

The House Committee on Judiciary offers 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 provide  
5 for related matters; to provide an effective date; to repeal conflicting laws; and for other  
6 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

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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 except as otherwise  
27 provided 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 quarterly basis the total amount of all passport application  
30 or processing fees, sums, or other remuneration received by the clerk during the  
31 previous quarter.

32 (ii) The clerk of the superior court shall remit fees, sums, and other remuneration  
33 collected pursuant to this paragraph less postage expenses as follows:

34 (I) An amount equal to one-third of such fees shall be paid into the general fund of  
35 the county in quarterly installments simultaneously with the provision of the reports  
36 required by division (i) of this subparagraph;

37 (II) An amount equal to one-third of such fees shall be retained by the clerk of the  
38 superior court to be used solely for purposes of maintaining and operating the office  
39 of such clerk. Funds paid under this subdivision shall be in addition to and not in  
40 lieu of any other funds appropriated to the office of the clerk by the county  
41 governing authority; and

42 (III) An amount equal to one-third of such fees shall be retained by the clerk of the  
43 superior court as personal compensation provided for under federal law, provided  
44 that any portion of such amount that exceeds 50 percent of the base salary of such  
45 clerk shall be used as provided in subdivision (II) of this division. Funds retained  
46 by the clerk under this subdivision shall be in addition to and not in lieu of any other  
47 funds appropriated to the clerk by the county governing authority.

48 (C) The remittances set forth in division (ii) of subparagraph (B) of this paragraph may  
49 be changed by local Act of the General Assembly or by written agreement of the county  
50 governing authority and the clerk of the superior court.

51 (D) Any additional passport application or processing fees other than fees, sums, or  
52 other remuneration specifically provided for under the laws of the United States or  
53 regulations promulgated pursuant to such laws shall be remitted to the county  
54 governing authority as provided for in subdivision (B)(ii)(I) of this paragraph.

55 (4) This subsection shall not apply to any clerk of the superior court who is serving his  
56 or her term of office on January 1, 2024, during such term of office."

57 **SECTION 2.**

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

60 "(c.1)(1)(A) Fees, sums, or other remuneration for the performance of passport duties  
61 provided for under the laws of the United States or regulations promulgated pursuant  
62 to such laws, including, but not limited to, passport application or processing fees, shall  
63 be subject to the requirements and limitations of this paragraph to the extent not  
64 otherwise required in such laws or regulations.

65 (B)(i) The judge of the probate court shall disclose in a written report to the county  
66 governing authority on a quarterly basis the total amount of all passport application

67 or processing fees, sums, or other remuneration received by the judge during the  
68 previous quarter.

69 (ii) The judge of the probate court shall remit fees, sums, and other remuneration  
70 collected pursuant to this paragraph less postage expenses as follows:

71 (I) An amount equal to one-third of such fees shall be paid into the general fund of  
72 the county in quarterly installments simultaneously with the provision of the reports  
73 required by division (i) of this subparagraph;

74 (II) An amount equal to one-third of such fees shall be retained by the judge of the  
75 probate court to be used solely for purposes of maintaining and operating the office  
76 of such judge. Funds paid under this subdivision shall be in addition to and not in  
77 lieu of any other funds appropriated to the office of the judge by the county  
78 governing authority; and

79 (III) An amount equal to one-third of such fees shall be retained by the judge of the  
80 probate court as personal compensation provided for under federal law, provided  
81 that any portion of such amount that exceeds 50 percent of the base salary of such  
82 judge shall be used as provided in subdivision (II) of this division. Funds retained  
83 by the judge under this subdivision shall be in addition to and not in lieu of any  
84 other funds appropriated to the judge by the county governing authority.

85 (C) The remittances set forth in division (ii) of subparagraph (B) of this paragraph may  
86 be changed by local Act of the General Assembly or by written agreement of the county  
87 governing authority and the judge of the probate court.

88 (D) Any additional passport application or processing fees other than fees, sums, or  
89 other remuneration specifically provided for under the laws of the United States or  
90 regulations promulgated pursuant to such laws shall be remitted to the county  
91 governing authority as provided for in subdivision (B)(ii)(I) of this paragraph.

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

94 **SECTION 3.**

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

96 **SECTION 4.**

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