

House Bill 467

By: Representatives Tarvin of the 2nd and Cameron of the 1st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15, Title 36, Title 45, and Title 48 of the Official Code of Georgia
2 Annotated, relating to courts, local government, public officers and employees, and revenue
3 and taxation, respectively, so as to modify certain provisions regarding the compensation
4 received by certain local government officials; to change the manner in which certain
5 adjustments to such compensation are determined; to provide for an effective date; to provide
6 for related matters; to repeal 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 by revising
10 subsection (b) of Code Section 15-6-88, relating to minimum annual salary schedule for
11 clerks of superior court, as follows:

12 "(b)(1) Whenever the state employees subject to compensation plans authorized and
13 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
14 general performance based increase of a certain percentage or a certain amount, the
15 amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in
16 Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts

17 derived by increasing each of said amounts through the application of longevity increases
18 pursuant to subsection (a) of Code Section 15-6-90, where applicable, shall be increased
19 by the same percentage or same amount applicable to such state employees. If the
20 cost-of-living increase or general performance based increase received by state
21 employees is in different percentages or different amounts as to certain categories of
22 employees, the amounts fixed in the minimum salary schedule in subsection (a) of this
23 Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105,
24 or the amounts derived through the application of longevity increases, shall be increased
25 by a percentage or an amount not to exceed the average percentage or average amount
26 of the general increase in salary granted to the state employees. The Office of Planning
27 and Budget shall calculate the average percentage increase or average amount increase
28 when necessary. The periodic changes in the minimum salary schedule in subsection (a)
29 of this Code section, in Code Section 15-6-89, in subsection (b) of Code
30 Section 15-10-105, or the amounts derived through the application of longevity increases,
31 as authorized by this subsection, shall become effective on the first day of January
32 following the date that the cost-of-living increases or general performance based
33 increases received by state employees become effective; provided, however, that if the
34 cost-of-living increases received by state employees become effective on January 1, such
35 periodic changes in the amounts fixed in the minimum salary schedule in subsection (a)
36 of this Code section, in Code Section 15-6-89, and in subsection (b) of Code
37 Section 15-10-105, or the amounts derived by increasing each of said amounts through
38 the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90,
39 shall become effective on the same date that the cost-of-living increases or general
40 performance based increases received by state employees become effective.

41 (2) The amounts fixed in ~~the minimum salary schedule in~~ this subsection and
42 subsection (a) of this Code section shall not be increased by any state cost-of-living or
43 general performance based increases that ~~have been applied or are effective prior to~~

44 ~~January 1, 2020. Any state cost-of-living or general performance based increases~~
45 ~~effective on or after January 1, 2020, shall be calculated as provided in this Code section~~
46 ~~are received between January 1, 2023, and January 1, 2028."~~

47

SECTION 2.

48 Said title is further amended by revising paragraph (2) of subsection (a) of Code
49 Section 15-9-63, relating to schedule of minimum salaries of judges of the probate court, as
50 follows:

51 "(2)(A) Whenever the state employees subject to compensation plans authorized and
52 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
53 general performance based increase of a certain percentage or a certain amount, the
54 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and
55 in Code Section 15-9-64, or the amounts derived by increasing each of said amounts
56 through the application of longevity increases pursuant to Code Section 15-9-65, where
57 applicable, shall be increased by the same percentage or same amount applicable to
58 such state employees. If the cost-of-living increase or general performance based
59 increase received by state employees is in different percentages or different amounts
60 as to certain categories of employees, the amounts fixed in the minimum salary
61 schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the
62 amounts derived through the application of longevity increases, shall be increased by
63 a percentage or an amount not to exceed the average percentage or average amount of
64 the general increase in salary granted to the state employees. The Office of Planning
65 and Budget shall calculate the average percentage increase or average amount increase
66 when necessary. The periodic changes in the minimum salary schedule in
67 paragraph (1) of this subsection, and in Code Section 15-9-64, or the amounts derived
68 through the application of longevity increases, as authorized by this paragraph, shall
69 become effective on the first day of January following the date that the cost-of-living

70 increases or general performance based increases received by state employees become
71 effective; provided, however, that if the cost-of-living increases received by state
72 employees become effective on January 1, such periodic changes in the amounts fixed
73 in the minimum salary schedule in paragraph (1) of this subsection and in Code
74 Section 15-9-64, or the amounts derived by increasing each of said amounts through the
75 application of longevity increases pursuant to Code Section 15-9-65, where applicable,
76 as authorized by this paragraph, shall become effective on the same date that the
77 cost-of-living increases or general performance based increases received by state
78 employees become effective.

79 (B) ~~The amounts fixed in the minimum salary schedule in this subsection shall not be~~
80 ~~increased by any state cost-of-living or general performance based increases that have~~
81 ~~been applied or are effective prior to January 1, 2020. Any state cost-of-living or~~
82 ~~general performance based increases effective on or after January 1, 2020, shall be~~
83 ~~calculated as provided in this Code section~~ are received between January 1, 2023, and
84 January 1, 2028."

85 **SECTION 3.**

86 Said title is further amended in Code Section 15-9-63.1, relating to compensation of probate
87 judges for services as magistrate or chief magistrate and longevity increases, by adding a new
88 subsection to read as follows:

89 "(b.1) Notwithstanding any provisions of subsection (b) to the contrary, the amounts fixed
90 in this Code section shall not be increased by any state cost-of-living or general
91 performance based increases that are received between January 1, 2023, and
92 January 1, 2028."

93 **SECTION 4.**

94 Said title is further amended by revising subsection (c) of Code Section 15-10-23, relating
95 to minimum compensation, annual salary, increases, and supplements for magistrates, as
96 follows:

97 "(c)(1) Whenever the state employees subject to compensation plans authorized and
98 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
99 general performance based increase of a certain percentage or a certain amount, the
100 amounts provided in subsection (a) of this Code section, as increased by the supplement,
101 if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the
102 application of longevity increases pursuant to subsection (b) of this Code section, shall
103 be increased by the same percentage or same amount applicable to such state employees.
104 If the cost-of-living increase or general performance based increase received by state
105 employees is in different percentages or different amounts as to certain categories of
106 employees, the amounts provided in subsection (a) of this Code section, as increased by
107 the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as
108 increased by the application of longevity increases pursuant to subsection (b) of this Code
109 section, shall be increased by a percentage or an amount not to exceed the average
110 percentage or average amount of the general increase in salary granted to the state
111 employees. The Office of Planning and Budget shall calculate the average percentage
112 increase or average amount increase when necessary. The periodic changes in the
113 amounts provided in subsection (a) of this Code section, as increased by the supplement,
114 if any, provided by subsection (d) of Code Section 15-10-105 and as increased by the
115 application of longevity increases pursuant to subsection (b) of this Code section, as
116 authorized by this subsection, shall become effective on the first day of January following
117 the date that the cost-of-living increases or general performance based increases received
118 by state employees become effective; provided, however, that if the cost-of-living
119 increases received by state employees become effective on January 1, such periodic

120 changes in the amounts provided in subsection (a) of this Code section, as increased by
121 the supplement, if any, provided by subsection (d) of Code Section 15-10-105 and as
122 increased by the application of longevity increases pursuant to subsection (b) of this Code
123 section, as authorized by this subsection, shall become effective on the same date that the
124 cost-of-living increases or general performance based increases received by state
125 employees become effective.

126 ~~(2) Any cost-of-living increases or general performance based increases that have been~~
127 ~~applied prior to July 1, 2022, have been included in all minimum salary calculations.~~
128 ~~Effective July 1, 2022, any new cost-of-living increases or general performance based~~
129 ~~increases shall be calculated as provided in this Code section. The amounts fixed in this~~
130 ~~Code section shall not be increased by any state cost-of-living or general performance~~
131 ~~based increases that are received between January 1, 2023, and January 1, 2028.~~"

132 **SECTION 5.**

133 Said title is further amended by revising paragraph (2) of subsection (a) of Code
134 Section 15-16-20, relating to minimum annual salaries for sheriffs, as follows:

135 "(2)(A) Whenever the state employees subject to compensation plans authorized and
136 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
137 general performance based increase of a certain percentage or a certain amount, the
138 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in
139 Code Section 15-16-20.1, or the amounts derived by increasing each of said amounts
140 through the application of longevity increases pursuant to subsection (b) of this Code
141 section, where applicable, shall be increased by the same percentage or same amount
142 applicable to such state employees. If the cost-of-living increase or general performance
143 based increase received by state employees is in different percentages or different
144 amounts as to certain categories of employees, the amounts fixed in the minimum salary
145 schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the

146 amounts derived through the application of longevity increases, shall be increased by a
147 percentage or an amount not to exceed the average percentage or average amount of the
148 general increase in salary granted to the state employees. The Office of Planning and
149 Budget shall calculate the average percentage increase or average amount increase when
150 necessary. The periodic changes in the minimum salary schedule in paragraph (1) of this
151 subsection, and in Code Section 15-16-20.1, or the amounts derived through the
152 application of longevity increases, as authorized by this paragraph shall become effective
153 on the first day of January following the date that the cost-of-living increases received by
154 state employees become effective; provided, however, that if the cost-of-living increases
155 or general performance based increases received by state employees become effective on
156 January 1, such periodic changes in the amounts fixed in the minimum salary schedule
157 in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts
158 derived through the application of longevity increases, as authorized by this paragraph
159 shall become effective on the same date that the cost-of-living increases or general
160 performance based increases received by state employees become effective.

161 (B) ~~The amounts fixed in the minimum salary schedule in this subsection shall not be~~
162 ~~increased by any state cost-of-living or general performance based increases that have been~~
163 ~~applied or are effective prior to January 1, 2020. Any state cost-of-living or general~~
164 ~~performance based increases effective on or after January 1, 2020, shall be calculated as~~
165 ~~provided in this Code section~~ are received between January 1, 2023, and January 1, 2028."

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SECTION 6.

167 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
168 by revising Code Section 36-5-28, relating to members of county governing authority to
169 receive compensation increase when classified service employees receive increase,
170 calculation, and effective date, as follows:

171 "36-5-28.

172 (a) Whenever the state employees subject to compensation plans authorized and approved
173 in accordance with Code Section 45-20-4 receive a cost-of-living increase or general
174 performance based increase of a certain percentage or a certain amount, the compensation
175 to which a member of a governing authority is entitled under general or local law shall be
176 increased by the same percentage or same amount applicable to such state employees. If
177 the cost-of-living increase or general performance based increase received by state
178 employees is in different percentages or different amounts as to certain categories of
179 employees, the amount to which a member of a county governing authority is entitled
180 under general or local law shall be increased by a percentage or an amount not to exceed
181 the average percentage or average amount of the general increase in salary granted to the
182 state employees. The Office of Planning and Budget shall calculate the average percentage
183 increase or average amount increase when necessary. The periodic changes in the amount
184 to which a member of a county governing authority is entitled under general or local law
185 shall become effective on the first day of January following the date that the cost-of-living
186 increases or general performance based increases received by state employees become
187 effective; provided, however, that if the cost-of-living increases received by state
188 employees become effective on January 1, such periodic changes in the amount to which
189 a member of a county governing authority is entitled under general or local law shall
190 become effective on the same date that the cost-of-living increases or general performance
191 based increases received by state employees become effective.

192 (b) Any state cost-of-living or general performance based increases that are received
193 between January 1, 2023, and January 1, 2028, shall not apply to subsection (a) of this
194 Code section."

195

SECTION 7.

196 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
197 is amended in Code Section 45-16-11, relating to compensation of county coroners,
198 increases, calculation, supplements, and expenses, by adding a new paragraph to
199 subsection (a) to read as follows:

200 "(2.1) The amounts fixed in this subsection shall not be increased by any state
201 cost-of-living or general performance based increases that are received between
202 January 1, 2023, and January 1, 2028."

203

SECTION 8.

204 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
205 amended by revising paragraph (2) of subsection (b) of Code Section 48-5-183, relating to
206 salaries of tax collectors and tax commissioners, as follows:

207 "(2)(A) Whenever the state employees subject to compensation plans authorized and
208 approved in accordance with Code Section 45-20-4 receive a cost-of-living increase or
209 general performance based increase of a certain percentage or a certain amount, the
210 amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in
211 subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of
212 Code Section 21-2-213, or the amounts derived by increasing each of said amounts
213 through the application of longevity increases pursuant to subsection (d) of this Code
214 section, where applicable, shall be increased by the same percentage or same amount
215 applicable to such state employees. If the cost-of-living increase or general
216 performance based increase received by state employees is in different percentages or
217 different amounts as to certain categories of employees, the amounts fixed in the
218 minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code
219 Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213,
220 or the amounts derived through the application of longevity increases, shall be

221 increased by a percentage or an amount not to exceed the average percentage or average
222 amount of the general increase in salary granted to the state employees. The Office of
223 Planning and Budget shall calculate the average percentage increase or average amount
224 increase when necessary. The periodic changes in the minimum salary schedule in
225 paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and,
226 where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived
227 through the application of longevity increases, as authorized by this paragraph shall
228 become effective on the first day of January following the date that the cost-of-living
229 increases received by state employees become effective; provided, however, that if the
230 cost-of-living increases or general performance based increases received by state
231 employees become effective on January 1, such periodic changes in the amounts fixed
232 in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g)
233 of Code Section 48-5-137, and, where applicable, in subsection (c) of Code
234 Section 21-2-213, or the amounts derived through the application of longevity increases
235 as authorized by this paragraph, shall become effective on the same date that the
236 cost-of-living increases or general performance based increases received by state
237 employees become effective.

238 (B) The amounts fixed ~~in the minimum salary schedule~~ in this subsection shall not be
239 increased by any state cost-of-living or general performance based increases that ~~have~~
240 ~~been applied or are effective prior to January 1, 2020. Any state cost-of-living or~~
241 ~~general performance based increases effective on or after January 1, 2020, shall be~~
242 ~~calculated as provided in this Code section~~ are received between January 1, 2023, and
243 January 1, 2028."

244 SECTION 9.

245 This Act shall become effective upon its approval by the Governor or upon its becoming law
246 without such approval.

247

SECTION 10.

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