

House Bill 1279

By: Representative Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 28-4-3 of the Official Code of Georgia Annotated, relating to the
2 Office of Legislative Counsel, creation, qualifications, and powers and duties, so as to repeal
3 certain requirements relative to softbound volumes of the Georgia Laws; to amend Article
4 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to powers and
5 duties of the Secretary of State generally, so as to change certain provisions relative to the
6 distribution of the Georgia Laws and journals of the House of Representatives and the
7 Senate; to provide that the Secretary shall be responsible for pricing; to provide for the
8 provision of Acts requiring referenda to local officials; to repeal conflicting laws; and for
9 other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 28-4-3 of the Official Code of Georgia Annotated, relating to the Office of
13 Legislative Counsel, creation, qualifications, and powers and duties, is amended by revising
14 subsection (e) as follows:

15 "(e) The legislative counsel shall provide for the compiling, indexing, editing, and
16 publication of the Georgia Laws containing the Acts and resolutions of the General
17 Assembly and other appropriate materials. Except as otherwise provided in this subsection,
18 such Acts and resolutions shall be published in hardbound volumes suitable for retention
19 as permanent records ~~as well as in softbound volumes or pamphlets suitable for prompt~~
20 ~~distribution of newly enacted laws to public officers, attorneys, and the public; and~~
21 ~~following each session of the General Assembly, a copy of such softbound Georgia Laws~~
22 ~~shall be furnished to the clerk of superior court of each county within 30 days after the last~~
23 ~~date on which the Governor may approve or veto bills enacted at that session of the~~
24 ~~General Assembly.~~ In the case of any special session of the General Assembly, however,
25 the separate publication and distribution of the Acts and resolutions enacted at that special
26 session may be omitted, and in such case the Acts and resolutions enacted at the special

27 session shall be published and distributed together with those enacted at the subsequent
 28 regular session. Distribution of the Georgia Laws shall be carried out by the Secretary of
 29 State as provided for in Code Section 45-13-22; and the Secretary of State shall notify the
 30 legislative counsel of the numbers of volumes required to carry out such distribution."

31 **SECTION 2.**

32 Article 2 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to
 33 powers and duties of the Secretary of State generally, is amended by revising Code Section
 34 45-13-22, relating to the distribution of Georgia Laws and journals of the House of
 35 Representatives and the Senate, as follows:

36 "45-13-22.

37 (a) It shall be the duty of the Secretary of State to distribute the Acts and resolutions of the
 38 General Assembly of Georgia. The Secretary of State shall notify the legislative counsel
 39 of the ~~numbers~~ distribution requirements of soft-bound electronic version and hard-bound
 40 volumes of Georgia Laws needed for distribution. Hard-bound ~~and soft-bound~~ volumes
 41 shall be distributed as provided in this Code section. The Secretary of State shall make
 42 distribution of the electronic version and bound volumes of the journals of the House and
 43 Senate. The Secretary of State shall notify the Clerk of the House and the Secretary of the
 44 Senate of the numbers of journals needed for distribution. Distribution shall be as provided
 45 in this Code section.

46 (b) Volumes distributed to members of the General Assembly, to libraries, to institutions
 47 of learning, or to agencies outside the State of Georgia shall become the property of the
 48 recipient. All volumes distributed within this state to the state or to any of its subordinate
 49 departments, agencies, or political subdivisions, or to public officers or to public employees
 50 within the state, other than members of the General Assembly, shall be the property of the
 51 appropriate public officer or employee during his term of office or employment and shall
 52 be turned over to his or her successor, and the Secretary of State shall take and retain a
 53 receipt from each such public officer or employee acknowledging this fact. The Secretary
 54 of State shall at all times use the most economical method of shipment consistent with the
 55 safety and security of the volumes. The Secretary of State shall make the distributions
 56 provided for in this Code section. Additional copies of the hard-bound volumes ~~and~~
 57 ~~soft-bound volumes~~ of the Georgia Laws and of the House and Senate Journals may be sold
 58 by the Secretary of State to persons desiring to purchase the same. The prices at which
 59 such volumes are to be sold shall be determined by the Secretary of State ~~Legislative~~
 60 ~~Counsel for the Georgia Laws, by the Secretary of the Senate for the Senate Journals, and~~
 61 ~~by the Clerk of the House of Representatives for the House Journals~~. In determining such
 62 prices ~~such officers~~ the Secretary of State shall take into account the approximate cost to

63 the state of producing such volumes and the usual and customary cost of comparable
 64 publications. Receipts from such sales shall be deposited by the Secretary of State into the
 65 general fund of the state treasury.

66 (c) Each of the officers, offices, and other entities listed in this subsection shall be
 67 authorized to order up to the indicated numbers of sets of the Georgia Laws from each
 68 legislative session. ~~Unless otherwise specified by the ordering party, each set ordered shall~~
 69 ~~include both the soft-bound and hard-bound volumes, but the ordering party may specify~~
 70 ~~that an order shall omit either.~~ The numbers of sets authorized for each such officer, office,
 71 and entity shall be as follows:

- 72 (1) Law Department — 33 sets, which number may be increased by written order of the
 73 Attorney General;
- 74 (2) Each state agency or department — one set;
- 75 (3) ~~Each foreign government authority and each state participating in an exchange and~~
 76 ~~depository program — one set;~~
- 77 (4) Library of Congress — ~~two sets~~ one set;
- 78 (5) ~~Georgia Institute of Technology — one set;~~
- 79 (6)(4) University of Georgia — ~~52~~ two sets;
- 80 (7)(5) Supreme Court of Georgia — 12 sets, which number may be increased by written
 81 order of the Chief Justice;
- 82 (8)(6) Court of Appeals of Georgia — 13 sets, which number may be increased by
 83 written order of the Chief Judge;
- 84 (9)(7) Administrative Office of the Courts — one set;
- 85 (10)(8) Each superior court judge — one set;
- 86 (11) Each clerk of superior court — one set;
- 87 (12) ~~District Attorney of the Atlanta Judicial Circuit — two sets;~~
- 88 (13)(9) Each ~~other~~ district attorney — one set;
- 89 (14)(10) Each judge of probate court — ~~three~~ two sets, of which one set may be retained
 90 for the judge's own use; and one set may be issued to the county attorney; ~~and one set~~
 91 ~~shall be placed in the county law library or retained in the judge's office for use by the~~
 92 ~~general public;~~
- 93 (15)(11) Each state court — one set;
- 94 (16)(12) Each magistrate court — one set;
- 95 (17)(13) United States Supreme Court — one set;
- 96 (18)(14) United States Court of Appeals for the Eleventh Circuit — one set;
- 97 (19)(15) United States District Courts for the State of Georgia — six sets;
- 98 (20)(16) Clerk of the House of Representatives — five sets;
- 99 (21)(17) Each member of the General Assembly — one set;

- 100 ~~(22)~~(18) House Judiciary Committee — one set;
- 101 ~~(23)~~(19) House Majority Leader — one set;
- 102 ~~(24)~~(20) House Minority Leader — one set;
- 103 ~~(25)~~(21) House Budget Office and Senate Budget Office — one set each;
- 104 ~~(26)~~(22) Legislative counsel — 15 sets, which number may be increased by written order
- 105 of the legislative counsel;
- 106 ~~(27)~~(23) Legislative fiscal officer — one set;
- 107 ~~(28)~~(24) President of the Senate — one set;
- 108 ~~(29)~~(25) President pro tempore of the Senate — one set;
- 109 ~~(30)~~(26) Secretary of the Senate — three sets;
- 110 ~~(31)~~ Speaker of the House — one set; and
- 111 ~~(32)~~(27) Senate Judiciary Committee — one set.
- 112 (d) Each of the following officers, offices, and other entities shall be authorized to order
- 113 up to the indicated numbers of the Georgia Senate and House Journals from each
- 114 legislative session; provided, however, that such officers, offices, and entities shall pay the
- 115 Secretary of State the cost of acquisition of such volumes:
- 116 (1) Law Department — four sets, which number may be increased by written order of
- 117 the Attorney General;
- 118 (2) Each state agency or department — one set;
- 119 (3) State Archives — one set;
- 120 (4) Georgia Historical Society — two sets;
- 121 (5) Each foreign government and each state participating in an exchange and depository
- 122 program — one set;
- 123 (6) Library of Congress — two sets;
- 124 (7) Augusta College — one set;
- 125 (8) Georgia Institute of Technology — one set;
- 126 (9) Georgia State University — one set;
- 127 (10) University of Georgia — seven sets;
- 128 (11) Department of Administrative Services — one set;
- 129 (12) Department of Human Services — one set;
- 130 (13) Supreme Court of Georgia — as requested in writing by the Chief Justice;
- 131 (14) Court of Appeals of Georgia — as requested in writing by the Chief Judge;
- 132 (15) Each judge of probate court — one set;
- 133 (16) Legislative counsel — five sets;
- 134 (17) Legislative fiscal officer — nine sets;
- 135 (18) Each member of the House of Representatives — one set;
- 136 (19) Speaker of the House — one set;

- 137 (20) Clerk of the House of Representatives — three sets;
- 138 (21) House Judiciary Committee — one set;
- 139 (22) House Majority Leader — one set;
- 140 (23) House Minority Leader — one set;
- 141 (24) Each member of the Senate — one set;
- 142 (25) President of the Senate — one set;
- 143 (26) President pro tempore of the Senate — one set;
- 144 (27) Secretary of the Senate — three sets; and
- 145 (28) Senate Judiciary Committee — one set.
- 146 (e) In the case of newly created courts or judgeships, and in the case of other state
 147 departments, agencies, and entities needing session laws or journals or both, requests for
 148 session laws and journals may be filled in whole or in part as the Secretary of State deems
 149 appropriate; and the Secretary of State may add names to or delete names from the
 150 distribution lists for the session laws and journals as he or she deems appropriate, except
 151 that the Secretary of State may not delete those authorized to order sets under ~~subsections~~
 152 subsection (c) and (d) of this Code section.
- 153 (f) Each officer, office, or other entity authorized to order Georgia Laws or Georgia Senate
 154 and House Journals pursuant to ~~subsections~~ subsection (c) and (d) of this Code section shall
 155 do so by placing such order in writing to the Secretary of State prior to the end of each
 156 session of the General Assembly. A written order from an officer, office, or other entity
 157 shall remain in effect ~~until changed by a subsequent written order for two years.~~ The
 158 Secretary of State shall not provide Georgia Laws or House and Senate Journals to any
 159 such officer, office, or other entity without a written order. The Secretary of State has no
 160 obligation to provide Georgia Laws or House or Senate Journals to any such officer, office,
 161 or other entity unless a written order has been placed in accordance with the time frame
 162 specified in this subsection.
- 163 (g) The Secretary of State shall reserve ~~30~~ five copies each of the session laws and of the
 164 journals of the House and Senate for three years after their receipt. After three years he or
 165 she shall hold in reserve ~~15 copies~~ one copy of each of the laws and journals. Copies of
 166 the laws and journals in excess of the required reserve and not needed for purposes of
 167 distribution or exchange may be sold or otherwise disposed of by the Secretary of State.
- 168 (h) The Secretary of State shall act as the exchange officer of this state for the purpose of
 169 a regular exchange between this state and other states and foreign governments of the
 170 session laws and the journals of the House and Senate. To the extent that the Secretary of
 171 State deems such exchanges appropriate, if requested by the Attorney General to make
 172 such exchanges, the Secretary of State ~~shall~~ may distribute one set of the session laws and
 173 the journals of the House and Senate to each participating state and foreign government."

174 **SECTION 3.**

175 Said article is further amended by revising Code Section 45-13-24, relating to the duty to
176 mail Acts requiring referenda to local officials, as follows:

177 "45-13-24.

178 (a) Within one calendar week after any local Act or general Act of local application which
179 requires a local referendum or a special election is approved by the Governor or becomes
180 law without his such approval, it shall be the duty of the Secretary of State to mail provide
181 a copy of the Act, with a certificate showing the date it became law, to the election
182 superintendent and the governing authority of each county or municipality in which it has
183 application.

184 (b) Within 60 calendar days after any local Act or general Act of local application which
185 requires a local referendum is approved by the Governor or becomes law without such
186 approval, it shall be the duty of the Secretary of State to provide a copy of the Act, with a
187 certificate showing the date it became law, to the election superintendent and the governing
188 authority of each county or municipality in which it has application."

189 **SECTION 4.**

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