

House Bill 52 (AS PASSED HOUSE AND SENATE)

By: Representative Greene of the 151<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend an Act creating a Small Claims Court in Clay County, approved March 18, 1980  
2 (Ga. L. 1980, p. 3545), so as to provide that the judge of the Probate Court of Clay County  
3 shall also serve as the magistrate of the Magistrate Court of Clay County on or after  
4 January 1, 2021, or upon vacancy of the office of the magistrate, whichever occurs first; to  
5 provide for the continuation in office and expiration of term of the current magistrate; to  
6 provide for the compensation of such judge for service as magistrate; to provide for  
7 nonpartisan elections to the combined position of probate judge and chief magistrate; to  
8 provide for related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 style="text-align:center">**SECTION 1.**

11 An Act creating a Small Claims Court in Clay County, approved March 18, 1980 (Ga. L.  
12 1980, p. 3545), is amended by revising Section 2 to read as follows:

13 style="text-align:center">"SECTION 2.

14 (a) Pursuant to subsection (g) of Code Section 15-10-20 of the Official Code of Georgia  
15 Annotated, the magistrate of the Magistrate Court of Clay County shall not be separately  
16 elected or appointed for any term of office that begins on or after January 1, 2021, but on  
17 and after that date the judge of the Probate Court of Clay County shall serve as the  
18 magistrate of the Magistrate Court of Clay County. There shall be no election or  
19 appointment in 2020 or thereafter for the office of magistrate of the Magistrate Court of  
20 Clay County. The term of office of the judge serving as magistrate shall be concurrent with  
21 such judge's term of office as the judge of the probate court.

22 (b) Effective upon the date the judge of the probate court assumes the duties of the  
23 magistrate judge, the judge of the Probate Court of Clay County shall receive a supplement  
24 for service as magistrate judge in an amount to be fixed by the governing authority of Clay  
25 County in addition to any compensation received for service as judge of the probate court.

26 Such supplement shall not be less than the minimum amount provided by any general law  
27 for additional service by a judge of the probate court as magistrate.

28 (c) The magistrate of the Magistrate Court of Clay County who is serving as such on the  
29 effective date of this Act shall continue to serve as judge for the remainder of his or her  
30 current term of office. During such time period, the current magistrate shall continue to  
31 receive the same salary he or she is receiving for performing such duties as fixed by the  
32 governing authority of Clay County. However, if the office of magistrate becomes vacant  
33 prior to expiration of the current term, the probate judge shall immediately begin to serve  
34 as magistrate.

35 (d) All elections for the office of probate judge of Clay County, who also serves as  
36 magistrate of the Magistrate Court of Clay County, conducted after the effective date of  
37 this Act shall be nonpartisan elections as provided for in Code Section 21-2-139 of the  
38 Official Code of Georgia Annotated. Such nonpartisan elections shall be conducted at the  
39 general nonpartisan election immediately preceding the expiration of the term of such  
40 office and conducted as provided in Chapter 2 of Title 21 of the Official Code of Georgia  
41 Annotated, the 'Georgia Election Code.'"

42 **SECTION 2.**

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