

House Bill 254

By: Representatives Jenkins of the 136<sup>th</sup>, Cannon of the 172<sup>nd</sup>, Pirkle of the 169<sup>th</sup>, Horner of the 3<sup>rd</sup>, and Lott of the 131<sup>st</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 9-13-142 of the Official Code of Georgia Annotated, relating to the  
2 requirements of an official legal organ, so as to provide an alternative procedure for the  
3 designation of the official legal organ; to amend Chapter 80 of Title 36 of the Official Code  
4 of Georgia Annotated, relating to provisions applicable to counties, municipal corporations,  
5 and other governmental entities, so as to provide an additional manner of publishing certain  
6 legal notices by counties and municipalities; to provide for a definition; to provide for related  
7 matters; to repeal conflicting laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Code Section 9-13-142 of the Official Code of Georgia Annotated, relating to the  
11 requirements of an official legal organ, is amended by revising subsection (b) as follows:

12 "(b)(1) However, in counties where no journal or newspaper meets the qualifications set  
13 forth in subsection (a) of this Code section, the official organ may be designated by the  
14 judge of the probate court, the sheriff, and the clerk of the superior court, or by a majority  
15 of these officers governing from among newspapers otherwise qualified to be a legal  
16 organ that meet the minimum paid circulation in the preceding subsection for the county,

17 or if there is no such newspaper, then the newspaper having the greatest general paid  
18 circulation in the county of at least 100 copies per issue.

19 (2) In the event that no otherwise qualified journal or newspaper has a paid circulation  
20 of at least 100 copies per issue in the county, the judge of the probate court, the sheriff,  
21 the clerk of the superior court, or a majority of these officers may designate a newspaper  
22 that does not meet the qualifications of paragraph (1) of subsection (a) of this Code  
23 section, but does have a weekly circulation in the county of at least 100 copies per issue,  
24 as the legal interim organ for the county. Such interim designation shall terminate in the  
25 event that another newspaper meets the qualifications of subsection (a) of this Code  
26 section and is designated as the county's legal organ pursuant to this Code section."

27 **SECTION 2.**

28 Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions  
29 applicable to counties, municipal corporations, and other governmental entities, is amended  
30 by adding a new Code section to read as follows:

31 "36-80-29.

32 (a) As used in this Code section, the term 'website' means:

33 (1) A website maintained by a county or municipal legal organ;

34 (2) A website maintained by a newspaper of general circulation that is not a designated  
35 legal organ;

36 (3) The Georgia Public Notice website or any other website maintained by an  
37 organization or collection of two or more legal organs; or

38 (4) A website maintained by a county or municipal government.

39 (b) Except as otherwise provided in subsection (a) of Code Section 28-1-14, in any case  
40 when a county or municipality is required to publish a legal notice in the county or  
41 municipal legal organ or other newspaper of general circulation, such notice may  
42 additionally be published by posting such notice on one or more websites.

43 (c) In the event that the county or municipal legal organ or other newspaper of general  
44 circulation fails to publish the notice despite such notice being properly submitted to such  
45 legal organ or newspaper, the date of first posting on the website shall serve as the  
46 publication date; provided, however, that such publication date shall not be prior to the date  
47 on which such notice should have been published by such legal organ or newspaper.

48 (d) Postings on the website shall remain in place until the conclusion of the event or action  
49 being advertised, provided that no website as defined in paragraphs (1) through (3) of  
50 subsection (a) of this Code section shall be required to maintain such posting for a period  
51 in excess of one year.

52 (e) In any case when the county or municipal legal organ or other newspaper of general  
53 circulation fails to publish the notice, a posting on the website shall satisfy any and all legal  
54 requirements of adequate notice to the public."

55

### SECTION 3.

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