

House Bill 86

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

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

21 (3) Adjutant general

22 The adjutant general shall continue to receive the pay and allowances under
23 the same procedure as provided by law.

24 (4) Commissioner of Agriculture 100,429.00

25 (5) Attorney General 114,633.00

26 (6) Reserved.

27 (7) Commissioner of Insurance 100,396.00

28 (8) Reserved.

29 (9) Commissioner of Labor 100,418.00

30 The above amount of salary for the Commissioner of Labor shall include
31 any compensation received from the United States government and the
32 amount of state funds paid shall be reduced by the amount of compensation
33 received from the United States government.

34 (10) Reserved.

35 (11) Each member of the Public Service Commission 96,655.00

36 (12) Reserved.

37 (13) State School Superintendent 102,708.00

38 (14) Secretary of State 102,708.00

39 (15) Reserved.

40 (16) Reserved.

41 (17) Reserved.

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

43	(19) <u>Reserved</u> . Each Judge of the Court of Appeals	174,500.00
44	(19.1) <u>Reserved</u> . 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

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

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

(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 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, 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

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

123 such procedures as it deems advisable to administer the provisions of this
124 paragraph, including, but not limited to, definitions of the above list of
125 items for which reimbursement may be made; provided, however, that
126 the term 'other reasonable expenditures directly related to the
127 performance of a member's duties' shall be as defined by policies adopted
128 by the Speaker of the House of Representatives and by the Senate
129 Administrative Affairs Committee as to reimbursement of such
130 expenditures incurred by members of the House and Senate, respectively;
131 and provided, further, that the amount of expenses which may be
132 reimbursed within the limits of subparagraph (C) of this paragraph for
133 travel outside the state may be as provided by policies adopted by the
134 Speaker of the House of Representatives and by the Senate
135 Administrative Affairs Committee as to such expenditures of members
136 of the House and Senate, respectively. The Legislative Services
137 Committee is further empowered to prescribe the form of the voucher or
138 claim which must be submitted to the legislative fiscal office. In the
139 event of any disagreement as to whether any reimbursement shall be
140 made or any allowance shall be paid, the Legislative Services Committee
141 shall make the final determination; except that in the event of any
142 disagreement as to whether any reimbursement under subparagraph (C)
143 of this paragraph shall be made for other reasonable expenses directly
144 related to the performance of a member's duties or for travel outside the
145 state, the Speaker of the House of Representatives shall make the final
146 determination as to such expenses incurred by a member of the House,
147 and the Senate Administrative Affairs Committee shall make the final
148 determination as to such expenses incurred by a member of the Senate.
149 In the event any reimbursement is made or any allowance is paid and it

150 is later determined that such reimbursement or payment was made in
151 error, the person to whom such reimbursement or payment was made
152 shall remit to the legislative fiscal office the amount of money involved.
153 In the event any such person refuses to make such remittance, the
154 legislative fiscal office is authorized to withhold the payment of any
155 other moneys to which such person is entitled until the amount of such
156 reimbursement or payment which was made in error shall be realized.

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

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

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

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

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

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

175 (b) As an adjustment except as qualified below as to members and member-officers of the
176 General Assembly, the annual salary of each state official whose salary is established by
177 Code Section 45-7-3, this Code section, and Code Sections 45-7-20 and 45-7-21, including
178 members of the General Assembly, the Speaker of the House of Representatives, the
179 President Pro Tempore of the Senate, and the Speaker Pro Tempore of the House of
180 Representatives, may be increased by the General Assembly in the General Appropriations
181 Act by a percentage not to exceed the average percentage of the increase in salary as may
182 from time to time be granted to employees of the executive, judicial, and legislative
183 branches of government. However, any increase for such officials shall not include
184 within-grade step increases for which employees subject to compensation plans authorized
185 and approved in accordance with Code Section 45-20-4 are eligible. Any increase granted
186 pursuant to this subsection shall become effective at the same time that funds are made
187 available for the increase for such employees, except increases for members and
188 member-officers of the General Assembly. That portion of the increase determined by the
189 Legislative Services Committee to reflect a cost-of-living increase based upon objective
190 economic criteria shall become effective for members and member-officers at the same
191 time that funds are made available for the increase for such employees. The balance of the
192 increase for members and member-officers of the General Assembly shall become effective
193 on the convening of the next General Assembly in January of the next odd-numbered year.
194 The Office of Planning and Budget shall calculate the average percentage increase.

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

- 197 (1) Is not a member of the General Assembly; and
- 198 (2) Is not a contributing member of a state retirement system and, therefore, does not
199 benefit by or participate in any program whereunder a portion of the employee
200 contributions to the state retirement system are made on behalf of the employee by the
201 employer.

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

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

208 (A) Each Justice of the Supreme Court 100 percent

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

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

211 SECTION 2.

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

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

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

221 (A) Each Justice of the Supreme Court 100 percent

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

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

224 (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.