

House Bill 488 (AS PASSED HOUSE AND SENATE)

By: Representatives Scoggins of the 14th, Kelley of the 16th, Leverett of the 33rd, Lumsden of the 12th, Gambill of the 15th, 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~~ 2022, 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>
25 0 - 5,999	\$ 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>59,934.60</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 service as clerk of magistrate court in an amount not less than
137 ~~\$323.59~~ \$393.66 per month. With the consent of the clerk of the superior court and clerk
138 of the state court, the county governing authority may provide that the state court clerk
139 shall serve as clerk of magistrate court and shall be compensated for his or her service as
140 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~~ 2022, in any county in which the probate judge serves as
161 chief magistrate or magistrate, he or she shall be compensated for such ~~services~~ service
162 based 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.

170 **SECTION 5.**

171 All laws and parts of laws in conflict with this Act are repealed.