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FOREWORD

We are pleased to transmit to you the “Summary of General Statutes Enacted at the 2004 Sessions of the General Assembly of Georgia.” * This represents one of the services which the Legislative Services Committee and the Office of Legislative Counsel perform for the legislative branch of government. Other services include bill drafting, research, statutory and Code revision, rendering of opinions, counseling, legislative reference, interim committee staffing, and preparation of reports. The Office of Legislative Counsel drafted a total of 6,450 bills, resolutions, and amendments for the 2004 regular session. Of this number, 832 had been prepared by the convening date of the session, leaving a total of 5,618 which were drafted during the session.

This booklet contains a summary of the general statutes of state-wide application which were enacted at the 2004 sessions of the General Assembly of Georgia. No resolutions, local Acts, or uncodified “population Acts” have been included. The booklet also includes a table of Code sections amended and enacted at the 2004 regular session.

It would be impractical to minutely analyze each statute because to do so would defeat the main purpose which it is hoped that this booklet accomplishes. It is intended to be used as a convenient reference for persons desiring to know which laws were enacted or desiring to ascertain the main features of each Act without the necessity of reading the Act in its entirety.

It should be pointed out that for specific, detailed information on any particular law, the Act itself should be examined. Acts may be readily located in the Georgia Laws by Act number, since the Acts are published in the Georgia Laws in numerical order by Act number. In addition, the Georgia Laws contain a table for converting Act numbers to Georgia Laws page numbers.

This summary is not to be deemed in any manner as an opinion from the Office of Legislative Counsel, and the question of constitutionality has not been considered in any respect.

It is hoped that this booklet will benefit all who have occasion to use it. Comments and suggestions for improvement are welcomed and should be directed to the Office of Legislative Counsel.

Sewell R. Brumby
Legislative Counsel

* This summary includes the one general law enacted at the 2004 special session.

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The Acts in this summary are arranged according to the title of the Official Code of Georgia Annotated which they amend. In those cases in which an Act amends more than one Code title, the Act appears under only one of the affected titles. A table of titles appears below. No Acts are listed for those titles which are indicated by an asterisk.

TITLE 1	GENERAL PROVISIONS
TITLE 2	AGRICULTURE
TITLE 3	ALCOHOLIC BEVERAGES
TITLE 4*	ANIMALS
TITLE 5	APPEAL AND ERROR
TITLE 6*	AVIATION
TITLE 7	BANKING AND FINANCE
TITLE 8	BUILDINGS AND HOUSING
TITLE 9	CIVIL PRACTICE
TITLE 10	COMMERCE AND TRADE
TITLE 11	COMMERCIAL CODE
TITLE 12	CONSERVATION AND NATURAL RESOURCES
TITLE 13*	CONTRACTS
TITLE 14	CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS
TITLE 15	COURTS
TITLE 16	CRIMES AND OFFENSES
TITLE 17	CRIMINAL PROCEDURE
TITLE 18*	DEBTOR AND CREDITOR
TITLE 19	DOMESTIC RELATIONS
TITLE 20	EDUCATION
TITLE 21	ELECTIONS
TITLE 22	EMINENT DOMAIN
TITLE 23*	EQUITY
TITLE 24	EVIDENCE
TITLE 25*	FIRE PROTECTION AND SAFETY
TITLE 26	FOOD, DRUGS, AND COSMETICS
TITLE 27	GAME AND FISH
TITLE 28	GENERAL ASSEMBLY
TITLE 29	GUARDIAN AND WARD
TITLE 30*	HANDICAPPED PERSONS
TITLE 31	HEALTH
TITLE 32	HIGHWAYS, BRIDGES, AND FERRIES
TITLE 33	INSURANCE
TITLE 34	LABOR AND INDUSTRIAL RELATIONS
TITLE 35	LAW ENFORCEMENT OFFICERS AND AGENCIES
TITLE 36	LOCAL GOVERNMENT
TITLE 37	MENTAL HEALTH
TITLE 38	MILITARY, EMERGENCY MANAGEMENT, AND VETERANS AFFAIRS
TITLE 39*	MINORS
TITLE 40	MOTOR VEHICLES AND TRAFFIC
TITLE 41	NUISANCES
TITLE 42	PENAL INSTITUTIONS
TITLE 43	PROFESSIONS AND BUSINESSES
TITLE 44	PROPERTY
TITLE 45	PUBLIC OFFICERS AND EMPLOYEES
TITLE 46	PUBLIC UTILITIES AND PUBLIC TRANSPORTATION
TITLE 47	RETIREMENT AND PENSIONS
TITLE 48	REVENUE AND TAXATION
TITLE 49	SOCIAL SERVICES
TITLE 50	STATE GOVERNMENT
TITLE 51	TORTS
TITLE 52	WATERS OF THE STATE
TITLE 53*	WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES

GENERAL ASSEMBLY 2004 SESSION SUMMARY

HOUSE BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2003 Session	739	51	6	43	8
Introduced during the 2004 Session	<u>786</u>	<u>247</u>	<u>6</u>	<u>240</u>	<u>7</u>
	1525	298	12	283	15
Generals Passed	138				
Locals Passed	<u>160</u>				
Total Passed	298				
			Sent to the Governor for approval	298	

HOUSE RESOLUTIONS	Introduced	Adopted	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2003 Session	132	6	0	3	0
Introduced during the 2004 Session	<u>1087</u>	<u>961</u>	<u>0</u>	<u>20</u>	<u>0</u>
	1219	967	0	23	0
Generals Adopted	23				
Other Non-Privileged Adopted	11				
Locals Adopted	0				
Constitutional Amendments	0				
Privileged Adopted	<u>933</u>				
Total Adopted	967				
			Sent to the Governor for approval	23	

SENATE BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2003 Session	268	21	1	21	0
Introduced during the 2004 Session	<u>245</u>	<u>75</u>	<u>1</u>	<u>71</u>	<u>4</u>
	513	96	2	92	4
Generals Passed	70				
Locals Passed	<u>26</u>				
Total Passed	96				
			Sent to the Governor for approval	96	

SENATE RESOLUTIONS	Introduced	Adopted	Prefiled Not Intro.	Governor Signed	Governor Vetoed
Pending from the 2003 Session	43	5	0	3	0
Introduced during the 2004 Session	<u>648</u>	<u>577</u>	<u>1</u>	<u>14</u>	<u>0</u>
	691	582	1	17	0
Generals Adopted	16				
Other Non-Privileged Adopted	27				
Locals Adopted	0				
Constitutional Amendments	1				
Privileged Adopted	<u>538</u>				
Total Adopted	582				
			Sent to the Governor for approval	18	



TOTAL BILLS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
HOUSE BILLS	1525	298	12	283	15
SENATE BILLS	<u>513</u>	<u>96</u>	<u>2</u>	<u>92</u>	<u>4</u>
TOTAL FOR BOTH HOUSES	2038	394	14	375	19

Total number of Bills sent to the Governor for approval

394

TOTAL RESOLUTIONS	Introduced	Passed	Prefiled Not Intro.	Governor Signed	Governor Vetoed
HOUSE RESOLUTIONS	1219	967	0	23	0
SENATE RESOLUTIONS	<u>691</u>	<u>582</u>	<u>1</u>	<u>*17</u>	<u>0</u>
TOTAL FOR BOTH HOUSES	1982	1549	1	40	0

Total number of Resolutions sent to the Governor for approval

41

(* 1 Constitutional Amendment)



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**TITLE 1
GENERAL PROVISIONS**

Act 564; HB 1245

This Act makes extensive editorial amendments to the Official Code of Georgia Annotated to correct typographical, stylistic, and other errors and omissions and reenacts the statutory portion of the Code as so amended.

Effective May 13, 2004, except that certain provisions become effective at later dates.

**TITLE 2
AGRICULTURE**

Act 554; HB 1147

This Act provides for issuance of orders by the Commissioner of Agriculture and details the procedure to be followed by the Commissioner. The Act also provides for administrative and judicial review of such orders.

The Act enacts O.C.G.A. Section 2-2-9.1 and amends O.C.G.A. Sections 50-13-19 and 50-13-42.

Effective July 1, 2004.

Act 470; SB 436

This Act provides for farm water conservation and records of measures of farm water use. The Act creates the Agricultural Water Conservation Incentive Program and includes priorities and a noninclusive list of projects acceptable for assistance.

The Act enacts O.C.G.A. Section 2-6-52 and amends O.C.G.A. Section 50-18-72.

Effective May 7, 2004.

Act 728; HB 1766

This Act creates the Agricultural Commodities Commission for Beef and provides for its members, powers, duties, and procedures. The Act also creates the White Shrimp Aquaculture Development Advisory Council and provides for its membership, powers, and duties.

The Act enacts Article 4 of O.C.G.A. Chapter 2-8 and O.C.G.A. Chapter 2-15 and amends O.C.G.A. Sections 27-1-2, 27-2-14, 27-4-75, 27-4-76, and 27-4-252.

Article 4 of O.C.G.A. Chapter 8-2 shall become effective only upon affirmation of *Livestock Marketing Association v. United States Department of Agriculture* by the United States Supreme Court; otherwise said article will not become effective and will stand repealed on July 1, 2006; all other provisions of the Act become effective when funds are specifically appropriated therefor.

Act 791; HB 1186

This Act changes certain provisions relating to a license required to sell in farmers' markets and consent to the inspection of the sellers' property. The Act also changes provisions relating to registration, licenses, and permits and the enforcement of laws relating thereto.

The Act amends O.C.G.A. Sections 2-10-52, 2-10-59, 2-10-60, and 2-10-62.

Effective July 1, 2004.

TITLE 2 (continued)

Act 568; HB 648

This Act provides for the regulation of certain poultry production contracts and practices. The Act provides for remedies, enforcement, and penalties for violations.

The Act enacts O.C.G.A. Chapter 2-22.

Effective July 1, 2004.

**TITLE 3
ALCOHOLIC BEVERAGES**

Act 544; HB 645

This Act redefines the term "malt beverage".

The Act amends O.C.G.A. Section 3-1-2.

Effective July 1, 2004.

**TITLE 5
APPEAL AND ERROR**

Act 778; SB 411

This Act allows other forms of security to be used for a supersedeas bond in civil cases and limits the total amount of supersedeas bond or other form of security required for all appellants collectively to \$25 million regardless of the value of the judgment.

The Act amends O.C.G.A. Sections 5-6-46 and 9-12-134.

Effective May 17, 2004.

**TITLE 7
BANKING AND FINANCE**

Act 517; SB 405

This Act provides that financial institutions can offer financial services consistent with procedures of the Department of Banking and Finance and authorizes the department to enter into agreements with other regulatory authorities. The Act also authorizes banks to lease real or personal property and authorizes loan officers to serve as credit committees. The Act prohibits the licensing of persons convicted of certain crimes, requires financial institutions and money service businesses to comply with federal law, and establishes requirements for regulation of mortgage lenders and brokers.

The Act amends O.C.G.A. Sections 7-1-72, 7-1-78, 7-1-282, 7-1-633, 7-1-658, 7-1-682, 7-1-687.1, 7-1-702, 7-1-911, 7-1-912, 7-1-1003.2, 7-1-1003.3, 7-1-1004, and 7-1-1010.

Effective July 1, 2004.

**TITLE 8
BUILDINGS AND HOUSING**

Act 534; SB 550

This Act changes state minimum standard codes for construction. The Act deletes obsolete provisions and revises certain other provisions to conform to the revised standards.

The Act amends O.C.G.A. Sections 8-2-20, 8-2-21, 8-2-23, 8-2-24, 8-2-25, 8-2-26, 8-2-26.1, 8-2-27, 8-2-28, and 8-2-30.

Effective July 1, 2004.

Act 532; SB 563

This Act provides for an alternative dispute mechanism for disputes between homeowners and contractors regarding construction defects. The Act establishes procedures for making a claim and provides for offers of settlement or repair or both.

The Act enacts O.C.G.A. Sections 8-2-35 through 8-2-43.

Effective May 13, 2004.

Act 557; HB 1174

This Act revises provisions relating to retailers, retail brokers, and installers of manufactured and mobile homes. The Act establishes that the policy of this state is to forbid the manufacture and sale of new manufactured homes which are not constructed in accordance with the National Manufactured Housing Construction and Safety Standards Act of 1974.

The Act amends O.C.G.A. Sections 8-2-130 through 8-2-143 and 8-2-161 through 8-2-168 and enacts O.C.G.A. Sections 8-2-144 and 8-2-160.1.

Effective January 1, 2005, except that the provisions relating to the payment of fees shall become effective October 1, 2004.

**TITLE 9
CIVIL PRACTICE**

Act 494; HB 1431

This Act creates a method to cancel fully satisfied judgments when an original satisfaction has not been filed and provides for penalties for a fraudulent affidavit. It also provides specific deadlines to notify the clerk that a judgment has been satisfied and allows attorney's fees to be recovered under certain circumstances.

The Act amends O.C.G.A. Section 9-13-80.

Effective July 1, 2004.

Act 661; SB 337

This Act creates a statute of limitations for filing a habeas corpus petition, designates certain jurisdictions where a habeas petition must be filed, and provides for the dismissal of habeas petitions under circumstances where a petitioner's delay in filing a petition has prejudiced the respondent's ability to respond the petition.

The Act amends O.C.G.A. Sections 9-14-42, 9-14-43, and 9-14-48.

Effective July 1, 2004.

**TITLE 10
COMMERCE AND TRADE**

Act 451; HB 656

This Act requires credit card issuers to take steps to verify a consumer's change of address when a person responds by mail to an unsolicited application for credit and provides an address that is different from the address to which the solicitation was mailed, unless the credit card issuer has a business relationship with the consumer and can confirm that the address is valid based on its records.

The Act amends O.C.G.A. Section 10-1-393.
Effective July 1, 2004.

Act 777; SB 403

This Act amends a definition in the "Georgia Self-service Storage Facility Act" and provides that the owner of a self-service storage facility shall not be a bailee.

The Act amends O.C.G.A. Sections 10-4-211 and 10-4-213.
Effective July 1, 2004.

Act 503; HB 1507

This Act provides for substantial revision of the Seed-Capital Fund. The Act provides that the Advanced Technology Development Center may authorize transfers from the fund to make equity contributions through the direct purchase of qualified securities of enterprises under certain conditions and to make unsecured or secured loans. The Act repeals provisions regarding state insurance premium tax credits with respect to certified capital companies.

The Act amends O.C.G.A. Sections 10-10-1 through 10-10-6; enacts O.C.G.A. Section 10-10-7; and repeals O.C.G.A. Chapter 48-18.
Effective May 13, 2004.

Act 469; SB 395

This Act changes provisions relating to release of funds from escrow for tobacco product manufacturers who are not participating manufacturers under the Master Settlement Agreement. The Act provides for severability if the amended language is deemed unconstitutional by a court of competent jurisdiction.

The Act amends O.C.G.A. Section 10-13-3.
Effective May 7, 2004.

**TITLE 12
CONSERVATION AND NATURAL RESOURCES**

Veto No. 16; SB 423

This Act changes the membership of the Stone Mountain Memorial Association so as to provide that one member must be a resident of the Stone Mountain area and one member must have a degree or background in botany.

The Act amends O.C.G.A. Section 29-2-193.

VETOED

TITLE 12 (continued)

Act 584; HB 1277

This Act prohibits the installation of certain landscape irrigation systems without rain sensor shut-off switches and provides penalties for violations.

The Act enacts O.C.G.A. Section 12-5-6.

Effective July 1, 2004.

Act 490; HB 1382

This Act changes the membership of the Shore Protection Committee and the Coastal Marshlands Protection Committee and provides for quorums of such committees.

The Act amends O.C.G.A. Sections 12-5-235 and 12-5-283.

Effective July 1, 2004.

Act 571; HB 237

This Act enacts the "Comprehensive State-wide Water Management Planning Act" to provide legislative findings and definitions and to change certain provisions relating to river basin management plans. The Act requires development of a state-wide water management plan and requires all water withdrawal permit decisions to be made in accordance with such plan.

The Act enacts O.C.G.A. Sections 12-5-520 through 12-5-525 and amends O.C.G.A. Section 50-13-4.

Effective May 13, 2004.

Act 520; SB 459

This Act changes the number of meetings per year of the Metropolitan North Georgia Water Planning District and the annual dues paid by counties and cities to the Metropolitan North Georgia Water Planning District.

The Act amends O.C.G.A. Sections 12-5-576 and 12-5-577.

Effective July 1, 2004.

Act 473; SB 480

This Act enacts the "Forest Heritage Trust Act of 2004" to provide for the dedication of property as a forest heritage preserve and to provide for the use of forest heritage property preserves.

The Act enacts O.C.G.A. Sections 12-6-220 through 12-6-227.

Effective July 1, 2004.

Act 471; SB 356

This Act establishes the Georgia Carbon Sequestration Registry to provide for a registry of offsetting reduction in greenhouse gases obtained by carbon sequestration. The Act provides for the purposes of the registry and reporting procedures using standardized forms and software. The Act also sets up a record-keeping system maintained by the superior court clerks.

The Act enacts O.C.G.A. Sections 12-6-220 through 12-6-232 and 15-6-97.2 and amends O.C.G.A. Sections 15-6-61 and 15-6-94.

Effective upon the effective date of a specific appropriation of funds for the purposes of this

TITLE 12 (continued)

Act as expressed in a line item of an appropriations Act enacted by the General Assembly.

Act 472; SB 460

This Act changes certain provisions relating to the 25 foot buffers that are required along state waters.

The Act amends O.C.G.A. Section 12-7-6.

Effective July 1, 2004.

Act 431; HB 1083

This Act prohibits the permitting of certain new municipal solid waste disposal facilities.

The Act enacts O.C.G.A. Section 12-8-25.5.

Effective April 1, 2004, and applicable to any permit application pending on or after that date and to any permit application denied prior to such date which is the subject of an appeal or judicial review on such effective date.

Act 474; SB 568

This Act provides for regulation of removal, transport, and disposal of certain waste removed from grease interceptors, sand traps, oil-water separators, or grit traps that are not connected to on-site sewage management systems. The Act provides for the promulgation of rules and regulations and penalties for violations.

The Act amends O.C.G.A. Sections 12-15-1, 12-15-2, 12-15-3, 12-15-6, 12-15-7, and 12-15-8 and enacts O.C.G.A. Sections 12-15-20 through 12-15-24.

Effective July 1, 2004.

Act 463; HB 242

This Act requires the Department of Natural Resources to publish detailed statements of the rationale for certain new or amended environmental regulations. The Act provides an exception for emergency situations.

The Act amends O.C.G.A. Sections 12-16-1, 12-16-3, 12-16-6, 12-16-7, and 12-16-8 and enacts O.C.G.A. Sections 12-16-20 through 12-16-23.

Effective July 1, 2004.

TITLE 14

CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS

Act 533; SB 555

This Act amends the Georgia Business and Nonprofit Corporation Codes by correcting certain references and textual errors and updating certain provisions. The Act also conforms the Nonprofit Code to the Business Corporation Code with regard to filings with the Secretary of State, proxy creation and delivery procedures, venue provisions, authority of the CEO, merger procedures, and remedies and related rights of dissolved nonprofit corporations. The Act also provides for certain electronic transmissions.

The Act amends O.C.G.A. Sections 7-1-712, 14-2-140, 14-2-141, 14-2-205, 14-2-602,

TITLE 14 (continued)

14-2-624, 14-2-630, 14-2-641, 14-2-702, 14-2-704, 14-2-705, 14-2-706, 14-2-720, 14-2-807, 14-2-821, 14-2-823, 14-2-843, 14-2-1003, 14-2-1103, 14-2-1202, 14-2-1602, 14-2-1620, 14-3-125, 14-3-126, 14-3-129, 14-3-130, 14-3-140, 14-3-141, 14-3-160, 14-3-170, 14-3-202.1, 14-3-205, 14-3-304, 14-3-305, 14-3-401, 14-3-503, 14-3-510, 14-3-601, 14-3-610, 14-3-620, 14-3-702, 14-3-704, 14-3-705, 14-3-706, 14-3-708, 14-3-720, 14-3-724, 14-3-727, 14-3-807, 14-3-813, 14-3-821, 14-3-823, 14-3-841, 14-3-842, 14-3-843, 14-3-856, 14-3-858, 14-3-861, 14-3-862, 14-3-863, 14-3-865, 14-3-1006, 14-3-1101, 14-3-1102, 14-3-1103, 14-3-1104, 14-3-1105, 14-3-1106, 14-3-1107, 14-3-1302, 14-3-1401, 14-3-1402, 14-3-1408, 14-3-1501, 14-3-1506, 14-3-1508, 14-3-1509, 14-3-1520, 14-3-1530, 14-3-1531, 14-3-1602, 14-3-1620, 14-3-1701, 14-3-1703, and 14-5-40, and enacts O.C.G.A. Sections 14-3-1104.1, 14-3-1108, and 14-3-1409.1.

Effective July 1, 2004.

**TITLE 15
COURTS**

Act 622; HB 810

This Act extends the sunset date for superior court clerk fees, the state-wide uniform automated information system for property records, and remittance of certain fees to the Georgia Superior Court Clerks' Cooperative Authority from January 1, 2006, until July 1, 2010.

The Act amends O.C.G.A. Sections 15-6-77, 15-6-97, and 15-6-98.

Effective May 17, 2004.

Veto No. 4; HB 502

This Act provides for cost-of-living salary adjustments for full-time and part-time juvenile court judges.

The Act amends O.C.G.A. Section 15-11-18.

Act 596; HB 1632

This Act allows for a presumption that termination of parental rights is in the best interest of a child whose parent has been convicted of the murder of the child's other parent. The Act also limits civil liability of court appointed custody evaluators and court appointed guardians ad litem.

The Act amends O.C.G.A. Sections 15-11-58, 15-11-94, and 19-9-3.

Effective July 1, 2004.

Act 519; SB 457

This Act creates a sexual assault protocol committee in each judicial circuit which will ensure coordination and cooperation between all agencies involved in sexual assault cases and improve assistance to sexual assault victims. The Act also makes nurse's medical records confidential.

The Act amends O.C.G.A. Sections 15-18-14.1, 15-18-14.2, 19-15-2, 24-9-41, and 24-9-42 and enacts Chapter 24 of Title 15.

Effective July 1, 2004.

TITLE 15 (continued)

Act 489; HB 1322

This Act shortens the time limitation requirement for review of an adoption petition. The Act amends O.C.G.A. Section 15-11-103. Effective July 1, 2004.

**TITLE 16
CRIMES AND OFFENSES**

Act 439; SB 467

This Act, known as the child endangerment law, creates a new version of the crime of second degree cruelty to children, defined as causing a child cruel or excessive mental pain through criminal negligence, which is punishable as a felony with imprisonment of not less than one nor more than ten years; former second degree cruelty to children became third degree cruelty to children. The Act defines criminal negligence. It also provides for a new offense when a person intentionally permits a child to be present where the person is manufacturing methamphetamine or certain substances used to manufacture methamphetamine. Lastly, the Act provides a new definition of serious injury in the contributing to the delinquency of a minor statute.

The Act amends O.C.G.A. Sections 16-2-1, 16-5-70, and 16-12-1 and enacts O.C.G.A. Section 16-5-73.

Effective July 1, 2004.

Act 560; HB 1179

This Act creates the new high and aggravated misdemeanor offenses of simple assault and simple battery on a public school system employee while the employee is engaged in official duties. The Act requires publication of photographs of persons convicted of second offenses of family violence simple assault, family violence simple battery, battery, stalking, or aggravated stalking. The Act expands the prohibition of disrupting public schools to include school buses or school bus stops. The Act enacts "Aleana's Law" which requires training for school bus drivers in various areas affecting the operation of a school bus.

The Act amends O.C.G.A. Sections 16-5-20, 16-5-23, 16-5-23.1, 20-2-1181, and 40-8-111, and enacts O.C.G.A. Sections 16-5-26, 16-5-96, 40-6-165, and Part 5 of Article 22 of O.C.G.A. Chapter 20-2.

Effective July 1, 2004.

Act 793; HB 1456

This Act enhances aggravated assault punishment on persons who commit aggravated assault on a person who is transporting commercial property and also enhances theft punishment if the subject of a theft is property that is from a vehicle engaged in commercial transportation or cargo.

The Act amends O.C.G.A. Sections 16-5-21 and 16-8-12.

Effective July 1, 2004.

TITLE 16 (continued)

Act 587; SB 469

This Act creates the new offense of tampering with an electronic monitoring device which is punishable as a felony with imprisonment of not less than one nor more than five years. The Act also changes the conditions of probation such that a probationer who is convicted of a criminal offense against a minor may be restricted from entering or remaining in certain locations, may be required to wear a tracking device, and may not serve on a local board of education.

The Act enacts O.C.G.A. Section 16-7-29 and amends O.C.G.A. Section 42-8-35.
Effective January 1, 2005.

Act 576; SB 184

This Act provides for additional methods to commit the offenses of first, second, or third degree arson by having the underlying arson offense occur during the commission of a felony. The Act amends O.C.G.A. Sections 16-7-60, 16-7-61, and 16-7-62.
Effective July 1, 2004.

Act 663; SB 439

This Act creates the new misdemeanor offense of film piracy when, without proper consent, a person operates an audiovisual recording device while a motion picture is being exhibited in a facility. The Act also provides for standards of liability for detaining a person suspected of film piracy.

The Act enacts O.C.G.A. Sections 16-8-62 and 51-7-62.
Effective July 1, 2004.

Act 722; HB 211

This Act provides for enhanced penalties for certain acts related to assistance dogs and also provides for new offenses relating to doing certain acts to assistance dogs or allowing certain acts to be done to assistance dogs.

The Act enacts O.C.G.A. Section 16-11-107.1 and amends O.C.G.A. Section 30-1-6.
Effective July 1, 2004.

Veto No. 1; HB 183

This Act expands the exception to the misdemeanor offense of tattooing near the eye when performed by an osteopath or a person under the general supervision of a licensed physician or osteopath located in the same facility or an adjacent facility. The Act adds punishment for a second offense as a high and aggravated misdemeanor.

The Act amends O.C.G.A. Section 16-12-5.

Act 581; SB 492

This Act allows members of one or more auxiliaries of a licensed bingo operation to assist in the bingo games of the main organization and to assist in the bingo operations of the licensed auxiliary.

The Act amends O.C.G.A. Section 16-12-53.
Effective July 1, 2004.

TITLE 16 (continued)

Act 464; HB 653

This Act prohibits minors from possessing cigarettes or tobacco related objects for personal use except when a parent or guardian gives possession of the items to the minor and it occurs in a home where a parent or guardian is present.

The Act amends O.C.G.A. Section 16-12-171.

Effective July 1, 2004.

Act 526; SB 502

This Act allows a defendant who is convicted of nonviolent property crimes which in the court's judgment are related to the defendant's addiction to alcohol or controlled substances to seek conditional discharge. The Act allows certain forfeited property to be used to fund a state law enforcement museum. The Act also changes the definition and exceptions to the list of dangerous drugs and adds new dangerous drugs to the list.

The Act amends O.C.G.A. Sections 16-13-2, 16-13-32, 16-13-49, and 16-13-71.

Effective May 13, 2004.

Act 792; HB 1441

This Act creates the new offense of trafficking in ecstasy and provides for mandatory minimum penalties. The Act also changes the effective date for drug-free commercial zones adopted under certain circumstances.

The Act enacts O.C.G.A. Section 16-13-31.1 and amends O.C.G.A. Section 16-13-32.6.

Effective July 1, 2004.

Act 440; SB 157

This Act creates the offense of payday loans and criminalizes other short-term lending schemes which are punishable for a first offense as a high and aggravated misdemeanor and upon a fourth conviction as a felony punishable by a fine of up to \$10,000.00 and five years' imprisonment. The Act creates civil remedies, penalties, and prohibitions. The Act also adds payday loans to the definition of racketeering activity under the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act" and allows class actions under the "Georgia Industrial Loan Act" against unlicensed lenders.

The Act enacts O.C.G.A. Chapter 16-17 and amends O.C.G.A. Sections 7-3-29 and 16-14-3.

Effective May 1, 2004.

**TITLE 17
CRIMINAL PROCEDURE**

Act 539; HB 484

This Act allows physical evidence in criminal cases to be returned to the rightful owner of the property shortly after a trial is completed unless the evidence is needed for other purposes.

The Act amends O.C.G.A. Sections 17-5-54 and 17-5-55.

Effective July 1, 2004.

TITLE 17 (continued)

HB 1EX

This Act changes provisions relating to funding for various programs, including local victim assistance programs and indigent defense. The Act provides for the collection and remittance of fees and funds and changes the membership of the Georgia Superior Court Clerks' Cooperative Authority. The Act also provides that the Criminal Justice Coordinating Council shall certify victim assistance programs and requires that victim assistance funds will be paid only to certified programs. The Act provides that the Georgia Superior Court Clerks' Cooperative Authority shall act as the collecting and remitting agent for the centralized collection and remittance of certain court costs and fees and certain penalties and bonds in criminal cases. The Act further creates a General Oversight Committee for the Georgia Public Defender Standards Council and provides for members, duties, annual reporting, allowances, and performance audits. The Act creates the State Victim Services Commission and provides for its composition, membership, powers, duties, and responsibilities.

The Act amends O.C.G.A. Sections 15-6-77.4, 15-6-94, 15-6-95, 15-9-60.1, 15-21-70 through 15-21-77, 15-21-113, 15-21-132, 15-21-150, 17-12-3, 17-12-8, 17-12-11, 17-12-20, 17-12-25 through 17-12-30, 17-12-36, and 42-8-34.

The Act enacts O.C.G.A. Chapter 15-21A, O.C.G.A. Sections 17-12-10.1, 17-12-10.2, and 17-12-19.1 through 17-12-19.14 and O.C.G.A. Chapter 35-6.

The Act repeals O.C.G.A. Sections 15-21-114, 15-21-133, and 15-21-151.

Effective upon approval by the Governor except that provisions relating to public defenders, selection panels, and the Georgia Public Defender Standards Council become effective July 1, 2005, except where provisions relating to the selection panel need to become effective earlier.

Act 570; HB 20

This Act increases the fees assessed for violation of O.C.G.A. Section 40-6-391, allows certain persons to be eligible for victim compensation, and allows certain persons to request the Department of Transportation to erect a sign memorializing a person who is deceased because of being a victim of vehicular homicide caused by a violation of O.C.G.A. Section 40-6-391.

The Act amends O.C.G.A. Sections 15-21-112, 17-15-7, and 17-15-8.

Effective July 1, 2004.

**TITLE 19
DOMESTIC RELATIONS**

Veto No. 8; HB 1451

This Act provides for a financial incentive to have premarital counseling by keeping the marriage license application fee at \$10.00 for couples who have premarital counseling but requires a \$50.00 application fee for couples who do not have premarital counseling. The Act also sets forth the criteria for premarital counseling.

The Act amends O.C.G.A. Sections 15-9-60 and 19-3-33 and enacts O.C.G.A. Section 19-3-30.1.

TITLE 19 (continued)

Act 511; SB 281

This Act prohibits the sale or offer for sale of a child by any person and provides penalties for violations.

The Act amends O.C.G.A. Section 19-8-24.

Effective July 1, 2004.

Act 527; SB 535

This Act extends the date on which the State Commission on Family Violence will cease to exist.

The Act amends O.C.G.A. Section 19-13-35.

Effective July 1, 2004.

**TITLE 20
EDUCATION**

Act 565; SB 456

This Act creates the Department of Early Care and Learning, the Board of Early Care and Learning, and a commissioner as chief executive and administrative officer of the department. The Act provides duties for the department: administering the operation and management of Georgia's Pre-K Program and Even Start as successor to the Office of School Readiness; regulating and licensing early care and education programs, including day-care centers, group day-care homes, and family day-care homes (some formerly regulated by the Department of Human Resources (DHR)); duties relating to improving the quality, availability, and affordability of child care (formerly performed by the Georgia Child Care Council); and serving as the Head Start collaboration office. The Act transfers employees, assets, and funding for such functions from DHR and the council to the new department. The department succeeds to rules, regulations, policies, procedures, and pending and finalized administrative orders that relate to such functions of DHR, the council, and the Office of State Administrative Hearings. The Act deletes former provisions that assigned regulatory powers and duties over day-care centers, group day-care homes, and family day-care homes to DHR and reassigns such powers and duties to the new department, with minor changes. Other changes relating to DHR include: defining "child-caring institution" to include the provision of full-time care for children through age 18; providing for regulation of maternity homes; and providing that DHR will supervise the work of child-placing agencies when funds are made available. The Act provides parallel requirements for criminal records checks for employees of day-care centers and foster care homes, foster parents, and adults residing in day-care centers and foster care homes: existing provisions, with the addition of an alternative method of obtaining Georgia Crime Information Center information through local law enforcement agencies; the alternative method does not apply to center directors. The Act transfers former duties of the Georgia Child Care Council to the new department or the DHR, and provides that the council will provide policy advice to the board and commissioner of the new department.

The Act amends O.C.G.A. Chapter 20-1A and O.C.G.A. Sections 20-2-320, 20-14-3, 20-14-8, 20-14-27, 20-14-60, 25-2-13, 42-1-12, 48-7-40.6, 49-5-3, 49-5-8, 49-5-12, 49-5-41, 49-5-60, 49-5-61, 49-5-65.1, 49-5-67, 49-5-69, and 49-5-240 through 49-5-244.

Effective October 1, 2004, except that provisions relating to appointment of the commissioner

TITLE 20 (continued)

and members of the board of the new department are effective July 1, 2004.

Veto No. 2; HB 198

This Act requires each local board of education to adopt a code of ethics to govern its members and prohibits any person from serving as a member of a local board of education if such person has had a certificate issued by the Professional Standards Commission suspended upon a commission finding that the person failed to maintain a professional relationship with students. The Act requires local units of administration to request a criminal record check for a new hire within ten working days following the date of hire.

The Act enacts O.C.G.A. Section 20-2-71 and amends O.C.G.A. Section 20-2-211.

Act 720; HB 1325

This Act changes the reporting system of grades for HOPE scholarships and enrollment in postsecondary courses, beginning May 1, 2007, and provides that the Student Finance Commission shall calculate grades on a 4.0 scale and determine eligibility for HOPE. Beginning on this date, achievement standards for HOPE scholarships shall be 3.0 or more for students with college preparatory diplomas and 3.2 or more for students with career/technical diplomas. The Act revises the definition of "eligible high school" to include schools accredited by the Southern Association of Independent Schools, revises the definitions of "quarter hours" and "semester hours" to include hours attempted or completed before graduating from high school, and adds definitions for "half-time student" and "part-time student." The Act requires sophomores seeking HOPE scholarships to earn a cumulative 3.0 grade point average at the end of the period in which full-time students have attempted 45 quarter hours or 30 semester hours or at the end of three consecutive quarters or semesters for part-time students. The Act requires a full-time student to maintain a cumulative 3.0 grade point average at the end of each spring semester to retain the scholarship and requires a part-time student to maintain a cumulative 3.0 grade point average at the end of each three consecutive quarters or semesters to retain the scholarship; students who lose the scholarship can regain it if they have a cumulative 3.0 grade point average at the end of the quarter or semester in which the student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours. The Act provides that HOPE scholarships and HOPE grants shall not include payments for mandatory fees exceeding the amount of such payments for the quarter or semester beginning on January 1, 2004. The Act provides that half-time students attending private postsecondary institutions may be eligible for HOPE scholarships of \$1,500.00 annually. Students are limited to 95 quarter hours or 63 semester hours of HOPE grants, except that students enrolled in diploma programs designed to be more than 95 quarter hours or 63 semester hours can receive HOPE grants for the number of hours required for graduation or 130 quarter hours or 86 semester hours, whichever is less. Students are limited to a cumulative total of 190 quarter hours or 127 semester hours of combined HOPE scholarships and grants. The Act provides that residency requirements for the HOPE scholarship and HOPE grant shall classify as residents any full-time employees of Free Trade Area of the Americas based in Georgia that are recognized by the U.S. Department of State and their spouses and dependents.

The Act creates as a joint committee of the General Assembly the HOPE Scholarship/Pre-K Legislative Oversight Committee to review the administration of the HOPE scholarships by the Student Finance Commission, the needs of all programs that receive funds from the Lottery for Education Account, and the commission's proposed plan of implementation of the new reporting system and achievement standards for receiving HOPE scholarships for the first year of

TITLE 20 (continued)

postsecondary school.

The Act provides for the limitation of HOPE scholarship and grant funds for books to \$150.00 annually for students who are not eligible for the Pell Grant program if the year-end balance for a fiscal year is less than the year end balance of the immediately preceding fiscal year; if the year end balance declines further in a second fiscal year, HOPE scholarships and grants will include no funds for books for students who are not eligible for the Pell Grant program; if the year end balance declines further in a third subsequent fiscal year, HOPE scholarships and grants will include no funds for mandatory fees.

The Act amends O.C.G.A. Sections 20-2-157, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.4, 20-3-519.5, and 50-27-13 and enacts O.C.G.A. Sections 20-3-519.13 and 20-3-519.14.

Effective July 1, 2004, except for provisions relating to the reporting system and achievement eligibility for students entering postsecondary institutions seeking associate or baccalaureate degrees.

Act 726; HB 1698

This Act requires each regional education service agency or college or university that offers in-service or continuing education for professional personnel for certification or recertification to offer some such education online or offer access to equivalent continuing education online. The Professional Standards Commission is required to treat such online education as if it were conducted in person. Local units of administration are authorized to permit professional personnel to use computers available at schools for continuing education when other professional duties are not scheduled for the individual.

The Act amends O.C.G.A. Section 20-2-201.

Effective July 1, 2004.

Act 725; HB 1428

This Act provides that parents or guardians who teach their own children in a home study program may employ a tutor who holds a high school diploma or a general educational development diploma (formerly required a baccalaureate college degree).

The Act amends O.C.G.A. Section 20-2-690.

Effective July 1, 2004.

Act 505; HB 1547

This Act makes editorial changes to definitions relating to the Student Finance Authority, deleting redundant and confusing language added by error in the 2003 session.

The Act amends O.C.G.A. Section 20-3-312.

Effective July 1, 2004.

Act 524; SB 485

This Act provides for the assignment of the Georgia Medical Center Authority to the Department of Community Affairs for administrative purposes only.

The Act amends O.C.G.A. Section 20-15-3.

Effective July 1, 2004.

TITLE 20 (continued)

Act 449; HB 1190

This Act authorizes local boards of education to allow alternatives to school councils for charter schools, alternative schools, or psychoeducation centers; provides for annual training and staggered terms for council members; allows council bylaws to specify the number of council members, length of terms, and number of meetings; provides that meetings shall be open to the public; requires local boards of education to consider the recommendations of school councils; revises the list of advisory matters for school councils; and provides that local boards shall determine by written policy the role of a school council in principal selection. The Act authorizes the state board of education to develop alternate methods of instruction for students who move to Georgia after the year in which courses in federal history and government and Georgia history and government are customarily taken and allows the state board to provide for exemptions to Georgia history and government requirements for such students.

The Act extends flexibility in use of state funds granted for 2003-2004 school year to the 2004-2005 school year, except that school systems are required to spend 90 percent of funds for professional development for such costs at the system level. The Act extends the maximum class size requirements for 2003-2004 to 2004-2005. The Act authorizes the state board to waive, with certain exceptions, specifically identified state rules, regulations, policies, procedures, and laws upon the request of a local school board for the goal of improving student performance, describes minimum requirements for the application, and provides that waivers may be granted for a period not exceeding five years. The Act authorizes the state board to adopt rules regarding the participation of limited-English-proficient students in accountability assessments, and rules requiring the results of core subject end-of-course assessments as a factor in the student's grade for the course. The Act authorizes the state board to release questions and answers from end-of-course assessments after the tests are given. With regard to students tested with the third grade criterion-referenced reading assessment during 2003-2004, the Act authorizes local school systems to place students that fail the test in a transition class, to provide extended third grade Early Intervention Program services, or both. The Act requires the state board to contract with independent experts for a study of students who fail the third grade reading assessment for the first time and provide results to the Governor and legislative education committees.

The Act allows local schools that have achieved an acceptable rating for the preceding year to schedule a minimum of 4.5 hours of academic instruction for students in middle schools. The Act prohibits use of a student's or employee's social security number as an identifier by the state-wide comprehensive educational information system in violation of law. The Act requires local boards of education to establish written policies regarding unstructured break time for students in kindergarten and grades one through eight.

The Act revises truancy penalties for parents, guardians, or persons who have control or charge of children, provides that penalties shall apply after the school system notifies of five unexcused absences, and requires schools to provide a written summary of possible consequences and penalties for failure to comply with compulsory attendance laws. The Act requires a student attendance protocol committee for each county to write this summary and to adopt a written student attendance protocol outlining procedures for identifying, reporting, investigating, and prosecuting alleged violations of compulsory attendance law. Local boards of education are required to consider the committee's recommendations. The Act provides that students have the right to receive a statement indicating full-time enrollment and the status of the student's attendance record. The Act requires an employer of a minor to maintain a copy of this statement and update it each January until the minor reaches age 18, receives a high school diploma or GED, or terminates secondary education and enrolls in postsecondary school. The Act requires the state board to issue rules for a hardship waiver of this requirement. The Act provides for

TITLE 20 (continued)

notice to a student who has only three absences remaining prior to violation of attendance requirements for obtaining or maintaining a driver's license and for reporting children who do not meet such attendance requirements to the state board and the Department of Motor Vehicle Safety. The Act deletes a provision allowing a minor who has dropped out of school to obtain and retain a driver's license if the minor has parental or guardian's permission to leave school. The Act prohibits issuing a driver's license to a minor who has not satisfied attendance requirements for one academic year prior to application and requires suspension of the license for one year or until the minor reaches age 18 if the minor has more than ten days of unexcused absences in any semester or has been suspended from school for specified offenses, including sexual offenses or causing substantial physical harm to another person. The Act provides for hardship exemptions from such provisions.

The Act requires policies and procedures regarding removal of a student from a classroom and includes disciplinary orders of private schools in the state and public schools outside the state in provisions allowing a local board to refuse to enroll a student subject to a disciplinary order of another school and related provisions. The Act revises provisions required for inclusion in student codes of conduct to include additional prohibited conduct and certain off-campus behavior. The Act revises disciplinary hearing provisions for students alleged to have used physical violence against a school employee to conform to other disciplinary procedures and requires a disciplinary hearing when the principal recommends a suspension or expulsion of longer than ten school days or if a school employee who is allegedly the victim of assault or battery by a student requests a hearing. Hearing procedures are revised to require a hearing within ten days after the beginning of a suspension unless there is mutual agreement to an extension and to provide for three days' notice to a teacher called as a witness by the school system. The Act deletes a provision that certain disciplinary provisions do not apply to children in kindergarten through grade five.

The Act provides that charter schools are exempt from articles relating to the state board, the state school superintendent, local boards, community involvement in education, local school superintendents, information about grants on local tax bills, consolidation of independent and county school systems, local public school finances, contracts and purchases by schools, school property, grants, and the Education Partnership Act, unless otherwise provided in the charter, and from state and local rules, regulations, policies, and procedures that do not relate to the operation of a local school. The Act provides for creation of a facilities fund for charter schools from moneys specifically appropriated therefor and a per pupil need based facilities aid program, specifying purposes for which the fund may be used, agreements for reversion of funds and properties purchased with such funds if the charter school ends operations, and regulating the actions of local boards with regard to maintenance of charter schools and allowing use of surplus property by charter schools.

The Act changes the name of the Office of Education Accountability to the Office of Student Achievement and deletes the requirement to consider the length of time that students spend in the early intervention program as a part of accountability standards. The Act requires approval of the state board for the accountability system to be created by the office. Previous provisions relating to required improvement and comparable improvement are revised to reflect federal law. The school grading system is revised to replace the A through F grades on absolute achievement and improved achievement with acceptable and unacceptable ratings. The Act revises the awards program. The Act revises provisions relating to assistance and intervention for schools receiving unacceptable ratings, including additional actions that may be recommended by a school improvement team, and additional mandatory actions for schools with an unacceptable rating for two or three years. The Act requires that local boards be given an opportunity to examine the data which are the basis for an intervention and provide corrections, explanations, or

TITLE 20 (continued)

supplements. The Act provides that local boards may request a hearing before the state board regarding an intervention but that an intervention shall not be stayed pending the decision of the state board.

The Act amends O.C.G.A. Chapters 20-2 and 20-14; and O.C.G.A. Sections 39-2-11, 40-5-22, 47-3-127.1, and 50-18-72.

Effective May 4, 2004.

**TITLE 21
ELECTIONS**

Act 446; HB 1247

This Act corrects certain typographical, stylistic, and other errors and omissions in the "Georgia Election Code."

The Act amends O.C.G.A. Sections 21-2-131, 21-2-225, and 21-2-409.

Effective April 29, 2004.

Act 575; SB 541

This Act provides for the registration of voters when applying for resident hunting, fishing, and trapping licenses.

The Act amends O.C.G.A. Section 21-2-220 and enacts O.C.G.A. Section 21-2-221.1.

Effective July 1, 2005, or upon appropriation of funding for implementation by the Department of Natural Resources.

**TITLE 22
EMINENT DOMAIN**

Act 536; HB 373

This Act prohibits the use of eminent domain to acquire any property for the construction of certain electric transmission lines without prior public notice and one or more public meetings with an opportunity for comment and questions. The Act provides for exceptions and for factors to be considered in selecting a route for electric transmission lines.

The Act amends O.C.G.A. Section 22-2-102 and enacts O.C.G.A. Sections 22-3-160 through 22-3-162.

Effective July 1, 2004, and applicable to the exercise of eminent domain for which land acquisition negotiations begin on or after that date.

**TITLE 24
EVIDENCE**

Act 523; SB 482

This Act makes the requirement for DNA analysis of certain inmates applicable to all inmates who are currently incarcerated in a state correctional facility. The state is no longer required to

TITLE 24 (continued)

wait until the inmate is released to obtain a sample for the DNA data bank.

The Act amends O.C.G.A. Section 24-4-60.

Effective July 1, 2004.

TITLE 26

FOOD, DRUGS, AND COSMETICS

Act 516; SB 401

This Act adopts the May, 2003, Amended Version of the "Grade A Pasteurized Milk Ordinance" Recommendations of the United States Public Health Service - Food and Drug Administration in the "Georgia Dairy Act of 1980."

The Act amends O.C.G.A. Section 26-2-238.

Effective July 1, 2004.

Act 578; SB 179

This Act enacts the "Patient Safe Prescription Drug Act," providing for electronic data prescription drug orders. The Act requires that electronic data prescription drug orders meet certain requirements and provides exemptions from the requirements for institutions that use electronic medical record systems. The Act further provides for certain restrictions relating to the drug orders and provides for incentives to utilize electronic data prescription drug orders.

The Act amends O.C.G.A. Sections 26-4-5 and 26-4-80.

Effective July 1, 2004.

Act 590; HB 1519

This Act enacts the "Common-sense Consumption Act." The Act provides for limited liability of food manufacturers, packers, distributors, and others from claims relating to weight gain and obesity. The Act further provides for exceptions to the limitation of liability for material violations of certain state and federal laws relating to labeling and advertising.

The Act enacts O.C.G.A. Sections 26-2-430 through 26-2-436.

Effective July 1, 2004.

TITLE 27

GAME AND FISH

Act 467; HB 1362

This Act provides that a nonresident who is under the age of 16 and who is the grandchild of a resident holder of a lifetime sportsman's license may obtain a lifetime sportsman's license. The Act provides for a senior discount for a lifetime sportsman's license.

The Act amends O.C.G.A. Section 27-3-3.1.

Effective July 1, 2004.

**TITLE 28
GENERAL ASSEMBLY**

Veto No. 17; SB 431

This Act provides for notification to the members of the General Assembly of the availability of annual reports, budgets, and audits from various state agencies. The Act eliminates the requirement of delivery of the documents to the members of the General Assembly.

The Act amends O.C.G.A. Sections 2-5-8, 10-4-5, 10-10-6, 11-3-1, 12-5-212, 12-5-287, 12-5-402, 12-5-422, 12-5-139, 12-8-31, 12-8-33, 15-2-11, 15-18-44, 20-2-740, 20-3-239, 20-3-268, 20-3-320, 20-11-8, 20-14-27, 20-14-28, 25-4-5, 28-5-5, 28-5-24, 31-6-20, 33-2-8.1, 33-46-14, 37-2-33, 38-4-11, 45-6-4, 45-11-75.1, 45-20-1, 45-20-11, 47-11-26, 47-14-26, 47-16-28, 47-17-25, 48-2-7, 49-3-3.1, 49-4-183, 49-5-153, 49-5-273, 49-6-6, 50-5-136, 50-12-48, 50-17-26, 50-26-15, 50-34-13, 50-5-196, 50-25-7.10 and 50-25-7.12 and enacts O.C.G.A. Section 45-18-20.

**TITLE 29
GUARDIAN AND WARD**

Act 460; HB 229

This Act completely rewrites O.C.G.A. Title 29.

The Act amends O.C.G.A. Sections 15-9-86.1, 15-9-121, 15-9-127, 16-14-3, 22-2-21, 22-2-23, 22-2-107, 24-9-47, 30-5-5, 31-39-2, 32-3-8, 50-18-72, and 53-12-173.1.

The Act also amends O.C.G.A. Sections 53-6-35, 53-6-42, and 53-9-14 of the Revised Probate Code of 1998.

The Act also amends O.C.G.A. Sections 53-6-90, 53-6-98, 53-8-29, and 53-8-34 of the Pre-1998 Probate Code.

The Act repeals O.C.G.A. Sections 29-1-1 through 29-8-9.

The Act enacts O.C.G.A. Sections 29-1-1 through 29-9-18.

Effective July 1, 2005, and all appointments of guardians of the person or property made pursuant to former O.C.G.A. Title 29 shall continue in effect and thereafter be governed by the provisions of the Act.

**TITLE 31
HEALTH**

Act 507; HB 1709

This Act requires that all nursing homes annually offer an influenza virus vaccine and a pneumococcal bacteria vaccine to certain patients unless contraindicated for a specific patient and contingent on availability of the vaccines.

The Act amends O.C.G.A. Section 31-7-2.1.

Effective July 1, 2004.

Act 522; SB 478

This Act establishes the State Office of Vital Records within the Department of Human Resources and revises certain powers of the state registrar. The Act revises certain provisions relating to registration of births and requires local registrars to transmit death certificates to the

TITLE 31 (continued)

State Office of Vital Records immediately upon receipt. The Act provides that temporary guardians can request that the name of a child on a birth certificate be amended in accordance with a court order and that they can receive certified copies of vital records. The Act further provides that fees for copies of vital records be uniform.

The Act amends O.C.G.A. Sections 31-10-1, 31-10-2, 31-10-5, 31-10-6, 31-10-9, 31-10-10, 31-10-12, 31-10-15, 31-10-17, 31-10-23, 31-10-24, 31-10-26, 31-10-27, and 31-10-31.

Effective July 1, 2004.

Act 660; SB 263

This Act provides that orders relating to legitimation and paternity be forwarded by the clerk of the court to the state registrar no later than the fifteenth day of each calendar month and that any orders relating to persons born outside of this state be forwarded by the state registrar to the indicated state. The Act further provides for the establishment of a new certificate of birth when the state registrar receives certified copies of court orders relating to legitimation and paternity. The Act expands the authority from the superior court to a court of competent jurisdiction and the Office of State Administrative Hearings to change paternity on a birth certificate.

The Act amends O.C.G.A. Sections 31-10-14, and 31-10-23.

The Act enacts O.C.G.A. Sections 31-10-13.1 and 31-10-13.2.

Effective July 1, 2006.

Act 504; HB 1526

This Act expands the childhood vaccination registry to include vaccination information on all persons from birth through death.

The Act amends O.C.G.A. Section 31-12-3.1.

Effective July 1, 2004.

Act 624; SB 513

This Act provides that contact lenses may be sold or dispensed in this state only by licensed providers and provides that a person found to have violated this requirement is guilty of a felony. The Act further provides that sales of and prescriptions for contact lenses in this state shall conform to the federal Fairness to Contact Lens Consumers Act.

The Act amends O.C.G.A. Section 31-12-12.

Effective July 1, 2004.

Act 824; SB 582

This Act specifies that certain reporting requirements relating to treatment and rehabilitation of spinal cord disabled and head-injured persons be conducted by the Brain and Spinal Injury Trust Fund Commission. The Act provides that the Brain and Spinal Injury Trust Fund Commission produce an annual report relating to information collected relating to treatment and rehabilitation of spinal cord disabled and head-injured persons.

The Act amends O.C.G.A. Sections 31-18-3 and 31-18-4.

Effective July 1, 2004.

**TITLE 32
HIGHWAYS, BRIDGES, AND FERRIES**

Act 621; HB 1156

This Act grants the commissioner of transportation the authority to appoint five nonuniformed investigators who shall be certified peace officers and provides for the powers of such peace officers. The Act also provides that the Department of Transportation will provide a state level flow through point for any available federal funding and assistance for local, regional, and public-private streetcar projects to be administered by the State Road and Tollway Authority.

The Act amends O.C.G.A. Section 32-2-41.

Effective July 1, 2004.

Act 650; SB 553

This Act provides that the Department of Transportation may negotiate design-build contracts and provides for the development of design-build procedures for the construction of public roads and other transportation purpose projects.

The Act amends O.C.G.A. Section 32-2-61 and enacts O.C.G.A. Section 32-2-81.

Effective July 1, 2004.

Act 480; HB 1254

This Act provides that railroads shall not have a duty to file a petition for elimination of a grade crossing and provides that neither the failure of a railroad to file such a petition nor any decision by the department or any local governing authority regarding such a petition shall give rise to a cause of action against the railroad, the Department of Transportation, or a local governing authority by a person for injuries or damages arising from the existence or use of such crossing.

The Act amends O.C.G.A. Section 32-6-193.1.

Effective July 1, 2004.

Act 530; SB 603

This Act prohibits the State Road and Tollway Authority from using technology to produce any photograph, image, or videotape showing the identity of any person in a motor vehicle, except for general surveillance of a toll collection facility and for the security of employees. The Act also provides that a traffic-control signal monitoring device shall not be used to produce any photograph, image, or videotape showing the identity of a person in a motor vehicle.

The Act amends O.C.G.A. Sections 32-10-64 and 40-14-21.

Effective July 1, 2004.

**TITLE 33
INSURANCE**

Act 583; HB 1263

This Act provides for service by electronic mail of certain orders and notices of the Commissioner of Insurance, corrects a penalty provision concerning insurance fraud, and defines the term "claim against a policy."

TITLE 33 (continued)

The Act amends O.C.G.A. Sections 33-1-9, 33-2-10, and 33-24-46.
Effective May 13, 2004.

Act 541; HB 547

This Act removes certain limitations and conditions concerning the prohibition on insurance premium surcharges for public safety employees who are involved in automobile accidents.
The Act amends O.C.G.A. Section 33-9-39.
Effective May 13, 2004.

Act 529; SB 608

This Act authorizes the use of national standards for quality certification in the granting, maintenance, denial, and revocation of certificates of authority of health maintenance organizations.
The Act amends O.C.G.A. Sections 33-21-3, 33-21-5, 33-21-9, 33-21-17, 33-21-18, and 33-21-20 and enacts O.C.G.A. Section 33-21-20.1.
Effective May 13, 2004.

Act 540; HB 539

This Act revises the method of calculating the minimum nonforfeiture amounts for individual deferred annuities, authorizes the Commissioner of Insurance to set rates by rule and regulation, and provides for a range for such interest rates.
The Act amends O.C.G.A. Section 33-28-3.
Effective July 1, 2005.

Act 502; HB 1499

This Act reduces the amount of advance payment for motor vehicle liability insurance from the first 60 days of coverage to the first 30 days of coverage.
The Act amends O.C.G.A. Section 33-34-3.
Effective January 1, 2005.

**TITLE 34
LABOR**

Act 481; HB 1258

This Act preempts and prohibits all wage or employment benefit mandates adopted by a local government entity.
The Act enacts O.C.G.A. Section 34-4-3.1.
Effective May 13, 2004.

Act 796; HB 1555

This Act eliminates the sunset provision of the alternative base period under the unemployment compensation law. The Act also extends the suspension of the overall increase

TITLE 34 (continued)

in the rated employer contributions to the Unemployment Trust Fund through December 31, 2005, based upon the State-wide Reserve Ratio.

The Act amends O.C.G.A. Sections 34-8-21 and 34-8-156.
Effective May 17, 2004.

Act 483; HB 1278

This Act provides that a guardian for a minor or incompetent claimant entitled to workers' compensation benefits may be appointed by a court other than the probate court. The Act also increases the settlement amount of a claim for which a temporary guardian may be appointed for a minor or legally incompetent person.

The Act amends O.C.G.A. Section 34-9-226.
Effective July 1, 2004.

Act 455; HB 1579

This Act provides for the dissolution of the Subsequent Injury Trust Fund. The Act provides that the Subsequent Injury Trust Fund shall not reimburse a self-insured employer or an insurer for an injury occurring after June 30, 2008, for which a claim is made after June 30, 2008.

The Act enacts O.C.G.A. Section 34-9-368.
Effective July 1, 2004.

**TITLE 35
LAW ENFORCEMENT**

Act 780; SB 426

This Act directs the Georgia Peace Officer Standards and Training Council and the Georgia Public Safety Training Center to establish guidelines for training peace officers in methods of identifying and reporting sexual offenses and in assisting victims of sexual offenses. The Act also changes certain provisions regarding requirements for appointment or certification of persons as peace officers.

The Act amends O.C.G.A. Sections 35-1-10, 35-8-8, and 35-8-21.
Effective July 1, 2004.

Act 784; HB 158

This Act allows special agents and law enforcement officers who leave a state department or agency as a result of a disability arising in the line of duty to retain their weapons and badges upon leaving the department or agency.

The Act amends O.C.G.A. Sections 3-2-30, 27-1-16, 35-3-11, and 48-11-19 and enacts O.C.G.A. Section 35-2-49.1.
Effective July 1, 2004.

Act 561; HB 1192

This Act expands the prohibition of the use of Georgia Bureau of Investigation's nomenclature without written permission of the director. The Act also provides that a copy of a report of the

TITLE 35 (continued)

methods and findings of any examination conducted by an employee of the state crime lab, authenticated under oath, is prima-facie evidence in court proceedings.

The Act amends O.C.G.A. Sections 35-3-101 and 35-3-102 and enacts O.C.G.A. 35-3-154.1. Effective July 1, 2004.

Act 781; SB 427

This Act changes a member on the Criminal Justice Coordinating Council from the chairperson of the Georgia Organized Crime Prevention Council to the director of homeland security. The Act discontinues the Organized Crime Prevention Council. The Act also provides that personnel employed by the district attorneys of the state shall be considered to be state employees for certain purposes relating to insurance coverage.

The Act amends O.C.G.A. Sections 35-6A-3 and 45-9-3 and repeals O.C.G.A. Chapter 35-7. Effective May 17, 2004.

**TITLE 36
LOCAL GOVERNMENT**

Act 782; SB 445

This Act provides that before a franchising authority begins the authorization process of permitting a public provider to deliver cable television service, the franchising authority must notify each private provider serving the targeted market. The Act provides for the contents of such notice and allows the private provider 30 days to respond. The Act provides that the franchising authority shall require the public provider to prepare a business plan to provide service.

The Act amends O.C.G.A. Sections 36-18-5, 36-90-2, and 36-90-3. Effective July 1, 2004.

Act 488; HB 1321

This Act repeals a requirement that municipalities may not annex in counties with populations between 625,000 and 725,000 except upon the approval of the county governing authority.

The Act repeals O.C.G.A. Section 36-36-70. Effective May 13, 2004.

Act 797; HB 1565

This Act provides that the General Assembly by local Act may authorize the governing authority of any municipal corporation to lease or enter into a contract for the operation and management of municipal property comprising fairgrounds, ballfields, golf courses, swimming pools, or other like property used primarily for recreational purposes for up to five years with options to renew for three additional five-year periods to a nonprofit corporation. The Act provides for restrictions and conditions of any such lease.

The Act amends O.C.G.A. Section 36-37-6. Effective July 1, 2004.

TITLE 36 (continued)

Act 614; SB 514

This Act changes provisions relating to the creation of tax allocation districts and changes the definition of redevelopment area. The Act also makes changes relating to the allocation of certain tax allocation increments and relating to the use of local general fund moneys with respect to tax allocation bonds.

The Act amends O.C.G.A. Sections 36-44-3, 36-44-8, 36-44-11, 36-44-20, and 50-17-23 and enacts O.C.G.A. Sections 36-82-240, 36-82-241, 50-17-90, and 50-17-91.

Effective May 17, 2004, except that certain provisions relating to tax allocation districts shall become effective on July 1, 2004.

Act 779; SB 421

This Act eliminates the board of the Harold J. Holtz Municipal Training Institute. The Act amends O.C.G.A. Sections 36-45-1 through 36-45-9 and 36-45-20. Effective May 17, 2004.

Act 664; SB 444

This Act provides that a county may belong to more than one joint development authority. The Act also provides that a business enterprise locating in a county that belongs to more than one joint authority shall not qualify for an additional tax credit in excess of \$500.00 for each new full-time employee position created.

The Act amends O.C.G.A. Section 36-62-5.1.

Effective May 17, 2004.

Act 545; HB 666

This Act exempts sheriffs, clerks of the superior court, judges of the probate court, and tax commissioners from the definition of local government for the purpose of service delivery strategies. The Act also changes the amount of annual expenditures of local governments requiring annual audits from \$175,000.00 to \$300,000.00.

The Act amends O.C.G.A. Sections 36-70-2 and 36-81-7.

Effective May 13, 2004.

**TITLE 37
MENTAL HEALTH**

Act 452; HB 1568

This Act provides that no community service board shall employ any person who is receiving a retirement benefit from the Employees' Retirement System of Georgia except in compliance with O.C.G.A. Section 47-2-110.

The Act amends O.C.G.A. Section 37-2-6.1.

Effective July 1, 2004.

**TITLE 38
MILITARY, EMERGENCY MANAGEMENT,
AND VETERANS AFFAIRS**

Act 447; SB 496

This Act provides that the adjutant general of the state may appoint officers of the National Guard as deputy assistant adjutants general and that such deputy assistants shall be of field rank or general officer rank. The Act provides that certain provisions relating to compensation shall not apply when the National Guard is called into active service. The Act further provides that members of the National Guard have the same powers of arrest as law enforcement officers under certain conditions.

The Act amends O.C.G.A. Sections 38-2-152, 38-2-250, and 38-2-307.

Effective April 29, 2004.

Act 579; SB 243

This Act requires every state agency and authority, unless exempted, to establish an agency safety plan to address the threat of terrorism and to address preparedness for natural disasters, hazardous materials or radiological accidents, and acts of violence. The Act provides for an Airport Anti-Terrorism Training Committee and the training of airport managers. The Act further provides for the Georgia Emergency Management Agency to establish and maintain a standardized, verifiable, performance-based unified incident command system.

The Act enacts O.C.G.A. Sections 38-3-22.1, 38-3-22.2, and 38-3-57.

Effective July 1, 2004.

Act 498; HB 1450

This Act enacts the "Judicial Emergency Act of 2004" which provides that authorized judicial officials are authorized to declare the existence of a judicial emergency through a judicial order. The Act provides that authorized judicial officials are authorized to suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules or filing requirements imposed by statute, rule, regulation, or court order. The Act further provides for an appeal by any person whose rights or interests are adversely affected by an order declaring a judicial emergency.

The Act enacts O.C.G.A. Sections 38-3-60 through 38-3-64.

Effective May 13, 2004.

**TITLE 40
MOTOR VEHICLES AND TRAFFIC**

Act 442; HB 1063

This Act exempts certain persons from driver's license requirements when operating motorized carts under certain circumstances. The Act also provides that local governing authorities may designate certain public streets or portions thereof that are under its regulation and control for the use of motorized carts. The Act also provides that motorized carts may cross certain streets and highways.

The Act amends O.C.G.A. Sections 40-1-1, 40-5-21, and 40-6-331.

Effective April 22, 2004.

TITLE 40 (continued)

Act 580; SB 489

This Act amends the definition of authorized emergency vehicle to include motor vehicles operated by the Department of Transportation. The Act also allows buses and motorcoaches to operate in certain lanes when moving to and from HOV lanes. The Act also allows the Department of Transportation to implement high occupancy toll lanes where appropriate in qualifying HOV lanes.

The Act amends O.C.G.A. Sections 40-1-1, 40-6-52, and 40-6-54 and enacts O.C.G.A. Section 40-6-53.

Effective May 13, 2004.

Act 500; HB 1549

This Act provides for special license plates commemorating Rotary International. The Act also provides for special license plates supporting the Girl Scouts U.S.A. This Girl Scouts U.S.A. license plate is contingent on the ratification of a constitutional amendment at the general election, and it does not appear that such amendment will be placed on the ballot for ratification at the general election.

The Act enacts O.C.G.A. Section 40-2-86.9.

Effective July 1, 2004.

Act 521; SB 461

This Act provides that the Department of Motor Vehicle Safety shall destroy any suspended or revoked drivers' licenses, permits, or identification cards that are surrendered to it and shall issue a new driver's license, permit, or identification card upon satisfaction of the applicable reinstatement requirements. The Act also provides that a period of driver's license suspension shall begin on the date that the license is surrendered to a court or on the date that the Department of Motor Vehicle Safety processes the citation or conviction. The Act also permits records of certificates of registration and certificates of title to be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994. The Act also changes the length of residency for eligibility for veterans' drivers' licenses from five years to two years.

The Act amends O.C.G.A. Sections 40-2-130, 40-3-23, 40-5-36, 40-5-53, 40-5-57, 40-5-57.1, 40-5-61, 40-5-62, 40-5-64, and 40-5-75.

Effective July 1, 2004.

Act 582; HB 1168

This Act provides that the county tax commissioner shall have the authority to waive lapse fees in insurance coverage termination if proof is provided that no actual lapse in coverage occurred. The Act also provides that the Department of Motor Vehicle Safety shall implement a pilot program to determine the revenue feasibility of supplying limited rating information to agents, insurers, and insurance support organizations, and if the program is successful as determined by the Office of Planning and Budget, the Department of Motor Vehicle Safety shall furnish limited rating information to insurance support organizations. The Act also provides that an application of a minor for a driver's license may be signed and verified by a licensed driver training instructor with the permission of the minor's parent or guardian. The Act also provides for a process by which the Department of Motor Vehicle Safety shall approve licensed driver training schools to conduct on-the-road driving tests. The Act also removes the requirement of the

TITLE 40 (continued)

Department of Motor Vehicle Safety to assess points for traffic violations committed by nonresidents. The Act also removes the requirement of the Department of Motor Vehicle Safety to provide certain forms. The Act also clarifies certain provisions relating to vehicle identification rules.

The Act amends O.C.G.A. Sections 40-2-137, 40-5-2, 40-5-26, 40-5-27, 40-5-32, 40-5-51, 40-5-54, 40-8-9, and 40-9-3.

Effective July 1, 2004.

Act 789; HB 1087

This Act changes the annual license fees and provides for restricted license plates for truck-tractors hauling crops.

The Act amends O.C.G.A. Sections 40-2-151 and 40-2-152.

Effective July 1, 2004.

Act 514; SB 357

This Act provides for a certificate of title to be branded as "salvaged-repaired" if a vehicle was declared a salvage vehicle and subsequently repaired with less than two major component parts to restore the vehicle to an operable condition. The Act also changes the fee to be charged by the commissioner of motor vehicle safety upon the application for a certificate of title for a salvaged or rebuilt motor vehicle. The Act also changes the definition of a rebuilder.

The Act amends O.C.G.A. Sections 40-3-2, 40-3-37, and 43-47-2.

Effective July 1, 2004.

Act 803; HB 1113

This Act provides that it shall be a misdemeanor for a person other than law enforcement, fire department, or emergency personnel to use, possess, sell, or purchase a traffic-control device preemption emitter.

The Act enacts O.C.G.A. Section 40-6-17.

Effective May 17, 2004.

Act 559; HB 1176

This Act allows blind persons to obtain parking permits for persons with disabilities upon presentation of a physician's affidavit to the Department of Motor Vehicle Safety.

The Act amends O.C.G.A. Sections 40-6-221 and 40-6-222.

Effective July 1, 2004.

Act 615; SB 525

This Act provides that motor vehicles that are involved in traffic accidents shall be removed from the traveled way of all public roads. The Act also provides that a violation of this Act shall be a misdemeanor.

The Act amends O.C.G.A. Section 40-6-275.

Effective July 1, 2004.

TITLE 40 (continued)

Act 512; SB 297

This Act provides that any person who flees or attempts to elude a pursuing police vehicle or police officer in an attempt to escape arrest for any offense other than a violation of O.C.G.A. Chapter 40-6 shall be guilty of a felony.

The Act amends O.C.G.A. Section 40-6-395.

Effective July 1, 2004.

Act 572; HB 217

This Act requires the use of child passenger restraint systems in motor vehicles for children under the age of six years. The Act provides for exceptions in certain instances, and provides for an exception for buses operated by licensed or commissioned child care facilities. The Act also provides that it shall be the duty of the Governor's Office of Highway Safety to implement and coordinate a program prior to January 1, 2005, to inform parents and citizens of the provisions of the Act.

The Act amends O.C.G.A. Sections 40-8-76 and 40-8-76.1.

Effective July 1, 2004.

**TITLE 41
NUISANCES**

Act 566; SB 511

This Act extends the protection granted to agricultural land and facilities against nuisance claims under O.C.G.A. Section 41-1-7 to include an agricultural support facility and any operation at an agricultural support facility. The Act defines "agricultural support facility" as any food processing plant or forest products processing plant together with all related or ancillary activities.

The Act amends O.C.G.A. Section 41-1-7.

Effective July 1, 2004.

Act 659; SB 182

This Act clarifies the procedures for imposition and collection of nuisance abatement liens and also clarifies procedures relating to the collection of tax liens. The Act also changes provisions relating to judicial in rem tax foreclosures.

The Act amends O.C.G.A. Sections 41-2-8, 41-2-9, 41-2-12, 48-4-76, and 48-4-78.

Effective July 1, 2004.

**TITLE 42
PENAL INSTITUTIONS**

Act 790; HB 1093

This Act changes a provision relating to annual registration with the state sexual offender registry. The Act also changes a provision defining "criminal offense against a victim who is

TITLE 42 (continued)

a minor" to exclude certain conduct.

The Act amends O.C.G.A. Section 42-1-12.

Effective July 1, 2004, and applicable to sentences imposed on or after July 1, 2004.

Act 457; HB 239

This Act changes provisions relating to earned time allowances in county correctional facilities to authorize the sheriff to award a maximum of four days' credit for each day on which an inmate does work on an authorized work detail. The Act provides that such increased credit shall not apply to inmates incarcerated for certain named offenses.

The Act amends O.C.G.A. Section 42-4-7.

Effective July 1, 2004.

Act 595; HB 1161

This Act enacts the "Probation Management Act of 2004." The Act provides for comprehensive changes regarding management of probationers and for other changes regarding suspension or probation of sentences. The Act implements a specialized continuum of probation supervision and provides procedures with respect to the sentencing options system.

The Act amends O.C.G.A. Sections 42-5-50, 42-8-34, 42-8-35, 42-8-72, and 17-10-1 and enacts O.C.G.A. Sections 42-8-35.7 and 42-8-150 through 42-8-160.

Effective July 1, 2004.

Act 555; HB 1158

This Act provides for the revocation of a person's ignition interlock device limited driving permit by the Department of Motor Vehicle Safety upon notification by the provider of the failure to report or failure to receive a satisfactory report. The Act allows for a hearing.

The Act amends O.C.G.A. Sections 42-8-112 and 42-8-117.

Effective July 1, 2004.

Act 506; HB 1702

This Act authorizes the conferral of law enforcement powers upon any person employed by the State Board of Pardons and Parole who is otherwise certified as a peace officer. Such powers may only be exercised from May 24, 2004, through June 20, 2004, and only within an area designated by the Governor. The Act is repealed on July 1, 2004.

The Act enacts O.C.G.A. Section 42-9-9.1.

Effective May 13, 2004.

**TITLE 43
PROFESSIONS AND BUSINESSES**

Veto No. 18; SB 449

This Act repeals certain provisions relating to registered public accountants and provides that registered public accountants shall, upon application, be certificated as certified public accountants. The Act also changes requirements for eligibility for certification as an

TITLE 43 (continued)

engineer-in-training and a land surveyor-in-training. The Act further regulates the practice of soil science and creates the State Licensing Board for Professional Soil Scientists.

The Act amends O.C.G.A. Sections 7-1-1000, 16-12-22.1, 16-12-59, 43-3-13, 43-3-21, 43-3-24, 43-3-25, 43-3-28, 43-3-35, 43-15-8, 43-15-9, 43-15-12, 43-15-13, and 43-40-29.

The Act repeals O.C.G.A. Sections 43-3-14, 43-3-16, 43-3-18 and 43-3-19.

The Act enacts O.C.G.A. Sections 43-43B-1 through 43-43B-19.

Act 556; HB 1167

This Act extends certain deadlines for the use of certain educational and training requirements to qualify for examination by the Georgia State Board of Architects and Interior Designers.

The Act amends O.C.G.A. Section 43-4-11.

Effective May 13, 2004.

Veto No. 7; HB 1394

This Act provides that students, teachers, or other persons who serve as athletic trainers for a public or private elementary school or high school must be licensed as an athletic trainer. The Act contains exceptions for a student-trainer, assistant trainer, or similar person who functions under the advice, consent, and supervision of a physician or a licensed athletic trainer.

The Act amends O.C.G.A. Sections 43-5-1 and 43-5-7.

Veto No. 9; HB 1512

This Act authorizes the Georgia Board of Chiropractic Examiners to expunge or delete from the disciplinary record of any licensee infractions not defined as immoral and unprofessional conduct or reasonable care and skill.

The Act amends O.C.G.A. Section 43-9-6.1.

Act 558; HB 1175

This Act provides that teachers and instructors of and courses of instruction or training in cosmetology operated by the Department of Corrections shall be considered to be subject to the same standards and to be part of the cosmetology programs that are approved by the Department of Technical and Adult Education or the Department of Education. The Act requires the State Board of Cosmetology to test an inmate who is an applicant for a certificate or registration who has completed successfully a training program operated by the Department of Corrections. The Act also changes certain qualifications of membership on the State Board of Cosmetology.

The Act enacts O.C.G.A. Section 43-10-20 and amends O.C.G.A. Section 43-10-2.

Effective July 1, 2004.

Act 573; HB 1141

This Act revises certain provisions relating to acts which constitute the practice of dentistry and revises certain provisions relating to conscious sedation. The Act provides for additional means to receive a license to practice dentistry and implements criminal background checks for applicants for a license to practice dentistry. The Act designates the practice of dentistry under another's license as a felony and requires criminal background checks for applicants for a license to practice dental hygiene.

TITLE 43 (continued)

The Act amends O.C.G.A. Sections 43-11-1, 43-11-17, 43-11-21, 43-11-40, 43-11-42, 43-11-51, 43-11-52, 43-11-70, 43-11-71, and 43-11-72 and enacts O.C.G.A. Sections 43-11-41 and 43-11-71.1.

Effective July 1, 2004.

Veto No. 6; HB 1162

This Act provides for licensing of ignition interlock device provider centers and outlines certain requirements for towing and storage of any political or any political establish rules at governing authority. s qualifications es for the state hicle safety to ovides that the nty.

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The Act enacts O.C.G.A. Sections 43-12A-1 through 43-12A-9 and 44-1-13.1 and amends O.C.G.A. Section 44-1-13.

Act 485; HB 1300

This Act prohibits persons from contracting with any other person to perform utility contracting work unless such other person is properly licensed. The Act redefines the terms "utility contracting" and "utility system". The Act further requires that persons holding utility manager and utility foreman certificates must provide proof of completion of a course in safety training every two years.

The Act amends O.C.G.A. Sections 43-14-2, 43-14-5, 43-14-8.2, 43-14-8.3, and 43-14-8.4 and enacts O.C.G.A. Section 43-14-12.2.

Effective July 1, 2004.

Act 543; HB 617

This Act changes licensing provisions affecting physician's assistants and clinical perfusionists. The Act provides for an inactive license status for physician's assistants and changes the period of time that a perfusionist's provisional license is valid.

The Act amends O.C.G.A. Sections 43-34-102, 43-34-103, and 43-34-175.

Effective May 13, 2004.

Act 482; HB 1265

This Act provides for the issuance of temporary postgraduate training permits to medical students. The Act contains conditions relating to such permits and provides for disciplinary actions against permit holders.

The Act amends O.C.G.A. Section 43-34-26 and enacts O.C.G.A. Section 43-34-47.

Effective July 1, 2004.

Act 487; HB 1311

This Act repeals a provision allowing the conducting of a real estate closing by a licensee.

The Act amends O.C.G.A. Section 43-40-25.

Effective May 13, 2004.

TITLE 43 (continued)

Act 598; HB 1003

This Act creates the State Licensing Board for Residential and General Contractors and provides for the composition, powers, and duties of the board. The Act initiates licensing of residential and general contractors and provides for a licensing examination and penalties for failure to obtain a license.

The Act enacts O.C.G.A. Sections 43-41-1 through 43-41-17.

Effective upon the effective date of an appropriation of funds for the purposes of this Act expressed in a line item in an appropriations Act enacted by the General Assembly.

**TITLE 44
PROPERTY**

Act 535; HB 208

This Act revises provisions relating to condominiums, including clarifying liability for common expenses which may be assessed against condominium owners and revising the maximum amount of the deductible that can be charged to any one unit owner to \$2,500.00 per casualty loss covered under insurance. The Act revises the timeline for notice of assessment of a lien to 30 days and revises the effectiveness of a lien for assessments to four years after the assessment first became due and payable. The Act revises provisions relating to the "Georgia Property Owners' Association Act," including clarifying voting procedures at association meetings and providing that a lot owner may be made exempt from assessments until a certificate of occupancy has been issued.

The Act amends O.C.G.A. Sections 44-3-76, 44-3-79, 44-3-80, 44-3-94, 44-3-102, 44-3-103, 44-3-109, 44-3-221, 44-3-224, 44-3-225, 44-3-227, 44-3-228, 44-3-230, 44-3-232, and 44-3-235.

Effective July 1, 2004.

Act 454; HB 762

This Act provides for removal of a tenant or the tenant's personal property by a landlord pursuant to the issuance of a writ of possession.

The Act amends O.C.G.A. Section 44-7-55.

Effective July 1, 2004.

Act 513; SB 347

This Act provides that a judgment debtor resident in Georgia is entitled to assert an exemption from levy and sale against a domesticated judgment from another state.

The Act enacts O.C.G.A. Section 44-13-120.

Effective July 1, 2004.

Act 486; HB 1303

This Act allows a physician practice to file a lien on a cause of action accruing to an injured person for the costs of care and treatment arising out of the cause of action. The Act changes certain provisions relating to the timeline for providing written notice to perfect a lien.

TITLE 44 (continued)

The Act amends O.C.G.A. Sections 44-14-470 through 44-14-473, 44-14-475, and 44-14-476.
Effective July 1, 2004.

**TITLE 45
PUBLIC OFFICERS**

Act 552; HB 1118

This Act authorizes any department, agency, authority, commission, or other instrumentality of the state to deduct designated amounts from the wages or salaries of its employees and to remit such moneys to one or more savings trust accounts established under the Georgia Higher Education Savings Plan.

The Act enacts O.C.G.A. Section 45-7-57.
Effective May 13, 2004.

Veto No. 19; SB 604

This Act establishes a presumption that any emergency rescue or public safety worker who suffers a condition or health impairment that is caused by hepatitis, HIV, meningococcal meningitis, or tuberculosis that results in total or partial disability or death was exposed to such condition in the line of duty. The Act provides for related exclusions, limitations, and requirements.

The Act enacts O.C.G.A. Sections 45-9-108.1 through 45-9-108.7.

Act 549; HB 1026

This Act provides that the Secretary of State may initiate action through the Attorney General to prevent the sale, transfer, or destruction of any records, books, documents, or other office property which has been unlawfully removed from any public office or public officer or employee. The Act also provides that certain records received or created by a state agency, constitutional officer, or Speaker of the House of Representatives and certified by the Division of Archives and History shall be placed for permanent preservation in the Division of Archives and History.

The Act amends O.C.G.A. Sections 45-11-1 and 45-13-46.
Effective July 1, 2004.

Act 550; HB 1086

This Act provides that a person engaged in the bail bond business may be elected to serve on a local school board, provided that such person shall not be allowed to participate in the operation of a bail bond business within the jurisdiction of the office to which he or she is elected.

The Act amends O.C.G.A. Section 45-11-8.
Effective July 1, 2004.

Act 426; HB 1207

This Act authorizes the General Assembly of Georgia to appropriate \$208,632,306.00 for

TITLE 45 (continued)

Fiscal Year 2004 and \$7 million for Fiscal Year 2005 from the revenue shortfall reserve.

The Act amends O.C.G.A. Section 45-12-93.

Effective February 10, 2004.

Act 508; HB 1751

This Act provides that the Board of Community Health is authorized to contract with any federally qualified health center for the inclusion of the employees of any such health center in the state health insurance plan.

The Act amends O.C.G.A. Section 45-18-7.7.

Effective July 1, 2004.

Act 588; SB 486

The Act requires the State Personnel Board to establish and administer a special pay plan for the deferred payment of special compensation which reduces the federal tax obligation upon such payments. Such plan shall become effective July 1, 2005. Participation in such plan shall be mandatory for all retiring and terminating state employees age 55 and older whose compensation for terminal leave equals \$1,000.00 or more.

The Act enacts O.C.G.A. Section 45-18-37.

Effective July 1, 2004.

Act 531; SB 584

This Act amends the definitions concerning voluntary deductions from the wages or salaries of state employees for the benefit of charitable organizations so as to include as eligible charitable organizations certain federated charitable organizations that provide international health and welfare services.

The Act amends O.C.G.A. Section 45-20-51.

Effective July 1, 2004.

TITLE 46

PUBLIC UTILITIES AND PUBLIC TRANSPORTATION

Act 589; SB 147

This Act, the "Family Violence Shelter Confidentiality Act of 2004," requires each telephone service provider and each provider of listings of telephone subscribers to file with the Public Service Commission a plan to protect the confidentiality of the location of family violence shelters prior to January 1, 2005. The Act requires updating the plans at least every 24 months. The Public Service Commission is required to approve reasonably effective plans, to state the basis for determining that plans are inadequate, and to allow 30 days for filing a revised plan that is acceptable. The Act requires submission of a copy of plans to the State Commission on Family Violence, which is authorized to provide comments on the plans to the Public Service Commission.

The Act enacts O.C.G.A. Section 46-5-7.

Effective May 14, 2004.

TITLE 46 (continued)

Act 479; HB 1248

This Act deletes provisions requiring household goods carriers for hire to obtain a certificate of public convenience and necessity from the Public Service Commission and requires such carriers to obtain a certificate from the Commissioner of Motor Vehicle Safety to be issued without consideration of whether issuance is in the public interest. The Act deletes provisions allowing the commissioner to revoke or modify certificates on the ground that the traffic conditions do not justify the number of motor carriers that have been granted certificates on the route or routes, deletes provisions requiring an applicant for a certificate authorizing operation as a motor carrier of passengers or household goods to show that the applicant's service is needed, and deletes a provision authorizing a collective rate-making procedure for motor carriers of goods who elect to participate. The Act requires limousine carriers to obtain a certificate (formerly a certificate of public convenience and necessity) from the commissioner and provides that chauffeur's permits shall be valid for four years. The Act provides penalties for carriers that willfully violate a law or regulation or fail to comply with an order of the commissioner. The Act provides for procedures, maintenance of a record, judicial review, and the standard for review. The Act provides that holding out to the public that the person or entity is in operation as a household goods carrier for hire without having a certificate is a misdemeanor offense.

The Act allows collection of the monthly "911" charge for an additional 18 months for a joint authority for the operation of an emergency "911" telephone system and for governing bodies that are party to an intergovernmental contract for the operation of such a system if the system cannot begin operating on the date originally planned but the parties are proceeding in a diligent and timely fashion.

The Act allows a truck on a public road that is not a national highway to exceed certain statutory weight limitations when the truck is hauling naturally occurring raw ore or minerals from the quarry or stockpile area to a processing plant located in the same or an adjoining county.

The Act amends O.C.G.A. Sections 32-6-26, 46-2-91, 46-5-138, 46-5-138.1, 46-7-3 through 46-7-5, 46-7-7 through 46-7-11, 46-7-15.1, 46-7-16, 46-7-31, 46-7-32, 46-7-37, 46-7-85.1, 46-7-85.3, 46-7-85.8, 46-7-85.9; repeals O.C.G.A. Section 46-2-94; and enacts O.C.G.A. Sections 46-7-90 and 46-7-91.

Effective July 1, 2004.

**TITLE 47
RETIREMENT**

Act 478; HB 1246

This Act corrects typographical, stylistic, and other errors and omissions and corrects capitalization and spelling in O.C.G.A. Title 47.

The Act amends O.C.G.A. Title 47.

Effective May 13, 2004.

Veto No. 5; HB 923

This Act provides that members of the Employees Retirement System of Georgia may establish creditable service for certain prior temporary full-time service by paying the full actuarial value of granting such service. The Act provides that certain administrative law judges

TITLE 47 (continued)

shall be eligible for membership in the Georgia Judicial Retirement System and provides for the transfer of contributions from the Employees' Retirement System of Georgia to such retirement system. The Act provides for the transfer of contributions from local retirement systems to the Georgia Judicial Retirement System and the grant of creditable service on an actuarially determined basis.

The Act amends O.C.G.A. Section 47-2-96.1 and enacts O.C.G.A. Sections 47-23-50 and 47-23-65.

Act 538; HB 480

This Act provides that a member of the Employees' Retirement System of Georgia may obtain up to three years of creditable service by paying to the board of trustees an amount sufficient to cover the full actuarial cost of granting the creditable service. The Act provides that such creditable service may be obtained at the time of retirement.

The Act enacts O.C.G.A. Section 47-2-100.

Effective July 1, 2004.

Act 547; HB 914

This Act provides that a member of the Employees' Retirement System of Georgia may at the time of retirement elect to receive a reduced retirement allowance along with a partial lump sum distribution. The Act provides that in the event of the death of a member who has elected to retire with a survivor's benefit option and the death of the designated beneficiary before the total paid benefits equal the member's accumulated contributions, the retirement system shall refund the balance to the estate of the deceased member or designated beneficiary, whoever dies later.

The Act amends O.C.G.A. Section 47-2-121.

Effective July 1, 2004.

Act 542; HB 609

This Act provides that a member of the Employees' Retirement System of Georgia who was unmarried at the time of retirement and who elected a survivor's benefit option and who marries after retiring may change the designated beneficiary to name the spouse.

The Act amends O.C.G.A. Section 47-2-121.

Effective July 1, 2004.

Act 546; HB 878

This Act provides that certain persons who were required by law to become members of the Employees' Retirement System of Georgia by virtue of their employment but who failed to do so until some time had passed because of an administrative error may obtain creditable service for the prior service which should have been membership service by paying to the board of trustees the amount determined by the actuary as the full cost of granting such creditable service.

The Act amends O.C.G.A. Section 47-2-262.

Effective July 1, 2004.

TITLE 47 (continued)

Act 553; HB 1137

This Act changes the designation of the Georgia Indigent Defense Council to Georgia Public Defender Standards Council and changes internal references.

The Act amends O.C.G.A. Section 47-2-323.

Effective July 1, 2004.

Veto No. 3; HB 267

This Act provides that the board of trustees of the Teachers Retirement System of Georgia is authorized to establish an employer's contribution rate at no less than 3 percent nor more than 5 percent of the member's compensation. The Act provides that any reduction in the contribution rate must be based upon the recommendation of the actuary of the board of trustees and the maintenance of the actuarial soundness of the fund.

The Act amends O.C.G.A. Section 47-3-41.

Act 510; SB 253

This Act provides that certain employees of the University System of Georgia may elect to participate in the optional retirement plan provided in O.C.G.A. Chapter 47-21 rather than the Teachers Retirement System of Georgia. The Act provides for a transfer of employer and employee contributions from the Teachers Retirement System of Georgia to the members' accounts in the optional retirement plan.

The Act amends O.C.G.A. Section 47-3-68.

Effective July 1, 2004.

Act 548; HB 917

This Act provides that a member of the Teachers Retirement System of Georgia may at the time of retirement elect to receive a reduced retirement allowance and a partial lump sum distribution. The Act provides for a refund of contributions if the member dies before receiving an amount equal to his or her accumulated contributions.

The Act amends O.C.G.A. Section 47-3-121.

Effective July 1, 2004.

Act 785; HB 366

This Act provides that a teacher who was retired under the Teachers Retirement System of Georgia on a service retirement on December 31, 2003, may be employed as a classroom teacher, principal, superintendent, counselor, or librarian without having his or her retirement benefits affected. The Act provides that such retired teacher's prior service shall be used in determining his or her salary. The Act provides that the employing system shall pay an employer's contribution to the retirement system, but that the retired teacher shall receive no further credit in the retirement system.

The Act amends O.C.G.A. Section 47-3-127.1.

Effective July 1, 2004.

TITLE 47 (continued)

Veto No. 12; HB 739

This Act provides that a member of the Judges of the Probate Courts Retirement Fund may at the time of retirement elect a survivor's benefit with the designated survivor being either the member's spouse or another person. The Act provides that a member who is married at the time of retirement may make designate a person other than his or her spouse with the consent of the spouse. The Act provides that a surviving spouse who is eligible to receive a survivor's benefit may forgo that benefit in favor of another designated person.

The Act amends O.C.G.A. Sections 47-11-71 and 47-11-71.1.

Act 537; HB 441

This Act provides that any person who becomes a judge of the State Court of Fulton County on or after July 1, 2004, shall become a member of the Georgia Judicial Retirement System. The Act provides that any person serving in such a position on June 30, 2004, may elect to become a member in such retirement system. The Act provides for a transfer of contributions and a calculation of creditable service.

The Act amends O.C.G.A. Section 47-23-1 and enacts O.C.G.A. Section 47-23-50.

Effective July 1, 2004.

**TITLE 48
REVENUE AND TAXATION**

Act 495; HB 1437

This Act enacts the "State and Local Tax Revision Act of 2004" and provides for comprehensive changes throughout O.C.G.A. Title 48. The Act incorporates provisions of federal law into Georgia law; changes returned check fees; increases frivolous return penalties; changes joint return liabilities; provides further limits on the low-income tax credit; provides for participation regarding the Streamlined Sales and Use Tax Agreement; and provides further limits regarding disclosure of revenue department employee information.

The Act amends O.C.G.A. Sections 48-1-2, 48-2-32, 48-7-57.1, 48-7-86, 48-7A-3, and 50-18-72 and enacts O.C.G.A. Sections 48-8-160 through 48-8-166.

Effective May 13, 2004.

Act 443; HB 709

This Act enacts the "State and Local Taxation, Financing, and Service Delivery Revision Act of 2004" and provides for comprehensive changes throughout O.C.G.A. Titles 48 and 36. The Act changes provisions regarding the Southern Legislative Conference; changes provisions regarding the disabled veterans homestead exemption; changes certain limitations regarding sales taxes; changes LOST with respect to consolidated governments; provides for a municipal SPLOST for certain water and sewer purposes; provides for the comprehensive revision of SPLOST; provides for numerous changes regarding annexation and land use classification; requires publication of SPLOST data; and provides for a motor vehicle tax exemption for Medal of Honor holders.

The Act amends and enacts provisions throughout O.C.G.A. Title 48 and amends O.C.G.A. Sections 28-6-3, 28-6-7, 36-36-2, 36-36-6, 36-36-11, 36-66-4, and 36-70-24.

TITLE 48 (continued)

Effective April 23, 2004; however, numerous provisions become effective at different times and the Act itself should be used to determine the effective date of specific provisions.

Act 501; HB 1461

This Act changes provisions regarding disclosure of confidential taxpayer information.
The Act enacts O.C.G.A. Section 48-2-15.1.
Effective May 13, 2004.

Act 563; HB 1239

This Act provides for additional restrictions with respect to certain refunds.
The Act enacts O.C.G.A. Section 48-2-35.1.
Effective July 1, 2004.

Act 515; SB 393

This Act provides for certain time extensions with respect to ad valorem taxes for military personnel.
The Act amends O.C.G.A. Sections 48-5-30, 48-5-45, and 48-5-311.
Effective May 13, 2004, except the amendment to O.C.G.A. Section 48-5-45 which becomes effective June 1, 2005.

Act 518; SB 453

This Act provides for freeport exemption renewal notice procedures and for limitations with respect to ad valorem tax assessment of personal property.
The Act amends O.C.G.A. Section 48-5-48.1 and enacts O.C.G.A. Section 48-5-300.1.
Effective July 1, 2004.

Act 477; HB 1416

This Act specifies additional qualifying uses and renewal procedures with respect to preferential assessment of conservation use property.
The Act amends O.C.G.A. Section 48-5-7.4.
Effective July 1, 2004.

Act 476; HB 1107

This Act specifies additional qualifying uses with respect to preferential assessment of conservation use property.
The Act amends O.C.G.A. Section 48-5-7.4.
Effective January 1, 2005.

Act 475; HB 1103

This Act requires notice regarding impending expiration of conservation use covenants.
The Act amends O.C.G.A. Section 48-5-7.4.
Effective July 1, 2004.

TITLE 48 (continued)

Act 497; HB 1446

This Act changes provisions regarding the disabled veterans homestead exemption and provides for additional ad valorem tax exemptions for motor vehicles of certain veterans organizations.

The Act amends O.C.G.A. Section 48-5-48 and enacts O.C.G.A. Section 48-5-478.3.

Effective July 1, 2004, except the enactment of O.C.G.A. Section 48-5-478.3, which becomes effective January 1, 2005.

Act 723; HB 1391

This Act provides for additional training requirements regarding tax collectors and tax commissioners.

The Act amends O.C.G.A. Section 48-5-126.1.

Effective May 17, 2004.

Act 444; HB 1410

This Act provides for an income tax exclusion regarding organ donation expenses.

The Act amends O.C.G.A. Section 48-7-27.

Effective January 1, 2005.

Act 724; HB 984

This Act changes provisions regarding job tax credits in certain poverty stricken areas and changes criteria regarding enterprise zone designation.

The Act amends O.C.G.A. Sections 48-7-40.1, 36-88-3, 36-88-6, and 36-88-8.

Effective May 17, 2004.

Act 496; HB 1444

This Act provides for additional criminal penalties regarding false claims of independent contractor status.

The Act amends O.C.G.A. Section 48-7-127.

Effective July 1, 2004.

Act 525; SB 491

This Act provides for additional criminal penalties regarding false claims of independent contractor status.

The Act amends O.C.G.A. Section 48-7-127.

Effective July 1, 2004.

Act 450; HB 677

This Act provides for setoff debt collection with respect to certain probation fees or restitution orders.

The Act amends O.C.G.A. Sections 48-7-161 and 48-7-163.

Effective July 1, 2004.

TITLE 48 (continued)

Act 727; HB 1744

This Act provides for a sales tax exemption with respect to certain sales to or by certain nonprofit organizations engaged primarily in providing child services.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2004.

Act 562; HB 1238

This Act extends the sales tax exemption with respect to certain overhead materials regarding contracts with the United States government.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2004.

Act 462; HB 1184

This Act provides for a one-time extension of the current sales tax holiday.

The Act amends O.C.G.A. Section 48-8-3.

Effective May 6, 2004.

Act 456; HB 1511

This Act provides for a limited sales tax exemption regarding construction of certain symphony halls.

The Act amends O.C.G.A. Section 48-8-3.

Effective May 5, 2004.

Act 492; HB 1409

This Act provides for a sales tax exemption for ice used for certain chilling purposes.

The Act amends O.C.G.A. Section 48-8-3.

Effective July 1, 2004.

Act 794; HB 1528

This Act provides for a limited sales tax exemption regarding certain corporate attractions.

The Act amends O.C.G.A. Section 48-8-3.

Effective May 17, 2004.

Act 500; HB 1459

This Act changes provisions regarding dealer compensation for reporting and paying sales and motor fuel taxes and changes certain provisions regarding fuel oils.

The Act amends O.C.G.A. Sections 48-8-50, 48-9-3, 48-9-5, 48-9-8, and 48-9-10.

Effective July 1, 2004.

Act 484; HB 1282

This Act changes provisions regarding cigarette, cigar, or loose or smokeless tobacco dealers,

TITLE 48 (continued)

distributors, or manufacturers and provides for additional criminal penalties regarding counterfeit cigarettes.

The Act amends O.C.G.A. Sections 48-11-1, 48-11-4, and 48-11-5 and enacts O.C.G.A. Section 48-11-30.

Effective May 13, 2004.

Act 594; HB 1598

This Act provides for payment by mail or electronic media of certain heating, ventilation, air conditioning, plumbing, or electrical system fees.

The Act enacts O.C.G.A. Section 48-13-29.

Effective January 1, 2005.

Act 493; HB 1415

This Act provides for compliance audits and performance review boards with respect to hotel and motel taxes.

The Act amends O.C.G.A. Sections 48-13-51, 48-13-56, and 36-81-8 and enacts O.C.G.A. Section 48-13-56.1.

Effective July 1, 2004.

**TITLE 49
SOCIAL SERVICES**

Act 805; SB 24

This Act provides that the Department of Human Resources shall recommend insurance coverage to the owner of any day-care center, family day-care home, group day-care facility, group day-care home, or child learning center. The Act requires that any such facility not covered by liability insurance shall post that fact in a conspicuous place in the facility and notify the parent or guardian of each child in the facility of that fact.

The Act amends O.C.G.A. Section 49-5-12.

Effective July 1, 2004.

Act 465; HB 1347

This Act provides that child welfare agencies will have available to them information relating to recall notices on unsafe child care products. The Act also changes certain provisions relating to fingerprint records check applications for directors of existing facilities and preliminary records checks for employees.

The Act enacts O.C.G.A. Section 49-5-23 and amends O.C.G.A. Sections 49-5-60 and 49-5-67.

Effective July 1, 2004.

Act 459; HB 1580

This Act enacts the "Foster Parents Bill of Rights" and sets out a list of rights for foster parents. The Act provides that such rights be taken into consideration in policies of the Division

TITLE 49 (continued)

of Family and Children Services of the Department of Human Resources and provides for grievance procedures.

The Act enacts O.C.G.A. Sections 49-5-280 and 49-5-281.

Effective July 1, 2004.

**TITLE 50
STATE GOVERNMENT**

Act 430; HB 1180

This Act amends the 2003-2004 "General Appropriations Act" to change certain appropriations for Fiscal Year 2003-2004.

Effective March 23, 2004.

Act 783; HB 1181

This Act, the "General Appropriations Act," provides for the operation of state government for Fiscal Year 2004-2005.

Effective May 17, 2004.

Act 569; HB 1529

This Act changes the name of the Department of Industry, Trade, and Tourism to the Department of Economic Development. The Act changes the name of the Board of Industry, Trade, and Tourism to the Board of Economic Development. The Act changes the title of commissioner of industry, trade, and tourism to the commissioner of economic development.

The Act amends O.C.G.A. Chapter 7-1; O.C.G.A. Chapter 10-9; O.C.G.A. Sections 12-2-4, 12-3-640, 12-3-654, 12-5-331, 12-8-33, 20-3-84, and 49-5-241; Article 6 of O.C.G.A. Chapter 27-4; O.C.G.A. Chapter 45-7; O.C.G.A. Title 48; and O.C.G.A. Title 50.

Effective July 1, 2004.

Act 438; SB 400

This Act exempts from civil liability any broadcaster issuing an alert relating to abducted children pursuant to "Levi's Call: Georgia's Amber Alert Program."

The Act enacts O.C.G.A. Section 50-1-50.

Effective April 9, 2004.

Act 574; SB 588

This Act provides that it shall be unlawful to defile, remove, or otherwise desecrate a monument or memorial dedicated to, honoring, or recounting military service. The Act provides a penalty.

The Act amends O.C.G.A. Section 50-3-1.

Effective July 1, 2004.

TITLE 50 (continued)

Act 458; HB 865

This Act designates the Funk Heritage/Bennett Center at Reinhardt College as Georgia's official Frontier and Southeastern Indian Interpretive Center.

The Act enacts O.C.G.A. Section 50-3-79.

Effective July 1, 2004.

Act 499; HB 1457

This Act provides that no state agency shall enter into a state-wide contract for goods or services in excess of \$100,000.00 with a nongovernmental entity if such entity is in arrears on the payment of sales taxes. The Act provides for an exception.

The Act enacts O.C.G.A. Section 50-5-82.

Effective May 13, 2004.

Act 461; HB 1089

This Act provides for additional powers and duties of the Office of Treasury and Fiscal Services with regard to lending securities. The Act provides that certain securities lending transactions shall constitute authorized investments by the Georgia State Financing and Investment Commission and the Georgia Environmental Facilities Authority.

The Act amends O.C.G.A. Sections 50-5A-7, 50-17-27, 50-17-63, and 50-23-5.

Effective May 6, 2004.

Act 567; SB 531

This Act authorizes the Department of Industry, Trade, and Tourism to acquire personal property without proceeding through the Department of Administrative Services. The Act establishes certain procedures for such acquisitions. The Act exempts the Department of Industry, Trade, and Tourism from the provisions of the Georgia Administrative Procedure Act in making acquisitions. The Act authorizes the department to acquire real property and to construct, operate, and maintain certain projects and to enter into lease, rental, and sales agreements with public and private entities with the approval of the State Properties Commission.

The Act amends O.C.G.A. Section 50-7-8 and enacts O.C.G.A. Section 50-7-16.

Effective May 12, 2004.

Act 798; HB 1582

This Act provides that the Department of Technical and Adult Education may administratively discharge amounts owing up to \$3,000.00. The Act is automatically repealed on June 30, 2006.

The Act amends O.C.G.A. Section 50-16-18.

Effective July 1, 2004.

Act 466; SB 501

This Act changes the authorized investments by the State Depository Board.

The Act amends O.C.G.A. Section 50-17-63.

Effective July 1, 2004.

TITLE 50 (continued)

Act 592; HB 1358

This Act provides an exception from public inspection for certain records of athletic or recreational programs that include certain identifying information relating to children 12 years of age or younger.

The Act amends O.C.G.A. Section 50-18-72.

Effective May 14, 2004.

Act 551; HB 1117

This Act changes references to the House Committee on Industry to the House Committee on Regulated Industries. The Act changes references to the Senate Committee on Economic Development, Tourism, and Cultural Affairs to the Senate Committee on Economic Development and Tourism.

The Act amends O.C.G.A. Section 50-27-34.

Effective May 13, 2004.

**TITLE 51
TORTS**

Act 509; HB 1793

This Act provides for limiting liability of free health clinics which voluntarily provide health care services to persons who cannot afford to see a medical care professional.

The Act enacts O.C.G.A. Section 51-1-29.15.

Effective July 1, 2004.

**TITLE 52
WATERS OF THE STATE**

Act 597; HB 727

This Act changes certain legislative findings relative to the need for maintaining navigation inlets, harbors, and rivers. The Act changes certain provisions relating to dredging and sand replacement.

The Act amends O.C.G.A. Sections 52-9-1 and 52-9-2.

Effective July 1, 2004.

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