

Senate Bill 171

By: Senators Wilkinson of the 50th, Hufstetler of the 52nd, Ginn of the 47th, Mullis of the 53rd, Gooch of the 51st and others

AS PASSED

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 3 of Title 1, Title 15, Chapter 2 of Title 21, and Title 48 of the Official
2 Code of Georgia Annotated, relating to laws and statutes, courts, elections and primaries
3 generally, and revenue and taxation, respectively, so as to modify certain provisions
4 regarding the compensation received by certain local government officials; to change the
5 manner in which certain adjustments to such compensation are determined; to provide for
6 the manner in which such officials receive certain local supplements; to provide for
7 procedures, conditions, and limitations in connection therewith; to change a provision
8 regarding the construction of statutes generally by revising the effective date of a census for
9 purposes of certain general laws; to provide for an effective date; to provide for related
10 matters; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 style="text-align:center">**SECTION 1.**

13 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
14 Code Section 15-6-88, relating to minimum annual salary schedule for clerks of superior
15 court, by revising subsections (a) and (b) as follows:

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

	<u>Population</u>	<u>Minimum Salary</u>
26		
27	0 - 5,999	\$ 29,832.20 <u>\$ 35,576.65</u>
28	6,000 - 11,889	40,967.92 <u>48,856.63</u>
29	11,890 - 19,999	46,408.38 <u>55,344.71</u>
30	20,000 - 28,999	49,721.70 <u>59,296.04</u>
31	29,000 - 38,999	53,035.03 <u>63,247.38</u>
32	39,000 - 49,999	56,352.46 <u>67,203.60</u>
33	50,000 - 74,999	63,164.60 <u>75,327.48</u>
34	75,000 - 99,999	67,800.09 <u>80,855.58</u>
35	100,000 - 149,999	72,434.13 <u>86,381.94</u>
36	150,000 - 199,999	77,344.56 <u>92,237.91</u>
37	200,000 - 249,999	84,458.82 <u>100,722.08</u>
38	250,000 - 299,999	91,682.66 <u>109,336.93</u>
39	300,000 - 399,999	101,207.60 <u>120,695.99</u>
40	400,000 - 499,999	105,316.72 <u>125,596.32</u>
41	500,000 or more	109,425.84 <u>130,496.72</u>

42 (b)(1) Whenever the state employees subject to compensation plans authorized and
 43 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
 44 general performance based increase of a certain percentage or a certain amount, the
 45 amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in
 46 Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts
 47 derived by increasing each of said amounts through the application of longevity increases
 48 pursuant to subsection (a) of Code Section 15-6-90, where applicable shall be increased
 49 by the same percentage or same amount applicable to such state employees. If the
 50 cost-of-living increase or general performance based increase received by state
 51 employees is in different percentages or different amounts as to certain categories of
 52 employees, the amounts fixed in the minimum salary schedule in subsection (a) of this
 53 Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105,
 54 or the amounts derived through the application of longevity increases, shall be increased
 55 by a percentage or an amount not to exceed the average percentage or average amount
 56 of the general increase in salary granted to the state employees. The Office of Planning
 57 and Budget shall calculate the average percentage increase or average amount increase
 58 when necessary. The periodic changes in ~~the amounts fixed in~~ the minimum salary
 59 schedule in subsection (a) of this Code section, in Code Section 15-6-89, in subsection
 60 (b) of Code Section 15-10-105, or the amounts derived through the application of
 61 longevity increases, as authorized by this subsection shall become effective on the first

62 day of January following the date that the cost-of-living increases or general performance
 63 based increases received by state employees become effective; provided, however, that
 64 if the cost-of-living increases received by state employees become effective on January
 65 1, such periodic changes in the amounts fixed in the minimum salary schedule in
 66 subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of
 67 Code Section 15-10-105, or the amounts derived by increasing each of said amounts
 68 through the application of longevity increases pursuant to subsection (a) of Code Section
 69 15-6-90, shall become effective on the same date that the cost-of-living increases or
 70 general performance based increases received by state employees become effective.

71 (2) Any cost-of-living or general performance-based increases that have been applied
 72 prior to January 1, 2021, shall cease to be applied. Effective January 1, 2021, any new
 73 cost-of-living or general performance-based increases shall be calculated as provided in
 74 this Code section."

75 **SECTION 2.**

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

78 "15-6-89.

79 In addition to the minimum salary provided in Code Section 15-6-88 or any other salary
 80 provided by any applicable general or local law, each clerk of superior court of any county
 81 who also serves as clerk of a state court, court classified as a municipal court but funded
 82 through appropriations of the county governing authority, juvenile court, or civil court
 83 under any applicable general or local law of this state or who performs duties pursuant to
 84 paragraph (1) of subsection (a) of Code Section 15-12-1.1 shall receive for his or her
 85 services in such other court a salary of not less than ~~\$323.59~~ \$385.90 per month, to be paid
 86 from the funds of the county. In the event any such court for which a clerk of superior
 87 court is serving as clerk is abolished, the clerk of superior court shall not be entitled to any
 88 salary heretofore received for service in such court."

89 **SECTION 3.**

90 Said title is further amended by revising paragraphs (1) and (2) of subsection (a) of Code
 91 Section 15-9-63, relating to schedule of minimum salaries of judges of the probate court, as
 92 follows:

93 "(a)(1) Any other ~~laws~~ provision of law to the contrary notwithstanding, the minimum
 94 annual salary of each judge of the probate court in this state shall be fixed according to
 95 the population of the county in which he or she serves, as determined by the United States
 96 decennial census of ~~2000~~ 2010 or any future such census; provided, however, that such

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

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ 29,832.20 <u>\$ 35,576.65</u>
6,000 - 11,889	40,967.92 <u>48,856.63</u>
11,890 - 19,999	46,408.38 <u>55,344.71</u>
20,000 - 28,999	49,721.70 <u>59,296.04</u>
29,000 - 38,999	53,035.03 <u>63,247.38</u>
39,000 - 49,999	56,352.46 <u>67,203.60</u>
50,000 - 74,999	63,164.60 <u>75,327.48</u>
75,000 - 99,999	67,800.09 <u>80,855.58</u>
100,000 - 149,999	72,434.13 <u>86,381.94</u>
150,000 - 199,999	77,344.56 <u>92,237.91</u>
200,000 - 249,999	84,458.82 <u>100,722.08</u>
250,000 - 299,999	91,682.66 <u>109,336.93</u>
300,000 - 399,999	101,207.60 <u>120,695.99</u>
400,000 - 499,999	105,316.72 <u>125,596.32</u>
500,000 or more	109,425.84 <u>130,496.72</u>

119 (2)(A) Whenever the state employees subject to compensation plans authorized and
 120 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
 121 general performance based increase of a certain percentage or a certain amount, the
 122 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and
 123 in Code Section 15-9-64, or the amounts derived by increasing each of said amounts
 124 through the application of longevity increases pursuant to Code Section 15-9-65, where
 125 applicable, shall be increased by the same percentage or same amount applicable to
 126 such state employees. If the cost-of-living increase or general performance based
 127 increase received by state employees is in different percentages or different amounts
 128 as to certain categories of employees, the amounts fixed in the minimum salary
 129 schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the
 130 amounts derived through the application of longevity increases, shall be increased by
 131 a percentage or an amount not to exceed the average percentage or average amount of
 132 the general increase in salary granted to the state employees. The Office of Planning

133 and Budget shall calculate the average percentage increase or average amount increase
 134 when necessary. The periodic changes in ~~the amounts fixed in~~ the minimum salary
 135 schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the
 136 amounts derived through the application of longevity increases, as authorized by this
 137 paragraph shall become effective on the first day of January following the date that the
 138 cost-of-living increases or general performance based increases received by state
 139 employees become effective; provided, however, that if the cost-of-living increases
 140 received by state employees become effective on January 1, such periodic changes in
 141 the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection
 142 and in Code Section 15-9-64, or the amounts derived by increasing each of said
 143 amounts through the application of longevity increases pursuant to Code Section
 144 15-9-65, where applicable, as authorized by this paragraph shall become effective on
 145 the same date that the cost-of-living increases or general performance based increases
 146 received by state employees become effective.

147 (B) Any cost-of-living or general performance-based increases that have been applied
 148 prior to January 1, 2021, shall cease to be applied. Effective January 1, 2021, any new
 149 cost-of-living or general performance-based increases shall be calculated as provided
 150 in this Code section."

151 **SECTION 4.**

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

155 "(a) Beginning January 1, ~~2002~~ 2021, in any county in which the probate judge serves as
 156 chief magistrate or magistrate, he or she shall be compensated for such services based on
 157 a minimum annual amount of ~~\$11,642.54~~ \$13,223.25; provided, however, that
 158 compensation for a probate judge shall not be reduced during his or her term of office. A
 159 county governing authority shall not be required to pay the compensation provided by this
 160 subsection beyond the term for which such probate judge serves as a chief magistrate or
 161 magistrate."

162 **SECTION 5.**

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

165 "15-9-64.

166 The amount of minimum salary provided in Code Section 15-9-63 for the judges of the
 167 probate courts of any county presently on a salary who also hold and conduct elections or

168 are responsible for conducting elections for members of the General Assembly under any
 169 applicable general or local law of this state shall be increased by ~~\$323.59~~ \$385.90 per
 170 month. The amount of the minimum salary provided in Code Section 15-9-63 for the
 171 judges of the probate courts on a salary who are responsible for traffic cases under any
 172 general or local law of this state shall also be increased by ~~\$404.41~~ \$482.28 per month. A
 173 county governing authority shall not be required to pay the compensation provided by this
 174 Code section beyond the term for which such judge performs such services."

175 **SECTION 6.**

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

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

<u>Population</u>	<u>Minimum Salary</u>
189 0 - 5,999	\$ 42,045.88 <u>\$ 50,132.72</u>
190 6,000 - 11,889	46,917.92 <u>55,952.37</u>
191 11,890 - 19,999	53,880.12 <u>64,255.19</u>
192 20,000 - 28,999	59,328.83 <u>70,753.11</u>
193 29,000 - 38,999	64,776.16 <u>77,294.36</u>
194 39,000 - 49,999	70,227.59 <u>79,762.39</u>
195 50,000 - 74,999	75,674.90 <u>90,246.74</u>
196 75,000 - 99,999	78,247.21 <u>93,314.37</u>
197 100,000 - 149,999	80,819.51 <u>96,381.99</u>
198 150,000 - 199,999	83,695.91 <u>99,812.27</u>
199 200,000 - 249,999	86,572.30 <u>103,266.39</u>
200 250,000 - 299,999	94,759.02 <u>113,005.67</u>
201 300,000 - 399,999	105,822.14 <u>126,199.09</u>
202 400,000 - 499,999	109,931.24 <u>131,099.43</u>

203 500,000 or more ~~114,040.36~~ 136,011.72

204 (2)(A) Whenever the state employees subject to compensation plans authorized and
205 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
206 general performance based increase of a certain percentage or a certain amount, the
207 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and
208 in Code Section 15-16-20.1, or the amounts derived by increasing each of said amounts
209 through the application of longevity increases pursuant to subsection (b) of this Code
210 section, where applicable, shall be increased by the same percentage or same amount
211 applicable to such state employees. If the cost-of-living increase or general
212 performance based increase received by state employees is in different percentages or
213 different amounts as to certain categories of employees, the amounts fixed in the
214 minimum salary schedule in paragraph (1) of this subsection, and in Code Section
215 15-16-20.1, or the amounts derived through the application of longevity increases, shall
216 be increased by a percentage or an amount not to exceed the average percentage or
217 average amount of the general increase in salary granted to the state employees. The
218 Office of Planning and Budget shall calculate the average percentage increase or
219 average amount increase when necessary. The periodic changes in ~~the amounts fixed~~
220 ~~in~~ the minimum salary schedule in paragraph (1) of this subsection, and in Code Section
221 15-16-20.1, or the amounts derived through the application of longevity increases, as
222 authorized by this paragraph shall become effective on the first day of January
223 following the date that the cost-of-living increases received by state employees become
224 effective; provided, however, that if the cost-of-living increases or general performance
225 based increases received by state employees become effective on January 1, such
226 periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1)
227 of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the
228 application of longevity increases, as authorized by this paragraph shall become
229 effective on the same date that the cost-of-living increases or general performance
230 based increases received by state employees become effective.

231 (B) Any cost-of-living or general performance-based increases that have been applied
232 prior to January 1, 2021, shall cease to be applied. Effective January 1, 2021, any new
233 cost-of-living or general performance-based increases shall be calculated as provided
234 in this Code section."

235 **SECTION 7.**

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

238 "15-16-20.1.

239 In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any
 240 county who performs the duties of a sheriff for a state court, probate court, magistrate
 241 court, juvenile court, or county recorder's court under any applicable general or local law
 242 of this state shall receive for his or her services in such court or courts a salary of not less
 243 than ~~\$323.59~~ \$385.90 per month, to be paid from the funds of the county. A sheriff who
 244 serves in more than one such court shall receive only one such salary."

245 **SECTION 8.**

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

250 "(c) In every county wherein the registrars do not maintain an office which is open and
 251 staffed during regular business hours, the registrars shall designate and appoint as chief
 252 deputy registrar a full-time county officer or employee for the purpose of registering
 253 eligible electors and performing other duties as may be required by the board of registrars.
 254 The governing authority of the county shall provide for the compensation of the chief
 255 deputy registrar in an amount not less than ~~\$293.29~~ \$349.60 per month. The name,
 256 business address, telephone number, and any other pertinent information relative to the
 257 chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office,
 258 where such information shall be maintained on file."

259 **SECTION 9.**

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

263 "(g) Each tax collector or tax commissioner who is compensated on a salary basis and who
 264 is authorized to act as an ex officio sheriff under this Code section and whose office
 265 performs substantially all of the duties of the sheriff with respect to tax executions shall be
 266 entitled to a salary of ~~\$349.78~~ \$416.94 per month for his or her service as ex officio sheriff.
 267 Such compensation shall be in addition to any other compensation to which such tax
 268 commissioner or tax collector is entitled. Such additional compensation shall not be paid
 269 to any tax commissioner who is compensated solely by the fee system of compensation;
 270 but such compensation shall be paid to any tax commissioner who is compensated in part
 271 by fees and in part by a salary. Such compensation shall be paid in equal monthly
 272 installments from county funds."

SECTION 10.

273

274 Said title is further amended by revising paragraphs (1) and (2) of subsection (b) of Code
 275 Section 48-5-183, relating to salaries of tax collectors and tax commissioners, as follows:

276 "(b)(1) Any other provision of law to the contrary notwithstanding, except for the
 277 provisions of paragraph (2) of this subsection, the minimum annual salary of each tax
 278 collector and tax commissioner who is compensated by an annual salary shall be fixed
 279 according to the population of the county in which he or she serves, as determined by the
 280 United States decennial census of ~~2000~~ 2010 or any future such census; provided,
 281 however, that such annual salary shall be recalculated in any year following a census year
 282 in which the Department of Community Affairs publishes a census estimate for the
 283 county prior to July 1 in such year that is higher than the immediately preceding
 284 decennial census. Each such officer shall receive an annual salary, payable in equal
 285 monthly installments from the funds of his or her county, of not less than the amount
 286 fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ 29,832.20 <u>\$ 35,576.65</u>
6,000 - 11,889	40,967.92 <u>48,856.63</u>
11,890 - 19,999	46,408.38 <u>55,344.71</u>
20,000 - 28,999	49,721.70 <u>59,296.04</u>
29,000 - 38,999	53,035.03 <u>63,247.38</u>
39,000 - 49,999	56,352.46 <u>67,203.60</u>
50,000 - 74,999	63,164.60 <u>75,327.48</u>
75,000 - 99,999	67,800.09 <u>80,855.58</u>
100,000 - 149,999	72,434.13 <u>86,381.94</u>
150,000 - 199,999	77,344.56 <u>92,237.91</u>
200,000 - 249,999	84,458.82 <u>100,722.08</u>
250,000 - 299,999	91,682.66 <u>109,336.93</u>
300,000 - 399,999	101,207.60 <u>120,695.99</u>
400,000 - 499,999	105,316.72 <u>125,596.32</u>
500,000 or more	109,425.84 <u>130,496.72</u>

303 (2)(A) Whenever the state employees subject to compensation plans authorized and
 304 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
 305 general performance based increase of a certain percentage or a certain amount, the
 306 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in
 307 subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of
 308 Code Section 21-2-213, or the amounts derived by increasing each of said amounts

309 through the application of longevity increases pursuant to subsection (d) of this Code
 310 section, where applicable shall be increased by the same percentage or same amount
 311 applicable to such state employees. If the cost-of-living increase or general
 312 performance based increase received by state employees is in different percentages or
 313 different amounts as to certain categories of employees, the amounts fixed in the
 314 minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code
 315 Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213,
 316 or the amounts derived through the application of longevity increases, shall be
 317 increased by a percentage or an amount not to exceed the average percentage or average
 318 amount of the general increase in salary granted to the state employees. The Office of
 319 Planning and Budget shall calculate the average percentage increase or average amount
 320 increase when necessary. The periodic changes in ~~the amounts fixed in~~ the minimum
 321 salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section
 322 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the
 323 amounts derived through the application of longevity increases, as authorized by this
 324 paragraph shall become effective on the first day of January following the date that the
 325 cost-of-living increases received by state employees become effective; provided,
 326 however, that if the cost-of-living increases or general performance based increases
 327 received by state employees become effective on January 1, such periodic changes in
 328 the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection,
 329 in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of
 330 Code Section 21-2-213, or the amounts derived through the application of longevity
 331 increases as authorized by this paragraph, shall become effective on the same date that
 332 the cost-of-living increases or general performance based increases received by state
 333 employees become effective.

334 (B) Any cost-of-living or general performance-based increases that have been applied
 335 prior to January 1, 2021, shall cease to be applied. Effective January 1, 2021, any new
 336 cost-of-living or general performance-based increases shall be calculated as provided
 337 in this Code section."

338 SECTION 11.

339 Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes,
 340 is amended by revising subparagraph (d)(2)(A) of Code Section 1-3-1, relating to
 341 construction of statutes generally, as follows:

342 "(A) The effective date of the census shall be ~~July~~ January 1 of the ~~first~~ second year
 343 after the year in which the census is conducted, for the purpose of making operative and
 344 of force the following laws:

345 (i) Code Section 15-16-20;
 346 (ii) Code Sections 15-6-88 through 15-6-91;
 347 (iii) Code Section 48-5-183;
 348 (iv) Code Sections 15-9-63 through 15-9-66;
 349 (v) Code Section 36-5-25;
 350 (vi) Code Section 15-10-23; and
 351 (vii) Code Section 45-16-11;
 352 provided, however, that if a county's population decreases according to a more recent
 353 census below its population according to an earlier census, then, notwithstanding any
 354 other provision of law, any officer who is compensated under a law specified in this
 355 subparagraph and who is in office on the date specified in this subparagraph shall
 356 continue during his or her entire tenure in such office (including any future terms of
 357 office in such office) to be compensated on the basis of the county's population
 358 according to such earlier census;"

359 **SECTION 12.**

360 This Act shall become effective on January 1, 2021.

361 **SECTION 13.**

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