the appeal that an appeal has been filed and the time for which a  
438 hearing is scheduled.

439 (b) The State Personnel Board, any member of the board, or an administrative law judge  
440 shall have the authority to do the following in connection with any hearing on a dismissal  
441 or other purported violation of the rules and regulations: administer oaths and affirmations;  
442 sign and issue subpoenas; rule upon offers of proof; regulate the course of the hearing, set  
443 the time and place for continued hearings, and fix the time for filing briefs; dispose of  
444 motions to dismiss for lack of the board's jurisdiction over the subject matter or parties or  
445 for any other ground; dispose of motions to amend or to intervene; provide for the taking  
446 of testimony by deposition or interrogatory; and reprimand or exclude from the hearing any  
447 person for any indecorous or improper conduct committed in the presence of the board or  
448 the administrative law judge.

449 (c) Subpoenas shall be issued without discrimination between public and private parties.  
450 When a subpoena is disobeyed, any party may apply to the superior court of the county  
451 where the hearing is being held for an order requiring obedience. Failure to comply with  
452 such order shall be cause for punishment as for contempt of court. The costs of securing  
453 the attendance of witnesses, including fees and mileage, shall be computed and assessed

454 in the same manner as prescribed by law in civil cases in the superior court. Once issued  
455 a subpoena may be quashed by the board or an administrative law judge if it appears that  
456 the subpoena was used primarily as a means of harassment, that the testimony or  
457 documents sought are cumulative, that the testimony or documents sought are not relevant,  
458 that the testimony or documents sought are not material, that to respond to the subpoena  
459 would be unduly burdensome, or that for other good reasons basic fairness dictates that the  
460 subpoena should not be enforced.

461 (d) With respect to all hearings before the board or the administrative law judge:

462 (1) Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. The rules  
463 of evidence as applied in the trial of civil nonjury cases in the superior courts of Georgia  
464 shall be followed. Evidence not admissible thereunder may be admitted if it is of a type  
465 commonly relied upon by reasonably prudent ~~men~~ persons in the conduct of their affairs.  
466 The board ~~proceedings~~ shall give effect to the rules of privilege recognized by law.  
467 Objections to evidentiary offers may be made and shall be noted in the record. Subject  
468 to these requirements, when a hearing will be expedited and the interests of the parties  
469 will not be prejudiced substantially, any part of the evidence may be received in written  
470 form;

471 (2) Documentary evidence may be received in the form of copies or excerpts if the  
472 original is not readily available. Upon request and at the discretion of the administrative  
473 law judge or board, parties shall be given an opportunity to compare the copy with the  
474 original;

475 (3) A party may conduct such cross-examination as shall be required for a full and true  
476 disclosure of the facts; and

477 (4) Official notice may be taken of judicially recognizable facts. In addition, official  
478 notice may be taken of technical facts within the board's specialized knowledge. Parties  
479 shall be notified either before or during the hearing by reference in preliminary reports  
480 or otherwise of the material officially noticed, including any staff memoranda or data;  
481 and they shall be afforded an opportunity to contest the material so noticed. The board's  
482 experience, technical competence, and specialized knowledge may be utilized in the  
483 evaluation of the evidence.

484 (e)(1) With respect to hearings at which the board did not preside at the presentation of  
485 the evidence, the administrative law judge who presided shall issue an initial decision  
486 within 30 days from the close of the evidence or if necessary within a longer period of  
487 time as ordered by the board or the administrative law judge. The initial decision shall  
488 be transmitted to the board, and copies shall be sent to the parties or their representatives.  
489 In the absence of an application for review from an adversely affected party to the board  
490 within 30 days from the date the initial decision was issued or in the absence of an order

491 by the board within such time for review on its own motion, the decision shall become  
492 the decision of the board without further proceedings or notice; and any right of  
493 additional appeals shall be extinguished.

494 (2) On review of the entire record from the administrative law judge, the board shall  
495 have all the powers it would have in presiding at the reception of the evidence, including  
496 the review of any motions granted or denied by the administrative law judge and  
497 including the review of any action taken by the administrative law judge. Both parties  
498 shall have the right to present oral arguments to the board. Any presentation to the board  
499 on the matter by an administrative law judge shall be made in the presence of the parties.  
500 No administrative law judge shall be present during the board's deliberations and voting  
501 on the application. At its discretion, the board may take additional testimony or remand  
502 the matter to the administrative law judge for such purpose.

503 (f) Unless precluded by law, informal disposition of any proceeding before the board or  
504 the administrative law judge may be made by stipulation, agreed settlement, consent order,  
505 or default.

506 (g) As a part of the initial decision or order subsequent to any hearing, the administrative  
507 law judge or the board shall include findings of fact and conclusions of law separately  
508 stated and the effective date of the decision or order. Findings of fact, if set forth in  
509 statutory language, shall be accompanied by a concise and explicit statement of the  
510 underlying facts supporting the findings. Copies of the decision or order shall be mailed  
511 to all parties of record.

512 (h) Any party, including the state and any state board, bureau, commission, or department,  
513 who has exhausted all administrative remedies available before the board and who is  
514 aggrieved by a final decision or order of the board on any hearing may seek judicial review  
515 of the final decision or order of the board in the superior court of the county of the place  
516 of employment of the employee.

517 (i) Proceedings for review shall be instituted by filing a petition with the court within 30  
518 days after the decision or order is rendered. Copies of the petition shall be served upon the  
519 board and all parties of record. The petition shall state the nature of the petitioner's interest,  
520 the facts showing that the petitioner is aggrieved by the decision of the board, and the  
521 grounds upon which the petitioner contends the decision or order should be reversed or  
522 remanded. The petition may be amended with leave of court.

523 (j) Within 30 days after the service of the petition or within further time allowed by the  
524 court, the board shall transmit to the reviewing court the original or a certified copy of the  
525 entire record of the proceeding under review. By stipulation of all parties to the review  
526 proceeding the record may be shortened. A party unreasonably refusing to stipulate to limit

527 the record may be taxed by the court for the additional costs. The court may require or  
528 permit subsequent corrections or additions to the record.

529 (k) The filing of the petition shall stay the enforcement of the board's decision or order.

530 (l) If before the date set for hearing the appeal by the superior court application is made  
531 to the court for leave to present additional evidence and it is shown to the satisfaction of  
532 the court that the additional evidence is material and there were good reasons for failure  
533 to present it in the proceedings before the board, the court may order that the additional  
534 evidence be taken before the board upon conditions determined by the court. The board  
535 may modify its findings and decision or order by reason of the additional evidence and  
536 shall file that evidence and any modifications, new findings, or decisions and orders with  
537 the reviewing court.

538 (m) The review shall be conducted by the court without a jury and shall be confined to the  
539 record. The court shall not substitute its judgment for that of the board as to the weight of  
540 the evidence on questions of fact. The court may affirm the decision or order of the board  
541 or remand the case for further proceedings. The court may reverse the decision or order  
542 of the board if substantial rights of the petitioner have been prejudiced because the board's  
543 findings, inferences, conclusions, decisions, or orders are:

544 (1) In violation of constitutional or statutory provisions;

545 (2) In excess of the statutory authority of the board;

546 (3) Made upon unlawful procedure;

547 (4) Clearly erroneous in view of the reliable, probative, and substantial evidence on the  
548 whole record; or

549 (5) Arbitrary, capricious, or characterized by abuse of discretion or clearly unwarranted  
550 exercise of discretion.

551 (n) A party aggrieved by an order of the court in a proceeding authorized under this Code  
552 section may appeal to the Supreme Court of Georgia or the Court of Appeals of Georgia  
553 in accordance with Article 2 of Chapter 6 of Title 5.

554 45-20-10.

555 ~~In order to furnish the Governor, the General Assembly, and the general public with~~  
556 ~~statistical information which can be used in planning departmental programs and~~  
557 ~~budgeting, each official~~ The DOAS shall routinely collect from agencies required under  
558 present law to submit a quarterly budget to the Office of Planning and Budget shall submit  
559 to the commissioner data including the number of personnel, salaries, length of service,  
560 distribution of employees by filled and unfilled full-time employee positions at the  
561 budgetary program level, and other pertinent personnel information for the subsequent  
562 fiscal year as such payroll and other essential personnel data as may be prescribed by and

563 approved by the Governor. The commissioner shall compile, and consolidate, and submit  
 564 the data to the Office of Planning and Budget as needed. reports pertaining to the number  
 565 of personnel, salaries, length of service, type of work, distribution of employees by  
 566 departments, and other pertinent personnel information.

567 45-20-11.

568 ~~The state auditor shall perform periodic operational audits of the State Personnel~~  
 569 ~~Administration. Such audits shall also be performed at the request of the Governor, the~~  
 570 ~~commissioner, or the General Assembly. Reports of audit findings shall be filed with the~~  
 571 ~~board, the commissioner, and the Governor. The state auditor shall not be required to file~~  
 572 ~~copies of the audit findings with the members of the General Assembly but shall notify the~~  
 573 ~~members of the availability of audit findings in the manner which he or she deems to be~~  
 574 ~~most effective and efficient.~~ Reserved.

575 45-20-12.

576 ~~(a) The State Personnel Board and the State Personnel Administration are authorized and~~  
 577 ~~directed to implement a sequential series of leadership development courses of study and~~  
 578 ~~preparation in order to enhance the capacity of supervisors, managers, and executives to~~  
 579 ~~lead people at the direct, organizational, and strategic levels.~~

580 ~~(b) The Governor's Executive Leadership Institute is implemented by the State Personnel~~  
 581 ~~Board and the State Personnel Administration with the following objectives:~~

582 ~~(1) To establish and maintain a state government executive leadership development~~  
 583 ~~program to train and prepare current and future state government leaders;~~

584 ~~(2) To foster and maintain higher developmental, educational, and ethical standards in~~  
 585 ~~the field and practice of public leadership and management; and~~

586 ~~(3) To assist agencies of state government by establishing a more objective measure of~~  
 587 ~~a leader's professional preparation and knowledge.~~ Reserved.

588 45-20-13.

589 Reserved.

590 45-20-14.

591 Reserved.

592 45-20-15.

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

594 ~~(1) 'Counseling session' means any discussions or meetings between a state employee~~  
 595 ~~and an official or other employee of the State Personnel Administration which are~~  
 596 ~~conducted under an official program established by the commissioner.~~

597 ~~(2) 'Information' means any written document or material acquired or produced as a part~~  
 598 ~~of a counseling session or the contents thereof and the contents of any discussions held~~  
 599 ~~as a part of a counseling session.~~

600 ~~(3) 'Program' means the employee relations counseling function established by the~~  
 601 ~~commissioner under which an employee is entitled to confidential counseling with regard~~  
 602 ~~to job related problems.~~

603 ~~(b) Except as provided in subsections (c), (d), and (e) of this Code section, information~~  
 604 ~~received or developed by the State Personnel Administration staff in performing its~~  
 605 ~~counseling functions shall be maintained as confidential by the State Personnel~~  
 606 ~~Administration and shall not be subject to disclosure by the State Personnel Administration~~  
 607 ~~unless such information relates directly to proof of the possible violation of a criminal~~  
 608 ~~statute.~~

609 ~~(c) Information may be disclosed if such disclosure is authorized, in writing, by all parties~~  
 610 ~~to the counseling session in which the information was produced.~~

611 ~~(d)(1) Nothing contained in this Code section shall be construed to prohibit any person~~  
 612 ~~from disclosing any fact the knowledge of which was obtained independently of a~~  
 613 ~~counseling session.~~

614 ~~(2) The State Personnel Administration counselor may disclose information obtained in~~  
 615 ~~a counseling session to a manager of the State Personnel Administration for the purpose~~  
 616 ~~of employee counseling. Any such disclosure shall be confidential and the person to~~  
 617 ~~whom the information is disclosed shall be subject to the restrictions contained in~~  
 618 ~~subsection (b) of this Code section.~~

619 ~~(e) Information received by a State Personnel Administration counselor during a~~  
 620 ~~counseling session which indicates that unlawful activity is being conducted in the~~  
 621 ~~employee's agency may be disclosed to the commissioner. The commissioner may then~~  
 622 ~~notify the commissioner of any agency involved, the Governor, or the Attorney General~~  
 623 ~~for appropriate action.~~

624 ~~(f) Any hearing before the board or one of its hearing officers regarding the dismissal of~~  
 625 ~~a classified employee must be held in the county in which the employee is employed unless~~  
 626 ~~all parties agree to another location. Reserved.~~

627 45-20-16.

628 (a) As a part of employee compensation, the ~~State Personnel Board~~ board shall establish  
 629 rules for the accrual and usage of leave and holidays and for compensation due to

630 emergency closure of state offices or facilities for nontemporary employees. All agencies  
631 of the executive branch, exclusive of the Board of Regents of the University System of  
632 Georgia, shall provide for the accrual and usage of leave and holidays and for  
633 compensation due to emergency closure of state offices or facilities for nontemporary  
634 employees in accordance with ~~State Personnel Board~~ such rules.

635 (b) Any employee who has accumulated sick leave shall be authorized to utilize such sick  
636 leave in accordance with the criteria established in the rules and regulations of the State  
637 Personnel Board; provided, however, that whenever an employee is sick and absent from  
638 work, the employee may be required to report each day by telephone to the appropriate  
639 authority. An employee shall not be required to provide documentation for the use of less  
640 than 17 hours of sick leave in any 30 day period, unless the employee has demonstrated  
641 excessive or abusive use of sick leave. The State Personnel Board shall establish rules and  
642 regulations that define excessive or abusive use.

643 (c) An employee who has accrued more than 15 days of sick leave as of November 30 of  
644 any year may, by written notification to the appointing authority by no later than December  
645 31 of that year, convert up to three days of accrued sick leave in excess of 15 days to  
646 personal leave. Any personal leave not used by December 31 of the following year, or  
647 upon termination, shall be forfeited and not restored to the employee.

648 (d) Personal leave may be used by the employee for personal reasons the same as annual  
649 leave upon approval by the employee's appointing authority. The employee shall normally  
650 be required to provide the appointing authority with a 24 hour advance notice for use of  
651 personal leave. Every reasonable effort shall be made by the appointing authority to  
652 accommodate employees on their requests for use of personal leave.

653 (e) If the appointing authority disagrees with the claim of sickness or need to utilize sick  
654 leave made by the employee pursuant to subsection (d) of this Code section, the appointing  
655 authority may disapprove the use of such sick leave in accordance with the criteria  
656 established in the rules and regulations of the State Personnel Board. The employee may  
657 contest the disapproval of the sick leave through the department's employee complaint  
658 procedure.

659 (f) Any nontemporary employee in classified or unclassified service who forfeits  
660 accumulated sick leave as a result of withdrawal from employment with the state shall be  
661 entitled to regain such accumulated sick leave after such employee returns to state  
662 employment and remains in service for a period of two consecutive years.

663 (g) The State Personnel Board shall adopt regulations to implement the provisions of this  
664 Code section. The leave regulations of the board in effect on July 1, 1991, and not in  
665 conflict with this Code section shall remain in effect until amended, changed, modified, or  
666 repealed by the board.

667 45-20-17.

668 Reserved.

669 45-20-18.

670 Any state employee who commits a validated act of abuse towards a member of the public  
671 while performing employment duties shall not be eligible for any wage incentive payment  
672 during the period such act occurred.

673 45-20-19.

674 (a) This subsection shall apply whenever any department or agency proposes to ~~eliminate~~  
675 ~~one or more nontemporary positions or~~ terminate the employment of one or more  
676 ~~nontemporary~~ classified employees through a reduction in force. No ~~position elimination~~  
677 ~~or employment~~ termination subject to this subsection ~~may~~ shall become effective until at  
678 least 30 days after the affected employee has been notified in writing by the department or  
679 agency. Such notice must contain at a minimum:

680 (1) A statement of the nature of the proposed action to be taken with respect to the  
681 affected employee;

682 (2) An explanation of the rights of the affected employee ~~with respect~~ due to the  
683 proposed reduction in force, including any right of appeal, or other opportunities ~~with~~  
684 ~~respect to~~ regarding possible continued employment, any opportunities to apply for  
685 employment with any public or private party assuming the functions of the employee, or  
686 any other similar opportunities; and

687 (3) An explanation of the affected employee's rights and options ~~with respect to~~  
688 regarding his or her employment benefits, including but not limited to any right to  
689 continued participation in any retirement system or insurance plan.

690 (b) This subsection shall apply whenever any department or agency proposes to eliminate  
691 25 or more ~~nontemporary~~ positions or terminate 25 or more ~~nontemporary~~ employees  
692 through a reduction in force. At least 15 days prior to giving the employee notice ~~required~~  
693 ~~by subsection (a) of this Code section~~, the department or agency shall give written notice  
694 to the President of the Senate and the Speaker of the House of the proposed reduction in  
695 force. Such notice shall:

696 (1) Identify the facilities and operations to be affected and the estimated number of  
697 employees to be affected; and

698 (2) State the reasons for the proposed action.

699 (c) Subsections (a) and (b) of this Code section shall not apply to a reduction in force  
700 which must become effective immediately because the department or agency has  
701 insufficient funds available to pay the salaries of the affected employees.

702 45-20-20.

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

704 (1) 'Employing unit' means that budget unit under the Appropriations Act through which  
705 an officer or employee receives compensation for services rendered as such officer or  
706 employee.

707 (2) 'Federal law' means Section 3(a) of the Military Selective Service Act (50 App.  
708 U.S.C.A. 451, et seq.).

709 (b) A state officer, other than an elected officer whose office is created by the Constitution,  
710 shall not be eligible to take office if such person is a male between 18 and 26 years of age  
711 unless, prior to taking the oath of office, such person presents proof to the Secretary of  
712 State of having registered with the Selective Service System as required by federal law or  
713 of being exempt from such registration.

714 (c) A person employed by the state before July 1, 1998, other than an officer specified or  
715 exempted by subsection (b) of this Code section, who is a male between 18 and 26 years  
716 of age shall be terminated for cause unless, by January 1, 1999, such person presents proof  
717 to the employing unit of state government of having registered with the Selective Service  
718 System as required by federal law or of being exempt from such registration.

719 (d) A person ~~may~~ shall not be hired as an employee of the state on or after July 1, 1998,  
720 other than an officer specified or exempted by subsection (b) of this Code section, if that  
721 person is a male between 18 and 26 years of age unless, prior to such hiring, such person  
722 presents proof to the employing unit of state government of having registered with the  
723 Selective Service System as required by federal law or of being exempt from such  
724 registration.

725 45-20-21.

726 The State Personnel Board shall provide for a performance management system for the  
727 periodic review and rating of the quality and quantity of work performed by employees.  
728 All agencies of the executive branch, exclusive of the Board of Regents of the University  
729 System of Georgia, shall provide for the review and rating of the quality and quantity of  
730 work performed by employees.

731 ARTICLE 2

732 45-20-30.

733 Each state, county, and municipal officer and employee in this state shall be allowed a  
734 leave of absence, without loss of pay, of not more than eight hours in each calendar year  
735 for the purpose of donating blood. This absence shall be computed at two hours per

736 donation, up to four times per year. However, any such officer or employee who donates  
737 blood platelets or granulocytes through the plasmapheresis process shall be allowed a leave  
738 of absence, without loss of pay, of not more than 16 hours in each calendar year which  
739 shall be computed at four hours per donation, up to four times per year.

740 45-20-31.

741 (a) Each employee of the State of Georgia or of any branch, department, board, bureau,  
742 or commission of the State of Georgia who serves as an organ donor for the purpose of  
743 transplantation shall receive a leave of absence, with pay, of 30 days and such leave shall  
744 not be charged against or deducted from any annual or sick leave and shall be included as  
745 service in computing any retirement or pension benefits. The employee shall not be  
746 entitled to such leave of absence with pay unless he or she furnishes to his or her supervisor  
747 or other proper authority a statement from a medical practitioner who is to perform such  
748 transplantation procedure or from a hospital administrator that the employee is making an  
749 organ donation as provided in this Code section. If such donation does not occur, the  
750 provisions of this Code section shall not be applicable. For the purposes of this Code  
751 section, the term 'organ' means a human organ, including an eye, that is capable of being  
752 transferred from the body of a person to the body of another person.

753 (b) Each employee of the State of Georgia or of any branch, department, board, bureau,  
754 or commission of the State of Georgia who serves as a bone marrow donor for the purpose  
755 of transplantation shall receive a leave of absence, with pay, of seven days and such leave  
756 shall not be charged against or deducted from any annual or sick leave and shall be  
757 included as service in computing any retirement or pension benefits. The employee shall  
758 not be entitled to such leave of absence with pay unless he or she furnishes to his or her  
759 supervisor or other proper authority a statement from a medical practitioner who is to  
760 perform such transplantation procedure or from a hospital administrator that the employee  
761 is serving as a bone marrow donor as provided in this Code section. If such donation does  
762 not occur, the provisions of this Code section shall not be applicable.

763 ARTICLE 3

764 45-20-50.

765 It is the purpose of this article to permit voluntary deductions from wages or salaries of  
766 employees of the State of Georgia for the benefit of eligible charitable health and human  
767 care organizations and to provide for the distribution of funds collected through a process  
768 which involves minimal disruption of work time and provides reasonable assurance to the  
769 employees that their contributions are well used.

770 45-20-51.

771 As used in this article, the term:

772 (1) 'Agency' means any agency, as defined in Code Section 45-20-2, which has full-time  
773 paid state employees and, in addition thereto, shall include the board of regents, all units  
774 of the university system, public authorities, and public corporations.

775 (2) 'Charitable organization' means any voluntary health, welfare, educational, or  
776 environmental restoration or conservation agency that is:

777 (A) A private, self-governing, nonprofit organization chartered or authorized to do  
778 business in the State of Georgia by the office of the Secretary of State;

779 (B) Exempt from taxation under Code Section 48-7-25;

780 (C) One to which contributions are authorized as deductible by Section 170 of the  
781 United States Internal Revenue Code, as amended;

782 (D) Qualified as an organization as defined in Section 501(c)(3) of the United States  
783 Internal Revenue Code; and

784 (E) Not a religious organization except that a religious organization is not disqualified  
785 to the extent that it operates a health, welfare, educational, or environmental restoration  
786 or conservation function on a nonsectarian basis with a distinct and separate budget for  
787 this function.

788 (3) 'Eligible voluntary charitable organization' means a charitable organization which:

789 (A) Actively conducts health, welfare, educational, or environmental restoration or  
790 conservation programs and provides services to individuals directed at one or more of  
791 the following common human needs within a community: family and child care  
792 services; protective services for children and adults; services for children and adults in  
793 foster care; services related to the management and maintenance of the home; day-care  
794 services for adults; transportation services; information, referral, and counseling  
795 services; the preparation and delivery of meals; adoption services; emergency shelter,  
796 care, and relief services; safety services; neighborhood and community organization  
797 services; recreation services; social adjustment and rehabilitation services; health  
798 support services; or a combination of such services designed to meet the special needs  
799 of specific groups such as children and youth, the aged, the ill and infirm, or the  
800 physically disabled; or provides services concerned with the ecological impact of  
801 altering the environment; or provides services concerned with the cultivation or  
802 imparting of knowledge or skills;

803 (B) Provides direct and substantial services on a state-wide basis; is one of the  
804 federated charitable organizations that coordinates fund raising and allocations for at  
805 least five local charitable organizations in the various geographic areas in which  
806 employees are solicited; is a federation of at least five state-wide and local charitable

807 organizations which are otherwise qualified under this article and which federation  
 808 expends all funds collected under this article to serve Georgia residents and programs;  
 809 is a health, welfare, educational, or environmental restoration or conservation agency  
 810 which is a member of a federated, nonsectarian, nonpolitical, eligible voluntary  
 811 charitable organization subject to such rules and regulations as the board may prescribe;  
 812 or is a federated charitable organization that provides direct and substantial health and  
 813 welfare services internationally whose activities do not require a local presence or  
 814 provision of local services, which is authorized and certified by the Secretary of State  
 815 to transact business in Georgia, which is compliant with the U.S. Office of Personnel  
 816 Management's regulations issued pursuant to the authority of 5 C.F.R. 950.201 and  
 817 950.202 for charities participating in the Combined Federal Campaign, which has a  
 818 registered agent in Georgia, and which otherwise meets the criteria of this paragraph;  
 819 (C) Observes a policy and practice of nondiscrimination on the basis of race, color,  
 820 religion, sex, national origin, or disability, ~~which~~ and such policy is applicable to  
 821 persons served by the agency, to agency staff employment, and to membership on the  
 822 agency's governing board; and  
 823 (D) Does not expend a substantial portion of its efforts to influence the outcome of  
 824 elections or the determination of public policy.

825 No charitable organization shall be approved by the State Personnel Board under more  
 826 than one provision of subparagraph (B) of this paragraph.

827 (4) 'Employee' means any person receiving a payroll check from the state for personal  
 828 service to an agency.

829 45-20-52.

830 The ~~State Personnel Board~~ board shall ~~serve as the policy-setting body~~ set policy for  
 831 administration of this article and shall have full power to promulgate, adopt, amend, or  
 832 revoke such rules and regulations consistent with this article as may be necessary to  
 833 implement this article. The board shall have specific authority to establish procedures  
 834 under which charitable organizations may be evaluated for inclusion in the charitable  
 835 deductions program. Only eligible voluntary charitable organizations which are approved  
 836 by the board may participate in the program. Such procedures may include minimum  
 837 participation levels based upon number of employees making a designated contribution,  
 838 dollar amounts of designated contributions, or other factors as decided by the board and  
 839 may exclude otherwise eligible charitable organizations for failure to attain a minimum  
 840 participation level.

841 45-20-53.

842 (a) Any agency is authorized to deduct from the salaries or wages of its employees  
843 amounts designated by the employee for the purpose of contribution to charitable  
844 organizations. No such deduction procedure shall be implemented without the approval  
845 of the chief executive officer or governing board of the agency.

846 (b) No deduction shall be made without the written request of the employee; which request  
847 shall designate the amount which is to be deducted. Deductions shall be made monthly or  
848 to coincide with each pay period as determined by the agency. No deduction shall be made  
849 for less than \$1.00 per deduction period or for less than \$1.00 per designated charitable  
850 organization. Employees shall be clearly apprised, on solicitation materials, of the manner  
851 in which funds will be distributed. All deduction authorizations shall remain continuously  
852 in effect until changed or canceled in writing by the employee. No deduction shall be made  
853 for the benefit of any organization which fails to secure approval of the board.

854 45-20-54.

855 (a) No person shall disclose to any other person names of contributors or the amounts or  
856 designations of authorized charitable deductions of another, except as is necessary to  
857 accomplish the purpose of this article or as otherwise authorized in writing by the person  
858 whose contributions are sought to be disclosed. This prohibition against disclosure shall  
859 not, however, bar appropriate state or federal tax authorities from access necessary to  
860 establish the tax status of charitable organizations receiving these funds.

861 (b) No person shall pressure, coerce, or in any way intimidate any employee to have  
862 charitable deductions made from the employee's salary or with reference to the amount of  
863 deductions to be made. Each agency shall review any violations or alleged violations of  
864 this subsection and assure that appropriate action is taken. Such action may include,  
865 without being limited to, discharge from employment, consistent with policies of the  
866 agency and with the rules and regulations of the board.

867 45-20-54.1.

868 The board shall promulgate regulations necessary and expedient to accomplishing the  
869 distribution of funds deducted from employees' salaries, honoring employee designations.  
870 Undesignated funds shall be fairly and impartially distributed as determined by the board.

871 45-20-55.

872 The state shall be reimbursed by participating charitable organizations, in direct proportion  
873 to their receipts, for its additional direct cost of making deductions and remitting the  
874 proceeds. To minimize time and administrative expense, activities related to the

875 management of the funds such as preparation of materials, solicitor training, fiscal agent  
876 duties, and similar activities may be delegated by the board to a participating party.

877 45-20-56.

878 Deductions from salaries of employees and transmittal of funds to charitable organizations  
879 may be offered as a privilege for the convenience of employees and no right of action shall  
880 accrue to the employee or to any charitable organization for errors, omissions, or decisions  
881 of administrative employees or officials regarding such deductions. The board is the sole  
882 judge of charitable organizations approved for participation in the program. Charitable  
883 organizations may be disapproved without any liability on the part of any state official or  
884 employee.

885 ARTICLE 4

886 45-20-70.

887 As used in this article, the term 'employee assistance program' or 'program' means a service  
888 established to assist state employees in coping with and overcoming persistent problems  
889 that jeopardize the employee's effective job performance.

890 45-20-70.1.

891 The ~~State Personnel Board~~ board is authorized in its discretion to establish an employee  
892 assistance program for all state employees and to adopt and promulgate rules and  
893 regulations for its administration.

894 45-20-71.

895 Program related records or activities which might disclose the nature of the services  
896 provided an employee or the identity of an employee utilizing the program shall be  
897 maintained on a confidential basis. Such records shall be produced only when the  
898 commissioner of ~~personnel administration~~ or his or her designee is satisfied it is needed to  
899 respond to a life-threatening or medical emergency or when written release is given by ~~an~~  
900 that employee.

901 ARTICLE 5

902 45-20-90.

903 As used in this article, the term:

904 (1) 'Employee' means any employee required to be certified under the provisions of  
 905 Chapter 8 of Title 35 receiving a salary or hourly wage from any state agency,  
 906 department, commission, bureau, board, or authority. 'Employee' shall also include any  
 907 certified employee working under a personnel contract to provide personnel services,  
 908 including but not limited to medical, security, or transportation services to a state or other  
 909 public agency.

910 (2) 'Established drug test' means the collection and testing of bodily fluids administered  
 911 in a manner equivalent to that required by the Mandatory Guidelines for Federal  
 912 Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979, et seq., as  
 913 amended) or other professionally valid procedures approved by the ~~State Personnel Board~~  
 914 board.

915 (3) 'High-risk work' means those duties where inattention to duty or errors in judgment  
 916 while on duty will have the potential for significant risk of harm to the employee, other  
 917 employees, or the general public.

918 (4) 'Illegal drug' means marijuana as defined in paragraph (16) of Code Section  
 919 16-13-21, as amended; a controlled substance as defined in paragraph (4) of Code Section  
 920 16-13-21, as amended; a dangerous drug as defined in Code Section 16-13-71, as  
 921 amended; or any other controlled substance or dangerous drug that persons are prohibited  
 922 from using. The term 'illegal drug' shall not include any drug when used pursuant to a  
 923 valid medical prescription or when used as otherwise authorized by state or federal law.

924 45-20-91.

925 (a) Employees working in high-risk jobs shall be subject to random testing for evidence  
 926 of use of illegal drugs.

927 (b) The head of each state agency, department, commission, board, bureau, or authority,  
 928 in conjunction with the DOAS, shall determine those positions and groups of positions  
 929 whose occupants regularly perform high-risk work where inattention to duty or errors in  
 930 judgment while on duty will have the potential for significant risk of harm to the employee,  
 931 other employees, or the general public. This Code section shall not be construed to include  
 932 employees who do not regularly perform high-risk work regardless of the fact that other  
 933 employees in the same classification do perform such high-risk work.

934 45-20-92.

935 (a) The State Personnel Board shall adopt rules to establish:

936 (1) The portion of employees in the high-risk work group that may be selected at random  
 937 for testing at each testing period;

938 (2) Methods for assuring that employees are selected for testing on a random basis;

- 939 (3) Methods for assuring that privacy intrusions are minimized during collection of body  
 940 fluid specimens;
- 941 (4) Methods for assuring that any body fluid specimens are stored and transported to  
 942 testing laboratories at proper temperatures and under such conditions that the quality of  
 943 the specimens shall not be jeopardized;
- 944 (5) Methods for assuring that the identity of employees whose tests show the usage of  
 945 an illegal drug is limited to the staff who are entitled to this information; and
- 946 (6) The identification of those persons entitled to the information and shall adopt such  
 947 other rules as it may deem appropriate to carry out the purposes of this article. The board  
 948 may, in its discretion, delegate to the commissioner of ~~personnel administration~~ such  
 949 authority as appropriate to carry out the purposes of this article.
- 950 (b) The commissioner shall establish and maintain a list of those laboratories qualified to  
 951 conduct established drug tests and shall determine which illegal drugs will be the subject  
 952 of testing; provided, however, that no laboratory shall be so certified unless that laboratory,  
 953 on a daily basis, adds to its urine testing program a minimum of 10 percent blind test  
 954 specimens.

955 45-20-93.

- 956 (a) Any employee conducting high-risk work found to have used an illegal drug shall be  
 957 terminated from his or her employment.
- 958 (b) Any employee who refuses to provide body fluid specimens, when requested to do so  
 959 in accordance with the random drug testing conducted pursuant to this article and  
 960 administrative rules and regulations promulgated under this article, shall be terminated  
 961 from his or her employment.

962 ARTICLE 6

963 45-20-110.

964 As used in this article, the term:

- 965 (1) 'Applicant' means a candidate who is offered public employment with any agency,  
 966 department, commission, bureau, board, college, university, institution, or authority of  
 967 any branch of state government or who has commenced employment but has not  
 968 submitted to an established test for illegal drugs.
- 969 (2) 'Established test' means the collection and testing of bodily fluids administered in a  
 970 manner equivalent to that required by the Mandatory Guidelines for Federal Workplace  
 971 Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979, et seq., as amended).

972 (3) 'Illegal drug' means marijuana/cannabinoids (THC), cocaine,  
973 amphetamines/methamphetamines, opiates, or phencyclidine (PCP). The term 'illegal  
974 drug' shall not include any drug when used pursuant to a valid prescription or when used  
975 as otherwise authorized by state or federal law.

976 (4) 'Job' means a defined set of key responsibilities and performance standards  
977 encompassing one or more positions sufficiently similar in responsibilities and  
978 performance standards to be grouped together.

979 (5) 'Medical review officer' means a properly licensed physician who reviews and  
980 interprets results of drug testings and evaluates those results together with medical history  
981 or any other relevant biomedical information to confirm positive and negative results.

982 (6) 'Position' means a set of duties and responsibilities assigned or delegated by  
983 competent authority for performance by one person.

984 45-20-111.

985 (a) The head of each agency, department, commission, bureau, board, college, university,  
986 institution, or authority shall ensure an analysis is completed on all jobs in his or her  
987 organization to determine those positions whose duties and responsibilities warrant  
988 conducting an established test for illegal drugs in accordance with the provisions of this  
989 Code section. The analysis must be completed by July 1, 1995. All jobs established after  
990 this date must undergo a similar analysis no later than six weeks after establishment. An  
991 applicant for a designated position shall undergo a drug test consistent with these  
992 provisions.

993 (b) An applicant for state employment who is offered employment in a position designated  
994 by the head of the agency, department, commission, bureau, board, college, university,  
995 institution, or authority as requiring a drug test shall, prior to commencing employment or  
996 within ten days after commencing employment, submit to an established test for illegal  
997 drugs. All costs of such testing shall be paid from public funds by the employing agency  
998 or unit of state government. Any such test which indicates the presence of illegal drugs  
999 shall be followed by a confirmatory test using gas chromatography/mass spectrometry  
1000 analysis. If the results of the confirmatory test indicate the presence of illegal drugs, such  
1001 results shall be reviewed and interpreted by a medical review officer to determine if there  
1002 is an alternative medical explanation. If the applicant provides appropriate documentation  
1003 and the medical review officer determines that it was a legitimate usage of the substance,  
1004 the result shall be reported as negative. Any applicant who fails to provide an alternative  
1005 medical explanation shall be reported by the medical review officer as having a positive  
1006 test result. Any applicant offered employment who refuses to submit to an established test  
1007 for illegal drugs or whose test results are positive shall be disqualified from employment

1008 by the state. Such disqualification shall not be removed for a period of two years from the  
 1009 date that such test was administered or offered, whichever is later. The ~~State Personnel~~  
 1010 ~~Board~~ board shall develop rules for the administration of the test and any verification  
 1011 procedures. Other covered units of state government shall also develop rules governing  
 1012 these procedures. The results of such tests shall remain confidential and shall not be a  
 1013 public record unless necessary for the administration of these provisions or otherwise  
 1014 mandated by other state or federal law."

## 1015 **PART II**

### 1016 **SECTION 2-1.**

1017 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended  
 1018 by revising Code Section 1-4-1, relating to public and legal holidays and leave for  
 1019 observance of religious holidays not specifically provided for, as follows:

1020 "1-4-1.

1021 (a) The State of Georgia shall recognize and observe as public and legal holidays:

1022 (1) All days which have been designated as of January 1, 1984, as public and legal  
 1023 holidays by the federal government; and

1024 (2) All other days designated and proclaimed by the Governor as public and legal  
 1025 holidays or as days of fasting and prayer or other religious observance. In such  
 1026 designation the Governor shall include at least one of the following dates: January 19,  
 1027 April 26, or June 3, or a suitable date in lieu thereof to commemorate the event or events  
 1028 now observed by such dates.

1029 (b) The Governor shall close all state offices and facilities a minimum of 12 days  
 1030 throughout the year and not more than 12 days in observance of the public and legal  
 1031 holidays and other days set forth in subsection (a) of this Code section and shall specify the  
 1032 days state offices and facilities shall be closed for such observances.

1033 (c) Employees of any state department or agency ~~or of any other department or agency~~  
 1034 ~~covered by the State Personnel Administration~~ shall, upon request to their appointing  
 1035 authority or his or her designee at least seven days in advance, be given priority  
 1036 consideration for time away from work for observance of religious holy days not otherwise  
 1037 provided for in this Code section. Any paid leave time for such religious holy day  
 1038 observance shall be charged to accrued compensatory leave or accrued annual leave credits  
 1039 available to the employee at the time of the holy day observance. No employee may claim  
 1040 priority consideration for more than three work days each calendar year. A request by an  
 1041 employee for time away from work to observe a religious holy day shall not be denied  
 1042 unless the employee has inadequate accrued compensatory or annual leave credits to cover  
 1043 such period of absence or the duties performed by the employee are urgently required and

1044 the employee is the only person available who can perform the duties as determined by the  
 1045 appointing authority or his or her designee. The State Personnel Board shall provide by  
 1046 rule and regulation a procedure to be followed by agencies and departments in the granting  
 1047 of such holy days ~~for employees in the classified service of the State Personnel~~  
 1048 ~~Administration. The employing department or agency shall provide the procedures to be~~  
 1049 ~~followed for all other employees."~~

#### 1050 SECTION 2-2.

1051 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by  
 1052 revising Code Section 2-2-4, relating to salary and expenses, and compensation of  
 1053 employees, as follows:

1054 "2-2-4.

1055 (a) The annual salary of the Commissioner shall be as provided in Code Sections 45-7-3  
 1056 and 45-7-4. The Commissioner shall be entitled to reimbursement of expenses as provided  
 1057 by Code Section 45-7-20.

1058 (b) The Commissioner is authorized to employ personnel for the department, to prescribe  
 1059 their duties, and to fix the compensation of such personnel; provided, however, that such  
 1060 ~~personnel who are under the State Personnel Administration shall be compensated under~~  
 1061 compensation shall be in accordance with the rules and regulations of the State Personnel  
 1062 Board."

#### 1063 SECTION 2-3.

1064 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is  
 1065 amended by revising Code Section 7-1-35, relating to deputy commissioners, examiners, and  
 1066 assistants, as follows:

1067 "7-1-35.

1068 (a) The commissioner shall appoint from time to time, with the right to discharge at will,  
 1069 a senior deputy commissioner of banking and finance. The commissioner may appoint  
 1070 additional deputy commissioners as needed. All deputy commissioners shall also be ex  
 1071 officio examiners. The commissioner may appoint such additional examiners and  
 1072 assistants as he or she may need to discharge in a proper manner the duties imposed upon  
 1073 the commissioner by law, subject to any applicable state laws or rules or regulations and  
 1074 within the limitations of the appropriation to the department as prescribed in this chapter.  
 1075 Hiring, promotion, and other personnel policies of the department shall be consistent with  
 1076 guidelines or directives of the state, shall be in writing, and shall be made available upon  
 1077 request to employees of the department.

1078 (b) Within the limitations of its annual appropriation, the department may expend funds  
 1079 pursuant to the authority granted under Article VIII, Section VII, Paragraph I of the 1983  
 1080 Constitution of Georgia necessary to the recruitment, training, and certification of a  
 1081 professional staff of financial examiners. The department may provide for the participation  
 1082 of examiners in such educational, training, and certification programs as the commissioner  
 1083 deems necessary to the continued qualification and recognition of the professional status  
 1084 of examiners. The department may recognize independent certification of professional  
 1085 qualifications as supplemental to the rules and regulations of the State Personnel  
 1086 ~~Administration Board~~ Board in considering the personnel actions relative to its examiners."

#### 1087 SECTION 2-4.

1088 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural  
 1089 resources, is amended by revising Code Section 12-2-6, relating to authority to arrange for  
 1090 and accept federal aid and cooperation, volunteer services, cooperation with other  
 1091 government entities and civic organizations, and creation of nonprofit corporation, as  
 1092 follows:

1093 "12-2-6.

1094 (a) In carrying out its objectives, the department is authorized to arrange for and accept  
 1095 such aid and cooperation from the several United States governmental bureaus and  
 1096 departments and from such other sources as may lend assistance.

1097 (b)(1) The commissioner is authorized to accept ~~without regard to the State Personnel~~  
 1098 ~~Administration, laws, rules, or regulations~~, the services of individuals without  
 1099 compensation as volunteers for or in aid of environmental protection, coastal resources,  
 1100 historic preservation, interpretive functions, hunter safety and boating safety instruction,  
 1101 hunter safety and boating safety programs, wildlife management, recreation, visitor  
 1102 services, conservation measures and development, public education on conservation, and  
 1103 any other activities in and related to the objectives, powers, duties, and responsibilities  
 1104 of the department.

1105 (2) The commissioner is authorized to provide for reimbursement of volunteers for  
 1106 incidental expenses such as transportation, uniforms, lodging, and subsistence. The  
 1107 commissioner is also authorized to provide general liability coverage and fidelity bond  
 1108 coverage for such volunteers while they are rendering service to or on behalf of the  
 1109 department.

1110 (3) Except as otherwise provided in this Code section, a volunteer shall not be deemed  
 1111 to be a state employee and shall not be subject to the provisions of law relating to state  
 1112 employment, including, without limitation, those relating to hours of work, rates of  
 1113 compensation, leave, unemployment compensation, and state employee benefits.

1114 (4) Volunteers performing work under the terms of this Code section may be authorized  
1115 by the department to operate state owned vehicles. They may also be treated as  
1116 employees of the state for the purposes of inclusion in any automobile liability insurance  
1117 or self-insurance, general liability insurance or self-insurance, or fidelity bond coverage  
1118 provided by the department for its employees while operating state owned vehicles.

1119 (5) No volunteer shall be authorized or allowed to enter privately owned or operated  
1120 lands, facilities, or properties without the express prior written permission of the owner  
1121 or operator of such privately owned or operated lands, facilities, or properties; provided,  
1122 however, that such prohibition shall not apply to lands, facilities, or properties leased to  
1123 the State of Georgia.

1124 (c) The department shall have the power and authority to create, establish, and operate a  
1125 program or programs to facilitate, amplify, or supplement the objectives and functions of  
1126 the department through the use of volunteer services, including, but not limited to, the  
1127 recruitment, training, and use of volunteers.

1128 (d) The department is directed to cooperate with and coordinate its work with the work of  
1129 each department of the federal government dealing with the same subject matters dealt with  
1130 by the Department of Natural Resources. The department is authorized to cooperate with  
1131 the counties of the state in any surveys to ascertain the natural resources of the counties.  
1132 The department is also authorized to cooperate with the governing bodies of municipalities  
1133 and boards of trade and other local civic organizations in examining and locating water  
1134 supplies and in giving advice concerning and in recommending plans for other municipal  
1135 improvements and enterprises. Such cooperation is to be conducted upon such terms as the  
1136 department may direct.

1137 (e) The department shall have the authority to participate with public and private groups,  
1138 organizations, and businesses in joint advertising and promotional projects that promote  
1139 environmental protection, coastal resource conservation, historic preservation, interpretive  
1140 functions, hunter safety and boating safety instruction and programs, outdoor recreation,  
1141 wildlife management, recreation, visitor services, conservation measures and development,  
1142 public education on conservation, and any other activities in and related to the objectives,  
1143 powers, duties, and responsibilities of the department and that make efficient use of funds  
1144 appropriated for advertising and promotions; provided, however, that nothing in this  
1145 subsection shall be construed so as to authorize the department to grant any donation or  
1146 gratuity.

1147 (f)(1) The department shall have the power and authority to incorporate one nonprofit  
1148 corporation that could qualify as a public foundation under Section 501(c)(3) of the  
1149 Internal Revenue Code to aid the department in carrying out any of its powers and in  
1150 accomplishing any of its purposes. Any nonprofit corporation created pursuant to this

1151 power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit  
 1152 Corporation Code,' and the Secretary of State shall be authorized to accept such filing.  
 1153 (2) Any nonprofit corporation created pursuant to this subsection shall be subject to the  
 1154 following provisions:

- 1155 (A) In accordance with the Constitution of Georgia, no governmental functions or  
 1156 regulatory powers shall be conducted by any such nonprofit corporation;
- 1157 (B) Upon dissolution of any such nonprofit corporation incorporated by the  
 1158 department, any assets shall revert to the department or to any successor to the  
 1159 department or, failing such succession, to the State of Georgia;
- 1160 (C) No member of the Board of Natural Resources shall be an officer or director of any  
 1161 such nonprofit corporation;
- 1162 (D) As used in this subparagraph, the term 'direct employee costs' means salary,  
 1163 benefits, and travel expenses. To avoid the appearance of undue influence on  
 1164 regulatory functions by donors, no donations to any such nonprofit corporation from  
 1165 private sources shall be used for direct employee costs of the department;
- 1166 (E) Any such nonprofit corporation shall be subject to all laws relating to open  
 1167 meetings and the inspection of public records;
- 1168 (F) The department shall not be liable for the action or omission to act of any such  
 1169 nonprofit corporation;
- 1170 (G) No debts, bonds, notes, or other obligations incurred by any such nonprofit  
 1171 corporation shall constitute an indebtedness or obligation of the State of Georgia nor  
 1172 shall any act of any such nonprofit corporation constitute or result in the creation of an  
 1173 indebtedness of the state. No holder or holders of any such bonds, notes, or other  
 1174 obligations shall ever have the right to compel any exercise of the taxing power of the  
 1175 state nor to enforce the payment thereof against the state; and
- 1176 (H) Any nonprofit corporation created pursuant to this Code section shall not acquire  
 1177 or hold a fee simple interest in real property by any method, including but not limited  
 1178 to gift, purchase, condemnation, devise, court order, and exchange.

1179 (3) Any nonprofit corporation created pursuant to this subsection shall make public and  
 1180 provide an annual report showing the identity of all donors and the amount each person  
 1181 or entity donated as well as all expenditures or other disposal of money or property  
 1182 donated. Such report shall be provided to the Governor, the Lieutenant Governor, the  
 1183 Speaker of the House of Representatives, and the chairpersons of the House Committee  
 1184 on Natural Resources and Environment, the House Committee on Game, Fish, and Parks,  
 1185 and the Senate Natural Resources and the Environment Committee. Any such nonprofit  
 1186 corporation shall also provide such persons with a copy of all corporate filings with the  
 1187 federal Internal Revenue Service."

**SECTION 2-5.**

1188  
 1189 Said Title 12 is further amended by revising Code Section 12-3-536, relating to transferring  
 1190 powers of authority to the Department of Economic Development, as follows:

1191 "12-3-536.

1192 (a) Effective July 1, 1998, without diminishing the powers of the authority pursuant to  
 1193 Code Section 12-3-524, all personnel positions authorized by the authority in fiscal year  
 1194 1998 shall be transferred to the Department of Community Affairs. All employees of the  
 1195 authority on June 30, 1998, whose positions are transferred by the authority to the  
 1196 Department of Community Affairs shall become employees of the Department of  
 1197 Community Affairs and shall become employees in the unclassified service ~~of the State~~  
 1198 ~~Personnel Administration~~ as defined in Code Section ~~45-20-6~~ 45-20-2.

1199 (b) On April 26, 2005, the functions of the Board of Community Affairs, Department of  
 1200 Community Affairs, and commissioner of community affairs respecting the Music Hall of  
 1201 Fame Authority are transferred to the Department of Economic Development. The  
 1202 commissioner of economic development and the commissioner of community affairs shall  
 1203 arrange administratively for the transfer of records, equipment, and facilities for such  
 1204 transferred functions. The personnel positions authorized by the Department of  
 1205 Community Affairs shall be transferred to the Department of Economic Development, and  
 1206 all employees of the Department of Community Affairs whose positions are transferred  
 1207 shall become employees of the Department of Economic Development with no break in  
 1208 service and in the classified or unclassified service as they were at the Department of  
 1209 Community Affairs."

**SECTION 2-6.**

1210  
 1211 Said Title 12 is further amended by revising Code Section 12-4-1, relating to powers and  
 1212 duties of Environmental Protection Division as to mineral and geological resources, as  
 1213 follows:

1214 "12-4-1.

1215 (a) The Environmental Protection Division of the Department of Natural Resources shall:

1216 (1) Conduct studies in the field for the purposes expressed in this subsection;

1217 (2) Map and prepare reports of the geological and mineral resources of the state;

1218 (3) Prepare, or cooperate in preparing, topography maps for use as base maps in the  
 1219 geological field study and in mining development, and for use in planning power  
 1220 developments, agriculture and reclamation work, and highways;

1221 (4) Make hydrographic surveys which are deemed by the division to be advantageous to  
 1222 the mining and milling of mineral deposits, to the utilization of waterpower, or to  
 1223 reclamation, or which are deemed to constitute proper cooperative investigations with

1224 other departments of the state or federal governments in aid of laboratory research  
 1225 relating to mining and to metallurgical problems of the state's mining and mineral  
 1226 industry; and

1227 (5) Publish in print or electronically bulletins embodying reports provided by the  
 1228 division.

1229 (b) It shall be the duty of the division to conduct cooperative work relating to mines,  
 1230 mining, and geology with the departments and bureaus of the United States government,  
 1231 provided that the federal expenditure for such work shall at least equal that of the state.

1232 (c) The director of the Environmental Protection Division of the Department of Natural  
 1233 Resources may appoint technical assistants who shall be in the classified service ~~under the~~  
 1234 ~~State Personnel Administration~~ as defined by Code Section 45-20-2.

1235 (d) The functions, duties, and powers of the former Department of Mines, Mining, and  
 1236 Geology are transferred to and vested in the Environmental Protection Division of the  
 1237 Department of Natural Resources.

1238 (e) The Environmental Protection Division of the Department of Natural Resources shall  
 1239 have charge of the work of mines, mining, and geology."

#### 1240 **SECTION 2-7.**

1241 Said Title 12 is further amended by revising Code Section 12-6-5, relating to powers and  
 1242 duties of commission generally and volunteer services, as follows:

1243 "12-6-5.

1244 (a) The commission shall have power and authority:

1245 (1) To take all action appropriate to foster, improve, and encourage reforestation;

1246 (2) To engage in research and other projects for the ascertainment and promulgation of  
 1247 better forestry practices;

1248 (3) To offer aid, assistance, and technical advice to landowners relative to the  
 1249 preservation and culture of forests;

1250 (4) To receive gifts or donations made to it and to expend the same under the terms of  
 1251 such gifts or donations;

1252 (5) To conduct and direct fire prevention work and maintain equipment, personnel, and  
 1253 installations for the detection, prevention, and combating thereof;

1254 (6) To publish in print or electronically and distribute the results of its research and  
 1255 investigations;

1256 (7) To cooperate and contract with other agencies and instrumentalities of government,  
 1257 either county, municipal, state, or national, and with private persons or concerns for the  
 1258 advancement of the forests of this state; and

1259 (8) To engage in land conservation projects as provided by Chapter 6A of this title.

- 1260 (b)(1) The director is authorized to accept, ~~without regard to the State Personnel~~  
1261 ~~Administration laws, rules, or regulations~~, the services of individuals without  
1262 compensation as volunteers for or in aid of fire tower operation, urban tree planting and  
1263 inventories, seedling deliveries, insect surveys and evaluations, tours and field days,  
1264 staffing exhibits, facility maintenance, beautification projects, and any other activity in  
1265 and related to the objectives, powers, duties, and responsibilities of the commission.
- 1266 (2) The director is authorized to provide for reimbursement of volunteers for incidental  
1267 expenses such as transportation, uniforms, lodging, and subsistence. The director is also  
1268 authorized to provide general liability coverage and fidelity bond coverage for such  
1269 volunteers while they are rendering service to or on behalf of the commission.
- 1270 (3) Except as otherwise provided in this Code section, a volunteer shall not be deemed  
1271 to be a state employee and shall not be subject to the provisions of law relating to state  
1272 employment including, without limitation, those relating to hours of work, rates of  
1273 compensation, leave, unemployment compensation, retirement, and state employee  
1274 benefits.
- 1275 (4) Volunteers performing work under the terms of this Code section may be authorized  
1276 by the department to operate state owned vehicles. They may also be treated as  
1277 employees of the state for the purposes of inclusion in any automobile liability insurance  
1278 or self-insurance, general liability insurance or self-insurance, or fidelity bond coverage  
1279 provided by the commission for its employees while operating state owned vehicles.
- 1280 (5) No volunteer shall be authorized or allowed to enter privately owned or operated  
1281 lands, facilities, or properties, except for emergency fire fighting purposes, without the  
1282 express prior written permission of the owner or operator of such privately owned or  
1283 operated lands, facilities, or properties; provided, however, that such prohibition shall not  
1284 apply to lands, facilities, or properties leased to the State of Georgia.
- 1285 (c) The commission shall have the power and authority to create, establish, and operate a  
1286 program or programs to facilitate, amplify, or supplement the objectives and functions of  
1287 the commission through the use of volunteer services including, but not limited to, the  
1288 recruitment, training, and use of volunteers.
- 1289 (d) The enumeration of specific powers in this Code section shall not be construed as a  
1290 denial of others not specified in this Code section."

**SECTION 2-8.**

1291

1292 Said Title 12 is further amended by revising Code Section 12-11-5, relating to director,  
1293 administration of corps programs, and energy savings initiatives, as follows:

1294 "12-11-5.

1295 (a) There is created the position of director of the Georgia Youth Conservation Corps. The  
1296 director shall be appointed by the commissioner and shall be in the unclassified service of  
1297 ~~the State Personnel Administration~~ as defined by Code Section 45-20-2.

1298 (b) The commissioner shall be charged with the overall administration of corps programs  
1299 under the provisions of this chapter and such rules and regulations as are adopted by the  
1300 board. The commissioner may delegate to the director any or all of the duties and functions  
1301 prescribed by this chapter. Such duties and functions may include, but are not limited to,  
1302 the following:

1303 (1) Recruiting and employing staff and corps member leaders and specialists;

1304 (2) Adopting criteria for the selection of applicants to the corps;

1305 (3) Executing agreements for furnishing the services of the corps to any federal, state,  
1306 or local agency or to any local organization concerned with the overall objectives of the  
1307 corps and all other agreements necessary and proper for the implementation and  
1308 administration of this chapter;

1309 (4) Applying for and accepting grants or contributions of funds from any source, public  
1310 or private;

1311 (5) Providing funds and matching funds to other corps programs meeting the  
1312 specifications of this chapter and the rules and regulations of the board; and

1313 (6) Reporting annually to the council, the Governor, and the General Assembly on the  
1314 activities undertaken by the corps in the preceding fiscal year, including a  
1315 cost-effectiveness analysis of all completed, ongoing, and proposed projects.

1316 (c) The commissioner shall have the authority to contract with the Georgia Environmental  
1317 Finance Authority and the Department of Labor for purposes of management and  
1318 installation of energy saving material or devices or other projects under this chapter. The  
1319 commissioner, the Georgia Environmental Finance Authority, and the Department of Labor  
1320 are encouraged to use the corps for such purposes."

**SECTION 2-9.**

1321  
 1322 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
 1323 Code Section 15-5-6, relating to administrative assistant, duties, status, and compensation,  
 1324 as follows:

1325 "15-5-6.

1326 Each district administrative judge is authorized to hire a full-time assistant adequately  
 1327 trained in the duties of court administration. The assistant shall assist in the duties of the  
 1328 district administrative judge, provide general court administrative services to the district  
 1329 council, and otherwise perform such duties as may be assigned to him or her by the district  
 1330 administrative judge. Each assistant shall be an employee of the judicial branch of the state  
 1331 government and shall be in the unclassified service ~~of the State Personnel Administration~~  
 1332 as defined by Code Section 45-20-2. The assistant shall be compensated in an amount and  
 1333 manner to be determined by uniform rules adopted by the ten administrative judges. Each  
 1334 assistant shall be compensated out of funds made available for such purposes within the  
 1335 judicial branch of the government. Additional funds shall be made available for needed  
 1336 clerical and other office operating costs of the assistant."

**SECTION 2-10.**

1337  
 1338 Said Title 15 is further amended by revising Code Section 15-6-27, relating to procedure for  
 1339 hiring personnel employed by superior court judges, authority, duties, uniform policies,  
 1340 salaries and benefits, expenses, supplies, and local supplements, as follows:

1341 "15-6-27.

1342 (a) All state paid personnel employed by the superior court judges pursuant to this article  
 1343 shall be employees of the judicial branch of state government and shall be in the  
 1344 unclassified service ~~of the State Personnel Administration~~ as defined by Code Section  
 1345 45-20-2.

1346 (b) Personnel employed pursuant to this Code section shall have such authority, duties,  
 1347 powers, and responsibilities as are assigned by the appointing superior court judge or as  
 1348 authorized by law or by the uniform policies and procedures established by The Council  
 1349 of Superior Court Judges of Georgia and shall serve at the pleasure of the superior court  
 1350 judge.

1351 (c) Subject to the provisions of this Code section, The Council of Superior Court Judges  
 1352 of Georgia shall adopt and amend uniform policies, rules, and regulations which shall apply  
 1353 to all state paid personnel employed by the superior court judges. Such policies, rules, and  
 1354 regulations may include provisions for appointment, classification, transfers, leave, travel,  
 1355 records, reports, and training of personnel. To the maximum extent possible and consistent  
 1356 with the duties and responsibilities of the superior court judges and the rules of the trial and

1357 appellate courts, such policies, rules, and regulations shall be similar to policies, rules, and  
1358 regulations governing other state employees; provided, however, that no policy shall be  
1359 implemented which reduces the salary of any personnel employed on July 1, 1997. Not  
1360 less than 30 days prior to taking final action on any proposed policy, rule, or regulation  
1361 adopted pursuant to this Code section, or any amendment thereto, the council shall transmit  
1362 a copy of the policy, rule, regulation, or amendment to all superior court judges and the  
1363 chairpersons of the Judiciary Committee of the House of Representatives and the Judiciary  
1364 Committee of the Senate.

1365 (d) State paid personnel employed by a superior court judge shall be entitled to annual,  
1366 sick, and other leave authorized by the policies, rules, or regulations adopted by the  
1367 council.

1368 (e) Subject to the provisions of Code Sections 15-6-25 and 15-6-28, the council shall  
1369 annually promulgate salary schedules for each state paid position. Salaries shall be paid  
1370 in equal installments from state funds appropriated or otherwise available for the operation  
1371 of the superior courts.

1372 (f) Personnel compensated by the state pursuant to this article shall be entitled to receive,  
1373 in addition to such other compensation as may be provided by law, reimbursement for  
1374 actual expenses incurred in the performance of their official duties in accordance with the  
1375 rules and regulations established pursuant to Article 2 of Chapter 7 of Title 45. Such  
1376 reimbursement shall be made from state funds appropriated or otherwise available for the  
1377 operation of the superior courts.

1378 (g) Personnel compensated by the state pursuant to this article are authorized to purchase  
1379 such supplies and equipment as may be necessary to enable them to carry out their duties  
1380 and responsibilities. The funds necessary to pay for such supplies and equipment shall  
1381 come from funds appropriated or otherwise available for the operation of the superior  
1382 courts.

1383 (h) The governing authority of the county or counties comprising a judicial circuit may  
1384 supplement the salary or fringe benefits of any state paid personnel appointed pursuant to  
1385 this article.

1386 (i) The governing authority of any municipality within the judicial circuit may, with the  
1387 approval of the superior court judge, supplement the salary or fringe benefits of any state  
1388 paid personnel appointed pursuant to this article.

1389 (j) In lieu of hiring personnel under this article, superior court judges, with the written  
1390 consent of the governing authority of any county or counties within a judicial circuit, may  
1391 employ personnel who shall be employees of the county which pays the compensation of  
1392 the personnel. The county shall be reimbursed, from funds appropriated or otherwise  
1393 available for the operation of the superior courts, for the compensation paid to the

1394 personnel plus any employer contribution paid for the personnel under the act of Congress,  
 1395 approved August 14, 1935, 49 Stat. 620, known as the Social Security Act, as amended,  
 1396 but the payments shall not exceed the maximum amount payable directly to or for the  
 1397 personnel as promulgated by The Council of Superior Court Judges of Georgia for state  
 1398 paid personnel. In the event of any vacancy which occurs after July 1, 1997, in a position  
 1399 compensated by a county pursuant to this Code section, the vacancy may be filled as  
 1400 provided in Code Section 15-6-25."

1401 **SECTION 2-11.**

1402 Said Title 15 is further amended by revising Code Section 15-6-88, relating to minimum  
 1403 annual salary schedule, as follows:

1404 "15-6-88.

1405 (a) Any other provision of law to the contrary notwithstanding, the minimum annual salary  
 1406 of each clerk of the superior court in each county of this state shall be fixed according to  
 1407 the population of the county in which he or she serves, as determined by the United States  
 1408 decennial census of 2000 or any future such census; provided, however, that such annual  
 1409 salary shall be recalculated in any year following a census year in which the Department  
 1410 of Community Affairs publishes a census estimate for the county prior to July 1 in such  
 1411 year that is higher than the immediately preceding decennial census. Except as otherwise  
 1412 provided in subsection (b) of this Code section, each such clerk shall receive an annual  
 1413 salary, payable in equal monthly installments from the funds of the county, of not less than  
 1414 the amount fixed in the following schedule:

	<u>Population</u>	<u>Minimum Salary</u>
1415	0 - 5,999 .....	\$ 29,832.20
1416	6,000 - 11,889 .....	40,967.92
1417	11,890 - 19,999 .....	46,408.38
1418	20,000 - 28,999 .....	49,721.70
1419	29,000 - 38,999 .....	53,035.03
1420	39,000 - 49,999 .....	56,352.46
1421	50,000 - 74,999 .....	63,164.60
1422	75,000 - 99,999 .....	67,800.09
1423	100,000 - 149,999 .....	72,434.13
1424	150,000 - 199,999 .....	77,344.56
1425	200,000 - 249,999 .....	84,458.82
1426	250,000 - 299,999 .....	91,682.66
1427	300,000 - 399,999 .....	101,207.60
1428		

1429 400,000 - 499,999 ..... 105,316.72  
 1430 500,000 or more ..... 109,425.84

1431 (b) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
 1432 ~~service of the State Personnel Administration~~ subject to compensation plans authorized and  
 1433 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or  
 1434 general performance based increase of a certain percentage or a certain amount, the  
 1435 amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in  
 1436 Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts  
 1437 derived by increasing each of said amounts through the application of longevity increases  
 1438 pursuant to subsection (a) of Code Section 15-6-90, where applicable shall be increased by  
 1439 the same percentage or same amount applicable to such state employees. If the  
 1440 cost-of-living increase or general performance based increase received by state employees  
 1441 is in different percentages or different amounts as to certain categories of employees, the  
 1442 amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in  
 1443 Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts  
 1444 derived through the application of longevity increases, shall be increased by a percentage  
 1445 or an amount not to exceed the average percentage or average amount of the general  
 1446 increase in salary granted to the state employees. The Office of Planning and Budget shall  
 1447 calculate the average percentage increase or average amount increase when necessary. The  
 1448 periodic changes in the amounts fixed in the minimum salary schedule in subsection (a) of  
 1449 this Code section, in Code Section 15-6-89, in subsection (b) of Code Section 15-10-105,  
 1450 or the amounts derived through the application of longevity increases, as authorized by this  
 1451 subsection shall become effective on the first day of January following the date that the  
 1452 cost-of-living increases or general performance based increases received by state  
 1453 employees become effective; provided, however, that if the cost-of-living increases  
 1454 received by state employees become effective on January 1, such periodic changes in the  
 1455 amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in  
 1456 Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts  
 1457 derived by increasing each of said amounts through the application of longevity increases  
 1458 pursuant to subsection (a) of Code Section 15-6-90, shall become effective on the same  
 1459 date that the cost-of-living increases or general performance based increases received by  
 1460 state employees become effective.

1461 (c) This Code section shall not be construed to reduce the salary of any clerk of the  
 1462 superior court in office on July 1, 1991; provided, however, that successors to such clerks  
 1463 in office on July 1, 1991, shall be governed by the provisions of subsections (a) and (b) of  
 1464 this Code section.

1465 (d) The county governing authority may supplement the minimum annual salary of the  
 1466 clerk of the superior court in such amount as it may fix from time to time; but no clerk's  
 1467 compensation supplement shall be decreased during any term of office. Any prior  
 1468 expenditure of county funds to supplement the clerk's salary in the manner authorized by  
 1469 this subsection is ratified and confirmed. Nothing contained in this subsection shall  
 1470 prohibit the General Assembly by local law from supplementing the annual salary of the  
 1471 clerk."

1472 **SECTION 2-12.**

1473 Said Title 15 is further amended by revising Code Section 15-9-63, relating to schedule of  
 1474 minimum salaries, as follows:

1475 "15-9-63.

1476 (a)(1) Any other laws to the contrary notwithstanding, the minimum annual salary of  
 1477 each judge of the probate court in this state shall be fixed according to the population of  
 1478 the county in which he or she serves, as determined by the United States decennial census  
 1479 of 2000 or any future such census; provided, however, that such annual salary shall be  
 1480 recalculated in any year following a census year in which the Department of Community  
 1481 Affairs publishes a census estimate for the county prior to July 1 in such year that is  
 1482 higher than the immediately preceding decennial census. Each such judge of the probate  
 1483 court shall receive an annual salary, payable in equal monthly installments from the funds  
 1484 of his or her county, of not less than the amount fixed in the following schedule:

	<u>Population</u>	<u>Minimum Salary</u>
1486	0 - 5,999 .....	\$ 29,832.20
1487	6,000 - 11,889 .....	40,967.92
1488	11,890 - 19,999 .....	46,408.38
1489	20,000 - 28,999 .....	49,721.70
1490	29,000 - 38,999 .....	53,035.03
1491	39,000 - 49,999 .....	56,352.46
1492	50,000 - 74,999 .....	63,164.60
1493	75,000 - 99,999 .....	67,800.09
1494	100,000 - 149,999 .....	72,434.13
1495	150,000 - 199,999 .....	77,344.56
1496	200,000 - 249,999 .....	84,458.82
1497	250,000 - 299,999 .....	91,682.66
1498	300,000 - 399,999 .....	101,207.60
1499	400,000 - 499,999 .....	105,316.72

1500 500,000 or more ..... 109,425.84

1501 ~~(2) On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
1502 service of the State Personnel Administration subject to compensation plans authorized  
1503 and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase  
1504 or general performance based increase of a certain percentage or a certain amount, the  
1505 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in  
1506 Code Section 15-9-64, or the amounts derived by increasing each of said amounts  
1507 through the application of longevity increases pursuant to Code Section 15-9-65, where  
1508 applicable, shall be increased by the same percentage or same amount applicable to such  
1509 state employees. If the cost-of-living increase or general performance based increase  
1510 received by state employees is in different percentages or different amounts as to certain  
1511 categories of employees, the amounts fixed in the minimum salary schedule in paragraph  
1512 (1) of this subsection, and in Code Section 15-9-64, or the amounts derived through the  
1513 application of longevity increases, shall be increased by a percentage or an amount not  
1514 to exceed the average percentage or average amount of the general increase in salary  
1515 granted to the state employees. The Office of Planning and Budget shall calculate the  
1516 average percentage increase or average amount increase when necessary. The periodic  
1517 changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this  
1518 subsection, and in Code Section 15-9-64, or the amounts derived through the application  
1519 of longevity increases, as authorized by this paragraph shall become effective on the first  
1520 day of January following the date that the cost-of-living increases or general performance  
1521 based increases received by state employees become effective; provided, however, that  
1522 if the cost-of-living increases received by state employees become effective on January  
1523 1, such periodic changes in the amounts fixed in the minimum salary schedule in  
1524 paragraph (1) of this subsection and in Code Section 15-9-64, or the amounts derived by  
1525 increasing each of said amounts through the application of longevity increases pursuant  
1526 to Code Section 15-9-65, where applicable, as authorized by this paragraph shall become  
1527 effective on the same date that the cost-of-living increases or general performance based  
1528 increases received by state employees become effective.

1529 (3) The county governing authority may supplement the minimum annual salary of the  
1530 judge of the probate court in such amount as it may fix from time to time; but no probate  
1531 judge's compensation supplement shall be decreased during any term of office. Any prior  
1532 expenditure of county funds to supplement the probate judge's salary in the manner  
1533 authorized by this paragraph is ratified and confirmed. Nothing contained in this  
1534 paragraph shall prohibit the General Assembly by local law from supplementing the  
1535 annual salary of the probate judge.

1536 (b) In any county in which more than 70 percent of the population of the county according  
 1537 to the United States decennial census of 1990 or any future such census resides on property  
 1538 of the United States government which is exempt from taxation by this state, the population  
 1539 of the county for purposes of subsection (a) of this Code section shall be deemed to be the  
 1540 total population of the county minus the population of the county which resides on property  
 1541 of the United States government."

1542 **SECTION 2-13.**

1543 Said Title 15 is further amended by revising Code Section 15-9-63.1, relating to  
 1544 compensation for services as magistrate or chief magistrate, and longevity increases, as  
 1545 follows:

1546 "15-9-63.1.

1547 (a) Beginning January 1, 2002, in any county in which the probate judge serves as chief  
 1548 magistrate or magistrate, he or she shall be compensated for such services based on a  
 1549 minimum annual amount of \$11,642.54; provided, however, that compensation for a  
 1550 probate judge shall not be reduced during his or her term of office.

1551 (b) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
 1552 service of the State Personnel Administration subject to compensation plans authorized and  
 1553 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or  
 1554 general performance based increase of a certain percentage or a certain amount, the amount  
 1555 provided in subsection (a) of this Code section shall be increased by the same percentage  
 1556 or same amount applicable to such state employees. If the cost-of-living increase or  
 1557 general performance based increase received by state employees is in different percentages  
 1558 or different amounts as to certain categories of employees, the amount provided in  
 1559 subsection (a) of this Code section shall be increased by a percentage or an amount not to  
 1560 exceed the average percentage or average amount of the general increase in salary granted  
 1561 to the state employees. The Office of Planning and Budget shall calculate the average  
 1562 percentage increase or average amount increase when necessary. The periodic changes in  
 1563 the amount provided in subsection (a) of this Code section, as authorized by this  
 1564 subsection, shall become effective on the first day of January following the date that the  
 1565 cost-of-living increases or general performance based increases received by state  
 1566 employees become effective; provided, however, that if such increases received by state  
 1567 employees become effective on January 1, such periodic changes in the amount provided  
 1568 in subsection (a) of this Code section, as authorized by this subsection, shall become  
 1569 effective on the same date that the cost-of-living increases or general performance based  
 1570 increases received by state employees become effective.

1571 (c) On and after January 1, 2002, the amounts provided in subsections (a) and (b) of this  
 1572 Code section shall be increased by multiplying said amounts by the percentage which  
 1573 equals 5 percent times the number of completed four-year terms of office served by any  
 1574 probate judge serving as a chief magistrate or magistrate where such terms have been  
 1575 completed after December 31, 1999, effective the first day of January following the  
 1576 completion of each such period of service."

1577 **SECTION 2-14.**

1578 Said Title 15 is further amended by revising Code Section 15-10-23, relating to minimum  
 1579 compensation, annual salary, increases, and supplements, as follows:

1580 "15-10-23.

1581 (a)(1) As used in this Code section, the term 'full-time capacity' means, in the case of a  
 1582 chief magistrate, a chief magistrate who regularly exercises the powers of a magistrate  
 1583 as set forth in Code Section 15-10-2 at least 40 hours per workweek. In the case of all  
 1584 other magistrates, such term means a magistrate who was appointed to a full-time  
 1585 magistrate position and who regularly exercises the powers of a magistrate as set forth  
 1586 in Code Section 15-10-2 at least 40 hours per workweek.

1587 (2) Unless otherwise provided by local law, effective January 1, 2006, the chief  
 1588 magistrate of each county who serves in a full-time capacity other than those counties  
 1589 where the probate judge serves as chief magistrate shall receive a minimum annual salary  
 1590 of the amount fixed in the following schedule:

1591	<u>Population</u>	<u>Minimum Salary</u>
1592	0 - 5,999 .....	\$ 29,832.20
1593	6,000 - 11,889 .....	40,967.92
1594	11,890 - 19,999 .....	46,408.38
1595	20,000 - 28,999 .....	49,721.70
1596	29,000 - 38,999 .....	53,035.03
1597	39,000 - 49,999 .....	56,352.46
1598	50,000 - 74,999 .....	63,164.60
1599	75,000 - 99,999 .....	67,800.09
1600	100,000 - 149,999 .....	72,434.13
1601	150,000 - 199,999 .....	77,344.56
1602	200,000 - 249,999 .....	84,458.82
1603	250,000 - 299,999 .....	91,682.66
1604	300,000 - 399,999 .....	101,207.60
1605	400,000 - 499,999 .....	105,316.72

1606 500,000 or more ..... 109,425.84

1607 The minimum salary for each affected chief magistrate shall be fixed from the table in  
1608 this subsection according to the population of the county in which the chief magistrate  
1609 serves as determined by the United States decennial census of 2000 or any future such  
1610 census; provided, however, that such annual salary shall be recalculated in any year  
1611 following a census year in which the Department of Community Affairs publishes a  
1612 census estimate for the county prior to July 1 that is higher than the immediately  
1613 preceding decennial census. Notwithstanding the provisions of this subsection, unless  
1614 otherwise provided by local law, effective January 1, 1996, in any county in which more  
1615 than 70 percent of the population according to the United States decennial census of 1990  
1616 or any future such census resides on property of the United States government which is  
1617 exempt from taxation by this state, the population of the county for purposes of this  
1618 subsection shall be deemed to be the total population of the county minus the population  
1619 of the county which resides on property of the United States government.

1620 (3) All other chief magistrates shall receive a minimum monthly salary equal to the  
1621 hourly rate that a full-time chief magistrate of the county would receive according to  
1622 paragraph (2) of this subsection multiplied by the number of actual hours worked by the  
1623 chief magistrate as certified by the chief magistrate to the county governing authority.

1624 (4) Unless otherwise provided by local law, each magistrate who serves in a full-time  
1625 capacity other than the chief magistrate shall receive a minimum monthly salary of  
1626 \$3,851.46 per month or 90 percent of the monthly salary that a full-time chief magistrate  
1627 would receive according to paragraph (2) of this subsection, whichever is less.

1628 (5) All magistrates other than chief magistrates who serve in less than a full-time  
1629 capacity or on call shall receive a minimum monthly salary of the lesser of \$22.22 per  
1630 hour for each hour worked as certified by the chief magistrate to the county governing  
1631 authority or 90 percent of the monthly salary that a full-time chief magistrate would  
1632 receive according to paragraph (2) of this subsection; provided, however, that  
1633 notwithstanding any other provisions of this subsection, no magistrate who serves in less  
1634 than a full-time capacity shall receive a minimum monthly salary of less than \$592.58  
1635 unless a magistrate waives such minimum monthly salary in writing.

1636 (6) Magistrates shall be compensated solely on a salary basis and not in whole or in part  
1637 from fees. The salaries and supplements of all magistrates shall be paid in equal monthly  
1638 installments from county funds.

1639 (b) The amounts provided in subsection (a) of this Code section, as increased by the  
1640 supplement, if any, provided by subsection (d) of Code Section 15-10-105, shall be  
1641 increased by multiplying said amounts by the percentage which equals 5 percent times the  
1642 number of completed four-year terms of office served by any chief magistrate or magistrate

1643 where such terms have been completed after December 31, 1995, effective the first day of  
 1644 January following the completion of each such period of service.

1645 (c) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
 1646 ~~service of the State Personnel Administration subject to compensation plans authorized and~~  
 1647 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or  
 1648 general performance based increase of a certain percentage or a certain amount, the  
 1649 amounts provided in subsection (a) of this Code section, as increased by the supplement,  
 1650 if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the  
 1651 application of longevity increases pursuant to subsection (b) of this Code section, shall be  
 1652 increased by the same percentage or same amount applicable to such state employees. If  
 1653 the cost-of-living increase or general performance based increase received by state  
 1654 employees is in different percentages or different amounts as to certain categories of  
 1655 employees, the amounts provided in subsection (a) of this Code section, as increased by the  
 1656 supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased  
 1657 by the application of longevity increases pursuant to subsection (b) of this Code section,  
 1658 shall be increased by a percentage or an amount not to exceed the average percentage or  
 1659 average amount of the general increase in salary granted to the state employees. The  
 1660 Office of Planning and Budget shall calculate the average percentage increase or average  
 1661 amount increase when necessary. The periodic changes in the amounts provided in  
 1662 subsection (a) of this Code section, as increased by the supplement, if any, provided by  
 1663 subsection (d) of Code Section 15-10-105 and as increased by the application of longevity  
 1664 increases pursuant to subsection (b) of this Code section, as authorized by this subsection,  
 1665 shall become effective on the first day of January following the date that the cost-of-living  
 1666 increases or general performance based increases received by state employees become  
 1667 effective; provided, however, that if the cost-of-living increases received by state  
 1668 employees become effective on January 1, such periodic changes in the amounts provided  
 1669 in subsection (a) of this Code section, as increased by the supplement, if any, provided by  
 1670 subsection (d) of Code Section 15-10-105 and as increased by the application of longevity  
 1671 increases pursuant to subsection (b) of this Code section, as authorized by this subsection,  
 1672 shall become effective on the same date that the cost-of-living increases or general  
 1673 performance based increases received by state employees become effective.

1674 (d) The county governing authority may supplement the minimum annual salary of the  
 1675 chief or other magistrate in such amount as it may fix from time to time, but no such  
 1676 magistrate's compensation or supplement shall be decreased during any term of office.  
 1677 Nothing contained in this subsection shall prohibit the General Assembly by local law from  
 1678 supplementing the annual salary of any magistrates.

1679 (e) The General Assembly may by local law fix the compensation of any or all of a  
 1680 county's magistrates. The chief magistrate or magistrate shall be entitled to the greater of  
 1681 the compensation established by local law, including any supplement by the county  
 1682 governing authority, or the minimum annual salary stated in subsection (a) of this Code  
 1683 section but in no event to both.

1684 (f) This Code section shall apply to any chief magistrate who is also serving as a judge of  
 1685 a civil court which is provided for in Article VI, Section I, Paragraph I of the Constitution  
 1686 of the State of Georgia of 1983. In such case, the salary of such chief magistrate shall be  
 1687 as provided by the local governing authority of the county.

1688 (g) The salaries and supplements of senior magistrates shall be paid from county funds at  
 1689 a per diem rate equal to the daily rate that a full-time chief magistrate of the county would  
 1690 receive under paragraph (2) of subsection (a) of this Code section; provided, however, that  
 1691 the minimum annual and monthly salaries provided for in this Code section shall not apply  
 1692 to senior magistrates."

#### 1693 **SECTION 2-15.**

1694 Said Title 15 is further amended by revising Code Section 15-11-24.3, relating to intake and  
 1695 probation services of juvenile courts, as follows:

1696 "15-11-24.3.

1697 (a) As used in this Code section, the term:

1698 (1) 'Department' means the Department of Juvenile Justice.

1699 (2) 'Probation and intake employees' means any probation officer specified in Code  
 1700 Section 15-11-24.1 and any personnel of a juvenile court to whom are delegated the  
 1701 duties of an intake officer under this article, other than a juvenile court judge, associate  
 1702 juvenile court judge, or court service worker.

1703 (3) 'Probation and intake services' means those services provided by probation and intake  
 1704 employees for the juvenile court of a county.

1705 (b) After June 30, 1992, the intake and probation services of the juvenile court of each  
 1706 county may be transferred to and become a part of the state-wide juvenile and intake  
 1707 services and fully funded through the department. The intake and probation employees of  
 1708 juvenile courts of those counties whose intake and probation services are transferred  
 1709 pursuant to this Code section shall become employees of the department on the date of such  
 1710 transfer and on and after that date such employees shall be subject to the salary schedules  
 1711 and other personnel policies of the department, except that the salaries of such employees  
 1712 shall not be reduced as a result of becoming employees of the department.

1713 (c) The intake and probation services of the juvenile court of a county may be transferred  
 1714 to the department pursuant to this Code section by local Act of the General Assembly  
 1715 which approves such transfer and becomes effective after June 30, 1992.

1716 (d) Persons who were probation and intake employees of the juvenile court of a county on  
 1717 June 30, 1996, but who were transferred as probation and intake employees to and became  
 1718 a part of the state-wide juvenile and intake services system fully funded through the  
 1719 department before January 1, 1999, shall be covered employees in the classified service of  
 1720 ~~the State Personnel Administration~~ as defined by Code Section 45-20-2."

1721 **SECTION 2-16.**

1722 Said Title 15 is further amended by revising Code Section 15-16-20, relating to minimum  
 1723 annual salary, increase, and operating expenses, as follows:

1724 "15-16-20.

1725 (a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of each  
 1726 sheriff in this state shall be fixed according to the population of the county in which he  
 1727 or she serves, as determined by the United States decennial census of 2000 or any future  
 1728 such census; provided, however, that such annual salary shall be recalculated in any year  
 1729 following a census year in which the Department of Community Affairs publishes a  
 1730 census estimate for the county prior to July 1 in such year that is higher than the  
 1731 immediately preceding decennial census. Except as otherwise provided in paragraph (2)  
 1732 of this subsection, each such sheriff shall receive an annual salary, payable in equal  
 1733 monthly installments from the funds of the sheriff's county, of not less than the amount  
 1734 fixed in the following schedule:

1735	<u>Population</u>	<u>Minimum Salary</u>
1736	0 - 5,999 .....	\$ 42,045.88
1737	6,000 - 11,889 .....	46,917.92
1738	11,890 - 19,999 .....	53,880.12
1739	20,000 - 28,999 .....	59,328.83
1740	29,000 - 38,999 .....	64,776.16
1741	39,000 - 49,999 .....	70,227.59
1742	50,000 - 74,999 .....	75,674.90
1743	75,000 - 99,999 .....	78,247.21
1744	100,000 - 149,999 .....	80,819.51
1745	150,000 - 199,999 .....	83,695.91
1746	200,000 - 249,999 .....	86,572.30
1747	250,000 - 299,999 .....	94,759.02

1748	300,000 - 399,999 .....	105,822.14
1749	400,000 - 499,999 .....	109,931.24
1750	500,000 or more .....	114,040.36

1751       (2) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
1752 ~~service of the State Personnel Administration~~ subject to compensation plans authorized  
1753 and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase  
1754 or general performance based increase of a certain percentage or a certain amount, the  
1755 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in  
1756 Code Section 15-16-20.1, or the amounts derived by increasing each of said amounts  
1757 through the application of longevity increases pursuant to subsection (b) of this Code  
1758 section, where applicable, shall be increased by the same percentage or same amount  
1759 applicable to such state employees. If the cost-of-living increase or general performance  
1760 based increase received by state employees is in different percentages or different  
1761 amounts as to certain categories of employees, the amounts fixed in the minimum salary  
1762 schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the  
1763 amounts derived through the application of longevity increases, shall be increased by a  
1764 percentage or an amount not to exceed the average percentage or average amount of the  
1765 general increase in salary granted to the state employees. The Office of Planning and  
1766 Budget shall calculate the average percentage increase or average amount increase when  
1767 necessary. The periodic changes in the amounts fixed in the minimum salary schedule  
1768 in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts  
1769 derived through the application of longevity increases, as authorized by this paragraph  
1770 shall become effective on the first day of January following the date that the  
1771 cost-of-living increases received by state employees become effective; provided,  
1772 however, that if the cost-of-living increases or general performance based increases  
1773 received by state employees become effective on January 1, such periodic changes in the  
1774 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and  
1775 in Code Section 15-16-20.1, or the amounts derived through the application of longevity  
1776 increases, as authorized by this paragraph shall become effective on the same date that  
1777 the cost-of-living increases or general performance based increases received by state  
1778 employees become effective.

1779       (3) The county governing authority may supplement the minimum annual salary of the  
1780 sheriff in such amount as it may fix from time to time; but no sheriff's compensation  
1781 supplement shall be decreased during any term of office. Any prior expenditure of  
1782 county funds to supplement the sheriff's salary in the manner authorized by this paragraph

1783 is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General  
1784 Assembly by local law from supplementing the annual salary of the sheriff.

1785 (b) The amounts provided in paragraph (1) of subsection (a) of this Code section and Code  
1786 Section 15-16-20.1, as increased by paragraph (2) of subsection (a) of this Code section,  
1787 shall be increased by multiplying said amounts by the percentage which equals 5 percent  
1788 times the number of completed four-year terms of office served by any sheriff after  
1789 December 31, 1976, effective the first day of January following the completion of each  
1790 such period of service.

1791 (c) The minimum salaries provided for in this Code section shall be considered as salary  
1792 only. Expenses for deputies, equipment, supplies, copying equipment, and other necessary  
1793 and reasonable expenses for the operation of a sheriff's office shall come from funds other  
1794 than the funds specified as salary in this Code section.

1795 (d) This Code section shall not be construed to reduce the salary of any sheriff in office  
1796 on July 1, 1991; provided, however, that successors to such sheriffs in office on July 1,  
1797 1991, shall be governed by the provisions of this Code section. All local legislation in  
1798 effect on July 1, 1971, or enacted thereafter affecting compensation for sheriffs of the  
1799 various counties shall be of full force and effect except where the same provides for a  
1800 salary lower than provided in this Code section, in which event this Code section shall  
1801 prevail.

1802 (e) In addition to any salary or fees now or hereafter provided by law, the governing  
1803 authority of each county is authorized to provide, as an operating expense of the sheriff's  
1804 office and payable from county funds, a monthly vehicle allowance to the sheriff of that  
1805 county when the sheriff's personally owned vehicle is used in the carrying out of the duties  
1806 of the sheriff's office. If a vehicle allowance is so provided, it shall be in an amount  
1807 determined by agreement among the budget officer of the county, as provided in Chapter  
1808 81 of Title 36, the county governing authority, and the sheriff."

1809 **SECTION 2-17.**

1810 Said Title 15 is further amended by revising Code Section 15-18-19, relating to state paid  
1811 personnel, powers, policies relating to, authorized leave, and salary schedules, as follows:

1812 "15-18-19.

1813 (a) All state paid personnel employed by the district attorneys pursuant to this article shall  
1814 be employees of the judicial branch of state government in accordance with Article VI,  
1815 Section VIII of the Constitution of Georgia and shall be in the unclassified service of the  
1816 ~~State Personnel Administration~~ as defined by Code Section 45-20-2.

1817 (b) Personnel employed by the district attorneys pursuant to this article shall have such  
1818 authority, duties, powers, and responsibilities as are authorized by law or as assigned by  
1819 the district attorney and shall serve at the pleasure of the district attorney.

1820 (c) Subject to the provisions of this chapter, the Prosecuting Attorneys' Council of the  
1821 State of Georgia shall, with the advice and consent of a majority of the district attorneys,  
1822 adopt and amend uniform policies, rules, and regulations which shall apply to all state paid  
1823 personnel employed by the district attorneys. Such policies, rules, and regulations may  
1824 include provisions for the appointment, classification, promotion, transfer, demotion, leave,  
1825 travel, records, reports, and training of personnel. Such policies, rules, and regulations  
1826 shall be consistent with the duties, responsibilities, and powers of the district attorneys  
1827 under the Constitution and laws of this state and the rules of the trial and appellate courts.  
1828 Not less than 30 days prior to taking final action on any proposed policy, rule, or regulation  
1829 adopted pursuant to this Code section, or any amendment thereto, the council shall transmit  
1830 a copy of said policy, rule, regulation, or amendment to all district attorneys and the  
1831 presiding officers of the Judiciary Committee of the House of Representatives and the  
1832 Judiciary Committee of the Senate.

1833 (d) District attorneys and state paid personnel employed by the district attorney shall be  
1834 entitled to annual, sick, and other leave authorized by the policies, rules, or regulations  
1835 adopted by the council pursuant to subsection (a) of this Code section. Subject to the  
1836 provisions of Code Section 47-2-91, district attorneys who are members of either the  
1837 District Attorneys' Retirement System or the Employees' Retirement System of Georgia  
1838 shall also be entitled to receive creditable service for any forfeited annual or sick leave.

1839 (e)(1) The council shall establish salary schedules for each such state paid position  
1840 authorized by this article or any other provision of law. Said salary schedules shall be  
1841 similar to the general and special schedules ~~adopted by~~ applicable to state employees  
1842 pursuant to the rules of the State Personnel Administration Board and shall provide for  
1843 a minimum entry step and not less than ten additional steps, not to exceed the maximum  
1844 allowable salary. In establishing the salary schedule, all amounts will be rounded off to  
1845 the nearest whole dollar. The council may, from time to time, revise the salary schedule  
1846 to include across-the-board increases which the General Assembly may from time to time  
1847 authorize in the General Appropriations Act.

1848 (2) The district attorney shall fix the compensation of each state paid employee  
1849 appointed pursuant to this article in accordance with the class to which such person is  
1850 appointed and the appropriate step of the salary schedule.

1851 (3) All salary advancements shall be based on quality of work, training, and  
1852 performance. The salary of state paid personnel appointed pursuant to this article may  
1853 be advanced one step at the first of the calendar month following the annual anniversary

1854 of such person's appointment. No employee's salary shall be advanced beyond the  
1855 maximum established in the applicable pay schedule.

1856 (4) Any reduction in salary shall be made in accordance with the salary schedule for such  
1857 position and the policies, rules, or regulations adopted by the council.

1858 (5) The compensation of state paid personnel appointed pursuant to this article shall be  
1859 paid in equal installments by the Prosecuting Attorneys' Council of the State of Georgia  
1860 as provided by this subsection from funds appropriated for such purpose. The council  
1861 may authorize employees compensated pursuant to this Code section to participate in  
1862 voluntary salary deductions as provided by Article 3 of Chapter 7 of Title 45.

1863 (6) The governing authority of the county or counties comprising a judicial circuit may  
1864 supplement the salary or fringe benefits of any state paid position appointed pursuant to  
1865 this article.

1866 (7) The governing authority of any municipality within the judicial circuit may, with the  
1867 approval of the district attorney, supplement the salary or fringe benefits of any state paid  
1868 position appointed pursuant to this article."

1869 **SECTION 2-18.**

1870 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is  
1871 amended by revising Code Section 17-12-25, relating to salary of public defender and private  
1872 practice prohibited, as follows:

1873 "17-12-25.

1874 (a) Each circuit public defender shall receive an annual salary of \$87,593.58, and  
1875 cost-of-living adjustments may be given by the General Assembly in the General  
1876 Appropriations Act by a percentage not to exceed the average percentage of the general  
1877 increase in salary as may from time to time be granted to employees of the executive,  
1878 judicial, and legislative branches of government; provided, however, that any increase for  
1879 such circuit public defender shall not include within-grade step increases for which  
1880 classified employees ~~of the State Personnel Administration~~ as defined by Code Section  
1881 45-20-2 are eligible. Any increase granted pursuant to this subsection shall become  
1882 effective at the same time that funds are made available for the increase for such  
1883 employees. The Office of Planning and Budget shall calculate the average percentage  
1884 increase.

1885 (b) The county or counties comprising the judicial circuit may supplement the salary of  
1886 the circuit public defender in an amount as is or may be authorized by local Act or in an  
1887 amount as may be determined by the governing authority of the county or counties,  
1888 whichever is greater.

1889 (c) No circuit public defender shall engage in the private practice of law for profit or serve  
1890 concurrently in any judicial office."

1891 **SECTION 2-19.**

1892 Said Title 17 is further amended by revising Code Section 17-12-27, relating to appointment  
1893 of assistant public defenders, salary, and promotions, as follows:

1894 "17-12-27.

1895 (a) Subject to the provisions of this Code section, the circuit public defender in each  
1896 judicial circuit is authorized to appoint:

1897 (1) One assistant public defender for each superior court judge authorized for the circuit,  
1898 excluding the chief judge and senior judges; and

1899 (2) Subject to funds being appropriated by the General Assembly or otherwise available,  
1900 additional assistant public defenders as may be authorized by the council. In authorizing  
1901 additional assistant public defenders, the council shall consider the caseload, present staff,  
1902 and resources available to each circuit public defender and shall make authorizations as  
1903 will contribute to the efficiency of individual circuit public defenders and the  
1904 effectiveness of providing adequate legal defense for indigent defendants.

1905 (b) Each assistant public defender appointed pursuant to subsection (a) of this Code  
1906 section shall be classified based on education, training, and experience. The jobs of  
1907 assistant public defenders and the minimum qualifications required for appointment or  
1908 promotion to each job shall be established by the council based on education, training, and  
1909 experience and in accordance with the provisions of Code Sections 17-12-30 and 17-12-34.

1910 (c) Each assistant public defender appointed pursuant to this Code section shall be  
1911 compensated based on a salary range established in accordance with subsection (c) of Code  
1912 Section 17-12-30. The salary range for each job established in accordance with subsection  
1913 (b) of this Code section shall be as follows:

1914 (1) Assistant public defender I. Not less than \$38,124.00 nor more than 65 percent of the  
1915 compensation of the circuit public defender;

1916 (2) Assistant public defender II. Not less than \$40,884.00 nor more than 70 percent of  
1917 the compensation of the circuit public defender;

1918 (3) Assistant public defender III. Not less than \$45,108.00 nor more than 80 percent of  
1919 the compensation of the circuit public defender; and

1920 (4) Assistant public defender IV. Not less than \$52,176.00 nor more than 90 percent of  
1921 the compensation of the circuit public defender.

1922 (d) All personnel actions involving attorneys appointed pursuant to this Code section shall  
1923 be made by the circuit public defender in writing in accordance with the provisions of Code  
1924 Section 17-12-30.

- 1925 (e)(1) All salary advancements shall be based on quality of work, education, and  
1926 performance.
- 1927 (2) The salary of an assistant public defender appointed pursuant to this Code section  
1928 may be increased at the first of the calendar month following the anniversary of his or her  
1929 appointment.
- 1930 (3) The salary of any assistant public defender who, subsequent to his or her appointment  
1931 pursuant to this Code section, is awarded an LL.M. or S.J.D. degree by a law school  
1932 recognized by the State Bar of Georgia from which a graduate of or student enrolled  
1933 therein is permitted to take the bar examination or by a law school accredited by the  
1934 American Bar Association or the Association of American Law Schools may be increased  
1935 effective on the first day of the calendar month following the award of the degree,  
1936 provided that such advancement does not exceed the maximum of the salary range  
1937 applicable to the attorney's job classification.
- 1938 (f) Any assistant public defender appointed pursuant to this Code section may be promoted  
1939 to the next highest job at any time the attorney meets the minimum qualifications for such  
1940 job, but in order to be eligible for promotion, the attorney shall have served not less than  
1941 12 months in the job from which the attorney is to be promoted. When an assistant public  
1942 defender is promoted to the next highest job, the assistant public defender shall enter the  
1943 higher job at an annual salary greater than the annual salary the assistant public defender  
1944 was receiving immediately prior to the promotion.
- 1945 (g) All full-time state paid employees of the office of the circuit public defender shall be  
1946 state employees in the unclassified service of the ~~State Personnel Administration~~ as defined  
1947 by Chapter of Title 45 with all benefits of such appointed state employees as provided by  
1948 law. A circuit public defender, assistant public defender, or local public defender may be  
1949 issued an employee identification card by his or her employing agency; provided, however,  
1950 that no employer of any such public defender shall issue nor shall any public defender  
1951 display, wear, or carry any badge, shield, card, or other item that is similar to a law  
1952 enforcement officer's badge or that could be reasonably construed to indicate that the public  
1953 defender is a peace officer or law enforcement official.
- 1954 (h) Notwithstanding the provisions of subsection (g) of this Code section, an employee of  
1955 a local public defender office who was an employee of the office on June 30, 2004, and  
1956 who becomes a circuit public defender or an employee of a circuit public defender office  
1957 before July 1, 2005, may elect, with the consent of the former employer and the consent  
1958 of the council, to remain an employee of the entity for which the employee worked as a  
1959 local public defender; and such entity shall be his or her employer for all purposes,  
1960 including, without limitation, compensation and employee benefits. The right to make an  
1961 election pursuant to this subsection shall expire on July 1, 2005. The council shall

1962 reimburse the appropriate entity for compensation, benefits, and employer contributions  
 1963 under the federal Social Security Act, but the total payment from the council to the entity  
 1964 on behalf of the employee shall not exceed the amount otherwise payable to or for the  
 1965 employee under the circumstance where the employee had become a state employee."

1966 **SECTION 2-20.**

1967 Said Title 17 is further amended by revising Code Section 17-12-30, relating to classification  
 1968 of personnel, responsibilities, compensation, and local supplements, as follows:

1969 "17-12-30.

1970 (a) All state paid personnel employed by the circuit public defenders pursuant to this  
 1971 article shall be employees of the executive branch of state government and shall be in the  
 1972 unclassified service ~~of the State Personnel Administration~~ as defined by Code Section  
 1973 45-20-2.

1974 (b) Personnel employed by the circuit public defenders pursuant to this article shall have  
 1975 the authority, duties, powers, and responsibilities as are authorized by law or as assigned  
 1976 by the circuit public defender and shall serve at the pleasure of the circuit public defender.

1977 (c)(1) The council shall establish salary ranges for each state paid position authorized by  
 1978 this article or any other provision of law. Salary ranges shall be similar to the state-wide  
 1979 and senior executive ranges adopted ~~by~~ pursuant to the rules of the State Personnel  
 1980 ~~Administration Board~~ Board and shall provide for minimum, midpoint, and maximum salaries  
 1981 not to exceed the maximum allowable salary. In establishing the salary ranges, all  
 1982 amounts will be rounded off to the nearest whole dollar. The council may, from time to  
 1983 time, revise the salary ranges to include across-the-board increases which the General  
 1984 Assembly may from time to time authorize in the General Appropriations Act.

1985 (2) The circuit public defender shall fix the compensation of each state paid employee  
 1986 appointed pursuant to this article in accordance with the job to which the person is  
 1987 appointed and the appropriate salary range.

1988 (3) All salary advancements shall be based on quality of work, training, and  
 1989 performance. The salary of state paid personnel appointed pursuant to this article may  
 1990 be increased at the first of the calendar month following the annual anniversary of the  
 1991 person's appointment. No employee's salary shall be advanced beyond the maximum  
 1992 established in the applicable pay range.

1993 (4) Any reduction in salary shall be made in accordance with the salary range for the  
 1994 position and the policies adopted by the council.

1995 (5) The compensation of state paid personnel appointed pursuant to this article shall be  
 1996 paid in equal installments by the council as provided by this subsection from funds  
 1997 appropriated for such purpose. The council may authorize employees compensated

1998 pursuant to this Code section to participate in voluntary salary deductions as provided by  
1999 Article 3 of Chapter 7 of Title 45.

2000 (6) The governing authority of the county or counties comprising a judicial circuit may  
2001 supplement the salary or fringe benefits of any state paid position appointed pursuant to  
2002 this article.

2003 (7) The governing authority of any municipality within the judicial circuit may, with the  
2004 approval of the circuit public defender, supplement the salary or fringe benefits of any  
2005 state paid position appointed pursuant to this article."

2006 **SECTION 2-21.**

2007 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by  
2008 revising Code Section 20-1A-3, relating to director and board of early care and learning,  
2009 duties and powers, salary, personnel, and rules and regulations, as follows:

2010 "20-1A-3.

2011 (a) There is created a Board of Early Care and Learning and a commissioner of early care  
2012 and learning.

2013 (b) The board shall consist of one member from each congressional district appointed by  
2014 the Governor. In as far as it is practical, the members of the board shall be representative  
2015 of all areas and functions encompassed within the early childhood care and education  
2016 community. In appointing members to their initial terms, the Governor shall designate five  
2017 members for two-year terms, four members for three-year terms, and four members for  
2018 five-year terms. Subsequent appointments shall be for five-year terms. Members shall  
2019 serve until their successors are appointed. In the event of a vacancy on the board for any  
2020 reason other than expiration of a term, the Governor shall appoint a person from the same  
2021 congressional district to fill the vacancy for the unexpired term.

2022 (c) The board shall elect from its members a chairperson and such other officers as the  
2023 board considers necessary. The board shall adopt bylaws for the conduct of its activities.  
2024 The members of the board shall receive per diem and expense reimbursement as shall be  
2025 determined and approved by the Office of Planning and Budget in conformity with rates  
2026 and allowances determined for members of other state boards.

2027 (d) The board shall determine policies and promulgate rules and regulations for the  
2028 operation of the department including:

2029 (1) Functions formerly performed by the Office of School Readiness, including, but not  
2030 limited to, Even Start;

2031 (2) Functions transferred to the department from the Department of Human Resources  
2032 (now known as the Department of Human Services) relating to day-care centers, group  
2033 day-care homes, family day-care homes, and other functions as agreed upon by the

2034 department and the Department of Human Resources (now known as the Department of  
 2035 Human Services) in accordance with Code Section 20-1A-8;

2036 (3) Functions transferred to the department from the Georgia Child Care Council  
 2037 pursuant to Code Section 20-1A-63; and

2038 (4) Functions relating to early childhood education programs transferred from the  
 2039 Department of Education by agreement in accordance with Code Section 20-1A-17.

2040 (e) The board shall oversee the budget of the department and shall submit an annual  
 2041 request for funding to the Office of Planning and Budget in accordance with Code Section  
 2042 45-12-78.

2043 (f) The commissioner shall be the chief administrative and executive officer of the  
 2044 department. The commissioner shall be appointed by and serve at the pleasure of the  
 2045 Governor. The commissioner shall be in the unclassified service ~~of the State Personnel~~  
 2046 ~~Administration~~ as defined by Code Section 45-20-2 and shall receive a salary to be  
 2047 determined by the Governor.

2048 (g) The commissioner shall have the authority to employ all personnel of the department,  
 2049 subject to the provisions of this chapter, all applicable provisions of other laws governing  
 2050 public employment, and the policies, procedures, rules, and regulations of the board."

2051 **SECTION 2-22.**

2052 Said Title 20 is further amended by revising Code Section 20-1A-8, relating to transfer of  
 2053 functions, powers, personnel, equipment, and assets to department, and funding, as follows:  
 2054 "20-1A-8.

2055 (a) Effective October 1, 2004, the department shall carry out all of the functions and  
 2056 exercise all of the powers formerly held by the Department of Human Resources (now  
 2057 known as the Department of Human Services) for the regulation and licensure of early care  
 2058 and education programs and any other functions as agreed upon by the department and the  
 2059 Department of Human Resources. Subject to subsection (c) of this Code section, all  
 2060 persons employed by and positions authorized for the Department of Human Resources to  
 2061 perform functions relating to the licensure and certification of early care and education  
 2062 programs and any other functions as agreed upon by the department and the Department  
 2063 of Human Resources on September 30, 2004, shall on October 1, 2004, be transferred to  
 2064 the department. All office equipment, furniture, and other assets in possession of the  
 2065 Department of Human Resources which are used or held exclusively or principally by  
 2066 personnel transferred under this subsection shall be transferred to the department on  
 2067 October 1, 2004.

2068 (b) Effective October 1, 2004, notwithstanding the advisory functions of the Georgia Child  
 2069 Care Council included in Code Section 20-1A-63, the department shall carry out the

2070 functions and exercise the powers formerly held by the Georgia Child Care Council under  
2071 former Article 11 of Chapter 5 of Title 49. Subject to subsection (c) of this Code section,  
2072 all persons employed by and positions authorized for the Georgia Child Care Council to  
2073 perform functions relating to the recommendation of measures to improve the quality,  
2074 availability, and affordability of child care in this state on September 30, 2004, shall on  
2075 October 1, 2004, be transferred to the department. All office equipment, furniture, and  
2076 other assets in possession of the Georgia Child Care Council or the Department of Human  
2077 Resources, (now known as the Department of Human Services) which are used or held  
2078 exclusively or principally by personnel transferred under this subsection shall be  
2079 transferred to the department on October 1, 2004.

2080 (c) All transfers of employees and assets provided for in subsections (a) and (b) of this  
2081 Code section shall be subject to the approval of the commissioner, and such personnel or  
2082 assets shall not be transferred if the commissioner determines that a specific employee or  
2083 asset should remain with the transferring agency.

2084 (d) Employees of the department shall serve in the unclassified service ~~of the State~~  
2085 ~~Personnel Administration~~ as defined by Code Section ~~45-20-6~~ 45-20-2. Persons who have  
2086 transferred to the department pursuant to subsections (a) and (b) of this Code section who  
2087 are in the classified service ~~of the State Personnel Administration~~ as defined by Code  
2088 Section 45-20-2 at the time of the transfer may elect to remain in such classified service  
2089 and be governed by the provisions thereof; provided, however, that if any such person  
2090 accepts a promotion or transfers to another position, that person shall become an employee  
2091 in the unclassified service.

2092 (e) All rights, credits, and funds in the Employees' Retirement System of Georgia created  
2093 in Chapter 2 of Title 47 which are possessed by state personnel transferred by provisions  
2094 of this Code section to the department, or otherwise held by persons at the time of  
2095 employment with the department, are continued and preserved, it being the intention of the  
2096 General Assembly that such persons shall not lose any rights, credits, or funds to which  
2097 they may be entitled prior to becoming employees of the department. No employment  
2098 benefit of any employee transferring to the department shall be impaired.

2099 (f) Funding for functions and positions transferred to the department under this Code  
2100 section shall be transferred as provided in Code Section 45-12-90."

**SECTION 2-23.**

2101  
2102 Said Title 20 is further amended by revising Code Section 20-2-302, relating to funds for  
2103 operation of schools for deaf and blind persons, as follows:

2104 "20-2-302.

2105 (a) The State Board of Education shall annually determine the amount of funds needed for  
2106 operation of the state schools for the deaf and blind. Such funds appropriated by the  
2107 General Assembly shall be made available for the operation of these schools under rules  
2108 and regulations prescribed by the state board.

2109 (b) Employees of the state schools for the deaf and blind governed by the State Board of  
2110 Education shall serve in the unclassified service ~~of the State Personnel Administration~~ as  
2111 defined by Code Section ~~45-20-6~~ 45-20-2, provided that employees who serve in the  
2112 classified service ~~of the State Personnel Administration~~ as defined by Code Section  
2113 ~~45-20-6~~ 45-20-2 may elect to remain in the classified service and be governed by the  
2114 provisions thereof; provided, further, that such employees who choose to be promoted to  
2115 unclassified positions or who request to transfer to different positions or locations shall  
2116 become members of the unclassified service.

2117 (c) The State Board of Education may delegate to the State School Superintendent the  
2118 authority to employ and dismiss employees at the state schools for the deaf and blind."

**SECTION 2-24.**

2119  
2120 Said Title 20 is further amended by revising Code Section 20-3-39, relating to reassignment  
2121 of responsibilities for operation and management of public libraries, employees, transfer of  
2122 funding, and rules and regulations, as follows:

2123 "20-3-39.

2124 (a) Effective July 1, 2000, the board of regents shall carry out all the functions and  
2125 exercise all of the powers formerly held by the Department of Technical and Adult  
2126 Education, now known as the Technical College System of Georgia, for the operation and  
2127 management of public library services and public libraries. Subject to subsection (b) of this  
2128 Code section, all persons employed by and positions authorized for the Department of  
2129 Technical and Adult Education, now known as the Technical College System of Georgia,  
2130 to perform these functions on June 30, 2000, shall, on July 1, 2000, be transferred to the  
2131 board of regents. All office equipment, furniture, and other assets in possession of the  
2132 Department of Technical and Adult Education, now known as the Technical College  
2133 System of Georgia, which are used or held exclusively or principally by personnel  
2134 transferred under this subsection shall be transferred to the board of regents on July 1,  
2135 2000.

2136 (b) All transfers of employees and assets provided for in subsection (a) of this Code  
 2137 section shall be subject to the approval of the board of regents, and such personnel or assets  
 2138 shall not be transferred if the board of regents determines that a specific employee or asset  
 2139 should remain with the transferring agency.

2140 (c) Employees who are transferred to the board of regents pursuant to this Code section  
 2141 shall be subject to the employment practices and policies of the board on and after July 1,  
 2142 2000, but the compensation and benefits of such transferred employees shall not be reduced  
 2143 as a result of such transfer. Employees who are subject to the rules of the State Personnel  
 2144 Board ~~and thereby under the State Personnel Administration~~ and who are transferred to the  
 2145 board of regents shall retain all existing rights under ~~the State Personnel Administration~~  
 2146 such rules. Retirement rights of such transferred employees existing under the Employees'  
 2147 Retirement System of Georgia or other public retirement systems on June 30, 2000, shall  
 2148 not be impaired or interrupted by the transfer of such employees and membership in any  
 2149 such retirement system shall continue in the same status possessed by the transferred  
 2150 employees on June 30, 2000. Accrued annual and sick leave possessed by said employees  
 2151 on June 30, 2000, shall be retained by said employees as employees of the board.

2152 (d) Funding for functions and positions transferred to the board of regents under this Code  
 2153 section shall be transferred as provided in Code Section 45-12-90.

2154 (e) The board of regents shall succeed to all rules, regulations, policies, procedures, and  
 2155 administrative orders of the Department of Technical and Adult Education, now known as  
 2156 the Technical College System of Georgia, where applicable, which are in effect on June 30,  
 2157 2000, and which relate to the functions transferred to the board. Such rules, regulations,  
 2158 policies, and procedures shall remain in effect until amended, repealed, superseded, or  
 2159 nullified by the board of regents."

2160 **SECTION 2-25.**

2161 Said Title 20 is further amended by revising Code Section 20-3-250.24, relating to  
 2162 compensation and benefits of commission employees, as follows:

2163 "20-3-250.24.

2164 (a) All employees of the commission shall be subject to and covered by Article 1 of  
 2165 Chapter 20 of Title 45, but the position of executive director and such other employee  
 2166 positions as may be determined by the commission to be exempt from the classified service  
 2167 pursuant to that article shall be exempt unclassified positions, and the commission shall  
 2168 determine and fix the salary and other compensation and benefits to be paid or provided  
 2169 to the employees occupying those positions. All full-time employees of the commission  
 2170 shall be members of the Employees' Retirement System of Georgia, except for members  
 2171 of the Teachers Retirement System of Georgia who, without any break in service, become

2172 full-time employees of the commission. Such employees shall continue as members of the  
 2173 Teachers Retirement System of Georgia.

2174 (b) Those positions and employees of the Department of Education which are assigned the  
 2175 sole responsibility for management, professional, and clerical services to nonpublic  
 2176 postsecondary schools and proprietary schools programs are transferred to the commission.  
 2177 All such employees transferred to the commission shall retain all existing rights under the  
 2178 rules of the State Personnel Administration Board, the Employees' Retirement System of  
 2179 Georgia, and the Teachers Retirement System of Georgia."

#### 2180 SECTION 2-26.

2181 Said Title 20 is further amended by revising Code Section 20-3-329, relating to employees  
 2182 of commission transferred to authority, status of authority employees hired after July 1, 1996,  
 2183 status of transferred employees, and benefits of transferred employees not impaired, as  
 2184 follows:

2185 "20-3-329.

2186 (a) All employees of the commission shall, on July 1, 1996, become employees of the  
 2187 authority, subject to the operating needs of the authority. Any employees of the  
 2188 commission whom the director gives the opportunity to elect to be transferred to the  
 2189 authority on July 1, 1996, shall be subject to the operating needs of the authority.

2190 (b) Except for persons who transfer to the authority pursuant to subsection (a) of this Code  
 2191 section, no person who becomes an employee of the authority on or after July 1, 1996, shall  
 2192 be considered a state employee, ~~or subject to the State Personnel Administration under~~  
 2193 ~~Chapter 20 of Title 45. No~~ no such person shall be considered an 'employee' within the  
 2194 meaning of Chapter 2 of Title 47, and no such person shall be entitled to membership in  
 2195 the Employees' Retirement System of Georgia.

2196 (c) All persons who transfer to the authority pursuant to subsection (a) of this Code section  
 2197 and who, immediately prior to such transfer, are state employees in the unclassified service  
 2198 ~~of the State Personnel Administration~~ as defined in Code Section 45-20-2 shall remain in  
 2199 the unclassified service ~~of the State Personnel Administration~~. All such persons who,  
 2200 immediately prior to the transfer, are state employees in the classified service ~~of the State~~  
 2201 ~~Personnel Administration~~ as defined in Code Section 45-20-2 may elect to remain in the  
 2202 classified service ~~and be governed by the relevant provisions of the State Personnel~~  
 2203 ~~Administration~~; provided, however, that if any such person accepts a promotion or transfer  
 2204 to another position, he or she shall become an employee in the unclassified service ~~for~~  
 2205 ~~purposes of benefits administered pursuant to the State Personnel Administration as defined~~  
 2206 by Code Section 45-20-2.

2207 (d) The rights and benefits in the Employees' Retirement System of Georgia and any  
 2208 employee benefits of any employee transferring to the authority pursuant to subsection (a)  
 2209 of this Code section shall not be impaired."

2210 **SECTION 2-27.**

2211 Said Title 20 is further amended by revising Code Section 20-4-12, relating to expenses and  
 2212 mileage allowance, as follows:

2213 "20-4-12.

2214 The members of the State Board of the Technical College System of Georgia who are in  
 2215 state employment shall serve without compensation but, subject to fund availability, shall  
 2216 be reimbursed by the state department in which employed for all necessary expenses that  
 2217 may be incurred in the performance of their duties under this article in accordance with  
 2218 state travel regulations promulgated by the State Accounting Office in the same manner  
 2219 that state employees of the State Personnel Administration are reimbursed. For those State  
 2220 Board of the Technical College System of Georgia members who are not in state  
 2221 employment, the expense and mileage allowance shall be the same as that authorized for  
 2222 the General Assembly and shall be payable, subject to fund availability, by the State Board  
 2223 of the Technical College System of Georgia."

2224 **SECTION 2-28.**

2225 Said Title 20 is further amended by revising Code Section 20-4-17, relating to agencies to  
 2226 receive federal funds and transfer of personnel to Department of Technical and Adult  
 2227 Education, now known as Technical College System of Georgia, as follows:

2228 "20-4-17.

2229 (a) The Department of Education is designated as the sole state agency to receive federal  
 2230 funds allotted to Georgia under acts of Congress appropriating federal funds for career,  
 2231 occupational, or technical education; provided, however, that those funds appropriated for  
 2232 the operation and management of postsecondary technical, adult, and industrial programs  
 2233 shall be placed under the jurisdiction and control of the Department of Technical and Adult  
 2234 Education, now known as the Technical College System of Georgia; provided, further, a  
 2235 proportionate share of those federal funds appropriated for planning, evaluation, program  
 2236 improvement, and other administrative and discretionary purposes shall be placed under  
 2237 the jurisdiction and control of such board. Those personnel positions authorized for fiscal  
 2238 year 1986 for the operation and management of postsecondary technical schools and adult  
 2239 centers, as well as a proportionate share of those positions authorized for fiscal year 1986  
 2240 for planning, evaluation, program improvement, and other administrative and discretionary  
 2241 purposes, shall be transferred to the Technical College System of Georgia. Such

2242 employees shall retain all existing rights under the Employees' Retirement System of  
 2243 Georgia, the Teachers Retirement System of Georgia, and the rules of the State Personnel  
 2244 Administration Board.

2245 (b) The Department of Technical and Adult Education, now known as the Technical  
 2246 College System of Georgia, is designated as the sole state agency to receive federal funds  
 2247 allotted to Georgia under acts of Congress appropriating federal funds for adult literacy  
 2248 education programs. Those personnel positions authorized for fiscal year 1988 solely for  
 2249 the management, coordination, planning, evaluation, administration, and program  
 2250 improvement of adult literacy education programs, and associated office equipment and  
 2251 furniture, shall be transferred to the Department of Technical and Adult Education, now  
 2252 known as the Technical College System of Georgia. All officials and employees in such  
 2253 positions are also transferred to the Department of Technical and Adult Education, now  
 2254 known as the Technical College System of Georgia, and shall retain all existing rights  
 2255 under the Employees' Retirement System of Georgia, the Teachers Retirement System of  
 2256 Georgia, and the rules of the State Personnel Administration Board."

#### 2257 **SECTION 2-29.**

2258 Said Title 20 is further amended by revising Code Section 20-4-27, relating to service in  
 2259 State Personnel Administration, as follows:

2260 "20-4-27.

2261 Employees of postsecondary technical schools governed by the Technical College System  
 2262 of Georgia shall serve in the unclassified service ~~of the State Personnel Administration~~ as  
 2263 defined by Code Section ~~45-20-6~~ 45-20-2, provided that employees who serve in the  
 2264 classified service ~~of the State Personnel Administration~~ as defined by Code Section  
 2265 ~~45-20-6~~ 45-20-2 may elect to remain in the classified service, and be governed by the  
 2266 provisions thereof; provided, further, that such employees who choose to be promoted to  
 2267 unclassified positions or who request to transfer to different positions or locations shall  
 2268 become members of the unclassified service."

#### 2269 **SECTION 2-30.**

2270 Said Title 20 is further amended by revising Code Section 20-4-30, relating to compensation  
 2271 of classified employees electing to become unclassified, as follows:

2272 "20-4-30.

2273 Employees in the classified service ~~of the State Personnel Administration~~ as defined by  
 2274 Code Section 45-20-2 who are employed by postsecondary technical schools governed by  
 2275 the system who elect to become members of the unclassified service shall have their

2276 compensation established in conformity with state board policy in accordance with the state  
 2277 board compensation plan in effect at the time of such election."

2278 **SECTION 2-31.**

2279 Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by  
 2280 revising Code Section 21-5-30.2, relating to contributions by public agencies, as follows:

2281 "21-5-30.2.

2282 (a) Except as otherwise provided in this subsection, the definitions set forth in Code  
 2283 Section 21-5-3 shall be applicable to the provisions of this Code section. As used in this  
 2284 Code section, the term:

2285 (1) 'Agency' means:

2286 (A) Every state department, agency, board, bureau, commission, and authority;

2287 (B) Every county, municipal corporation, school district, or other political subdivision  
 2288 of this state;

2289 (C) Every department, agency, board, bureau, commission, authority, or similar body  
 2290 of each such county, municipal corporation, or other political subdivision of this state;  
 2291 and

2292 (D) Every city, county, regional, or other authority established pursuant to the laws of  
 2293 this state.

2294 (2) 'Contribution' means a gift, subscription, membership, loan, forgiveness of debt,  
 2295 advance or deposit of money, or anything of value conveyed or transferred by or on  
 2296 behalf of an agency, without receipt of payment therefor, to any campaign committee,  
 2297 political action committee, or political organization or to any candidate for campaign  
 2298 purposes.

2299 (3) 'Elector' means any person who shall possess all of the qualifications for voting now  
 2300 or hereafter prescribed by the laws of this state and who shall have registered in  
 2301 accordance with Chapter 2 of this title.

2302 (4) 'Political action committee' means any committee, club, association, partnership,  
 2303 corporation, labor union, or other group of persons which receives donations aggregating  
 2304 in excess of \$1,000.00 during a calendar year from persons who are members or  
 2305 supporters of the committee and which distributes these funds as contributions to one or  
 2306 more campaign committees of candidates for public office. Such term does not mean a  
 2307 campaign committee.

2308 (5) 'Political organization' means an affiliation of electors organized for the purpose of  
 2309 influencing or controlling the policies and conduct of government through the nomination  
 2310 of candidates for public office and, if possible, the election of its candidates to public  
 2311 office.

2312 (6) 'Public meeting place' means any county, municipal, or other public building suitable  
2313 and ordinarily used for public gatherings.

2314 (b) No agency and no person acting on behalf of an agency shall make, directly or  
2315 indirectly, any contribution to any campaign committee, political action committee, or  
2316 political organization or to any candidate; but nothing in this Code section shall prohibit  
2317 the furnishing of office space, facilities, equipment, goods, or services to a public officer  
2318 for use by the public officer in such officer's fulfillment of such office.

2319 (c) No campaign committee, political action committee, or political organization or  
2320 candidate shall accept a contribution in violation of subsection (b) of this Code section.

2321 (d) Nothing contained in this Code section shall be construed to:

2322 (1) Affect the authority of the State Personnel Board regarding the regulation of certain  
2323 political activities of public employees in the classified service ~~of the State Personnel~~  
2324 ~~Administration~~ as defined by Code Section 45-20-2;

2325 (2) Affect the authority of any agency regarding the regulation of the political activities  
2326 of such agency's employees;

2327 (3) Affect the use of the capitol building and grounds as specified in Code Section  
2328 50-16-4; or

2329 (4) Prohibit the use of public meeting places by political organizations when such  
2330 meeting places are made available to different political organizations on an equal basis;  
2331 provided, however, that this paragraph shall not be construed to create a right for a  
2332 political organization to use a public meeting place."

2333 **SECTION 2-32.**

2334 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by  
2335 revising Code Section 27-1-16, relating to conservation officers, qualifications, appointment,  
2336 supervisory personnel, and retention of badge and weapon upon disability retirement, as  
2337 follows:

2338 "27-1-16.

2339 (a) Within the department is established a unit of peace officers to be known as  
2340 conservation rangers. All such conservation rangers shall be at least 21 years of age. Such  
2341 unit of peace officers shall include, but not be limited to, the commissioner and other  
2342 supervisory personnel; provided, however, that the commissioner and the director of the  
2343 division to which peace officer functions are assigned shall be excluded from the classified  
2344 service ~~under the State Personnel Administration as provided for in Chapter 20 of Title 45~~  
2345 as defined by Code Section 45-20-2 unless otherwise provided by law. The commissioner  
2346 shall have the power to appoint such a number of conservation rangers of the state at large,

2347 as may be necessary to carry out the duties assigned to them, who shall be charged with the  
2348 law enforcement responsibilities pertaining to the department.

2349 (b) After a conservation ranger has accumulated 25 years of service with the department  
2350 as a peace officer and upon leaving such department under honorable conditions, such  
2351 conservation ranger shall be entitled as part of ~~his~~ such officer's compensation to retain his  
2352 or her weapon and badge pursuant to regulations promulgated by the commissioner.

2353 (c) As used in this subsection, the term 'disability' means a disability that prevents an  
2354 individual from working as a law enforcement officer. When a conservation ranger leaves  
2355 the department as a result of a disability arising in the line of duty, such conservation  
2356 ranger shall be entitled as part of such officer's compensation to retain his or her weapon  
2357 and badge in accordance with regulations promulgated by the commissioner."

2358

### SECTION 2-33.

2359 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising  
2360 Code Section 31-2-5, relating to transfer of personnel and functions, conforming to federal  
2361 standards of personnel administration, existing procedures, regulations, agreements, and rules  
2362 adoption and implementation, as follows:

2363 "31-2-5.

2364 (a) All persons employed in a predecessor agency or unit on June 30, 2009, shall, on July  
2365 1, 2009, become employees of the department. Such employees shall be subject to the  
2366 employment practices and policies of the department on and after July 1, 2009, but the  
2367 compensation and benefits of such transferred employees shall not be reduced as a result  
2368 of such transfer. Employees who are subject to the rules of the State Personnel Board ~~and~~  
2369 ~~thereby under the State Personnel Administration~~ and who are transferred to the department  
2370 shall retain all existing rights under ~~the State Personnel Administration~~ such rules.  
2371 Retirement rights of such transferred employees existing under the Employees' Retirement  
2372 System of Georgia or other public retirement systems on June 30, 2009, shall not be  
2373 impaired or interrupted by the transfer of such employees and membership in any such  
2374 retirement system shall continue in the same status possessed by the transferred employees  
2375 on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30,  
2376 2009, shall be retained by said employees as employees of the department.

2377 (b)(1) The department shall conform to federal standards for a merit system of personnel  
2378 administration in any respects necessary for receiving federal grants, and the board is  
2379 authorized and empowered to effect such changes as may, from time to time, be  
2380 necessary in order to comply with such standards.

2381 (2) The department is authorized to employ, on a full-time or part-time basis, such  
2382 medical, supervisory, institutional, and other professional personnel and such clerical and

2383 other employees as may be necessary to discharge the duties of the department under this  
2384 chapter. The department is also authorized to contract for such professional services as  
2385 may be necessary.

2386 (3) Classified employees of the department under this chapter shall in all instances be  
2387 employed and dismissed in accordance with rules of the State Personnel Board.

2388 (4) All personnel of the department are authorized to be members of the Employees'  
2389 Retirement System of Georgia as provided in Chapter 2 of Title 47. All rights, credits,  
2390 and funds in that retirement system which are possessed by state personnel transferred  
2391 by provisions of this chapter to the department, or otherwise had by persons at the time  
2392 of employment with the department, are continued and preserved, it being the intention  
2393 of the General Assembly that such persons shall not lose any rights, credits, or funds to  
2394 which they may be entitled prior to becoming employees of the department.

2395 (c) The department shall succeed to all rules, regulations, policies, procedures, and  
2396 administrative orders of the predecessor agency or unit which were in effect on June 30,  
2397 2009, or scheduled to go into effect on or after July 1, 2009, and which relate to the  
2398 functions transferred to the department by this chapter. Such rules, regulations, policies,  
2399 procedures, and administrative orders shall remain in effect until amended, repealed,  
2400 superseded, or nullified by proper authority or as otherwise provided by law. Rules of the  
2401 department shall be adopted, promulgated, and implemented as provided in Chapter 13 of  
2402 Title 50, the 'Georgia Administrative Procedure Act,' except that only rules promulgated  
2403 pursuant to Chapter 6 of this title shall be subject to the provisions of Code Section  
2404 31-6-21.1.

2405 (d) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
2406 agreements, and other transactions entered into before July 1, 2009, by any predecessor  
2407 agency or unit and which pertain to the functions transferred to the department by this  
2408 chapter shall continue to exist; and none of these rights, privileges, entitlements, and duties  
2409 are impaired or diminished by reason of the transfer of the functions to the department. In  
2410 all such instances, the Department of Community Health shall be substituted for the  
2411 predecessor agency or unit, and the Department of Community Health shall succeed to the  
2412 rights and duties under such contracts, leases, agreements, and other transactions.

2413 (e) On July 1, 2009, the department shall receive custody of the state owned real property  
2414 in the custody of the predecessor agency or unit on June 30, 2009, and which pertains to  
2415 the functions transferred to the department by this chapter."

**SECTION 2-34.**

2416  
2417 Said Title 31 is further amended by revising Code Section 31-2A-3, relating to Department  
2418 of Public Health successor to certain rules, regulations, policies, procedures, administrative  
2419 orders, rights, interests, and obligations of Department of Community Health, as follows:

2420 "31-2A-3.

2421 (a) The Department of Public Health shall succeed to all rules, regulations, policies,  
2422 procedures, and administrative orders of the Department of Community Health that are in  
2423 effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which  
2424 relate to the functions transferred to the Department of Public Health pursuant to Code  
2425 Section 31-2A-2 and shall further succeed to any rights, privileges, entitlements,  
2426 obligations, and duties of the Department of Community Health that are in effect on June  
2427 30, 2011, which relate to the functions transferred to the Department of Public Health  
2428 pursuant to Code Section 31-2A-2. Such rules, regulations, policies, procedures, and  
2429 administrative orders shall remain in effect until amended, repealed, superseded, or  
2430 nullified by the Department of Public Health by proper authority or as otherwise provided  
2431 by law.

2432 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
2433 agreements, and other transactions as identified by the Office of Planning and Budget  
2434 entered into before July 1, 2011, by the Department of Community Health which relate to  
2435 the functions transferred to the Department of Public Health pursuant to Code Section  
2436 31-2A-2 shall continue to exist; and none of these rights, privileges, entitlements, and  
2437 duties are impaired or diminished by reason of the transfer of the functions to the  
2438 Department of Public Health. In all such instances, the Department of Public Health shall  
2439 be substituted for the Department of Community Health, and the Department of Public  
2440 Health shall succeed to the rights and duties under such contracts, leases, agreements, and  
2441 other transactions.

2442 (c) All persons employed by the Department of Community Health in capacities which  
2443 relate to the functions transferred to the Department of Public Health pursuant to Code  
2444 Section 31-2A-2 on June 30, 2011, shall, on July 1, 2011, become employees of the  
2445 Department of Public Health in similar capacities, as determined by the commissioner of  
2446 public health. Such employees shall be subject to the employment practices and policies  
2447 of the Department of Public Health on and after July 1, 2011, but the compensation and  
2448 benefits of such transferred employees shall not be reduced as a result of such transfer.  
2449 Employees who are subject to the rules of the State Personnel Board ~~and thereby under the~~  
2450 ~~State Personnel Administration~~ and who are transferred to the department shall retain all  
2451 existing rights under ~~the State Personnel Administration~~ such rules. Accrued annual and

2452 sick leave possessed by the transferred employees on June 30, 2011, shall be retained by  
2453 such employees as employees of the Department of Public Health.

2454 (d) On July 1, 2011, the Department of Public Health shall receive custody of the state  
2455 owned real property in the custody of the Department of Community Health on June 30,  
2456 2011, and which pertains to the functions transferred to the Department of Public Health  
2457 pursuant to Code Section 31-2A-2."

2458 **SECTION 2-35.**

2459 Said Title 31 is further amended by revising Code Section 31-3-11, relating to appointments  
2460 of director and staff and supervision, as follows:

2461 "31-3-11.

2462 (a) The county board of health shall appoint as its chief executive officer a director who  
2463 shall be a physician licensed to practice medicine under Chapter 34 of Title 43 and who  
2464 otherwise meets the requirements of the rules of the State Personnel Administration Board.  
2465 The director, subject to the approval of the county board of health, shall designate aides and  
2466 assistants pursuant to the budget adopted by the county board of health in accordance with  
2467 Code Section 31-3-14.

2468 (b) Each employee of a county board of health whose duties include enforcing those  
2469 environmental health laws of this state or environmental health regulations of that board  
2470 of health relating to septic tanks or individual sewage management systems shall be subject  
2471 to the direction and supervision of the district director of environmental health, although  
2472 the hiring and termination from employment of such employee shall be subject to the  
2473 director of that county board of health. The employment activities of such employee with  
2474 regard to environmental health shall be reported to the director of environmental health  
2475 through the district director of environmental health at least quarterly. The director of  
2476 environmental health may recommend to that director of that county board of health  
2477 personnel actions, including but not limited to termination, which the director of  
2478 environmental health deems appropriate for such employee's failure or refusal to comply  
2479 with the direction of the director of environmental health in the carrying out of the  
2480 environmental health employment duties of such employee. As used in this subsection, the  
2481 term 'director of environmental health' means the director of environmental health of the  
2482 Department of Public Health."

**SECTION 2-36.**

2483  
 2484 Said Title 31 is further amended by revising Code Section 31-3-15, relating to establishment  
 2485 of health districts, as follows:

2486 "31-3-15.

2487 The department is authorized, with the consent of the boards of health and the county  
 2488 authorities of the counties involved, to establish health districts ~~comprised~~ composed of one  
 2489 or more counties. The county boards of health of the constituent counties shall, at the call  
 2490 of the commissioner, meet in joint session to approve the selection of a director appointed  
 2491 by the commissioner to serve such boards in common. A county board of health is  
 2492 authorized to appoint one of its members to represent the board at a joint meeting for this  
 2493 purpose. The director shall be a physician who is licensed to practice medicine under  
 2494 Chapter 34 of Title 43 and who otherwise meets the requirements of the rules of the State  
 2495 Personnel Administration Board. The district director shall have the same powers, duties,  
 2496 and responsibility as a director serving a single county board of health. To further the  
 2497 purposes of this Code section, county boards of health may contract with each other for the  
 2498 provision of multicounty services and also exercise any additional powers as authorized by  
 2499 paragraph (7) of subsection (a) of Code Section 31-3-4; and in the performance of such  
 2500 contracts a county board of health may utilize its employees in other counties."

**SECTION 2-37.**

2501  
 2502 Said Title 31 is further amended by revising Code Section 31-7-17, relating to licensure and  
 2503 regulation of hospitals and related institutions transferred to Department of Community  
 2504 Health, as follows:

2505 "31-7-17.

2506 (a) Effective July 1, 2009, all matters relating to the licensure and regulation of hospitals  
 2507 and related institutions pursuant to this article shall be transferred from the Department of  
 2508 Human Resources (now known as the Department of Human Services) to the Department  
 2509 of Community Health.

2510 (b) The Department of Community Health shall succeed to all rules, regulations, policies,  
 2511 procedures, and administrative orders of the Department of Human Resources that are in  
 2512 effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which  
 2513 relate to the functions transferred to the Department of Community Health pursuant to this  
 2514 Code section and shall further succeed to any rights, privileges, entitlements, obligations,  
 2515 and duties of the Department of Human Resources that are in effect on June 30, 2009,  
 2516 which relate to the functions transferred to the Department of Community Health pursuant  
 2517 to this Code section. Such rules, regulations, policies, procedures, and administrative

2518 orders shall remain in effect until amended, repealed, superseded, or nullified by the  
2519 Department of Community Health by proper authority or as otherwise provided by law.

2520 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
2521 agreements, and other transactions entered into before July 1, 2009, by the Department of  
2522 Human Resources which relate to the functions transferred to the Department of  
2523 Community Health pursuant to this Code section shall continue to exist; and none of these  
2524 rights, privileges, entitlements, and duties are impaired or diminished by reason of the  
2525 transfer of the functions to the Department of Community Health. In all such instances,  
2526 the Department of Community Health shall be substituted for the Department of Human  
2527 Resources, and the Department of Community Health shall succeed to the rights and duties  
2528 under such contracts, leases, agreements, and other transactions.

2529 (d) All persons employed by the Department of Human Resources in capacities which  
2530 relate to the functions transferred to the Department of Community Health pursuant to this  
2531 Code section on June 30, 2009, shall, on July 1, 2009, become employees of the  
2532 Department of Community Health in similar capacities, as determined by the commissioner  
2533 of community health. Such employees shall be subject to the employment practices and  
2534 policies of the Department of Community Health on and after July 1, 2009, but the  
2535 compensation and benefits of such transferred employees shall not be reduced as a result  
2536 of such transfer. Employees who are subject to the rules of the State Personnel Board ~~and~~  
2537 ~~thereby under the State Personnel Administration~~ and who are transferred to the department  
2538 shall retain all existing rights under ~~the State Personnel Administration~~ such rules.  
2539 Retirement rights of such transferred employees existing under the Employees' Retirement  
2540 System of Georgia or other public retirement systems on June 30, 2009, shall not be  
2541 impaired or interrupted by the transfer of such employees and membership in any such  
2542 retirement system shall continue in the same status possessed by the transferred employees  
2543 on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30,  
2544 2009, shall be retained by said employees as employees of the Department of Community  
2545 Health."

2546 **SECTION 2-38.**

2547 Said Title 31 is further amended by revising Code Section 31-7-159, relating to licensure and  
2548 regulation of home health agencies transferred to Department of Community Health, as  
2549 follows:

2550 "31-7-159.

2551 (a) Effective July 1, 2009, all matters relating to the licensure and regulation of home  
2552 health agencies pursuant to this article shall be transferred from the Department of Human

2553 Resources (now known as the Department of Human Services) to the Department of  
2554 Community Health.

2555 (b) The Department of Community Health shall succeed to all rules, regulations, policies,  
2556 procedures, and administrative orders of the Department of Human Resources that are in  
2557 effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which  
2558 relate to the functions transferred to the Department of Community Health pursuant to this  
2559 Code section and shall further succeed to any rights, privileges, entitlements, obligations,  
2560 and duties of the Department of Human Resources that are in effect on June 30, 2009,  
2561 which relate to the functions transferred to the Department of Community Health pursuant  
2562 to this Code section. Such rules, regulations, policies, procedures, and administrative  
2563 orders shall remain in effect until amended, repealed, superseded, or nullified by the  
2564 Department of Community Health by proper authority or as otherwise provided by law.

2565 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
2566 agreements, and other transactions entered into before July 1, 2009, by the Department of  
2567 Human Resources which relate to the functions transferred to the Department of  
2568 Community Health pursuant to this Code section shall continue to exist; and none of these  
2569 rights, privileges, entitlements, and duties are impaired or diminished by reason of the  
2570 transfer of the functions to the Department of Community Health. In all such instances,  
2571 the Department of Community Health shall be substituted for the Department of Human  
2572 Resources, and the Department of Community Health shall succeed to the rights and duties  
2573 under such contracts, leases, agreements, and other transactions.

2574 (d) All persons employed by the Department of Human Resources in capacities which  
2575 relate to the functions transferred to the Department of Community Health pursuant to this  
2576 Code section on June 30, 2009, shall, on July 1, 2009, become employees of the  
2577 Department of Community Health in similar capacities, as determined by the commissioner  
2578 of community health. Such employees shall be subject to the employment practices and  
2579 policies of the Department of Community Health on and after July 1, 2009, but the  
2580 compensation and benefits of such transferred employees shall not be reduced as a result  
2581 of such transfer. Employees who are subject to the rules of the State Personnel Board ~~and~~  
2582 ~~thereby under the State Personnel Administration~~ and who are transferred to the department  
2583 shall retain all existing rights under ~~the State Personnel Administration~~ such rules.  
2584 Retirement rights of such transferred employees existing under the Employees' Retirement  
2585 System of Georgia or other public retirement systems on June 30, 2009, shall not be  
2586 impaired or interrupted by the transfer of such employees and membership in any such  
2587 retirement system shall continue in the same status possessed by the transferred employees  
2588 on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30,

2589 2009, shall be retained by said employees as employees of the Department of Community  
 2590 Health."

2591 **SECTION 2-39.**

2592 Said Title 31 is further amended by revising Code Section 31-7-265, relating to facility  
 2593 licensing and employee records checks for personal care homes transferred to Department  
 2594 of Community Health, as follows:

2595 "31-7-265.

2596 (a) Effective July 1, 2009, all matters relating to facility licensing and employee records  
 2597 checks for personal care homes pursuant to this article shall be transferred from the  
 2598 Department of Human Resources (now known as the Department of Human Services) to  
 2599 the Department of Community Health.

2600 (b) The Department of Community Health shall succeed to all rules, regulations, policies,  
 2601 procedures, and administrative orders of the Department of Human Resources that are in  
 2602 effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which  
 2603 relate to the functions transferred to the Department of Community Health pursuant to this  
 2604 Code section and shall further succeed to any rights, privileges, entitlements, obligations,  
 2605 and duties of the Department of Human Resources that are in effect on June 30, 2009,  
 2606 which relate to the functions transferred to the Department of Community Health pursuant  
 2607 to this Code section. Such rules, regulations, policies, procedures, and administrative  
 2608 orders shall remain in effect until amended, repealed, superseded, or nullified by the  
 2609 Department of Community Health by proper authority or as otherwise provided by law.

2610 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
 2611 agreements, and other transactions entered into before July 1, 2009, by the Department of  
 2612 Human Resources which relate to the functions transferred to the Department of  
 2613 Community Health pursuant to this Code section shall continue to exist; and none of these  
 2614 rights, privileges, entitlements, and duties are impaired or diminished by reason of the  
 2615 transfer of the functions to the Department of Community Health. In all such instances,  
 2616 the Department of Community Health shall be substituted for the Department of Human  
 2617 Resources, and the Department of Community Health shall succeed to the rights and duties  
 2618 under such contracts, leases, agreements, and other transactions.

2619 (d) All persons employed by the Department of Human Resources in capacities which  
 2620 relate to the functions transferred to the Department of Community Health pursuant to this  
 2621 Code section on June 30, 2009, shall, on July 1, 2009, become employees of the  
 2622 Department of Community Health in similar capacities, as determined by the commissioner  
 2623 of community health. Such employees shall be subject to the employment practices and  
 2624 policies of the Department of Community Health on and after July 1, 2009, but the

2625 compensation and benefits of such transferred employees shall not be reduced as a result  
 2626 of such transfer. Employees who are subject to the rules of the State Personnel Board ~~and~~  
 2627 ~~thereby under the State Personnel Administration~~ and who are transferred to the department  
 2628 shall retain all existing rights under ~~the State Personnel Administration~~ such rules.  
 2629 Retirement rights of such transferred employees existing under the Employees' Retirement  
 2630 System of Georgia or other public retirement systems on June 30, 2009, shall not be  
 2631 impaired or interrupted by the transfer of such employees and membership in any such  
 2632 retirement system shall continue in the same status possessed by the transferred employees  
 2633 on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30,  
 2634 2009, shall be retained by said employees as employees of the Department of Community  
 2635 Health."

2636 **SECTION 2-40.**

2637 Said Title 31 is further amended by revising Code Section 31-7-308, relating to licensure and  
 2638 regulation of private home care providers transferred to Department of Community Health,  
 2639 as follows:

2640 "31-7-308.

2641 (a) Effective July 1, 2009, all matters relating to the licensure and regulation of private  
 2642 home care providers pursuant to this article shall be transferred from the Department of  
 2643 Human Resources (now known as the Department of Human Services) to the Department  
 2644 of Community Health.

2645 (b) The Department of Community Health shall succeed to all rules, regulations, policies,  
 2646 procedures, and administrative orders of the Department of Human Resources that are in  
 2647 effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which  
 2648 relate to the functions transferred to the Department of Community Health pursuant to this  
 2649 Code section and shall further succeed to any rights, privileges, entitlements, obligations,  
 2650 and duties of the Department of Human Resources that are in effect on June 30, 2009,  
 2651 which relate to the functions transferred to the Department of Community Health pursuant  
 2652 to this Code section. Such rules, regulations, policies, procedures, and administrative  
 2653 orders shall remain in effect until amended, repealed, superseded, or nullified by the  
 2654 Department of Community Health by proper authority or as otherwise provided by law.

2655 (c) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
 2656 agreements, and other transactions entered into before July 1, 2009, by the Department of  
 2657 Human Resources which relate to the functions transferred to the Department of  
 2658 Community Health pursuant to this Code section shall continue to exist; and none of these  
 2659 rights, privileges, entitlements, and duties are impaired or diminished by reason of the  
 2660 transfer of the functions to the Department of Community Health. In all such instances,

2661 the Department of Community Health shall be substituted for the Department of Human  
 2662 Resources, and the Department of Community Health shall succeed to the rights and duties  
 2663 under such contracts, leases, agreements, and other transactions.

2664 (d) All persons employed by the Department of Human Resources in capacities which  
 2665 relate to the functions transferred to the Department of Community Health pursuant to this  
 2666 Code section on June 30, 2009, shall, on July 1, 2009, become employees of the  
 2667 Department of Community Health in similar capacities, as determined by the commissioner  
 2668 of community health. Such employees shall be subject to the employment practices and  
 2669 policies of the Department of Community Health on and after July 1, 2009, but the  
 2670 compensation and benefits of such transferred employees shall not be reduced as a result  
 2671 of such transfer. Employees who are subject to the rules of the State Personnel Board ~~and~~  
 2672 ~~thereby under the State Personnel Administration~~ and who are transferred to the department  
 2673 shall retain all existing rights under ~~the State Personnel Administration~~ such rules.  
 2674 Retirement rights of such transferred employees existing under the Employees' Retirement  
 2675 System of Georgia or other public retirement systems on June 30, 2009, shall not be  
 2676 impaired or interrupted by the transfer of such employees and membership in any such  
 2677 retirement system shall continue in the same status possessed by the transferred employees  
 2678 on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30,  
 2679 2009, shall be retained by said employees as employees of the Department of Community  
 2680 Health."

#### 2681 **SECTION 2-41.**

2682 Said Title 31 is further amended by revising Code Section 31-10-4, relating to appointment  
 2683 of state registrar of vital records, as follows:

2684 "31-10-4.

2685 The commissioner shall appoint the state registrar of vital records, hereinafter referred to  
 2686 as 'state registrar,' subject to the rules and regulations of the State Personnel ~~Administration~~  
 2687 Board, classified service."

#### 2688 **SECTION 2-42.**

2689 Said Title 31 is further amended by revising Code Section 31-29-6, relating to rights of  
 2690 employees under State Personnel Administration, as follows:

2691 "31-29-6.

2692 Any employee of any state institution, agency, or department who qualifies under Code  
 2693 Section 31-29-1 shall be given credit for all salary adjustments and the same eligibility for  
 2694 step increases to which he or she would have been entitled under the rules of the State  
 2695 Personnel ~~Administration~~ Board had he or she not contracted tuberculosis or infectious

2696 hepatitis and had he or she remained on the job full time in the same capacity and with the  
 2697 same status as he or she had previously attained."

2698 **SECTION 2-43.**

2699 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,  
 2700 is amended by revising Code Section 34-9-52, relating to officials, personnel, and employees  
 2701 subject to State Personnel Administration and compensation of board members and  
 2702 administrative law judges, as follows:

2703 "34-9-52.

2704 (a) All members of the board, including the ~~chairman~~ chairperson thereof, shall be in the  
 2705 unclassified service, as defined in Code Section 45-20-2, and shall not be subject to the  
 2706 ~~laws and~~ rules and regulations of the State Personnel ~~Administration Board~~. The salaries  
 2707 of all members of the board, including the ~~chairman~~ chairperson thereof, shall be as  
 2708 provided in this Code section. The ~~chairman~~ chairperson and each member of the board  
 2709 shall receive an annual salary which is equal to 90 percent of the base annual salary plus  
 2710 cost-of-living adjustments provided in Code Section 45-7-4 for each Judge of the Court of  
 2711 Appeals.

2712 (b)(1) Each administrative law judge, whose method of appointment, removal, and terms  
 2713 of office shall remain as now provided by law, shall be in the unclassified service as  
 2714 defined in Code Section 45-20-2, except for certain compensation purposes, shall not be  
 2715 subject to the ~~laws~~; rules; and regulations of the State Personnel ~~Administration Board~~.  
 2716 The compensation of the administrative law judges shall be fixed by the board based on  
 2717 a pay grade of the general pay schedule issued pursuant to the rules and regulations of the  
 2718 State Personnel ~~Administration Board~~ and each administrative law judge shall be eligible  
 2719 for increases in compensation as established on the general pay schedule, subject to the  
 2720 review and approval of the board.

2721 ~~(1)(2)~~ Each administrative law judge employed by the board shall be entitled to any  
 2722 annual cost-of-living adjustment increases provided for all state employees.

2723 ~~(2)(3)~~ All administrative law judges appointed prior to January 1, 1990, shall be placed  
 2724 on the same pay grade of the general pay schedule and at the step which is the equivalent  
 2725 of one full step above their salary as established on July 1, 1989.

2726 (c) As a cost-of-living adjustment, the annual base salary of all of the members of the  
 2727 board, including the ~~chairman~~ chairperson thereof, shall be increased by the same  
 2728 percentage provided to state officials by subsection (b) of Code Section 45-7-4.

2729 (d) All other officials, personnel, and employees of the board ~~are placed under the State~~  
 2730 ~~Personnel Administration and~~ shall be subject to the ~~laws~~; rules; and regulations ~~relative~~  
 2731 ~~to that system~~ of the State Personnel Board."

**SECTION 2-44.**

2732  
 2733 Said Title 34 is further amended by revising Code Section 34-9-355, relating to appointment  
 2734 of administrator, State Personnel Administration coverage, administration of article, and  
 2735 members of retirement system, as follows:

2736 "34-9-355.

2737 (a) The board of trustees shall appoint the administrator of the fund, and he or she shall  
 2738 serve at the pleasure of the trustees and without term of office. All officials, personnel, and  
 2739 employees of the Board of Trustees of the Subsequent Injury Trust Fund are placed in the  
 2740 classified service ~~of the State Personnel Administration~~ as defined by Code Section  
 2741 45-20-2 unless otherwise excluded ~~under the authority of Code Sections 45-20-1 through~~  
 2742 ~~45-20-11 and 45-20-14 or other statutory authority by law~~; provided, however, that except  
 2743 for purposes of determining compensation, the administrator shall not be in the classified  
 2744 service ~~of the State Personnel Administration~~.

2745 (b) The administrator shall administer this article under such policies and rules and  
 2746 regulations as may be adopted by the trustees and shall be authorized to hire such personnel  
 2747 as may be necessary to carry out the purposes of the fund.

2748 (c) All employees of the fund shall be deemed to be employees of the state and, as such,  
 2749 members of the Employees' Retirement System of Georgia."

**SECTION 2-45.**

2750  
 2751 Said Title 34 is further amended by revising Code Section 34-15-2, relating to July transfer  
 2752 of Division of Rehabilitation Services to the Department of Labor, as follows:

2753 "34-15-2.

2754 (a) The Division of Rehabilitation Services within the Department of Human Resources  
 2755 (now known as the Department of Human Services), including the disability adjudication  
 2756 section and the Roosevelt Warm Springs Institute for Rehabilitation, is transferred to the  
 2757 Department of Labor on July 1, 2001, and that division shall become the Division of  
 2758 Rehabilitation Services of the Department of Labor on July 1, 2001. The functions, duties,  
 2759 programs, institutions, and authority of the Division of Rehabilitation Services which were  
 2760 vested in the Department of Human Resources on June 30, 2001, are vested in the  
 2761 Department of Labor effective July 1, 2001. The division shall be administered by a  
 2762 director appointed by the Commissioner. The policy-making functions which were vested  
 2763 in the Board of Human Resources (now known as the Board of Human Services) or the  
 2764 Department of Human Resources pertaining to the Division of Rehabilitation Services are  
 2765 vested in the Commissioner of Labor effective July 1, 2001.

2766 (b) The Department of Labor shall, from July 1, 2001, assume possession and control of  
 2767 all records, papers, equipment, supplies, office space, and all other tangible property

2768 possessed and controlled by the Department of Human Resources as of June 30, 2001, in  
2769 the Department of Human Resources' administration of the Division of Rehabilitation  
2770 Services. All funds attributable to the Division of Rehabilitation Services and its programs  
2771 and institutions from state, federal, and any other public or private source, shall be  
2772 transferred to the Department of Labor on July 1, 2001.

2773 (c) The Department of Human Resources shall calculate, in consultation with the  
2774 Department of Labor, the amount of all funds of or attributable to the Division of  
2775 Rehabilitation Services and its programs and institutions from any source that are used to  
2776 provide administrative or other services within the Department of Human Resources,  
2777 including funds from the disability adjudication section, the cost allocation system, and any  
2778 indirect costs funding from the federal government or any other source. The amount  
2779 calculated shall be transferred to the Department of Labor on July 1, 2001. Any changes  
2780 or amendments made to the structure or placement of division programs and institutions,  
2781 the allocation and expenditure of division funds, division rules, regulations, policies and  
2782 procedures, or the administrative orders of the Department of Human Resources pertaining  
2783 to the division, between May 1, 2000, and July 1, 2001, shall be made in consultation with  
2784 the Commissioner of Labor. In addition, on and after May 1, 2000, the Department of  
2785 Human Resources shall make available to the Department of Labor all records and  
2786 information of the Department of Human Resources and the Division of Rehabilitation  
2787 Services which relate to the functions, duties, and administration of the division, to assist  
2788 in the orderly transfer of the division to the Department of Labor.

2789 (d) All officers, employees, and agents of the Division of Rehabilitation Services who, on  
2790 June 30, 2001, are engaged in the performance of a function or duty which shall be vested  
2791 in the Division of Rehabilitation Services of the Department of Labor on July 1, 2001, by  
2792 this chapter, shall be automatically transferred to the Department of Labor on July 1, 2001.  
2793 An equivalent number of positions or funds of the Department of Human Resources which  
2794 provide administrative support to the Division of Rehabilitation Services shall be  
2795 transferred to the Department of Labor on July 1, 2001. Such persons shall be subject to  
2796 the employment practices and policies of the Department of Labor on and after July 1,  
2797 2001, but consistent with the compensation and benefits of other employees of that  
2798 department holding positions substantially the same as the transferred employees, the  
2799 compensation and benefits of such transferred employees shall not be reduced. Employees  
2800 who are subject to the rules of the State Personnel Administration Board and who are  
2801 transferred to the Division of Rehabilitation Services of the Department of Labor shall  
2802 retain all existing rights under the State Personnel Administration such rules. Retirement  
2803 rights of such transferred employees existing under the Employees' Retirement System of  
2804 Georgia or other public retirement systems on June 30, 2001, shall not be impaired or

2805 interrupted by the transfer of such employees, and membership in any such retirement  
2806 system shall continue in the same status possessed by the transferred employees on June  
2807 30, 2001. Accrued annual and sick leave shall be retained by said employees as employees  
2808 of the Department of Labor. The Department of Human Resources shall be responsible for  
2809 payment of the accrued Fair Labor Standards Act compensatory time possessed by said  
2810 employees. Such accrued compensatory time shall be used by or paid to said employees  
2811 prior to July 1, 2001.

2812 (e)(1) The Division of Rehabilitation Services of the Department of Labor is the  
2813 designated state unit for the vocational rehabilitation program.

2814 (2) The Division of Rehabilitation Services of the Department of Labor shall conform  
2815 to federal standards in all respects necessary for receiving federal grants and the  
2816 Commissioner of the Department of Labor is authorized and empowered to effect such  
2817 changes as may, from time to time, be necessary in order to comply with such standards.

2818 (3) The Division of Rehabilitation Services of the Department of Labor is authorized to  
2819 employ, on a full or part-time basis, such medical, psychiatric, social work, supervisory,  
2820 institutional, and other professional personnel and such clerical and other employees as  
2821 may be necessary to discharge the duties of the division under this chapter. The division  
2822 is also authorized to contract for such professional services as may be necessary.

2823 (4) Classified employees of the Division of Rehabilitation Services of the Department  
2824 of Labor under this chapter shall in all instances be employed and dismissed in  
2825 accordance with rules and regulations of the State Personnel ~~Administration~~ Board.

2826 (5) All personnel of the Division of Rehabilitation Services of the Department of Labor  
2827 are authorized to be members of the Employees' Retirement System of Georgia as  
2828 provided in Chapter 2 of Title 47. All rights, credits, and funds in that retirement system  
2829 which are possessed by state personnel transferred by provisions of this chapter to the  
2830 Department of Labor, or otherwise had by persons at the time of employment with that  
2831 department, are continued and preserved, it being the intention of the General Assembly  
2832 that such persons shall not lose any rights, credits, or funds to which they may be entitled  
2833 prior to becoming employees of the Division of Rehabilitation Services of the  
2834 Department of Labor.

2835 (f) The Department of Labor shall succeed to all rules, regulations, policies, procedures,  
2836 and administrative orders of the Department of Human Resources which are in effect on  
2837 June 30, 2001, and which relate to the functions of the Division of Rehabilitation Services.  
2838 Such rules, regulations, policies, procedures, and administrative orders shall remain in  
2839 effect until amended, repealed, superseded, or nullified by proper authority or as otherwise  
2840 provided by law.

2841 (g) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
 2842 agreements, and other transactions entered into before July 1, 2001, by the Department of  
 2843 Human Resources or the Division of Rehabilitation Services pertaining to the Division of  
 2844 Rehabilitation Services transferred to the Department of Labor by this chapter shall  
 2845 continue to exist; and none of these rights, privileges, entitlements, and duties are impaired  
 2846 or diminished by reason of the transfer of the functions to the Department of Labor. In all  
 2847 such instances, the Department of Labor shall be substituted for the Department of Human  
 2848 Resources or the Division of Rehabilitation Services, and the Department of Labor shall  
 2849 succeed to the rights and duties under such contracts, leases, agreements, and other  
 2850 transactions.

2851 (h) The Division of Rehabilitation Services of the Department of Labor shall conform all  
 2852 service delivery regions to the state service delivery regions provided in subsection (a) of  
 2853 Code Section 50-4-7."

#### 2854 **SECTION 2-46.**

2855 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and  
 2856 agencies, is amended by revising Code Section 35-1-6, relating to appointment of  
 2857 nonuniformed investigators, salaries, status, assignment, and powers, as follows:

2858 "35-1-6.

2859 (a) The commissioner is authorized to appoint five nonuniformed investigators who shall  
 2860 be certified peace officers pursuant to Chapter 8 of this title, the 'Georgia Peace Officer  
 2861 Standards and Training Act.' The commissioner shall determine the salaries of such  
 2862 investigators. The investigators shall be in the unclassified service of ~~the State Personnel~~  
 2863 ~~Administration as defined by Code Section 45-20-2~~ and therefore shall not be governed by  
 2864 any rules of position, classification, appointment, promotion, demotion, transfer, dismissal,  
 2865 qualification, compensation, seniority privileges, tenure, or other such matters concerning  
 2866 their employment as may now or hereafter be established by the State Personnel Board, ~~the~~  
 2867 ~~State Personnel Administration~~, or any successor boards or agencies. The investigators  
 2868 shall be assigned to the Internal Affairs Section of the Department of Public Safety in the  
 2869 office of the commissioner at the department's headquarters complex.

2870 (b) The investigators shall have full arrest powers in cases involving internal affairs and  
 2871 in such cases shall be authorized:

2872 (1) To investigate crimes committed anywhere in the state;

2873 (2) To arrest any person violating the criminal laws of this state;

2874 (3) To serve and execute warrants after notifying the law enforcement agency of the  
 2875 local jurisdiction of the intent to serve such warrant or warrants;

2876 (4) To enforce in general the criminal laws of this state; and

2877 (5) To carry firearms while performing their duties."

2878 **SECTION 2-47.**

2879 Said Title 35 is further amended by revising Code Section 35-2-46, relating to dismissal of  
2880 officers, troopers, and communications officers, as follows:

2881 "35-2-46.

2882 All officers, troopers, and communications officers who are in the classified service ~~of the~~  
2883 ~~State Personnel Administration~~ as defined by Code Section 45-20-2 may be dismissed from  
2884 their employment with the department only in accordance with Chapter 20 of Title 45 and  
2885 the rules and regulations promulgated thereunder."

2886 **SECTION 2-48.**

2887 Said Title 35 is further amended by revising Code Section 35-2-47, relating to suspension  
2888 pending dismissal, as follows:

2889 "35-2-47.

2890 All officers, troopers, and communications officers who are in the classified service ~~of the~~  
2891 ~~State Personnel Administration~~ as defined by Code Section 45-20-2 may be suspended  
2892 pending their dismissal from employment with the department as provided in Chapter 20  
2893 of Title 45 or the rules and regulations promulgated thereunder."

2894 **SECTION 2-49.**

2895 Said Title 35 is further amended by revising Code Section 35-2-74, relating to the Governor  
2896 to prescribe coverage by State Personnel Administration, as follows:

2897 "35-2-74.

2898 (a) The Governor is authorized, in his discretion, to direct by executive order that the  
2899 employees of the Security Guard Division shall be covered by the rules of the State  
2900 ~~Personnel Administration~~ Board and in such order shall specify the date on which the  
2901 ~~system rules~~ shall become applicable to such personnel.

2902 (b) The application of the rules of the State Personnel Administration Board to employees  
2903 of the Security Guard Division shall not affect any other personnel of the Department of  
2904 Public Safety."

**SECTION 2-50.**

2905  
 2906 Said Title 35 is further amended by revising Code Section 35-3-6, relating to the director,  
 2907 classification in State Personnel Administration, and compensation, as follows:

2908 "35-3-6.

2909 The director shall be in the unclassified service ~~of the State Personnel Administration~~ as  
 2910 defined by Code Section 45-20-2 and his or her compensation shall be fixed by the board."

**SECTION 2-51.**

2911  
 2912 Said Title 35 is further amended by revising Code Section 35-3-9, relating to narcotics  
 2913 agents, as follows:

2914 "35-3-9.

2915 (a) The director is authorized to retain on a contractual basis such persons as he or she  
 2916 shall deem necessary to detect and apprehend violators of the criminal statutes of this state  
 2917 pertaining to the possession, sale, or use of narcotics or other dangerous drugs.

2918 (b) Those persons contracting with the director pursuant to subsection (a) of this Code  
 2919 section shall be known as narcotics agents.

2920 (c) The investigative services provided for in this Code section shall be designed to  
 2921 support local law enforcement efforts. The director shall, with the advice and consent of  
 2922 the board, appoint a three-member priority committee ~~comprised~~ composed of a  
 2923 representative from the Georgia Sheriffs Association, the Georgia Association of Chiefs  
 2924 of Police, and the District Attorneys Association. The committee shall establish priorities  
 2925 for use of investigative resources and determine the bona fide nature of requests for  
 2926 assistance. The recommendations of the committee shall be followed by the director  
 2927 except where otherwise expressly authorized by the board.

2928 (d) Narcotics agents shall have all powers necessary and incidental to the fulfillment of  
 2929 their contractual obligations, including the power of arrest when authorized by the director.

2930 (e) No person shall be a narcotics agent unless he is at least 18 years of age.

2931 (f) The director shall conduct a background investigation of all potential narcotics agents.  
 2932 If the background investigation discloses a criminal record, the applicant shall not be  
 2933 retained without the express approval of the board.

2934 (g) Any matters pertaining to narcotics agents shall be exempt from Chapter 14 of Title  
 2935 50, relating to meetings open to the public.

2936 (h) Persons retained as narcotics agents shall be considered persons in the service of the  
 2937 bureau under a contract of hire with that agency whose employment of those persons as  
 2938 narcotics agents shall be considered an employment in the usual course of the business of  
 2939 that agency. Persons retained by the bureau as narcotics agents shall have all the rights and  
 2940 privileges of other employees of the bureau; provided, however, that such persons shall be

2941 in the unclassified service of the ~~State Personnel Administration~~ as defined by Code  
 2942 Section 45-20-2 and therefore shall not be governed by any rules of position, classification,  
 2943 appointment, promotion, demotion, transfer, dismissal, qualification, compensation,  
 2944 seniority privileges, tenure, or other such matters concerning their employment established  
 2945 by the State Personnel Board, ~~the State Personnel Administration~~, or any successor boards  
 2946 or agencies.

2947 (i) The director shall have all powers necessary and incidental to the effective operation  
 2948 of this Code section."

#### 2949 **SECTION 2-52.**

2950 Said Title 35 is further amended by revising Code Section 35-3-11, relating to applicability  
 2951 to agents of bureau of rules of State Personnel Board and State Personnel Administration,  
 2952 and retention of badge and weapon by disabled agent, as follows:

2953 "35-3-11.

2954 (a) All agents of the bureau shall be governed by such rules of position, classification,  
 2955 appointment, promotion, demotion, transfer, dismissal, qualification, compensation,  
 2956 seniority privileges, tenure, and other employment standards as may now or hereafter be  
 2957 established under such merit system controls as may be authorized by Chapter 20 of Title  
 2958 45, ~~relating to the State Personnel Board and the State Personnel Administration.~~

2959 (b) This Code section shall not apply to narcotics agents as provided for in Code  
 2960 Section 35-3-9.

2961 (c) As used in this subsection, the term 'disability' means a disability that prevents an  
 2962 individual from working as a law enforcement officer. When an agent of the bureau leaves  
 2963 the bureau as a result of a disability arising in the line of duty, such agent shall be entitled  
 2964 as part of such agent's compensation to retain his or her weapon and badge pursuant to  
 2965 regulations promulgated by the director."

#### 2966 **SECTION 2-53.**

2967 Said Title 35 is further amended by revising Code Section 35-3-31, relating to establishment  
 2968 of center, staff and equipment generally, and State Personnel Administration status of  
 2969 personnel, as follows:

2970 "35-3-31.

2971 (a) There is established for the state, within the Georgia Bureau of Investigation, a system  
 2972 for the intrastate communication of vital information relating to crimes, criminals, and  
 2973 criminal activity, to be known as the Georgia Crime Information Center.

2974 (b) Central responsibility for the development, maintenance, and operation of the center  
 2975 shall be vested with the director of the center with the assistance and guidance of the

2976 Georgia Crime Information Council, the establishment of which is provided for in Code  
2977 Section 35-3-32.

2978 (c) The director of the center shall maintain the necessary staff along with support services  
2979 to be procured within the Georgia state government, such as computer services from the  
2980 Department of Administrative Services, physical space and logistic support from the  
2981 Department of Public Safety, and other services or sources as necessary, to enable the  
2982 effective and efficient performance of the duties and responsibilities ascribed to the center  
2983 in this article.

2984 (d) All personnel of the center shall be administered according to appropriate special and  
2985 standard schedules ~~by~~ issued pursuant to the rules of the State Personnel Administration  
2986 Board with due recognition to be given by the latter to the special qualifications and  
2987 availability of the types of individuals required in such an agency."

2988 **SECTION 2-54.**

2989 Said Title 35 is further amended by revising Code Section 35-3-81, relating to establishment,  
2990 development, maintenance, operation of center, and staff, as follows:

2991 "35-3-81.

2992 (a) There is authorized within the Georgia Bureau of Investigation the Missing Children  
2993 Information Center. The center shall serve as a central repository of information regarding  
2994 missing children and shall collect and disseminate such information as is necessary to assist  
2995 in the location of missing children.

2996 (b) Central responsibility for the development, maintenance, and operation of the center  
2997 shall be vested in the supervisor of the center who shall be appointed by the director of the  
2998 Georgia Bureau of Investigation.

2999 (c) The supervisor of the center shall maintain the necessary staff along with support  
3000 services to be procured within the Georgia state government to enable the effective and  
3001 efficient performance of the duties and responsibilities assigned to the center in this article.

3002 (d) All personnel of the center shall be administered according to appropriate special and  
3003 standard schedules ~~by~~ issued pursuant to the rules of the State Personnel Administration  
3004 Board."

3005 **SECTION 2-55.**

3006 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended  
 3007 by revising Code Section 36-5-28, relating to members of county governing authority to  
 3008 receive compensation increase when classified service employees receive increase,  
 3009 calculation, and effective date, as follows:

3010 "36-5-28.

3011 ~~On and after January 1, 2001, whenever~~ Whenever the state employees ~~in the classified~~  
 3012 ~~service of the State Personnel Administration~~ subject to compensation plans authorized and  
 3013 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or  
 3014 general performance based increase of a certain percentage or a certain amount, the  
 3015 compensation to which a member of a governing authority is entitled under general or local  
 3016 law shall be increased by the same percentage or same amount applicable to such state  
 3017 employees. If the cost-of-living increase or general performance based increase received  
 3018 by state employees is in different percentages or different amounts as to certain categories  
 3019 of employees, the amount to which a member of a county governing authority is entitled  
 3020 under general or local law shall be increased by a percentage or an amount not to exceed  
 3021 the average percentage or average amount of the general increase in salary granted to the  
 3022 state employees. The Office of Planning and Budget shall calculate the average percentage  
 3023 increase or average amount increase when necessary. The periodic changes in the amount  
 3024 to which a member of a county governing authority is entitled under general or local law  
 3025 shall become effective on the first day of January following the date that the cost-of-living  
 3026 increases or general performance based increases received by state employees become  
 3027 effective; provided, however, that if the cost-of-living increases received by state  
 3028 employees become effective on January 1, such periodic changes in the amount to which  
 3029 a member of a county governing authority is entitled under general or local law shall  
 3030 become effective on the same date that the cost-of-living increases or general performance  
 3031 based increases received by state employees become effective."

3032 **SECTION 2-56.**

3033 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended by  
 3034 revising Code Section 37-1-5, relating to department to succeed to applicable rules and  
 3035 regulations, transfer of rights, responsibilities, duties, personnel, and property, as follows:

3036 "37-1-5.

3037 (a) The Department of Behavioral Health and Developmental Disabilities shall succeed  
 3038 to all rules, regulations, policies, procedures, and administrative orders of the Department  
 3039 of Human Resources that are in effect on June 30, 2009, or scheduled to go into effect on  
 3040 or after July 1, 2009, and which relate to the functions transferred to the Department of

3041 Behavioral Health and Developmental Disabilities pursuant to Code Section 37-1-4 and  
3042 shall further succeed to any rights, privileges, entitlements, obligations, and duties of the  
3043 Department of Human Resources that are in effect on June 30, 2009, which relate to the  
3044 functions transferred to the Department of Behavioral Health and Developmental  
3045 Disabilities pursuant to Code Section 37-1-4. Such rules, regulations, policies, procedures,  
3046 and administrative orders shall remain in effect until amended, repealed, superseded, or  
3047 nullified by the Department of Behavioral Health and Developmental Disabilities by proper  
3048 authority or as otherwise provided by law.

3049 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
3050 agreements, and other transactions entered into before July 1, 2009, by the Department of  
3051 Human Resources which relate to the functions transferred to the Department of Behavioral  
3052 Health and Developmental Disabilities pursuant to Code Section 37-1-4 shall continue to  
3053 exist; and none of these rights, privileges, entitlements, and duties are impaired or  
3054 diminished by reason of the transfer of the functions to the Department of Behavioral  
3055 Health and Developmental Disabilities. In all such instances, the Department of  
3056 Behavioral Health and Developmental Disabilities shall be substituted for the Department  
3057 of Human Resources, and the Department of Behavioral Health and Developmental  
3058 Disabilities shall succeed to the rights and duties under such contracts, leases, agreements,  
3059 and other transactions.

3060 (c) All persons employed by the Department of Human Resources in capacities which  
3061 relate to the functions transferred to the Department of Behavioral Health and  
3062 Developmental Disabilities pursuant to Code Section 37-1-4 on June 30, 2009, shall, on  
3063 July 1, 2009, become employees of the Department of Behavioral Health and  
3064 Developmental Disabilities in similar capacities, as determined by the commissioner of  
3065 behavioral health and developmental disabilities. Such employees shall be subject to the  
3066 employment practices and policies of the Department of Behavioral Health and  
3067 Developmental Disabilities on and after July 1, 2009, but the compensation and benefits  
3068 of such transferred employees shall not be reduced as a result of such transfer. Employees  
3069 who are subject to the rules of the State Personnel Board ~~and thereby under the State~~  
3070 ~~Personnel Administration~~ and who are transferred to the department shall retain all existing  
3071 rights under ~~the State Personnel Administration~~ such rules. Retirement rights of such  
3072 transferred employees existing under the Employees' Retirement System of Georgia or  
3073 other public retirement systems on June 30, 2009, shall not be impaired or interrupted by  
3074 the transfer of such employees and membership in any such retirement system shall  
3075 continue in the same status possessed by the transferred employees on June 30, 2009.  
3076 Accrued annual and sick leave possessed by said employees on June 30, 2009, shall be

3077 retained by said employees as employees of the Department of Behavioral Health and  
3078 Developmental Disabilities.

3079 (d) On July 1, 2009, the Department of Behavioral Health and Developmental Disabilities  
3080 shall receive custody of the state owned real property in the custody of the Department of  
3081 Human Resources on June 30, 2009, and which pertains to the functions transferred to the  
3082 Department of Behavioral Health and Developmental Disabilities pursuant to Code Section  
3083 37-1-4."

3084 **SECTION 2-57.**

3085 Said Title 37 is further amended by revising Code Section 37-1-21, relating to institutional  
3086 powers and duties, as follows:

3087 "37-1-21.

3088 (a) The department is designated and empowered as the agency of this state responsible  
3089 for supervision and administrative control of: state facilities for the treatment of mental  
3090 illness or the habilitation and treatment of individuals with developmental disabilities;  
3091 programs for the care, custody, and treatment of addictive disease; and other facilities,  
3092 institutions, or programs which now or hereafter come under the supervision and  
3093 administrative control of the department. With respect to all such facilities, institutions,  
3094 or programs the department shall have the following powers and duties:

3095 (1) To create all necessary offices, appoint and remove all officers of such facilities,  
3096 institutions, or programs, prescribe and change the duties of such officers from time to  
3097 time, and fix their salaries, other than the commissioner's salary, as provided for by the  
3098 pay plan covering positions ~~under the State Personnel Administration~~ and in accordance  
3099 with rules and regulations of the State Personnel Board, ~~except that the commissioner~~  
3100 ~~shall not be subject to the State Personnel Administration or the rules and regulations of~~  
3101 ~~the State Personnel Board~~. The department shall discharge and cause to be prosecuted  
3102 any officer or other person who shall assault any patient in any of such facilities or  
3103 institutions or who shall knowingly use toward any such patient any other or greater force  
3104 than the occasion may require;

3105 (2) To refuse or accept and hold in trust for any such facility, institution, or program any  
3106 grant or devise of land or bequest or donation of money or other property for the  
3107 particular use specified or, if no use is specified, for the general use of such facility,  
3108 institution, or program;

3109 (3) To bring suit in its name for any claims which any such facility or institution may  
3110 have, however arising;

3111 (4) To appoint police of such facilities, institutions, or programs who are authorized,  
3112 while on the grounds or in the buildings of the respective facilities, institutions, or

3113 programs to make arrests with the same authority, power, privilege, and duties as the  
 3114 sheriffs of the respective counties in which such facilities, institutions, or programs are  
 3115 situated; and

3116 (5) To have full authority to receive and treat patients ordered admitted to such facilities,  
 3117 institutions, or programs pursuant to any law, to receive any voluntary patients, to  
 3118 discharge such patients pursuant to law, to contract with patients or other persons acting  
 3119 on behalf of patients or legally responsible therefor, and in general to exercise any power  
 3120 or function with respect to patients provided by law. It is the intent of the General  
 3121 Assembly to provide always the highest quality of diagnosis, treatment, custody, and care  
 3122 consistent with medical, therapeutic, and habilitative evidence based practice and  
 3123 knowledge. It is the further intent of the General Assembly that the powers and duties  
 3124 of the department with respect to patients shall be administered by persons properly  
 3125 trained professionally for the exercise of their duties, consistent with the intention  
 3126 expressed in this Code section.

3127 (b) The board is empowered to prescribe all rules and regulations for the management of  
 3128 such facilities, institutions, and programs not conflicting with the law."

3129 **SECTION 2-58.**

3130 Said Title 37 is further amended by revising Code Section 37-2-6.1, relating to community  
 3131 service boards, program director, staff, budget, facilities, powers and duties, and exemption  
 3132 from state and local taxation, as follows:

3133 "37-2-6.1.

3134 (a) Each community service board shall employ an executive director to serve as its chief  
 3135 executive officer who shall direct the day-to-day operations of the community service  
 3136 board. Such executive director shall be appointed and removed by the community service  
 3137 board and shall appoint other necessary staff pursuant to an annual budget adopted by the  
 3138 board, which budget shall provide for securing appropriate facilities, sites, and  
 3139 professionals necessary for the provision of disability and health services. The community  
 3140 service board may delegate any power, authority, duty, or function to its executive director  
 3141 or other staff. The executive director or other staff is authorized to exercise any power,  
 3142 authority, duty, or function on behalf of the community service board.

3143 (b) Each community service board, under the jurisdiction of its board, shall perform duties,  
 3144 responsibilities, and functions and may exercise power and authority described in this  
 3145 subsection. Each program may exercise the following power and authority:

3146 (1) Each community service board may adopt bylaws for the conduct of its affairs;  
 3147 provided, however, that the community service board shall meet at least quarterly, and

3148 that all such meetings and any bylaws shall be open to the public, as otherwise required  
 3149 under Georgia law;

3150 (2) Each community service board may make and enter into all contracts necessary and  
 3151 incidental to the performance of its duties and functions;

3152 (3) Each community service board may acquire by purchase, gift, lease, or otherwise and  
 3153 may own, hold, improve, use, and sell, convey, exchange, transfer, lease, sublease, and  
 3154 dispose of real and personal property of every kind and character, or any interest therein,  
 3155 for its corporate purposes;

3156 (4) Each community service board may contract to utilize the services of the Department  
 3157 of Administrative Services, ~~the State Personnel Administration~~, the state auditor, or any  
 3158 other agency of state, local, or federal government;

3159 (5) Each community service board may provide, either independently or through contract  
 3160 with appropriate state or local governmental entities, the following benefits to its  
 3161 employees, their dependents, and survivors, in addition to any compensation or other  
 3162 benefits provided to such persons:

3163 (A) Retirement, pension, disability, medical, and hospitalization benefits, through the  
 3164 purchase of insurance or otherwise, but medical and hospitalization benefits may only  
 3165 be provided through the Department of Community Health under the same conditions  
 3166 as provided for such benefits to state employees, and the Department of Community  
 3167 Health shall so provide if requested;

3168 (B) Life insurance coverage and coverage under federal old age and survivors'  
 3169 insurance programs;

3170 (C) Sick leave, annual leave, and holiday leave; and

3171 (D) Any other similar benefits including, but not limited to, death benefits;

3172 (6) Each community service board may cooperate with all units of local government in  
 3173 the counties where the community service board provides services as well as neighboring  
 3174 regions and with the programs of other departments, agencies, and regional commissions  
 3175 and regional planning boards;

3176 (7) Each community service board shall establish and maintain a personnel program for  
 3177 its employees and fix the compensation and terms of compensation of its employees;  
 3178 provided, however, that each community service board shall comply with the provisions  
 3179 of Chapter 20 of Title 45, ~~relating to state personnel administration~~, for so long as and to  
 3180 the extent that each employee of such board ~~who is a covered employee as defined in~~  
 3181 ~~Code Section 45-20-2 and is~~ remains subject to the rules and regulations of the State  
 3182 ~~Personnel Administration Board~~ remains in a covered position or as otherwise provided  
 3183 by law;

3184 (8) Each community service board may receive and administer grants, gifts, contracts,  
 3185 moneys, and donations for purposes pertaining to the delivery of disability services or of  
 3186 health services;

3187 (9) Each community service board may establish fees for the provision of disability  
 3188 services or health services according to the terms of contracts entered into with the  
 3189 department, Department of Human Services, Department of Public Health, or Department  
 3190 of Community Health, as appropriate;

3191 (10) Each community service board may accept appropriations, loans of funds, facilities,  
 3192 equipment, and supplies from local governmental entities in the counties where the  
 3193 community service board provides services;

3194 (11) Each member of the community service board may, upon approval of the executive  
 3195 director, receive reimbursement for actual expenses incurred in carrying out the duties  
 3196 of such office; provided, however, that such reimbursement shall not exceed the rates and  
 3197 allowances set for state employees by the Office of Planning and Budget or the mileage  
 3198 allowance for use of a personal car as that received by all other state officials and  
 3199 employees or a travel allowance of actual transportation cost if traveling by public  
 3200 carrier;

3201 (12) Each community service board shall elect a chairperson and vice chairperson from  
 3202 among its membership. The members shall also elect a secretary and treasurer from  
 3203 among its membership or may designate the executive director of the community service  
 3204 board to serve in one or both offices. Such officers shall serve for such terms as shall be  
 3205 prescribed in the bylaws of the community service board or until their respective  
 3206 successors are elected and qualified. No member shall hold more than one office of the  
 3207 community service board; except that the same person may serve as secretary and  
 3208 treasurer. The bylaws of the community service board shall provide for any other officers  
 3209 of such board and the means of their selection, the terms of office of the officers, and an  
 3210 annual meeting to elect officers;

3211 (13) Each community service board may have a seal and alter it;

3212 ~~(14) Each community service board may contract with the State Personnel~~  
 3213 ~~Administration regarding its personnel who remain in the classified service;~~

3214 ~~(15)~~(14) Each community service board may establish fees, rates, rents, and charges for  
 3215 the use of facilities of the community service board for the provision of disability services  
 3216 or of health services, in accordance with the terms of contracts entered into with the  
 3217 department, Department of Human Services, Department of Public Health, or Department  
 3218 of Community Health, as appropriate;

3219 ~~(16)~~(15) Each community service board may borrow money for any business purpose  
 3220 and may incur debt, liabilities, and obligations for any business purpose. A debt, liability,

3221 or obligation incurred by a community service board shall not be considered a debt,  
 3222 liability, or obligation of the state or any county or any municipality or any political  
 3223 subdivision of the state. A community service board may not borrow money as permitted  
 3224 by this Code section if the highest aggregate annual debt service requirements of the then  
 3225 current fiscal year or any subsequent year for outstanding borrowings of the community  
 3226 service board, including the proposed borrowing, exceed 15 percent of the total revenues  
 3227 of the community service board in its fiscal year immediately preceding the fiscal year  
 3228 in which such debt is to be incurred. Interest paid upon such borrowings shall be exempt  
 3229 from taxation by the state or its political subdivisions. A state contract with a community  
 3230 service board shall not be used or accepted as security or collateral for a debt, liability,  
 3231 or obligation of a community service board without the prior written approval of the  
 3232 commissioner;

3233 ~~(17)~~(16) Each community service board, to the extent authorized by law and the contract  
 3234 for the funds involved, may carry forward without lapse fund balances and establish  
 3235 operating, capital, and debt reserve accounts from revenues and grants derived from state,  
 3236 county, and all other sources; and

3237 ~~(18)~~(17) Each community service board may operate, establish, or operate and establish  
 3238 facilities deemed by the community service board as necessary and convenient for the  
 3239 administration, operation, or provision of disability services or of health services by the  
 3240 community service board and may construct, reconstruct, improve, alter, repair, and equip  
 3241 such facilities to the extent authorized by state and federal law.

3242 (c) Nothing shall prohibit a community service board from contracting with any county  
 3243 governing authority, private or other public provider, or hospital for the provision of  
 3244 disability services or of health services.

3245 (d) Each community service board exists for nonprofit and public purposes, and it is found  
 3246 and declared that the carrying out of the purposes of each community service board is  
 3247 exclusively for public benefit and its property is public property. Thus, no community  
 3248 service board shall be required to pay any state or local ad valorem, sales, use, or income  
 3249 taxes.

3250 (e) A community service board shall not have the power to tax, the power to issue general  
 3251 obligation bonds or revenue bonds or revenue certificates, or the power to financially  
 3252 obligate the state or any county or any municipal corporation.

3253 (f) A community service board shall not operate any facility for profit. A community  
 3254 service board may fix fees, rents, rates, and charges that are reasonably expected to produce  
 3255 revenues, which, together with all other funds of the community service board, will be  
 3256 sufficient to administer, operate, and provide the following:

3257 (1) Disability services or health services;

- 3258 (2) The cost of acquiring, constructing, equipping, maintaining, repairing, and operating  
3259 its facilities; and
- 3260 (3) The creation and maintenance of reserves sufficient to meet principal and interest  
3261 payments due on any obligation of the community service board.
- 3262 (g) Each community service board may provide reasonable reserves for the improvement,  
3263 replacement, or expansion of its facilities and services. Reserves under this subsection  
3264 shall be subject to the limitations in paragraph ~~(16)~~ (15) of subsection (b) of this Code  
3265 section.
- 3266 (h) Each county and municipal corporation of this state is authorized to convey or lease  
3267 property of such county or municipal corporation to a community service board for its  
3268 public purposes. Any property conveyed or leased to a community services board by a  
3269 county or municipal corporation shall be operated by such community service board in  
3270 accordance with this chapter and the terms of the community service board's agreements  
3271 with the county or municipal corporation providing such conveyance or lease.
- 3272 (i) Each community service board shall keep books of account reflecting all funds  
3273 received, expended, and administered by the community service board which shall be  
3274 independently audited annually.
- 3275 (j) A community service board may create, form, or become a member of a nonprofit  
3276 corporation, limited liability company, or other nonprofit entity, the voting membership of  
3277 which shall be limited to community service boards, governmental entities, nonprofit  
3278 corporations, or a combination thereof, if such entity is created for purposes that are within  
3279 the powers of the community service board, for the cooperative functioning of its members,  
3280 or a combination thereof; provided, however, that no funds provided pursuant to a contract  
3281 between the department and the community service board may be used in the formation or  
3282 operation of the nonprofit corporation, limited liability company, or other nonprofit entity.  
3283 No community service board, whether or not it exercises the power authorized by this  
3284 subsection, shall be relieved of compliance with Chapter 14 of Title 50, relating to open  
3285 and public meetings, and Article 4 of Chapter 18 of Title 50, relating to inspection of  
3286 public records, unless otherwise provided by law.
- 3287 (k) No community service board shall employ or retain in employment, either directly or  
3288 indirectly through contract, any person who is receiving a retirement benefit from the  
3289 Employees' Retirement System of Georgia except in accordance with the provisions of  
3290 subsection (c) of Code Section 47-2-110; provided, however, that any such person who is  
3291 employed as of July 1, 2004, may continue to be employed.
- 3292 (l) A community service board may join or form and operate, either directly or indirectly,  
3293 one or more networks of community service boards, disability or health service  
3294 professionals, and other providers of disability services or health services to arrange for the

3295 provision of disability services or health services through such networks; to contract either  
 3296 directly or through such networks with the Department of Community Health to provide  
 3297 services to Medicaid beneficiaries; to provide disability services or health services in an  
 3298 efficient and cost-effective manner on a prepaid, capitation, or other reimbursement basis;  
 3299 and to undertake other disability or health services related managed care activities. For  
 3300 purposes of this subsection only and notwithstanding Code Section 33-3-3 or any other  
 3301 provision of law, a community service board shall be permitted to and shall comply with  
 3302 the requirements of Chapter 20A of Title 33 to the extent that such requirements apply to  
 3303 the activities undertaken by the community service board or by a community service board  
 3304 under this subsection or subsection (j) of this Code section. No community service board,  
 3305 whether or not it exercises the powers authorized by this subsection, shall be relieved of  
 3306 compliance with Article 4 of Chapter 18 of Title 50, relating to inspection of public  
 3307 records, unless otherwise provided by law. Any licensed health care provider shall be  
 3308 eligible to apply to become a participating provider under such a plan or network that  
 3309 provides coverage for health care, disability services, or health services which are within  
 3310 the lawful scope of the provider's license, but nothing in this Code section shall be  
 3311 construed to require any such plan or network to provide coverage for any specific health  
 3312 care, disability service, or health service."

### 3313 SECTION 2-59.

3314 Said Title 37 is further amended by revising Code Section 37-2-6.2, relating to employees  
 3315 whose jobs include duties or functions which became duties or functions of a community  
 3316 service board on July 1, 1994, rights, duties, and benefits of employees, as follows:

3317 "37-2-6.2.

3318 (a)(1) Those employees whose job descriptions, duties, or functions as of June 30, 1994,  
 3319 included the performance of employment duties or functions which will become  
 3320 employment duties or functions of the personnel of a community service board on July  
 3321 1, 1994, shall become employees of the applicable community service boards on and after  
 3322 July 1, 1994. Such employees shall be subject to the employment practices and policies  
 3323 of the applicable community service board on and after July 1, 1994. Employees who are  
 3324 subject to the rules of the State Personnel Administration Board and who are transferred  
 3325 to a community service board shall retain all existing rights under ~~the State Personnel~~  
 3326 ~~Administration~~ such rules. Retirement rights of such transferred employees existing  
 3327 under the Employees' Retirement System of Georgia or other public retirement systems  
 3328 on June 30, 1994, shall not be impaired or interrupted by the transfer of such employees  
 3329 and membership in any such retirement system shall continue in the same status  
 3330 possessed by the transferred employees on June 30, 1994, without any interruption in

3331 membership service and without the loss of any creditable service. For purposes of  
 3332 coverage under the Employees' Retirement System of Georgia, such employees  
 3333 transferred to the community service boards on July 1, 1994, shall be deemed to be state  
 3334 employees. Accrued annual and sick leave possessed by said employees on June 30,  
 3335 1994, shall be retained by said employees as employees of the community service board.  
 3336 Any person who is granted employment rights and benefits as a member of a community  
 3337 service board pursuant to this subsection and who later becomes employed, without any  
 3338 break in service, by the department, Department of Human Services, or Department of  
 3339 Public Health, a hospital thereof, another community service board, a county board of  
 3340 health for which such person provides services pursuant to this title, or a regional board  
 3341 shall retain, in that later employment position, all such rights and benefits. Such rights  
 3342 and benefits shall also be retained by any person who is employed on June 30, 1994, by  
 3343 the former Division of Mental Health, Developmental Disabilities, and Addictive  
 3344 Diseases (now known as the Department of Behavioral Health and Developmental  
 3345 Disabilities) of the former Department of Human Resources, a hospital thereof, a county  
 3346 board of health for which such person provides services pursuant to this title, or a  
 3347 regional board and who later becomes employed, without any break in service, by a  
 3348 community service board.

3349 (2) Classified employees of a community service board under this chapter shall in all  
 3350 instances be employed and dismissed in accordance with rules and regulations of the  
 3351 State Personnel ~~Administration~~ Board.

3352 (3) All rights, credits, and funds in the Employees' Retirement System of Georgia which  
 3353 are possessed by personnel transferred by provisions of this Code section to the  
 3354 community service boards are continued and preserved, it being the intention of the  
 3355 General Assembly that such persons shall not lose any rights, credits, or funds to which  
 3356 they may be entitled prior to becoming employees of the community service boards.

3357 (b) As to those persons employed by the former Division of Mental Health, Developmental  
 3358 Disabilities, and Addictive Diseases (now known as the Department of Behavioral Health  
 3359 and Developmental Disabilities) of the former Department of Human Resources, a hospital  
 3360 thereof, or a regional board on June 30, 1994, any termination from state employment after  
 3361 that date of any such person who is a member of the classified service shall not result from  
 3362 the anticipated or actual employment or utilization by:

- 3363 (1) The department;
- 3364 (2) A regional board;
- 3365 (3) A community service board;
- 3366 (4) A hospital;
- 3367 (5) The Department of Human Services;

3368 (6) The Department of Public Health; or  
 3369 (7) Any private provider of disability services or health services of any person who is not  
 3370 an employee of the state or a political subdivision thereof to perform the duties and  
 3371 functions of such terminated state personnel unless such termination and utilization is the  
 3372 result of a reduction in appropriations for such duties or functions or is the result of a  
 3373 reduction in force caused by any other state department or agency which has ceased to  
 3374 contract with the department, the Department of Human Services, or the Department of  
 3375 Public Health for the services which had been provided by the terminated state  
 3376 personnel."

3377 **SECTION 2-60.**

3378 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency  
 3379 management, and veterans affairs, is amended by revising Code Section 38-2-132, relating  
 3380 to administration of militia and Department of Defense, personnel, and State Personnel  
 3381 Administration, as follows:

3382 "38-2-132.

3383 The militia of the state shall be commanded and its affairs administered pursuant to law by  
 3384 the Governor, as commander in chief, through the Department of Defense and the military  
 3385 division thereof which shall consist of the adjutant general, two assistant adjutants general,  
 3386 and such other officers, enlisted personnel, and civilian employees as the adjutant general  
 3387 shall from time to time prescribe; provided, however, that nothing ~~herein~~ in this Code  
 3388 section shall be construed to prejudice the status under the rules of the State Personnel  
 3389 ~~Administration~~ Board of any person employed in the Military Division, Department of  
 3390 Defense. Such other officers, enlisted personnel, and civilian employees shall perform  
 3391 such duties as may be required by the adjutant general who shall fix their compensation  
 3392 subject to the rules of the State Personnel ~~Administration~~ Board."

3393 **SECTION 2-61.**

3394 Said Title 38 is further amended by revising Code Section 38-4-9, relating to the  
 3395 commissioner of veterans service, employment of personnel, preference to veterans,  
 3396 surviving spouses, and dependents, and advise Governor, board, and General Assembly, as  
 3397 follows:

3398 "38-4-9.

3399 The commissioner of veterans service is authorized and directed to employ competent  
 3400 personnel to assist in the administration of the Department of Veterans Service. The  
 3401 commissioner shall give reasonable preference to veterans, their surviving spouses, and  
 3402 dependents in the matter of employment in the department; provided, however, that

3403 competency and efficiency shall not be sacrificed because of veteran affiliation,  
 3404 relationship, or service. It shall be the duty of the commissioner to advise the Governor,  
 3405 the Veterans Service Board, and the General Assembly as to needed veterans' legislation.  
 3406 As executive officer, the commissioner shall have exclusive authority to employ personnel  
 3407 necessary to carry out the purposes of this article and shall define the duties of employees,  
 3408 assign their official stations, and fix their compensation subject to the rules of the State  
 3409 Personnel Administration Board."

#### 3410 SECTION 2-62.

3411 Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is  
 3412 amended by revising Code Section 40-15-4, relating to motorcycle safety coordinator  
 3413 authorized, duties, and requirements, as follows:

3414 "40-15-4.

3415 (a) The commissioner shall appoint a state-wide motorcycle safety coordinator who shall  
 3416 carry out and enforce the provisions of this chapter and the rules and regulations of the  
 3417 department. The coordinator shall be placed in the unclassified service ~~of the State~~  
 3418 ~~Personnel Administration~~ as defined by Code Section 45-20-2 and shall serve at the  
 3419 pleasure of the commissioner.

3420 (b) The coordinator shall also be authorized to:

3421 (1) Promote motorcycle safety throughout the state;

3422 (2) Provide consultation to the various departments of state government and local  
 3423 political subdivisions relating to motorcycle safety; and

3424 (3) Do any other thing deemed necessary by the commissioner to promote motorcycle  
 3425 safety in the state."

#### 3426 SECTION 2-63.

3427 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
 3428 by revising Code Section 42-8-26, relating to qualifications of probation supervisors,  
 3429 compensation and expenses, conflicts of interest, and bonds, as follows:

3430 "42-8-26.

3431 (a) In order for a person to hold the office of probation supervisor, he or she must be at  
 3432 least 21 years of age at the time of appointment and must have completed a standard  
 3433 two-year college course, provided that any person who is employed as a probation  
 3434 supervisor on or before July 1, 1972, shall not be required to meet the educational  
 3435 requirements specified in this Code section, nor shall he or she be prejudiced in any way  
 3436 for not possessing the requirements. The qualifications provided in this Code section are  
 3437 the minimum qualifications and the department is authorized to prescribe such additional

3438 and higher educational qualifications from time to time as it deems desirable, but not to  
3439 exceed a four-year standard college course.

3440 (b) The compensation of the probation supervisors shall be set by pursuant to the rules of  
3441 the State Personnel Board and the State Personnel Administration. Probation supervisors  
3442 shall also be allowed travel and other expenses as are other state employees.

3443 (c)(1) No supervisor shall engage in any other employment, business, or activities which  
3444 interfere or conflict with his or her duties and responsibilities as probation supervisor.

3445 (2) No supervisor shall own, operate, have any financial interest in, be an instructor at,  
3446 or be employed by any private entity which provides drug or alcohol education services  
3447 or offers a DUI Alcohol or Drug Use Risk Reduction Program certified by the  
3448 Department of Driver Services.

3449 (3) No supervisor shall specify, directly or indirectly, a particular DUI Alcohol or Drug  
3450 Use Risk Reduction Program which a probationer may or shall attend. This paragraph  
3451 shall not prohibit any supervisor from furnishing any probationer, upon request, the  
3452 names of certified DUI Alcohol or Drug Use Risk Reduction Programs. Any supervisor  
3453 violating this paragraph shall be guilty of a misdemeanor.

3454 (d) Each probation supervisor shall give bond in such amount as may be fixed by the  
3455 department payable to the department for the use of the person or persons damaged by his  
3456 or her misfeasance or malfeasance and conditioned on the faithful performance of his or  
3457 her duties. The cost of the bond shall be paid by the department; provided, however, that  
3458 the bond may be procured, either by the department or by the Department of  
3459 Administrative Services, under a master policy or on a group blanket coverage basis, where  
3460 only the number of positions in each judicial circuit and the amount of coverage for each  
3461 position are listed in a schedule attached to the bond; and in such case each individual shall  
3462 be fully bonded and bound as principal, together with the surety, by virtue of his or her  
3463 holding the position or performing the duties of probation supervisor in the circuit or  
3464 circuits, and his or her individual signature shall not be necessary for such bond to be valid  
3465 in accordance with all the laws of this state. The bond or bonds shall be made payable to  
3466 the department."

**SECTION 2-64.**

3467  
3468 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
3469 is amended by revising Code Section 43-1-2, relating to appointment and general powers of  
3470 division director, members and meetings of professional licensing boards, examination  
3471 standards, roster of licensees, and funding, as follows:

3472 "43-1-2.

3473 (a)(1) There is created within the office of the Secretary of State the professional  
3474 licensing boards division as successor to the office of the joint-secretary of the state  
3475 examining boards. The Secretary of State is authorized and directed to appoint a director  
3476 of the professional licensing boards division.

3477 (2) Any action of the joint-secretary taken with regard to any state examining board prior  
3478 to July 1, 2000, shall thereafter be deemed to be action taken by the director of the  
3479 professional licensing boards division and that division director shall thereafter act in the  
3480 stead of such joint-secretary and succeed to the powers and duties of the joint-secretary  
3481 with regard to those state examining boards. The rights, privileges, entitlements, or  
3482 duties of parties to contracts, leases, agreements, or other transactions entered into by the  
3483 joint-secretary prior to July 1, 2000, shall continue to exist and shall not be impaired or  
3484 diminished by reason of the succession of the division director to the powers and duties  
3485 of the joint-secretary.

3486 (b) The salary of the division director shall be fixed by the Secretary of State, and he or  
3487 she shall hold office at the pleasure of the Secretary of State.

3488 (c) The Secretary of State, notwithstanding any other provisions of law to the contrary,  
3489 shall employ personnel as deemed necessary to carry out this chapter and to provide for all  
3490 services required by each of the professional licensing boards and shall establish within the  
3491 guidelines provided by the laws and rules and regulations of the State Personnel  
3492 ~~Administration Board~~ the qualifications of such personnel.

3493 (d) The division director, with the approval of the Secretary of State, notwithstanding any  
3494 other provisions of law to the contrary, shall enter into such contracts as are deemed  
3495 necessary to carry out this chapter to provide for all services required by each of the  
3496 professional licensing boards.

3497 (e) The Secretary of State, notwithstanding any other provisions of law to the contrary,  
3498 shall have the power to employ and shall set the qualifications and salary for a deputy  
3499 division director and shall appoint executive directors as required who shall act in the  
3500 absence of the division director and who shall perform such other functions of the division  
3501 director under this chapter as the division director may designate. The deputy division  
3502 director and executive directors as appointed shall be in the unclassified service and shall  
3503 be excluded from the classified service as defined in Article 1 of Chapter 20 of Title 45.

3504 (f) Notwithstanding any other provisions of law to the contrary, each member of the  
3505 various professional licensing boards may receive the expense allowance as provided by  
3506 subsection (b) of Code Section 45-7-21 and the same mileage allowance for the use of a  
3507 personal car as that received by all other state officials and employees or a travel allowance  
3508 of actual transportation cost if traveling by public carrier within the state. Any board  
3509 member shall also be reimbursed for any conference or meeting registration fee incurred  
3510 in the performance of his or her duties as a board member. For each day's service outside  
3511 of the state as a board member, such member shall receive actual expenses as an expense  
3512 allowance as well as the same mileage allowance for the use of a personal car as that  
3513 received by other state officials and employees or a travel allowance of actual  
3514 transportation cost if traveling by public carrier or by rental motor vehicle. Expense  
3515 vouchers submitted by members of the various professional licensing boards are subject  
3516 to approval of the president or chairperson of the respective board and the division director.

3517 (g) All meetings and hearings of the respective professional licensing boards shall be held  
3518 in the capitol, at the site of the office of the respective board, or at such other site as may  
3519 be requested by the chairperson or president of a professional licensing board and approved  
3520 by the division director.

3521 (h) A majority of the appointed members of a professional licensing board shall constitute  
3522 a quorum for the transaction of business by that board.

3523 (h.1) Members of a professional licensing board shall serve until the expiration of the term  
3524 for which they were appointed and until their successors have been appointed and qualified  
3525 unless otherwise specified under the provisions of this title.

3526 (i) A schedule of all meetings and hearings of the various professional licensing boards  
3527 shall be maintained at the office of the division director and be available for public review.

3528 (j) The division director may establish administrative standards for the examination of  
3529 applicants for licensure by the various professional licensing boards, notwithstanding any  
3530 other provisions of law to the contrary. These administrative standards may include the  
3531 setting of date, time, and location of examinations, subject to the approval of the respective  
3532 professional licensing boards. Notwithstanding any other provisions of law to the contrary,  
3533 examination criteria, examination grading procedures, examination fees, examination  
3534 passing score requirements, and other matters pertaining to the examination of applicants  
3535 for licensure may be adopted by rules of the respective professional licensing boards as  
3536 necessary to implement such examination standards. Examination standards, including  
3537 examination criteria, grading procedures, and passing score requirements, developed in  
3538 agreement or in conjunction with a national association of state boards or other related  
3539 national association for the administration of a nationally recognized uniform examination  
3540 may be adopted in lieu of state standards by the respective professional licensing boards.

3541 (k) The division director shall prepare and maintain a roster containing the names and  
 3542 addresses of all current licensees for each of the various professional licensing boards. A  
 3543 copy of this roster shall be available to any person upon request at a fee prescribed by the  
 3544 division director sufficient to cover the cost of printing and distribution. The following  
 3545 shall be treated as confidential and need not be disclosed without the approval of the  
 3546 professional licensing board to which application is made:

3547 (1) Applications and other personal information submitted by applicants, except to the  
 3548 applicant, staff, and the board;

3549 (2) Information, favorable or unfavorable, submitted by a reference source concerning  
 3550 an applicant, except to the staff and the board;

3551 (3) Examination questions and other examination materials, except to the staff and the  
 3552 board; and

3553 (4) The deliberations of the board with respect to an application, an examination, a  
 3554 complaint, an investigation, or a disciplinary proceeding, except as may be contained in  
 3555 official board minutes.

3556 (l) Funding for the office of the division director and the various professional licensing  
 3557 boards served by such office shall be contained in a common budget unit as defined in Part  
 3558 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act.'

3559 **SECTION 2-65.**

3560 Said Title 43 is further amended by revising Code Section 43-40-4, relating to the office of  
 3561 commissioner, qualifications, restrictions, staff, oath, duties and powers, and reimbursement,  
 3562 as follows:

3563 "43-40-4.

3564 (a) There is established within the commission the office of real estate commissioner.

3565 (b) The commissioner shall be a full-time employee of the commission and shall serve as  
 3566 the chief executive officer of the commission. The commission shall in its discretion  
 3567 appoint the commissioner and fix his or her annual salary. Any person, in order to qualify  
 3568 for appointment to the office of commissioner, shall be a person of good moral character  
 3569 and shall possess such qualifications as the commission may require. The commissioner  
 3570 shall hold no interest in any real estate business or related business while serving as  
 3571 commissioner. The commissioner, with the approval of the commission, may employ and  
 3572 fix the compensation of a secretary, investigators, and other staff to assist ~~him~~ the  
 3573 commissioner in his or her duties. Such employees shall not be placed in the classified  
 3574 service ~~of the State Personnel Administration~~ as defined by Code Section 45-20-2,  
 3575 provided that nothing in this chapter shall be construed to affect any employee in the  
 3576 classified service ~~of the State Personnel Administration~~ as of July 1, 1981.

- 3577 (c) The commissioner shall take an oath to discharge faithfully the duties of his or her  
 3578 office.
- 3579 (d) The commissioner shall be charged with the duties and powers as delegated by the  
 3580 commission.
- 3581 (e) The commissioner shall be allowed reimbursement for travel and other expenses  
 3582 necessarily incurred in the performance of his or her duties, the same as other state officers  
 3583 and employees, and shall receive payment of the same in the manner provided for members  
 3584 of the commission."

### 3585 SECTION 2-66.

3586 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,  
 3587 is amended by revising Code Section 45-1-4, relating to complaints or information from  
 3588 public employees as to fraud, waste, and abuse in state programs and operations, as follows:

3589 "45-1-4.

3590 (a) As used in this Code section, the term:

3591 (1) 'Government agency' means any agency of federal, state, or local government  
 3592 charged with the enforcement of laws, rules, or regulations.

3593 (2) 'Law, rule, or regulation' includes any federal, state, or local statute or ordinance or  
 3594 any rule or regulation adopted according to any federal, state, or local statute or  
 3595 ordinance.

3596 (3) 'Public employee' means any person who is employed by the executive, judicial, or  
 3597 legislative branch of the state or by any other department, board, bureau, commission,  
 3598 authority, or other agency of the state. This term also includes all employees, officials,  
 3599 and administrators of any agency covered ~~under~~ by the rules of the State Personnel  
 3600 ~~Administration Board~~ and any local or regional governmental entity that receives any  
 3601 funds from the State of Georgia or any state agency.

3602 (4) 'Public employer' means the executive, judicial, or legislative branch of the state; any  
 3603 other department, board, bureau, commission, authority, or other agency of the state  
 3604 which employs or appoints a public employee or public employees; or any local or  
 3605 regional governmental entity that receives any funds from the State of Georgia or any  
 3606 state agency.

3607 (5) 'Retaliate' or 'retaliation' refers to the discharge, suspension, or demotion by a public  
 3608 employer of a public employee or any other adverse employment action taken by a public  
 3609 employer against a public employee in the terms or conditions of employment for  
 3610 disclosing a violation of or noncompliance with a law, rule, or regulation to either a  
 3611 supervisor or government agency.

3612 (6) 'Supervisor' means any individual:

- 3613 (A) To whom a public employer has given authority to direct and control the work  
3614 performance of the affected public employee;
- 3615 (B) To whom a public employer has given authority to take corrective action regarding  
3616 a violation of or noncompliance with a law, rule, or regulation of which the public  
3617 employee complains; or
- 3618 (C) Who has been designated by a public employer to receive complaints regarding a  
3619 violation of or noncompliance with a law, rule, or regulation.
- 3620 (b) A public employer may receive and investigate complaints or information from any  
3621 public employee concerning the possible existence of any activity constituting fraud, waste,  
3622 and abuse in or relating to any state programs and operations under the jurisdiction of such  
3623 public employer.
- 3624 (c) Notwithstanding any other law to the contrary, such public employer shall not after  
3625 receipt of a complaint or information from a public employee disclose the identity of the  
3626 public employee without the written consent of such public employee, unless the public  
3627 employer determines such disclosure is necessary and unavoidable during the course of the  
3628 investigation. In such event, the public employee shall be notified in writing at least seven  
3629 days prior to such disclosure.
- 3630 (d)(1) No public employer shall make, adopt, or enforce any policy or practice  
3631 preventing a public employee from disclosing a violation of or noncompliance with a law,  
3632 rule, or regulation to either a supervisor or a government agency.
- 3633 (2) No public employer shall retaliate against a public employee for disclosing a  
3634 violation of or noncompliance with a law, rule, or regulation to either a supervisor or a  
3635 government agency, unless the disclosure was made with knowledge that the disclosure  
3636 was false or with reckless disregard for its truth or falsity.
- 3637 (3) No public employer shall retaliate against a public employee for objecting to, or  
3638 refusing to participate in, any activity, policy, or practice of the public employer that the  
3639 public employee has reasonable cause to believe is in violation of or noncompliance with  
3640 a law, rule, or regulation.
- 3641 (4) Paragraphs (1), (2), and (3) of this subsection shall not apply to policies or practices  
3642 which implement, or to actions by public employers against public employees who  
3643 violate, privilege or confidentiality obligations recognized by constitutional, statutory, or  
3644 common law.
- 3645 (e)(1) A public employee who has been the object of retaliation in violation of this Code  
3646 section may institute a civil action in superior court for relief as set forth in paragraph (2)  
3647 of this subsection within one year after discovering the retaliation or within three years  
3648 after the retaliation, whichever is earlier.

- 3649 (2) In any action brought pursuant to this subsection, the court may order any or all of  
 3650 the following relief:
- 3651 (A) An injunction restraining continued violation of this Code section;
  - 3652 (B) Reinstatement of the employee to the same position held before the retaliation or  
 3653 to an equivalent position;
  - 3654 (C) Reinstatement of full fringe benefits and seniority rights;
  - 3655 (D) Compensation for lost wages, benefits, and other remuneration; and
  - 3656 (E) Any other compensatory damages allowable at law.
- 3657 (f) A court may award reasonable attorney's fees, court costs, and expenses to a prevailing  
 3658 public employee."

3659 **SECTION 2-67.**

3660 Said Title 45 is further amended by revising Code Section 45-2-41, relating to committee of  
 3661 doctors to develop fitness standards, licensed physician to make physical examination,  
 3662 contracts for assessments of employees, fee for committee members and consultants, and  
 3663 certification, as follows:

3664 "45-2-41.

3665 (a) The commissioner of ~~personnel administration~~ administrative services, subject to the  
 3666 approval of the State Personnel Board, shall appoint up to five doctors of medicine licensed  
 3667 by the state and other specialists, as appropriate, to develop standards of medical and  
 3668 physical fitness required for persons about to be appointed to positions in the state service.  
 3669 Such standards shall be related to the duties required of specific positions in the state  
 3670 service. The commissioner of ~~personnel administration~~ administrative services shall  
 3671 develop the forms to secure the information needed to determine if prospective employees  
 3672 meet the medical and physical fitness standards required to perform the essential functions  
 3673 of the relevant position.

3674 (b) If a physical examination is required by the standards of medical and physical fitness,  
 3675 a licensed medical practitioner may perform the assessment and report the findings to a  
 3676 physician in the employ of or under contract with the state or respective employing  
 3677 department. The licensed medical practitioner may be of the applicant's choice and at the  
 3678 applicant's expense or may be a licensed physician in the employ of or under contract with  
 3679 the state or respective employing department. When the licensed physician is in the employ  
 3680 of or under contract with the state or respective employing department, the assessment and  
 3681 findings shall be made to the respective department and shall be final, except as provided  
 3682 in the State Personnel Board rules.

3683 (c) The commissioner of ~~personnel administration~~ administrative services may, through  
 3684 a competitive proposal process, enter into an agreement on behalf of the departments to

3685 contract with medical practitioners for the purpose of conducting assessments for medical  
 3686 and physical fitness as required by the standards of medical and physical fitness. In such  
 3687 case, each department may use the selected contractor as an expense of a departmental  
 3688 employee selection process or may recommend that prospective employees seek the  
 3689 examination at the contractor's site at the prospective employee's expense. If the  
 3690 prospective employee chooses to use a medical practitioner other than one selected by the  
 3691 department or under contract with the state on behalf of the department, the findings and  
 3692 recommendations of such other practitioner shall be furnished to the medical practitioner  
 3693 selected by the department or under contract with the state on behalf of the department for  
 3694 final determination of the medical and physical fitness of the prospective employee.  
 3695 Expenses for the medical practitioner under contract with the state on behalf of the  
 3696 department shall be paid by the respective employing department based upon the services  
 3697 provided by such medical practitioner.

3698 (d) The State Personnel Board is authorized to establish a fee and make payment of same  
 3699 to the consultants appointed by the commissioner of ~~personnel administration~~  
 3700 administrative services for services rendered in the development of standards of medical  
 3701 and physical fitness for state employees; provided, however, that no state employee shall  
 3702 receive additional compensation for services as a consultant for developing the standards  
 3703 of medical and physical fitness.

3704 (e) The certification required by Code Section 45-2-40 shall be completed as required in  
 3705 the rules of the State Personnel Board; provided, however, that if a physical examination  
 3706 is required by the standards for medical and physical fitness, the physical examination shall  
 3707 be completed prior to the date of appointment, and the reporting of results shall occur  
 3708 within a prescribed number of calendar days from the date of appointment."

3709 **SECTION 2-68.**

3710 Said Title 45 is further amended by revising Code Section 45-2-44, relating to State  
 3711 Personnel Board to adopt rules and regulations and expenditure of funds, as follows:

3712 "45-2-44.

3713 The State Personnel Board, subject to the approval of the Governor, shall adopt and  
 3714 promulgate rules and regulations for the administration of this article. The board, through  
 3715 the commissioner of ~~personnel administration~~ administrative services, is authorized to  
 3716 expend allocated funds for the necessary forms and other incidental administrative  
 3717 expenses in effectuating this article. All other expenses shall be borne by the prospective  
 3718 employee or the respective employing department in accordance with the rules of the  
 3719 board."

**SECTION 2-69.**

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Said Title 45 is further amended by revising Code Section 45-7-4, relating to annual salaries of certain state officials and cost-of-living adjustments, as follows:

"45-7-4.

(a) The annual salary of each of the state officials listed below shall be as follows:

- (1) Governor ..... \$ 60,000.00
- An allowance in an amount specified in the appropriations Act shall also be provided for the operation of the Governor's mansion.
- (2) Lieutenant Governor ..... 54,920.00
- (3) Adjutant general
- The adjutant general shall continue to receive the pay and allowances under the same procedure as provided by law.
- (4) Commissioner of Agriculture ..... 100,429.00
- (5) Attorney General ..... 114,633.00
- (6) Reserved.
- (7) Commissioner of Insurance ..... 100,396.00
- (8) Reserved.
- (9) Commissioner of Labor ..... 100,418.00
- The above amount of salary for the Commissioner of Labor shall include any compensation received from the United States government, and the amount of state funds paid shall be reduced by the amount of compensation received from the United States government.
- (10) Reserved.
- (11) Each member of the Public Service Commission ..... 96,655.00
- (12) Reserved.
- (13) State School Superintendent ..... 102,708.00
- (14) Secretary of State ..... 102,708.00
- (15) Reserved.
- (16) Reserved.
- (17) Reserved.
- (18) Each Justice of the Supreme Court ..... 139,418.00
- (19) Each Judge of the Court of Appeals ..... 138,556.00
- (20) Each superior court judge ..... 99,862.00

3753 Each superior court judge shall also receive any supplement paid to such  
 3754 judge by the county or counties of such judge's judicial circuit as may be  
 3755 provided for by law. Each superior court judge shall also receive  
 3756 reimbursement of travel expenses as provided by law.

3757 (21) Each district attorney . . . . . 107,905.00

3758 Each district attorney shall also receive any supplement paid to such district  
 3759 attorney by the county or counties of such district attorney's judicial circuit  
 3760 as may be provided for by law. Each district attorney shall also receive  
 3761 reimbursement of travel expenses as provided by law.

3762 (22) Each member of the General Assembly . . . . . 16,200.00

3763 (A) Reserved.

3764 (B) Each member of the General Assembly shall also receive the  
 3765 allowances provided by law. The amount of the daily expense allowance  
 3766 which each member is entitled to receive under the provisions of Code  
 3767 Section 28-1-8 shall be as provided in that Code section. The mileage  
 3768 allowance for the use of a personal car on official business shall be the  
 3769 same as that received by other state officials and employees.

3770 (C) In addition to any other compensation and allowances authorized for  
 3771 members of the General Assembly, each member may be reimbursed for  
 3772 per diem differential and for actual expenses incurred in the performance  
 3773 of duties within the state as a member of the General Assembly in an  
 3774 amount not to exceed \$7,000.00 per year. Expenses reimbursable up to  
 3775 such amount shall be limited to one or more of the following purposes:  
 3776 lodging, meals, per diem differential, postage, personal services, printing  
 3777 and publications, rents, supplies (including software),  
 3778 telecommunications, transportation, utilities, and purchasing or leasing of  
 3779 equipment. If equipment purchased by a member has a depreciated value  
 3780 of \$100.00 or less when such member leaves office, the equipment does  
 3781 not need to be returned to the state. No reimbursement shall be made for  
 3782 any postage which is used for a political newsletter. No reimbursement  
 3783 shall be paid for lodging or meals for any day for which a member  
 3784 receives the daily expense allowance as provided in this paragraph. Such  
 3785 expenses shall be reimbursed upon the submission of sworn vouchers to  
 3786 the legislative fiscal office. Such sworn vouchers shall be accompanied  
 3787 by a supporting document or documents showing payment for each  
 3788 expense claimed or an explanation of the absence of such documentation.

3789 No sworn voucher or supporting document shall be required for per diem  
3790 differential.

3791 (D) The amount of per diem differential which may be claimed for each  
3792 day under subparagraph (C) of this paragraph shall be the difference  
3793 between the daily expense allowance authorized for members of the  
3794 General Assembly and \$119.00; provided, however, that the ~~general~~  
3795 ~~appropriations~~ General Appropriations Act for any fiscal year may  
3796 increase such amount of \$119.00 per day to an amount not in excess of the  
3797 federal per diem rate then in effect for the state capital as specified by the  
3798 General Services Administration. Per diem differential shall be paid by  
3799 the legislative fiscal office to the member upon the member's notification  
3800 to the legislative fiscal office of the days for which the daily expense  
3801 allowance was received for which the member wishes to claim the per  
3802 diem differential, and the legislative fiscal office shall keep a record of the  
3803 days for which per diem differential is so claimed and paid.

3804 (E) For the purposes of this paragraph, a year shall begin on the  
3805 convening date of the General Assembly in regular session each year and  
3806 end on the day prior to the convening of the General Assembly in the next  
3807 calendar year. Any voucher or claim for any reimbursement for any year  
3808 as defined in this paragraph shall be submitted no later than the fifteenth  
3809 of April immediately following the end of such year. No reimbursement  
3810 shall be made on any voucher or claim submitted after that date. Any  
3811 amounts remaining in such expense account at the end of the first year of  
3812 the two year biennium may be claimed for expenses incurred during the  
3813 second year of the two year biennium. Any amounts remaining in any  
3814 expense account which are not so claimed by April 15 of the year  
3815 following the second year of the biennium and any amounts claimed  
3816 which are returned as hereafter provided for in this paragraph shall lapse  
3817 and shall be remitted by the legislative fiscal office to the general fund of  
3818 the state treasury. Any former member of the General Assembly may be  
3819 reimbursed for expenses incurred while a member of the General  
3820 Assembly upon compliance with the provisions of this paragraph. The  
3821 Legislative Services Committee is empowered to provide such procedures  
3822 as it deems advisable to administer the provisions of this paragraph,  
3823 including, but not limited to, definitions of the above list of items for  
3824 which reimbursement may be made and the form of the voucher or claim  
3825 which must be submitted to the legislative fiscal office. In the event of

3826 any disagreement as to whether any reimbursement shall be made or any  
 3827 allowance shall be paid, the Legislative Services Committee shall make  
 3828 the final determination. In the event any reimbursement is made or any  
 3829 allowance is paid and it is later determined that such reimbursement or  
 3830 payment was made in error, the person to whom such reimbursement or  
 3831 payment was made shall remit to the legislative fiscal office the amount  
 3832 of money involved. In the event any such person refuses to make such  
 3833 remittance, the legislative fiscal office is authorized to withhold the  
 3834 payment of any other moneys to which such person is entitled until the  
 3835 amount of such reimbursement or payment which was made in error shall  
 3836 be realized.

3837 (23) Speaker of the House of Representatives . . . . . 17,800.00

3838 The Speaker of the House of Representatives shall also receive the salary  
 3839 and allowances authorized as a member of the General Assembly. Upon the  
 3840 taking of office by the members of the General Assembly on the convening  
 3841 day of the regular session of the General Assembly in 1983, the annual  
 3842 salary of the Speaker of the House of Representatives shall become  
 3843 \$22,800.00. After such date, the Speaker shall also receive as additional  
 3844 salary a sum equal to the amount of salary over \$30,000.00 per annum  
 3845 which is received by the Lieutenant Governor as of that date or thereafter;  
 3846 and the salary of the Speaker shall be adjusted at the beginning of each term  
 3847 so as to include such additional sum.

3848 (24) President Pro Tempore of the Senate . . . . . 4,800.00

3849 The President Pro Tempore of the Senate shall also receive the salary and  
 3850 allowances authorized as a member of the General Assembly.

3851 (25) Speaker Pro Tempore of the House of Representatives . . . . . 4,800.00

3852 The Speaker Pro Tempore of the House of Representatives shall also  
 3853 receive the salary and allowances authorized as a member of the General  
 3854 Assembly.

3855 (b) As a cost-of-living adjustment except as qualified below as to members and  
 3856 member-officers of the General Assembly, the annual salary of each state official whose  
 3857 salary is established by Code Section 45-7-3, this Code section, and Code Sections 45-7-20  
 3858 and 45-7-21, including members of the General Assembly, the Speaker of the House of  
 3859 Representatives, the President Pro Tempore of the Senate, and the Speaker Pro Tempore  
 3860 of the House of Representatives, may be increased by the General Assembly in the General  
 3861 Appropriations Act by a percentage not to exceed the average percentage of the general

3862 increase in salary as may from time to time be granted to employees of the executive,  
 3863 judicial, and legislative branches of government. However, any increase for such officials  
 3864 shall not include within-grade step increases for which ~~classified employees of the State~~  
 3865 ~~Personnel Administration~~ employees subject to compensation plans authorized and  
 3866 approved in accordance with Code Section 45-20-4 are eligible. Any increase granted  
 3867 pursuant to this subsection shall become effective at the same time that funds are made  
 3868 available for the increase for such employees, except increases for members and  
 3869 member-officers of the General Assembly. That portion of the increase determined by the  
 3870 Legislative Services Committee to reflect a cost-of-living increase based upon objective  
 3871 economic criteria shall become effective for members and member-officers at the same  
 3872 time that funds are made available for the increase for such employees. The balance of the  
 3873 increase for members and member-officers of the General Assembly shall become effective  
 3874 on the convening of the next General Assembly in January of the next odd-numbered year.  
 3875 The Office of Planning and Budget shall calculate the average percentage increase.

3876 (c) The annual salary being received on June 30, 1980, shall be increased by 8 percent for  
 3877 each state official listed in subsection (a) of this Code section who:

- 3878 (1) Is not a member of the General Assembly; and  
 3879 (2) Is not a contributing member of a state retirement system and, therefore, does not  
 3880 benefit by or participate in any program whereunder a portion of the employee  
 3881 contributions to the state retirement system are made on behalf of the employee by the  
 3882 employer."

3883 **SECTION 2-70.**

3884 Said Title 45 is further amended by revising Code Section 45-7-54, relating to voluntary  
 3885 contributions by state government employees through payroll deductions to certain not for  
 3886 profit organizations, as follows:

3887 "45-7-54.

3888 (a) Any department, agency, authority, or commission of the state is authorized to deduct  
 3889 designated amounts from the salaries or wages of its employees and remit such moneys to  
 3890 not for profit organizations, associations, or corporations providing tangible services and  
 3891 benefits to state government or its employees. Except as provided in subsection (b) of this  
 3892 Code section, no such deduction shall be made unless at least 2,500 of the full-time  
 3893 employees of the state request such deduction. Where 2,500 or more full-time employees  
 3894 of the state request payroll deduction services to any not for profit organization,  
 3895 association, or corporation having among its objectives educational, legislative, or  
 3896 professional development activities related to promoting and enhancing the efficiency,  
 3897 productivity, and welfare of state government services or of state government employees,

3898 then the state shall provide such deductions as an additional employment benefit to its  
3899 employees.

3900 (b) Where 500 or more full-time state employees who are employed in the Division of  
3901 Family and Children Services or in the law enforcement, corrections officer, or registered  
3902 nursing disciplines request payroll deduction services to any not for profit association  
3903 having among its specific objectives (1) professional development activities related to such  
3904 employment, (2) the provision of assistance to or on behalf of persons who are killed,  
3905 injured, in need of medical attention, or otherwise in need of assistance while engaged in  
3906 such employment or as a result of such employment, or (3) promoting or enhancing law  
3907 enforcement, corrections, or registered professional nursing in the State of Georgia, then  
3908 the state shall provide such deductions as an additional employment benefit to its  
3909 employees. This provision shall not be interpreted to require the agency or state to provide  
3910 the funds for any employee's dues or contributions.

3911 (c) The commissioner of ~~the State Personnel Administration~~ administrative services shall  
3912 have the authority to administer this Code section and to determine and compel compliance  
3913 with its provisions.

3914 (d) No deduction shall be made under this Code section without the express written and  
3915 voluntary consent of the employee. Each such request shall designate the exact amount to  
3916 be deducted. Any employee who consents to such deduction is authorized to terminate the  
3917 deduction with two weeks' written notice to the department, agency, authority, or  
3918 commission.

3919 (e) No deduction shall be made under this Code section to any organization, association,  
3920 or corporation which engages in collective bargaining with the state or encourages its  
3921 members to strike or stop work.

3922 (f) Each department, agency, authority, or commission of the state shall collect from the  
3923 deductions withheld a cost of administration fee not to exceed 1 percent of the total  
3924 deduction collected.

3925 (g) No person shall disclose to any other person the name of any employee deducting  
3926 amounts, or the organizations, associations, or corporations designated, except as is  
3927 necessary to accomplish the purpose of this article or as otherwise authorized in writing by  
3928 the individual employee.

3929 (h) Departments, agencies, authorities, and commissions and their employees shall not  
3930 incur any liability for errors or omissions made in performance of the payroll deduction  
3931 agreement between the state and the employee, provided that this Code section does not  
3932 confer immunity from criminal or civil liability for conversion, theft by conversion, theft  
3933 by taking, theft by extortion, theft by deception, or any other intentional misappropriation  
3934 of the money or property of another."

**SECTION 2-71.**

3935

3936 Said Title 45 is further amended by revising Code Section 45-10-20, relating to definitions,  
3937 as follows:

3938 "45-10-20.

3939 As used in this part, the term:

3940 (1) 'Agency' means any agency, authority, department, board, bureau, commission,  
3941 committee, office, or instrumentality of the State of Georgia but shall not mean a political  
3942 subdivision of the State of Georgia.

3943 (2) 'Business' means any corporation, partnership, proprietorship, firm, enterprise,  
3944 franchise, association, organization, self-employed individual, trust, or other legal entity.

3945 (3) 'Employee' means any person who, pursuant to a written or oral contract, is employed  
3946 by an agency.

3947 (4) 'Family' means spouse and dependents.

3948 (5) 'Full-time' means 30 hours of work for the state per week for more than 26 weeks per  
3949 calendar year.

3950 (6) 'Limited powers' means those powers other than state-wide powers.

3951 (7) 'Part-time' means any amount of work other than full-time work.

3952 (8) 'Person' means any person, corporation, partnership, proprietorship, firm, enterprise,  
3953 franchise, association, organization, or other legal entity.

3954 (9) 'Public official' means any person elected to a state office and means any person  
3955 appointed to a state office where in the conduct of such office the person so appointed has  
3956 administrative and discretionary authority to receive and expend public funds and to  
3957 perform certain functions concerning the public which are assigned to him or her by law.

3958 (10) 'State-wide powers' means those powers exercised by public officials which affect  
3959 and influence all of state government. Public officials who exercise such powers include  
3960 but are not limited to the Governor, the Lieutenant Governor, members of the General  
3961 Assembly, Justices of the Supreme Court, Judges of the Court of Appeals, the Secretary  
3962 of State, the Attorney General, the state auditor, the state accounting officer, the  
3963 commissioner of administrative services, ~~the commissioner of the State Personnel~~  
3964 ~~Administration~~ and members of the State Personnel Board, the director of the Office of  
3965 Planning and Budget, judges of the superior courts, and district attorneys.

3966 (11) 'Substantial interest' means the direct or indirect ownership of more than 25 percent  
3967 of the assets or stock of any business.

3968 (12) 'Transact business' or 'transact any business' means to sell or lease any personal  
3969 property, real property, or services on behalf of oneself or on behalf of any third party as  
3970 an agent, broker, dealer, or representative and means to purchase surplus real or personal

3971 property on behalf of oneself or on behalf of any third party as an agent, broker, dealer,  
3972 or representative."

3973 **SECTION 2-72.**

3974 Said Title 45 is further amended by revising Code Section 45-10-27, relating to construction  
3975 of part with rules and regulations of the State Personnel Administration, as follows:

3976 "45-10-27.

3977 This part shall in no way ~~amend or repeal any statute~~ supersede any provision of Chapter  
3978 20 of this title or any rule or regulation promulgated pursuant thereto ~~pertaining to the State~~  
3979 ~~Personnel Administration.~~"

3980 **SECTION 2-73.**

3981 Said Title 45 is further amended by revising Code Section 45-12-72, relating to establishment  
3982 of Office of Planning and Budget, and general provisions, as follows:

3983 "45-12-72.

3984 (a) There is established in the office of the Governor the Office of Planning and Budget  
3985 as a separate budget unit for the purpose of promoting economy and efficiency in the fiscal  
3986 management of the state government. The Governor shall be ex officio director of the  
3987 budget.

3988 (b) The Governor, through the Office of Planning and Budget, shall have such supervision  
3989 of every public department, agency, and institution as shall be necessary to secure  
3990 uniformity and accuracy of accounts and efficient conduct of its fiscal affairs. He may  
3991 inquire into the methods of conducting the affairs of any public body; he may prescribe and  
3992 direct the use of such forms of accounts, records, and reports as may be necessary to further  
3993 efficiency and an adequate system of records for budget-making purposes; and he may  
3994 prescribe and direct the use of standards of efficiency for public employees, including the  
3995 establishment of working hours.

3996 (c) The administrative head of the Office of Planning and Budget is the director of the  
3997 Office of Planning and Budget, who shall be appointed by the Governor to serve at the  
3998 Governor's pleasure. The director shall be responsible for management of the office and  
3999 shall exercise supervision and control over the office. The director of the Office of  
4000 Planning and Budget is authorized to employ such other professional, technical, and  
4001 clerical personnel as the director may deem necessary to carry out the duties prescribed in  
4002 this part. Except as otherwise provided in this subsection, the employees of the Office of  
4003 Planning and Budget shall be governed by the rules and regulations of the State Personnel  
4004 Board, under Article 1 of Chapter 20 of this title. The Office of Planning and Budget shall  
4005 pay its ~~pro-rata~~ share of the administrative cost of operating the ~~State Personnel~~

4006 ~~Administration, state system of personnel management~~ in the manner prescribed in ~~Article~~  
 4007 ~~1 of Chapter 20 of this title~~ Code Section 45-20-4. All employees in the position  
 4008 classification policy coordinator shall be in the unclassified service ~~of the State Personnel~~  
 4009 ~~Administration as defined by Code Section 45-20-2~~. Any and all salary increases for such  
 4010 employees shall be based, in part, on each individual employee's job performance as  
 4011 measured by a standard operative appraisal system and, in part, on general increases given  
 4012 to all state employees. The Governor is authorized to delegate to the director of the Office  
 4013 of Planning and Budget such powers, duties, and authority under this part as the Governor  
 4014 deems advisable; and the Governor shall have the right to retract any such delegation at any  
 4015 time.

4016 (d) The Attorney General, the state treasurer, the Comptroller General, the state revenue  
 4017 commissioner, and the state auditor shall render such advice and assistance and furnish  
 4018 such information to the Office of Planning and Budget as may be requested and needed."

#### 4019 **SECTION 2-74.**

4020 Said Title 45 is further amended by revising Code Section 45-15-30, relating to the  
 4021 Department of Law, assistants, deputies, and other support personnel, determination of  
 4022 duties, salaries, and effect promotions, limitation on private practice of law, and disclosure  
 4023 requirement for assistant attorney general representing criminal defendant, as follows:

4024 "45-15-30.

4025 There is created a Department of Law with the Attorney General at the head thereof and  
 4026 with such numbers of deputy attorneys general, assistant attorneys general, special assistant  
 4027 attorneys general, other attorneys, paraprofessional personnel, and other employees or  
 4028 independent contractors as the Attorney General shall deem necessary to carry out the  
 4029 functions of the Attorney General and the Department of Law. The Attorney General is  
 4030 authorized to determine the title and to change the title of any attorney or other employee  
 4031 of the Department of Law or any attorney at law under independent contract to the  
 4032 Department of Law in order to define the duties and responsibilities of any attorney or  
 4033 other employee of the said department and to establish salaries and effect promotions of  
 4034 any such attorney or other employee of the said department, except that those positions in  
 4035 the department which are within the classified service ~~of the State Personnel~~  
 4036 ~~Administration~~ on April 18, 1975, shall be covered by the ~~State Personnel Administration~~  
 4037 ~~according to~~ procedures prescribed by the State Personnel Board. Neither the Attorney  
 4038 General nor any other attorney at law employed full time by the Department of Law shall  
 4039 engage in the private practice of law during his or her term of appointment. Attorneys at  
 4040 law under independent contract to the Department of Law may engage in the private  
 4041 practice of law even though they may have been appointed or designated either specially

4042 or generally as assistant attorneys general or attorneys. Notwithstanding that any attorney  
 4043 at law under independent contract to the Department of Law has been appointed or  
 4044 designated either specially or generally as an assistant attorney general and thus is  
 4045 identified with the State of Georgia as its representative for cases arising within the scope  
 4046 of that appointment or designation, representation of a defendant in criminal proceedings  
 4047 by that assistant attorney general shall not constitute a conflict of interest if that assistant  
 4048 attorney general provides written disclosure of such appointment or designation to the  
 4049 defendant prior to accepting employment by that defendant or, when a court has appointed  
 4050 an assistant attorney general to represent an indigent criminal defendant, disclosures to the  
 4051 defendant and to the court, to be reflected in the record of that court, such appointment or  
 4052 designation as assistant attorney general."

4053 **SECTION 2-75.**

4054 Said Title 45 is further amended by revising Code Section 45-16-11, relating to  
 4055 compensation of county coroners, increases, calculation, supplements, and expenses, as  
 4056 follows:

4057 "45-16-11.

4058 (a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of each  
 4059 coroner in any of the counties in this state in the following population brackets shall be  
 4060 fixed according to the population of the county in which he or she serves, as determined  
 4061 by the United States decennial census of 1990 or any future such census. Except as  
 4062 otherwise provided in paragraph (2) of this subsection, each such coroner shall receive  
 4063 an annual salary, payable in equal monthly installments from the funds of the coroner's  
 4064 county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 — 11,889 .....	\$ 1,200.00
11,890 — 19,999 .....	2,400.00
20,000 — 34,999 .....	3,600.00

4069 (2) ~~On and after July 1, 2001, whenever~~ Whenever the state employees in the classified  
 4070 ~~service of the State Personnel Administration receive~~ subject to compensation plans  
 4071 authorized and approved in accordance with Code Section 45-20-4 receive a  
 4072 cost-of-living increase or general performance based increase of a certain percentage or  
 4073 a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of  
 4074 this subsection, and in Code Section 45-16-11.1, or the amounts derived by increasing  
 4075 each of said amounts through the application of longevity increases pursuant to  
 4076 subsection (b) of this Code section, where applicable, shall be increased by the same

4077 percentage or same amount applicable to such state employees. If the cost-of-living  
 4078 increase or general performance based increase received by state employees is in different  
 4079 percentages or different amounts as to certain categories of employees, the amounts fixed  
 4080 in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section  
 4081 45-16-11.1, or the amounts derived through the application of longevity increases, shall  
 4082 be increased by a percentage or an amount not to exceed the average percentage or  
 4083 average amount of the general increase in salary granted to the state employees. The  
 4084 Office of Planning and Budget shall calculate the average percentage increase or average  
 4085 amount increase when necessary. The periodic changes in the amounts fixed in the  
 4086 minimum salary schedule in paragraph (1) of this subsection, and in Code Section  
 4087 45-16-11.1, or the amounts derived through the application of longevity increases, as  
 4088 authorized by this paragraph shall become effective on the first day of January following  
 4089 the date that the cost-of-living increases received by state employees become effective;  
 4090 provided, however, that if the cost-of-living increases or general performance based  
 4091 increases received by state employees become effective on January 1, such periodic  
 4092 changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this  
 4093 subsection, and in Code Section 45-16-11.1, or the amounts derived through the  
 4094 application of longevity increases, as authorized by this paragraph shall become effective  
 4095 on the same date that the cost-of-living increases or general performance based increases  
 4096 received by state employees become effective.

4097 (3) The county governing authority may supplement the minimum annual salary of the  
 4098 coroner in such amount as it may fix from time to time; but no coroner's compensation  
 4099 supplement shall be decreased during any term of office. Any prior expenditure of  
 4100 county funds to supplement the coroner's salary in the manner authorized by this  
 4101 paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit  
 4102 the General Assembly by local law from supplementing the annual salary of the coroner.

4103 (b) The amounts provided in paragraph (1) of subsection (a) of this Code section and Code  
 4104 Section 45-16-11.1, as increased by paragraph (2) of subsection (a) of this Code section,  
 4105 shall be increased by multiplying said amounts by the percentage which equals 5 percent  
 4106 times the number of completed four-year terms of office served by any coroner after  
 4107 December 31, 2000, effective the first day of January following the completion of each  
 4108 such period of service.

4109 (c) The minimum salaries provided for under this Code section shall be in addition to any  
 4110 fees paid by the county governing authority to the coroner on a per-call basis and in  
 4111 addition to any expenses.

4112 (d) The minimum salaries provided for in this Code section shall be considered as salary  
 4113 only. Expenses for deputies, equipment, supplies, copying equipment, and other necessary

4114 and reasonable expenses for the operation of a coroner's office shall come from funds other  
4115 than the funds specified as salary in this Code section.

4116 (e) This Code section shall not be construed to reduce the salary of any coroner in office  
4117 on July 1, 2001; provided, however, that successors to such coroners in office on July 1,  
4118 2001, shall be governed by the provisions of this Code section. All local legislation in  
4119 effect on July 1, 2001, or enacted thereafter affecting compensation for coroners of the  
4120 various counties shall be of full force and effect except where the same provides for a  
4121 salary lower than provided in this Code section, in which event this Code section shall  
4122 prevail."

### 4123 SECTION 2-76.

4124 Said Title 45 is further amended by revising Code Section 45-18-50, relating to definitions,  
4125 as follows:

4126 "45-18-50.

4127 As used in this article, the term:

4128 (1) '~~Board~~' means the State Personnel Board Reserved.

4129 (2) 'Council' means the Employee Benefit Plan Council established in Code Section  
4130 45-18-51.

4131 (3) 'Employee' means a member of the General Assembly or a person who works full  
4132 time for the state and receives his or her compensation in a direct payment from a  
4133 department, agency, authority, or institution of state government; a county department of  
4134 family and children services or a county department of health; the Federal-State Shipping  
4135 Point Inspection Service; the Georgia Firefighters' Pension Fund; a member of any local  
4136 board of education; and public ~~schoolteachers~~ school teachers and public school  
4137 employees as defined in Code Sections 20-2-880 and 20-2-910, exclusive of the  
4138 members, employees, and officials of the Board of Regents of the University System of  
4139 Georgia.

4140 (4) 'Full time' means the employment of a person who works at least 30 hours per week  
4141 and whose employment is intended to be continuing employment. This would exclude  
4142 any student, seasonal, intermittent, or part-time employment; provided, however, that  
4143 public ~~schoolteachers~~ school teachers and public school employees as defined in Code  
4144 Sections 20-2-880 and 20-2-910 shall be deemed to be employed full time for the  
4145 purposes of this article. This would also exclude employment intended for only a very  
4146 limited duration or in a sheltered employment program for the purpose of training or  
4147 transitioning a person into the continued employment environment."

**SECTION 2-77.**

4148  
4149 Said Title 45 is further amended by revising Code Section 45-18-51, relating to creation of  
4150 council, membership, terms of office, and vacancies, compensation and expense  
4151 reimbursement, officers, executive secretary and staff support, meetings, adoption of  
4152 procedures, and promulgation of rules and regulations, as follows:

4153 "45-18-51.

4154 (a)(1) There is created an Employee Benefit Plan Council consisting of the following ten  
4155 members appointed by the Governor:

4156 (A) The five members of the State Personnel Board who shall serve for terms of office  
4157 which correspond with their terms of office on the State Personnel Board;

4158 (B) Two department heads who have employees eligible to participate in the employee  
4159 benefit plans, which department heads shall serve for terms of office of four years;  
4160 provided, however, that the initial term of one of such appointees shall be two years;  
4161 and provided, further, that the office of such a member shall become vacant if he or she  
4162 ceases to be a department head;

4163 (C) Two state employees who are eligible to participate in the employee benefit plans,  
4164 which state employees shall serve for terms of office of four years; provided, however,  
4165 that the initial term of one of such appointees shall be two years; and provided, further,  
4166 that the office of such a member shall become vacant if he or she ceases to be a state  
4167 employee; and

4168 (D) One member from a corporation domiciled in the State of Georgia that insures or  
4169 administers employee benefit plans, which member shall serve for a term of office of  
4170 four years.

4171 (2) Successors to the members of the council provided in paragraph (1) of this subsection  
4172 shall have the same qualifications and shall be appointed by the Governor for terms of  
4173 office of four years and until their successors are appointed and qualified. A vacancy on  
4174 the council shall be filled by the Governor appointing a successor who possesses the same  
4175 qualifications as his or her predecessor and who shall serve for the unexpired term.

4176 (b) The members of the council who are in state employment shall serve without  
4177 compensation but, subject to fund availability, shall be reimbursed by the state department  
4178 in which they are employed for all necessary expenses that may be incurred in the  
4179 performance of their duties under this article in accordance with state travel regulations  
4180 promulgated by the State Accounting Office ~~in the same manner that employees of the~~  
4181 ~~State Personnel Administration are reimbursed.~~ For those councilmembers who are not in  
4182 state employment, the expense and mileage allowance shall be the same as that authorized  
4183 for the General Assembly and shall be payable, subject to fund availability, from the ~~State~~  
4184 ~~Personnel Administration~~ Department of Administrative Services.

4185 (c) The Governor shall appoint one member to act as ~~chairman~~ chairperson for a term  
 4186 specified by the Governor until a successor is duly appointed. The council shall elect one  
 4187 of its members as ~~vice-chairman~~ vice-chairperson to act in the absence of the ~~chairman~~  
 4188 chairperson. If the office of ~~chairman~~ chairperson is vacated for any reason, the Governor  
 4189 shall appoint a successor.

4190 (d) Meetings of the council shall be scheduled at the discretion of the council ~~chairman~~  
 4191 chairperson and, where feasible, concomitant with the meetings of the State Personnel  
 4192 Board as provided in Chapter 20 of this title. All meetings of the council shall be open to  
 4193 the public.

4194 (e) The council shall adopt procedures for the conduct of its activities.

4195 (f) The commissioner of ~~personnel administration~~ administrative services shall serve as  
 4196 executive secretary to the council and provide the council with staff support and other  
 4197 assistance in carrying out its duties.

4198 (g) In the promulgation of rules and regulations, the council shall be governed by Chapter  
 4199 20 of this title."

4200 **SECTION 2-78.**

4201 Said Title 45 is further amended by revising Code Section 45-18-55, relating to  
 4202 commissioner of personnel administration as executive officer and custodian, as follows:

4203 "45-18-55.

4204 The commissioner of ~~personnel administration~~ administrative services shall be the  
 4205 executive officer for the administration of this article and the custodian of such fund or  
 4206 funds as may be required in the implementation of this article. The commissioner of  
 4207 ~~personnel administration~~ administrative services shall employ such personnel as may be  
 4208 necessary to carry out his or her duties and responsibilities under this article."

4209 **SECTION 2-79.**

4210 Said Title 45 is further amended by revising Code Section 45-18-70, relating to establishment  
 4211 and operation of the Capitol Hill Day-care Center, as follows:

4212 "45-18-70.

4213 Notwithstanding any other provisions of law, the commissioner of ~~personnel administration~~  
 4214 administrative services in conjunction with the Georgia Building Authority is authorized  
 4215 by contract or otherwise to establish, equip, and operate a day-care center as a capitol hill  
 4216 pilot program for the purpose of serving children who are members of households of  
 4217 employees of state government in and around the state capitol. The commissioner of  
 4218 ~~personnel administration~~ administrative services in conjunction with the Georgia Building  
 4219 Authority is authorized to establish or provide for the establishment of appropriate fees and

4220 charges to be chargeable against the state employees who are beneficiaries of services  
 4221 provided by such facility to pay for the cost of their operation and to accept money,  
 4222 equipment, or other property donated for use in connection with the facility."

4223 **SECTION 2-80.**

4224 Said Title 45 is further amended by revising Code Section 45-18-72, relating to start-up  
 4225 costs, as follows:

4226 "45-18-72.

4227 The commissioner of ~~personnel administration~~ administrative services shall present  
 4228 recommendations no later than December 1, 1986, for funding any start-up costs of the  
 4229 pilot project."

4230 **SECTION 2-81.**

4231 Said Title 45 is further amended by revising Code Section 45-19-22, relating to definitions,  
 4232 as follows:

4233 "45-19-22.

4234 As used in this article, the term:

4235 (1) 'Administrator' means the administrator of the Commission on Equal Opportunity  
 4236 provided for by Code Section 45-19-24, which agency is ~~comprised~~ composed of an  
 4237 Equal Employment Division and a Fair Housing Division.

4238 (2) 'Board' means the Board of Commissioners of the Commission on Equal Opportunity  
 4239 created by Code Section 45-19-23.

4240 (3) 'Disability' means a physical or mental impairment which substantially limits one or  
 4241 more of a person's major life activities, unless an employer demonstrates that the  
 4242 employer is unable to accommodate reasonably to an employee's or prospective  
 4243 employee's disability without undue hardship on the conduct of the employer's operation.

4244 (4) 'Discrimination' means any direct or indirect act or practice of exclusion, distinction,  
 4245 restriction, segregation, limitation, refusal, denial, or any other act or practice of  
 4246 differentiation or preference in the treatment of a person or persons because of race,  
 4247 color, religion, national origin, sex, handicap, or age or the aiding, abetting, inciting,  
 4248 coercing, or compelling of such an act or practice. This term shall not include any direct  
 4249 or indirect act or practice of exclusion, distinction, restriction, segregation, limitation,  
 4250 refusal, denial, or any other act or practice of differentiation or preference in the treatment  
 4251 of a person or persons because of religion if an employer demonstrates that the employer  
 4252 is unable to accommodate reasonably an employee's or prospective employee's religious  
 4253 observance or practice without undue hardship on the conduct of the employer's  
 4254 operation.

- 4255 (5) 'Public employer' or 'employer' means any department, board, bureau, commission,  
 4256 authority, or other agency of the state which employs 15 or more employees within the  
 4257 state for each working day in each of 20 or more calendar weeks in the current or  
 4258 preceding calendar year. A person elected to public office in this state is a public  
 4259 employer with respect to persons holding positions or individuals applying for positions  
 4260 which are subject to the state system of personnel administration created by Chapter 20  
 4261 of this title, including the rules and regulations promulgated by the State Personnel  
 4262 Administration Board or any personnel merit system of any agency or authority of this  
 4263 state. A person elected to public office in this state is not a public employer with respect  
 4264 to persons holding positions or individuals applying for positions on such officer's  
 4265 personal staff or on the policy-making level or as immediate advisers with respect to the  
 4266 exercise of the constitutional or legal powers of the office held by such officer. ~~The term~~  
 4267 ~~'public employer' shall include the State Personnel Administration whether or not such~~  
 4268 ~~agency is the immediate employer of the party or parties claiming to be aggrieved.~~
- 4269 (6) 'Public employment' means employment by any department, board, bureau,  
 4270 commission, authority, or other agency of the State of Georgia.
- 4271 (7) 'Religion' means all aspects of religious observance and practice as well as belief.
- 4272 (8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in  
 4273 Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45."

#### 4274 **SECTION 2-82.**

4275 Said Title 45 is further amended by revising Code Section 45-21-1, relating to definitions,  
 4276 as follows:

4277 "45-21-1.

4278 As used in this chapter, the term:

- 4279 (1) 'Agency' means any agency as defined in Code Section 45-20-2, any authority, or any  
 4280 public corporation, but shall not include the board of regents and units of the University  
 4281 System of Georgia.
- 4282 (2) 'Appointing authority' means a person or group of persons authorized by law or  
 4283 delegated authority to make appointments to fill employee positions in the legislative,  
 4284 judicial, or executive branch of state government.
- 4285 (3) 'Board' means the State Personnel Board.
- 4286 (4) 'Commissioner' means the commissioner of ~~personnel administration~~ administrative  
 4287 services or his or her designee.
- 4288 (5) 'Goal based plan' means a plan developed by the board or other appointing authority  
 4289 under subsection (d) of Code Section 45-21-2 designed to measure performance against  
 4290 business objectives or performance targets.

4291 (6) 'Incentive compensation plan' means a plan developed by the board under Chapter  
 4292 20 of this title and subsection (c) of Code Section 45-21-2 or other appointing authority  
 4293 under subsection (c) of Code Section 45-21-2.

4294 (7) 'Incentive payment' means a one-time lump sum payment or a predetermined  
 4295 quarterly payment that does not become a part of base salary.

4296 (8) 'Meritorious award program' means a program developed by the board or other  
 4297 appointing authority under subsection (b) of Code Section 45-21-2."

### 4298 SECTION 2-83.

4299 Said Title 45 is further amended by revising Code Section 45-23-3, relating to definitions,  
 4300 as follows:

4301 "45-23-3.

4302 As used in this chapter, the term:

4303 (1) 'Controlled substance' means any drug, substance, or immediate precursor included  
 4304 in the definition of the term 'controlled substance' in paragraph (4) of Code Section  
 4305 16-13-21.

4306 (2) 'Convicted' or 'conviction' refers to a final conviction in a court of competent  
 4307 jurisdiction or the acceptance of a plea of guilty.

4308 (3) 'Dangerous drug' means any drug or substance defined as such under Code Section  
 4309 16-13-71.

4310 (4) 'Marijuana' means any substance described in paragraph (16) of Code Section  
 4311 16-13-21.

4312 (5) 'Public employee' means any person employed on a full-time, part-time, temporary,  
 4313 or intermittent basis by the state, including any agency, authority, department, bureau, or  
 4314 instrumentality thereof, or by any entity covered under the ~~State Personnel~~  
 4315 ~~Administration~~ state system of personnel administration created by Chapter 20 of this  
 4316 title. Such term shall also include all employees, officials, or administrators of any public  
 4317 school system, including, but not limited to, primary, secondary, and postsecondary  
 4318 institutions operated by local or independent boards of education that receive any funds  
 4319 from the State of Georgia or any agency thereof.

4320 (6) 'Public employer' means any state agency, department, board, bureau, or other  
 4321 instrumentality. This term also includes any agency covered under the ~~State Personnel~~  
 4322 ~~Administration~~ state system of personnel administration created by Chapter 20 of this title  
 4323 or any public school system, including, but not limited to, primary, secondary, and  
 4324 postsecondary institutions operated by local or independent boards of education that  
 4325 receive any funds from the State of Georgia or any agency thereof.

4326 (7) 'Public employment' means employment by any public employer."

**SECTION 2-84.**

4327  
 4328 Said Title 45 is further amended by revising Code Section 45-23-4, relating to suspension  
 4329 or termination of public employee convicted of drug offense, as follows:

4330 "45-23-4.

4331 (a) Any public employee who is convicted for the first time, under the laws of this state,  
 4332 the United States, or any other state, of any criminal offense involving the manufacture,  
 4333 distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug  
 4334 shall be suspended from his or her public employment for a period of not less than two  
 4335 months. Any such employee shall be required as a condition of completion of suspension  
 4336 to complete a drug abuse treatment and education program licensed under Chapter 5 of  
 4337 Title 26 and approved by: (1) the State Personnel Board in the case of employees ~~in the~~  
 4338 ~~classified service of the State Personnel Administration~~ employed by departments or  
 4339 agencies subject to the board's rules and regulations, as such terms are defined in Code  
 4340 Section 45-20-2; or (2) the public employer having management and control of the  
 4341 employee in the case of other public employees.

4342 (b) Any public employee who is convicted for a second or subsequent time, under the laws  
 4343 of this state, the United States, or any other state, of any criminal offense involving the  
 4344 manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a  
 4345 dangerous drug shall be terminated from his or her public employment and shall be  
 4346 ineligible for other public employment for a period of five years from the most recent date  
 4347 of conviction."

**SECTION 2-85.**

4348  
 4349 Said Title 45 is further amended by revising Code Section 45-23-7, relating to continuance  
 4350 of employment for drug user, and requirements and procedure, as follows:

4351 "45-23-7.

4352 On and after July 1, 1990, if, prior to an arrest for an offense involving a controlled  
 4353 substance, marijuana, or a dangerous drug, a public employee notifies the employee's  
 4354 public employer that the employee illegally uses a controlled substance, marijuana, or a  
 4355 dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment  
 4356 and education program licensed under Chapter 5 of Title 26 and approved by: (1) the State  
 4357 Personnel Board in the case of employees ~~in the classified service of the State Personnel~~  
 4358 ~~Administration~~ employed by departments or agencies subject to the board's rules and  
 4359 regulations, as such terms are defined in Code Section 45-20-2; or (2) the public employer  
 4360 having management and control of the employee in the case of other public employees, the  
 4361 public employee shall be entitled to maintain the employee's public employment for up to  
 4362 one year as long as the employee follows the treatment plan. During this period, the public

4363 employee shall not be separated from public employment solely on the basis of the  
 4364 employee's drug dependence, but the employee's work activities may be restructured if  
 4365 practicable to protect persons or property. No statement made by an employee to a  
 4366 supervisor of the public employee or other person in order to comply with this Code section  
 4367 shall be admissible in any civil, administrative, or criminal proceeding as evidence against  
 4368 the public employee. The rights granted by this Code section shall be available to a public  
 4369 employee only once during a five-year period and shall not apply to any public employee  
 4370 who has refused to be tested or who has tested positive for a controlled substance,  
 4371 marijuana, or a dangerous drug."

4372 **SECTION 2-86.**

4373 Said Title 45 is further amended by revising Code Section 45-23-8, relating to administrative  
 4374 procedures, as follows:

4375 "45-23-8.

4376 Administrative procedures for the implementation of this chapter shall be promulgated by  
 4377 the State Personnel Board for ~~the classified service of the State Personnel Administration~~  
 4378 departments or agencies subject to the board's rules and regulations, as such terms are  
 4379 defined in Code Section 45-20-2 and by other public employers for other public employees  
 4380 under their management and control. Such procedures shall include those elements of due  
 4381 process of law required by the Constitution of Georgia and the United States Constitution."

4382 **SECTION 2-87.**

4383 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public  
 4384 transportation, is amended by revising Code Section 46-2-42, relating to employment of  
 4385 assistant director of Utility Finance Section, employment of accountants, statisticians,  
 4386 experts, and clerical personnel, and classification of employees, as follows:

4387 "46-2-42.

4388 (a) The director of the Utility Finance Section shall employ an assistant director who shall  
 4389 be employed at the pleasure of the commission and as provided by law.

4390 (b) The director shall employ such accountants, statisticians, experts, and clerical  
 4391 personnel as are necessary for the effective performance of the duties of the section, and  
 4392 such employees shall be in the unclassified service as defined by Code Section 45-20-2.

4393 (c) ~~With the concurrence of the State Personnel Administration compensation board,~~  
 4394 ~~certain employees of the section may be included in the 'unclassified service' in addition~~  
 4395 ~~to those currently provided by paragraph (15) of Code Section 45-20-2. The Rules and~~  
 4396 regulations of the State Personnel Administration Board ~~regulations and restrictions~~

4397 concerning compensation and promotion shall not apply to ~~such~~ employees of the Utility  
 4398 Finance Section."

4399 **SECTION 2-88.**

4400 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is  
 4401 amended by revising Code Section 48-2-5, relating to the office of deputy state revenue  
 4402 commissioner, as follows:

4403 "48-2-5.

4404 (a) There is created the office of deputy state revenue commissioner, who shall exercise  
 4405 the authority of the commissioner in matters specified by law and in any other such matters  
 4406 as the commissioner may delegate to him or her in writing. The actions of the deputy  
 4407 commissioner, within the scope of his or her authority, shall have the same force and effect  
 4408 as the actions of the commissioner.

4409 (b) The deputy commissioner shall be appointed by the commissioner. He or she shall  
 4410 hold office at the pleasure of the commissioner and shall not be subject to the ~~State~~  
 4411 ~~Personnel Administration~~ state system of personnel administration provided by Chapter 20  
 4412 of Title 45. The deputy commissioner shall take the oath of office of the commissioner as  
 4413 provided in subsection (d) of Code Section 48-2-2.

4414 (c) The deputy commissioner shall receive a salary as determined by the commissioner,  
 4415 subject to the approval of the Office of Planning and Budget and paid from funds  
 4416 appropriated by the department. The deputy commissioner's salary shall in no event exceed  
 4417 the salary of the commissioner.

4418 (d) The deputy commissioner shall execute and file an official surety bond approved as to  
 4419 form and sufficiency by the Attorney General in the same amount as required for the  
 4420 commissioner by subsection (e) of Code Section 48-2-2. The premium on the bond shall  
 4421 be paid as an expense of the department.

4422 (e) The deputy commissioner shall have the authority of the commissioner to:

4423 (1) Issue licenses;

4424 (2) Make proposed and final assessments;

4425 (3) Deny protests and claims for refund;

4426 (4) Issue summons of garnishment;

4427 (5) Enter into agreements extending statutory periods of limitation;

4428 (6) Issue, amend, and cancel tax executions; and

4429 (7) Execute all documents and papers necessary for the performance of his or her or the  
 4430 commissioner's duties or for the exercise of his or her authority or the authority of the  
 4431 commissioner which has been delegated to him or her in writing."

**SECTION 2-89.**

4432  
 4433 Said Title 48 is further amended by revising Code Section 48-2-6, relating to departmental  
 4434 organization, employees, compensation, and collection of delinquent taxes by contractors,  
 4435 as follows:

4436 "48-2-6.

4437 (a) The commissioner shall establish by executive order such units within the department  
 4438 as he or she deems proper for its administration and shall designate persons to be directors  
 4439 and assistant directors of such units to exercise such authority as he or she may delegate  
 4440 to them in writing.

4441 (b) The commissioner shall have the authority to employ as many persons as he or she  
 4442 deems necessary for the administration of the department and for the discharge of the  
 4443 duties of his or her office. He or she shall issue all necessary directions, instructions,  
 4444 orders, and rules applicable to such persons. He or she shall have authority, as he or she  
 4445 deems proper, to employ, assign, compensate, and discharge employees of the department  
 4446 within the limitations of the department's appropriation, the requirements of the ~~State~~  
 4447 ~~Personnel Administration~~ state system of personnel administration, including the rules and  
 4448 regulations of the State Personnel Board, and the restrictions set forth by law.

4449 (c) All employees of the department shall be compensated upon a fixed salary basis and  
 4450 no person shall be compensated for services to the department on a commission or  
 4451 contingent fee basis.

4452 (d) Neither the commissioner nor any officer or employee of the department shall be given  
 4453 or receive any fee, compensation, loan, gift, or other thing of value in addition to the  
 4454 compensation and expense allowance provided by law for any service or pretended service  
 4455 either rendered or to be rendered as commissioner or as an officer or employee of the  
 4456 department.

4457 (e) The commissioner is authorized to provide for the collection of delinquent taxes,  
 4458 including penalties and interest, by contractors. Any such contractors must be approved  
 4459 by the commissioner. No employee of the department shall be approved as a contractor  
 4460 under this subsection. Such contractors shall be compensated only on a commission or  
 4461 contingent fee basis."

**SECTION 2-90.**

4462  
 4463 Said Title 48 is further amended by revising Code Section 48-5-183, relating to salaries of  
 4464 tax collectors and tax commissioners, as follows:

4465 "48-5-183.

4466 (a) Nothing contained in this Code section shall apply to any tax commissioner or tax  
 4467 collector who is compensated by the fee system of compensation in lieu of a fixed salary.

4468 On and after January 1, 1995, no tax collector or tax commissioner in a county having a  
 4469 population of 45,000 or more shall be entitled to fees authorized by Code Section 48-5-180  
 4470 or Code Section 40-2-33.

4471 (b)(1) Any other law to the contrary notwithstanding, except for the provisions of  
 4472 paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax  
 4473 commissioner who is compensated by an annual salary shall be fixed according to the  
 4474 population of the county in which he or she serves, as determined by the United States  
 4475 decennial census of 2000 or any future such census; provided, however, that such annual  
 4476 salary shall be recalculated in any year following a census year in which the Department  
 4477 of Community Affairs publishes a census estimate for the county prior to July 1 in such  
 4478 year that is higher than the immediately preceding decennial census. Each such officer  
 4479 shall receive an annual salary, payable in equal monthly installments from the funds of  
 4480 his or her county, of not less than the amount fixed in the following schedule:

4481	<u>Population</u>	<u>Minimum Salary</u>
4482	0 - 5,999 .....	\$ 29,832.20
4483	6,000 - 11,889 .....	40,967.92
4484	11,890 - 19,999 .....	46,408.38
4485	20,000 - 28,999 .....	49,721.70
4486	29,000 - 38,999 .....	53,035.03
4487	39,000 - 49,999 .....	56,352.46
4488	50,000 - 74,999 .....	63,164.60
4489	75,000 - 99,999 .....	67,800.09
4490	100,000 - 149,999 .....	72,434.13
4491	150,000 - 199,999 .....	77,344.56
4492	200,000 - 249,999 .....	84,458.82
4493	250,000 - 299,999 .....	91,682.66
4494	300,000 - 399,999 .....	101,207.60
4495	400,000 - 499,999 .....	105,316.72
4496	500,000 or more .....	109,425.84

4497 (2) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified  
 4498 service of the State Personnel Administration receive subject to compensation plans  
 4499 authorized and approved in accordance with Code Section 45-20-4 receive a  
 4500 cost-of-living increase or general performance based increase of a certain percentage or  
 4501 a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of  
 4502 this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in  
 4503 subsection (c) of Code Section 21-2-213, or the amounts derived by increasing each of

4504 said amounts through the application of longevity increases pursuant to subsection (d) of  
4505 this Code section, where applicable shall be increased by the same percentage or same  
4506 amount applicable to such state employees. If the cost-of-living increase or general  
4507 performance based increase received by state employees is in different percentages or  
4508 different amounts as to certain categories of employees, the amounts fixed in the  
4509 minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code  
4510 Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or  
4511 the amounts derived through the application of longevity increases, shall be increased by  
4512 a percentage or an amount not to exceed the average percentage or average amount of the  
4513 general increase in salary granted to the state employees. The Office of Planning and  
4514 Budget shall calculate the average percentage increase or average amount increase when  
4515 necessary. The periodic changes in the amounts fixed in the minimum salary schedule  
4516 in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and,  
4517 where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived  
4518 through the application of longevity increases, as authorized by this paragraph shall  
4519 become effective on the first day of January following the date that the cost-of-living  
4520 increases received by state employees become effective; provided, however, that if the  
4521 cost-of-living increases or general performance based increases received by state  
4522 employees become effective on January 1, such periodic changes in the amounts fixed  
4523 in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of  
4524 Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section  
4525 21-2-213, or the amounts derived through the application of longevity increases as  
4526 authorized by this paragraph, shall become effective on the same date that the  
4527 cost-of-living increases or general performance based increases received by state  
4528 employees become effective.

4529 (3) The county governing authority may supplement the minimum annual salary of the  
4530 tax commissioner in such amount as it may fix from time to time; but no tax  
4531 commissioner's compensation supplement shall be decreased during any term of office.  
4532 Any prior expenditure of county funds to supplement the tax commissioner's salary in the  
4533 manner authorized by this paragraph is ratified and confirmed. Nothing contained in this  
4534 paragraph shall prohibit the General Assembly by local law from supplementing the  
4535 annual salary of the tax commissioner.

4536 (c) In any county in which more than 50 percent of the population of the county according  
4537 to the United States decennial census of 1990 or any future such census resides on property  
4538 of the United States government which is exempt from taxation by this state, the population  
4539 of the county for the purpose of subsection (b) of this Code section shall be deemed to be

4540 the total population of the county minus the population of such county which resides on  
4541 property of the United States government.

4542 (d) The amounts provided in paragraph (1) of subsection (b) of this Code section,  
4543 subsection (g) of Code Section 48-5-137, and, where applicable, Code Section 21-2-213,  
4544 as increased by paragraph (2) of subsection (b) of this Code section, shall be increased by  
4545 multiplying said amounts by the percentage which equals 5 percent times the number of  
4546 completed four-year terms of office served by any tax collector or tax commissioner after  
4547 December 31, 1976, effective the first day of January following the completion of each  
4548 such period of service. This Code section shall not be construed to affect any local  
4549 legislation except where the local legislation provides for a salary lower than the salary  
4550 provided in this Code section, in which event this Code section shall prevail. This Code  
4551 section shall not be construed to reduce the salary of any tax collector or tax commissioner  
4552 in office on July 1, 1991; provided, however, that successors to such tax collectors and tax  
4553 commissioners in office on July 1, 1991, shall be governed by the provisions of this Code  
4554 section. The minimum salaries provided for in this Code section shall be considered as  
4555 salary only. Expenses for deputies, equipment, supplies, copying equipment, and other  
4556 necessary and reasonable expenses for the operation of a tax collector's or tax  
4557 commissioner's office shall come from funds other than the funds specified as salary in this  
4558 Code section.

4559 (e) Notwithstanding any other provisions of this Code section, any tax collector or tax  
4560 commissioner who, prior to July 1, 1979, was entitled to the commissions allowed by Code  
4561 Section 40-2-33 may elect to receive the salary he or she was receiving prior to July 1,  
4562 1979, together with such commissions relating to the sale of motor vehicle license plates  
4563 in lieu of the minimum salary provided in subsection (b) of this Code section.

4564 (f) Notwithstanding any other provisions of this Code section, any tax collector or tax  
4565 commissioner who, prior to January 1, 1980, was receiving a salary lower than the  
4566 applicable minimum salary provided by subsection (b) of this Code section pursuant to a  
4567 local law but who also was receiving certain fees and commissions in addition thereto may  
4568 elect to be excluded from this Code section.

4569 (g) Except as otherwise provided in subsection (f) of this Code section, any local Acts in  
4570 effect on or enacted subsequent to January 1, 1980, which deal with the compensation of  
4571 the various tax collectors or tax commissioners, shall remain in full force and effect, except  
4572 in those instances where such local Acts provide for a salary which is less than the  
4573 minimum salary provided in subsection (b) of this Code section, in which event this Code  
4574 section shall prevail.

4575 (h) This Code section shall not be construed so as to place any tax collector or tax  
4576 commissioner who is on the fee system of compensation on January 1, 1980, on a salary

4577 system of compensation. Any such officer who is compensated under the fee system of  
 4578 compensation on January 1, 1980, shall continue to be compensated pursuant to the fee  
 4579 system of compensation until the General Assembly abolishes by local Act the fee system  
 4580 of compensation for such officer and places him or her on an annual salary equal to or  
 4581 greater than the minimum annual salary provided in this Code section."

4582 **SECTION 2-91.**

4583 Said Title 48 is further amended by revising Code Section 48-5-263, relating to  
 4584 qualifications, duties, and compensation of appraisers, as follows:

4585 "48-5-263.

4586 (a) **Qualifications.**

4587 (1) The commissioner shall establish, and the ~~State Personnel Administration~~  
 4588 Department of Administrative Services may review, the qualifications and rate of  
 4589 compensation for each appraiser grade.

4590 (2) Each appraiser shall, before his or her employment, obtain a satisfactory grade, as  
 4591 determined by the commissioner, on an examination prepared by the commissioner and  
 4592 an institution of higher education in this state.

4593 (b) **Duties.** Each member of the county property appraisal staff shall:

4594 (1) Make appraisals of the fair market value of all taxable property in the county other  
 4595 than property returned directly to the commissioner;

4596 (2) Maintain all tax records and maps for the county in a current condition. This duty  
 4597 shall include, but not be limited to, the mapping, platting, cataloging, and indexing of all  
 4598 real and personal property in the county;

4599 (3) Prepare annual assessments on all taxable property appraised in the county and  
 4600 submit the assessments for approval to the county board of tax assessors;

4601 (4) Prepare annual appraisals on all tax-exempt property in the county and submit the  
 4602 appraisals to the county board of tax assessors;

4603 (5) Prepare and mail assessment notices after the county board of tax assessors has  
 4604 determined the final assessments;

4605 (6) Attend hearings of the county board of equalization and provide information to the  
 4606 board regarding the valuation and assessments approved by the county board of tax  
 4607 assessors on those properties concerning which appeals have been made to the county  
 4608 board of equalization;

4609 (7) Provide information to the department as needed by the department and in the form  
 4610 requested by the department;

4611 (8) Attend the standard approved training courses as directed by the commissioner for  
 4612 all minimum county property appraisal staffs;

- 4613 (9) Compile sales ratio data and furnish the data to the commissioner as directed by the  
 4614 commissioner;
- 4615 (10) Comply with the rules and regulations for staff duties established by the  
 4616 commissioner; and
- 4617 (11) Inspect mobile homes located in the county to determine if the proper decal is  
 4618 attached to and displayed on the mobile home by the owner as provided by law; notify  
 4619 the residents of those mobile homes to which a decal is not attached of the provisions of  
 4620 Code Sections 48-5-492 and 48-5-493; and furnish to the tax collector or tax  
 4621 commissioner a periodic list of those mobile homes to which a decal is not attached.
- 4622 (c) **Compensation.** Staff appraisers shall be paid from county funds. The rates of  
 4623 compensation established by the commissioner shall not preclude any county from paying  
 4624 a higher rate of compensation to any appraiser grade."

4625 **SECTION 2-92.**

4626 Said Title 48 is further amended by revising Code Section 48-5-267, relating to state  
 4627 payments for minimum staff of appraisers, and state salary supplements for qualified  
 4628 appraisers, as follows:

4629 "48-5-267.

4630 (a) An amount which is equal to one-half of the total compensation payable to the  
 4631 minimum staff in all of the counties, as determined by the commissioner with the approval  
 4632 of the ~~State Personnel Administration~~ Department of Administrative Services, shall be paid  
 4633 to the counties by the department in the following manner:

4634 (1) The greater of 15 percent of the amount appropriated and deemed available by the  
 4635 commissioner for the purpose of carrying out the provisions of this part regarding  
 4636 minimum staff compensation or \$200,000.00, if deemed available by the commissioner,  
 4637 shall be distributed equally among all of the counties of the state; and

4638 (2) The payment to be made to each county from the remainder of the amount after  
 4639 distribution as provided in paragraph (1) of this subsection, if any, shall be equal to the  
 4640 remaining amount multiplied by a fraction, the denominator of which is the total of all  
 4641 parcels of real property located within the state and the numerator of which is the number  
 4642 of parcels of real property located within the county.

4643 (b) Payments provided for in this Code section shall be made in the manner determined  
 4644 by the commissioner. The commissioner shall not make any payments to any county  
 4645 which:

- 4646 (1) Is not maintaining its records as required by this part;
- 4647 (2) Has not employed a minimum staff of appraisers; or

4648 (3) In the case of Class I counties, has not entered into a contract providing for the  
4649 performance of the requirements of this part.

4650 (c) Payments provided for in this Code section shall be paid from funds appropriated to  
4651 the department.

4652 (d) In addition to the payments for minimum staff appraisers authorized by this Code  
4653 section, the commissioner, from funds appropriated for that purpose, shall pay to qualified  
4654 appraisers employed by county governments salary supplements in accordance with the  
4655 following provisions:

4656 (1) Each individual employed as a staff appraiser who has earned the Certified  
4657 Assessment Evaluator designation or the Certified Personalty Evaluator designation, as  
4658 conferred by the International Association of Assessing Officers, shall be paid a salary  
4659 supplement of \$1,000.00 per year;

4660 (2) Each individual employed as a staff appraiser who has earned the Georgia Certified  
4661 Appraiser designation conferred by the Georgia Association of Assessing Officials shall  
4662 be paid a salary supplement of \$750.00 per year. The qualifications and requirements  
4663 necessary for achievement of the Georgia Certified Appraiser designation shall be  
4664 approved by the commissioner before any supplements are paid for this designation; and

4665 (3) Salary supplements shall be paid to each individual qualifying under paragraphs (1)  
4666 and (2) of this subsection only for the period of time he or she is actually employed by  
4667 a county as a staff appraiser and only for the period of time that he or she holds the  
4668 qualifying designation. Salary supplements shall be paid to each qualified individual for  
4669 only one qualifying designation at any one time."

4670 **SECTION 2-93.**

4671 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended  
4672 by revising Code Section 49-1-5, relating to suspension and removal of county board  
4673 member, county director, or employee or official of department, as follows:

4674 "49-1-5.

4675 (a) In order that the public welfare laws of this state may be better enforced, the Governor  
4676 is authorized and empowered to suspend any member of any county board, any county  
4677 director, or any employee or official of the department whenever he or she shall find that  
4678 good cause for such suspension exists. Such suspension shall be by executive order of the  
4679 Governor, which shall state the reason therefor. A copy of such order of suspension shall  
4680 be sent to the person so suspended within five days after it is issued, by registered or  
4681 certified mail or statutory overnight delivery, return receipt requested, together with a  
4682 notice from the Governor or his or her executive secretary that the suspended person may  
4683 be heard before the Governor at such time as may be stated in the notice, which hearing

4684 shall be not less than ten nor more than 20 days from the date of the notice. Upon such  
 4685 hearing, if the Governor shall find that good cause for the removal of the person so  
 4686 suspended exists, he or she is authorized and empowered to remove such member of any  
 4687 county board, any county director, or any employee or official in the department;  
 4688 whereupon, such person's tenure of office or employment shall terminate, subject to the  
 4689 right of appeal granted to any employee ~~under the State Personnel Administration by~~  
 4690 Chapter 20 of Title 45 by or under authority of Chapter 20 of Title 45, and the vacancy  
 4691 shall be filled as provided by law. If the Governor shall find that good cause for the  
 4692 removal of such person does not exist, he or she shall, by appropriate executive order,  
 4693 restore him or her to duty.

4694 (b) In addition to removal by the Governor as specified in subsection (a) of this Code  
 4695 section, the director of the Division of Family and Children Services may terminate the  
 4696 employment of any county director or district director subject to any right of appeal ~~such~~  
 4697 ~~director may have under the State Personnel Administration by Chapter 20 of Title 45~~  
 4698 granted to such terminated director by or under the authority of Chapter 20 of Title 45, and  
 4699 the vacancy shall be filled as provided by law."

4700

#### SECTION 2-94.

4701 Said Title 49 is further amended by revising Code Section 49-2-2.1, relating to Department  
 4702 of Human Services becomes successor-in-interest to all rights, duties, and obligations of  
 4703 former Department of Human Resources, as follows:

4704 "49-2-2.1.

4705 (a) The Department of Human Services shall succeed to all rules, regulations, policies,  
 4706 procedures, and administrative orders of the Department of Human Resources that are in  
 4707 effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which  
 4708 relate to the functions transferred to the Department of Human Services pursuant to Code  
 4709 Section 49-2-1 and shall further succeed to any rights, privileges, entitlements, obligations,  
 4710 and duties of the Department of Human Resources that are in effect on June 30, 2009,  
 4711 which relate to the functions transferred to the Department of Human Services pursuant to  
 4712 Code Section 49-2-1. Such rules, regulations, policies, procedures, and administrative  
 4713 orders shall remain in effect until amended, repealed, superseded, or nullified by the  
 4714 Department of Human Services by proper authority or as otherwise provided by law.

4715 (b) The rights, privileges, entitlements, and duties of parties to contracts, leases,  
 4716 agreements, and other transactions entered into before July 1, 2009, by the Department of  
 4717 Human Resources which relate to the functions transferred to the Department of Human  
 4718 Services pursuant to Code Section 49-2-1 shall continue to exist; and none of these rights,  
 4719 privileges, entitlements, and duties are impaired or diminished by reason of the transfer of

4720 the functions to the Department of Human Services. In all such instances, the Department  
 4721 of Human Services shall be substituted for the Department of Human Resources, and the  
 4722 Department of Human Services shall succeed to the rights and duties under such contracts,  
 4723 leases, agreements, and other transactions.

4724 (c) All persons employed by the Department of Human Resources in capacities which  
 4725 relate to the functions transferred to the Department of Human Services pursuant to Code  
 4726 Section 49-2-1 on June 30, 2009, shall, on July 1, 2009, become employees of the  
 4727 Department of Human Services in similar capacities, as determined by the commissioner  
 4728 of human services. Such employees shall be subject to the employment practices and  
 4729 policies of the Department of Human Services on and after July 1, 2009, but the  
 4730 compensation and benefits of such transferred employees shall not be reduced as a result  
 4731 of such transfer. ~~Employees who are subject to the rules of the State Personnel Board and~~  
 4732 ~~thereby under the State Personnel Administration and who are transferred to the department~~  
 4733 ~~shall retain all existing rights under the State Personnel Administration. Transferred~~  
 4734 employees who were subject to the state system of personnel administration provided for  
 4735 by Chapter 20 of Title 45 will lose no rights granted under such system as a result of such  
 4736 transfer. Retirement rights of such transferred employees existing under the Employees'  
 4737 Retirement System of Georgia or other public retirement systems on June 30, 2009, shall  
 4738 not be impaired or interrupted by the transfer of such employees and membership in any  
 4739 such retirement system shall continue in the same status possessed by the transferred  
 4740 employees on June 30, 2009. Accrued annual and sick leave possessed by said employees  
 4741 on June 30, 2009, shall be retained by said employees as employees of the Department of  
 4742 Human Services.

4743 (d) On July 1, 2009, the Department of Human Services shall receive custody of the state  
 4744 owned real property in the custody of the Department of Human Resources on June 30,  
 4745 2009, and which pertains to the functions transferred to the Department of Human Services  
 4746 pursuant to Code Section 49-2-1."

4747 **SECTION 2-95.**

4748 Said Title 49 is further amended by revising Code Section 49-3-4, relating to appointment  
 4749 of staff, salaries, and power of commissioner to transfer employees, as follows:

4750 "49-3-4.

4751 (a) The county department staff necessary to administer welfare activities within the  
 4752 county shall be appointed pursuant to the rules and regulations of the Department of  
 4753 Human Services and the State Personnel ~~Administration~~ Board and subject to the approval  
 4754 of the commissioner of human services. Staff appointments shall meet the qualifications  
 4755 prescribed by the department.

- 4756 (b) The salaries of the members of the staff shall be fixed by the county director in  
 4757 conformity with the salary schedule prescribed by the Department of Human Services.  
 4758 (c) The commissioner shall have power to transfer from one county to another or from one  
 4759 district to another any employee of a county department."

4760 **SECTION 2-96.**

4761 Said Title 49 is further amended by revising Code Section 49-3-7, relating to removal of  
 4762 county director for falsification of qualifications, as follows:

4763 "49-3-7.

4764 The State Personnel Board and the ~~State Personnel Administration~~ Department of  
 4765 Administrative Services shall remove from office any county director who has falsified any  
 4766 statement relating to his or her education, social welfare service, or other qualification, in  
 4767 any particular, whether material or immaterial. The application of the county director for  
 4768 examination, on file with the ~~State Personnel Administration~~ Department of Administrative  
 4769 Services, shall not be allowed to be varied by other evidence offered by the county director;  
 4770 the application itself shall be the controlling factor in the determination of its truth or  
 4771 untruth."

4772 **SECTION 2-97.**

4773 Said Title 49 is further amended by revising Code Section 49-4A-5, relating to transfer of  
 4774 functions and employees of Division of Youth Services, and personnel administration, as  
 4775 follows:

4776 "49-4A-5.

4777 (a) The department shall carry out all functions and exercise all powers relating to the  
 4778 administration, supervision, and management of juvenile detention facilities, including  
 4779 youth development centers, and jurisdiction over said youth development centers and other  
 4780 juvenile detention facilities is vested in the department.

4781 (b) Any employees of the Department of Juvenile Justice who became so employed by  
 4782 virtue of their transfer from the Division of Youth Services of the Department of Human  
 4783 Resources (now known as the Department of Human Services) on June 30, 1992, shall  
 4784 retain their compensation and benefits and such may not be reduced. Transferred  
 4785 employees who were subject to the ~~State Personnel Administration~~ shall retain all existing  
 4786 rights under the State Personnel Administration state system of personnel administration  
 4787 provided for by Chapter 20 of Title 45 will lose no rights granted under such system as a  
 4788 result of such transfer. Retirement rights of such transferred employees existing under the  
 4789 Employees' Retirement System of Georgia or other public retirement systems on July 1,  
 4790 1992, shall not be impaired or interrupted by the transfer of such employees and

4791 membership in any such retirement system shall continue in the same status possessed by  
 4792 the transferred employees on June 30, 1992. Accrued annual and sick leave possessed by  
 4793 said employees on June 30, 1992, shall be retained by said employees as employees of the  
 4794 department.

4795 (c)(1) The department shall conform to federal standards for a merit system of personnel  
 4796 administration in the respects necessary for receiving federal grants and the board is  
 4797 authorized and empowered to effect such changes as may, from time to time, be  
 4798 necessary in order to comply with such standards.

4799 (2) The department is authorized to employ, on a full-time or part-time basis, such  
 4800 medical, psychiatric, social work, supervisory, institutional, and other professional  
 4801 personnel and such clerical and other employees as may be necessary to discharge the  
 4802 duties of the department under this chapter. The department is also authorized to contract  
 4803 for such professional services as may be necessary.

4804 (3) Classified employees of the department under this chapter shall in all instances be  
 4805 employed and dismissed in accordance with rules and regulations of the State Personnel  
 4806 Administration Board.

4807 (4) All personnel of the department are authorized to be members of the Employees'  
 4808 Retirement System of Georgia created in Chapter 2 of Title 47. All rights, credits, and  
 4809 funds in that retirement system which are possessed by state personnel transferred by  
 4810 provisions of this chapter to the department, or otherwise had by persons at the time of  
 4811 employment with the department, are continued and preserved, it being the intention of  
 4812 the General Assembly that such persons shall not lose any rights, credits, or funds to  
 4813 which they may be entitled prior to becoming employees of the department."

4814 **SECTION 2-98.**

4815 Said Title 49 is further amended by revising Code Section 49-5-6, relating to merit system  
 4816 to conform to federal standards, power to employ and contract for professional services,  
 4817 employment and dismissal procedures, and membership in state retirement system, as  
 4818 follows:

4819 "49-5-6.

4820 (a) The department shall conform to federal standards for a merit system of personnel  
 4821 administration in the respects necessary for receiving federal grants and the board is  
 4822 authorized and empowered to effect such changes as may, from time to time, be necessary  
 4823 in order to comply with such standards.

4824 (b) The department is authorized to employ, on a full or part-time basis, such medical,  
 4825 psychiatric, social work, supervisory, institutional, and other professional personnel and  
 4826 such clerical and other employees as may be necessary to discharge the duties of the

4827 department under this chapter. The department is also authorized to contract for such  
4828 professional services as may be necessary.

4829 (c) Superintendents of training schools and other facilities and institutions now or hereafter  
4830 under the jurisdiction and control of the department shall be employed and dismissed for  
4831 cause by the board on the recommendation of the commissioner. Professional personnel  
4832 and other employees of such training schools, facilities, and institutions shall be employed  
4833 and dismissed for cause by the commissioner on the recommendation of the superintendent.  
4834 All other professional personnel and all other employees of the department under this  
4835 article shall be employed and dismissed for cause by the commissioner in accordance with  
4836 such rules and regulations as may be promulgated by the board in regard thereto.  
4837 Employees of the department under this article shall in all instances be employed and  
4838 dismissed in accordance with rules and regulations of the State Personnel ~~Administration~~  
4839 Board.

4840 (d) All personnel of the Division of Family and Children Services are authorized to be  
4841 members of the Employees' Retirement System of Georgia, Chapter 2 of Title 47. All  
4842 rights, credits, and funds in that retirement system which are possessed by state personnel  
4843 transferred by provisions of this article to the division, or otherwise had by persons at the  
4844 time of employment with the division, are continued and preserved, it being the intention  
4845 of the General Assembly that such persons shall not lose any rights, credits, or funds to  
4846 which they may be entitled prior to becoming employees of the division."

#### 4847 **SECTION 2-99.**

4848 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended  
4849 by revising Code Section 50-5-53, relating to authorization to employ assistants, fix salaries,  
4850 and make assignments, as follows:

4851 "50-5-53.

4852 Subject to applicable rules of the State Personnel ~~Administration~~ Board, the Department  
4853 of Administrative Services may appoint as many assistants and employees, and fix their  
4854 salaries, as are essential to the state's interest in the execution of the terms and provisions  
4855 of this part. Assignment of an assistant or assistants to any of the departments, institutions,  
4856 or agencies of the state may be made by the Department of Administrative Services. It  
4857 shall be unlawful for any other agency of the state to employ any person for the purposes  
4858 set out in this part unless that person complies with the minimum requirements for  
4859 purchasing personnel established by the ~~State Personnel Administration~~ in conjunction with  
4860 ~~the~~ Department of Administrative Services."

**SECTION 2-100.**

4861

4862 Said Title 50 is further amended by revising Code Section 50-5B-2, relating to administrative  
4863 units, directors, and employees, as follows:

4864 "50-5B-2.

4865 (a) The state accounting officer shall establish such units within the State Accounting  
4866 Office as he or she deems proper for its administration, including The Council of Superior  
4867 Court Judges of Georgia and the Prosecuting Attorneys' Council of the State of Georgia as  
4868 separate units with distinct accounting functions, and shall designate persons to be directors  
4869 and assistant directors of such units to exercise such authority as he or she may delegate  
4870 to them in writing.

4871 (b) The state accounting officer shall have the authority, within budgetary limitations, to  
4872 employ as many persons as he or she deems necessary for the administration of the office  
4873 and for the discharge of the duties of the office. The state accounting officer shall issue all  
4874 necessary directions, instructions, orders, and rules applicable to such persons. He or she  
4875 shall have authority, as he or she deems proper, to employ, assign, compensate, and  
4876 discharge employees of the office within the limitations of the office's appropriation, the  
4877 requirements of the ~~State Personnel Administration~~ state system of personnel  
4878 administration provided for in Chapter 20 of Title 45, and restrictions set forth by law."

**SECTION 2-101.**

4879

4880 Said Title 50 is further amended by revising Code Section 50-8-6, relating to divisions,  
4881 sections, and offices of department, as follows:

4882 "50-8-6.

4883 The department shall be divided into such divisions, sections, or offices as may be  
4884 necessary from time to time. All divisions, sections, or offices in existence immediately  
4885 prior to July 1, 1989, shall continue to exist in accordance with this article. Thereafter,  
4886 divisions, sections, and offices shall be abolished, reorganized, or established from time to  
4887 time by the commissioner and as otherwise specified by law. The commissioner shall  
4888 appoint such directors, deputies, and assistants as may be necessary to manage such  
4889 divisions, sections, and offices. Such positions shall be in the unclassified service ~~of the~~  
4890 ~~State Personnel Administration~~ as defined by Code Section 45-20-2."

**SECTION 2-102.**

4891  
 4892 Said Title 50 is further amended by revising Code Section 50-8-17, relating to employees  
 4893 serve in unclassified service, and election option for current classified employees, as follows:

4894 "50-8-17.

4895 Employees of the department shall serve in the classified and unclassified service ~~of the~~  
 4896 ~~State Personnel Administration~~ as defined by Code Section 45-20-6, ~~45-20-2~~ provided that  
 4897 ~~employees who serve in the classified service of the State Personnel Administration as~~  
 4898 ~~defined by Code Section 45-20-6 may elect to remain in the classified service and be~~  
 4899 ~~governed by the provisions thereof; provided, however, that if such person accepts a~~  
 4900 ~~promotion or transfer to another position, he or she shall become an employee in the~~  
 4901 ~~unclassified service."~~

**SECTION 2-103.**

4902  
 4903 Said Title 50 is further amended by revising Code Section 50-8-142, relating to employees,  
 4904 as follows:

4905 "50-8-142.

4906 The commissioner of community affairs may appoint employees as may be necessary to  
 4907 implement such powers and duties as are described by this article. The employees of the  
 4908 Office of Rural Development shall be in the unclassified positions ~~for the purposes of the~~  
 4909 ~~State Personnel Administration and shall serve at the pleasure of the commissioner of~~  
 4910 ~~community affairs~~ service as defined by Code Section 45-20-2. The commissioner of  
 4911 community affairs shall describe the duties and fix the compensation for all such  
 4912 employees."

**SECTION 2-104.**

4913  
 4914 Said Title 50 is further amended by revising Code Section 50-12-71, relating to appointment,  
 4915 terms, and expenses of board members, as follows:

4916 "50-12-71.

4917 (a) The board shall be composed of 17 members to be appointed as follows:

4918 (1) Sixteen members shall be appointed by the Governor, five members for initial terms  
 4919 of two years; five members for initial terms of three years; four members for initial terms  
 4920 of four years; and two members provided for in 1991 for initial terms of five years.  
 4921 Seven of the members appointed by the Governor may reside in any area of the state. Of  
 4922 the remaining nine members appointed by the Governor, one member shall reside in and  
 4923 be appointed from each of the nine districts provided in subsection (b) of this Code  
 4924 section. Successors to such members shall be appointed by the Governor for terms of six  
 4925 years; and

4926 (2) One member shall be appointed by the Commander of the Warner Robins Air  
4927 Logistics Center at Robins Air Force Base in Houston County, Georgia, for an initial term  
4928 of four years, and successors shall be appointed by the Governor for terms of six years.

4929 This member may reside in any area of the state.

4930 (b) For the purpose of appointing nine members of the board, the state shall be divided into  
4931 nine districts based upon the ZIP Code areas as designated by the United States Postal  
4932 Service and as such areas exist on January 1, 1989. The nine districts shall be composed  
4933 as follows:

4934 District 1:

4935 ZIP Code Areas 305 and 307;

4936 District 2:

4937 ZIP Code Area 306;

4938 District 3:

4939 ZIP Code Areas 300, 301, 302, and 303;

4940 District 4:

4941 ZIP Code Areas 304, 308, and 309;

4942 District 5:

4943 ZIP Code Areas 310 and 312;

4944 District 6:

4945 ZIP Code Areas 318 and 319;

4946 District 7:

4947 ZIP Code Area 317;

4948 District 8:

4949 ZIP Code Area 316; and

4950 District 9:

4951 ZIP Code Areas 313, 314, and 315.

4952 (c) Of the 17 members of the board, at least 11 members shall have experience in and be  
4953 representative of the aviation industry or profession. Initial appointments shall be made  
4954 prior to July 1, 1989, except that the additional members provided for in 1991 shall be  
4955 appointed prior to October 1, 1991. In the event a vacancy occurs in the membership of  
4956 the board, the Governor shall promptly fill the same for the unexpired term. A majority of  
4957 the members shall constitute a quorum for the transaction of business.

4958 (d) The board shall elect a ~~chairman, a vice-chairman,~~ chairperson, a vice-chairperson, and  
4959 such other officers as it deems advisable from its own membership. The members shall  
4960 receive no compensation for their services but shall be reimbursed for expenses incurred  
4961 in attending meetings of the board. The board is authorized to employ such personnel as  
4962 it deems necessary to enable it to carry out its duties and functions; however, such

4963 employees may not be subject to the ~~State Personnel Administration of employment and~~  
 4964 ~~employment administration~~ state system of personnel administration provided for in  
 4965 Chapter 20 of Title 45. The board shall meet once each quarter and at such other times as  
 4966 the board deems necessary but not more than eight times annually."

4967 **SECTION 2-105.**

4968 Said Title 50 is further amended by revising Code Section 50-13-2, relating to definitions,  
 4969 as follows:

4970 "50-13-2.

4971 As used in this chapter, the term:

4972 (1) 'Agency' means each state board, bureau, commission, department, activity, or officer  
 4973 authorized by law expressly to make rules and regulations or to determine contested  
 4974 cases, except the General Assembly; the judiciary; the Governor; the State Board of  
 4975 Pardons and Paroles; the State Financing and Investment Commission; the State  
 4976 Properties Commission; the Board of Bar Examiners; the Board of Corrections and its  
 4977 penal institutions; the State Board of Workers' Compensation; all public authorities  
 4978 except as otherwise expressly provided by law; the State Personnel Board (~~Merit~~  
 4979 ~~System~~); the Department of Administrative Services or commissioner of administrative  
 4980 services; the Technical College System of Georgia; the Department of Revenue when  
 4981 conducting hearings relating to alcoholic beverages or relating to bona fide coin operated  
 4982 amusement machines or any violations relating thereto; the Georgia Tobacco Community  
 4983 Development Board; the Georgia Higher Education Savings Plan; any school, college,  
 4984 hospital, or other such educational, eleemosynary, or charitable institution; or any agency  
 4985 when its action is concerned with the military or naval affairs of this state. The term  
 4986 'agency' shall include the State Board of Education and Department of Education, subject  
 4987 to the following qualifications:

4988 (A) Subject to the limitations of subparagraph (B) of this paragraph, all otherwise valid  
 4989 rules adopted by the State Board of Education and Department of Education prior to  
 4990 January 1, 1990, are ratified and validated and shall be effective until January 1, 1991,  
 4991 whether or not such rules were adopted in compliance with the requirements of this  
 4992 chapter; and

4993 (B) Effective January 1, 1991, any rule of the State Board of Education or Department  
 4994 of Education which has not been proposed, submitted, and adopted in accordance with  
 4995 the requirements of this chapter shall be void and of no effect.

4996 (2) 'Contested case' means a proceeding, including, but not restricted to, rate making,  
 4997 price fixing, and licensing, in which the legal rights, duties, or privileges of a party are  
 4998 required by law to be determined by an agency after an opportunity for hearing.

- 4999 (2.1) 'Electronic' means, without limitation, analog, digital, electronic, magnetic,  
5000 mechanical, optical, chemical, electromagnetic, electromechanical, electrochemical, or  
5001 other similar means.
- 5002 (3) 'License' means the whole or part of any agency permit, certificate, approval,  
5003 registration, charter, or similar form of permission required by law, but it does not include  
5004 a license required solely for revenue purposes. 'Licensing' includes the agency process  
5005 respecting the grant, denial, renewal, revocation, suspension, annulment, withdrawal, or  
5006 amendment of a license.
- 5007 (3.1) 'Mailed' includes electronic means of communication.
- 5008 (3.2) 'Mailing list' includes electronic means of distribution.
- 5009 (4) 'Party' means each person or agency named or admitted as a party or properly seeking  
5010 and entitled as of right to be admitted as a party.
- 5011 (5) 'Person' means any individual, partnership, corporation, association, governmental  
5012 subdivision, or public or private organization of any character other than an agency.
- 5013 (5.1) 'Record' means information created, transmitted, received, or stored either in human  
5014 perceivable form or in a form that is retrievable in human perceivable form.
- 5015 (6) 'Rule' means each agency regulation, standard, or statement of general applicability  
5016 that implements, interprets, or prescribes law or policy or describes the organization,  
5017 procedure, or practice requirements of any agency. The term includes the amendment or  
5018 repeal of a prior rule but does not include the following:
- 5019 (A) Statements concerning only the internal management of an agency and not  
5020 affecting private rights or procedures available to the public;
- 5021 (B) Declaratory rulings issued pursuant to Code Section 50-13-11;
- 5022 (C) Intra-agency memoranda;
- 5023 (D) Statements of policy or interpretations that are made in the decision of a contested  
5024 case;
- 5025 (E) Rules concerning the use or creation of public roads or facilities, which rules are  
5026 communicated to the public by use of signs or symbols;
- 5027 (F) Rules which relate to the acquiring, sale, development, and management of the  
5028 property, both real and personal, of the state or of an agency;
- 5029 (G) Rules which relate to contracts for the purchases and sales of goods and services  
5030 by the state or of an agency;
- 5031 (H) Rules which relate to the employment, compensation, tenure, terms, retirement, or  
5032 regulation of the employees of the state or of an agency;
- 5033 (I) Rules relating to loans, grants, and benefits by the state or of an agency; or  
5034 (J) The approval or prescription for the future of rates or prices."

**SECTION 2-106.**

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Said Title 50 is further amended by revising Code Section 50-13-40, relating to office created and chief state administrative law judge, as follows:

"50-13-40.

(a) There is created within the executive branch of state government the Office of State Administrative Hearings. The office shall be independent of state administrative agencies and shall be responsible for impartial administration of administrative hearings in accordance with this article. The office shall be assigned for administrative purposes only, as that term is defined in Code Section 50-4-3, to the Department of Administrative Services.

(b) The head of the office shall be the chief state administrative law judge who shall be appointed by the Governor, shall serve a term of six years, shall be eligible for reappointment, and may be removed by the Governor for cause. The chief state administrative law judge shall have been admitted to the practice of law in this state for a period of at least five years. The chief state administrative law judge shall be in the unclassified service of the State Personnel Administration as defined by Code Section 45-20-2 and shall receive a salary to be determined by the Governor. All successors shall be appointed in the same manner as the original appointment and vacancies in office shall be filled in the same manner for the remainder of the unexpired term.

(c) The chief state administrative law judge shall promulgate rules and regulations and establish procedures to carry out the provisions of this article.

(d) The chief state administrative law judge shall have the power to employ clerical personnel and court reporters necessary to assist in the performance of his or her duties.

(e)(1) The chief state administrative law judge shall have the power to employ full-time assistant administrative law judges who shall exercise the powers conferred upon the chief state administrative law judge in all administrative cases assigned to them. Each assistant administrative law judge shall have been admitted to the practice of law in this state for a period of at least three years. The chief state administrative law judge may establish different levels of administrative law judge positions and the compensation for such positions shall be determined by the chief state administrative law judge.

(2) The chief state administrative law judge may appoint a special assistant administrative law judge on a temporary or case basis as may be necessary for the proper performance of the duties of the office, pursuant to a fee schedule established in advance by the chief state administrative law judge. A special assistant administrative law judge shall have the same qualifications and authority as a full-time assistant administrative law judge.

5071 (3) The chief state administrative law judge may designate in writing a qualified  
 5072 full-time employee of an agency other than an agency directly connected with the  
 5073 proceeding to conduct a specified hearing, but such appointment shall only be with the  
 5074 prior consent of the employee's agency. Such employee shall then serve as a special  
 5075 designated assistant administrative law judge for the purposes of the specific hearing and  
 5076 shall not be entitled to any additional pay for this service.

5077 (4) When the character of the hearing requires utilization of a hearing officer with special  
 5078 skill and technical expertise in the field, the chief state administrative law judge may so  
 5079 certify in writing and appoint as a special lay assistant administrative law judge a person  
 5080 who is not a member of the bar of this state or otherwise not qualified under this Code  
 5081 section. Such appointment shall specify in writing the reasons such special skill is  
 5082 required and the qualifications of the appointed individual.

5083 (5) The chief state administrative law judge may designate a class of hearings for which  
 5084 individuals with the necessary skill and training need not meet the qualifications of  
 5085 paragraphs (1) through (4) of this subsection. These full-time associate administrative  
 5086 law judges shall exercise the powers conferred upon the chief state administrative judge  
 5087 in the class of administrative cases assigned to them. The chief state administrative law  
 5088 judge shall determine the compensation for such positions.

5089 (f) The chief state administrative law judge and any administrative law judge employed  
 5090 on a full-time basis: (1) shall not otherwise engage in the practice of law; and (2) shall not,  
 5091 except in the performance of his or her duties in a contested case, render legal advice or  
 5092 assistance to any state board, bureau, commission, department, agency, or officer."

5093 **SECTION 2-107.**

5094 Said Title 50 is further amended by revising Code Section 50-13-44, relating to  
 5095 administrative transfer of individuals to Office of State Administrative Hearings, approval  
 5096 of chief state administrative law judge, funding of transferred positions, and transferred  
 5097 employees status, as follows:

5098 "50-13-44.

5099 (a) Any full-time hearing officer or equivalent position, used exclusively or principally to  
 5100 conduct or preside over hearings for a covered agency immediately prior to July 1, 1994,  
 5101 shall be administratively transferred to the Office of State Administrative Hearings, if such  
 5102 employee qualifies under Code Section 50-13-40. Any person serving immediately prior  
 5103 to July 1, 1994, as an independent hearing officer or equivalent under contract or written  
 5104 order of appointment shall be administratively transferred to the Office of State  
 5105 Administrative Hearings as of July 1, 1994, and shall continue as a special assistant  
 5106 administrative law judge. All full-time staff of covered agencies who have exclusively or

5107 principally served as support staff for administrative hearings shall be administratively  
 5108 transferred to the Office of State Administrative Hearings as of July 1, 1994. All  
 5109 equipment or other tangible property in possession of covered agencies which is used or  
 5110 held exclusively or principally by personnel transferred under this Code section shall be  
 5111 transferred to the Office of State Administrative Hearings as of July 1, 1994.

5112 (b) All such transfers shall be subject to the approval of the chief state administrative law  
 5113 judge and such personnel or property shall not be transferred if the chief state  
 5114 administrative law judge determines that the hearing officer, staff, equipment, or property  
 5115 should remain with the transferring agency.

5116 (c) Funding for functions and positions transferred to the Office of State Administrative  
 5117 Hearings under this article shall be transferred as provided for in Code Section 45-12-90.  
 5118 The employees of the Office of State Administrative Hearings shall be in the ~~classified~~  
 5119 ~~service of the State Personnel Administration; provided, however, that the chief~~  
 5120 ~~administrative law judge may place positions in the unclassified service as authorized in~~  
 5121 ~~Article 1 of Chapter 20 of Title 45 and may also place an additional ten assistant~~  
 5122 ~~administrative law judges in the unclassified service~~ unless they are in the classified service  
 5123 as such term is defined by Code Section 45-20-2.

5124 (d) The chief state administrative law judge shall assess agencies the cost of services  
 5125 rendered to them in the conduct of hearings.

5126 (e)(1) Any full-time hearing officer of the State Personnel Board used exclusively or  
 5127 principally to conduct or preside over hearings for such board immediately prior to July  
 5128 1, 1997, shall be administratively transferred to the Office of State Administrative  
 5129 Hearings if such employee qualifies under Code Section 50-13-40. Any person serving  
 5130 immediately prior to July 1, 1997, as an independent hearing officer under contract or  
 5131 written order of appointment shall be administratively transferred to the Office of State  
 5132 Administrative Hearings as of July 1, 1997, and shall continue as a special assistant  
 5133 administrative law judge. All full-time staff of the State Personnel Board who have  
 5134 exclusively or principally served as support staff for administrative hearings conducted  
 5135 by such hearing officers shall be administratively transferred to the Office of State  
 5136 Administrative Hearings as of July 1, 1997. All equipment or other tangible property in  
 5137 possession of the State Personnel Board which is used or held exclusively or principally  
 5138 by personnel transferred under this subsection shall be transferred to the Office of State  
 5139 Administrative Hearings as of July 1, 1997.

5140 (2) Funding for functions and positions transferred to the Office of State Administrative  
 5141 Hearings under this subsection shall be transferred as provided for in Code Section  
 5142 45-12-90."

**SECTION 2-108.**

5143  
5144 Said Title 50 is further amended by revising Code Section 50-18-93, relating to duties of  
5145 division, as follows:

5146 "50-18-93.

5147 It shall be the duty of the division to:

5148 (1) Establish and administer, under the direction of a state records management officer,  
5149 who shall be employed under the rules and regulations of the State Personnel  
5150 ~~Administration~~ Board, a records management program;

5151 (2) Develop and issue procedures, rules, and regulations establishing standards for  
5152 efficient and economical management methods relating to the creation, maintenance,  
5153 utilization, retention, preservation, and disposition of records, filing equipment, supplies,  
5154 microfilming of records, and vital records programs;

5155 (3) Assist state agencies in implementing records programs by providing consultative  
5156 services in records management, conducting surveys in order to recommend more  
5157 efficient records management practices, and providing training for records management  
5158 personnel; and

5159 (4) Operate a records center or centers which shall accept all records transferred to it  
5160 through the operation of approved retention schedules, provide secure storage and  
5161 reference service for the same, and submit written notice to the applicable agency of  
5162 intended destruction of records in accordance with approved retention schedules."

**SECTION 2-109.**

5163  
5164 Said Title 50 is further amended by revising Code Section 50-25-5.1, relating to chief  
5165 information officer, appointment and removal, compensation, and powers and duties, as  
5166 follows:

5167 "50-25-5.1.

5168 (a) There is created the position of the chief information officer for the State of Georgia  
5169 who shall be both appointed and removed by a vote of a majority of the full membership  
5170 to which the authority is entitled. The authority shall determine the compensation of the  
5171 chief information officer. The chief information officer shall serve as the executive  
5172 director of the authority.

5173 (b) Subject to the general policy established by the authority, the chief information officer  
5174 shall have the following powers and duties in addition to those otherwise enumerated in  
5175 this chapter:

5176 (1) To supervise, direct, account for, organize, plan, administer, and execute the  
5177 functions required of the chief information officer by the authority;

- 5178 (2) To provide assistance to agency heads in evaluating information officer performance  
 5179 for each agency and in selection of candidates for such positions;
- 5180 (3) To establish performance management standards, approved by the board regarding  
 5181 success of projects, agency technology performance, and authority performance;
- 5182 (4) To submit an annual budget for approval and adoption by the board;
- 5183 (5) To review periodic reports submitted by agencies;
- 5184 (6) To hire officers, agents, and employees, prescribe their duties and qualifications, and  
 5185 perform such other duties as may be prescribed by the authority. Such officers, agents,  
 5186 and employees shall serve at the pleasure of the executive director. The executive  
 5187 director and other employees of the authority shall be considered state employees ~~in the~~  
 5188 ~~unclassified service of the State Personnel Administration for the purposes of benefits~~  
 5189 ~~administered by the merit system and for retirement purposes~~ for purposes of  
 5190 employment and retirement benefits and subject to any laws, rules, or regulations  
 5191 governing eligibility for such benefits. Any officer or employee of the authority who is  
 5192 already a member of the Employees' Retirement System of Georgia by virtue of services  
 5193 with another employer shall be entitled to credit for his or her services and shall not suffer  
 5194 any loss of such credit to which he or she is otherwise entitled. There shall be paid from  
 5195 the funds appropriated or otherwise available for the operation of the Georgia Technology  
 5196 Authority all employer's contributions required under this chapter;
- 5197 (7) To contract for the services of individuals or organizations not employed full time  
 5198 by the authority who or which are engaged primarily in the rendition of personal services  
 5199 rather than the sale of goods or merchandise, such as, but not limited to, the services of  
 5200 attorneys, accountants, systems engineers, consultants, and advisers, and to allow suitable  
 5201 compensation for such services; and to make provisions for group insurance, retirement,  
 5202 or other employee benefit arrangements, provided that no part-time or contract employees  
 5203 shall participate in group insurance or retirement benefits; and
- 5204 (8) To perform such other duties as the authority may direct from time to time."

5205 **SECTION 2-110.**

5206 Said Title 50 is further amended by revising Code Section 50-26-22, relating to transfer of  
 5207 personnel to Department of Community Affairs, as follows:

5208 "50-26-22.

5209 Effective July 1, 1996, without diminishing the powers of the authority pursuant to Code  
 5210 Section 50-26-8, all personnel positions authorized by the authority in fiscal year 1996  
 5211 shall be transferred to the Department of Community Affairs. All employees of the  
 5212 authority on June 30, 1996, whose positions are transferred by the authority to the  
 5213 Department of Community Affairs shall become employees of the Department of

5214 Community Affairs and shall become employees in the unclassified service of the State  
 5215 ~~Personnel Administration~~ as defined by Code Section ~~45-20-6~~ 45-20-2."

5216 **SECTION 2-111.**

5217 Said Title 50 is further amended by revising Code Section 50-34-18, relating to transfer of  
 5218 positions authorized by authority to Department of Community Affairs, as follows:

5219 "50-34-18.

5220 Effective July 1, 2002, without diminishing the powers of the authority pursuant to Code  
 5221 Section 50-34-6, all personnel positions authorized by the authority in Fiscal Year 2002  
 5222 shall be transferred to the Department of Community Affairs. All employees of the  
 5223 authority on June 30, 2002, whose positions are transferred by the authority to the  
 5224 Department of Community Affairs shall become employees of the Department of  
 5225 Community Affairs and shall become employees in the unclassified service of the State  
 5226 ~~Personnel Administration~~ as defined by Code Section ~~45-20-6~~ 45-20-2."

5227 **PART III**

5228 **SECTION 3-1.**

5229 Personnel, equipment, and facilities that were assigned to the State Personnel Administration  
 5230 as of June 30, 2012, shall be transferred to the Department of Administrative Services on the  
 5231 effective date of this Act.

5232 **SECTION 3-2.**

5233 Appropriations for functions which are transferred by this Act may be transferred as provided  
 5234 in Code Section 45-12-90.

5235 **PART IV**

5236 **SECTION 4-1.**

5237 This Act shall become effective on July 1, 2012.

5238 **SECTION 4-2.**

5239 All laws and parts of laws in conflict with this Act are repealed.