

Senate Bill 238

By: Senator Strickland of the 17th

**AS PASSED**

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:

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 along with supplementary content determined to be useful to users, shall be merged with  
21 annotations, captions, catchlines, history lines, editorial notes, cross-references, indices,  
22 title and chapter analyses, and other materials pursuant to the contract and shall be  
23 published by authority of the state pursuant to such contract and when so published shall  
24 be known and may be cited as the 'Official Code of Georgia Annotated.'

25 (b) The following matter contained in the Official Code of Georgia Annotated, including  
26 all supplements and revised volumes thereof, shall be considered enacted by the General  
27 Assembly:

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 matter contained in the Official Code of Georgia Annotated, including  
33 all supplements and revised volumes thereof, shall not be considered enacted by the  
34 General Assembly, shall bear no additional weight or effect, and shall not be construed to  
35 have the imprimatur of the General Assembly by virtue of such inclusion in the Official  
36 Code of Georgia Annotated:

37 (1) Case annotations;

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

39 (A) Law reviews;

40 (B) Collateral references to secondary sources;

41 (C) Opinions of the Georgia Attorney General;

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

68

**SECTION 2.**

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

71 "1-1-7.

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

79

**SECTION 3.**

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

82 "1-1-8.

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

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

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

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

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

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

106

#### SECTION 4.

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

110 "28-9-3.

111 The commission is authorized:

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

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

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

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

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

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

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

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

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

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

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

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

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**SECTION 5.**

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

175 "28-9-5.

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

182 (1) Correct the spelling of words;

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

184 (3) Correct manifest typographical and grammatical errors;

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

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

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

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

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

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



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

201 (11) Rearrange definitions in alphabetical order;

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

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

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

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

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

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

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

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

235

**SECTION 6.**

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