

House Bill 86 (AS PASSED HOUSE AND SENATE)

By: Representatives Leverett of the 123rd, Efstration of the 104th, Burchett of the 176th, Hong of the 103rd, Gunter of the 8th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 45-7-4 of the Official Code of Georgia Annotated, relating to annual
2 salaries of certain state officials and cost-of-living adjustments, so as to revise provisions
3 relating to calculating and setting the salaries of Justices of the Supreme Court, Judges of the
4 Court of Appeals, the judge of the Georgia State-wide Business Court, and the judge of the
5 Georgia State Tax Court; to provide for effective dates; to provide for related matters; to
6 repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 45-7-4 of the Official Code of Georgia Annotated, related to annual salaries
10 of certain state officials and cost-of-living adjustments, is amended as follows:

11 "45-7-4.

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

13 (1) Governor \$ 175,000.00

14 An allowance in an amount specified in the appropriations Act shall also
15 be provided for the operation of the Governor's mansion.

16 (2) Lieutenant Governor 54,920.00

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Notwithstanding any provision of law to the contrary, the annual salary for the Lieutenant Governor for the 2021 fiscal year shall be reduced by an amount equal to 14 percent of the amount received for such office during the 2020 fiscal year.

(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) Reserved. ~~Each Justice of the Supreme Court~~ ~~175,600.00~~

43	(19) Reserved. Each Judge of the Court of Appeals	174,500.00
44	(19.1) Reserved. Judge of the Georgia State-wide Business Court	174,500.00
45	(20) Each superior court judge	126,265.00
46	(21) Each district attorney	120,072.00
47	(22) Each member of the General Assembly	16,200.00

48 (A) Notwithstanding any provision of law to the contrary, the annual
 49 salary for each member of the General Assembly for the 2021 fiscal year
 50 shall be reduced by an amount equal to 10 percent of the amount received
 51 for such office during the 2020 fiscal year.

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

58 (C) In addition to any other compensation and allowances authorized for
 59 members of the General Assembly, each member may be reimbursed for
 60 per diem differential and for actual expenses incurred in the performance
 61 of duties as a member of the General Assembly in an amount not to
 62 exceed \$7,000.00 per year. Expenses reimbursable up to such amount
 63 shall be limited to one or more of the following purposes: lodging, meals,
 64 per diem differential, postage, personal services, printing and
 65 publications, rents, supplies (including software), telecommunications,
 66 transportation, utilities, purchasing or leasing of equipment, and other
 67 reasonable expenditures directly related to the performance of a
 68 member's duties. If equipment purchased by a member has a depreciated

69 value of \$100.00 or less when such member leaves office, the equipment
70 does not need to be returned to the state. No reimbursement shall be
71 made for any postage which is used for a political newsletter. No
72 reimbursement shall be paid for lodging or meals for any day for which
73 a member receives the daily expense allowance as provided in this
74 paragraph. Eligible expenses shall be reimbursed following the
75 submission of vouchers to the legislative fiscal office in compliance with
76 the requirements of this subparagraph and subject to the provisions of
77 subparagraph (E) of this paragraph. Such vouchers shall be submitted in
78 such form and manner as prescribed by the Legislative Services
79 Committee pursuant to subparagraph (E) of this paragraph, provided that
80 each such voucher shall be accompanied by a supporting document or
81 documents, or legible copies thereof, showing payment for each expense
82 claimed or an explanation of the absence of such documentation; in
83 addition, each such voucher shall include a certification by the member
84 that the information contained in such voucher and supporting document
85 or documents, or legible copies thereof, is true and correct and that such
86 expenses were incurred by the member. The provisions of Code
87 Section 16-10-20 shall be applicable to any person submitting such
88 certified vouchers and supporting documents or copies the same as if the
89 General Assembly were a department or agency of state government. No
90 such voucher or supporting document shall be required for per diem
91 differential.

92 (D) The amount of per diem differential which may be claimed for each
93 day under subparagraph (C) of this paragraph shall be the difference
94 between the daily expense allowance authorized for members of the
95 General Assembly and \$119.00; provided, however, that the General

96 Appropriations Act for any fiscal year may increase such amount
97 of \$119.00 per day to an amount not in excess of the federal per diem rate
98 then in effect for the state capital as specified by the General Services
99 Administration. Per diem differential shall be paid by the legislative
100 fiscal office to the member upon the member's notification to the
101 legislative fiscal office of the days for which the daily expense allowance
102 was received for which the member wishes to claim the per diem
103 differential, and the legislative fiscal office shall keep a record of the
104 days for which per diem differential is so claimed and paid.

105 (E) For the purposes of this paragraph, a year shall begin on the
106 convening date of the General Assembly in regular session each year and
107 end on the day prior to the convening of the General Assembly in the
108 next calendar year. Any voucher or claim for any reimbursement for any
109 year as defined in this paragraph shall be submitted no later than the
110 fifteenth of April immediately following the end of such year. No
111 reimbursement shall be made on any voucher or claim submitted after
112 that date. Any amounts remaining in such expense account at the end of
113 the first year of the two-year biennium may be claimed for expenses
114 incurred during the second year of the two-year biennium. Any amounts
115 remaining in any expense account which are not so claimed by April 15
116 of the year following the second year of the biennium and any amounts
117 claimed which are returned as hereafter provided for in this paragraph
118 shall lapse and shall be remitted by the legislative fiscal office to the
119 general fund of the state treasury. Any former member of the General
120 Assembly may be reimbursed for expenses incurred while a member of
121 the General Assembly upon compliance with the provisions of this
122 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 of Representatives 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.

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

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

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

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

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

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

(b) As an 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 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.

(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.

(d)(1) For the purposes of this subsection, the term 'base salary' means the annual salary fixed for the judges of the United States District Court for the Northern District of Georgia on July 1 of the second preceding state fiscal year.

(2) The annual salary of each of the state officials listed below shall be set by the General Assembly in the General Appropriations Act, provided that such salary shall not exceed the ratio of the base salary listed below for such officials:

(A) Each Justice of the Supreme Court 100 percent

(B) Each Judge of the Court of Appeals 99 percent

(C) Judge of the Georgia State-wide Business Court 95 percent"

SECTION 2.

Code Section 45-7-4 of the Official Code of Georgia Annotated, related to annual salaries of certain state officials and cost-of-living adjustments, is revised by amending subsection (d) as follows:

"(d)(1) For the purposes of this subsection, the term 'base salary' means the annual salary fixed for the judges of the United States District Court for the Northern District of Georgia on July 1 of the second preceding state fiscal year.

(2) The annual salary of each of the state officials listed below shall be set by the General Assembly in the General Appropriations Act, provided that such salary shall not exceed the ratio of the base salary listed below for such officials:

(A) Each Justice of the Supreme Court 100 percent

(B) Each Judge of the Court of Appeals 99 percent

(C) Judge of the Georgia State-wide Business Court 95 percent

(D) Judge of the Georgia Tax Court 95 percent"

225 **SECTION 3.**

226 (a) Except as otherwise provided in subsection (b) of this section, this Act shall become
227 effective:

228 (1) On June 1, 2025, to the extent that necessary funds have been appropriated in an Act
229 to make and provide appropriations for the State Fiscal Year beginning July 1, 2024, and
230 ending June 30, 2025, as amended; or

231 (2) On July 1, 2025, if necessary funds have not been appropriated in an Act to make and
232 provide appropriations for the State Fiscal Year beginning July 1, 2024, and ending
233 June 30, 2025, as amended.

234 (b) Section 2 of this Act shall become effective on July 1, 2026.

235 **SECTION 4.**

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