

Senate Bill 307

By: Senator Rogers of the 21st

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 36 of the Official Code of Georgia Annotated, relating to local government,
2 so as to repeal Chapter 16, relating to establishment of county historical containers in the
3 office of the probate judge upon the recommendation of two successive grand juries; to
4 provide that this Act shall not preclude the maintenance of any existing historical container;
5 to provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended
9 by repealing and reserving Chapter 16 relating to establishment of county historical
10 containers in the office of the probate judge upon the recommendation of two successive
11 grand juries, as follows:

12 **"CHAPTER 16**

13
14 36-16-1.

15 Reserved. ~~The county governing authority shall furnish, purchase, or cause to be furnished~~
16 ~~or purchased a suitable filing case or other container to be placed in the office of the judge~~
17 ~~of the probate court of the county and labeled 'Historical.'~~

18 36-16-2.

19 ~~The judge of the probate court of the county shall be required to receive from any~~
20 ~~responsible citizen or citizens any data of a historical nature and place the same on file in~~
21 ~~the historical container provided for in Code Section 36-16-1, for safe preservation and~~
22 ~~historical reference. The matter to be entered for preservation must be of general interest~~
23 ~~and not of a personal nature; it may include records, proceedings, or minutes of any~~
24 ~~religious body or organization, school records not otherwise preserved, records of civic,~~

1 ~~patriotic, or fraternal organizations; and records of purely community affairs when of such~~
 2 ~~nature as to be of general interest and not otherwise recorded by court procedure.~~

3 ~~36-16-3.~~

4 ~~The judge of the probate court and the county board of education are made the sole judges~~
 5 ~~of the admissibility of any matter or document which may be submitted to the judge of the~~
 6 ~~probate court for filing, should any question arise as to the historical value of such matter~~
 7 ~~or document so submitted; and the judge of the probate court and the board of education~~
 8 ~~sitting in regular session shall have authority to accept or reject any matter so submitted;~~
 9 ~~provided that the judge of the probate court shall be required to deposit in the historical~~
 10 ~~container all documents in his office pertaining to records of Confederate soldiers and~~
 11 ~~widows of such soldiers, as well as soldiers and their surviving spouses of all other wars~~
 12 ~~of our nation, a record of which he may have in his office, and to make proper notations~~
 13 ~~thereof in the book of record.~~

14 ~~36-16-4.~~

15 ~~The judge of the probate court shall be required to keep a suitable record and index in a~~
 16 ~~book prepared for that purpose of all matter placed in the historical container, with~~
 17 ~~notations as to the nature of the matter on file, by whom, and when placed on file. He shall~~
 18 ~~be entitled to a fee of 25¢, payable by the person filing such historical matter, for each~~
 19 ~~article or document so deposited by such person for preservation with him, provided that~~
 20 ~~the county historian may submit documents for preservation without payment of a fee to~~
 21 ~~the judge of the probate court.~~

22 ~~36-16-5.~~

23 ~~This chapter shall not become operative in any county of this state until it has been adopted~~
 24 ~~and recommended by a majority vote of two successive regular grand juries of the county."~~

25 **SECTION 2.**

26 If as of July 1, 2005, there has been established in any county a historical container as
 27 authorized under former Chapter 16 of Title 36, the judge of the probate court shall be
 28 authorized to maintain such container in such manner as deemed appropriate by the judge of
 29 the probate court.

30 **SECTION 3.**

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