

Senate Bill 388

By: Senators Butterworth of the 50th, Rogers of the 21st, Williams of the 19th, Hawkins of the 49th, Moody of the 56th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 1 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated,
2 relating to state printing and documents in general, so as to provide that in general when any
3 state law authorizes or directs a state officer or agency to publish any matter, such
4 publication may be made in printed or electronic format; to provide a preference for
5 electronic format; to provide for definitions; to provide for exceptions; to provide for related
6 matters; to provide for conforming amendments to numerous specific provisions of the
7 Official Code of Georgia Annotated relating to publication of particular matters so as to
8 authorize print or electronic publication; to provide for an effective date; to repeal conflicting
9 laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 Article 1 of Chapter 18 of Title 50 of the Official Code of Georgia Annotated, relating to
13 state printing and documents in general, is amended by adding a new Code section as
14 follows:

15 "50-18-2.

16 (a) As used in this Code section, the term:

17 (1) 'State agency' means any department, board, bureau, commission, authority, council,
18 or committee or any other state agency or instrumentality of the executive or legislative
19 branch of state government.

20 (2) 'State officer' means any officer of the executive or legislative branch of state
21 government.

22 (b) When any other provision of state law authorizes or directs any state officer or state
23 agency to publish or provide for publication of any matter, such publication shall be made
24 in electronic format unless the state officer or state agency determines that a printed format
25 is necessary to achieve the purpose of publication, except that:

26 (1) When another provision of state law specifically provides for publication in one or
 27 more newspapers, publication shall be in the newspaper or newspapers as provided by
 28 such other provision of law; and

29 (2) When any other provision of state law makes specific reference to this Code section
 30 and requires publication in a specific manner notwithstanding the provisions of this Code
 31 section, such other provision of law shall control over this Code section.

32 (c) Nothing in this Code section shall limit the applicability of Article 4 of this chapter,
 33 relating to inspection of public records, when said article by its terms is otherwise
 34 applicable."

35 **SECTION 2.**

36 Each of the following Code sections and parts of Code sections of the Official Code of
 37 Georgia Annotated is amended by adding after the word "publish" the words "in print or
 38 electronically":

39 (1) Subsection (c) of Code Section 2-1-4, relating to anti-siphon devices for irrigation
 40 systems;

41 (2) Code Section 2-5-8, relating to issuance of registrations, licenses, or permits by the
 42 Department of Agriculture;

43 (3) Code Section 2-9-42.1, relating to publication of names and locations of licensed grain
 44 dealers;

45 (4) Paragraph (4) of Code Section 2-10-53, relating to powers and duties of the
 46 Commissioner of Agriculture relative to farmers' markets;

47 (5) Paragraph (5) of Code Section 2-11-25, relating to powers and duties of the
 48 Commissioner of Agriculture relative to the 'Georgia Seed Law';

49 (6) Subsection (a) of Code Section 2-15-12, relating to rules under the 'Georgia Pacific
 50 White Shrimp Aquaculture Development Act of 2004';

51 (7) Subsection (a) of Code Section 3-2-2, relating to promulgation of rules regarding
 52 alcoholic beverages;

53 (8) Code Section 4-4-60, relating to publication of an annual statement regarding
 54 extermination of the cattle fever tick, screwworm, and other parasites;

55 (9) Code Section 7-1-74, relating to publication of the annual report of the Department of
 56 Banking and Finance;

57 (10) Paragraph (2) of Code Section 8-2-161, relating to rules governing the installation of
 58 certain manufactured homes and mobile homes;

59 (11) Paragraph (2) of subsection (d) of Code Section 8-3-206, relating to publication of
 60 reports regarding the fair housing law;

61 (12) Code Section 10-1-187, relating to rules regarding brake fluid;

- 62 (13) Code Section 10-1-206, relating to publication of information regarding antifreeze;
63 (14) Code Section 10-4-31, relating to publication of information regarding warehouses;
64 (15) Subsection (b) of Code Section 10-5-25, relating to denial of registration of securities
65 offerings;
66 (16) Paragraph (3) of subsection (a) of Code Section 10-5-71, relating to powers of the
67 Secretary of State as Commissioner of Securities;
68 (17) Paragraph (3) of subsection (a) of Code Section 10-5A-20, relating to investigations
69 regarding commodity contracts and options;
70 (18) Code Section 10-10-7, relating to publication of the annual report regarding the state
71 Seed-Capital Fund;
72 (19) Subsection (a) of Code Section 11-9-526, relating to rules regarding secured
73 transactions filings;
74 (20) Paragraph (3) of Code Section 12-3-93, relating to duties of the Department of
75 Natural Resources under the 'Georgia Natural Areas Act';
76 (21) Paragraph (5) of subsection (a) of Code Section 12-4-1, relating to powers and duties
77 of the Environmental Protection Division as to mineral and geological resources;
78 (22) Paragraph (7) of subsection (a) of Code Section 12-4-73, relating to powers and duties
79 of the Environmental Protection Division as to surface mining;
80 (23) Code Section 12-5-1, relating to publication of findings of the Water Resources
81 Center of the Georgia Institute of Technology;
82 (24) Paragraph (2) of Code Section 12-5-211, relating to powers and duties of the
83 Department of Natural Resources with respect to development and utilization of coastal
84 and offshore resources;
85 (25) Subsection (d) of Code Section 12-5-582, relating to model ordinances for the
86 Metropolitan North Georgia Water Planning District;
87 (26) Subsection (d) of Code Section 12-5-583, relating to plans for the Metropolitan North
88 Georgia Water Planning District;
89 (27) Subsection (c) of Code Section 12-5-584, relating to additional plans for the
90 Metropolitan North Georgia Water Planning District;
91 (28) Paragraph (6) of subsection (a) of Code Section 12-6-5, relating to powers and duties
92 of the State Forestry Commission;
93 (29) Paragraph (10) of subsection (a) of Code Section 12-8-97, relating to the hazardous
94 site inventory under the 'Georgia Hazardous Site Response Act';
95 (30) Paragraph (9) of Code Section 15-5-24, relating to powers and duties of the
96 Administrative Office of the Courts;
97 (31) Subsection (a) of Code Section 15-11-19, relating to the Council of Juvenile Court
98 Judges;

- 99 (32) Paragraph (2) of subsection (b) of Code Section 17-12-6, relating to assistance by the
100 Georgia Public Defender Standards Council to public defenders;
- 101 (33) Paragraph (6) of subsection (a) of Code Section 19-6-53, relating to powers and duties
102 of the Georgia Child Support Commission;
- 103 (34) Subsection (d) of Code Section 20-1A-10, relating to regulation and functioning of
104 early care and education programs;
- 105 (35) Paragraph (1) of subsection (e) of Code Section 20-2-161, relating to the Quality
106 Basic Education Formula for funding of public schools;
- 107 (36) Subsections (d) and (e) of Code Section 20-2-881, relating to the health insurance
108 plan for public school teachers;
- 109 (37) Subsections (d) and (e) of Code Section 20-2-911, relating to the health insurance
110 plan for public school employees;
- 111 (38) Code Section 20-3-241, relating to operations reports by the Georgia Student Finance
112 Commission;
- 113 (39) Code Section 20-3-294, relating to operations reports by the Georgia Higher
114 Education Assistance Corporation;
- 115 (40) Code Section 20-3-328, relating to operations reports by the Georgia Student Finance
116 Authority;
- 117 (41) Paragraph (1) of subsection (c) of Code Section 20-3-423, relating to the selection
118 committee for North Georgia College scholarships;
- 119 (42) Paragraphs (3) and (4) of Code Section 21-2-31, relating to duties of the State Election
120 Board;
- 121 (43) Paragraphs (2), (6), (13), (19), and (20) of subsection (b) of Code Section 21-5-6,
122 relating to powers and duties of the State Ethics Commission;
- 123 (44) Subsection (h) of Code Section 21-5-71, relating to registration and regulation of
124 lobbyists;
- 125 (45) Paragraph (7) of subsection (b) of Code Section 26-2-232, relating to powers and
126 duties of the Commissioner of Agriculture under the 'Georgia Dairy Act of 1980';
- 127 (46) Paragraph (1) of subsection (e) of Code Section 26-4-29, relating to powers and duties
128 of the State Board of Pharmacy;
- 129 (47) Paragraph (6) of Code Section 27-1-6, relating to powers and duties of the
130 Department of Natural Resources relative to game and fish;
- 131 (48) Code Section 27-2-41, relating to regulations regarding game and fish licenses,
132 permits, and stamps;
- 133 (49) Code Section 27-4-262, relating to rules and regulations regarding aquaculture;
- 134 (50) Code Section 28-5-122, relating to publication of state grant programs;

- 135 (51) Paragraph (6) of subsection (a) of Code Section 31-10-5, relating to powers and duties
136 of the state registrar regarding vital records;
- 137 (52) Subsection (h) of Code Section 31-22-2, relating to licensure of clinical laboratories;
- 138 (53) Subsection (a) of Code Section 32-2-41.2, relating to benchmarks and value
139 engineering studies of road construction projects;
- 140 (54) Code Section 32-2-66, relating to qualification of transportation contractors;
- 141 (55) Subsection (b) of Code Section 33-21A-4, relating to reimbursement for emergency
142 health care services by medicaid care management organizations;
- 143 (56) Paragraph (5) of subsection (a) of Code Section 34-2-6, relating to powers and duties
144 of the Commissioner of Labor;
- 145 (57) Code Section 34-8-76, relating to powers and duties of the Commissioner of Labor
146 with respect to prevention and reduction of unemployment;
- 147 (58) Subsection (b) of Code Section 34-9-61, relating to publication of certain materials
148 by the State Board of Workers' Compensation;
- 149 (59) Subsection (b) of Code Section 34-9-205, relating to medical fees under the workers'
150 compensation law;
- 151 (60) Paragraph (3) of subsection (b) of Code Section 34-11-8, relating to the chief
152 inspector of boilers and pressure vessels;
- 153 (61) Paragraph (9) of subsection (a) of Code Section 35-3-33, relating to powers and duties
154 of the Georgia Crime Information Center;
- 155 (62) Paragraphs (2) and (4) of Code Section 35-6A-7, relating to functions and authority
156 of the Criminal Justice Coordinating Council;
- 157 (63) Subsection (a) of Code Section 37-2-7, relating to formulation and publication of the
158 state plan for disability services;
- 159 (64) Subsection (d) of Code Section 37-5-6, relating to plans for providing comprehensive
160 community services to developmentally disabled individuals;
- 161 (65) Subsection (d) of Code Section 40-6-315, relating to standards for motorcycle
162 headgear;
- 163 (66) Subsection (b) of Code Section 40-6-352, relating to standards for moped headgear;
- 164 (67) Subsection (d) of Code Section 40-8-78, relating to standards for automotive glazing
165 materials;
- 166 (68) Subsection (a) of Code Section 40-16-5, relating to authority of the commissioner of
167 driver services;
- 168 (69) Subsection (a) of Code Section 42-2-8, relating to authority of the commissioner of
169 corrections;
- 170 (70) Paragraph (9) of Code Section 43-11A-7, relating to powers of the Georgia Board of
171 Examiners of Licensed Dietitians;

- 172 (71) Paragraph (3) of subsection (a) and subsection (e) of Code Section 43-17-11, relating
173 to enforcement of the law relating to charitable solicitations;
- 174 (72) Paragraph (9) of Code Section 43-33-10, relating to authority of the State Board of
175 Physical Therapy;
- 176 (73) Subsection (e) of Code Section 43-41-10, relating to disciplinary actions under the
177 State Licensing Board for Residential and General Contractors;
- 178 (74) Paragraph (4) of Code Section 43-47-6, relating to powers and duties of the State
179 Board of Registration of Used Motor Vehicle Dealers and Used Motor Vehicle Parts
180 Dealers;
- 181 (75) Code Section 45-6-3, relating to annual reports of public officers of the state;
- 182 (76) Paragraph (5) of subsection (b) of Code Section 45-10-93, relating to powers and
183 duties of the Joint Legislative Ethics Committee;
- 184 (77) Code Section 45-13-27, relating to the Secretary of State's official directory of state
185 and county officials and officers;
- 186 (78) Paragraph (6) of Code Section 45-13-41, relating to objects and purposes of the
187 Georgia Archives;
- 188 (79) Subsections (d) and (e) of Code Section 45-18-15, relating to administration of the
189 state employees' health benefit plan;
- 190 (80) Code Section 45-22-9, relating to publication of lists of hazardous substances under
191 the 'Public Employee Hazardous Chemical Protection and Right to Know Act of 1988';
- 192 (81) Subsections (a) and (b) of Code Section 48-2-7, relating to powers and duties of the
193 state revenue commissioner;
- 194 (82) Subsection (a) of Code Section 48-2-12, relating to rules and regulations of the state
195 revenue commissioner;
- 196 (83) Subsection (c) of Code Section 48-5-346, relating to disapproval of county tax
197 digests;
- 198 (84) Paragraph (2) of subsection (b) of Code Section 48-7-112, relating to income tax
199 refunds, credits, and setoffs;
- 200 (85) Paragraph (4) of Code Section 49-4-33, relating to duties of the Department of
201 Human Services with respect to the Old-Age Assistance Act;
- 202 (86) Paragraph (5) of Code Section 49-4-53, relating to duties of the Department of
203 Human Services with respect to the 'Aid to the Blind Act';
- 204 (87) Paragraph (4) of Code Section 49-4-82, relating to duties of the Department of
205 Human Services with respect to aid to disabled persons;
- 206 (88) Paragraph (3) of subsection (c) of Code Section 49-4-183, relating to administration
207 of the 'Temporary Assistance for Needy Families Act';

- 208 (89) Subsection (n) of Code Section 49-4A-8, relating to commitment of children to the
 209 custody of the Department of Juvenile Justice;
- 210 (90) Subsection (b) of Code Section 49-5-12, relating to licensing and regulation of child
 211 welfare agencies;
- 212 (91) Code Section 49-5-19, relating to the annual report on the operations of county
 213 departments of family and children services;
- 214 (92) Paragraph (4) of subsection (d) of Code Section 49-5-132, relating to the Governor's
 215 Office for Children and Families;
- 216 (93) Subsection (j) of Code Section 49-5-273, relating to creation and operation of the
 217 PeachCare program;
- 218 (94) Paragraph (6) of Code Section 49-6-21, relating to powers and duties of the Council
 219 on Aging;
- 220 (95) Subsection (b) of Code Section 50-5-60.4, relating to use of mulch on public lands;
- 221 (96) Paragraph (1) of subsection (d) of Code Section 50-5-67, relating to procedures for
 222 bidding of state contracts;
- 223 (97) Paragraphs (4) and (5) of Code Section 50-7-8, relating to certain powers of the Board
 224 of Economic Development;
- 225 (98) Paragraph (4) of subsection (b) of Code Section 50-8-7, relating to planning, technical
 226 assistance, and information activities of the Department of Community Affairs;
- 227 (99) Paragraph (2) of Code Section 50-8-141, relating to functions of the Office of Rural
 228 Development;
- 229 (100) Code Section 50-12-84, relating to the annual report of the Commission on Women;
 230 and
- 231 (101) Subsection (a) of Code Section 50-25-7.10, relating to publication of the annual state
 232 information technology report.

233

SECTION 3.

234 Each of the following Code sections and parts of Code sections of the Official Code of
 235 Georgia Annotated is amended by inserting immediately before the word "publication" the
 236 words "print or electronic":

- 237 (1) Paragraph (2) of Code Section 12-2-3, relating to objectives of the Department of
 238 Natural Resources;
- 239 (2) Subsection (i) of Code Section 12-2-4, relating to powers and duties of the Department
 240 of Natural Resources;
- 241 (3) Paragraph (7) of Code Section 12-3-53, relating to the state archeologist;
- 242 (4) Paragraph (19) of Code Section 31-10-1, relating to definitions applicable to vital
 243 statistics;

- 244 (5) Code Section 31-12A-9, relating to educational programs under the 'Georgia
245 Smokefree Air Act of 2005';
- 246 (6) Paragraph (7) of subsection (a) of Code Section 43-50-21, relating to powers and duties
247 of the State Board of Veterinary Medicine;
- 248 (7) Subsection (a) of Code Section 45-13-45, relating to powers of the Secretary of State
249 with respect to management of the Division of Archives and History;
- 250 (8) Paragraph (2) of subsection (b) of Code Section 48-2-15, relating to confidentiality of
251 state tax information;
- 252 (9) Subsection (a) of Code Section 48-7-60, relating to confidentiality of income tax
253 information;
- 254 (10) Subsection (e) of Code Section 49-5-220, relating to the State Plan for the
255 Coordinated System of Care for severely emotionally disturbed children or adolescents;
256 and
- 257 (11) Paragraph (1) of Code Section 49-5-221, relating to definitions applicable to the State
258 Plan for the Coordinated System of Care for severely emotionally disturbed children or
259 adolescents.

260 **SECTION 4.**

261 Code Section 28-4-3 of the Official Code of Georgia Annotated, relating to the Office of
262 Legislative Counsel, is amended by revising subsection (e) as follows:

263 "(e) The legislative counsel shall provide for the compiling, indexing, editing, and
264 publication of the Georgia Laws containing the Acts and resolutions of the General
265 Assembly and other appropriate materials. Except as otherwise ~~provided in this subsection~~
266 authorized in Code Section 50-18-2, such Acts and resolutions shall be published in
267 hardbound volumes suitable for retention as permanent records ~~as well as in softbound~~
268 ~~volumes or pamphlets suitable for prompt distribution of newly enacted laws to public~~
269 ~~officers, attorneys, and the public; and following each session of the General Assembly,~~
270 ~~a copy of such softbound Georgia Laws shall be furnished to the clerk of superior court of~~
271 ~~each county within 30 days after the last date on which the Governor may approve or veto~~
272 ~~bills enacted at that session of the General Assembly.~~ In the case of any special session of
273 the General Assembly, however, the separate publication and distribution of the Acts and
274 resolutions enacted at that special session may be omitted, and in such case the Acts and
275 resolutions enacted at the special session shall be published and distributed together with
276 those enacted at the subsequent regular session. Distribution of the Georgia Laws shall be
277 carried out by the Secretary of State as provided for in Code Section 45-13-22; and the
278 Secretary of State shall notify the legislative counsel of the numbers of volumes required
279 to carry out such distribution."

280 **SECTION 5.**

281 Code Section 45-13-22 of the Official Code of Georgia Annotated, relating to distribution
 282 of the Georgia Laws and journals of the House and Senate, is amended by striking the words
 283 "the hard-bound volumes and soft-bound volumes of the" in subsection (b), by striking the
 284 second sentence of subsection (c), and by revising subsection (a) as follows:

285 "(a) It shall be the duty of the Secretary of State to distribute the Acts and resolutions of
 286 the General Assembly of Georgia. The Secretary of State shall notify the legislative
 287 counsel of the numbers of ~~soft-bound and hard-bound~~ Georgia Laws needed for
 288 distribution. ~~Hard-bound and soft-bound volumes;~~ and the Georgia Laws shall be
 289 distributed as provided in this Code section. The Secretary of State shall make distribution
 290 of the ~~bound volumes of the~~ journals of the House and Senate. The Secretary of State shall
 291 notify the Clerk of the House and the Secretary of the Senate of the numbers of journals
 292 needed for distribution. Distribution shall be as provided in this Code section. As
 293 authorized under Code Section 50-18-2, the Georgia Laws and the journals may be
 294 published in electronic or printed format; and in the event of publication in electronic
 295 format, the provisions of this Code section relative to distribution of volumes of such
 296 publications shall be deemed to refer to distribution of electronic format publications."

297 **SECTION 6.**

298 This Act shall become effective upon its approval by the Governor or upon its becoming law
 299 without such approval.

300 **SECTION 7.**

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