Senate Bill 450

By: Senators Kemp of the 46th, Wiles of the 37th, Seabaugh of the 28th, Mullis of the 53rd, Whitehead, Sr. of the 24th and others

A BILL TO BE ENTITLED AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts; Chapter 2 1 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections 3 generally; Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to 4 organization of county government; and Chapter 5 of Title 48 of the Official Code of 5 Georgia Annotated, relating to ad valorem taxation of property, so as to revise the pay structure for certain county officers and officials; to revise the minimum salary schedules of 6 7 pay for sheriffs, tax commissioners, clerks of superior court, and judges of probate court; to provide for longevity pay increases for certain members of county governing authorities; to 8 9 provide for the recalculation of minimum salaries in any year in which the Department of 10 Community Affairs publishes a census estimate for the county that is higher than the preceding decennial census; to provide for legislative intent; to provide for related matters; 11 12 to repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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SECTION 1.

15 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking

16 Code Section 15-6-88, relating to minimum annual salary schedule for clerks of superior

17 court, and inserting in lieu thereof a new Code Section 15-6-88 to read as follows:

18 "15-6-88.

19 (a) Any other provision of law to the contrary notwithstanding, the minimum annual salary 20 of each clerk of the superior court in each county of this state shall be fixed according to 21 the population of the county in which he or she serves, as determined by the United States 22 decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the 23 Department of Community Affairs publishes a census estimate for the county that is higher 24 than the immediately preceding decennial census. Except as otherwise provided in 25 subsection (b) of this Code section, each such clerk shall receive an annual salary, payable 26

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2	fixed in the following schedule:	
3	Population	Minimum Salary
4	0 - 5,999	\$ 26,433.73 <u>29,832.20</u>
5	6,000 - 11,889	
6	11,890 - 19,999	
7	20,000 - 28,999	
8	29,000 - 38,999	
9	39,000 - 49,999	
10	50,000 - 74,999	
11	75,000 - 99,999	
12	100,000 - 149,999	
13	150,000 - 199,999	
14	200,000 - 249,999	
15	250,000 - 299,999	
16	300,000 - 399,999	
17	400,000 - 499,999	
18	500,000 or more	

in equal monthly installments from the funds of the county, of not less than the amount

(b) On and after July 1, 2001 <u>2006</u>, whenever the employees in the classified service of 19 20 the state merit system receive a cost-of-living increase or general performance based 21 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 22 23 subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of 24 said amounts through the application of longevity increases pursuant to subsection (a) of 25 Code Section 15-6-90, where applicable shall be increased by the same percentage or same 26 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 27 different amounts as to certain categories of employees, the amounts fixed in the minimum 28 29 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 30 of longevity increases, shall be increased by a percentage or an amount not to exceed the 31 32 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 33 increase or average amount increase when necessary. The periodic changes in the amounts 34 fixed in the minimum salary schedule in subsection (a) of this Code section, in Code 35 Section 15-6-89, in subsection (b) of Code Section 15-10-105, or the amounts derived 36

fixed in the following schedule:

1 through the application of longevity increases, as authorized by this subsection shall 2 become effective on the first day of January following the date that the cost-of-living 3 increases or general performance based increases received by state employees become 4 effective; provided, however, that if the cost-of-living increases received by state 5 employees become effective on January 1, such periodic changes in the amounts fixed in 6 the minimum salary schedule in subsection (a) of this Code section, in Code Section 7 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 8 9 subsection (a) of Code Section 15-6-90, shall become effective on the same date that the 10 cost-of-living increases or general performance based increases received by state 11 employees become effective.

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

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

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SECTION 2.

Said title is further amended by striking Code Section 15-6-89, relating to additional
remuneration for certain services for clerks of superior court, and inserting in lieu thereof a
new Code Section 15-6-89 to read as follows:

27 ″15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary 28 29 provided by any applicable general or local law, each clerk of the superior court of any county who also serves as clerk of a state court, city court, juvenile court, or civil court 30 31 under any applicable general or local law of this state or who performs duties pursuant to 32 paragraph (1) of subsection (a) of Code Section 15-12-1 shall receive for his or her services in such other court a salary of not less than \$286.73 315.70 per month, to be paid from the 33 funds of the county. In the event any such court for which a clerk of the superior court is 34 serving as clerk is abolished, the clerk of the superior court shall not be entitled to any 35 salary heretofore received for service in such court." 36

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SECTION 3.

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Said title is further amended by striking Code Section 15-9-63, relating to schedule of
minimum salaries of judges of the probate court, and inserting in lieu thereof a new Code
Section 15-9-63 to read as follows:

5 "15-9-63.

(a)(1) Any other laws to the contrary notwithstanding, the minimum annual salary of 6 each judge of the probate court in this state shall be fixed according to the population of 7 8 the county in which he or she serves, as determined by the United States decennial census 9 of 1990 2000 or any future such census; provided, however, that such annual salary shall 10 be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the 11 immediately preceding decennial census. Each such judge of the probate court shall 12 receive an annual salary, payable in equal monthly installments from the funds of his or 13 14 her county, of not less than the amount fixed in the following schedule:

15	Population	Minimum Salary
16	0 - 5,999	\$ 24,893.57 <u>29,832.20</u>
17	6,000 - 11,889	
18	11,890 - 19,999	
19	20,000 - 28,999	40,336.31 <u>49,721.70</u>
20	29,000 - 38,999	
21	39,000 - 49,999	
22	50,000 - 74,999	
23	75,000 - 99,999	
24	100,000 - 149,999	60,938.35 <u>72,434.13</u>
25	150,000 - 199,999	
26	200,000 - 249,999	
27	250,000 - 299,999	
28	300,000 - 399,999	
29	400,000 - 499,999	
30	500,000 or more	

(2) On and after July 1, 2001 2006, 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 1 2 increase or general performance based increase received by state employees is in different 3 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 4 5 15-9-64, 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 6 amount of the general increase in salary granted to the state employees. The Office of 7 8 Planning and Budget shall calculate the average percentage increase or average amount 9 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 15-9-64, or the 10 amounts derived through the application of longevity increases, as authorized by this 11 paragraph shall become effective on the first day of January following the date that the 12 cost-of-living increases or general performance based increases received by state 13 14 employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the 15 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in 16 17 Code Section 15-9-64, or the amounts derived by increasing each of said amounts 18 through the application of longevity increases pursuant to Code Section 15-9-65, where 19 applicable, as authorized by this paragraph shall become effective on the same date that 20 the cost-of-living increases or general performance based increases received by state 21 employees become effective.

(3) The county governing authority may supplement the minimum annual salary of the
judge of the probate court in such amount as it may fix from time to time; but no probate
judge's compensation supplement shall be decreased during any term of office. Any
prior expenditure of county funds to supplement the probate judge'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 probate judge.

(b) In any county in which more than 70 percent of the population of the county according
to the United States decennial census of 1990 or any future such census resides on property
of the United States government which is exempt from taxation by this state, the population
of the county for purposes of subsection (a) of this Code section shall be deemed to be the
total population of the county minus the population of the county which resides on property
of the United States government."

SECTION 4.

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2 Said title is further amended by striking subsections (a) and (b) of Code Section 15-9-63.1,

relating to compensation of probate judges for services as magistrate or chief magistrate, and
inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Beginning January 1, 2002, in any county in which the probate judge serves as chief
magistrate or magistrate, he or she shall be compensated for such services based on a
minimum annual amount of \$10,316.20 <u>11,358.58</u>; provided, however, that compensation
for a probate judge shall not be reduced during his or her term of office.

9 (b) On and after July 1, 2001 <u>2006</u>, whenever the employees in the classified service of 10 the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amount provided in subsection (a) 11 12 of this Code section shall be increased by the same percentage or same amount applicable 13 to such state employees. If the cost-of-living increase or general performance based 14 increase received by state employees is in different percentages or different amounts as to 15 certain categories of employees, the amount provided in subsection (a) of this Code section 16 shall be increased by a percentage or an amount not to exceed the average percentage or 17 average amount of the general increase in salary granted to the state employees. The 18 Office of Planning and Budget shall calculate the average percentage increase or average 19 amount increase when necessary. The periodic changes in the amount provided in 20 subsection (a) of this Code section, as authorized by this subsection, shall become effective 21 on the first day of January following the date that the cost-of-living increases or general 22 performance based increases received by state employees become effective; provided, 23 however, that if such increases received by state employees become effective on January 1, such periodic changes in the amount provided in subsection (a) of this Code section, as 24 25 authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state 26 employees become effective." 27

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SECTION 5.

Said title is further amended by striking Code Section 15-9-64, relating to supplementation
of minimum salaries of probate judges, and inserting in lieu thereof a new Code Section
15-9-64 to read as follows:

32 *"*15-9-64.

The amount of minimum salary provided in Code Section 15-9-63 for the judges of the probate courts of any county presently on a salary who also hold and conduct elections or are responsible for conducting elections for members of the General Assembly under any applicable general or local law of this state shall be increased by \$286.73 <u>315.70</u> per

- 1 month. The amount of the minimum salary provided in Code Section 15-9-63 for the
- 2 judges of the probate courts on a salary who are responsible for traffic cases under any
- 3 general or local law of this state shall also be increased by \$358.34 394.55 per month."
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SECTION 6.

Said title is further amended by striking subsection (a) of Code Section 15-16-20, relating
to minimum annual salaries for sheriffs, and inserting in lieu thereof a new subsection (a) to
read as follows:

8 "(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 9 he or she serves, as determined by the United States decennial census of 1990 2000 or 10 any future such census; provided, however, that such annual salary shall be recalculated 11 in any year following a census year in which the Department of Community Affairs 12 publishes a census estimate for the county that is higher than the immediately preceding 13 14 decennial 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 15 the funds of the sheriff's county, of not less than the amount fixed in the following 16 17 schedule:

18	<u>Population</u>	Minimum Salary
19	0 - 5,999	
20	6,000 - 11,889	
21	11,890 - 19,999	
22	20,000 - 28,999	<u>52,570.10</u> <u>59,328.83</u>
23	29,000 - 38,999	
24	39,000 - 49,999	
25	50,000 - 74,999	
26	75,000 - 99,999	
27	100,000 - 149,999	
28	150,000 - 199,999	
29	200,000 - 249,999	
30	250,000 - 299,999	
31	300,000 - 399,999	
32	400,000 - 499,999	
33	500,000 or more	
34	(2) On and after July 1, 2001 <u>2006</u> , whe	enever the employees in the classified service of
35	the state merit system receive a cost-o	f-living increase or general performance based

1 increase of a certain percentage or a certain amount, the amounts fixed in the minimum 2 salary schedule in paragraph (1) of this subsection and in Code Section 15-16-20.1, or the 3 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 4 5 increased by the same percentage or same amount applicable to such state employees. 6 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 7 8 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 9 application of longevity increases, shall be increased by a percentage or an amount not 10 to exceed the average percentage or average amount of the general increase in salary 11 granted to the state employees. The Office of Planning and Budget shall calculate the 12 average percentage increase or average amount increase when necessary. The periodic 13 14 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 15 application of longevity increases, as authorized by this paragraph shall become effective 16 17 on the first day of January following the date that the cost-of-living increases received by 18 state employees become effective; provided, however, that if the cost-of-living increases 19 or general performance based increases received by state employees become effective on 20 January 1, such periodic changes in the amounts fixed in the minimum salary schedule 21 in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts 22 derived through the application of longevity increases, as authorized by this paragraph 23 shall become effective on the same date that the cost-of-living increases or general 24 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."

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SECTION 7.

Said title is further amended by striking Code Section 15-16-20.1, relating to additional
salary for sheriffs, and inserting in lieu thereof a new Code Section 15-16-20.1 to read as
follows:

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1 "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 \$286.73 315.70 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."

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SECTION 8.

9 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and 10 elections generally, is amended by striking subsection (c) of Code Section 21-2-213, relating 11 to county deputy registrars, clerical help, and appointment of county officer or employee as chief deputy registrar, and inserting in lieu thereof a new subsection (c) to read as follows: 12 "(c) In every county wherein the registrars do not maintain an office which is open and 13 14 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 15 eligible electors and performing other duties as may be required by the board of registrars. 16 17 The governing authority of the county shall provide for the compensation of the chief deputy registrar in an amount not less than \$259.88 286.14 per month. The name, business 18 19 address, telephone number, and any other pertinent information relative to the chief deputy 20 registrar shall be forwarded by the registrars to the Secretary of State's office, where such 21 information shall be maintained on file."

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SECTION 9.

Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of
county government, is amended by adding a new Code Section 36-5-29 to read as follows:
"36-5-29.

Compensation to which a member of a county governing authority is entitled under general or local law, including amounts provided for in Code Sections 36-5-27 and 36-5-28 shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed, four-year terms of office served by such member of a county governing authority where such terms have been completed after December 31, 2004, effective the first day of January following the completion of each such period of service."

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SECTION 10.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem
taxation of property, is amended by striking subsection (g) of Code Section 48-5-137,

S. B. 450 - 9 - relating to tax collectors and tax commissioners as ex officio sheriffs, and inserting in lieu
 thereof a new subsection (g) to read as follows:

3 "(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 4 5 performs substantially all of the duties of the sheriff with respect to tax executions shall be 6 entitled to a salary of \$309.93 344.58 per month for his or her service as ex officio sheriff. 7 Such compensation shall be in addition to any other compensation to which such tax 8 commissioner or tax collector is entitled. Such additional compensation shall not be paid 9 to any tax commissioner who is compensated solely by the fee system of compensation; 10 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 11 12 installments from county funds."

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SECTION 11.

Said chapter 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 lieu thereof a new
subsection (b) to read as follows:

17 "(b)(1) Any other law to the contrary notwithstanding, except for the provisions of 18 paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax 19 commissioner who is compensated by an annual salary shall be fixed according to the 20 population of the county in which he or she serves, as determined by the United States 21 decennial census of 1990 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the 22 Department of Community Affairs publishes a census estimate for the county that is 23 24 higher than the immediately preceding decennial census. Each such officer shall receive an annual salary, payable in equal monthly installments from the funds of his or her 25 county, of not less than the amount fixed in the following schedule: 26

27	Population	Minimum Salary
28	0 - 5,999	
29	6,000 - 11,889	
30	11,890 - 19,999	
31	20,000 - 28,999	
32	29,000 - 38,999	
33	39,000 - 49,999	
34	50,000 - 74,999	
35	75,000 - 99,999	

1	100,000 - 149,999	 •••••	64,182.45 <u>72,434.13</u>
2	150,000 - 199,999	 	68,533.49 <u>77,344.56</u>
3	200,000 - 249,999	 	72,884.53 <u>84,458.82</u>
4	250,000 - 299,999	 	78,602.96 <u>91,682.66</u>
5	300,000 - 399,999	 •••••	84,321.40 <u>101,207.60</u>
6	400,000 - 499,999	 •••••	88,250.70 <u>105,316.72</u>
7	500,000 or more	 	92,179.99 <u>109,425.84</u>

8 (2) On and after July 1, 2001 <u>2006</u>, whenever the employees in the classified service of 9 the state merit system receive a cost-of-living increase or general performance based 10 increase of a certain percentage or a certain amount, the amounts fixed in the minimum 11 salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 12 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the 13 amounts derived by increasing each of said amounts through the application of longevity 14 increases pursuant to subsection (d) of this Code section, where applicable shall be increased by the same percentage or same amount applicable to such state employees. 15 If the cost-of-living increase or general performance based increase received by state 16 17 employees is in different percentages or different amounts as to certain categories of 18 employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this 19 subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in 20 subsection (c) of Code Section 21-2-213, or the amounts derived through the application 21 of longevity increases, shall be increased by a percentage or an amount not to exceed the 22 average percentage or average amount of the general increase in salary granted to the 23 state employees. The Office of Planning and Budget shall calculate the average 24 percentage increase or average amount increase when necessary. The periodic changes 25 in 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 26 27 Code Section 21-2-213, or the amounts derived through the application of longevity 28 increases, as authorized by this paragraph shall become effective on the first day of 29 January following the date that the cost-of-living increases received by state employees 30 become effective; provided, however, that if the cost-of-living increases or general 31 performance based increases received by state employees become effective on January 1, 32 such periodic changes in 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 33 34 applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through 35 the application of longevity increases as authorized by this paragraph, shall become

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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."

10 SECTION 12.

11 It is the intent of the General Assembly that, for those county officials whose minimum 12 salaries are increased by operation of law when the General Assembly authorizes a 13 cost-of-living increase or general performance based increase for the employees in the 14 classified service of the state merit system, any such increase authorized by the General 15 Assembly in the Fiscal Year 2007 Appropriations Act shall be in addition to the minimum 16 salaries of such officials that become effective on January 1, 2007, under the provisions of 17 this Act.

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SECTION 13.

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