A BILL TO BE ENTITLED
AN ACT

To provide for compensation and expenses of certain state officials; to amend Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salaries and fees, so as to change provisions relating to the salary for the Governor; to change certain provisions relating to annual salaries, expenses, and cost-of-living adjustments for certain state officials; to change provisions relating to the State Commission on Compensation; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

SECTION 1-1.

Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to salaries and fees, is amended by revising paragraph (1) of subsection (a) of Code Section 45-7-4, relating to annual salaries of certain state officials and cost-of-living adjustments, 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."

PART II

SECTION 2-1.

Said chapter is further amended in Code Section 45-7-4, relating to annual salaries of certain state officials, expenses, and cost-of-living adjustments, by revising subparagraphs (a)(22)(C) and (a)(22)(E) as follows:

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"(C) In addition to any other compensation and allowances authorized for members of the General Assembly, each member may be reimbursed for per diem differential and for actual expenses incurred in the performance of duties within the state as a member of the General Assembly in an amount not to exceed $7,000.00 per year. Expenses reimbursable up to such amount shall be limited to one or more of the following purposes: lodging, meals, per diem differential, postage, personal services, printing and publications, rents, supplies (including software), telecommunications, transportation, utilities, and purchasing or leasing of equipment, and other reasonable expenditures directly related to the performance of a member's duties. If equipment purchased by a member has a depreciated value of $100.00 or less when such member leaves office, the equipment does not need to be returned to the state. No reimbursement shall be made for any postage which is used for a political newsletter. No reimbursement shall be paid for lodging or meals for any day for which a member receives the daily expense allowance as provided in this paragraph. Such Eligible expenses shall be reimbursed upon following the submission of sworn vouchers to the legislative fiscal office in compliance with the requirements of this subparagraph and subject to the provisions of subparagraph (E) of this paragraph. Such sworn vouchers shall be submitted in such form and manner as prescribed by the Legislative Services Committee pursuant to subparagraph (E) of this paragraph, provided that each such voucher shall be accompanied by a supporting document or documents, or legible copies thereof, showing payment for each expense claimed or an explanation of the absence of such documentation; in addition, each such voucher shall include a certification by the member that the information contained in such voucher and supporting document or documents, or legible copies thereof, is true and correct and that such expenses were incurred by the member. The provisions of Code Section 16-10-20 shall be applicable to any person submitting such certified vouchers and supporting documents or copies the same as if the General Assembly were a department or agency of state government. No sworn such voucher or supporting document shall be required for per diem differential."

"(E) For the purposes of this paragraph, a year shall begin on the convening date of the General Assembly in regular session each year and end on the day prior to the convening of the General Assembly in the next calendar year. Any voucher or claim for any reimbursement for any year as defined in this paragraph shall be submitted no later than the fifteenth of April immediately following the end of such year. No reimbursement shall be made on any voucher or claim submitted after that date. Any amounts remaining in such expense account at the end of the first year of the two year biennium may be claimed for expenses incurred during the second year of the two year biennium.

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biennium. Any amounts remaining in any expense account which are not so claimed by April 15 of the year following the second year of the biennium and any amounts claimed which are returned as hereafter provided for in this paragraph shall lapse and shall be remitted by the legislative fiscal office to the general fund of the state treasury. Any former member of the General Assembly may be reimbursed for expenses incurred while a member of the General Assembly upon compliance with the provisions of this paragraph. The Legislative Services Committee is empowered to provide such procedures as it deems advisable to administer the provisions of this paragraph, including, but not limited to, definitions of the above list of items for which reimbursement may be made; provided, however, that the term 'other reasonable expenditures directly related to the performance of a member's duties' shall be as defined by policies adopted by the Speaker of the House of Representatives and by the Senate Administrative Affairs Committee as to reimbursement of such expenditures incurred by members of the House and Senate, respectively; and provided, further, that the amount of expenses which may be reimbursed within the limits of subparagraph (C) of this paragraph for travel outside the state may be as provided by policies adopted by the Speaker of the House of Representatives and by the Senate Administrative Affairs Committee as to such expenditures of members of the House and Senate, respectively. The Legislative Services Committee is further empowered to prescribe the form of the voucher or claim which must be submitted to the legislative fiscal office. In the event of any disagreement as to whether any reimbursement shall be made or any allowance shall be paid, the Legislative Services Committee shall make the final determination; except that in the event of any disagreement as to whether any reimbursement under subparagraph (C) of this paragraph shall be made for other reasonable expenses directly related to the performance of a member's duties or for travel outside the state, the Speaker of the House shall make the final determination as to such expenses incurred by a member of the House, and the Senate Administrative Affairs Committee shall make the final determination as to such expenses incurred by a member of the Senate. In the event any reimbursement is made or any allowance is paid and it is later determined that such reimbursement or payment was made in error, the person to whom such reimbursement or payment was made shall remit to the legislative fiscal office the amount of money involved. In the event any such person refuses to make such remittance, the legislative fiscal office is authorized to withhold the payment of any other moneys to which such person is entitled until the amount of such reimbursement or payment which was made in error shall be realized."
SECTION 2-2.

Said chapter is further amended in Code Section 45-7-4, relating to annual salaries, expenses, and cost-of-living adjustments of certain state officials, by revising subsection (b) as follows:

“(b) As a cost-of-living adjustment except as qualified below as to members and member-officers of the General Assembly, the annual salary of each state official whose salary is established by Code Section 45-7-3, this Code section, and Code Sections 45-7-20 and 45-7-21, including members of the General Assembly, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Speaker Pro Tempore of the House of Representatives, may be increased 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. However, any increase for such officials shall not include within-grade step increases for which 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.”

PART III

SECTION 3-1.

Said chapter is further amended by revising Article 5, relating to the State Commission on Compensation, as follows:

"ARTICLE 5

45-7-90.

A State Commission on Compensation is established for the purpose of assisting the General Assembly in setting the compensation of constitutional state officers, including members of the General Assembly and full-time heads of state agencies, authorities,
boards, bureaus, commissions, committees, and departments whose compensation is set by
the Constitution, by law, or by Act of the General Assembly.

45-7-91.

(a) As used in this article, the term 'commission' means the State Commission on
Compensation.'

(b) The commission shall be composed of seven members who shall serve for terms of
four years and until their successors shall have been appointed and qualified. No person
shall be qualified for appointment to office as a member of the commission if he or she is
an officer or employee of the state at the time of his or her selection for appointment nor
shall such officer's or employee's spouse, child, stepchild, parent, stepparent, grandparent,
grandchild, sibling, or the spouse of such individuals be qualified for such appointment.

Four members shall be appointed by the Governor, at least one of whom shall be
regularly engaged in the field of business finance or business management. Two members
shall be appointed by the Lieutenant Governor, at least one of whom shall be experienced
in labor-management relations. Two members shall be appointed by the Speaker of the
House of Representatives, at least one of whom shall be experienced in labor-management
relations. Four members shall be appointed by the Justices of the Supreme Court, at least
one of whom shall be authorized to practice law in this state.

(c) Should any vacancy on the commission occur from death, resignation, or otherwise,
the appointing authority shall appoint a successor member to serve during the unexpired
term.

45-7-92.
Members of the commission shall take an oath to uphold the Constitution and laws of the
United States and of the State of Georgia and shall receive a salary of $50.00 per day for
each day of service and such expenses and allowances while performing their duties of
office as are refundable to state employees a daily expense allowance and reimbursement
for transportation costs as provided for in Code Section 45-7-21. All expenses incurred by
the commission in the performance of its duties shall be paid from funds available to the
General Assembly. The commission shall meet no more than 30 days during the year it is
established and no more than 15 days in any year thereafter.

45-7-93.
The commission shall meet immediately after a majority of its members have taken the
oath of office, shall select from the members one of their number to serve as
chairman, chairperson, and shall adopt such rules and procedures as may be deemed
necessary for the expeditious accomplishment of the obligations of the commission. The
commission shall be authorized to employ staff personnel as necessary to accomplish
commission objectives.

45-7-94.
The commission shall make a study of the compensation currently being paid by the state
to all constitutional state officers, including members of the General Assembly and all
full-time heads of state agencies, authorities, boards, bureaus, commissions, committees,
and departments whose compensation is set by the Constitution of Georgia, by law, or by
an Act of the General Assembly; and the commission shall compare such compensation
with that currently being received by officers and employees serving in comparable
positions with the federal government, this state, other states, local governments, and in
industry, business, and the professions. In making this comparative study, the commission
shall utilize all available data pertaining to prevailing market rates and relating to the costs
and standards of living of persons in comparable positions.

45-7-95.
(a) The commission shall file a written report based upon its studies in which a
recommended compensation shall be stated for each constitutional state officer, including
members of the General Assembly and all full-time heads of state agencies, authorities,
boards, bureaus, commissions, committees, and departments whose compensation is set by
the Constitution of Georgia, by law, or by Act of the General Assembly. A copy of such
report shall be filed with the Governor, Lieutenant Governor, Speaker of the House
of Representatives, Clerk of the House of Representatives, Secretary of the Senate, and
legislative counsel, Chief Justice of the Supreme Court, and Chief Judge of the Court of
Appeals. The commission shall file the written report at least 90 days prior to the
convening of the General Assembly in regular session at which the general appropriations
bill is first considered. The written report of the commission shall be filed, notwithstanding
a determination by the commission that no compensation increase or decrease is
recommended.

(b) Whenever a written report of the commission's compensation plan is filed, a bill shall
be prepared suitable for introduction in either the Senate or House of Representatives
containing the compensation recommended by the commission; and such bill shall be
introduced at the next session of the General Assembly convening after the filing of said
written report. Such bill and the compensation contained therein, in order to become
effective, shall receive the same number of readings and go through and be subject to the
same procedure as required by the Constitution of Georgia for any other bill; provided,
however, that the bill relative to the commission's compensation plan, whether introduced in the House or the Senate, or both, shall be automatically engrossed by both the House and the Senate, and any such bill shall not be changed in either the House or the Senate after its introduction.

45-7-96.

It is the intention of the General Assembly that this article shall not be construed so as to authorize the commission to reduce the compensation of constitutional state officers below that established by the Constitution of Georgia or so as to deprive the General Assembly of plenary power to enact laws affecting compensation in accordance with the Constitution of Georgia.”

PART IV

SECTION 4-1.

Part I of this Act shall become effective upon the inauguration of the Governor in January, 2019, in accordance with Code Section 45-12-2 of the Official Code of Georgia Annotated. Part II of this Act shall become effective on July 1, 2017, and shall apply to expenses incurred on or after such date. This Part and Part III of this Act shall become effective upon approval of this Act by the Governor or upon its becoming law without such approval.

SECTION 4-2.

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