

Senate Bill 180

By: Senators Jones of the 25th and Wilkinson of the 50th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to
2 magistrate courts, so as to provide for an increase in the minimum compensation for chief
3 magistrates; to provide for the calculation of future increases in the minimum compensation
4 for chief magistrates; to provide for an increase in the minimum compensation for other
5 magistrates; to provide for an increase in the minimum compensation for clerks of magistrate
6 court; to provide for related matters; to provide for an effective date; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrate
11 courts, is amended by revising subsection (a) of Code Section 15-10-23, relating to minimum
12 compensation, annual salary, increases, and supplements of magistrates, as follows:

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

19 ~~(2) Unless otherwise provided by local law, effective January 1, 2006, the chief~~
20 ~~magistrate of each county who serves in a full-time capacity other than those counties~~
21 ~~where the probate judge serves as chief magistrate shall receive a minimum annual salary~~
22 ~~of the amount fixed in the following schedule~~ Effective July 1, 2019, unless otherwise
23 provided by local law and any other provision of law to the contrary notwithstanding, the
24 minimum annual salary of each chief magistrate in each county of this state shall be fixed
25 according to the population of the county in which he or she serves, as determined by the
26 United States decennial census of 2010 or any future such census; provided, however,

27 that such annual salary shall be recalculated in any year following a census year in which
 28 the Department of Community Affairs publishes a census estimate for the county prior
 29 to July 1 in such year that is higher than the immediately preceding decennial census.
 30 Each chief magistrate shall receive an annual salary, payable in equal monthly
 31 installments from the funds of the county, of not less than the amount fixed in the
 32 following schedule:

<u>Population</u>	<u>Minimum Salary</u>
34 0 - 5,999	\$ 29,832.20 <u>31,323.81</u>
35 6,000 - 11,889	40,967.92 <u>43,016.32</u>
36 11,890 - 19,999	46,408.38 <u>48,728.80</u>
37 20,000 - 28,999	49,721.70 <u>52,207.79</u>
38 29,000 - 38,999	53,035.03 <u>55,686.78</u>
39 39,000 - 49,999	56,352.46 <u>59,170.08</u>
40 50,000 - 74,999	63,164.60 <u>66,322.83</u>
41 75,000 - 99,999	67,800.09 <u>71,190.09</u>
42 100,000 - 149,999	72,434.13 <u>76,055.84</u>
43 150,000 - 199,999	77,344.56 <u>81,211.79</u>
44 200,000 - 249,999	84,458.82 <u>88,681.76</u>
45 250,000 - 299,999	91,682.66 <u>96,266.79</u>
46 300,000 - 399,999	101,207.60 <u>106,267.98</u>
47 400,000 - 499,999	105,316.72 <u>110,582.56</u>
48 500,000 or more	109,425.84 <u>114,897.13</u>

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

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

66 (4) Unless otherwise provided by local law, each magistrate who serves in a full-time
 67 capacity other than the chief magistrate shall receive a minimum monthly salary of
 68 ~~\$3,851.46~~ \$4,044.04 per month or 90 percent of the monthly salary that a full-time chief
 69 magistrate would receive according to paragraph (2) of this subsection, whichever is less.

70 (5) All magistrates other than chief magistrates who serve in less than a full-time
 71 capacity or on call shall receive a minimum monthly salary of the lesser of ~~\$22.22~~ \$23.34
 72 per hour for each hour worked as certified by the chief magistrate to the county governing
 73 authority or 90 percent of the monthly salary that a full-time chief magistrate would
 74 receive according to paragraph (2) of this subsection; provided, however, that
 75 notwithstanding any other provisions of this subsection, no magistrate who serves in less
 76 than a full-time capacity shall receive a minimum monthly salary of less than ~~\$592.58~~
 77 \$622.21 unless a magistrate waives such minimum monthly salary in writing.

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

81 **SECTION 2.**

82 Said chapter is further amended by revising subsections (b), (c), and (d) of Code
 83 Section 15-10-105, relating to compensation of clerks of magistrate court, as follows:

84 "(b) With the consent of the clerk of superior court, the county governing authority may
 85 provide that the clerk of superior court shall serve as clerk of magistrate court and shall be
 86 compensated for his or her ~~services~~ service as clerk of magistrate court in an amount not
 87 less than ~~\$323.59~~ \$339.77 per month. With the consent of the clerk of the superior court
 88 and clerk of the state court, the county governing authority may provide that the state court
 89 clerk shall serve as clerk of magistrate court and shall be compensated for his or her service
 90 as clerk of magistrate court in an amount not less than ~~\$323.59~~ \$339.77 per month. Such
 91 compensation shall be retained by the clerk of superior court as his or her personal funds
 92 without regard to whether he or she is otherwise compensated on a fee basis or salary basis
 93 or both.

94 (c) If the clerk of superior court or the clerk of state court does not serve as clerk of
 95 magistrate court, then the county governing authority may provide for the appointment by
 96 the chief magistrate of a clerk to serve at the pleasure of the chief magistrate. A clerk of

97 magistrate court so appointed shall be compensated in an amount fixed by the county
98 governing authority at not less than ~~\$323.59~~ \$339.77 per month.

99 (d) If there is no clerk of magistrate court, the chief magistrate or some other magistrate
100 appointed by the chief magistrate shall perform the duties of clerk. A chief magistrate
101 performing the duties of clerk, or another magistrate appointed by the chief magistrate to
102 perform the duties of clerk, shall receive, in addition to any other compensation to which
103 he or she is entitled, compensation for performing the duties of clerk, the amount of which
104 compensation shall be fixed by the county governing authority at not less than ~~\$323.59~~
105 \$339.77 per month."

106 **SECTION 3.**

107 This Act shall become effective on July 1, 2019.

108 **SECTION 4.**

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