

House Bill 302

By: Representatives Coleman of the 142<sup>nd</sup>, Royal of the 164<sup>th</sup> and Shanahan of the 10<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts; to amend  
2 Code Section 21-2-213 of the Official Code of Georgia Annotated, relating to county deputy  
3 registrars, clerical help, and appointment of a county officer or employee as chief deputy  
4 registrar; to amend Article 1 of Chapter 16 of Title 45 of the Official Code of Georgia  
5 Annotated, relating to general provisions relative to coroners; to amend Article 3 of Chapter  
6 5 of Title 48 of the Official Code of Georgia Annotated, relating to county tax officials and  
7 administration, so as to change the provisions relating to the compensation of sheriffs, clerks  
8 of the superior courts, judges of the probate courts, tax collectors and tax commissioners,  
9 chief deputy tax commissioners, chief magistrates, magistrates, clerks of superior or state  
10 courts serving as clerks of magistrate courts, magistrates or chief magistrates serving as  
11 clerks of the magistrate court, and coroners of certain counties; to correct certain  
12 cross-references; to provide for other matters relative to the foregoing; to repeal conflicting  
13 laws; and for other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking  
17 Code Section 15-6-88, relating to minimum salaries for clerks of the superior courts, and  
18 inserting in its place the following:

19 "15-6-88.

20 (a) Any other provision of law to the contrary notwithstanding, the minimum annual salary  
21 of each clerk of the superior court in each county of this state shall be fixed according to  
22 the population of the county in which he or she serves, as determined by the United States  
23 decennial census of 1990 or any future such census. Except as otherwise provided in  
24 subsection (b) of this Code section, each such clerk shall receive an annual salary, payable  
25 in equal monthly installments from the funds of the county, of not less than the amount  
26 fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 — 5,999 .....	\$ <del>21,780.00</del> <u>23,958.00</u>
6,000 — 11,889 .....	<del>29,910.00</del> <u>32,901.00</u>
11,890 — 19,999 .....	<del>33,882.00</del> <u>37,270.00</u>
20,000 — 28,999 .....	<del>36,301.00</del> <u>39,931.00</u>
29,000 — 38,999 .....	<del>38,720.00</del> <u>42,592.00</u>
39,000 — 49,999 .....	<del>41,142.00</del> <u>45,256.00</u>
50,000 — 74,999 .....	<del>43,563.00</del> <u>47,919.00</u>
75,000 — 99,999 .....	<del>44,772.00</del> <u>49,249.00</u>
100,000 — 149,999 .....	<del>45,982.00</del> <u>50,580.00</u>
150,000 — 199,999 .....	<del>47,192.00</del> <u>51,911.00</u>
200,000 — 249,999 .....	<del>48,402.00</del> <u>53,242.00</u>
250,000 — 299,999 .....	<del>66,936.00</del> <u>73,630.00</u>
300,000 — 399,999 .....	<del>73,890.00</del> <u>81,279.00</u>
400,000 — 499,999 .....	<del>76,890.00</del> <u>84,579.00</u>
500,000 or more .....	<del>79,890.00</del> <u>87,879.00</u>

(b) On and after July 1, ~~1998~~ 2001, whenever the employees in the classified service of the state merit system 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 subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90, 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 subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, 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 subsection (a) of this Code section, in Code Section 15-6-89, in subsection (b) of Code Section 15-10-105, or the amounts derived through the application of longevity increases, as authorized by this subsection shall become effective on the first day of January following the date that the cost-of-living

1 increases or general performance based increases received by state employees become  
2 effective; provided, however, that if the cost-of-living increases received by state  
3 employees become effective on January 1, such periodic changes in the amounts fixed in  
4 the minimum salary schedule in subsection (a) of this Code section, in Code Section  
5 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by  
6 increasing each of said amounts through the application of longevity increases pursuant to  
7 subsection (a) of Code Section 15-6-90, shall become effective on the same date that the  
8 cost-of-living increases or general performance based increases received by state  
9 employees become effective.

10 (c) This Code section shall not be construed to reduce the salary of any clerk of the  
11 superior court in office on July 1, 1991; provided, however, that successors to such clerks  
12 in office on July 1, 1991, shall be governed by the provisions of subsections (a) and (b) of  
13 this Code section.

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

## 21 SECTION 2.

22 Said title is further amended by striking Code Section 15-6-89, relating to additional  
23 remuneration for clerks of the superior courts for certain services, and inserting in its place  
24 the following:

25 "15-6-89.

26 In addition to the minimum salary provided in Code Section 15-6-88 or any other salary  
27 provided by any applicable general or local law, each clerk of the superior court of any  
28 county who also serves as clerk of a state court, city court, juvenile court, or civil court  
29 under any applicable general or local law of this state shall receive for his or her services  
30 in such other court a salary of not less than ~~\$236.25~~ \$259.88 per month, to be paid from the  
31 funds of the county. In the event any such court for which a clerk of the superior court is  
32 serving as clerk is abolished, the clerk of the superior court shall not be entitled to any  
33 salary heretofore received for service in such court."

### SECTION 3.

Said title is further amended by striking subsection (a) of Code Section 15-9-63, relating to the schedule of minimum salaries of judges of the probate courts, and inserting in its place the following:

"(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 1990 or any future such 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 .....	\$ <del>20,511.00</del> <u>22,562.00</u>
6,000 — 11,889 .....	<del>27,083.00</del> <u>29,791.00</u>
11,890 — 19,999 .....	<del>30,084.00</del> <u>33,092.00</u>
20,000 — 28,999 .....	<del>33,235.00</del> <u>36,559.00</u>
29,000 — 38,999 .....	<del>36,769.00</del> <u>40,446.00</u>
39,000 — 49,999 .....	<del>38,783.00</del> <u>42,661.00</u>
50,000 — 74,999 .....	<del>41,737.00</del> <u>45,911.00</u>
75,000 — 99,999 .....	<del>45,973.00</del> <u>50,570.00</u>
100,000 — 149,999 .....	<del>50,210.00</del> <u>55,231.00</u>
150,000 — 199,999 .....	<del>55,936.00</del> <u>61,530.00</u>
200,000 — 249,999 .....	<del>61,662.00</del> <u>67,828.00</u>
250,000 — 299,999 .....	<del>64,435.00</del> <u>70,879.00</u>
300,000 — 399,999 .....	<del>67,209.00</del> <u>73,930.00</u>
400,000 — 499,999 .....	<del>70,209.00</del> <u>77,230.00</u>
500,000 or more .....	<del>73,209.00</del> <u>80,530.00</u>

(2) On and after July 1, ~~1998~~ 2001, whenever the employees in the classified service of the state merit system 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 15-9-64, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to Code Section 15-9-65, 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

1 in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section  
2 15-9-64, or the amounts derived through the application of longevity increases, shall be  
3 increased by a percentage or an amount not to exceed the average percentage or average  
4 amount of the general increase in salary granted to the state employees. The Office of  
5 Planning and Budget shall calculate the average percentage increase or average amount  
6 increase when necessary. The periodic changes in the amounts fixed in the minimum  
7 salary schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the  
8 amounts derived through the application of longevity increases, as authorized by this  
9 paragraph shall become effective on the first day of January following the date that the  
10 cost-of-living increases or general performance based increases received by state  
11 employees become effective; provided, however, that if the cost-of-living increases  
12 received by state employees become effective on January 1, such periodic changes in the  
13 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in  
14 Code Section 15-9-64, or the amounts derived by increasing each of said amounts  
15 through the application of longevity increases pursuant to Code Section 15-9-65, where  
16 applicable, as authorized by this paragraph shall become effective on the same date that  
17 the cost-of-living increases or general performance based increases received by state  
18 employees become effective.

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

#### 26 SECTION 4.

27 Said title is further amended by striking Code Section 15-9-63.1, relating to compensation  
28 for services as magistrate or chief magistrate, and inserting in its place the following:

29 "15-9-63.1.

30 (a) Beginning ~~January 1, 2000~~ July 1, 2001, in any county in which the probate judge  
31 serves as chief magistrate or magistrate, he or she shall be compensated for such services  
32 based on a minimum annual amount of ~~\$8,500.00~~ \$9,350.00; provided, however, that  
33 compensation for a probate judge shall not be reduced during his or her term of office.

34 (b) On and after ~~January 1, 2000~~ July 1, 2001, whenever the employees in the classified  
35 service of the state merit system receive a cost-of-living increase or general performance  
36 based increase of a certain percentage or a certain amount, the amount provided in

1 subsection (a) of this Code section shall be increased by the same percentage or same  
2 amount applicable to such state employees. If the cost-of-living increase or general  
3 performance based increase received by state employees is in different percentages or  
4 different amounts as to certain categories of employees, the amount provided in subsection  
5 (a) of this Code section shall be increased by a percentage or an amount not to exceed the  
6 average percentage or average amount of the general increase in salary granted to the state  
7 employees. The Office of Planning and Budget shall calculate the average percentage  
8 increase or average amount increase when necessary. The periodic changes in the amount  
9 provided in subsection (a) of this Code section, as authorized by this subsection, shall  
10 become effective on the first day of ~~January~~ July following the date that the cost-of-living  
11 increases or general performance based increases received by state employees become  
12 effective; provided, however, that if such increases received by state employees become  
13 effective on ~~January 1~~ July 1, such periodic changes in the amount provided in  
14 subsection (a) of this Code section, as authorized by this subsection, shall become effective  
15 on the same date that the cost-of-living increases or general performance based increases  
16 received by state employees become effective.

17 (c) On and after ~~January 1, 2000~~ July 1, 2001, the amounts provided in subsections (a)  
18 and (b) of this Code section shall be increased by multiplying said amounts by the  
19 percentage which equals 5 percent times the number of completed four-year terms of office  
20 served by any probate judge serving as a chief magistrate or magistrate where such terms  
21 have been completed after December 31, 1999, effective the first day of January following  
22 the completion of each such period of service."

## 23 SECTION 5.

24 Said title is further amended by striking Code Section 15-9-64, relating to supplementation  
25 of minimum salaries of judges of the probate courts, and inserting in its place the following:  
26 "15-9-64.

27 The amount of minimum salary provided in Code Section 15-9-63 for the judges of the  
28 probate courts of any county presently on a salary who also hold and conduct elections or  
29 are responsible for conducting elections for members of the General Assembly under any  
30 applicable general or local law of this state shall be increased by ~~\$236.25~~ \$259.88 per  
31 month. The amount of the minimum salary provided in Code Section 15-9-63 for the  
32 judges of the probate courts on a salary who are responsible for traffic cases under any  
33 general or local law of this state shall also be increased by \$295.25 per month."

**SECTION 6.**

Said title is further amended by striking Code Section 15-10-23, relating to minimum compensation of magistrates, and inserting in its place the following:

"15-10-23.

(a)(1) As used in this Code section, the term 'full-time capacity' means a work week of no less than 40 hours. Unless otherwise provided by local law and except as otherwise provided in paragraphs (2) and (3) of this subsection, effective ~~January 1, 1996~~ July 1, 2001, 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 .....	<del>\$ 10,397.00</del> <u>11,437.00</u>
6,000 — 11,889 .....	<del>14,510.00</del> <u>15,961.00</u>
11,890 — 19,999 .....	<del>16,318.00</del> <u>17,950.00</u>
20,000 — 28,999 .....	<del>18,130.00</del> <u>19,943.00</u>
29,000 — 38,999 .....	<del>20,772.00</del> <u>22,849.00</u>
39,000 — 49,999 .....	<del>22,285.00</del> <u>24,514.00</u>
50,000 — 74,999 .....	<del>23,819.00</del> <u>26,201.00</u>
75,000 — 99,999 .....	<del>25,015.00</del> <u>27,517.00</u>
100,000 — 149,999 .....	<del>29,891.00</del> <u>32,979.00</u>
150,000 — 199,999 .....	<del>31,507.00</del> <u>35,658.00</u>
200,000 — 249,999 .....	<del>38,386.00</del> <u>42,225.00</u>
250,000 — 299,999 .....	<del>39,168.00</del> <u>43,085.00</u>
300,000 or more .....	<del>41,818.00</del> <u>46,000.00</u>

The minimum salary for each affected chief magistrate shall be fixed from the above table according to the population of the county in which the chief magistrate serves as determined by the United States decennial census of 1990 or any future such census. The county governing authority may supplement the minimum annual salary of the chief magistrate in such amount as it may fix from time to time; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(2) Unless otherwise provided by local law, effective ~~January 1, 1997~~ July 1, 2002, 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 .....	\$ <del>13,882.00</del> <u>15,270.00</u>
6,000 — 11,889 .....	<del>18,720.00</del> <u>20,592.00</u>
11,890 — 19,999 .....	<del>20,894.00</del> <u>22,983.00</u>
20,000 — 28,999 .....	<del>23,135.00</del> <u>25,449.00</u>
29,000 — 38,999 .....	<del>25,952.00</del> <u>28,547.00</u>
39,000 — 49,999 .....	<del>27,560.00</del> <u>30,316.00</u>
50,000 — 74,999 .....	<del>29,578.00</del> <u>32,536.00</u>
75,000 — 99,999 .....	<del>31,970.00</del> <u>35,167.00</u>
100,000 — 149,999 .....	<del>36,201.00</del> <u>39,821.00</u>
150,000 — 199,999 .....	<del>39,433.00</del> <u>43,376.00</u>
200,000 — 249,999 .....	<del>45,297.00</del> <u>49,827.00</u>
250,000 — 299,999 .....	<del>46,861.00</del> <u>51,547.00</u>
300,000 or more .....	<del>49,361.00</del> <u>54,297.00</u>

The minimum salary for each affected chief magistrate shall be fixed from the above table according to the population of the county in which the chief magistrate serves as determined by the United States decennial census of 1990 or any future such census. The county governing authority may supplement the minimum annual salary of the chief magistrate in such amount as it may fix from time to time; but no chief magistrate's compensation or supplement shall be decreased during any term of office.

(3) Unless otherwise provided by local law, effective ~~January 1, 1998~~ July 1, 2003, the chief magistrate of each county who serves in a full-time capacity other than in those counties where the judge of the probate court 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 .....	\$ <del>18,783.00</del> <u>20,661.00</u>
6,000 — 11,889 .....	<del>24,801.00</del> <u>27,281.00</u>
11,890 — 19,999 .....	<del>27,549.00</del> <u>30,304.00</u>
20,000 — 28,999 .....	<del>31,365.00</del> <u>34,502.00</u>
29,000 — 38,999 .....	<del>33,671.00</del> <u>37,038.00</u>
39,000 — 49,999 .....	<del>35,515.00</del> <u>39,067.00</u>
50,000 — 74,999 .....	<del>38,221.00</del> <u>42,043.00</u>
75,000 — 99,999 .....	<del>42,100.00</del> <u>46,310.00</u>
100,000 — 149,999 .....	<del>45,980.00</del> <u>50,578.00</u>
150,000 — 199,999 .....	<del>51,223.00</del> <u>56,345.00</u>



1	200,000 — 249,999 .....	<del>56,467.00</del> <u>62,114.00</u>
2	250,000 — 299,999 .....	<del>59,007.00</del> <u>64,908.00</u>
3	300,000 or more .....	<del>61,546.00</del> <u>67,701.00</u>

4 The minimum salary for each affected chief magistrate shall be fixed from the above  
 5 table according to the population of the county in which the chief magistrate serves as  
 6 determined by the United States decennial census of 1990 or any future such census. The  
 7 county governing authority may supplement the minimum annual salary of the chief  
 8 magistrate in such amount as it may fix from time to time; but no chief magistrate's  
 9 compensation supplement shall be decreased during any term of office.

10 (b) All other chief magistrates shall receive a minimum monthly salary equal to the hourly  
 11 rate which a full-time chief magistrate of the county would receive multiplied by the  
 12 number of actual working hours of the chief magistrate.

13 (c) Unless otherwise provided by local law, each magistrate who serves in a full-time  
 14 capacity other than the chief magistrate shall receive a minimum monthly salary of  
 15 ~~\$2,812.00~~ \$3,093.00 per month or 90 percent of the monthly salary of the chief magistrate,  
 16 whichever is less. All other magistrates shall receive a minimum monthly salary of the  
 17 lesser of ~~\$16.22~~ \$17.84 per hour or 90 percent of the monthly salary of the chief  
 18 magistrate; provided, however, that notwithstanding any other provisions of this  
 19 subsection, no magistrate who serves in less than a full-time capacity shall receive a  
 20 minimum monthly salary of less than ~~\$432.64~~ \$475.90. The county governing authority  
 21 may supplement the minimum annual salary of each magistrate in such amount as it may  
 22 fix from time to time; but no such magistrate's compensation supplement shall be  
 23 decreased during any term of office. Nothing contained in this subsection shall prohibit  
 24 the General Assembly by local law from supplementing the annual salary of any  
 25 magistrates.

26 (d) Magistrates shall be compensated solely on a salary basis and not in whole or in part  
 27 from fees; and the salaries and supplements of all magistrates shall be paid in equal  
 28 monthly installments from county funds.

29 (e) The General Assembly may by local law fix the compensation of any or all of a  
 30 county's magistrates.

31 (f) Notwithstanding the provisions of subsection (a) of this Code section, unless otherwise  
 32 provided by local law, effective January 1, 1996, in any county in which more than 70  
 33 percent of the population according to the United States decennial census of 1990 or any  
 34 future such census resides on property of the United States government which is exempt  
 35 from taxation by this state, the population of the county for purposes of subsection (a) of

1 this Code section shall be deemed to be the total population of the county minus the  
2 population of the county which resides on property of the United States government.

3 (g) During the term of office of any chief magistrate or magistrate whose salary is  
4 supplemented by the county governing authority, the chief magistrate or magistrate shall  
5 be entitled to the greater of the current salary, including any supplement by the county  
6 governing authority, or the minimum annual salary stated in subsection (a) of this Code  
7 section but in no event to both.

8 (h) This Code section shall not apply to any chief magistrate who is also serving as a judge  
9 of a civil court which is provided for in Article VI, Section I, Paragraph I of the  
10 Constitution of the State of Georgia of 1983. In such case, the salary of such chief  
11 magistrate shall be as provided by the local governing authority of the county.

12 (i) The salaries and supplements of senior magistrates shall be paid from county funds at  
13 a per diem rate equal to the compensation paid to the magistrate of the county; provided,  
14 however, that the minimum annual and monthly salaries provided for in this Code section  
15 shall not necessarily apply to senior magistrates.

16 (j) The amounts provided in subsections (a) and (c) of this Code section, as increased by  
17 subsection (k) of this Code section, shall be increased by multiplying said amounts by the  
18 percentage which equals 5 percent times the number of completed four-year terms of office  
19 served by any chief magistrate or magistrate where such terms have been completed after  
20 December 31, 1995, effective the first day of January following the completion of each  
21 such period of service.

22 (k) On and after January 1, ~~1996~~ 2002, whenever the employees in the classified service  
23 of the state merit system receive a cost-of-living increase or general performance based  
24 increase of a certain percentage or a certain amount, the amounts provided in subsections  
25 (a) and (c) of this Code section and the amounts derived by increasing each of said amounts  
26 through the application of longevity increases pursuant to subsection (j) of this Code  
27 section shall be increased by the same percentage or same amount applicable to such state  
28 employees. If the cost-of-living increase or general performance based increase received  
29 by state employees is in different percentages or different amounts as to certain categories  
30 of employees, the amounts provided in subsections (a) and (c) of this Code section and the  
31 amounts derived by increasing each of said amounts through the application of longevity  
32 increases pursuant to subsection (j) of this Code section shall be increased by a percentage  
33 or an amount not to exceed the average percentage or average amount of the general  
34 increase in salary granted to the state employees. The Office of Planning and Budget shall  
35 calculate the average percentage increase or average amount increase when necessary. The  
36 periodic changes in the amounts provided in subsections (a) and (c) of this Code section  
37 and the amounts derived by increasing each of said amounts through the application of

1 longevity increases pursuant to subsection (j) of this Code section, as authorized by this  
2 subsection, shall become effective on the first day of January following the date that the  
3 cost-of-living increases or general performance based increases received by state  
4 employees become effective; provided, however, that if the cost-of-living increases  
5 received by state employees become effective on January 1, such periodic changes in the  
6 amounts provided in subsections (a) and (c) of this Code section and the amounts derived  
7 by increasing each of said amounts through the application of longevity increases pursuant  
8 to subsection (j) of this Code section, as authorized by this subsection, shall become  
9 effective on the same date that the cost-of-living increases or general performance based  
10 increases received by state employees become effective."

#### 11 **SECTION 7.**

12 Said title is further amended by striking Code Section 15-10-105, relating to selection of  
13 clerks of the magistrate courts and their compensation and eligibility, and inserting in its  
14 place the following:

15 "15-10-105.

16 (a) The General Assembly may provide by local law for the superior court clerk or state  
17 court clerk to serve as clerk of magistrate court or for the selection of some other person  
18 as the clerk of magistrate court and for the compensation of the clerk of magistrate court.  
19 In the absence of local law, the selection and compensation of the clerk of magistrate court  
20 shall be as provided by subsections (b), (c), and (d) of this Code section.

21 (b) With the consent of the clerk of superior court the county governing authority may  
22 provide that the clerk of superior court shall serve as clerk of magistrate court and shall be  
23 compensated for his or her services as clerk of magistrate court in an amount not less than  
24 ~~\$236.25~~ \$259.88 per month. With the consent of the clerk of the superior court and clerk  
25 of the state court, the county governing authority may provide that the state court clerk  
26 shall serve as clerk of magistrate court and shall be compensated for his or her service as  
27 clerk of magistrate court in an amount not less than ~~\$236.25~~ \$259.88 per month. Such  
28 compensation shall be retained by the clerk of superior court as his or her personal funds  
29 without regard to whether he or she is otherwise compensated on a fee basis or salary basis  
30 or both.

31 (c) If the clerk of superior court or the clerk of state court does not serve as clerk of  
32 magistrate court, then the county governing authority may provide for the appointment by  
33 the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of  
34 magistrate court so appointed shall be compensated in an amount fixed by the county  
35 governing authority at not less than ~~\$236.25~~ \$259.88 per month.

(d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate performing the duties of clerk, or another magistrate appointed by the chief magistrate to perform the duties of clerk, shall receive, in addition to any other compensation to which he or she is entitled, compensation for performing the duties of clerk, the amount of which compensation shall be fixed by the county governing authority at not less than ~~\$236.25~~ \$259.88 per month.

(e) The compensation of the clerk or magistrate performing the duties of clerk shall be paid in equal monthly installments from county funds.

(f) The clerk shall be required to be at least 18 years of age and shall possess a high school diploma or its equivalent. The clerk shall not be subject to a residency requirement.

(g) In any case any magistrate may perform any duty to be performed by the clerk."

### SECTION 8.

Said title is further amended by striking subsection (a) of Code Section 15-16-20, relating to minimum annual salaries of the sheriffs, and inserting in its place the following:

"(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 1990 or any future such 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 .....	<del>\$ 30,697.00</del> <u>33,767.00</u>
6,000 — 11,889 .....	<del>34,254.00</del> <u>37,679.00</u>
11,890 — 19,999 .....	<del>39,337.00</del> <u>43,271.00</u>
20,000 — 28,999 .....	<del>43,315.00</del> <u>47,647.00</u>
29,000 — 38,999 .....	<del>47,292.00</del> <u>52,021.00</u>
39,000 — 49,999 .....	<del>51,272.00</del> <u>56,399.00</u>
50,000 — 74,999 .....	<del>55,249.00</del> <u>60,774.00</u>
75,000 — 99,999 .....	<del>57,127.00</del> <u>62,840.00</u>
100,000 — 149,999 .....	<del>59,005.00</del> <u>64,906.00</u>
150,000 — 199,999 .....	<del>61,105.00</del> <u>67,216.00</u>
200,000 — 249,999 .....	<del>63,205.00</del> <u>69,526.00</u>
250,000 — 299,999 .....	<del>69,182.00</del> <u>76,100.00</u>

1	300,000 — 399,999 .....	<del>77,259.00</del> <u>84,985.00</u>
2	400,000 — 499,999 .....	<del>80,259.00</del> <u>88,285.00</u>
3	500,000 — and up .....	<del>83,259.00</del> <u>91,585.00</u>

(2) On and after July 1, ~~1998~~ 2001, whenever the employees in the classified service of the state merit system 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 15-16-20.1, 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 15-16-20.1, 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 15-16-20.1, 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 15-16-20.1, 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 sheriff in such amount as it may fix from time to time; but no sheriff's compensation supplement shall be decreased during any term of office. Any prior expenditure of 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."

**SECTION 9.**

Said title is further amended by striking Code Section 15-16-20.1, relating to additional minimum salary for sheriffs, and inserting in its place the following:

"15-16-20.1.

In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any county who performs the duties of a sheriff for a state court, probate court, magistrate court, juvenile court, or county recorder's court under any applicable general or local law of this state shall receive for his or her services in such court or courts a salary of not less than ~~\$236.25~~ \$259.88 per month, to be paid from the funds of the county. A sheriff who serves in more than one such court shall receive only one such salary."

**SECTION 10.**

Code Section 21-2-213 of the Official Code of Georgia Annotated, relating to county deputy registrars, clerical help, and appointment of a county officer or employee as chief deputy registrar, is amended by striking subsection (c) of said Code section and inserting in its place the following:

"(c) In every county wherein the registrars do not maintain an office which is open and staffed during regular business hours, the registrars shall designate and appoint as chief deputy registrar a full-time county officer or employee for the purpose of registering eligible electors and performing other duties as may be required by the board of registrars. The governing authority of the county shall provide for the compensation of the chief deputy registrar in an amount not less than ~~\$236.25~~ \$259.88 per month. The name, business address, telephone number, and any other pertinent information relative to the chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office, where such information shall be maintained on file."

**SECTION 11.**

Article 1 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions relative to coroners, is amended by striking Code Section 45-16-11, relating to compensation of county coroners, and inserting in its place the following:

"45-16-11.

In any county which is the site of more than one state correctional institution or prison for adults or juveniles and which compensates the county coroner by salary, the state shall compensate the county coroner in the amount of ~~\$100.00~~ \$110.00 for each state inmate death in such county. The county coroner of such a county is authorized to accept the compensation provided in accordance with this Code section despite any local Act which

requires such a coroner to send fees to the county treasury or the county governing authority."

### SECTION 12.

Article 3 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county tax officials and administration, is amended by striking subsection (g) of Code Section 48-5-137, relating to tax collectors and tax commissioners as ex officio sheriffs, and inserting in its place the following:

"(g) Each tax collector or tax commissioner who is compensated on a salary basis and who is authorized to act as an ex officio sheriff under this Code section and whose office performs substantially all of the duties of the sheriff with respect to tax executions shall be entitled to a salary of ~~\$236.25~~ \$259.88 per month for his or her service as ex officio sheriff. Such compensation shall be in addition to any other compensation to which such tax commissioner or tax collector is entitled. Such additional compensation shall not be paid to any tax commissioner who is compensated solely by the fee system of compensation; but such compensation shall be paid to any tax commissioner who is compensated in part by fees and in part by a salary. Such compensation shall be paid in equal monthly installments from county funds."

### SECTION 13.

Said article is further amended by striking subsection (b) of Code Section 48-5-183, relating to salaries of tax collectors and tax commissioners, and inserting in its place the following:

"(b)(1) Any other law to the contrary notwithstanding, except for the provisions of paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax commissioner who is compensated by an annual salary 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. Each such officer 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 .....	<del>\$ 20,108.00</del> <u>22,119.00</u>
6,000 — 11,889 .....	<del>25,126.00</del> <u>27,639.00</u>
11,890 — 19,999 .....	<del>28,326.00</del> <u>31,159.00</u>
20,000 — 28,999 .....	<del>30,165.00</del> <u>33,182.00</u>
29,000 — 38,999 .....	<del>32,674.00</del> <u>35,941.00</u>
39,000 — 49,999 .....	<del>36,437.00</del> <u>40,081.00</u>

1	50,000 — 74,999 .....	<del>42,732.00</del> <u>47,005.00</u>
2	75,000 — 99,999 .....	<del>45,868.00</del> <u>50,455.00</u>
3	100,000 — 149,999 .....	<del>49,003.00</del> <u>53,903.00</u>
4	150,000 — 199,999 .....	<del>52,325.00</del> <u>57,558.00</u>
5	200,000 — 249,999 .....	<del>55,647.00</del> <u>61,212.00</u>
6	250,000 — 299,999 .....	<del>60,013.00</del> <u>66,014.00</u>
7	300,000 — 399,999 .....	<del>64,379.00</del> <u>70,817.00</u>
8	400,000 — 499,999 .....	<del>67,379.00</del> <u>74,117.00</u>
9	500,000 and more .....	<del>70,379.00</del> <u>77,417.00</u>

10 (2)(A) On and after July 1, ~~1998~~ 2001, whenever the employees in the classified service  
 11 of the state merit system receive a cost-of-living increase or general performance based  
 12 increase of a certain percentage or a certain amount, the amounts fixed in the minimum  
 13 salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section  
 14 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the  
 15 amounts derived by increasing each of said amounts through the application of  
 16 longevity increases pursuant to subsection (d) of this Code section, where applicable  
 17 shall be increased by the same percentage or same amount applicable to such state  
 18 employees. If the cost-of-living increase or general performance based increase  
 19 received by state employees is in different percentages or different amounts as to  
 20 certain categories of employees, the amounts fixed in the minimum salary schedule in  
 21 paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and,  
 22 where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived  
 23 through the application of longevity increases, shall be increased by a percentage or an  
 24 amount not to exceed the average percentage or average amount of the general increase  
 25 in salary granted to the state employees. The Office of Planning and Budget shall  
 26 calculate the average percentage increase or average amount increase when necessary.  
 27 The periodic changes in the amounts fixed in the minimum salary schedule in paragraph  
 28 (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where  
 29 applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through  
 30 the application of longevity increases, as authorized by this paragraph shall become  
 31 effective on the first day of January following the date that the cost-of-living increases  
 32 received by state employees become effective; provided, however, that if the  
 33 cost-of-living increases or general performance based increases received by state  
 34 employees become effective on January 1, such periodic changes in the amounts fixed  
 35 in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g)  
 36 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.

(B) On and after ~~July 1, 1999, and prior to~~ July 1, 2001, whenever the employees in the classified service of the state merit system 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, 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 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 a percentage or amount applicable to such state employees which shall be four percentage points greater than such percentage or an amount equivalent to such increased percentage point amount. 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 increased percentage or increased amount authorized under this paragraph shall be based upon 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. Any periodic increase 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 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."

#### SECTION 14.

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