

The House Committee on Judiciary offers the following substitute to HB 104:

A BILL TO BE ENTITLED  
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic,  
2 capitalization, punctuation, and other errors and omissions in the Official Code of Georgia  
3 Annotated and in Acts of the General Assembly amending the Official Code of Georgia  
4 Annotated; to reenact the statutory portion of the Official Code of Georgia Annotated, as  
5 amended; to provide for necessary or appropriate revisions and modernizations of matters  
6 contained in the Official Code of Georgia Annotated; to repeal portions of the Code and Acts  
7 amendatory thereof which have become obsolete; to delete portions of the Code which have  
8 been superseded by subsequent state laws; to provide for and to correct citations in the  
9 Official Code of Georgia Annotated and other codes and laws of the state; to rearrange,  
10 renumber, and redesignate provisions of the Official Code of Georgia Annotated; to provide  
11 for other matters relating to the Official Code of Georgia Annotated; to provide an effective  
12 date; to repeal conflicting laws; and for other purposes.

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14 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

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**SECTION 1.**

17 Title 1 of the Official Code of Georgia Annotated, relating to general provisions, is amended  
18 as follows:

19 (1) By inserting "of the Constitution" after "Paragraph III" and by deleting "of the Official  
20 Code of Georgia Annotated" in Code Section 1-3-4.1, relating to the effective date for certain  
21 Acts requiring increases in expenditures by counties.

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**SECTION 2.**

24 Reserved.

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**SECTION 3.**

27 Reserved.

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**SECTION 4.**

Reserved.

**SECTION 5.**

Reserved.

**SECTION 6.**

Reserved.

**SECTION 7.**

Reserved.

**SECTION 8.**

Reserved.

**SECTION 9.**

Reserved.

**SECTION 10.**

Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is amended as follows:

(1) By striking "days," and inserting in its place "days'" in paragraph (5) of subsection (a) of Code Section 10-1-677, relating to the termination of a contractual relationship between a dealer and a manufacturer in regard to marine manufacturers.

(2) By striking "Reserved." in Code Section 10-15-3, deleting the 10-15-4 designation, and redesignating the text under Code Section 10-15-4 as Code Section 10-15-3, relating to the penalty for violation of Code Section 10-15-2, which relates to the disposal of business records containing personal information.

**SECTION 11.**

Reserved.

**SECTION 12.**

Reserved.

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**SECTION 13.**

65 Title 13 of the Official Code of Georgia Annotated, relating to contracts, is amended as  
66 follows:

67 (1) By inserting "which it" before "effectively" in paragraph (15) and by inserting "or"  
68 before "mortgage" and by striking "solicitation, looking to a sale, or offer" and inserting in  
69 its place "solicitation looking to a sale; or an offer" in paragraph (17) of Code Section  
70 13-8-12, relating to definitions concerning the regulation of agricultural equipment  
71 manufacturers, distributors, and dealers in regard to illegal and void contracts generally.

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**SECTION 14.**

74 Title 14 of the Official Code of Georgia Annotated, relating to corporations, is amended as  
75 follows:

76 (1) By striking "without" and inserting in its place "outside" in paragraph (6) of  
77 subsection (b) of Code Section 14-2-1501, relating to the requirement of a certificate of  
78 authority to transact business for foreign corporations.

79 (2) By inserting "and" at the end of paragraph (4) of subsection (b) and by striking the  
80 periods and inserting semicolons at the end of paragraphs (1) and (2) and by striking the  
81 period and inserting "; and" at the end of paragraph (3) of subsection (f) of Code Section  
82 14-9-206.1, relating to mergers with regard to the "Georgia Revised Uniform Limited  
83 Partnership Act."

84 (3) By striking "'L.L.C.', 'LLC', 'L.C.' or 'LC';" and inserting in its place "'L.L.C.', 'LLC,'  
85 'L.C.' or 'LC';" in paragraph (1) of subsection (a) of Code Section 14-11-705, relating to the  
86 name of a foreign limited liability company.

87 (4) By striking "14-11-1110" and inserting in its place "14-11-1109" in paragraph (1) of  
88 subsection (b) of Code Section 14-11-1012, relating to court costs and counsel fees.

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**SECTION 15.**

91 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended as follows:

92 (1) By striking the "(1)(B)" designation and inserting in its place "(B)" in  
93 subparagraph (f.1)(1)(B) of Code Section 15-6-77, relating to superior court fees and  
94 construction of other fee provisions in regard to clerks of superior courts.

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**SECTION 16.**

97 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is  
98 amended as follows:

99 (1) By striking "(c), (d), (e), (f), (g), (h), and (i)" and inserting in its place "(c) through (i)"  
100 in subsection (b) of Code Section 16-5-21, relating to aggravated assault.

- 101 (2) By striking "(c), (d), (e), (f), (g), and (h)" and inserting in its place "(c) through (h)" in  
102 subsection (b) of Code Section 16-5-24, relating to aggravated battery.
- 103 (3) By striking "or is derived" and inserting in its place "or derived" in subsection (a) of  
104 Code Section 16-6-13.3, relating to proceeds from pimping and their forfeiture and  
105 distribution.
- 106 (4) By striking "not-for-profit" and inserting in its place "not for profit" in paragraph (4) of  
107 Code Section 16-8-82, relating to definitions regarding motor vehicle chop shops and stolen  
108 and altered property.
- 109 (5) By striking paragraph (7) and renumbering it as new paragraph (4) and by renumbering  
110 existing paragraphs (4) through (6) as paragraphs (5) through (7), respectively, in  
111 subsection (f) of Code Section 16-9-20, relating to deposit account fraud.
- 112 (6) By striking "appointive" and inserting in its place "appointed" and by striking "elective"  
113 and inserting in its place "elected" in the introductory language of subsection (b),  
114 paragraph (2) of subsection (c), and subparagraph (c)(3)(C) of Code Section 16-10-6, relating  
115 to the sale of real or personal property to a political subdivision by a local officer or  
116 employee and exceptions in regard to abuse of a government office.
- 117 (7) By striking "punishable by contempt" and inserting in its place "punishable as contempt"  
118 in subsection (e) of Code Section 16-11-66.1, relating to the disclosure of stored wire or  
119 electronic communications, records, search warrants, issuance of subpoena, and violation in  
120 regard to wiretapping, eavesdropping, surveillance, and related offenses.
- 121 (8) By inserting "Georgia" before "Peace Officer" in paragraph (4) of subsection (c) of Code  
122 Section 16-11-127.1, relating to carrying weapons within school safety zones, at school  
123 functions, or on school property.
- 124 (9) By inserting "Georgia" before "Peace Officer" each time it appears in paragraphs (3)  
125 and (4) of subsection (c) of Code Section 16-11-130, relating to exemptions from Code  
126 Sections 16-11-126 through 16-11-128.
- 127 (10) By striking "child," and inserting in its place "child" and by striking "indecent;" and  
128 inserting in its place "indecent" in paragraph (1) of subsection (d) of Code Section  
129 16-12-100.2, relating to computer pornography and child exploitation prevention.
- 130 (11) By striking "sterile water" and inserting in its place "sterile water," and by striking  
131 "quantity, use" and inserting in its place "quantity, use," in paragraph (4.2) of Code Section  
132 16-13-72, relating to the sale, distribution, or possession of dangerous drugs.

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**SECTION 17.**

135 Reserved.

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**SECTION 18.**

138 Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, is  
139 amended as follows:

140 (1) By striking "article:" and inserting in its place "article, the term:" in the introductory  
141 language, by striking "vote," and inserting in its place "vote" both times it appears in  
142 subparagraph (B) of paragraph (1), by striking "obligation," and inserting in its place  
143 "obligation" in paragraph (8), and by striking "asset," and inserting in its place "asset" in  
144 paragraph (12) of Code Section 18-2-71, relating to definitions in regard to the "Uniform  
145 Fraudulent Transfers Act."

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**SECTION 19.**

148 Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is  
149 amended as follows:

150 (1) By striking "position;" and inserting in its place "position," in Code Section 19-10A-4,  
151 relating to no criminal prosecution for leaving a child in custody of a medical facility.

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**SECTION 20.**

154 Title 20 of the Official Code of Georgia Annotated, relating to education, is amended as  
155 follows:

156 (1) By striking "20-3-751.6" and inserting in its place "20-2-751.6" and by striking  
157 "20-3-751.4" and inserting in its place "20-2-751.4" in subparagraph (b)(1)(A) and in  
158 paragraph (2) of subsection (b) of Code Section 20-2-751.5, relating to student codes of  
159 conduct, safety rules on school buses, and distribution of codes.

160 (2) By striking "however, the" and inserting in its place "however, that the" in subsection (b)  
161 of Code Section 20-3-386, relating to distribution of education loan repayment assistance and  
162 conditions therefor.

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**SECTION 21.**

165 Reserved.

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**SECTION 22.**

168 Reserved.

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**SECTION 23.**

171 Reserved.

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173 **SECTION 24.**

174 Reserved.

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176 **SECTION 25.**

177 Title 25 of the Official Code of Georgia Annotated, relating to fire protection, is amended  
178 as follows:

179 (1) By designating the first and second paragraphs as subsections (a) and (b), respectively,  
180 in Code Section 25-5-12, relating to agreements constituting collective bargaining contracts,  
181 required provisions, and engaging in work stoppages by firefighters.

182 (2) By striking "certificates" and inserting in its place "permits" each time it appears and by  
183 striking "certificate" and inserting in its place "permit" in subsection (b) and by inserting "as  
184 provided" before "by law" in subsection (d) of Code Section 25-12-18, relating to cease and  
185 desist orders, period of revocation, civil penalty, and opportunity for hearing in regard to  
186 regulation of fire extinguishers and suppression systems.

187

188 **SECTION 26.**

189 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,  
190 is amended as follows:

191 (1) By striking "violates" and inserting in its place "violate" in subparagraph (c)(1)(B) of  
192 Code Section 26-2-81, relating to powers of the Commissioner of Agriculture, access to  
193 documentary evidence and witnesses, false reports, and failure to file reports in regard to  
194 meat inspection standards, labeling, and adulteration of food.

195 (2) By striking "Chapter" and inserting in its place "chapter" in Code Section 26-2-101,  
196 relating to inspections and examinations and administration in conjunction with Article 2 of  
197 the chapter in regard to inspection of animals, carcasses, meat, and meat food products,  
198 adulteration and misbranding in the standards, labeling, and adulteration of food.

199 (3) By striking "Code Sections 26-2-150 through 26-2-154" and inserting in its place "this  
200 Code section and Code Sections 26-2-151 through 26-2-154" each time it appears in Code  
201 Section 26-2-150, relating to legislative intent in regard to the advertisement and sale of meat  
202 generally.

203 (4) By striking "Code Sections 26-2-150 through 26-2-154" and inserting in its place "Code  
204 Section 26-2-150, this Code section, and Code Sections 26-2-152 through 26-2-154" in Code  
205 Section 26-2-151, relating to promulgation of rules and regulations regarding deceptive  
206 advertising of meat.

207 (5) By striking "Code Sections 26-2-157 through 26-2-161" and inserting in its place  
208 "26-2-157 and 26-2-158, this Code section, and Code Sections 26-2-160 and 26-2-161" in

209 Code Section 26-2-159, relating to promulgation of regulations in regard to the advertisement  
210 and sale of meat generally.

211 (6) By inserting a comma after "animal" in Code Section 26-2-203, relating to power of  
212 inspection in regard to meat, poultry, and dairy processing plants.

213 (7) By striking the quotation marks from "'Grade A Pasteurized Milk Ordinance'" in  
214 subsection (b) of Code Section 26-2-231, relating to definitions in regard to milk and milk  
215 products.

216 (8) By striking the quotation marks from "'Grade A Pasteurized Milk Ordinance'" in Code  
217 Section 26-2-238, relating to standards and requirements generally in regard to milk and milk  
218 products.

219 (9) By striking "301 et seq" and "1040 et seq" and inserting in their respective places "301,  
220 et seq" and "1040, et seq" in paragraph (7) and by striking "containers," and inserting in its  
221 place "containers" in subparagraph (A) of paragraph (10) of Code Section 26-3-2, relating  
222 to definitions in regard to standards, labeling, and adulteration of drugs and cosmetics.

223 (10) By striking "state board of pharmacy" and inserting in its place "State Board of  
224 Pharmacy" in the introductory language of subsection (a) of Code Section 26-4-49, relating  
225 to drug researcher permits, application for registration, fees, suspension or revocation, and  
226 penalty for violations.

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#### **SECTION 27.**

229 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended as  
230 follows:

231 (1) By striking "tax on" and inserting in its place "taxon" in paragraph (23) of Code Section  
232 27-1-2, relating to definitions pertaining to game and fish laws.

233 (2) By striking "cub(s)" and inserting in its place "a cub or cubs" in paragraph (9) of Code  
234 Section 27-3-1.1, relating to acts prohibited on wildlife management areas.

235 (3) By striking "of this title" after "27-2-23" in Code Section 27-4-90, relating to commercial  
236 fishing license requirements and effective dates pertaining to fresh-water fishing laws.

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#### **SECTION 28.**

239 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is  
240 amended as follows:

241 (1) By striking "chair" and inserting in its place "chairperson" each time it appears in  
242 paragraph (6) of subsection (a) and by striking "chairman" and inserting in its place  
243 "chairperson" each time it appears in subsection (d) of Code Section 28-1-16, relating to the  
244 issuance of subpoenas by the Superior Court of Fulton County on behalf of the Committees  
245 on Ethics of the Senate and House of Representatives.

246

**SECTION 29.**

247 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is  
248 amended as follows:

249 (1) By striking ".5 percent" and inserting in its place "1/2 percent" in subsection (a) of Code  
250 Section 29-2-42, relating to compensation for services of guardians and sureties.

251 (2) By striking "will" and inserting in its place "shall" in paragraph (4) of subsection (a) of  
252 Code Section 29-6-8, relating to persons and entities who may serve as a guardian, the  
253 discharge of a guardian acting in violation of provisions, and final accounting in regard to  
254 guardians of beneficiaries of the United States Department of Veterans Affairs.

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**SECTION 30.**

257 Reserved.

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**SECTION 31.**

260 Reserved.

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**SECTION 32.**

263 Reserved.

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265

**SECTION 33.**

266 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended as  
267 follows:

268 (1) By striking "section, 'liability insurance policy'" and inserting in its place "section, the  
269 term 'liability insurance policy'" in subsection (a) of Code Section 33-7-11.1, relating to the  
270 commencement of liability of an insurer to pay benefits to a third party on behalf of the  
271 insured and the applicability of this Code section.

272 (2) By striking "post-payment" and inserting in its place "postpayment" in paragraph (7); by  
273 renumbering paragraphs (1) through (8) as paragraphs (2) through (9), respectively, in Code  
274 Section 33-20A-60, relating to definitions regarding managed health care plans; and by  
275 designating as paragraph (1) and inserting the text of subsection (h) of Code Section  
276 33-20A-62, relating to the payment of claims in managed health care plans, as paragraph (1)  
277 of said Code Section 33-20A-60.

278 (3) By striking "post-payment" and inserting in its place "postpayment" in the introductory  
279 language of subsections (a) and (b) and subsection (e) and by striking subsection (h) of Code  
280 Section 33-20A-62, relating to the payment of claims in managed health care plans.



281 (4) By striking "his premium" and inserting in its place "his or her premium" in  
 282 subsection (d) of Code Section 33-22-9, relating to service charges in regard to insurance  
 283 premium finance companies.

284 (5) By striking "commissioner of public safety" and inserting in its place "commissioner of  
 285 motor vehicle safety" in Code Section 33-34-5, relating to vehicles not to be licensed until  
 286 proof of insurance is furnished.

287

288 **SECTION 34.**

289 Reserved.

290

291 **SECTION 35.**

292 Reserved.

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294 **SECTION 36.**

295 Reserved.

296

297 **SECTION 37.**

298 Reserved.

299

300 **SECTION 38.**

301 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency  
 302 management, and veterans affairs, is amended as follows:

303 (1) By striking "'Southern Regional Emergency Management Compact.'" and inserting in  
 304 its place "'Emergency Management Assistance Compact.'" in Code Section 38-3-80, relating  
 305 to a short title for the Emergency Management Assistance Compact.

306 (2) By striking "Southern Regional Emergency Management Compact" and inserting in its  
 307 place "Emergency Management Assistance Compact" in the introductory language, by  
 308 striking the title of the compact "SOUTHERN REGIONAL EMERGENCY  
 309 MANAGEMENT COMPACT" and inserting in its place "EMERGENCY MANAGEMENT  
 310 ASSISTANCE COMPACT", and by inserting a double quotation mark at the end of the  
 311 compact following "Code." in Article XIII of Code Section 38-3-81, relating to the enactment  
 312 and text of the Emergency Management Assistance Compact.

313

314 **SECTION 39.**

315 Reserved.

316

317 **SECTION 40.**

318 Reserved.

319

320 **SECTION 41.**

321 Reserved.

322

323 **SECTION 42.**

324 Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended  
325 as follows:

326 (1) By striking "criminal justice information system" and inserting in its place "Criminal  
327 Justice Information System" in subparagraph (b)(3)(B) and each time it appears in  
328 paragraph (1) of subsection (c), by striking "U.S.C." and inserting in its place "U.S.C.  
329 Section" each time it appears and by striking "Web page" and inserting in its place "Internet  
330 website" in paragraph (3) of subsection (c), and by striking "one time" and inserting in its  
331 place "one-time" in paragraphs (2) and (3) of subsection (c.1) of Code Section 42-1-12,  
332 relating to the State Sexual Offender Registry.

333 (2) By striking "or its successor agency" each time it appears in subsection (c) of Code  
334 Section 42-8-111, relating to court ordered installation of ignition interlock devices,  
335 completion of alcohol and drug use risk reduction programs, notice of requirements, and fees  
336 for a driver's license.

337

338 **SECTION 42A.**

339 An Act to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating  
340 to probation, approved April 10, 1995 ( Ga. L. 1995, p. 396), is amended by repealing the  
341 obsolete Section 1 thereof.

342

343 **SECTION 43.**

344 Reserved.

345

346 **SECTION 44.**

347 Title 44 of the Official Code of Georgia Annotated, relating to property, is amended as  
348 follows:

349 (1) By striking "justice" and inserting in its place "magistrate" in Code Section 44-14-302,  
350 relating to levy and sale of property and advertisement in regard to foreclosures of personal  
351 property.

352 (2) By deleting "hospital" and by striking "first class" and inserting in its place "first-class"  
353 in paragraph (1) of subsection (a) of Code Section 44-14-471, relating to the filing of a

354 verified statement, contents, and notice in regard to hospitals, nursing homes, and traumatic  
 355 burn care medical practices.

356 (3) By deleting "hospital" before "lien book", by striking "materialman's" and inserting in  
 357 its place "materialmen's", and by striking "mechanic's" and inserting in its place  
 358 "mechanics'" in Code Section 44-14-472, relating to duties of the clerk of the superior court,  
 359 lien book, and fees in regard to hospitals, nursing homes, and traumatic burn care medical  
 360 practices.

361

362 **SECTION 45.**

363 Reserved.

364

365 **SECTION 46.**

366 Reserved.

367

368 **SECTION 47.**

369 Reserved.

370

371 **SECTION 48.**

372 Reserved.

373

374 **SECTION 49.**

375 Reserved.

376

377 **SECTION 50.**

378 Reserved.

379

380 **SECTION 51.**

381 Title 51 of the Official Code of Georgia Annotated, relating to torts, is amended as follows:

382 (1) By inserting a double quotation mark at the end of the date line in the "NOTICE OF  
 383 CANCELLATION RIGHTS" in subsection (c) of Code Section 51-12-72, relating to the  
 384 requirement of a written transfer agreement in regard to damages in tort actions.

385

386 **SECTION 52.**

387 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, is amended  
 388 as follows:

389 (1) By striking "paragraphs (1) through (3) of subsection (b)" and inserting in its place  
390 "subparagraphs (b)(2)(A) through (b)(2)(C)" in subsection (c) of Code Section 52-7-8.3,  
391 relating to the operation of watercraft, identification, and operation by minors.

392

393

**SECTION 53.**

394 Reserved.

395

396

**SECTION 54.**

397 Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code  
398 section, subsection, paragraph, subparagraph, division, and subdivision numbers and  
399 designations as contained in the Official Code of Georgia Annotated published under  
400 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through  
401 40 of such publication or replacement volumes thereto, as amended by the text and  
402 numbering of Code sections as contained in the 2002 supplements to the Official Code of  
403 Georgia Annotated published under authority of the state in 2002 by LEXIS Publishing, are  
404 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.  
405 Annotations; editorial notes; Code Revision Commission notes; research references; notes  
406 on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title,  
407 chapter, article, part, and subpart captions or headings, except as otherwise provided in the  
408 Code; catchlines of Code sections or portions thereof, except as otherwise provided in the  
409 Code; and rules and regulations of state agencies, departments, boards, commissions, or other  
410 entities which are contained in the Official Code of Georgia Annotated are not enacted as  
411 statutes by the provisions of this Act. Material which has been added in brackets or  
412 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes  
413 within the text of a Code section by the editorial staff of the publisher in order to explain or  
414 to prevent a misapprehension concerning the contents of the Code section and which is  
415 explained in an editorial note is not enacted by the provisions of this section and shall not be  
416 considered a part of the Official Code of Georgia Annotated. The reenactment of the  
417 statutory portion of the Official Code of Georgia Annotated by this Act shall not affect,  
418 supersede, or repeal any Act of the General Assembly, or portion thereof, which is not  
419 contained in the Official Code of Georgia Annotated and which was not repealed by Code  
420 Section 1-1-10, specifically including those Acts which have not yet been included in the text  
421 of the Official Code of Georgia Annotated because of effective dates which extend beyond  
422 the effective date of the Code or the publication date of the Code or its supplements. The  
423 provisions contained in other sections of this Act and in the other Acts enacted at the 2003  
424 regular session of the General Assembly of Georgia shall supersede the provisions of the  
425 Official Code of Georgia Annotated reenacted by this section.

426

**SECTION 55.**

427 This Act shall become effective upon its approval by the Governor or upon its becoming law  
428 without such approval.

429

430

**SECTION 56.**

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