

House Bill 1650 (AS PASSED HOUSE AND SENATE)

By: Representatives Richardson of the 26th, Teilhet of the 34th, Post 2, Manning of the 32nd, Dollar of the 31st, Wix of the 33rd, Post 1, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the State Court of Cobb County, approved March 26, 1964
2 (Ga. L. 1964, p. 3211), as amended, particularly by an Act approved April 1, 1999
3 (Ga. L. 1999, p. 3611), and by an Act approved April 27, 2000 (Ga. L. 2000, p. 4535), so as
4 to add an additional judge to Division 1 of the State Court of Cobb County; to add an
5 additional judge to the second division of the State Court of Cobb County; to provide for
6 related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 An Act creating the State Court of Cobb County, approved March 26, 1964 (Ga. L. 1964,
10 p. 3211), as amended, particularly by an Act approved April 1, 1999 (Ga. L. 1999, p. 3611),
11 and by an Act approved April 27, 2000 (Ga. L. 2000, p. 4535), is amended by striking
12 subsections (a) and (c) of Section 2-2 of Part 2 of said Act and inserting in lieu thereof new
13 subsections (a) and (c) to read as follows:

14 "(a) In addition to all other judges of the state court, there shall be five judges of the second
15 division. As used hereafter in this part only, the term 'judge' means a judge of the second
16 division of the State Court of Cobb County, except that neither 'other judge of state court'
17 nor 'senior judge' means a judge of that second division. The qualifications and election
18 of the judges shall be as provided by general law; provided, however, that the initial
19 appointment of the additional judge provided for in this Act shall be by the Governor for
20 a term beginning on October 1, 2005, and expiring December 31, 2006, and upon the
21 election and qualification of a successor."

22 "(c) The judge who is senior in point of continuous service, including for this purpose prior
23 service as magistrate, shall be known as the presiding judge. If the five judges were first
24 elected in the same election, the one having the longest active service as a member of the
25 State Bar of Georgia shall be known as the presiding judge. The five judges, in performing
26 their duties and responsibilities, shall share, divide, and allocate the work and duties to be

1 performed by each of them. In the event of a disagreement between the judges with respect
2 to such matters, the decision of the presiding judge shall govern."

3 **SECTION 2.**

4 Said Act is further amended by adding a new paragraph at the end of Section 3 of said Act
5 to read as follows:

6 "There shall be an additional judge of Division 1 of the State Court of Cobb County. Such
7 additional judge shall be elected in the manner provided by law for the election of judges
8 of the state courts of this state at the general nonpartisan election in 2006 for a term of four
9 years beginning on the first day of January, 2007, and until his or her successor shall have
10 been elected and qualified; provided, however, that the initial additional judge of
11 Division 1 of the State Court of Cobb County shall be appointed by the Governor for a term
12 beginning October 1, 2004, and expiring December 31, 2006, and upon the election and
13 qualification of a successor. Future successors shall be elected at the general nonpartisan
14 election conducted immediately prior to the expiration of the term of office, and they shall
15 take office on the first day of January following their election and shall serve for a term of
16 office of four years and until their successors are duly elected and qualified. Said
17 additional judge shall have and may exercise all powers, duties, jurisdictions, privileges,
18 and immunities of the present judges of Division 1 of the State Court of Cobb County.
19 Any of the judges of said court may preside over any cause and perform any official act as
20 judge thereof. The compensation of the additional judge shall be the same as that provided
21 for other judges of Division 1 of the State Court of Cobb County. Upon request of the
22 additional judge, the governing authority of Cobb County is authorized to furnish the
23 additional judge with suitable courtroom space and facilities, office space, office
24 equipment, supplies, and such personnel as may be considered necessary by the court to
25 the proper function of the court. All of the expenditures authorized herein are declared to
26 be an expense of court and payable out of the county treasury as such."

27 **SECTION 3.**

28 This Act shall become effective for the purpose of appointing the initial judges provided for
29 herein upon its approval by the Governor or upon its becoming law without such approval.
30 For all other purposes, Section 1 shall become effective on October 1, 2005, and Section 2
31 shall become effective on October 1, 2004.

32 **SECTION 4.**

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