

House Bill 537 (AS PASSED HOUSE AND SENATE)

By: Representatives Parrish of the 156th, Jackson of the 142nd, and Hatchett of the 143rd

A BILL TO BE ENTITLED
AN ACT

1 To amend an Act creating the Small Claims Court of Johnson County, now the Magistrate
2 Court of Johnson County, approved April 6, 1981 (Ga. L. 1981, p. 4031), as amended,
3 particularly by an Act approved March 12, 1984 (Ga. L. 1984, p. 4006), and an Act approved
4 March 12, 1988 (Ga. L. 1988, p. 4746), so as to provide that on and after January 1, 2013,
5 the probate judge shall serve as chief magistrate of the Magistrate Court of Johnson County;
6 to provide for the office of the current magistrate and the expiration of his term; to repeal
7 certain Acts; to provide for submission of this Act for preclearance under the federal Voting
8 Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and
9 for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 (a) Pursuant to subsection (g) of Code Section 15-10-20 of the Official Code of Georgia
13 Annotated, the chief magistrate of the Magistrate Court of Johnson County shall not be
14 separately elected for any term of office that begins on or after January 1, 2013, but on and
15 after that date the probate judge of Johnson County shall serve as the chief magistrate of
16 the Magistrate Court of Johnson County. There shall be no election in 2012 or thereafter
17 for the office of chief magistrate of the Magistrate Court of Johnson County. The term of
18 office of the judge serving as chief magistrate shall be concurrent with such judge's term
19 of office as the judge of the probate court.

20 (b) Effective January 1, 2013, in addition to any compensation received for service as
21 judge of the Probate Court of Johnson County, the judge of the probate court who serves
22 as chief magistrate shall receive a compensation for service as chief magistrate in the
23 amount provided by O.C.G.A. Code Section 15-9-63.1.

24 (c) A vacancy in the office of chief magistrate shall be filled by appointment by the chief
25 judge of the Superior Court of the Dublin Circuit for the remainder of the unexpired term.

26 (d) The chief magistrate of the Magistrate Court of Johnson County who is serving as such
27 on the effective date of this Act, and any person selected to fill a vacancy in such office,
28 shall continue to serve as such chief magistrate for a term of office which shall expire on
29 December 31, 2012, and, during such time period, shall continue to receive the same salary
30 such person was receiving for performing such duties as fixed by the governing authority
31 of Johnson County; provided, however, that if a vacancy occurs in the office of chief
32 magistrate after the effective date of this Act, and if such vacancy is filled by appointing
33 the Probate Judge of Johnson County, the probate judge shall only be entitled to additional
34 compensation in the amount provided by O.C.G.A. Code Section 15-9-63.1.

35 **SECTION 2.**

36 The following Acts are specifically repealed:

37 (1) An Act creating the Small Claims Court of Johnson County, now the Magistrate
38 Court of Johnson County, approved April 6, 1981 (Ga. L. 1981, p. 4031);

39 (2) An Act amending the Act creating the Magistrate Court of Johnson County, approved
40 March 12, 1984 (Ga. L. 1984, p. 4006);

41 (3) An Act amending the Act creating the Magistrate Court of Johnson County, approved
42 March 12, 1988 (Ga. L. 1988, p. 4746); and

43 (4) An Act amending the Act creating the Magistrate Court of Johnson County, approved
44 April 4, 1991 (Ga. L. 1991, p. 3751).

45 **SECTION 3.**

46 The governing authority of Johnson County shall through its legal counsel cause this Act to
47 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no
48 later than 60 days after the date on which this Act is approved by the Governor or otherwise
49 becomes law without such approval.

50 **SECTION 4.**

51 This Act shall become effective upon its approval by the Governor or upon its becoming law
52 without such approval.

53 **SECTION 5.**

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