

House Bill 738 (COMMITTEE SUBSTITUTE)

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

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.