

The Senate Committee on Government Oversight offered the following substitute to SB 19:

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 of the superior court under this division. During a calendar year, the amount of
35 such supplement shall be the first \$7,500.00 of such passport fees as disclosed in the
36 report required by division (i) of this subparagraph. Such payments shall be made in
37 monthly installments until the entire amount of the passport fee supplement has been
38 paid. If the amount of passport fees collected in a calendar year is less than the
39 passport fee supplement amount, the county shall not be obligated to pay to the clerk
40 the difference between the amount collected and the passport fee supplement amount.

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

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

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

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

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

60 SECTION 2.

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

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

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

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

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

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

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

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

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

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

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

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

108 **SECTION 3.**
109 This Act shall become effective on January 1, 2024.

110 **SECTION 4.**
111 All laws and parts of laws in conflict with this Act are repealed.