

1 HB447
2 165208-1
3 By Representatives Fridy, Hill (M), Garrett, Moore (B), Davis,
4 South and Shiver
5 RFD: Judiciary
6 First Read: 09-APR-15

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8 SYNOPSIS: Under existing general law, the judges of
9 probate in this state are provided a minimum salary
10 that was provided by Act 90-702 of the 1990 Regular
11 Session, Section 12-13-20, Code of Alabama 1975.
12 This salary was adjusted by certain increases in
13 the Omnibus Pay Act in Act 2000-108, Chapter 2A of
14 Title 11, Code of Alabama 1975, based on certain
15 population categories of counties established
16 therein. In addition, a judge of probate of a
17 county may receive a cost-of-living adjustment
18 under certain conditions pursuant to the Omnibus
19 Pay Act if a cost-of-living increase for county
20 employees is adopted at the time of the adoption of
21 a county budget.

22 This bill would provide that the judge of
23 probate of a county would receive an annual salary
24 based on a percentage of the salary of a state
25 district court judge according to the population
26 category of the county in the Omnibus Pay Act as
27 provided in this act, adjusted based on the years

1 of service of the judge of probate in the same
2 manner as the salaries as for district court judges
3 are adjusted based on bench time as a district
4 court judge.

5 This bill would also repeal certain
6 provisions providing for the judges of probate to
7 receive five cents per name for the preparation of
8 voter lists.

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to the office of judge of probate in the
15 several counties of this state; to provide for the salaries of
16 the judges of probate based on certain population categories
17 established in the Omnibus Pay Act in Section 11-2A-1, Code of
18 Alabama 1975; to further provide for implementation; to amend
19 Section 17-3-60, Code of Alabama 1975, to delete provisions
20 for the judges of probate to receive certain amounts for the
21 preparation of voter lists; and to repeal Section 12-13-20,
22 Code of Alabama 1975.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. (a) Except as otherwise provided in this
25 act or by law, the judge of probate of a county shall receive
26 an annual salary based on a percentage of the salary of a dis-
27 trict court judge in the state court system as further pro-

1 vided herein according to the population category of the
2 county where the judge of probate serves as the population
3 categories are established in Section 11-2A-1, Code of Alabama
4 1975:

| 5 Population Category | Percent of Salary of District Judge |
|-------------------------------|-------------------------------------|
| 6 Population Category 1 or 2: | 100 percent |
| 7 Population Category 3 or 4: | 90 percent |
| 8 Population Category 5: | 80 percent |
| 9 Population Category 6: | 70 percent |

10 (b) (1) Except as otherwise provided in this section
11 or by law, any judge of probate in a county elected or
12 appointed as a judge of probate who is not serving as a judge
13 of probate on the effective date of this act or who has no
14 prior service as a judge of probate shall receive a percentage
15 of the annual base salary of a district court judge adjusted
16 based on the population category for the county where the
17 judge of probate serves as provided in subsection (a). The
18 judge of probate shall thereafter receive step increases in
19 salary for additional years of service as a judge of probate
20 in the same manner as step increases are provided for district
21 court judges for bench experience.

22 (2) Except as otherwise provided in this section or
23 by law, any judge of probate in a county serving on the

1 effective date of this act or a judge of probate elected or
2 appointed as a judge of probate after the effective date of
3 this act who has prior years of service as a judge of probate
4 shall receive a percentage of the annual salary a district
5 court judge receives based on total years of service as a
6 judge of probate in the same manner as the salary of a
7 district court judge is set based on the bench experience as
8 district court judge and adjusted based on the population
9 category for the county where the judge of probate serves as
10 provided in subsection (a). The judge of probate shall
11 thereafter receive step increases in salary for additional
12 service as a judge of probate in the same manner as step
13 increases are provided for district judges for bench
14 experience up to the maximum salary provided by law for a
15 district judge.

16 (c) (1) This section shall not affect the salary of a
17 judge of probate of a county who receives a greater salary by
18 local law or as otherwise provided by law.

19 (2) This section shall not affect the salary of a
20 judge of probate of a county if the judge of probate is
21 compensated on the fee system.

22 (d) The salary provided by this act shall continue
23 to be paid from the general fund of the respective county.

24 Section 2. (a) Section 17-3-60 of the Code of
25 Alabama 1975, is amended to read as follows:

26 "§17-3-60.

1 "The judge of probate may employ such assistants and
2 clerical help as may be necessary to complete and properly
3 prepare reports from the state voter registration list of the
4 list of qualified electors which the judge of probate is
5 required to furnish a certified copy to the election
6 inspectors. ~~The judge of probate shall receive or such~~
7 assistants shall be paid out of the county treasury by
8 warrants, drawn by the county commission on certificate of the
9 judge of probate, accompanied by the certificates of the
10 person being paid, ~~showing the amount due under the provisions~~
11 ~~of this chapter, but the entire amount spent for the~~
12 ~~preparation of such lists shall not exceed a sum equal to the~~
13 ~~amount obtained by multiplying the number of names on the list~~
14 ~~by five cents (\$.05) for the preparation of such list.~~ The
15 judge of probate in all counties having a population of not
16 less than 100,000 nor more than 350,000, according to the last
17 or any subsequent federal census, shall employ a clerk to
18 assist the board of registrars of the county. The duties of
19 the clerk shall be to submit to the board of registrars
20 revised election lists of the county by placing all persons in
21 their proper ward or precincts and eliminating therefrom all
22 deceased, nonresident, and fictitious persons named upon the
23 voting roll and those convicted of crime. The clerk shall
24 further attend to all clerical work of the board of
25 registrars. The clerk shall be paid a compensation out of the
26 county treasury, of not more than two hundred fifty dollars
27 (\$250) per month, to be fixed by the judge of probate.

1 "The board of registrars shall be furnished with
2 office space by the county governing body. The chair of the
3 board of registrars is hereby authorized to purchase all
4 necessary office equipment and hire all necessary part time or
5 full time clerical help to perform its prescribed duties."

6 Section 3. Section 12-13-20 of the Code of Alabama
7 1975, relating to the minimum salaries of the judge of
8 probate, is repealed.

9 Section 4. This act shall become effective on the
10 commencement of the term of any judge of probate taking office
11 beginning with the next full term in January 2019.