

House Bill 851 (AS PASSED HOUSE AND SENATE)

By: Representative Atwood of the 179th

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 require an annual audit of the financial
6 affairs, books, and records of boards of trustees of the county law library; to provide for
7 publication of such audit; to provide for related matters; to provide an effective date; to
8 repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 SECTION 1.

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

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

18 SECTION 2.

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

22 "36-15-1.

23 There is created in each county in this state a board to be known as the board of trustees
24 of the county law library, hereafter referred to as the board. The board shall consist of the
25 chief judge of the superior court of the circuit in which the county is located; the judge of

26 the probate court; the senior judge of the state court, if any; the district attorney of the
 27 circuit in which the county is located; a solicitor-general of the state court, if any; the clerk
 28 of the superior court; and two practicing attorneys of the county. The practicing attorneys
 29 shall be selected by the other trustees and shall serve at their pleasure. All of the trustees
 30 shall serve without pay. The chief judge of the superior court shall be chairperson of the
 31 board. A majority of the members of the board shall constitute a quorum for the purpose
 32 of transacting all business that may come before the board."

33 SECTION 3.

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

36 "(c) In the event the board of trustees determines in its discretion that it has excess funds,
 37 such funds as may be designated by the board of trustees shall be ~~granted~~ disbursed by the
 38 board of trustees to charitable ~~tax-exempt~~ tax-exempt organizations which provide civil
 39 legal representation for low-income people; used to purchase software, equipment, fixtures,
 40 or furnishings for any office related to county judicial facilities or services, including, but
 41 not limited to, courtrooms and jury rooms; or. ~~Any remaining excess funds shall be turned~~
 42 ~~over to the county commissioners, and said funds shall be~~ and used by the county
 43 commissioners for the purchase of software, equipment, fixtures, or ~~and~~ furnishings for the
 44 courthouse."

45 SECTION 4.

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

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

52 SECTION 5.

53 Said chapter is further amended by adding a new Code section to read as follows:

54 "36-15-13.

55 Each board created pursuant to this chapter shall, at the end of each fiscal year for the
 56 preceding year, have an annual audit of its financial affairs, books, and accounts performed
 57 by the county accountant as employed pursuant to Code Section 36-1-10; the internal
 58 auditor employed by the governing authority of the county, if such internal auditor is a
 59 certified public accountant; or a certified public accountant. The determination of the

60 performance of such audit by the county accountant, the internal auditor, or a certified
61 public accountant shall be made by the board. Such audit shall be conducted in accordance
62 with generally accepted accounting principles, including, but not limited to, a report on
63 whether the control, deposit, and investment of funds, the receipt and investment of money
64 and property, and the use of funds by such board have been conducted as provided for
65 under this chapter. A copy of such audit shall be made available to the governing authority
66 of the county and shall be a public document."

67 **SECTION 6.**

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

70 **SECTION 7.**

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