

Senate Bill 262

By: Senators Starr of the 44th and Hecht of the 34th

AS PASSED

A BILL TO BE ENTITLED

AN ACT

1 To amend an Act creating the State Court of Clayton County, approved January 28, 1964
 2 (Ga. L. 1964, p. 2032), as amended, particularly by an Act approved May 1, 2000 (Ga. L.
 3 2000, p. 4576), so as to provide for an increase in the compensation of the clerk of the state
 4 court; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

6 **SECTION 1.**

7 An Act creating the State Court of Clayton County, approved January 28, 1964 (Ga. L. 1964,
 8 p. 2032), as amended, particularly by an Act approved May 1, 2000 (Ga. L. 2000, p. 4576),
 9 is amended by striking Section 8 and inserting in its place the following:

10 **"SECTION 8.**

11 (a) There is created the office of clerk of the State Court of Clayton County. The clerk
 12 shall be appointed by the judges of the State Court of Clayton County for a four-year term
 13 of office but may be removed at any time by the unanimous vote of the judges of the state
 14 court. The initial term of office of the clerk shall begin on July 1, 1999.

15 (b)(1) The clerk of the state court shall be compensated in the amount of \$51,938.46 or
 16 in an amount not less than 95 percent of the base amount of the minimum salary of a
 17 clerk of the superior court of a county with the population of Clayton County as provided
 18 in subsection (a) of Code Section 15-6-88 without regard to cost-of-living or longevity
 19 increases, whichever is greater. The base salary of the clerk shall be increased at the
 20 same time and by the same percentage as the minimum salary provided by general law
 21 for the sheriff of Clayton County is increased by operation of paragraph (2) of subsection
 22 (a) of O.C.G.A. Section 15-16-20. The board of commissioners is authorized to
 23 supplement such compensation in such amount as shall be fixed by the board of
 24 commissioners.

25 (2) The clerk of the state court shall be entitled to Clayton County retirement, insurance,
 26 annual leave, sick leave, and all other benefits afforded to Clayton County employees

1 under the Clayton County Civil Service System Act, approved April 2, 1963 (Ga. L.
2 1963, p. 2747), as now or hereafter amended, except as to compensation, employment,
3 and discharge.

4 (c) Before entering upon the duties of office, the clerk shall take and subscribe an oath
5 before the judge of the Probate Court of Clayton County to faithfully and impartially
6 discharge the duties thereof, which oath shall be filed in the office of the clerk of the State
7 Court of Clayton County. Such clerk, or any deputy clerk thereof, shall have authority to
8 sign and issue all summons and to file all papers, actions, processes, executions,
9 garnishment proceedings, statutory awards, proceedings against tenants holding over,
10 trover and bail, distress warrants and issues thereon, foreclosures of all liens on personal
11 property, and other like proceedings and processes, and to make all necessary records and
12 entries on the docket, and to perform such duties as may be required by the judges of said
13 court, including the power to administer oaths and take affidavits and counter affidavits to
14 any proceedings from said court. The clerk of the state court shall be an ex officio deputy
15 sheriff."

16 **SECTION 2.**

17 This Act shall become effective on July 1, 2001.

18 **SECTION 3.**

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