

The House Committee on Judiciary offers the following substitute to HB 1104:

A BILL TO BE ENTITLED
AN ACT

To state a general intent to codify and to extend for a further period of two years the future "sunset" date of certain provisions relating to superior court clerks' fees and the Georgia Superior Court Clerks' Cooperative Authority; to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees of superior court clerks, so as to provide for certain fees currently in effect and fees to take effect in the future; to amend Code Section 15-6-97 of the Official Code of Georgia Annotated, relating to the state-wide uniform automated information system for property records, so as to provide for the future repeal or sunset of said Code section; to amend Code Section 15-6-98 of the Official Code of Georgia Annotated, relating to collection and remittance of certain fees to the Georgia Superior Court Clerks' Cooperative Authority, so as to provide for the future repeal or sunset of said Code section; to amend an Act amending Title 15 of the Official Code of Georgia Annotated, relating to courts, which Act was approved April 7, 1995 (Ga. L. 1995, p. 260), as amended, so as to repeal provisions of such Act which provided for a future repeal or sunset of certain provisions; to amend an Act amending Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, approved April 16, 1996 (Ga. L. 1996, p. 1502), so as to repeal provisions of such Act which provided for a future change in certain fees of superior court clerks; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

It is the general intent of this Act to codify and to extend for a further period of two years the future "sunset" of certain provisions relating to superior court clerks' fees and the Georgia Superior Court Clerks' Cooperative Authority.

SECTION 2.

Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees of superior court clerks, is amended by striking subsection (f) and inserting new subsections (f) and (f.1) to read as follows:

"(f) Until January 1, 2006, sums ~~Sums~~ for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:

(1)(A)(i) Filing all instruments pertaining to real estate including deeds, deeds of trust, affidavits, releases, notices and certificates, and cancellation of deeds, first page \$ 9.50

Each page, after the first 2.00

(ii) Filing all instruments pertaining to real estate and personal property including liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, cancellations of liens, and writs of fieri facias, first page 4.50

Each page, after the first 2.00

(B) Filing and indexing financing statements, amendments to financing statements, continuation statements, termination statements, release of collateral, or other filing pursuant to Article 9 of Title 11, first page 10.00

Each page, after the first 2.00

(2) Filing maps or plats, each page 7.50

(3) For processing an assignment of a security deed, for each deed assigned . . . 4.50

(f.1) On and after January 1, 2006, sums for filing documents, instruments, etc., pertaining to real estate or personal property, such sums to include recording and returning where applicable, shall be as follows:

(1)(A) Filing all instruments pertaining to real estate and personal property except as otherwise specified in this Code section, including but not limited to the filing of deeds, deeds of trust, affidavits, releases, notices, certificates, liens on real estate and personal property, notice filings for Uniform Commercial Code related real estate, tax liens, hospital liens, writs of fieri facias, notices of lis pendens, written information on utilities, and cancellation of deeds, liens, and writs of fieri facias, first page . . . \$ 4.50

Each page, after the first 2.00

1	<u>(B) Filing and indexing financing statements, amendments to financing statements,</u>	
2	<u>continuation statements, termination statements, release of collateral, or other filing</u>	
3	<u>pursuant to Part 4 of Article 9 of Title 11, first page</u>	<u>10.00</u>
4	<u>Each page, after the first</u>	<u>2.00</u>
5	<u>(2) Filing maps or plats, each page</u>	<u>7.50</u>
6	<u>(3) For processing an assignment of a security deed, for each deed assigned</u>	<u>4.50"</u>

SECTION 3.

Code Section 15-6-97 of the Official Code of Georgia Annotated, relating to the state-wide uniform automated information system for property records, is amended by adding at its end a new subsection (c) to read as follows:

"(c) This Code section shall be repealed in its entirety on January 1, 2006."

SECTION 4.

Code Section 15-6-98 of the Official Code of Georgia Annotated, relating to collection and remittance of certain fees to the Georgia Superior Court Clerks' Cooperative Authority, is amended by adding at its end a new subsection (d) to read as follows:

"(d) This Code section shall be repealed in its entirety on January 1, 2006."

SECTION 5.

The following provisions of law are repealed:

(1) Section 6 of an Act amending Title 15 of the Official Code of Georgia Annotated, relating to courts, approved April 7, 1995 (Ga. L. 1995, p. 260), as amended, which now repealed section would have provided for a future repeal or sunset of certain provisions relating to fees of superior court clerks and the Georgia Superior Court Clerks' Cooperative Authority; and

(2) Section 2 of an Act amending Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, approved April 16, 1996 (Ga. L. 1996, p. 1502), as amended, which now repealed section would have provided for a future change in the fees of superior court clerks.

SECTION 6.

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

SECTION 7.

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