

Senate Bill 238

By: Senator Strickland of the 17th

**AS PASSED SENATE**

A BILL TO BE ENTITLED

AN ACT

1 To amend Chapter 1 of Title 1 of the Official Code of Georgia Annotated, relating to general  
2 provisions, so as to revise provisions relating to the enactment of the Official Code of  
3 Georgia Annotated; to clarify the portions of the Code which have the effect of law; to clarify  
4 the matter included in the Code that does not have the effect of law; to amend Chapter 9 of  
5 Title 28 of the Official Code of Georgia Annotated, relating to the Code Revision  
6 Commission, so as to clarify the oversight of the commission with respect to state content;  
7 to clarify the oversight of the commission with respect to supplementary content; to revise  
8 a provision relating to copyright of the Code; to provide for related matters; to repeal  
9 conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Chapter 1 of Title 1 of the Official Code of Georgia Annotated, relating to general  
13 provisions, is amended by revising Code Section 1-1-1, relating to enactment of the Code,  
14 as follows:

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- 1 -

15 "1-1-1.

16 (a) The statutory portion of the codification of Georgia laws prepared by the Code  
17 Revision Commission and the Michie Company pursuant to a contract entered into on June  
18 19, 1978, is enacted and shall have the effect of statutes enacted by the General Assembly  
19 of Georgia. The statutory portion and numbering and arrangement of such codification  
20 ~~shall be merged with annotations, captions, catchlines, history lines, editorial notes,~~  
21 ~~cross-references, indices, title and chapter analyses, and other materials pursuant to the~~  
22 ~~contract and shall be published by authority of the state pursuant to such contract and when~~  
23 ~~so published shall be known and may be cited as the 'Official Code of Georgia Annotated.'~~  
24 The Official Code of Georgia Annotated may include supplementary content determined  
25 to be useful to users of the Official Code of Georgia Annotated.

26 (b) The following portions contained in the Official Code of Georgia Annotated, including  
27 all supplements and revised volumes thereof, shall have the force and effect of law:

28 (1) Statutory text; and

29 (2) Arrangement and numbering system, including, but not limited to, title, chapter,  
30 article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and  
31 subdivision numbers and designations.

32 (c) The following portions contained in the Official Code of Georgia Annotated, including  
33 all supplements and revised volumes thereof, shall have no binding authority, bear no  
34 weight or effect, and shall not be construed to have the imprimatur of the General  
35 Assembly or the State of Georgia:

36 (1) Case annotations;

37 (2) Research references, including, but not limited to:

38 (A) Law reviews;

39 (B) Collateral references to secondary sources;

40 (C) Opinions of the Georgia Attorney General;

41 (D) Advisory opinions of the State Bar; and

- 42     (E) Cross-references;  
43     (3) Captions;  
44     (4) Catchlines;  
45     (5) Headings;  
46     (6) Title and chapter analyses;  
47     (7) History lines;  
48     (8) Repeal lines;  
49     (9) Editorial notes;  
50     (10) Amendment notes;  
51     (11) Code Commission notes;  
52     (12) Effective date notes;  
53     (13) Tables;  
54     (14) User's Guide;  
55     (15) General Index;  
56     (16) Volume indices;  
57     (17) Indices related to local and special laws;  
58     (18) Conversion tables;  
59     (19) The United States Constitution;  
60     (20) The Georgia Constitution;  
61     (21) Rules and regulations of state agencies, departments, boards, commissions, or other  
62     entities;  
63     (22) Material in brackets or parentheses and editorial, delayed effective date, effect of  
64     amendment, or other similar notes within the text of a Code section which has been added  
65     by the publisher in order to explain or to prevent a misapprehension concerning the  
66     contents of the Code section; and  
67     (23) Any other matter published in the Official Code of Georgia Annotated which is not  
68     included in subsection (b) of this Code section."

69

**SECTION 2.**

70 Said chapter is further amended by revising Code Section 1-1-7, relating to notes and  
71 catchlines of Code sections not part of law, as follows:

72 "1-1-7.

73 ~~Unless otherwise provided in this Code, the descriptive headings or catchlines immediately~~  
74 ~~preceding or within the text of the individual Code sections of this Code, except the Code~~  
75 ~~section numbers included in the headings or catchlines immediately preceding the text of~~  
76 ~~the Code sections, and title and chapter analyses do not constitute part of the law and shall~~  
77 ~~in no manner limit or expand the construction of any Code section. All historical citations,~~  
78 ~~title and chapter analyses, and notes set out in this Code are given for the purpose of~~  
79 ~~convenient reference and do not constitute part of the law. Reserved."~~

80

**SECTION 3.**

81 Said chapter is further amended by revising Code Section 1-1-8, relating to references to  
82 state law or this Code, as follows:

83 "1-1-8.

84 (a) Unless otherwise indicated in the context, references in this Code to titles, chapters,  
85 articles, parts, subparts, or Code sections shall mean titles, chapters, articles, parts,  
86 subparts, or Code sections of this Code.

87 (b) Unless there is an expressed intention to the contrary, any reference in this Code or in  
88 any law of this state to another provision of this Code or law of this state shall mean and  
89 be construed to refer to such other provision or law as it now or hereafter exists.

90 (c) Any reference in any local or special law of this state to any Act or resolution of the  
91 General Assembly or to any title, chapter, section, or other portion of any prior code of this  
92 state shall be construed to be a reference to the appropriate title, chapter, article, part,  
93 subpart, Code section, subsection, paragraph, subparagraph, division, or subdivision of the  
94 Official Code of Georgia Annotated.

95 (d) Unless otherwise indicated by the context in which it is used, any citation in any public  
96 or private document, writing, or other instrument to a law of the State of Georgia which has  
97 been codified in the Official Code of Georgia Annotated shall be construed to be a  
98 reference to such law as contained in the Official Code of Georgia Annotated.

99 (e) Any reference in any Act of the General Assembly or in any other public or private  
100 document, writing, or other instrument to 'O.C.G.A.' shall mean and refer to the Official  
101 Code of Georgia Annotated published under authority of the State of Georgia. The Official  
102 Code of Georgia Annotated published under authority of the State of Georgia may be cited  
103 or referred to as 'O.C.G.A.'

104 (f) Nothing in this Code section shall be construed to mean that any matter contained in  
105 the Official Code of Georgia Annotated has any force of law or imprimatur of the State of  
106 Georgia except as provided for in Code Section 1-1-1."

107

#### SECTION 4.

108 Chapter 9 of Title 28 of the Official Code of Georgia Annotated, relating to the Code  
109 Revision Commission, is amended by revising Code Section 28-9-3, relating to the powers  
110 and duties of the commission generally, as follows:

111 "28-9-3.

112 The commission is authorized:

113 (1) To select and contract with a publisher to conduct a revision, codification, or  
114 recodification of the Code and laws of Georgia, provided that any such contract requiring  
115 the expenditure of state funds shall be contingent upon the General Assembly  
116 appropriating the necessary funds therefor;

117 (2) To formulate with the publisher all the details associated with the codification or  
118 recodification of the Code and laws of Georgia;

119 (3) To take such action as is necessary to effectuate Code revision;

- 120 (4) To carry out the functions required of it in any contract entered into between the  
121 commission and the publisher;
- 122 (5) To negotiate and establish the price at which the Code or any volume, replacement  
123 volume, pocket part, index, or related material may be sold to governmental or private  
124 purchasers, or both;
- 125 (6) To determine when volumes of the Code may be revised and republished;
- 126 (7) To adopt and implement a system for arranging, numbering, and designating material  
127 within the Code;
- 128 (8) To adopt rules of style and grammar for use in the Code;
- 129 (9) To prepare, or provide for the preparation of, and to include in the Code such  
130 annotations, historical notes, research references, notes on law review articles,  
131 cross-references, summaries of the opinions of the Attorney General of Georgia, editor's  
132 notes, Code Revision Commission notes, comments, commentaries, rules and regulations,  
133 indexes, tables, and other material as the commission determines to be useful to users of  
134 the Code; provided, however, that any such material included in the Code shall have no  
135 binding authority, bear no weight or effect, and shall not be construed to have the  
136 imprimatur of the General Assembly or the State of Georgia;
- 137 (10) To provide for the publication of annotated or unannotated versions of the Code, or  
138 both;
- 139 (11) To provide for the publication of volumes containing the Constitution of the United  
140 States, the Constitution of the State of Georgia, and an index of local and special laws,  
141 general laws of local application, and home rule ordinances;
- 142 (12) To review, approve, or disapprove the work of the publisher in preparing,  
143 supplementing, indexing, or revising state content included in the Code or any volume,  
144 pocket part, or portion thereof; provided, however, that the commission shall have no  
145 oversight of the work of the publisher in preparing, supplementing, indexing, or revising

146 supplementary content included by the publisher in accordance with the contract between  
147 the publisher and the commission;

148 (13) To grant exclusive or nonexclusive publication and sales rights to the Code or  
149 portions thereof to the publisher;

150 (14) To grant rights to governmental agencies and others to reprint and distribute  
151 portions or excerpts of the Code;

152 (15) To ~~register the copyright claim in all materials in the Code and any supplements~~  
153 ~~thereto, to protect, enforce, and preserve all claims in such materials, to bring and defend~~  
154 ~~actions in any court in connection therewith, and to negotiate and grant licenses or rights,~~  
155 on behalf of the state, to use such material upon such terms and conditions as the  
156 commission shall determine to be in the best interest of the state;

157 (16) To seek the advice and assistance of members and committees of the State Bar of  
158 Georgia, the law schools of the state, the Attorney General or members of his staff, state  
159 and local public officials and employees, and others with expertise or interest in the laws  
160 of Georgia;

161 (17) To provide for the preparation and introduction of one or more bills to revise,  
162 modernize, and correct errors or omissions in the Code or the laws of Georgia or to repeal  
163 portions of the Code or laws which have become obsolete, have been declared to be  
164 unconstitutional, or have been preempted or superseded by subsequent state or federal  
165 laws;

166 (18) To provide for procedures for the implementation or execution of its powers and  
167 duties; and

168 (19) To take such other action or exercise such additional powers as may be necessary  
169 or convenient to carry out the purposes of this chapter, the duties and powers of the  
170 commission, or any contract entered into under this chapter."

171

**SECTION 5.**

172 Said chapter is further amended by revising Code Section 28-9-5, relating to publication of  
173 the Official Code of Georgia Annotated, authority to make corrections and editorial changes,  
174 effect of changes, treatment of multiple amendments, preparation and introduction of  
175 legislation reenacting and correcting Code, and effect, as follows:

176 "28-9-5.

177 (a) The Code Revision Commission shall provide for the publication of the Official Code  
178 of Georgia Annotated and any pocket parts, supplements, revised volumes, or  
179 recodifications thereof. In compiling, editing, arranging, and preparing the Acts and  
180 resolutions of the General Assembly for such publication and without altering the sense,  
181 meaning, or effect of such Acts and resolutions, the commission is authorized to take any  
182 of the following actions with respect to statutory text, arrangement, and numbering:

183 (1) Correct the spelling of words;

184 (2) Change capitalization for the purpose of uniformity;

185 (3) Correct manifest typographical and grammatical errors;

186 (4) Substitute the proper Code section number, chapter number, or other number or  
187 designation for the terms 'this Act,' 'the preceding Code section,' and similar words or  
188 phrases;

189 (5) Renumber, redesignate, and rearrange chapters, articles, parts, subparts, Code  
190 sections, or any combination or portion thereof;

191 (6) Change cross-reference numbers to agree with renumbered chapters, Code sections,  
192 or portions of the Code;

193 (7) Substitute the proper calendar date for 'the effective date of this chapter' and other  
194 phrases of similar import;

195 (8) Strike out figures if they are merely a repetition of written words or vice versa, or  
196 substitute figures for written words or vice versa for the purpose of uniformity;

197 (9) Correct manifest errors in references to laws;

198 (10) Correct inaccurate references to the titles of officers, the names of departments or  
199 other agencies of the state, local governments, or the federal government, and the short  
200 titles of other laws and make such other name changes as are necessary to be consistent  
201 with the laws currently in effect;

202 (11) Rearrange definitions in alphabetical order;

203 (12) Insert or delete hyphens in words so as to follow correct grammatical usage;

204 (13) Change numerals or symbols to words or vice versa for purposes of uniformity and  
205 style;

206 (14) Change nouns from the singular to the plural or vice versa for purposes of style and  
207 grammar; and

208 (15) Change punctuation for purposes of uniformity and consistency of style.

209 Any change or correction made by the Code Revision Commission pursuant to its authority  
210 under this subsection shall not become the law of the State of Georgia if such change or  
211 correction results in an alteration of the meaning, sense, or effect of the Acts and  
212 resolutions of the General Assembly, even though such change or correction may have  
213 been included in a pocket part, supplement, or revised volume of the Official Code of  
214 Georgia Annotated which has been reenacted by a bill authorized by subsection (c) of this  
215 Code section.

216 (b) For purposes of publishing volumes, replacement volumes, and supplements to the  
217 Official Code of Georgia Annotated pursuant to this chapter: legislation enacted at the  
218 same session of the General Assembly and amending the same statutory provision shall be  
219 considered in *pari materia*, and full effect shall be given to each if that is possible; Acts  
220 enacted during the same session shall be treated as conflicting with each other only to the  
221 extent that they cannot be given effect simultaneously; in the event of such a conflict, the  
222 latest enactment, as determined by the order in which bills became Acts with or without the  
223 approval of the Governor, shall control to the extent of the conflict unless the latest  
224 enactment contains a provision expressly ceding control in such an event; and language

225 carried forward unchanged in one amendatory Act shall not be read as conflicting with  
226 changed language contained in another Act passed during the same session.

227 (c) The Code Revision Commission shall prepare and have introduced at each regular  
228 session of the General Assembly one or more bills to reenact and make corrections in the  
229 Official Code of Georgia Annotated, portions thereof, and the laws as contained in the  
230 Code and any pocket part, supplements, and revised volumes thereof. Except as otherwise  
231 provided by general law, such reenactment of the Official Code of Georgia Annotated shall  
232 have the effect of adopting and giving force and effect of law to all the statutory text and  
233 numbering as contained in such volumes, pocket parts, and supplements, including but not  
234 limited to provisions as published therein in accordance with subsections (a) and (b) of this  
235 Code section."

236

**SECTION 6.**

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