

House Bill 765

By: Representatives Scoggins of the 14<sup>th</sup>, Gambill of the 15<sup>th</sup>, Powell of the 32<sup>nd</sup>, Benton of the 31<sup>st</sup>, Gullett of the 19<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to  
2 provide for an increase in the minimum compensation for chief magistrates; to provide for  
3 the calculation of future increases in the minimum compensation for chief magistrates; to  
4 provide for an increase in the minimum compensation for other magistrates; to provide for  
5 an increase in the minimum compensation for clerks of magistrate courts; to provide for  
6 related matters; to provide for an effective date; to repeal conflicting laws; and for other  
7 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 Code Section 15-10-23, relating to minimum compensation, annual salary, increases, and  
12 supplements of magistrates, as follows:

13 "15-10-23.

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

20 (2) Unless otherwise provided by local law, effective January 1, ~~2006~~ 2021, the chief  
21 magistrate of each county who serves in a full-time capacity other than those counties  
22 where the probate judge serves as chief magistrate shall receive a minimum annual salary  
23 of the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
24 0 - 5,999 .....	\$ <del>29,832.20</del> <u>36,288.19</u>

26	6,000 - 11,889	40,967.92	<u>49,833.79</u>
27	11,890 - 19,999	46,408.38	<u>56,451.65</u>
28	20,000 - 28,999	49,721.70	<u>60,481.97</u>
29	29,000 - 38,999	53,035.03	<u>64,512.39</u>
30	39,000 - 49,999	56,352.46	<u>68,547.73</u>
31	50,000 - 74,999	63,164.60	<u>76,834.09</u>
32	75,000 - 99,999	67,800.09	<u>82,472.75</u>
33	100,000 - 149,999	72,434.13	<u>88,109.64</u>
34	150,000 - 199,999	77,344.56	<u>94,082.74</u>
35	200,000 - 249,999	84,458.82	<u>102,736.58</u>
36	250,000 - 299,999	91,682.66	<u>111,523.74</u>
37	300,000 - 399,999	101,207.60	<u>123,109.97</u>
38	400,000 - 499,999	105,316.72	<u>128,108.37</u>
39	500,000 or more	109,425.84	<u>133,106.73</u>

40 The minimum salary for each affected chief magistrate shall be fixed from the table in  
 41 this subsection according to the population of the county in which the chief magistrate  
 42 serves as determined by the United States decennial census of ~~2000~~ 2010 or any future  
 43 such census; provided, however, that such annual salary shall be recalculated in any year  
 44 following a census year in which the Department of Community Affairs publishes a  
 45 census estimate for the county prior to July 1 that is higher than the immediately  
 46 preceding decennial census. Notwithstanding the provisions of this subsection, unless  
 47 otherwise provided by local law, effective January 1, 1996, in any county in which more  
 48 than 70 percent of the population according to the United States decennial census of 1990  
 49 or any future such census resides on property of the United States government which is  
 50 exempt from taxation by this state, the population of the county for purposes of this  
 51 subsection shall be deemed to be the total population of the county minus the population  
 52 of the county which resides on property of the United States government.

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

57 (4) Unless otherwise provided by local law, each magistrate who serves in a full-time  
 58 capacity other than the chief magistrate shall receive a minimum monthly salary of  
 59 ~~\$3,851.46~~ \$4,685.00 per month or 90 percent of the monthly salary that a full-time chief  
 60 magistrate would receive according to paragraph (2) of this subsection, whichever is less.

61 (5) All magistrates other than chief magistrates who serve in less than a full-time  
 62 capacity or on call shall receive a minimum monthly salary of the lesser of ~~\$22.22~~ \$27.07  
 63 per hour for each hour worked as certified by the chief magistrate to the county governing  
 64 authority or 90 percent of the monthly salary that a full-time chief magistrate would  
 65 receive according to paragraph (2) of this subsection; provided, however, that  
 66 notwithstanding any other provisions of this subsection, no magistrate who serves in less  
 67 than a full-time capacity shall receive a minimum monthly salary of less than ~~\$592.58~~  
 68 \$720.86 unless a magistrate waives such minimum monthly salary in writing.

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

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

78 (c)(1) Whenever the state employees subject to compensation plans authorized and  
 79 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or  
 80 general performance based increase of a certain percentage or a certain amount, the  
 81 amounts provided in subsection (a) of this Code section, as increased by the supplement,  
 82 if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the  
 83 application of longevity increases pursuant to subsection (b) of this Code section, shall  
 84 be increased by the same percentage or same amount applicable to such state employees.  
 85 If the cost-of-living increase or general performance based increase received by state  
 86 employees is in different percentages or different amounts as to certain categories of  
 87 employees, the amounts provided in subsection (a) of this Code section, as increased by  
 88 the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as  
 89 increased by the application of longevity increases pursuant to subsection (b) of this Code  
 90 section, shall be increased by a percentage or an amount not to exceed the average  
 91 percentage or average amount of the general increase in salary granted to the state  
 92 employees. The Office of Planning and Budget shall calculate the average percentage  
 93 increase or average amount increase when necessary. The periodic changes in the  
 94 amounts provided in subsection (a) of this Code section, as increased by the supplement,  
 95 if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the  
 96 application of longevity increases pursuant to subsection (b) of this Code section, as  
 97 authorized by this subsection, shall become effective on the first day of January following

98 the date that the cost-of-living increases or general performance based increases received  
 99 by state employees become effective; provided, however, that if the cost-of-living  
 100 increases received by state employees become effective on January 1, such periodic  
 101 changes in the amounts provided in subsection (a) of this Code section, as increased by  
 102 the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as  
 103 increased by the application of longevity increases pursuant to subsection (b) of this Code  
 104 section, as authorized by this subsection, shall become effective on the same date that the  
 105 cost-of-living increases or general performance based increases received by state  
 106 employees become effective.

107 (2) Any cost-of-living increases or general performance based increases that have been  
 108 applied prior to January 1, 2021, have been included in all minimum salary calculations.  
 109 Effective January 1, 2021, any new cost-of-living increases or general performance based  
 110 increases shall be calculated as provided in this Code section.

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

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

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

125 (g) The salaries and supplements of senior magistrates shall be paid from county funds at  
 126 a per diem rate equal to the daily rate that a full-time chief magistrate of the county would  
 127 receive under paragraph (2) of subsection (a) of this Code section; provided, however, that  
 128 the minimum annual and monthly salaries provided for in this Code section shall not apply  
 129 to senior magistrates."

130

## SECTION 2.

131 Said title is further amended by revising subsections (b), (c), and (d) of Code  
 132 Section 15-10-105, relating to selection, compensation, and eligibility of clerks of magistrate  
 133 courts, as follows:

134 "(b) With the consent of the clerk of superior court, the county governing authority may  
 135 provide that the clerk of superior court shall serve as clerk of magistrate court and shall be  
 136 compensated for his or her ~~services~~ service as clerk of magistrate court in an amount not  
 137 less than ~~\$323.59~~ \$393.66 per month. With the consent of the clerk of the superior court  
 138 and clerk of the state court, the county governing authority may provide that the state court  
 139 clerk shall serve as clerk of magistrate court and shall be compensated for his or her service  
 140 as clerk of magistrate court in an amount not less than ~~\$323.59~~ \$393.66 per month. Such  
 141 compensation shall be retained by the clerk of superior court as his or her personal funds  
 142 without regard to whether he or she is otherwise compensated on a fee basis or salary basis  
 143 or both.

144 (c) If the clerk of superior court or the clerk of state court does not serve as clerk of  
 145 magistrate court, then the county governing authority may provide for the appointment by  
 146 the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of  
 147 magistrate court so appointed shall be compensated in an amount fixed by the county  
 148 governing authority at not less than ~~\$323.59~~ \$393.66 per month.

149 (d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate  
 150 appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate  
 151 performing the duties of clerk, or another magistrate appointed by the chief magistrate to  
 152 perform the duties of clerk, shall receive, in addition to any other compensation to which  
 153 he or she is entitled, compensation for performing the duties of clerk, the amount of which  
 154 compensation shall be fixed by the county governing authority at not less than ~~\$323.59~~  
 155 \$393.66 per month."

### 156 SECTION 3.

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

160 "(a) Beginning January 1, 2021, in any county in which the probate judge serves as chief  
 161 magistrate or magistrate, he or she shall be compensated for such ~~services~~ service based  
 162 on a minimum annual amount of ~~\$13,223.25~~ \$14,162.10; provided, however, that  
 163 compensation for a probate judge shall not be reduced during his or her term of office. A  
 164 county governing authority shall not be required to pay the compensation provided by this  
 165 subsection beyond the term for which such probate judge serves as a chief magistrate or  
 166 magistrate."

### 167 SECTION 4.

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

169

**SECTION 5.**

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