

The Senate Committee on Rules offered the following substitute to HB 765:

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	25 \$ 29,832.20 <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 July 1, 2022, have been included in all minimum salary calculations.
 109 Effective July 1, 2022, 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."

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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 upon its approval by the Governor or upon its becoming law
169 without such approval.

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SECTION 5.

171 All laws and parts of laws in conflict with this Act are repealed.