

House Bill 215 (COMMITTEE SUBSTITUTE)

By: Representatives Heard of the 114th, Smith of the 113th, and McKillip of the 115th

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act establishing a City Court in the County of Clarke, formerly known as the
2 State Court of Clarke County, Georgia, approved September 8, 1879 (Ga. L. 1878-79, p.
3 291), (now designated as the State Court of Athens-Clarke County, Georgia) as amended, so
4 as to revise certain provisions relating to the office of the clerk of the State Court of
5 Athens-Clarke County, Georgia; to provide for continuing the existing term of the present
6 judge of said court; to provide that the present judge of the court be designated chief judge;
7 to provide that the current compensation of the present judge of the court shall be the
8 compensation to be paid to the chief judge of said court; to add a judge to said court; to
9 provide for the appointment, election, term of office, and compensation of said additional
10 judge and for the election of successors to such judge; to provide effective dates; to repeal
11 conflicting laws; and for other purposes.

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

13 **SECTION 1.**

14 An Act establishing a City Court in the County of Clarke, formerly known as the State Court
15 of Clarke County, Georgia, approved September 9, 1879 (Ga. L. 1878-79, p. 291), as
16 amended, is revised by adding a new Section II to read as follows:

17 "Section II. The Judge in office on July 1, 2007, shall continue to serve the term of office
18 for which he was elected and is now serving. Such Judge is to be designated as Chief
19 Judge on July 1, 2007. The Chief Judge is that Judge who has the primary responsibility
20 for the administration of the operations of said Court, including but not limited to, budget,
21 scheduling, policies, and rules of the Court. Successor Chief Judges shall be the Judge who
22 has the most years of continuous service in the State Court of Athens-Clarke County. The
23 Chief Judge shall be compensated as provided in Section XLI of this Act. Effective July
24 1, 2007, there shall be an additional Judge of the State Court of Athens-Clarke County.
25 The additional Judge shall be appointed by the Governor for an initial term of office ending
26 on December 31, 2008, and until his or her successor is elected and qualified. Future

1 successors shall be elected at the general election conducted immediately prior to the
2 expiration of the term of office, and they shall take office on the first day of January
3 following their election and shall serve for a term of office of four years and until their
4 successors are duly elected and qualified. Said additional Judge shall have and may
5 exercise all powers, duties, jurisdictions, privileges, and immunities of the present Judges
6 of the State Court of Athens-Clarke County. Any of the Judges of said Court may preside
7 over any cause and perform any official act as Judge thereof. Such second Judge, and all
8 successor Judges to such position, shall be compensated as provided in Section XLI of this
9 Act. Upon request of the Chief Judge, the governing authority of Athens-Clarke County
10 is authorized to furnish the additional Judge with suitable courtroom space and facilities,
11 office space, office equipment, supplies, and such personnel as may be considered
12 necessary by the Court to the proper function of the Court. All of these expenditures are
13 declared to be an expense of court and payable out of the Athens-Clarke County treasury
14 as such."

15 **SECTION 2.**

16 Said Act is further amended by revising Section V to read as follows:

17 "Section V. The Clerk and Sheriff, and their deputies, of the Superior Court of
18 Athens-Clarke County, Georgia, shall be *ex-officio* Clerk, Sheriff, and deputies, of said
19 State Court of Athens-Clarke County, and for services rendered in the State Court of
20 Athens-Clarke County, shall be entitled to the same fees as are allowed them, by law, in
21 the Superior Court of Athens-Clarke County, and shall discharge the same duties, and be
22 subject to the same obligations and penalties."

23 **SECTION 3.**

24 Said Act is further amended by revising Section XLI to read as follows:

25 "Section XLI. Any other provisions of this Act to the contrary notwithstanding, no Judge
26 of the State Court of Athens-Clarke County shall be permitted to engage in the private
27 practice of law. The Chief Judge of such Court shall be paid an annual salary equal to the
28 sum of 90 percent of the annual base salary of a Judge of the Superior Courts of this State
29 plus 90 percent of the annual amount of any supplement paid by the governing authority
30 of Athens-Clarke County to the Judges of the Superior Court of said county. The Judge
31 filling the second judicial position created in Section II of this Act, and any other Judge
32 added to the Court thereafter, shall be paid an annual salary equal to the sum of 90 percent
33 of the annual base salary of a Judge of the Superior Courts of this State plus 50 percent of
34 the annual amount of any supplement paid by the governing authority of Athens-Clarke
35 County to the Judges of the Superior Court of said county. In addition to the salary

1 provided for the Judges of the State Court of Athens-Clarke County in this section, the
2 governing authority of Athens-Clarke County shall pay on behalf of each Judge of the State
3 Court of Athens-Clarke County a sum equal to the contribution required for judges by the
4 Georgia Judicial Retirement System created by Chapter 23 of Title 47 of the O.C.G.A. The
5 governing authority of Athens-Clarke County is hereby authorized to provide the
6 compensation specified in this section by the adoption of a resolution providing for such
7 compensation sums. The compensation paid to such Judges shall be an expense of said
8 Court."

9 **SECTION 4.**

10 This Act shall become effective on July 1, 2007, except that the Governor is authorized to
11 appoint the additional judge added by Section 1 of this Act prior to July 1, 2007, but any
12 person so appointed shall not take office until July 1, 2007.

13 **SECTION 5.**

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