

Senate Bill 391

By: Senators Staton of the 18th, Heath of the 31st, Douglas of the 17th, Rogers of the 21st  
and Chance of the 16th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the  
2 Secretary of State, so as to require the Secretary of State to authorize and procure a website  
3 service provider for the purpose of establishing and maintaining a public notice website; to  
4 provide for definitions; to provide that, when a public notice is required by law to be  
5 published in a manner other than by posting in print in a legal organ of a county or in the  
6 official gazette of a municipality, such requirement may be satisfied by posting such public  
7 notice on the public notice website; to provide for certain requirements for such website and  
8 website provider; to provide for the remission of certain monies generated by the operation  
9 of the website back to counties; to provide for related matters; to repeal conflicting laws; and  
10 for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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

13 Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Secretary  
14 of State, is amended by adding a new article to read as follows:

15 style="text-align:center">"ARTICLE 6

16 45-13-100.

17 As used in this article, the term:

18 (1) 'Notice' means any notice that is required by law to be published by a state agency  
19 for the purpose of notifying the public, with the exception of notices which are required  
20 by law to be published in the legal organ of a county or in the official gazette of a  
21 municipality, and includes notices of meetings under Chapter 14 of Title 50 and notices  
22 of rule making under Chapter 13 of Title 50.

1 (2) 'Public notice website' means a website authorized and procured by the Secretary of  
2 State for the purpose of providing the option of satisfying public notice requirements of  
3 law by publishing public notices on the Internet.

4 (3) 'Website service provider' means the vendor selected to be the public notice website  
5 provider and establish and maintain the public notice website for the State of Georgia.

6 45-13-101.

7 When a notice, other than a notice required by law to be published in the legal organ of a  
8 county or in the official gazette of a municipality, is required by law to be published,  
9 including notice of a meeting or notice of rule making, such requirement may be satisfied  
10 by posting such notice on the public notice website authorized and procured by the  
11 Secretary of State.

12 45-13-102.

13 (a) The Secretary of State shall authorize and procure a single website service provider for  
14 the purpose of establishing and maintaining a public notice website meeting the  
15 requirements of this article.

16 (b) The website service provider shall:

17 (1) Permit posting of notices on the public notice website by an agency;

18 (2) Submit a periodic compliance report to the Secretary of State that includes such  
19 quality review information as the Secretary of State may require. The Secretary of State  
20 shall have full access to the website service provider's technological and informational  
21 operations for the purposes of such review;

22 (3) Maintain all of the features of the public notice website so that it is fully publicly  
23 accessible at all times;

24 (4) Maintain adequate government-grade security, including systematic protection,  
25 back-up, hardware, and contingency planning to guard against power outages and other  
26 security dangers which might compromise the integrity of the information posted on the  
27 website;

28 (5) Have the right to hold and use a domain name and Internet location which is readily  
29 recognizable by the public and indicates the website's functionality and geography;

30 (6) Not infringe on a legally protected intellectual property right of another website  
31 company sufficient to cause interruption to the public notice website by virtue of legal  
32 process;

33 (7) Possess appropriate technology, infrastructure, and software sufficient to operate and  
34 maintain the website with proper and efficient communication with the noticing and user  
35 entities;

- 1 (8) Have sufficient minimal capital requirements to ensure uninterrupted ongoing  
2 operation as the Secretary of State may require to be certified upon request;
- 3 (9) Possess sufficient technology, together with the right to deploy such technology, to  
4 allow uploading from government agencies directly onto the website. Such technology  
5 shall be deployed without expense to the state;
- 6 (10) Ensure that individual notices are displayed for not less than the length of time  
7 requested by the posting entity;
- 8 (11) Include an archives feature that is accessible and free of charge as a public service  
9 at all times and include a function that allows the public to determine which notices have  
10 been posted by a given agency;
- 11 (12) Provide that notices, both current and archived, are publicly searchable by keyword,  
12 by agency, and by publication area;
- 13 (13) Not charge a fee to a person accessing, searching, or using a public notice website  
14 function;
- 15 (14) Charge a reasonable fee, not to exceed \$25.00 per posting, for the provision and  
16 maintenance of website services which shall be at no cost to the state or any of its  
17 political subdivisions except when posting a notice;
- 18 (15) Remit 10 percent of the profits generated by the operation of the website back to the  
19 counties of the state for discretionary use in the prosecution of governmental affairs for  
20 the benefit of the public; and
- 21 (16) Post a bond of reasonable amount as determined by the Secretary of State to ensure  
22 the public interest."

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**SECTION 2.**

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