House Bill 254 (COMMITTEE SUBSTITUTE)

By: Representatives Jenkins of the 136th, Cannon of the 172nd, Pirkle of the 169th, Horner of the 3rd, and Lott of the 131st

A BILL TO BE ENTITLED

AN ACT

To amend Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to advertisement as pertaining to judicial sales, so as to provide an alternative procedure for the designation of the official legal organ; to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties, municipal corporations, and other governmental entities, so as to provide an additional manner of publishing certain legal notices by counties and municipalities; to provide for a definition; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to advertisement as pertaining to judicial sales, is amended by revising subsection (b) of Code Section 9-13-142 relating to the requirements of an official legal organ, as follows:

"(b)(1) However, in counties where no journal or newspaper meets the qualifications set forth in subsection (a) of this Code section, the official organ may be designated by the

judge of the probate court, the sheriff, and the clerk of the superior court, or by a majority of these officers governing from among newspapers otherwise qualified to be a legal organ that meet the minimum paid circulation in the preceding subsection for the county, or if there is no such newspaper, then the newspaper having the greatest general paid circulation in the county of at least 100 copies per issue.

(2) In the event that no otherwise qualified journal or newspaper has a paid circulation of at least 100 copies per issue in the county, the judge of the probate court, the sheriff, the clerk of the superior court, or a majority of these officers may designate a newspaper that does not meet the qualifications of paragraph (1) of subsection (a) of this Code section, but does have a weekly circulation in the county of at least 100 copies per issue, as the legal interim organ for the county. Such interim designation shall terminate in the event that another newspaper meets the qualifications of subsection (a) of this Code section and is designated as the county's legal organ pursuant to this Code section.″

SECTION 2.

Said part is further amended by revising subsection (a) of Code Section 9-13-143, relating to rates for legal advertisements, as follows:

″(a) The rates to be allowed to publishers for publishing legal advertisements shall be as follows:

(1) For each 100 words, not more than the sum of ~~$10.00~~ $15.00 for each insertion for the first four insertions; and

(2) For each subsequent insertion, not more than the sum of ~~$9.00~~ $14.00 per 100 words. In all cases fractional parts of 100 words shall be charged for at the same ~~rates~~ rate as for 100 words."

SECTION 3.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties, municipal corporations, and other governmental entities, is amended by adding a new Code section to read as follows:

"36-80-29.

(a) As used in this Code section, the term 'website' means:

(1) A website maintained by a county or municipal legal organ;

(2) A website maintained by a newspaper of general circulation that is not a designated legal organ;

(3) The Georgia Public Notice website or any other website maintained by an organization or collection of two or more legal organs; or

(4) A website maintained by a county or municipal government.

(b) Except as otherwise provided in subsection (a) of Code Section 28-1-14, in any case when a county or municipality is required to publish a legal notice in the county or municipal legal organ or other newspaper of general circulation, such notice may additionally be published by posting such notice in a conspicuous place on the website of the county or municipality, as applicable, or on a common state-wide website.

(c) In the event that an error is made in the text or publication date of a legal notice required to be published for a county or municipal government, a correction shall be made as follows:

(1) The correct notice shall be prominently displayed within two business days of the original publication date on the website of the legal organ or newspaper of general circulation or the website of the county or municipality;

(2) The legal organ or newspaper of general circulation shall have the correct notice posted on the Georgia Public Notice website within two business days of the original publication date; and

(3) The correct notice shall be published in the next edition of the legal organ or newspaper of general circulation after being displayed on the required website.

(d) Postings on the required website shall remain in place until the conclusion of the event or action being advertised; provided, however, that no website as defined in paragraphs (1) through (3) of subsection (a) of this Code section shall be required to maintain such posting for a period in excess of one year.

(e) A correction made as prescribed in this Code section shall be considered as having been correctly published on the original publication date and shall satisfy any and all legal requirements of adequate notice to the public."

SECTION 4.

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