

The House Committee on Appropriations offers the following substitute to SB 366:

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to require counties and municipal corporations to complete and submit compensation
3 reports for certain employees of law enforcement agencies; to provide for definitions; to
4 provide for procedures and guidelines; to provide for submissions to the Department of
5 Community Affairs; to require the Department of Community Affairs to produce a local law
6 enforcement compensation guidance report; to provide for rules and regulations; to provide
7 that such compensation guidance reports may inform the pay scales for certain law
8 enforcement employees; to provide for penalties for local government noncompliance; to
9 provide for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
13 by adding a new chapter to read as follows:

14 "CHAPTER 77

15 36-77-1.

16 As used in this chapter, the term:

17 (1) 'Candidate' means a peace officer who, having satisfied preemployment requirements,
18 has commenced employment with a law enforcement unit but who has not satisfied the
19 training requirement provided for a peace officer.

20 (2) 'Commissioner' means the commissioner of community affairs.

21 (3) 'Compensation report' means the actual salary or wage paid, as reported to the
22 Internal Revenue Service and reflected on W-2 forms, and benefits awarded on an annual
23 basis to each candidate, jail officer, and peace officer employed by a law enforcement
24 agency as well as the corresponding job description and pay scale adopted by such law

S. B. 366 (SUB)

25 enforcement agency or local government for each such position. Benefits shall include
 26 retirement plans, the employer's share of payments toward retirement, employer
 27 sponsored health and life insurance compensation, and the law enforcement agency's or
 28 local government's annual and sick leave policy, as applicable.

29 (4) 'Department' means the Department of Community Affairs.

30 (5) 'Jail officer' means any person who is employed or appointed by a county or a
 31 municipality and who has the responsibility of supervising inmates who are confined in
 32 a municipal or county detention facility.

33 (6) 'Law enforcement agency' means any sheriff's office or any department of a county
 34 or municipal corporation responsible for investigating crimes, arresting persons accused
 35 of crimes, or maintaining actual custody of persons accused or convicted of crimes.

36 (7) 'Peace officer' means any person who is vested expressly either by law or by virtue
 37 of public employment or service with authority to enforce criminal or traffic laws through
 38 power of arrest and whose duties include the preservation of public order, the protection
 39 of life and property, and the prevention, detection, or investigation of crimes.

40 (8) 'Region' shall have the same meaning as provided in Code Section 50-8-2.

41 36-77-2.

42 (a)(1) The governing authority of each county of this state shall, in consultation with the
 43 sheriff, complete a compensation report for every candidate, jail officer, and peace officer
 44 employed by such county and sheriff's office and every peace officer employed by such
 45 county's law enforcement agency, if applicable.

46 (2) The governing authority of each municipal corporation shall complete a
 47 compensation report for every peace officer employed by the law enforcement agency of
 48 such municipal corporation.

49 (3) By December 31, 2018, the governing authority of each county and municipal
 50 corporation shall submit a compensation report to the commissioner in such form as the
 51 department prescribes. Every three years after the initial submission required by this
 52 paragraph, the governing authority of each county and municipal corporation shall submit
 53 to the commissioner an updated compensation report by December 31 of any such year.

54 (4) The submitted compensation report shall not be based on data older than one year
 55 from the date due for submission to the commissioner as provided under paragraph (3)
 56 of this subsection.

57 (5) Any county or city not in existence on July 1, 2018, shall submit such compensation
 58 report by the date of the next three-year update as prescribed in paragraph (3) of this
 59 subsection.

60 (b)(1) The commissioner shall be responsible for receiving the compensation reports
61 provided for under subsection (a) of this Code section and ensuring that the department
62 prepares and publishes a local law enforcement compensation guidance report for each
63 region on or before June 30 of the year following the due date for submission of
64 compensation reports.

65 (2) The department shall produce a local law enforcement compensation guidance report
66 for each region. Such report shall provide guidance to local governing authorities within
67 each region as to the compensation and benefits of similarly situated law enforcement
68 agencies. The department shall establish by rule a methodology to synthesize and make
69 rational the compensation reports of comparable and similarly situated law enforcement
70 agencies within each region including the compensation, benefits, and duties of persons
71 certified by the Georgia Peace Officer Standards and Training Council as peace officers
72 pursuant to Chapter 8 of Title 35 and employed by state entities and colleges and
73 universities within the applicable region. Such methodology should take into
74 consideration population, ratios of peace officers to population, crime statistics, assessed
75 ad valorem property tax base, employment statistics, median incomes, service areas,
76 inmate populations, and other pertinent socioeconomic factors.

77 (3) The department may use a center of research or fiscal or economic analysis of the
78 University System of Georgia or qualified personnel or human resource consultants to
79 prepare or assist in preparing reports required by this subsection.

80 (4) The department shall determine the format of the compensation report. The
81 commissioner may request additional information from the county or municipal
82 corporation as necessary for the department to fulfill its responsibilities under this Code
83 section.

84 (c) The governing authority of each county and municipal corporation and each sheriff of
85 this state may use the pertinent compensation guidance report provided for in
86 subsection (b) of this Code section to inform the pay scale for such county or municipal
87 corporation concerning candidates, jail officers, and peace officers employed by the law
88 enforcement agency; provided, however, that this subsection shall not be construed as
89 requiring any such local governing authority, any such sheriff, or this state to fund or
90 provide for any compensation or benefits as reflected by the report provided for in
91 subsection (b) of this Code section.

92 (d) The commissioner shall notify any such county or municipal corporation of a failure
93 to comply with the provisions of subsection (a) of this Code section and, within 60 days
94 of such notification, such county or municipal corporation shall come into compliance. If
95 after notification such county or municipal corporation has not come into compliance, the
96 commissioner shall revoke the qualified local government status of any such county or

97 municipal corporation. The commissioner shall promptly reinstate such status upon
98 submission of the compensation report required by subsection (a) of this Code section.
99 (e) Completed compensation reports and compensation guidance reports provided for
100 under this Code section are public records and shall be available for public examination.
101 (f) The department shall promulgate rules and regulations for the implementation of this
102 Code section."

103 **SECTION 2.**

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