

Senate Bill 19

By: Senators Kirkpatrick of the 32nd, Summers of the 13th, Setzler of the 37th, Albers of the 56th, Ginn of the 47th and others

AS PASSED SENATE

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 collection of passport application and processing fees by clerks of superior courts
3 and probate court judges; to provide for written report disclosures; to provide for use of such
4 fees; to provide for local Acts and local agreements; to provide for applicability to judges of
5 probate courts; to provide for related matters; to provide an effective date; to repeal
6 conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in Code
10 Section 15-6-77, relating to fees and construction of other fee provisions, by revising
11 subsection (c) as follows:

12 "(c)(1) Any fees received as provided for in this Code section shall be paid into the
13 county treasury less and except such sums as are otherwise directed to be paid by the
14 clerk to another entity according to some other general law expressly providing for same,
15 including, but not limited to, any sums pursuant to Code Section 15-6-61 and such sums

16 as are collected pursuant to Code Section 15-6-77.4, 15-6-98, 36-15-9, 45-17-4,
17 or 47-14-51, which sums shall be remitted to such authorities as provided by law.

18 (2) Fees Except as otherwise provided in paragraph (3) of this subsection, fees, sums, or
19 other remuneration for the performance of duties provided for under the laws of the
20 United States or regulations promulgated pursuant to such laws shall be as provided in
21 such laws or regulations as personal compensation to the clerk of the superior court for
22 the performance of such duties.

23 (3)(A) Fees, sums, or other remuneration for the performance of passport duties
24 provided for under the laws of the United States or regulations promulgated pursuant
25 to such laws, including, but not limited to, passport application or processing fees, shall
26 be subject to the requirements and limitations of this paragraph to the extent not
27 otherwise required in such laws or regulations.

28 (B)(i) The clerk of the superior court shall disclose in a written report to the county
29 governing authority, on a monthly basis or on such other schedule as determined by
30 the county governing authority, the total amount of all passport application or
31 processing fees received by the clerk during such reporting period and shall remit to
32 the county governing authority all fees covered by such report.

33 (ii) The county governing authority shall pay a passport fee salary supplement to the
34 clerk under this subdivision. During a calendar year, the amount of such supplement
35 shall be the first \$20,000.00 of such passport fees as disclosed in the report required
36 by division (i) of this subparagraph, or such other amount as may be established by
37 local Act of the General Assembly or by written agreement of the county governing
38 authority and the clerk. Such payments shall be made in monthly installments until
39 the amount of the passport fee supplement has been paid. If the amount of passport
40 fees has been collected in a calendar year which is less than the passport fee
41 supplement amount, the county shall not be obligated to pay to the clerk the
42 difference between the amount collected and passport fee supplement amount.

43 (iii) With regard to any amounts collected during the calendar year as disclosed in the
44 report required by division (i) of this subparagraph that are in excess of the passport
45 fee supplement amount:

46 (I) An amount equal to 50 percent of such fees shall be paid by the county
47 governing authority into the general fund of the county; and

48 (II) An amount equal to 50 percent of such fees shall be paid by the county
49 governing authority to the clerk to be used solely for purposes of maintaining and
50 operating the office of such clerk. Funds paid under this subdivision shall be in
51 addition to and not in lieu of any other funds appropriated to the clerk by the county
52 governing authority. All uses of such funds paid under this subdivision shall be
53 specified in the report required by division (i) of this subparagraph.

54 (C) The percentage amount to be deposited into the general fund of the county pursuant
55 to subdivision (B)(iii)(I) of this paragraph and the percentage amount to be paid to the
56 clerk of the superior court pursuant to subdivision (B)(iii)(II) of this paragraph may be
57 changed by local Act of the General Assembly or by written agreement of the county
58 governing authority and the clerk of the superior court.

59 (D) The clerk of the superior court shall not charge any additional passport application
60 or processing fees other than fees specifically provided for under the laws of the United
61 States or regulations promulgated pursuant to such laws."

62 **SECTION 2.**

63 Said title is further amended in Code Section 15-9-60, relating to fees of probate courts, by
64 adding a new subsection to read as follows:

65 "(c.1)(1)(A) Fees, sums, or other remuneration for the performance of passport duties
66 provided for under the laws of the United States or regulations promulgated pursuant
67 to such laws, including, but not limited to, passport application or processing fees, shall

68 be subject to the requirements and limitations of this paragraph to the extent not
69 otherwise required in such laws or regulations.

70 (B)(i) The judge of the probate court shall disclose in a written report to the county
71 governing authority, on a monthly basis or on such other schedule as determined by
72 the county governing authority, the total amount of all passport application or
73 processing fees received by the judge during such reporting period.

74 (ii) The judge of the probate court shall disclose in a written report to the county
75 governing authority, on a monthly basis or such other schedule as determined by the
76 county governing authority, the total amount of all passport application or processing
77 fees received by the judge during such reporting period and shall remit to the county
78 governing authority all fees covered by such report.

79 (iii) The county governing authority shall pay a passport fee salary supplement to the
80 judge of the probate court under this division. During a calendar year, the amount of
81 such supplement shall be the first \$7,500.00 of such passport fees as disclosed in the
82 report required by division (i) of this subparagraph, or such other amount as may be
83 established by local Act of the General Assembly or by written agreement of the
84 county governing authority and the judge. Such payments shall be made in monthly
85 installments until the entire amount of the passport fee supplement has been paid. If
86 the amount of passport fees collected in a calendar year is less than the passport fee
87 supplement amount, the county shall not be obligated to pay to the judge the
88 difference between the amount collected and the passport fee supplement amount.

89 (iv) With regard to any amounts collected during the calendar year as disclosed in the
90 report required by division (i) of this subparagraph that are in excess of the passport
91 fee supplement amount:

92 (I) An amount equal to 50 percent of such fees shall be paid by the county
93 governing authority into the general fund of the county; and

94 (II) An amount equal to 50 percent of such fees shall be paid by the county
95 governing authority to the judge to be used solely for purposes of maintaining and
96 operating the office of such judge. Funds paid under this subdivision shall be in
97 addition to and not in lieu of any other funds appropriated to the judge by the county
98 governing authority. All uses of such funds paid under this subdivision shall be
99 specified in the report required by division (i) of this subparagraph.

100 (C) The percentage amount to be deposited into the general fund of the county pursuant
101 to subdivision (B)(iv)(I) of this paragraph and the percentage amount to be paid to the
102 judge pursuant to subdivision (B)(iv)(II) of this paragraph may be changed by local Act
103 of the General Assembly or by written agreement of the county governing authority and
104 the judge of the probate court.

105 (D) The judge of the probate court shall not charge any additional passport application
106 or processing fees other than fees specifically provided for under the laws of the United
107 States or regulations promulgated pursuant to such laws.

108 (2) This subsection shall not apply to any judge of a probate court who is serving his or
109 her term of office on January 1, 2024, during such term of office."

110 **SECTION 3.**

111 This Act shall become effective on January 1, 2024.

112 **SECTION 4.**

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