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CIVIL PRACTICE Executions and Judicial Sales: Reduce the Continuously Published Period to Become the County's Official Organ Designated to Run Official or Legal Advertising

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CIVIL PRACTICE

*Executions and Judicial Sales: Reduce the Continuously
Published Period to Become the County's Official Organ
Designated to Run Official or Legal Advertising*

CODE SECTION:	O.C.G.A. § 9-13-142 (amended)
BILL NUMBER:	HB 152
ACT NUMBER:	187
GEORGIA LAWS:	1997 Ga. Laws 528
SUMMARY:	The Act reduces the continuously published period requirement for a newspaper or journal to become a county's official organ designated to run official or legal advertising.
EFFECTIVE DATE:	April 14, 1997 ¹

History

The status of being a county's official legal organ can mean millions of advertising dollars² and ensure success for any newspaper.³ A change in the official organ's status must be made by a majority of the county officers consisting of the probate judge, sheriff, and clerk of the superior court.⁴ Naturally, due to the money papers stand to receive from advertisements, legal battles have originated over the selection of a county's legal organ.⁵

A newspaper magnate bought the legal organ in Twiggs County.⁶ Shortly thereafter, an employee quit and started her own newspaper.⁷ In order to promote this new paper, one of the required three county officers for Twiggs County approached Representative Birdsong about the possibility of changing the statutory two-year requirement for publication down to one year.⁸ The county officer was dissatisfied with the quality of the old newspaper.⁹ Representative Birdsong introduced

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1. The Act became effective upon approval by the Governor.
 2. See Ben Smith III, *Paper Sues Over Legal-Organ Status*, ATLANTA CONST., Apr. 17, 1997, at A1.
 3. See Telephone Interview with the Rep. Dan Lakly, House District No. 105 (Apr. 28, 1997) [hereinafter Lakly Interview].
 4. See O.C.G.A. § 9-13-142(c) (Supp. 1997).
 5. See Smith, *supra* note 2.
 6. See Lakly Interview, *supra* note 3.
 7. See *id.*
 8. See Telephone Interview with the Rep. Ken Birdsong, House District No. 123 (Apr. 28, 1997) [hereinafter Birdsong Interview]. Representative Birdsong sponsored the bill. See *id.*
 9. See *id.*

14 GEORGIA STATE UNIVERSITY LAW REVIEW [Vol. 14:13]

HB 152 in order to promote greater competition among local newspapers.¹⁰

HB 152

The Act amends Code section 9-13-142, relating to the designation of a newspaper or journal as a county's official organ.¹¹ The Act was designed to decrease the statutory publication period requirement from two years to one year in order to promote competition by enabling fledgling newspapers to compete for legal advertising dollars.¹² The Act also adds an independent audit requirement to verify the paid subscription of eighty-five percent of the circulation.¹³ Finally, the Act makes the statute gender-neutral by adding the phrase "or her" in connection with office holders.¹⁴

The House Judiciary Committee, at the request of the Georgia Press Association, amended the bill by adding the requirement that the official organ be a paper of general circulation.¹⁵ The Senate Special Judiciary Committee, at the request of the Fulton County Daily Report, further amended the bill by striking the general circulation requirement.¹⁶ Although the Daily Report qualifies as a paper of general circulation, editor and publisher Richard Gard considered the phrase meaningless, which, he believed, may do more harm than good.¹⁷ According to Gard, undefined, ambiguous phrases tend to cause unnecessary litigation when large sums of money are potentially at stake.¹⁸

Representative Dan Lakly opposed HB 152.¹⁹ Many newspaper companies have sizable investments in their papers, employ numerous people, and have retirement plans.²⁰ Overnight, a table-top publisher can be set up at little cost and drive a long-standing, civic entity out of business.²¹ Furthermore, Representative Lakly is averse to those who use the General Assembly for their own gains.²² Finally, he argues

10. *See id.*

11. Compare O.C.G.A. § 9-13-142 (Supp. 1997), with 1992 Ga. Laws 1035 (formerly found at O.C.G.A. § 9-13-142 (1996)).

12. *See* Birdsong Interview, *supra* note 8.

13. Compare O.C.G.A. § 9-13-142 (Supp. 1997), with 1992 Ga. Laws 1035 (formerly found at O.C.G.A. § 9-13-142 (1996)).

14. *Id.*

15. *See* Birdsong Interview, *supra* note 8; HB 152 (HCS), 1997 Ga. Gen. Assem.

16. HB 152 (SCA), 1997 Ga. Gen. Assem.

17. Telephone Interview with Richard Gard, Editor and Publisher, *Fulton County Daily Report* (Apr. 28, 1997).

18. *Id.*

19. *See* Birdsong Interview, *supra* note 8.

20. *See* Lakly Interview, *supra* note 3.

21. *See id.*

22. *Id.* This is what Representative Lakly refers to as the "Good Old Boy System."

1997]

LEGISLATIVE REVIEW

15

that the two-year requirement has been historically established and believes there is no real need for an abrupt change.²³ Despite the opposition, HB 152 passed both Houses by large margins.²⁴

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Id.

23. *Id.*

24. *See* Final Composite Status Sheet, Mar. 28, 1997.