

House Bill 1172

By: Representatives Powell of the 171st, Thompson of the 104th, and Maddox of the 127th

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Code Section 15-10-105 of the Official Code of Georgia Annotated, relating to
2 the selection of clerks, compensation, and eligibility, so as to provide that if the General
3 Assembly has not provided by local law for a clerk of the magistrate court, the clerk of the
4 superior court shall serve in such capacity; to provide that the clerk of the superior court may
5 opt not to serve or may elect to cease serving; to repeal conflicting laws; and for other
6 purposes.

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

8 **SECTION 1.**

9 Code Section 15-10-105 of the Official Code of Georgia Annotated, relating to the selection
10 of clerks, compensation, and eligibility, is amended by revising subsection (b) as follows:
11 "(b) If the General Assembly has not enacted a local law as provided in subsection (a) of
12 this Code section, With the consent of the clerk of superior court the county governing
13 authority may provide that the clerk of superior court shall serve as clerk of magistrate
14 court and shall be compensated for his or her services as clerk of magistrate court in an
15 amount not less than \$323.59 per month; provided, however, that the clerk of the superior
16 court may decline to serve or may elect to cease serving at any time with 30 days notice to
17 the county governing authority. With the consent of the clerk of the superior court and
18 clerk of the state court, the county governing authority may provide that the state court
19 clerk shall serve as clerk of magistrate court and shall be compensated for his or her service
20 as clerk of magistrate court in an amount not less than \$323.59 per month; provided,
21 however, that after the clerk of the state court has begun serving, he or she may elect to
22 cease serving at any time with 30 days notice to the county governing authority. Such
23 compensation shall be retained by the clerk of superior court or clerk of the state court as
24 his or her personal funds without regard to whether he or she is otherwise compensated on
25 a fee basis or salary basis or both. Nothing in this subsection shall affect the position of
26 any person serving as clerk of a magistrate court on June 1, 2010."

27

SECTION 2.

28 All laws and parts of laws in conflict with this Act are repealed.