

HOUSE SUBSTITUTE TO SENATE BILL 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 provide for related  
5 matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

11 "(a) Any other provision of law to the contrary notwithstanding, the minimum annual  
12 salary of each clerk of the superior court in each county of this state shall be fixed  
13 according to the population of the county in which he or she serves, as determined by the  
14 United States decennial census of ~~2000~~ 2010 or any future such census; provided,  
15 however, that such annual salary shall be recalculated in any year following a census year  
16 in which the Department of Community Affairs publishes a census estimate for the  
17 county prior to July 1 in such year that is higher than the immediately preceding  
18 decennial census. Except as otherwise provided in subsection (b) of this Code section,  
19 each such clerk shall receive an annual salary, payable in equal monthly installments  
20 from the funds of the 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>

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

**SECTION 2.**

37  
 38 Said title is further amended by revising Code Section 15-6-89, relating to additional  
 39 remuneration for certain services of clerks of superior courts, as follows:

40 "15-6-89.

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

**SECTION 3.**

51  
 52 Said title is further amended by revising paragraph (1) of subsection (a) of Code  
 53 Section 15-9-63, relating to schedule of minimum salaries of judges of the probate court, as  
 54 follows:

55 "(a)(1) Any other ~~laws~~ provision of law to the contrary notwithstanding, the minimum  
 56 annual salary of each judge of the probate court in this state shall be fixed according to  
 57 the population of the county in which he or she serves, as determined by the United States  
 58 decennial census of ~~2000~~ 2010 or any future such census; provided, however, that such  
 59 annual salary shall be recalculated in any year following a census year in which the  
 60 Department of Community Affairs publishes a census estimate for the county prior to

61 July 1 in such year that is higher than the immediately preceding decennial census. Each  
 62 such judge of the probate court shall receive an annual salary, payable in equal monthly  
 63 installments from the funds of ~~his or her~~ the county, of not less than the amount fixed in  
 64 the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
65 0 - 5,999 .....	<del>\$ 29,832.20</del> <u>\$ 33,882.52</u>
66 6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
67 11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>
68 20,000 - 28,999 .....	<del>49,721.70</del> <u>56,472.42</u>
69 29,000 - 38,999 .....	<del>53,035.03</del> <u>60,235.60</u>
70 39,000 - 49,999 .....	<del>56,352.46</del> <u>64,003.43</u>
71 50,000 - 74,999 .....	<del>63,164.60</del> <u>71,740.46</u>
72 75,000 - 99,999 .....	<del>67,800.09</del> <u>77,005.31</u>
73 100,000 - 149,999 .....	<del>72,434.13</del> <u>82,268.51</u>
74 150,000 - 199,999 .....	<del>77,344.56</del> <u>87,845.63</u>
75 200,000 - 249,999 .....	<del>84,458.82</del> <u>95,925.79</u>
76 250,000 - 299,999 .....	<del>91,682.66</del> <u>104,130.41</u>
77 300,000 - 399,999 .....	<del>101,207.60</del> <u>114,948.56</u>
78 400,000 - 499,999 .....	<del>105,316.72</del> <u>119,615.57</u>
79 500,000 or more .....	<del>109,425.84</del> <u>124,282.59"</u>

81 **SECTION 4.**

82 Said title is further amended by revising subsection (a) of Code Section 15-9-63.1, relating  
 83 to compensation of probate judges for services as magistrate or chief magistrate, as follows:  
 84 "(a) Beginning January 1, 2002, in any county in which the probate judge serves as chief  
 85 magistrate or magistrate, he or she shall be compensated for such services based on a  
 86 minimum annual amount of ~~\$11,642.54~~ \$13,223.25; provided, however, that compensation  
 87 for a probate judge shall not be reduced during his or her term of office. A county  
 88 governing authority shall not be required to pay the compensation provided by this  
 89 subsection beyond the term for which such probate judge serves as a chief magistrate or  
 90 magistrate."

**SECTION 5.**

91  
 92 Said title is further amended by revising Code Section 15-9-64, relating to supplementation  
 93 of minimum salaries of probate judges, as follows:

94 "15-9-64.

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

**SECTION 6.**

104  
 105 Said title is further amended by revising subsection (a) of Code Section 15-10-23, relating  
 106 to minimum compensation and annual salary of magistrates, as follows:

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

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

	<u>Population</u>	<u>Minimum Salary</u>
118		
119	0 - 5,999 .....	<del>\$ 29,832.20</del> <u>\$ 33,882.52</u>
120	6,000 - 11,889 .....	<del>40,967.92</del> <u>46,530.13</u>
121	11,890 - 19,999 .....	<del>46,408.38</del> <u>52,709.25</u>
122	20,000 - 28,999 .....	<del>49,721.70</del> <u>56,472.42</u>
123	29,000 - 38,999 .....	<del>53,035.03</del> <u>60,235.60</u>
124	39,000 - 49,999 .....	<del>56,352.46</del> <u>64,003.43</u>
125	50,000 - 74,999 .....	<del>63,164.60</del> <u>71,740.46</u>

126	75,000 - 99,999	<del>67,800.09</del> <u>77,005.31</u>
127	100,000 - 149,999	<del>72,434.13</del> <u>82,268.51</u>
128	150,000 - 199,999	<del>77,344.56</del> <u>87,845.63</u>
129	200,000 - 249,999	<del>84,458.82</del> <u>95,925.79</u>
130	250,000 - 299,999	<del>91,682.66</del> <u>104,130.41</u>
131	300,000 - 399,999	<del>101,207.60</del> <u>114,948.56</u>
132	400,000 - 499,999	<del>105,316.72</del> <u>119,615.57</u>
133	500,000 or more	<del>109,425.84</del> <u>124,282.59</u>

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

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

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

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

161 than a full-time capacity shall receive a minimum monthly salary of less than ~~\$592.58~~  
 162 \$673.03 unless a magistrate waives such minimum monthly salary in writing.

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

166 **SECTION 7.**

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

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

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

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

192 **SECTION 8.**

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

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

<u>Population</u>	<u>Minimum Salary</u>
205 0 - 5,999 .....	<del>\$ 42,045.88</del> <u>\$ 47,745.45</u>
206 6,000 - 11,889 .....	<del>46,917.92</del> <u>53,287.97</u>
207 11,890 - 19,999 .....	<del>53,880.12</del> <u>61,195.42</u>
208 20,000 - 28,999 .....	<del>59,328.83</del> <u>67,383.91</u>
209 29,000 - 38,999 .....	<del>64,776.16</del> <u>73,570.82</u>
210 39,000 - 49,999 .....	<del>70,227.59</del> <u>79,762.39</u>
211 50,000 - 74,999 .....	<del>75,674.90</del> <u>85,949.28</u>
212 75,000 - 99,999 .....	<del>78,247.21</del> <u>88,870.83</u>
213 100,000 - 149,999 .....	<del>80,819.51</del> <u>91,792.37</u>
214 150,000 - 199,999 .....	<del>83,695.91</del> <u>95,059.30</u>
215 200,000 - 249,999 .....	<del>86,572.30</del> <u>98,348.94</u>
216 250,000 - 299,999 .....	<del>94,759.02</del> <u>107,624.45</u>
217 300,000 - 399,999 .....	<del>105,822.14</del> <u>120,189.61</u>
218 400,000 - 499,999 .....	<del>109,931.24</del> <u>124,856.60</u>
219 500,000 or more .....	<del>114,040.36</del> <u>129,534.98</u> "

221 **SECTION 9.**

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

224 "15-16-20.1.

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

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

231 **SECTION 10.**

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

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

245 **SECTION 11.**

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

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

**SECTION 12.**

259

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

262 "(b)(1) Any other law to the contrary notwithstanding, except for the provisions of  
 263 paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax  
 264 commissioner who is compensated by an annual salary shall be fixed according to the  
 265 population of the county in which he or she serves, as determined by the United States  
 266 decennial census of ~~2000~~ 2010 or any future such census; provided, however, that such  
 267 annual salary shall be recalculated in any year following a census year in which the  
 268 Department of Community Affairs publishes a census estimate for the county prior to  
 269 July 1 in such year that is higher than the immediately preceding decennial census. Each  
 270 such officer shall receive an annual salary, payable in equal monthly installments from  
 271 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>
250,000 - 299,999 .....	<del>91,682.66</del> <u>104,130.41</u>
300,000 - 399,999 .....	<del>101,207.60</del> <u>114,948.56</u>
400,000 - 499,999 .....	<del>105,316.72</del> <u>119,615.57</u>
500,000 or more .....	<del>109,425.84</del> <u>124,282.59"</u>

**SECTION 13.**

288

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