

House Bill 642 (AS PASSED HOUSE AND SENATE)

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

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

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

"CHAPTER 20
ARTICLE 1

45-20-1.

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

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

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

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

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

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

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

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

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

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

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

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

(3) Develop and maintain a common employment application form to be used by all applicants for state employment, which form may be supplemented as necessary by agencies in seeking information about agency job classes;

~~(4) Serve as the central contact point for all potential employees in order to streamline state-wide recruiting for applicants, to provide for a state-wide applicant data base, to refer applicants to agencies, and make applicant data available to agencies for review and consideration;~~

~~(5) Upon request, develop, validate, or develop and validate applicant screening devices being utilized by agencies;~~

~~(6) Upon request, administer screening devices on behalf of agencies; Develop, validate, or administer applicant screening devices when requested by agencies and when funding for such activities can be accomplished on a cost recovery basis;~~

~~(7) Make employment related training available to agencies and allow agencies the opportunity to provide input into the nature and scope of said training programs;~~

~~(8)~~(5) In consultation with agencies, establish state-wide criteria for the implementation of rules and policies adopted by the State Personnel Board which agencies shall use in developing internal processes for classification, compensation, pay for performance, and performance management, including processes involved in defining job classes, establishing and applying associated minimum qualifications, assigning jobs to appropriate state-wide pay ranges, developing and applying applicant screening methods, and measuring worker effectiveness;

~~(9)~~(6) Audit agencies' processes as referred to in paragraph ~~(8)~~(5) of this subsection and report findings annually to the Governor and the General Assembly in conjunction with an annual report on the overall status of the state work force. The ~~State Personnel Administration~~ DOAS shall not be required to distribute copies of the findings or annual report referred to in this paragraph to the members of the General Assembly but shall notify the members of the availability of the materials in the manner which it deems to be most effective and efficient;

~~(10) Serve as consultant to agencies on work force planning and effective work force strategies, provide technical support assistance, and direct services to agencies as requested; and~~

~~(11)~~(7) Maintain and make available to the public at large a state-wide central registry of employment vacancies and job announcements in state government as provided to the ~~State Personnel Administration~~ by agencies.

(d) Subsection (c) of this Code section shall not apply to the legislative or judicial branches or to the board of regents.

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

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

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

45-20-2.

As used in this chapter, the term:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

45-20-3.

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

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

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

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

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

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

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

(4) Where the board deems ~~a review~~ appropriate, to review adverse personnel actions for employees of the classified service, ~~to ensure that a review is afforded on a dismissal and other adverse personnel actions defined by~~ in accordance with the rules and regulations of the ~~State Personnel Board~~. All appeals determinations of the board shall be written and documented as to findings of fact, bases for decisions, and prescribed remedies;

(5) To assure the administration of state and federal laws relating to state personnel administration; and

~~(6) To establish an annual budget covering all the costs of State Personnel Board operations, said budget to be incorporated as a component of the annual budget of the State Personnel Administration; and~~

~~(7)~~(6) To promote public understanding of the purposes, policies, and practices of the ~~State Personnel Administration~~ state personnel system and to advise and assist the several state departments in fostering merit selection and securing the interest of institutions of learning and of civic, professional, and other organizations in the improvement of personnel standards under the state's personnel system.

45-20-3.1.

(a) At least 30 days prior to the date of a public hearing held by the board to consider the adoption of rules or regulations to effectuate this chapter, the ~~State Personnel Board commissioner~~ shall transmit a notice containing an exact copy of the proposed rule or regulation to each member of the ~~State and Local Governmental Operations Senate Government Oversight Committee of the Senate~~ and the House Committee on Governmental Affairs ~~Committee of the House of Representatives~~. The notice shall provide a citation to the authority pursuant to which the proposed rule or regulation is to be adopted and, if it amends an existing rule or regulation, such existing rule or regulation shall be clearly identified. The notice shall also state the date, time, and place of the public hearing at which adoption of the proposed rule shall be considered.

(b) If, prior to the date of the public hearing at which the proposed rule or regulation is to be considered for adoption, the ~~chairman~~ chairperson of either legislative committee specified in subsection (a) of this Code section notifies the commissioner of ~~personnel administration and the State Personnel Board~~ that the committee objects to the adoption of the proposed rule or regulation or has questions concerning the purpose, nature, or necessity of the proposed rule or regulation, it shall be the duty of the ~~State Personnel Board~~ commissioner to consult with the committee prior to the board's adoption of the proposed rule or regulation.

(c) If the ~~State Personnel Board~~ commissioner finds that the immediate adoption of a rule or regulation is necessary to secure or protect the interests of the ~~State Personnel~~

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

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

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

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

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

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

45-20-4.

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

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

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

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

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

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

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

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

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

accordance with this chapter, including ~~the State Personnel Board, and the costs of~~
 administering such federal laws relating to personnel administration as the Governor may
 direct including the Intergovernmental Personnel Act of 1970, and to determine an
 equitable basis of ~~prorating~~ allocating the annual costs among the several departments
~~covered~~ served by the DOAS in accordance with this chapter, with the amounts and rates
for such services to be established in each general or amended appropriations Act the
~~State Personnel Administration, provided that upon approval of such budget by the~~
~~Governor, the Governor shall be empowered to direct that the necessary pro rata share~~
~~of the several assessed departments concerned be made available for expenditure by the~~
~~State Personnel Administration in the same manner as appropriated funds are expended~~
~~by other departments of the state;~~

(7)(6) To ensure compliance with all applicable state and federal statutes and regulations
 concerning discrimination in employment, personnel administration, and related matters;
 and

(8)(7) To cooperate with appointing authorities in the administration of this article in
 order to promote public service and establish conditions of service which will attract and
 retain employees of character and ability and to increase efficiency and economy in
 governmental departments by improving the methods of personnel administration with
 full recognition of the requirements and needs of management; and.

(9) ~~To appoint and prescribe the duties of a deputy commissioner of personnel~~
~~administration who shall be the second highest executive officer in the State Personnel~~
~~Administration and the deputy executive secretary to the State Personnel Board; and to~~
~~appoint and prescribe the duties of such other assistant commissioners of personnel~~
~~administration as the commissioner deems appropriate. The deputy commissioner and~~
~~the assistant commissioners shall have the authority to perform any duty assigned to the~~
~~commissioner if delegated to them by the commissioner.~~

45-20-5.

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

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

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

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

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

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

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

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

45-20-6.

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

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

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

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

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

45-20-7.

Reserved.

45-20-8.

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

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

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

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

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

45-20-9.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) In violation of constitutional or statutory provisions;

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

(3) Made upon unlawful procedure;

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

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

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

45-20-10.

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

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

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

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

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

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

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

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

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

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

45-20-16.

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

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

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

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

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

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

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

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

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

45-20-31.

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

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

ARTICLE 3

45-20-50.

It is the purpose of this article to permit voluntary deductions from wages or salaries of employees of the State of Georgia for the benefit of eligible charitable health and human care organizations and to provide for the distribution of funds collected through a process which involves minimal disruption of work time and provides reasonable assurance to the 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

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

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

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

45-20-52.

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

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

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

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

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

45-20-91.

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

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

45-20-92.

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

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

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

(3) Methods for assuring that privacy intrusions are minimized during collection of body fluid specimens;

(4) Methods for assuring that any body fluid specimens are stored and transported to testing laboratories at proper temperatures and under such conditions that the quality of the specimens shall not be jeopardized;

(5) Methods for assuring that the identity of employees whose tests show the usage of an illegal drug is limited to the staff who are entitled to this information; and

(6) The identification of those persons entitled to the information and shall adopt such other rules as it may deem appropriate to carry out the purposes of this article. The board may, in its discretion, delegate to the commissioner ~~of personnel administration~~ such authority as appropriate to carry out the purposes of this article.

(b) The commissioner shall establish and maintain a list of those laboratories qualified to conduct established drug tests and shall determine which illegal drugs will be the subject of testing; provided, however, that no laboratory shall be so certified unless that laboratory, on a daily basis, adds to its urine testing program a minimum of 10 percent blind test specimens.

45-20-93.

(a) Any employee conducting high-risk work found to have used an illegal drug shall be terminated from his or her employment.

(b) Any employee who refuses to provide body fluid specimens, when requested to do so in accordance with the random drug testing conducted pursuant to this article and administrative rules and regulations promulgated under this article, shall be terminated from his or her employment.

ARTICLE 6

45-20-110.

As used in this article, the term:

(1) 'Applicant' means a candidate who is offered public employment with any agency, department, commission, bureau, board, college, university, institution, or authority of any branch of state government or who has commenced employment but has not submitted to an established test for illegal drugs.

(2) 'Established test' means the collection and testing of bodily fluids administered in a manner equivalent to that required by the Mandatory Guidelines for Federal Workplace Drug Testing Programs (HHS Regulations 53 Fed. Reg. 11979, et seq., as amended).

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

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

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

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

45-20-111.

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

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

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

PART II

SECTION 2-1.

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

"1-4-1.

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

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

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

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

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

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

SECTION 2-2.

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

"2-2-4.

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

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

SECTION 2-3.

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

"7-1-35.

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

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

SECTION 2-4.

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

"12-2-6.

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

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

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

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

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

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

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

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

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

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

power shall be created pursuant to Chapter 3 of Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be authorized to accept such filing.

(2) Any nonprofit corporation created pursuant to this subsection shall be subject to the following provisions:

(A) In accordance with the Constitution of Georgia, no governmental functions or regulatory powers shall be conducted by any such nonprofit corporation;

(B) Upon dissolution of any such nonprofit corporation incorporated by the department, any assets shall revert to the department or to any successor to the department or, failing such succession, to the State of Georgia;

(C) No member of the Board of Natural Resources shall be an officer or director of any such nonprofit corporation;

(D) As used in this subparagraph, the term 'direct employee costs' means salary, benefits, and travel expenses. To avoid the appearance of undue influence on regulatory functions by donors, no donations to any such nonprofit corporation from private sources shall be used for direct employee costs of the department;

(E) Any such nonprofit corporation shall be subject to all laws relating to open meetings and the inspection of public records;

(F) The department shall not be liable for the action or omission to act of any such nonprofit corporation;

(G) No debts, bonds, notes, or other obligations incurred by any such nonprofit corporation shall constitute an indebtedness or obligation of the State of Georgia nor shall any act of any such nonprofit corporation constitute or result in the creation of an indebtedness of the state. No holder or holders of any such bonds, notes, or other obligations shall ever have the right to compel any exercise of the taxing power of the state nor to enforce the payment thereof against the state; and

(H) Any nonprofit corporation created pursuant to this Code section shall not acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange.

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

SECTION 2-5.

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

"12-3-536.

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

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

SECTION 2-6.

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

"12-4-1.

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

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

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

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

(4) Make hydrographic surveys which are deemed by the division to be advantageous to the mining and milling of mineral deposits, to the utilization of waterpower, or to 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.

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

"12-11-5.

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

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

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

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

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

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

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

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

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

SECTION 2-9.

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

"15-5-6.

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

SECTION 2-10.

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

"15-6-27.

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

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

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

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

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

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

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

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

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

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

(j) In lieu of hiring personnel under this article, superior court judges, with the written consent of the governing authority of any county or counties within a judicial circuit, may employ personnel who shall be employees of the county which pays the compensation of the personnel. The county shall be reimbursed, from funds appropriated or otherwise 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:

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

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.

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

SECTION 2-12.

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

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

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

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

SECTION 2-13.

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

"15-9-63.1.

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

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

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

SECTION 2-14.

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

"15-10-23.

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

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

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

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

(c) ~~On and after July 1, 2006, whenever~~ Whenever the state employees in the classified service of the State Personnel Administration subject to compensation plans authorized and approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts provided in subsection (a) of this Code section, as increased by the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the application of longevity increases pursuant to subsection (b) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

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

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

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

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

SECTION 2-15.

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

"15-11-24.3.

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

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

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

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

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

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

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

SECTION 2-16.

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

"15-16-20.

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

| <u>Population</u> | <u>Minimum Salary</u> |
|-------------------|-----------------------|
| 0 - 5,999 | \$ 42,045.88 |
| 6,000 - 11,889 | 46,917.92 |
| 11,890 - 19,999 | 53,880.12 |
| 20,000 - 28,999 | 59,328.83 |
| 29,000 - 38,999 | 64,776.16 |
| 39,000 - 49,999 | 70,227.59 |
| 50,000 - 74,999 | 75,674.90 |
| 75,000 - 99,999 | 78,247.21 |
| 100,000 - 149,999 | 80,819.51 |
| 150,000 - 199,999 | 83,695.91 |
| 200,000 - 249,999 | 86,572.30 |
| 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

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

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

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

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

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

SECTION 2-17.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2-18.

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

"17-12-25.

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

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

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

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

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

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

(f) The commissioner shall be the chief administrative and executive officer of the department. The commissioner shall be appointed by and serve at the pleasure of the Governor. The commissioner 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.

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

SECTION 2-22.

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

"20-1A-8.

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

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

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

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

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

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

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

SECTION 2-23.

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

"20-2-302.

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

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

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

SECTION 2-24.

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

"20-3-39.

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

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

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

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

SECTION 2-33.

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

"31-2-5.

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

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

(2) The department is authorized to employ, on a full-time or part-time basis, such 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.

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

"31-2A-3.

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

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

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

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

"31-3-15.

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

SECTION 2-37.

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

"31-7-17.

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

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

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

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

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

SECTION 2-38.

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

"31-7-159.

(a) Effective July 1, 2009, all matters relating to the licensure and regulation of home 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,

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

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

SECTION 2-41.

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

"31-10-4.

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

SECTION 2-42.

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

"31-29-6.

Any employee of any state institution, agency, or department who qualifies under Code Section 31-29-1 shall be given credit for all salary adjustments and the same eligibility for step increases to which he or she would have been entitled under the rules of the State 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.

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

"34-9-355.

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

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

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

SECTION 2-45.

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

"34-15-2.

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

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

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

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

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

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

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

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

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

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

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

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

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

"35-3-6.

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

SECTION 2-51.

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

"35-3-9.

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

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

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

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

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

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

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

(h) Persons retained as narcotics agents shall be considered persons in the service of the bureau under a contract of hire with that agency whose employment of those persons as narcotics agents shall be considered an employment in the usual course of the business of that agency. Persons retained by the bureau as narcotics agents shall have all the rights and 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."

SECTION 2-55.

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

"36-5-28.

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

SECTION 2-56.

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

"37-1-5.

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

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

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

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

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

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

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

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

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

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

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

(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

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

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

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

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

- (1) The department;
- (2) A regional board;
- (3) A community service board;
- (4) A hospital;
- (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~~ 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~~ 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.

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

"43-1-2.

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

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

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

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

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

(e) The Secretary of State, notwithstanding any other provisions of law to the contrary, shall have the power to employ and shall set the qualifications and salary for a deputy division director and shall appoint executive directors as required who shall act in the absence of the division director and who shall perform such other functions of the division director under this chapter as the division director may designate. The deputy division director and executive directors as appointed shall be in the unclassified service and shall 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

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

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

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

SECTION 2-68.

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

"45-2-44.

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

SECTION 2-69.

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

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

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

(1) Is not a member of the General Assembly; and

(2) Is not a contributing member of a state retirement system and, therefore, does not benefit by or participate in any program whereunder a portion of the employee contributions to the state retirement system are made on behalf of the employee by the employer."

SECTION 2-70.

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

"45-7-54.

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

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

"45-10-20.

As used in this part, the term:

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

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

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

(4) 'Family' means spouse and dependents.

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

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

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

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

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

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

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

(12) 'Transact business' or 'transact any business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as 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

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

SECTION 2-75.

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

"45-16-11.

(a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of each coroner in any of the counties in this state in the following population brackets shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of 1990 or any future such census. Except as otherwise provided in paragraph (2) of this subsection, each such coroner shall receive an annual salary, payable in equal monthly installments from the funds of the coroner's 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 |

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

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

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

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

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

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

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

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

SECTION 2-76.

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

"45-18-50.

As used in this article, the term:

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

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

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

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

SECTION 2-77.

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

"45-18-51.

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

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

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

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

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

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

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

(5) 'Public employer' or 'employer' means any department, board, bureau, commission, authority, or other agency of the state which employs 15 or more employees within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year. A person elected to public office in this state is a public employer with respect to persons holding positions or individuals applying for positions which are subject to the state system of personnel administration created by Chapter 20 of this title, including the rules and regulations promulgated by the State Personnel Administration Board or any personnel merit system of any agency or authority of this state. A person elected to public office in this state is not a public employer with respect to persons holding positions or individuals applying for positions on such officer's personal staff or on the policy-making level or as immediate advisers with respect to the exercise of the constitutional or legal powers of the office held by such officer. ~~The term 'public employer' shall include the State Personnel Administration whether or not such agency is the immediate employer of the party or parties claiming to be aggrieved.~~

(6) 'Public employment' means employment by any department, board, bureau, commission, authority, or other agency of the State of Georgia.

(7) 'Religion' means all aspects of religious observance and practice as well as belief.

(8) 'Unlawful practice' means an act or practice declared to be an unlawful practice in Code Sections 45-19-29 through 45-19-31, 45-19-32, or 45-19-45."

SECTION 2-82.

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

"45-21-1.

As used in this chapter, the term:

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

Said Title 45 is further amended by revising Code Section 45-23-4, relating to suspension or termination of public employee convicted of drug offense, as follows:

"45-23-4.

(a) Any public employee who is convicted for the first time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug shall be suspended from his or her public employment for a period of not less than two months. Any such employee shall be required as a condition of completion of suspension to complete a drug abuse treatment and education program licensed under Chapter 5 of Title 26 and approved by: (1) the State Personnel Board in the case of employees ~~in the classified service of the State Personnel Administration~~ employed by departments or agencies subject to the board's rules and regulations, as such terms are defined in Code Section 45-20-2; or (2) the public employer having management and control of the employee in the case of other public employees.

(b) Any public employee who is convicted for a second or subsequent time, under the laws of this state, the United States, or any other state, of any criminal offense involving the manufacture, distribution, sale, or possession of a controlled substance, marijuana, or a dangerous drug shall be terminated from his or her public employment and shall be ineligible for other public employment for a period of five years from the most recent date of conviction."

SECTION 2-85.

Said Title 45 is further amended by revising Code Section 45-23-7, relating to continuance of employment for drug user, and requirements and procedure, as follows:

"45-23-7.

On and after July 1, 1990, if, prior to an arrest for an offense involving a controlled substance, marijuana, or a dangerous drug, a public employee notifies the employee's public employer that the employee illegally uses a controlled substance, marijuana, or a dangerous drug and is receiving or agrees to receive treatment under a drug abuse treatment and education program licensed under Chapter 5 of Title 26 and approved by: (1) the State Personnel Board in the case of employees ~~in the classified service of the State Personnel Administration~~ employed by departments or agencies subject to the board's rules and regulations, as such terms are defined in Code Section 45-20-2; or (2) the public employer having management and control of the employee in the case of other public employees, the public employee shall be entitled to maintain the employee's public employment for up to 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.

Said Title 48 is further amended by revising Code Section 48-2-6, relating to departmental organization, employees, compensation, and collection of delinquent taxes by contractors, as follows:

"48-2-6.

(a) The commissioner shall establish by executive order such units within the department as he or she deems proper for its administration and shall designate persons to be directors and assistant directors of such units to exercise such authority as he or she may delegate to them in writing.

(b) The commissioner shall have the authority to employ as many persons as he or she deems necessary for the administration of the department and for the discharge of the duties of his or her office. He or she shall issue all necessary directions, instructions, orders, and rules applicable to such persons. He or she shall have authority, as he or she deems proper, to employ, assign, compensate, and discharge employees of the department within the limitations of the department's appropriation, the requirements of the ~~State Personnel Administration~~ state system of personnel administration, including the rules and regulations of the State Personnel Board, and the restrictions set forth by law.

(c) All employees of the department shall be compensated upon a fixed salary basis and no person shall be compensated for services to the department on a commission or contingent fee basis.

(d) Neither the commissioner nor any officer or employee of the department shall be given or receive any fee, compensation, loan, gift, or other thing of value in addition to the compensation and expense allowance provided by law for any service or pretended service either rendered or to be rendered as commissioner or as an officer or employee of the department.

(e) The commissioner is authorized to provide for the collection of delinquent taxes, including penalties and interest, by contractors. Any such contractors must be approved by the commissioner. No employee of the department shall be approved as a contractor under this subsection. Such contractors shall be compensated only on a commission or contingent fee basis."

SECTION 2-90.

Said Title 48 is further amended by revising Code Section 48-5-183, relating to salaries of tax collectors and tax commissioners, as follows:

"48-5-183.

(a) Nothing contained in this Code section shall apply to any tax commissioner or tax 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:

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

said amounts through the application of longevity increases pursuant to subsection (d) of this Code section, where applicable shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases as authorized by this paragraph, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

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

(c) In any county in which more than 50 percent of the population of the county according to the United States decennial census of 1990 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for the purpose of subsection (b) of this Code section shall be deemed to be

the total population of the county minus the population of such county which resides on property of the United States government.

(d) The amounts provided in paragraph (1) of subsection (b) of this Code section, subsection (g) of Code Section 48-5-137, and, where applicable, Code Section 21-2-213, as increased by paragraph (2) of subsection (b) of this Code section, shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed four-year terms of office served by any tax collector or tax commissioner after December 31, 1976, effective the first day of January following the completion of each such period of service. This Code section shall not be construed to affect any local legislation except where the local legislation provides for a salary lower than the salary provided in this Code section, in which event this Code section shall prevail. This Code section shall not be construed to reduce the salary of any tax collector or tax commissioner in office on July 1, 1991; provided, however, that successors to such tax collectors and tax commissioners in office on July 1, 1991, shall be governed by the provisions of this Code section. The minimum salaries provided for in this Code section shall be considered as salary only. Expenses for deputies, equipment, supplies, copying equipment, and other necessary and reasonable expenses for the operation of a tax collector's or tax commissioner's office shall come from funds other than the funds specified as salary in this Code section.

(e) Notwithstanding any other provisions of this Code section, any tax collector or tax commissioner who, prior to July 1, 1979, was entitled to the commissions allowed by Code Section 40-2-33 may elect to receive the salary he or she was receiving prior to July 1, 1979, together with such commissions relating to the sale of motor vehicle license plates in lieu of the minimum salary provided in subsection (b) of this Code section.

(f) Notwithstanding any other provisions of this Code section, any tax collector or tax commissioner who, prior to January 1, 1980, was receiving a salary lower than the applicable minimum salary provided by subsection (b) of this Code section pursuant to a local law but who also was receiving certain fees and commissions in addition thereto may elect to be excluded from this Code section.

(g) Except as otherwise provided in subsection (f) of this Code section, any local Acts in effect on or enacted subsequent to January 1, 1980, which deal with the compensation of the various tax collectors or tax commissioners, shall remain in full force and effect, except in those instances where such local Acts provide for a salary which is less than the minimum salary provided in subsection (b) of this Code section, in which event this Code section shall prevail.

(h) This Code section shall not be construed so as to place any tax collector or tax 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

shall be not less than ten nor more than 20 days from the date of the notice. Upon such hearing, if the Governor shall find that good cause for the removal of the person so suspended exists, he or she is authorized and empowered to remove such member of any county board, any county director, or any employee or official in the department; whereupon, such person's tenure of office or employment shall terminate, subject to the right of appeal granted to any employee ~~under the State Personnel Administration by Chapter 20 of Title 45~~ by or under authority of Chapter 20 of Title 45, and the vacancy shall be filled as provided by law. If the Governor shall find that good cause for the removal of such person does not exist, he or she shall, by appropriate executive order, restore him or her to duty.

(b) In addition to removal by the Governor as specified in subsection (a) of this Code section, the director of the Division of Family and Children Services may terminate the employment of any county director or district director subject to any right of appeal ~~such director may have under the State Personnel Administration by Chapter 20 of Title 45~~ granted to such terminated director by or under the authority of Chapter 20 of Title 45, and the vacancy shall be filled as provided by law."

SECTION 2-94.

Said Title 49 is further amended by revising Code Section 49-2-2.1, relating to Department of Human Services becomes successor-in-interest to all rights, duties, and obligations of former Department of Human Resources, as follows:

"49-2-2.1.

(a) The Department of Human Services shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Human Resources that are in effect on June 30, 2009, or scheduled to go into effect on or after July 1, 2009, and which relate to the functions transferred to the Department of Human Services pursuant to Code Section 49-2-1 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Human Resources that are in effect on June 30, 2009, which relate to the functions transferred to the Department of Human Services pursuant to Code Section 49-2-1. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the Department of Human Services by proper authority or as otherwise provided by law.

(b) The rights, privileges, entitlements, and duties of parties to contracts, leases, agreements, and other transactions entered into before July 1, 2009, by the Department of Human Resources which relate to the functions transferred to the Department of Human Services pursuant to Code Section 49-2-1 shall continue to exist; and none of these rights, privileges, entitlements, and duties are impaired or diminished by reason of the transfer of

the functions to the Department of Human Services. In all such instances, the Department of Human Services shall be substituted for the Department of Human Resources, and the Department of Human Services shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.

(c) All persons employed by the Department of Human Resources in capacities which relate to the functions transferred to the Department of Human Services pursuant to Code Section 49-2-1 on June 30, 2009, shall, on July 1, 2009, become employees of the Department of Human Services in similar capacities, as determined by the commissioner of human services. Such employees shall be subject to the employment practices and policies of the Department of Human Services on and after July 1, 2009, but the compensation and benefits of such transferred employees shall not be reduced as a result of such transfer. ~~Employees who are subject to the rules of the State Personnel Board and thereby under the State Personnel Administration and who are transferred to the department shall retain all existing rights under the State Personnel Administration.~~ Transferred employees who were subject to the state system of personnel administration provided for by Chapter 20 of Title 45 will lose no rights granted under such system as a result of such transfer. Retirement rights of such transferred employees existing under the Employees' Retirement System of Georgia or other public retirement systems on June 30, 2009, shall not be impaired or interrupted by the transfer of such employees and membership in any such retirement system shall continue in the same status possessed by the transferred employees on June 30, 2009. Accrued annual and sick leave possessed by said employees on June 30, 2009, shall be retained by said employees as employees of the Department of Human Services.

(d) On July 1, 2009, the Department of Human Services shall receive custody of the state owned real property in the custody of the Department of Human Resources on June 30, 2009, and which pertains to the functions transferred to the Department of Human Services pursuant to Code Section 49-2-1."

SECTION 2-95.

Said Title 49 is further amended by revising Code Section 49-3-4, relating to appointment of staff, salaries, and power of commissioner to transfer employees, as follows:

"49-3-4.

(a) The county department staff necessary to administer welfare activities within the county shall be appointed pursuant to the rules and regulations of the Department of Human Services and the State Personnel Administration Board and subject to the approval of the commissioner of human services. Staff appointments shall meet the qualifications 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

department under this chapter. The department is also authorized to contract for such professional services as may be necessary.

(c) Superintendents of training schools and other facilities and institutions now or hereafter under the jurisdiction and control of the department shall be employed and dismissed for cause by the board on the recommendation of the commissioner. Professional personnel and other employees of such training schools, facilities, and institutions shall be employed and dismissed for cause by the commissioner on the recommendation of the superintendent. All other professional personnel and all other employees of the department under this article shall be employed and dismissed for cause by the commissioner in accordance with such rules and regulations as may be promulgated by the board in regard thereto. Employees of the department under this article shall in all instances be employed and dismissed in accordance with rules and regulations of the State Personnel ~~Administration~~ Board.

(d) All personnel of the Division of Family and Children Services are authorized to be members of the Employees' Retirement System of Georgia, Chapter 2 of Title 47. All rights, credits, and funds in that retirement system which are possessed by state personnel transferred by provisions of this article to the division, or otherwise had by persons at the time of employment with the division, are continued and preserved, it being the intention of the General Assembly that such persons shall not lose any rights, credits, or funds to which they may be entitled prior to becoming employees of the division."

SECTION 2-99.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Code Section 50-5-53, relating to authorization to employ assistants, fix salaries, and make assignments, as follows:

"50-5-53.

Subject to applicable rules of the State Personnel ~~Administration~~ Board, the Department of Administrative Services may appoint as many assistants and employees, and fix their salaries, as are essential to the state's interest in the execution of the terms and provisions of this part. Assignment of an assistant or assistants to any of the departments, institutions, or agencies of the state may be made by the Department of Administrative Services. It shall be unlawful for any other agency of the state to employ any person for the purposes set out in this part unless that person complies with the minimum requirements for purchasing personnel established by the ~~State Personnel Administration in conjunction with~~ the Department of Administrative Services."

SECTION 2-100.

Said Title 50 is further amended by revising Code Section 50-5B-2, relating to administrative units, directors, and employees, as follows:

"50-5B-2.

(a) The state accounting officer shall establish such units within the State Accounting Office as he or she deems proper for its administration, including The Council of Superior Court Judges of Georgia and the Prosecuting Attorneys' Council of the State of Georgia as separate units with distinct accounting functions, and shall designate persons to be directors and assistant directors of such units to exercise such authority as he or she may delegate to them in writing.

(b) The state accounting officer shall have the authority, within budgetary limitations, to employ as many persons as he or she deems necessary for the administration of the office and for the discharge of the duties of the office. The state accounting officer shall issue all necessary directions, instructions, orders, and rules applicable to such persons. He or she shall have authority, as he or she deems proper, to employ, assign, compensate, and discharge employees of the office within the limitations of the office's appropriation, the requirements of the ~~State Personnel Administration~~ state system of personnel administration provided for in Chapter 20 of Title 45, and restrictions set forth by law."

SECTION 2-101.

Said Title 50 is further amended by revising Code Section 50-8-6, relating to divisions, sections, and offices of department, as follows:

"50-8-6.

The department shall be divided into such divisions, sections, or offices as may be necessary from time to time. All divisions, sections, or offices in existence immediately prior to July 1, 1989, shall continue to exist in accordance with this article. Thereafter, divisions, sections, and offices shall be abolished, reorganized, or established from time to time by the commissioner and as otherwise specified by law. The commissioner shall appoint such directors, deputies, and assistants as may be necessary to manage such divisions, sections, and offices. Such positions shall be in the unclassified service of the ~~State Personnel Administration~~ as defined by Code Section 45-20-2."

SECTION 2-102.

Said Title 50 is further amended by revising Code Section 50-8-17, relating to employees serve in unclassified service, and election option for current classified employees, as follows:

"50-8-17.

Employees of the department shall serve in the classified and unclassified service ~~of the State Personnel Administration as defined by Code Section 45-20-6, 45-20-2 provided that employees who serve in the classified service of the State Personnel Administration as defined by Code Section 45-20-6 may elect to remain in the classified service and be governed by the provisions thereof; provided, however, that if such person accepts a promotion or transfer to another position, he or she shall become an employee in the unclassified service.~~"

SECTION 2-103.

Said Title 50 is further amended by revising Code Section 50-8-142, relating to employees, as follows:

"50-8-142.

The commissioner of community affairs may appoint employees as may be necessary to implement such powers and duties as are described by this article. The employees of the Office of Rural Development shall be in the unclassified ~~positions for the purposes of the State Personnel Administration and shall serve at the pleasure of the commissioner of community affairs~~ service as defined by Code Section 45-20-2. The commissioner of community affairs shall describe the duties and fix the compensation for all such employees."

SECTION 2-104.

Said Title 50 is further amended by revising Code Section 50-12-71, relating to appointment, terms, and expenses of board members, as follows:

"50-12-71.

(a) The board shall be composed of 17 members to be appointed as follows:

(1) Sixteen members shall be appointed by the Governor, five members for initial terms of two years; five members for initial terms of three years; four members for initial terms of four years; and two members provided for in 1991 for initial terms of five years. Seven of the members appointed by the Governor may reside in any area of the state. Of the remaining nine members appointed by the Governor, one member shall reside in and be appointed from each of the nine districts provided in subsection (b) of this Code section. Successors to such members shall be appointed by the Governor for terms of six 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.

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.

(3) The chief state administrative law judge may designate in writing a qualified full-time employee of an agency other than an agency directly connected with the proceeding to conduct a specified hearing, but such appointment shall only be with the prior consent of the employee's agency. Such employee shall then serve as a special designated assistant administrative law judge for the purposes of the specific hearing and shall not be entitled to any additional pay for this service.

(4) When the character of the hearing requires utilization of a hearing officer with special skill and technical expertise in the field, the chief state administrative law judge may so certify in writing and appoint as a special lay assistant administrative law judge a person who is not a member of the bar of this state or otherwise not qualified under this Code section. Such appointment shall specify in writing the reasons such special skill is required and the qualifications of the appointed individual.

(5) The chief state administrative law judge may designate a class of hearings for which individuals with the necessary skill and training need not meet the qualifications of paragraphs (1) through (4) of this subsection. These full-time associate administrative law judges shall exercise the powers conferred upon the chief state administrative judge in the class of administrative cases assigned to them. The chief state administrative law judge shall determine the compensation for such positions.

(f) The chief state administrative law judge and any administrative law judge employed on a full-time basis: (1) shall not otherwise engage in the practice of law; and (2) shall not, except in the performance of his or her duties in a contested case, render legal advice or assistance to any state board, bureau, commission, department, agency, or officer."

SECTION 2-107.

Said Title 50 is further amended by revising Code Section 50-13-44, relating to administrative transfer of individuals to Office of State Administrative Hearings, approval of chief state administrative law judge, funding of transferred positions, and transferred employees status, as follows:

"50-13-44.

(a) Any full-time hearing officer or equivalent position, used exclusively or principally to conduct or preside over hearings for a covered agency immediately prior to July 1, 1994, shall be administratively transferred to the Office of State Administrative Hearings, if such employee qualifies under Code Section 50-13-40. Any person serving immediately prior to July 1, 1994, as an independent hearing officer or equivalent under contract or written order of appointment shall be administratively transferred to the Office of State Administrative Hearings as of July 1, 1994, and shall continue as a special assistant administrative law judge. All full-time staff of covered agencies who have exclusively or

principally served as support staff for administrative hearings shall be administratively transferred to the Office of State Administrative Hearings as of July 1, 1994. All equipment or other tangible property in possession of covered agencies which is used or held exclusively or principally by personnel transferred under this Code section shall be transferred to the Office of State Administrative Hearings as of July 1, 1994.

(b) All such transfers shall be subject to the approval of the chief state administrative law judge and such personnel or property shall not be transferred if the chief state administrative law judge determines that the hearing officer, staff, equipment, or property should remain with the transferring agency.

(c) Funding for functions and positions transferred to the Office of State Administrative Hearings under this article shall be transferred as provided for in Code Section 45-12-90. The employees of the Office of State Administrative Hearings shall be in the ~~classified service of the State Personnel Administration; provided, however, that the chief administrative law judge may place positions in the unclassified service as authorized in Article 1 of Chapter 20 of Title 45 and may also place an additional ten assistant administrative law judges in the unclassified service~~ unless they are in the classified service as such term is defined by Code Section 45-20-2.

(d) The chief state administrative law judge shall assess agencies the cost of services rendered to them in the conduct of hearings.

(e)(1) Any full-time hearing officer of the State Personnel Board used exclusively or principally to conduct or preside over hearings for such board immediately prior to July 1, 1997, shall be administratively transferred to the Office of State Administrative Hearings if such employee qualifies under Code Section 50-13-40. Any person serving immediately prior to July 1, 1997, as an independent hearing officer under contract or written order of appointment shall be administratively transferred to the Office of State Administrative Hearings as of July 1, 1997, and shall continue as a special assistant administrative law judge. All full-time staff of the State Personnel Board who have exclusively or principally served as support staff for administrative hearings conducted by such hearing officers shall be administratively transferred to the Office of State Administrative Hearings as of July 1, 1997. All equipment or other tangible property in possession of the State Personnel Board which is used or held exclusively or principally by personnel transferred under this subsection shall be transferred to the Office of State Administrative Hearings as of July 1, 1997.

(2) Funding for functions and positions transferred to the Office of State Administrative Hearings under this subsection shall be transferred as provided for in Code Section 45-12-90."

SECTION 2-108.

Said Title 50 is further amended by revising Code Section 50-18-93, relating to duties of division, as follows:

"50-18-93.

It shall be the duty of the division to:

(1) Establish and administer, under the direction of a state records management officer, who shall be employed under the rules and regulations of the State Personnel ~~Administration~~ Board, a records management program;

(2) Develop and issue procedures, rules, and regulations establishing standards for efficient and economical management methods relating to the creation, maintenance, utilization, retention, preservation, and disposition of records, filing equipment, supplies, microfilming of records, and vital records programs;

(3) Assist state agencies in implementing records programs by providing consultative services in records management, conducting surveys in order to recommend more efficient records management practices, and providing training for records management personnel; and

(4) Operate a records center or centers which shall accept all records transferred to it through the operation of approved retention schedules, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules."

SECTION 2-109.

Said Title 50 is further amended by revising Code Section 50-25-5.1, relating to chief information officer, appointment and removal, compensation, and powers and duties, as follows:

"50-25-5.1.

(a) There is created the position of the chief information officer for the State of Georgia who shall be both appointed and removed by a vote of a majority of the full membership to which the authority is entitled. The authority shall determine the compensation of the chief information officer. The chief information officer shall serve as the executive director of the authority.

(b) Subject to the general policy established by the authority, the chief information officer shall have the following powers and duties in addition to those otherwise enumerated in this chapter:

(1) To supervise, direct, account for, organize, plan, administer, and execute the 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.