

House Bill 738 (COMMITTEE SUBSTITUTE)

By: Representatives Caldwell of the 131st, Welch of the 110th, Dickerson of the 113th, and Kelley of the 16th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated,
2 relating to clerks of superior courts, and Chapter 15 of Title 36 of the Official Code of
3 Georgia Annotated, relating to county law libraries, so as to revise the procedure for
4 collecting law library fees; to revise the composition of the board of trustees; to revise the
5 uses of excess funds by a county law library; to provide for related matters; to provide an
6 effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to
10 clerks of superior courts, is amended by revising subsection (b) of Code Section 15-6-77,
11 relating to fees and construction of other fee provisions, as follows:

12 "(b) All sums as provided for in this Code section shall be inclusive of the sums that the
13 clerks of the superior courts may be required to collect pursuant to ~~Code Section 36-15-9~~
14 ~~and~~ Code Section 15-6-77.4. The sums provided in this Code section are exclusive of costs
15 for service of process or other additional sums as may be provided by law."

16 **SECTION 2.**

17 Chapter 15 of Title 36 of the Official Code of Georgia Annotated, relating to county law
18 libraries, is amended by revising Code Section 36-15-1, relating to board of trustees created
19 in each county, composition, chairperson, and quorum, as follows:

20 "36-15-1.

21 There is created in each county in this state a board to be known as the board of trustees
22 of the county law library, hereafter referred to as the board. The board shall consist of the
23 chief judge of the superior court of the circuit in which the county is located; the judge of
24 the probate court; the senior judge of the state court, if any; ~~the district attorney of the~~
25 ~~circuit in which the county is located~~; a solicitor-general of the state court, if any; the clerk

26 of the superior court; and two practicing attorneys of the county. The practicing attorneys
 27 shall be selected by the other trustees and shall serve at their pleasure. All of the trustees
 28 shall serve without pay. The chief judge of the superior court shall be chairperson of the
 29 board. A majority of the members of the board shall constitute a quorum for the purpose
 30 of transacting all business that may come before the board."

31 **SECTION 3.**

32 Said chapter is further amended by revising subsection (c) of Code Section 36-15-7, relating
 33 to use of funds, as follows:

34 "(c) In the event the board of trustees determines in its discretion that it has excess funds,
 35 such funds as may be designated by the board of trustees shall be disbursed by the board
 36 of trustees in either of the following manners:

37 (1) Granted ~~granted~~ to charitable ~~tax-exempt~~ tax-exempt organizations which provide
 38 civil legal representation for low-income people; or

39 (2) Used to purchase software, equipment, fixtures, or furnishings for any office related
 40 to county judicial facilities or services, including, but not limited to, courtrooms and jury
 41 rooms; provided, however, that the county commissioners are given a copy of the receipts
 42 for such purchases.

43 ~~Any remaining~~ Upon the determination by the board of trustees that there are excess funds,
 44 such excess funds shall be turned over to the county commissioners; ~~and said funds and~~
 45 upon being turned over shall be used by the county commissioners for the purchase of
 46 software, equipment, fixtures, or ~~and~~ furnishings for the courthouse."

47 **SECTION 4.**

48 Said chapter is further amended by revising subsection (f) of Code Section 36-15-9, relating
 49 to collection of additional costs in court cases, amount, determination of need as prerequisite
 50 to collection, and collection in certain criminal cases, as follows:

51 ~~"(f) The sums provided for in subsection (a) of this Code section for actions, cases, or~~
 52 ~~proceedings civil in nature which are filed in the superior courts shall be collected in~~
 53 ~~accordance with the provisions of subsection (b) of Code Section 15-6-77~~ Reserved."

54 **SECTION 5.**

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

57 **SECTION 6.**

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