

The House Committee on Governmental Affairs offers the following substitute to SB 430:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15, Chapter 2 of Title 21, Chapter 5 of Title 36, and Chapter 5 of Title 48 of  
2 the Official Code of Georgia Annotated, relating to courts, primaries and elections generally,  
3 organization of county government, and ad valorem taxation of property, respectively, so as  
4 to update the compensation of various local government officials; to revise when any  
5 increase in salary, compensation, expenses, or expenses in the nature of compensation for  
6 members of a county governing authority shall take effect; to provide for related matters; to  
7 repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 SECTION 1.

10 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising  
11 subsection (a) of Code Section 15-6-88, relating to minimum annual salary schedule for  
12 clerks of superior court, as follows:

13 "(a) Any other provision of law to the contrary notwithstanding, the minimum annual  
14 salary of each clerk of the superior court in each county of this state shall be fixed  
15 according to the population of the county in which he or she serves, as determined by the  
16 United States decennial census of ~~2000~~ 2010 or any future such census; provided,  
17 however, that such annual salary shall be recalculated in any year following a census year  
18 in which the Department of Community Affairs publishes a census estimate for the  
19 county prior to July 1 in such year that is higher than the immediately preceding  
20 decennial census. Except as otherwise provided in subsection (b) of this Code section,  
21 each such clerk shall receive an annual salary, payable in equal monthly installments  
22 from the funds of the county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
24 0 - 5,999 .....	<del>\$ 29,832.20</del> <u>\$ 33,882.52</u>
25 6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
26 11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>

27	20,000 - 28,999	49,721.70	<u>56,472.42</u>
28	29,000 - 38,999	53,035.03	<u>60,235.60</u>
29	39,000 - 49,999	56,352.46	<u>64,003.43</u>
30	50,000 - 74,999	63,164.60	<u>71,740.46</u>
31	75,000 - 99,999	67,800.09	<u>77,005.31</u>
32	100,000 - 149,999	72,434.13	<u>82,268.51</u>
33	150,000 - 199,999	77,344.56	<u>87,845.63</u>
34	200,000 - 249,999	84,458.82	<u>95,925.79</u>
35	250,000 - 299,999	91,682.66	<u>104,130.41</u>
36	300,000 - 399,999	101,207.60	<u>114,948.56</u>
37	400,000 - 499,999	105,316.72	<u>119,615.54</u>
38	500,000 or more	109,425.84	<u>124,282.59"</u>

**SECTION 2.**

Said title is further amended by revising Code Section 15-6-89, relating to additional remuneration for certain services of clerks of superior courts, as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of superior court of any county who also serves as clerk of a state court, court classified as a municipal court but funded through appropriations of the county governing authority, juvenile court, or civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section 15-12-1.1 shall receive for his or her services in such other court a salary of not less than ~~\$323.59~~ \$367.52 per month, to be paid from the funds of the county. In the event any such court for which a clerk of superior court is serving as clerk is abolished, the clerk of superior court shall not be entitled to any salary heretofore received for service in such court."

**SECTION 3.**

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 15-9-63, relating to schedule of minimum salaries of judges of the probate court, as follows:

"(a)(1) Any other ~~laws~~ provision of law 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 ~~2000~~ 2010 or any future such census; provided, however, that such

61 annual salary shall be recalculated in any year following a census year in which the  
 62 Department of Community Affairs publishes a census estimate for the county prior to  
 63 July 1 in such year that is higher than the immediately preceding decennial census. Each  
 64 such judge of the probate court shall receive an annual salary, payable in equal monthly  
 65 installments from the funds of ~~his or her~~ the county, of not less than the amount fixed in  
 66 the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
68 0 - 5,999 .....	<del>\$ 29,832.20</del> <u>\$ 33,882.52</u>
69 6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
70 11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>
71 20,000 - 28,999 .....	<del>49,721.70</del> <u>56,472.42</u>
72 29,000 - 38,999 .....	<del>53,035.03</del> <u>60,235.60</u>
73 39,000 - 49,999 .....	<del>56,352.46</del> <u>64,003.43</u>
74 50,000 - 74,999 .....	<del>63,164.60</del> <u>71,740.46</u>
75 75,000 - 99,999 .....	<del>67,800.09</del> <u>77,005.31</u>
76 100,000 - 149,999 .....	<del>72,434.13</del> <u>82,268.51</u>
77 150,000 - 199,999 .....	<del>77,344.56</del> <u>87,845.63</u>
78 200,000 - 249,999 .....	<del>84,458.82</del> <u>95,925.79</u>
79 250,000 - 299,999 .....	<del>91,682.66</del> <u>104,130.41</u>
80 300,000 - 399,999 .....	<del>101,207.60</del> <u>114,948.56</u>
81 400,000 - 499,999 .....	<del>105,316.72</del> <u>119,615.57</u>
82 500,000 or more .....	<del>109,425.84</del> <u>124,282.59"</u>

83 **SECTION 4.**

84 Said title is further amended by revising subsection (a) of Code Section 15-9-63.1, relating  
 85 to compensation of probate judges for services as magistrate or chief magistrate, as follows:

86 "(a) Beginning January 1, 2002, in any county in which the probate judge serves as chief  
 87 magistrate or magistrate, he or she shall be compensated for such services based on a  
 88 minimum annual amount of ~~\$11,642.54~~ \$13,223.25; provided, however, that compensation  
 89 for a probate judge shall not be reduced during his or her term of office. A county  
 90 governing authority shall not be required to pay the compensation provided by this  
 91 subsection beyond the term for which such probate judge serves as a chief magistrate or  
 92 magistrate."

**SECTION 5.**

93

94 Said title is further amended by revising Code Section 15-9-64, relating to supplementation  
95 of minimum salaries of probate judges, as follows:

96 "15-9-64.

97 The amount of minimum salary provided in Code Section 15-9-63 for the judges of the  
98 probate courts of any county presently on a salary who also hold and conduct elections or  
99 are responsible for conducting elections for members of the General Assembly under any  
100 applicable general or local law of this state shall be increased by ~~\$323.59~~ \$385.90 per  
101 month. The amount of the minimum salary provided in Code Section 15-9-63 for the  
102 judges of the probate courts on a salary who are responsible for traffic cases under any  
103 general or local law of this state shall also be increased by ~~\$404.41~~ \$482.28 per month. A  
104 county governing authority shall not be required to pay the compensation provided by this  
105 Code section beyond the term for which such judge performs such services."

**SECTION 6.**

106

107 Said title is further amended by revising subsection (a) of Code Section 15-10-23, relating  
108 to minimum compensation and annual salary of magistrates, as follows:

109 "(a)(1) As used in this Code section, the term 'full-time capacity' means, in the case of  
110 a chief magistrate, a chief magistrate who regularly exercises the powers of a magistrate  
111 as set forth in Code Section 15-10-2 at least 40 hours per workweek. In the case of all  
112 other magistrates, such term means a magistrate who was appointed to a full-time  
113 magistrate position and who regularly exercises the powers of a magistrate as set forth  
114 in Code Section 15-10-2 at least 40 hours per workweek.

115 (2) Unless otherwise provided by local law, effective January 1, 2006, any of the laws  
116 to the contrary notwithstanding, the chief magistrate of each county who serves in a  
117 full-time capacity other than those counties where the probate judge serves as chief  
118 magistrate shall receive a minimum annual salary of the amount fixed in the following  
119 schedule:

	<u>Population</u>	<u>Minimum Salary</u>
121	0 - 5,999 .....	<del>\$ 29,832.20</del> <u>\$ 33,882.52</u>
122	6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
123	11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>
124	20,000 - 28,999 .....	<del>49,721.70</del> <u>56,472.42</u>
125	29,000 - 38,999 .....	<del>53,035.03</del> <u>60,235.60</u>
126	39,000 - 49,999 .....	<del>56,352.46</del> <u>64,003.43</u>
127	50,000 - 74,999 .....	<del>63,164.60</del> <u>71,740.46</u>

128	75,000 - 99,999	<del>67,800.09</del> <u>77,005.31</u>
129	100,000 - 149,999	<del>72,434.13</del> <u>82,268.51</u>
130	150,000 - 199,999	<del>77,344.56</del> <u>87,845.63</u>
131	200,000 - 249,999	<del>84,458.82</del> <u>95,925.79</u>
132	250,000 - 299,999	<del>91,682.66</del> <u>104,130.41</u>
133	300,000 - 399,999	<del>101,207.60</del> <u>114,948.56</u>
134	400,000 - 499,999	<del>105,316.72</del> <u>119,615.57</u>
135	500,000 or more	<del>109,425.84</del> <u>124,282.59</u>

136 The minimum salary for each affected chief magistrate shall be fixed from the table in  
 137 this subsection according to the population of the county in which the chief magistrate  
 138 serves as determined by the United States decennial census of ~~2000~~ 2010 or any future  
 139 such census; provided, however, that such annual salary shall be recalculated in any year  
 140 following a census year in which the Department of Community Affairs publishes a  
 141 census estimate for the county prior to July 1 that is higher than the immediately  
 142 preceding decennial census. Notwithstanding the provisions of this subsection, unless  
 143 otherwise provided by local law, effective January 1, 1996, in any county in which more  
 144 than 70 percent of the population according to the United States decennial census of 1990  
 145 or any future such census resides on property of the United States government which is  
 146 exempt from taxation by this state, the population of the county for purposes of this  
 147 subsection shall be deemed to be the total population of the county minus the population  
 148 of the county which resides on property of the United States government.

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

153 (4) Unless otherwise provided by local law, each magistrate who serves in a full-time  
 154 capacity other than the chief magistrate shall receive a minimum monthly salary of  
 155 ~~\$3,851.46~~ \$4,374.37 per month or 90 percent of the monthly salary that a full-time chief  
 156 magistrate would receive according to paragraph (2) of this subsection, whichever is less.

157 (5) All magistrates other than chief magistrates who serve in less than a full-time  
 158 capacity or on call shall receive a minimum monthly salary of the lesser of ~~\$22.22~~ \$25.24  
 159 per hour for each hour worked as certified by the chief magistrate to the county governing  
 160 authority or 90 percent of the monthly salary that a full-time chief magistrate would  
 161 receive according to paragraph (2) of this subsection; provided, however, that  
 162 notwithstanding any other provisions of this subsection, no magistrate who serves in less

163 than a full-time capacity shall receive a minimum monthly salary of less than ~~\$592.58~~  
 164 \$673.03 unless a magistrate waives such minimum monthly salary in writing.

165 (6) Magistrates shall be compensated solely on a salary basis and not in whole or in part  
 166 from fees. The salaries and supplements of all magistrates shall be paid in equal monthly  
 167 installments from county funds."

168 **SECTION 7.**

169 Said title is further amended by revising subsections (b) through (d) of Code  
 170 Section 15-10-105, relating to selection of clerk of magistrate court and compensation, as  
 171 follows:

172 "(b) With the consent of the clerk of superior court the county governing authority may  
 173 provide that the clerk of superior court shall serve as clerk of magistrate court and shall be  
 174 compensated for his or her services as clerk of magistrate court in an amount not less than  
 175 ~~\$323.59~~ \$367.52 per month. With the consent of the clerk of the superior court and clerk  
 176 of the state court, the county governing authority may provide that the state court clerk  
 177 shall serve as clerk of magistrate court and shall be compensated for his or her service as  
 178 clerk of magistrate court in an amount not less than ~~\$323.59~~ \$367.52 per month. Such  
 179 compensation shall be retained by the clerk of superior court as his or her personal funds  
 180 without regard to whether he or she is otherwise compensated on a fee basis or salary basis  
 181 or both.

182 (c) If the clerk of superior court or the clerk of state court does not serve as clerk of  
 183 magistrate court, then the county governing authority may provide for the appointment by  
 184 the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of  
 185 magistrate court so appointed shall be compensated in an amount fixed by the county  
 186 governing authority at not less than ~~\$323.59~~ \$367.52 per month.

187 (d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate  
 188 appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate  
 189 performing the duties of clerk, or another magistrate appointed by the chief magistrate to  
 190 perform the duties of clerk, shall receive, in addition to any other compensation to which  
 191 he or she is entitled, compensation for performing the duties of clerk, the amount of which  
 192 compensation shall be fixed by the county governing authority at not less than  
 193 ~~\$323.59~~ \$367.52 per month."

194 **SECTION 8.**

195 Said title is further amended by revising paragraph (1) of subsection (a) of Code  
 196 Section 15-16-20, relating to minimum annual salaries for sheriffs, as follows:

197 "(a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of  
 198 each sheriff in this state shall be fixed according to the population of the county in which  
 199 he or she serves, as determined by the United States decennial census of ~~2000~~ 2010 or  
 200 any future such census; provided, however, that such annual salary shall be recalculated  
 201 in any year following a census year in which the Department of Community Affairs  
 202 publishes a census estimate for the county prior to July 1 in such year that is higher than  
 203 the immediately preceding decennial census. Except as otherwise provided in  
 204 paragraph (2) of this subsection, each such sheriff shall receive an annual salary, payable  
 205 in equal monthly installments from the funds of the sheriff's county, of not less than the  
 206 amount fixed in the following schedule:

	<u>Population</u>	<u>Minimum Salary</u>
208	0 - 5,999 .....	<del>\$ 42,045.88</del> <u>\$ 47,745.45</u>
209	6,000 - 11,889 .....	<del>46,917.92</del> <u>53,287.97</u>
210	11,890 - 19,999 .....	<del>53,880.12</del> <u>61,195.42</u>
211	20,000 - 28,999 .....	<del>59,328.83</del> <u>67,383.91</u>
212	29,000 - 38,999 .....	<del>64,776.16</del> <u>73,570.82</u>
213	39,000 - 49,999 .....	<del>70,227.59</del> <u>79,762.39</u>
214	50,000 - 74,999 .....	<del>75,674.90</del> <u>85,949.28</u>
215	75,000 - 99,999 .....	<del>78,247.21</del> <u>88,870.83</u>
216	100,000 - 149,999 .....	<del>80,819.51</del> <u>91,792.37</u>
217	150,000 - 199,999 .....	<del>83,695.91</del> <u>95,059.30</u>
218	200,000 - 249,999 .....	<del>86,572.30</del> <u>98,348.94</u>
219	250,000 - 299,999 .....	<del>94,759.02</del> <u>107,624.45</u>
220	300,000 - 399,999 .....	<del>105,822.14</del> <u>120,189.61</u>
221	400,000 - 499,999 .....	<del>109,931.24</del> <u>124,856.60</u>
222	500,000 or more .....	<del>114,040.36</del> <u>129,534.98"</u>

223 **SECTION 9.**

224 Said title is further amended by revising Code Section 15-16-20.1, relating to additional  
 225 salary for sheriffs, as follows:

226 "15-16-20.1.

227 In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any  
 228 county who performs the duties of a sheriff for a state court, probate court, magistrate  
 229 court, juvenile court, or county recorder's court under any applicable general or local law  
 230 of this state shall receive for his or her services in such court or courts a salary of not less

231 than ~~\$323.59~~ \$367.52 per month, to be paid from the funds of the county. A sheriff who  
 232 serves in more than one such court shall receive only one such salary."

233 **SECTION 10.**

234 Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and  
 235 elections generally, is amended by revising subsection (c) of Code Section 21-2-213, relating  
 236 to county deputy registrars, clerical help, and appointment of county officer or employee as  
 237 chief deputy registrar, as follows:

238 "(c) In every county wherein the registrars do not maintain an office which is open and  
 239 staffed during regular business hours, the registrars shall designate and appoint as chief  
 240 deputy registrar a full-time county officer or employee for the purpose of registering  
 241 eligible electors and performing other duties as may be required by the board of registrars.  
 242 The governing authority of the county shall provide for the compensation of the chief  
 243 deputy registrar in an amount not less than ~~\$293.29~~ \$333.11 per month. The name,  
 244 business address, telephone number, and any other pertinent information relative to the  
 245 chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office,  
 246 where such information shall be maintained on file."

247 **SECTION 11.**

248 Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of  
 249 county government, is amended by revising paragraph (1) of subsection (b) of Code  
 250 Section 36-5-24, relating to definitions and compensation of members of county governing  
 251 authorities, as follows:

252 "(1) Any increase in salary, compensation, expenses, or expenses in the nature of  
 253 compensation for members of a county governing authority shall not be effective ~~until~~  
 254 ~~the first day of January of the year following the next general election held after the date~~  
 255 ~~on~~ for any individual member during his or her term of office in which the action to  
 256 increase the compensation was taken or for any person fulfilling an unexpired term of  
 257 such term of office. This paragraph shall apply to all actions to increase salary,  
 258 compensation, expenses, or expenses in the nature of compensation which occurred on  
 259 or after January 1, 2018;"

260 **SECTION 12.**

261 Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem  
 262 taxation of property, is amended by revising subsection (g) of Code Section 48-5-137,  
 263 relating to tax collectors and tax commissioners as ex officio sheriffs, as follows:



264 "(g) Each tax collector or tax commissioner who is compensated on a salary basis and who  
 265 is authorized to act as an ex officio sheriff under this Code section and whose office  
 266 performs substantially all of the duties of the sheriff with respect to tax executions shall be  
 267 entitled to a salary of ~~\$349.78~~ \$397.27 per month for his or her service as ex officio sheriff.  
 268 Such compensation shall be in addition to any other compensation to which such tax  
 269 commissioner or tax collector is entitled. Such additional compensation shall not be paid  
 270 to any tax commissioner who is compensated solely by the fee system of compensation;  
 271 but such compensation shall be paid to any tax commissioner who is compensated in part  
 272 by fees and in part by a salary. Such compensation shall be paid in equal monthly  
 273 installments from county funds."

274 **SECTION 13.**

275 Said title is further amended by revising paragraph (1) of subsection (b) of Code  
 276 Section 48-5-183, relating to salaries of tax collectors and tax commissioners, as follows:

277 "(b)(1) Any other law to the contrary notwithstanding, except for the provisions of  
 278 paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax  
 279 commissioner who is compensated by an annual salary shall be fixed according to the  
 280 population of the county in which he or she serves, as determined by the United States  
 281 decennial census of ~~2000~~ 2010 or any future such census; provided, however, that such  
 282 annual salary shall be recalculated in any year following a census year in which the  
 283 Department of Community Affairs publishes a census estimate for the county prior to  
 284 July 1 in such year that is higher than the immediately preceding decennial census. Each  
 285 such officer shall receive an annual salary, payable in equal monthly installments from  
 286 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>\$ 29,832.20</del> <u>\$ 33,882.52</u>
6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>
20,000 - 28,999 .....	<del>49,721.70</del> <u>56,472.42</u>
29,000 - 38,999 .....	<del>53,035.03</del> <u>60,235.60</u>
39,000 - 49,999 .....	<del>56,352.46</del> <u>64,003.43</u>
50,000 - 74,999 .....	<del>63,164.60</del> <u>71,740.46</u>
75,000 - 99,999 .....	<del>67,800.09</del> <u>77,005.31</u>
100,000 - 149,999 .....	<del>72,434.13</del> <u>82,268.51</u>
150,000 - 199,999 .....	<del>77,344.56</del> <u>87,845.63</u>
200,000 - 249,999 .....	<del>84,458.82</del> <u>95,925.79</u>

299	250,000 - 299,999 .....	<del>91,682.66</del>	<u>104,130.41</u>
300	300,000 - 399,999 .....	<del>101,207.60</del>	<u>114,948.56</u>
301	400,000 - 499,999 .....	<del>105,316.72</del>	<u>119,615.57</u>
302	500,000 or more .....	<del>109,425.84</del>	<u>124,282.59"</u>

303 **SECTION 14.**

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