

Senate Bill 396

By: Senators Hamrick of the 30th, Smith of the 52nd and Chance of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to
2 remove all functions of the Department of Administrative Services and transfer such
3 functions; to transfer administrative, and salary paying and travel expense reimbursement
4 functions for superior court judges and court reporters to the Council of Superior Court
5 Judges of Georgia; to transfer administrative and salary paying functions for district attorneys
6 and their staff to the Prosecuting Attorneys' Council of the State of Georgia; to amend Code
7 Section 45-12-78 of the Official Code of Georgia Annotated, relating to heads of budget
8 units to submit annual estimates, preparation and submission of budget estimates of
9 legislative and judicial agencies, and review of budget estimates by the Office of Planning
10 and Budget, so as provide that requests for new, expanded, relocated, or renovated rental real
11 estate space be reviewed by the State Properties Commission in lieu of the Department of
12 Administrative Services; to provide for related matters; to repeal conflicting laws; and for
13 other purposes.

14 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

15 **SECTION 1.**

16 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising
17 Code Section 15-5-60, relating to contracts with state agencies for administrative functions,
18 services, and equipment, as follows:

19 "15-5-60.

20 The Council of Superior Court Judges of Georgia shall be authorized to ~~contract with the~~
21 ~~Department of Administrative Services or other agency of state government, from provide~~
22 for or contract for administrative functions, services, and equipment necessary for the
23 fulfillment of the responsibilities of the superior courts with funds appropriated or
24 otherwise available for the operation of the superior courts of the state, ~~to provide such~~
25 ~~administrative functions, services, and equipment necessary for the fulfillment of the~~
26 ~~responsibilities of the superior courts."~~

1 payment, if found correct, and to transmit the total amount to the ~~Department of~~
 2 ~~Administrative Services~~ Council of Superior Court Judges of Georgia for payment from
 3 the funds available for the operation of the superior courts of this state."

4 SECTION 5.

5 Said title is further amended by revising subsections (a) and (d) of Code Section 15-14-6,
 6 relating to contingent expenses and travel expenses of court reporters, as follows:

7 "(a) The ~~Department of Administrative Services~~ Council of Superior Court Judges of
 8 Georgia is authorized and directed to pay from the state treasury the sums specified in
 9 subsection (b) of this Code section as contingent expense and travel allowance to each duly
 10 appointed reporter for the superior courts in all judicial circuits of this state, such sum
 11 being in addition to the compensation of the superior court reporters provided by law."

12 "(d) Annually during the month of January the judge or chief judge of each judicial circuit
 13 shall certify to the ~~Department of Administrative Services~~ Council of Superior Court
 14 Judges of Georgia the names and addresses of all persons duly appointed as reporters for
 15 the superior courts in the judicial circuit and shall thereafter notify the ~~department~~ council
 16 of the removal of such persons from office or the appointment of additional persons as
 17 superior court reporters, together with the effective date of such removal or appointment."

18 SECTION 6.

19 Said title is further amended by revising subparagraph (a)(1)(B) of Code Section 15-18-14,
 20 relating to the appointment, qualifications, compensation, personnel actions, and transfers
 21 and promotions of prosecuting attorneys, as follows:

22 "(B) Subject to the availability of funding and at the option of the Department of
 23 Human Resources, at least one assistant district attorney to perform duties described
 24 specifically under Code Sections 19-11-23 and 19-11-53 and generally under Article
 25 1 of Chapter 11 of Title 19, the 'Child Support Recovery Act,' Article 2 of Chapter 11
 26 of Title 19, the 'Uniform Reciprocal Enforcement of Support Act,' and Article 3 of
 27 Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act.' The district
 28 attorney retains the authority to appoint one or more assistant district attorneys, who
 29 shall be county employees, to perform the aforementioned statutory duties, so long as
 30 such appointments are pursuant to a contract for such services with the Department of
 31 Human Resources. Once the election to make this position a state position is made,
 32 under this statutory provision, it shall be irrevocable. Contractual funds shall be paid
 33 by the Department of Human Resources to the ~~Department of Administrative Services~~
 34 Prosecuting Attorneys' Council of the State of Georgia in accordance with the
 35 compensation provisions of this Code section, or at the election of the appointed

1 attorney, to the appointed attorney's judicial circuit, in accordance with the
2 compensation provisions of that judicial circuit; and"

3 **SECTION 7.**

4 Said title is further amended by revising subsection (d) of Code Section 15-18-14.2, relating
5 to victim assistance coordinator, as follows:

6 "(d) Not later than June 1 of each year, the Prosecuting Attorneys' Council of the State of
7 Georgia shall furnish to each district attorney ~~and the Department of Administrative~~
8 ~~Services~~ a budget for the judicial circuit based on the amount appropriated by the General
9 Assembly or otherwise available for personnel and operations of victim assistance
10 programs authorized by this Code section."

11 **SECTION 8.**

12 Said title is further amended by revising subsection (a) of Code Section 15-18-18, relating
13 to alternate hiring procedure of secretaries, as follows:

14 "(a) In lieu of hiring a secretary under Code Section 15-18-17, each district attorney, with
15 the written consent of the governing authority of any county or counties within his or her
16 judicial circuit, may employ a secretary who shall be an employee of the county which
17 pays the compensation of the secretary and in which the governing authority has given its
18 consent to compensate the secretary. Upon employing the secretary, it shall be the duty of
19 the district attorney to notify the ~~commissioner of administrative services~~ Prosecuting
20 Attorneys' Council of the State of Georgia of such fact and of the amount of the
21 compensation to be paid to the secretary. It shall be the further duty of the district attorney
22 to notify the ~~commissioner~~ Prosecuting Attorneys' Council of the State of Georgia of any
23 change in the status or compensation of the secretary. The ~~commissioner of administrative~~
24 ~~services~~ Prosecuting Attorneys' Council of the State of Georgia shall reimburse the county
25 or counties paying the compensation from funds appropriated or otherwise available for the
26 operation of the superior courts for the compensation paid to the secretary plus any
27 employer contribution paid for the secretary under the act of Congress approved August
28 14, 1935, 49 Stat. 620, known as the Social Security Act, as amended; but such payments
29 shall not exceed the maximum amount payable directly to or for a secretary under Code
30 Section 15-18-17."

31 **SECTION 9.**

32 Said title is further amended by revising paragraph (5) of subsection (e) of Code Section
33 15-18-19, relating to state paid personnel, powers and policies relating thereto, and salary
34 schedules, as follows:

