

House Bill 419

By: Representatives Skipper of the 137th, Walker of the 141st and Royal of the 164th

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate courts, so as to change provisions relating to the compensation of the chief and other magistrates of the magistrate courts; to amend Title 1 of the Official Code of Georgia Annotated, relating to the construction of statutes, so as to change a provision relating to the effective date of the census; to provide for other matters relative thereto; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate courts, is amended by striking in its entirety Code Section 15-10-23, relating to the compensation of magistrates, and inserting in lieu thereof the following:

"15-10-23.

(a)(1) Unless otherwise provided by local law, on and after January 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	\$ 20,511.00
6,000 — 11,889	27,083.00
11,890 — 19,999	30,084.00
20,000 — 28,999	33,235.00
29,000 — 38,999	36,769.00
39,000 — 49,999	38,783.00
50,000 — 74,999	41,737.00

1	75,000 — 99,999	45,973.00
2	100,000 — 149,999	50,210.00
3	150,000 — 199,999	55,936.00
4	200,000 — 249,999	61,662.00
5	250,000 — 299,999	64,435.00
6	300,000 — 399,999	67,209.00
7	400,000 — 499,999	70,209.00
8	500,000 or more	73,209.00

9 The minimum salary for each affected chief magistrate shall be fixed from the above
10 table according to the population of the county in which the chief magistrate serves as
11 determined by the United States decennial census of 2000 or any future such census.
12 Notwithstanding the provisions of this subsection, unless otherwise provided by local
13 law, effective January 1, 1996, in any county in which more than 70 percent of the
14 population according to the United States decennial census of 2000 or any future such
15 census resides on property of the United States government which is exempt from
16 taxation by this state, the population of the county for purposes of this subsection shall
17 be deemed to be the total population of the county minus the population of the county
18 which resides on property of the United States government.

19 (2) All other chief magistrates shall receive a minimum monthly salary equal to the
20 hourly rate that a full-time chief magistrate of the county would receive according to
21 paragraph (1) of this subsection multiplied by the number of actual hours worked by the
22 chief magistrate as certified by the chief magistrate to the county governing authority.

23 (3) Unless otherwise provided by local law, on and after January 1, 2002, each magistrate
24 who serves in a full-time capacity other than the chief magistrate shall receive a minimum
25 monthly salary of \$2,900.00 per month or 90 percent of the monthly salary that a
26 full-time chief magistrate would receive according to paragraph (1) of this subsection,
27 whichever is less.

28 (4) All magistrates other than chief magistrates who serve in less than a full-time capacity
29 or on call shall receive a minimum monthly salary of the lesser of \$16.73 per hour for
30 each hour worked as certified by the chief magistrate to the county governing authority
31 or 90 percent of the monthly salary that a full-time chief magistrate would receive
32 according to paragraph (1) of this subsection; provided, however, that notwithstanding
33 any other provisions of this subsection, no magistrate who serves in less than a full-time
34 capacity shall receive a minimum monthly salary of less than \$432.64.

1 (5) Magistrates shall be compensated solely on a salary basis and not in whole or in part
2 from fees. The salaries and supplements of all magistrates shall be paid in equal monthly
3 installments from county funds.

4 (b) The amounts provided in subsection (a) of this Code section, as increased by the
5 supplement, if any, provided by subsection (d) of Code Section 15-10-105, shall be
6 increased by multiplying said amounts by the percentage which equals 5 percent times the
7 number of completed four-year terms of office served by any chief magistrate or magistrate
8 where such terms have been completed after December 31, 1995, effective the first day of
9 January following the completion of each such period of service.

10 (c) On and after January 1, 1998, whenever the employees in the classified service of the
11 state merit system receive a cost-of-living increase or general performance based increase
12 of a certain percentage or a certain amount, the amounts provided in subsection (a) of this
13 Code section, as increased by the supplement, if any, provided by subsection (d) of Code
14 Section 15-10-105 and as increased by the application of longevity increases pursuant to
15 subsection (b) of this Code section, shall be increased by the same percentage or same
16 amount applicable to such state employees. If the cost-of-living increase or general
17 performance based increase received by state employees is in different percentages or
18 different amounts as to certain categories of employees, the amounts provided in subsection
19 (a) of this Code section, as increased by the supplement, if any, provided by subsection (d)
20 of Code Section 15-10-105 and as increased by the application of longevity increases
21 pursuant to subsection (b) of this Code section, shall be increased by a percentage or an
22 amount not to exceed the average percentage or average amount of the general increase in
23 salary granted to the state employees. The Office of Planning and Budget shall calculate
24 the average percentage increase or average amount increase when necessary. The periodic
25 changes in the amounts provided in subsection (a) of this Code section, as increased by the
26 supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as
27 increased by the application of longevity increases pursuant to subsection (b) of this Code
28 section, as authorized by this subsection, shall become effective on the first day of January
29 following the date that the cost-of-living increases or general performance based increases
30 received by state employees become effective; provided, however, that if the cost-of-living
31 increases received by state employees become effective on January 1, such periodic
32 changes in the amounts provided in subsection (a) of this Code section, as increased by the
33 supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as increased
34 by the application of longevity increases pursuant to subsection (b) of this Code section,
35 as authorized by this subsection, shall become effective on the same date that the
36 cost-of-living increases or general performance based increases received by state
37 employees become effective.

(d) The county governing authority may supplement the minimum annual salary of the chief or other magistrate in such amount as it may fix from time to time, but no such magistrate's compensation or supplement shall be decreased during any term of office. Nothing contained in this subsection shall prohibit the General Assembly by local law from supplementing the annual salary of any magistrates.

(e) The General Assembly may by local law fix the compensation of any or all of a county's magistrates. The chief magistrate or magistrate shall be entitled to the greater of the compensation established by local law, including any supplement by the county governing authority, or the minimum annual salary stated in subsection (a) of this Code section but in no event to both.

(f) This Code section shall apply to any chief magistrate who is also serving as a judge of a civil court which is provided for in Article VI, Section I, Paragraph I of the Constitution of the State of Georgia of 1983. In such case, the salary of such chief magistrate shall be as provided by the local governing authority of the county.

(g) The salaries and supplements of senior magistrates shall be paid from county funds at a per diem rate equal to the daily rate that a full-time chief magistrate of the county would receive under paragraph (1) of subsection (a) of this Code section; provided, however, that the minimum annual and monthly salaries provided for in this Code section shall not apply to senior magistrates.

(h) As used in this Code section, the term 'full-time capacity' in the case of a chief magistrate means a chief magistrate who regularly exercises the powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per workweek. In the case of all other magistrates, such term means a magistrate who was appointed to a full-time magistrate position and who regularly exercises the powers of a magistrate as set forth in Code Section 15-10-2 at least 40 hours per workweek."

SECTION 2.

Title 1 of the Official Code of Georgia Annotated, relating to the construction of statutes, is amended by striking paragraph (2) of subsection (d) of Code Section 1-3-1, relating to the effective date of a census, and inserting in lieu thereof the following:

"(2) Census. Whenever there is used in the statutory law of this state the term 'federal census,' 'United States census,' 'decennial census,' or similar words referring to the official census conducted every ten years by the United States of America or any agency thereof as required by Article I, Section II, Paragraph III of the Constitution of the United States, the effective date of such census for the purpose of making operative and of force any statutory law of this state shall be determined as follows:

1 (A) The effective date of the census shall be July 1 of the first year after the year in
2 which the census is conducted, for the purpose of making operative and of force the
3 following laws:

4 (i) Code Section 15-16-20;

5 (ii) Code Sections 15-6-88 through 15-6-92;

6 (iii) Code Section 48-5-183;

7 (iv) Code Sections 15-9-63 through 15-9-67; ~~and~~

8 (v) Code Section 36-5-25; and

9 (vi) Code Section 15-10-23;

10 provided, however, that if a county's population decreases according to a more recent
11 census below its population according to an earlier census, then, notwithstanding any
12 other provision of law, any officer who is compensated under a law specified in this
13 subparagraph and who is in office on the date specified in this subparagraph shall
14 continue during his or her entire tenure in such office (including any future terms of
15 office in such office) to be compensated on the basis of the county's population
16 according to such earlier census;

17 (B) For purposes of any program of grants of state funds to local governments, the
18 effective date of the census shall be July 1 of the first year after the year in which the
19 census is conducted;

20 (C) For the purpose of reconstituting the membership of any constitutional or statutory
21 board, commission, or body whose members are appointed from congressional districts,
22 the effective date of the census shall be January 1 of the third year after the year in
23 which the census is conducted; and

24 (D) The effective date of the census shall be July 1 of the second year after the year in
25 which the census is conducted for the purpose of making operative and of force all
26 other statutory laws which do not expressly provide otherwise."

27 **SECTION 3.**

28 Section 1 of this Act shall become effective on January 1, 2002. Section 2 of this Act shall
29 become effective July 1, 2001.

30 **SECTION 4.**

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