

Senate Bill 341

By: Senators Stone of the 23rd, Bethel of the 54th, Ligon, Jr. of the 3rd and Crosby of the 13th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to
2 probate courts, so as to repeal a population provision relative to a clerk's authority to act on
3 uncontested matters; to provide for a clerk's authority to act on uncontested matters; to
4 change provisions relating to compensation for probate judges; to provide for related matters;
5 to provide an effective date; to repeal conflicting laws; and for other purposes.

6 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

7 **SECTION 1.**

8 Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts,
9 is amended in Code Section 15-9-36, relating to judges of probate courts as clerks thereof,
10 chief clerk, authority to appoint other clerks, and powers of appointed clerks, by repealing
11 subsection (c) and enacting a new subsection (c) to read as follows:

12 "(c)(1) In addition to other powers granted to appointed clerks, the chief clerk of the
13 probate judge or, if there is no chief clerk, a clerk designated by the judge may exercise
14 all the jurisdiction of the judge of the probate court concerning uncontested matters in the
15 probate court. Such clerk may exercise such power regardless of whether the judge of
16 the probate court is present.

17 (2) The powers granted by paragraph (1) of this subsection shall be exercised only by a
18 chief clerk or designated clerk who has been a member of the State Bar of Georgia for
19 at least three years or has been a clerk in the probate court for at least five years."

20 **SECTION 2.**

21 Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section
22 15-9-63, relating to schedule of minimum salaries, as follows:

23 "(3) The county governing authority may supplement the minimum annual salary of the
24 judge of the probate court in such amount as it may fix from time to time; but no probate
25 judge's compensation supplement shall be decreased during any term of office. A county
26 governing authority shall not be required to pay a local supplement to a judge beyond the

27 term of office for which such supplement was approved. Any prior expenditure of county
28 funds to supplement the probate judge's salary in the manner authorized by this paragraph
29 is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General
30 Assembly by local law from supplementing the annual salary of the probate judge."

31 **SECTION 3.**

32 Said chapter is further amended by revising subsection (a) of Code Section 15-9-63.1,
33 relating to compensation for services as magistrate or chief magistrate, as follows:

34 "(a) Beginning January 1, 2002, in any county in which the probate judge serves as chief
35 magistrate or magistrate, he or she shall be compensated for such services based on a
36 minimum annual amount of \$11,642.54; provided, however, that compensation for a
37 probate judge shall not be reduced during his or her term of office. A county governing
38 authority shall not be required to pay the compensation provided by this subsection beyond
39 the term for which such probate judge serves as a chief magistrate or magistrate."

40 **SECTION 4.**

41 Said chapter is further amended by revising Code Section 15-9-64, relating to
42 supplementation of minimum salaries, as follows:

43 "15-9-64.

44 The amount of minimum salary provided in Code Section 15-9-63 for the judges of the
45 probate courts of any county presently on a salary who also hold and conduct elections or
46 are responsible for conducting elections for members of the General Assembly under any
47 applicable general or local law of this state shall be increased by \$323.59 per month. The
48 amount of the minimum salary provided in Code Section 15-9-63 for the judges of the
49 probate courts on a salary who are responsible for traffic cases under any general or local
50 law of this state shall also be increased by \$404.41 per month. A county governing
51 authority shall not be required to pay the compensation provided by this Code section
52 beyond the term for which such judge performs such services."

53 **SECTION 5.**

54 This Act shall become effective upon its approval by the Governor or upon its becoming law
55 without such approval.

56 **SECTION 6.**

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