

House Bill 758

By: Representatives Cash of the 108<sup>th</sup>, Sanders of the 107<sup>th</sup> and Lunsford of the 109<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating the State Court of Henry County, approved March 27, 1998, as  
2 amended, so as to change the provisions relating to the clerk of the state court; to provide for  
3 the appointment, compensation, powers, and duties of the clerk; to provide for powers of the  
4 deputy clerks; to provide for related matters; to repeal provisions relating to the service of  
5 the clerk of the superior court as clerk of state court and additional compensation related to  
6 such service; to provide for an effective date; to repeal conflicting laws; and for other  
7 purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 An Act creating the State Court of Henry County, approved March 27, 1998, as amended,  
11 is amended by striking Section 13 in its entirety and inserting in lieu thereof a new  
12 Section 13 to read as follows:

13 **"SECTION 13.**

14 (a) There is created the office of clerk of the State Court of Henry County. The clerk shall  
15 be appointed by the chief judge of the State Court of Henry County and shall serve at the  
16 pleasure of such chief judge. The salary of the clerk shall be set from time to time by  
17 action of the Board of Commissioners of Henry County. Such clerk, or any deputy clerk  
18 thereof, shall have authority to sign and issue all summons and to file all papers, actions,  
19 processes, executions, garnishment proceedings, statutory awards, proceedings against  
20 tenants holding over, trover and bail, distress warrants and issues thereon, foreclosures of  
21 all liens on personal property, and other like proceedings and processes, and to make all  
22 necessary records and entries on the docket, and to perform such duties as may be required  
23 by the chief judge of said court, including the power to administer oaths and take affidavits  
24 and counteraffidavits to any proceedings from said court. The clerk of the state court shall  
25 be an ex officio deputy sheriff.

- 1 (b) The sheriff of Henry County shall be the sheriff of the state court.  
2 (c) The number and salaries of support staff for the clerk of the state court and any  
3 additional support staff for the sheriff of Henry County required to serve the State Court  
4 of Henry County shall be determined and set by the Board of Commissioners of Henry  
5 County."

6 **SECTION 2.**

7 Said Act is further amended by striking Section 14 in its entirety and inserting in lieu thereof  
8 a new Section 14 to read as follows:

9 "SECTION 14.

10 The governing authority of Henry County is authorized to supplement the salary of the  
11 sheriff in an amount it deems appropriate for that officer's services to the State Court of  
12 Henry County."

13 **SECTION 3.**

14 This Act shall become effective July 1, 2001.

15 **SECTION 4.**

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