

**SUMMARY OF  
GENERAL STATUTES ENACTED  
AT THE 2007 SESSION  
OF THE  
GENERAL ASSEMBLY OF  
GEORGIA**

**LEGISLATIVE SERVICES COMMITTEE**

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## FOREWORD

We are pleased to transmit to you the “Summary of General Statutes Enacted at the 2007 Session 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.

This booklet contains a summary of the general statutes of state-wide application which were enacted at the 2007 regular session 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 2007 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  
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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.

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**TITLE 1  
GENERAL PROVISIONS**

*Act 18; SB 103*

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

Effective May 11, 2007, except that the amendment to O.C.G.A. Section 48-7-29.11 shall become effective on July 1, 2007.

**TITLE 2  
AGRICULTURE**

*Act 150; SB 263*

This Act changes certain provisions relating to district supervisors for soil and conservation districts to provide for staggered terms and change provisions for vacancies.

The Act amends O.C.G.A. Section 2-6-31.

Effective May 18, 2007.

*Act 25; SB 165*

This Act ratifies and confirms the Agricultural Commodity Commission for Soybeans, the Agricultural Commodity Commission for Canola, the Agricultural Commodity Commission for Pecans, the Agricultural Commodity Commission for Corn, and the Agricultural Commodity Commission for Vegetables. The Act further provides that prior to April 30, 2009, and every three years thereafter, balloting shall be conducted to determine whether any of the existing commissions will continue to exist and operate under this law.

The Act amends O.C.G.A. Section 2-8-13.

Effective May 11, 2007.

*Act 53; HB 122*

This Act relates to the labeling requirement for commercial feeds so as to exclude equine food from those feeds for which collective terms of ingredients may be used or which may be exempted from certain requirements.

The Act amends O.C.G.A. Section 2-13-8.

Effective July 1, 2007.

**TITLE 4  
ANIMALS**

*Veto No. 9; HB 105*

This Act authorizes the Commissioner of Agriculture to establish certain license fees in an amount reasonable to offset the cost of administering such licensing services.

The Act amends O.C.G.A. Sections 4-4-41, 4-4-82, 4-7-3, and 4-7-5.

**TITLE 7  
BANKING AND FINANCE**

*Act 256; SB 70*

This Act updates the banking laws in order to reflect changes in federal law and for other purposes. The Act excludes the value of good will in certain transactions, regulates real estate loans,



## **TITLE 7 (continued)**

and allows for electronic transmission of proxy. The Act provides for share exchanges in mergers or consolidations, changes the qualifications of check sellers and check cashers, and establishes background checks for mortgage lenders or brokers.

The Act amends O.C.G.A. Sections 7-1-4, 7-1-286, 7-1-437, 7-1-530 through 7-1-537, 7-1-557, 7-1-601, 7-1-606, 7-1-608, 7-1-670, 7-1-681 through 7-1-683, 7-1-686, 7-1-687, 7-1-689, 7-1-689.1, 7-1-692, 7-1-700 through 7-1-702, 7-1-704 through 7-1-707, 7-1-709, 7-1-1001, 7-1-1004, 7-1-1006, 7-1-1008, 7-1-1009, and 7-1-1016 through 7-1-1018.

Effective July 1, 2007.

## **TITLE 8 BUILDINGS**

### *Act 149; SB 246*

This Act provides that members of the advisory committee on industrialized buildings be appointed for four-year terms and no member shall be appointed to serve more than two full terms.

The Act provides for the filling of vacancies and changes the composition of the committee.

The Act amends O.C.G.A. Section 8-2-113.

Effective July 1, 2007.

### *Act 118; HB 30*

This Act changes the private enterprise definition relative to housing authorities to enable housing authorities' participation to include ownership of an interest in the housing project through the for profit entity, ownership by the housing authority of the land on which the housing project is developed, or provision by the housing authority of a combination of funds to the for profit entity for a portion of the construction costs of the housing project and funds to the for profit entity to subsidize the operating costs of units for persons of low income to the extent such contract is designated as a private enterprise agreement by the housing authority.

The Act changes certain provisions relating to consolidated housing authorities for two or more municipalities.

The Act amends O.C.G.A. Sections 8-3-3 and 8-3-14.

Effective July 1, 2007.

## **TITLE 9 CIVIL PRACTICE**

### *Act 125; HB 221*

This Act changes the provisions regarding when an affidavit is required to accompany an action for damages alleging professional malpractice and provides for the filing of such affidavit under certain circumstances. The Act also provides for the timing of a defendant's answer under certain circumstances.

The Act amends O.C.G.A. Sections 9-11-9.1 and 9-11-9.2.

Effective July 1, 2007, and applicable to any action filed on or after July 1, 2007.

## **TITLE 10 COMMERCE AND TRADE**

### *Act 328; HB 240*

This Act increases the authorized maximum delinquency charge for late installment payments.

The Act amends O.C.G.A. Section 10-1-7.

Effective May 29, 2007.

**TITLE 10 (continued)**

***Act 345; SB 203***

This Act changes provisions relating to actions to recover property. The Act also changes the penalties for certain violations.

The Act amends O.C.G.A. Sections 10-1-350, 10-1-354, 10-1-357, and 16-8-12 and enacts O.C.G.A. Section 10-1-358.

Effective May 29, 2007.

***Veto No. 10; HB 117***

This Act exempts motorcycles, all-terrain vehicles, and utility vehicles from the definition of motor vehicle relative to motor vehicle franchises. The Act also provides for certain franchise agreement exemptions for rallies and conventions involving more than 2,500 recreational vehicles. The Act also provides purposes and policies to protect motorcycle, all-terrain vehicle, and utility vehicle dealers.

The Act amends O.C.G.A. Sections 10-1-622 and 10-1-679.14 and enacts O.C.G.A. Sections 10-1-725 through 10-1-725.13.

***Act 241; SB 236***

This Act provides for notification by certain data collectors upon a breach of security regarding personal information. The Act changes certain provisions relating to the elements of the offense of identity fraud. The Act creates the offense of identity fraud by receipt of fraudulent identification information. The Act provides the victim of identity fraud with the right to file a report with a law enforcement agency.

The Act amends O.C.G.A. Sections 10-1-911, 10-1-912, 16-9-121, and 16-9-126. The Act enacts O.C.G.A. Section 16-9-125.1.

Effective May 24, 2007, and the amendment to O.C.G.A. Section 16-9-121 shall apply to all offenses occurring on or after such date.

***Act 244; SB 220***

This Act changes certain provisions relating to agricultural warehouse receipt requirements, obtaining printed forms, and the use of electronic receipts.

The Act amends O.C.G.A. Section 10-4-19.

Effective May 24, 2007.

***Act 227; HB 391***

This Act changes certain provisions relating to the qualifications of members of the State Board of Cemeterians.

The Act amends O.C.G.A. Section 10-14-3.

Effective May 24, 2007.

**TITLE 12**

**CONSERVATION AND NATURAL RESOURCES**

***Act 45; HB 463***

This Act changes the number of days the director of the Environmental Protection Division has to notify applicants requesting a variance or permit to within ten days of receipt instead of 30 days as to the completeness of the application. The Act also requires the director to notify the applicants within ten days of receipt of the completed applications as to the name and address of the person assigned to perform the review and the date, time, and location of the application review. The Act requires that for each site on which land-disturbing activity occurs, each permitted entity must have at a minimum one person who is responsible for erosion and sedimentation control activities on behalf of such entity and meets the education or training certification requirements. The Act

**TITLE 12 (continued)**

removes the authority of the Department of Human Resources to regulate and issue permits for land disposal sites beginning July 1, 2007, and requires the Department of Natural Resources to regulate and issue permits for land disposal sites that receive septic tank waste from any one or more septic tank and hauling businesses. The Act provides that land disposal sites operating under a valid permit issued by the Department of Human Resources as of June 30, 2007, may continue to operate until July 1, 2012, at which time such site must obtain a permit from the Department of Natural Resources. The Act removes the requirement that written approval of the governing authority of each county in which a site is wholly or partially located be obtained before a permit may be issued.

The Act amends O.C.G.A. Sections 12-2-2, 12-7-8, 12-7-19, 12-8-41, and 31-2-8.  
Effective May 14, 2007.

***Act 260; SB 226***

This Act provides for persons meeting certain qualifications to engage in the public practice of soil science and requires the Department of Natural Resources to accept evaluations and reports of qualified soil scientists for certain purposes.

The Act enacts O.C.G.A. Section 12-2-10.  
Effective July 1, 2007.

***Act 367; HB 214***

This Act extends the existence of the Jekyll Island-State Park Authority and its lease of Jekyll Island for an additional 40 years. The Act makes changes regarding the appointment of advisory members to the authority and creates a Jekyll Island-State Park Authority Oversight Committee to advise the General Assembly regarding certain matters. The Act provides for certain provisions regarding the sale, lease, development, and improvement of certain property on Jekyll Island. The Act revises certain procedures relating to the Jekyll Island master plan. The Act specifies that the authority is exempt from all sales and use taxes.

The Act amends O.C.G.A. Sections 12-3-20, 12-3-232, 12-3-233, 12-3-234, 12-3-241, 12-3-243, 12-3-243.1, 12-3-247, and 12-3-274.

Effective May 30, 2007.

***Act 54; HB 177***

This Act removes the provision requiring that notification in writing be provided to the state archeologist at least five business days before beginning the investigation of any archeological, aboriginal, prehistoric, or historic site for the purpose of investigating such site or discovering artifacts if the surface of the site is disturbed by a person not documented as operating under the provisions of Section 106 of the National Historic Preservation Act. The Act provides instead that the state archeologist shall maintain a website and telephone hot line, available at all times, for the purpose of receiving notice in the form specified by policy of the Department of Natural Resources.

The Act amends O.C.G.A. Section 12-3-621.  
Effective July 1, 2007.

***Act 27; SB 176***

This Act provides that in addition to the annual reports the State Forestry Commission is required to submit to the General Assembly showing the condition of the forest resources of the state, with particular reference to the protection, preservation, and propagation of timber growth and other matters, the commission must submit reports every five years to the General Assembly verifying the ability of forest resources in this state to meet the needs of the present generation without compromising the ability to meet the needs of future generations. The first quinquennial report is due July 1, 2008.

The Act amends O.C.G.A. Section 12-6-10.  
Effective July 1, 2007.

**TITLE 12 (continued)**

***Act 20; SB 116***

This Act removes the provision requiring the director of the State Forestry Commission to have earned a minimum of a Bachelor of Science degree in forestry and instead requires that emphasis be placed on seeking candidates for such position that have earned either a Bachelor of Science degree in forestry or have significant experience in forest management.

The Act amends O.C.G.A. Section 12-6-11.

Effective May 11, 2007.

**TITLE 13  
CONTRACTS**

***Act 121; HB 136***

This Act provides any provision of a contract which provides for indemnification against liability for damages arising out of bodily injury to persons, death, or damage to property caused by an indemnitee or its, his, or her officers, agents, or employees in connection with a contract or agreement relative to the construction, alteration, repair, or maintenance of a building structure, appurtenances, and appliances is against public policy, void, and unenforceable. The Act does not affect any obligation specifically related to workers' compensation, coverage, or insurance, or to a requirement that one party purchase a project specific insurance policy.

The Act amends O.C.G.A. Section 13-8-2.

Effective July 1, 2007, and does not impair any obligation of contract or agreement entered into prior to July 1, 2007, but applicable to any contract entered into, extended, or renewed after July 1, 2007.

***Veto No. 11; HB 202***

This Act provides that a contractor that is found to be more than 25 percent behind in the performance of any combination of two or more of the following: a state public works construction contract or a Department of Transportation construction or maintenance contract, due to the fault of such contractor, will not be eligible to bid on any additional state public works construction contracts or Department of Transportation construction or maintenance contracts until such time as the performance of such contracts is brought current or completed.

The Act enacts O.C.G.A. Sections 13-10-100 and 32-6-66.1.

**TITLE 14  
CORPORATIONS**

***Act 242; SB 234***

This Act requires a certificate of conversion to be filed with the Secretary of State when a Georgia corporation, limited partnership, or limited liability company converts to a foreign status. The Act also authorizes the Secretary of State to assess a fee for the filing of a certificate of conversion, specifies the contents of the certificate, and permits the same to be filed with the clerk of the appropriate superior court.

The Act amends O.C.G.A. Sections 14-2-122, 14-2-1109.3, 14-9-206.8, 14-9-1101, 14-11-906, and 14-11-1101.

Effective May 24, 2007.

**TITLE 15  
COURTS**

***Act 237; HB 120***

This Act provides for a travel allowance for Justices of the Supreme Court and Judges of the Court of Appeals who reside 50 or more miles from the judicial building in Atlanta.

The Act amends O.C.G.A. Sections 15-2-3 and 15-3-5.

Effective July 1, 2007.

***Act 362; HB 118***

This Act provides for an additional judge of the superior court for the Cobb, Cordele, Dublin, Enotah, and Gwinnett Judicial Circuits.

The Act amends O.C.G.A. Section 15-6-2.

Effective May 29, 2007, except that the judgeships for the Cordele, Enotah, and Gwinnett Judicial Circuits begin terms on January 1, 2008.

***Act 32; SB 177***

This Act changes the terms of court in the Griffin Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-3.

Effective July 1, 2007.

***Act 159; HB 53***

This Act changes the terms of court in the Piedmont Judicial Circuit.

The Act amends O.C.G.A. Section 15-6-3.

Effective May 18, 2007.

***Veto No. 31; SB 14***

This Act changes the sunset dates for real estate or personal property filings fees, the sunset date for the state-wide uniform automated information system, and the sunset date for the collection and remittance of real estate or personal property filing fees to 2014.

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

***Veto No. 18; HB 386***

This Act changes the sunset dates for real estate or personal property filings fees, the sunset date for the state-wide uniform automated information system, and the sunset date for the collection and remittance of real estate or personal property filing fees to 2014. The Act also provides for additional filing fees for recording an instrument that requires cross-indexing or recording an instrument that cancels, satisfies, or releases certain liens and requires clerks to perform certain functions with regard to lien cancellations or requests for cross-indexing. The Act provides for electronic recording of certain information.

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

***Act 231; HB 270***

This Act provides for court appointed special advocates and their training, duties, responsibilities, access to information, and immunity in cases. The Act provides for the role of the juvenile court in relation to CASAs and penalties for CASAs who disclose confidential information.

The Act amends O.C.G.A. Section 15-11-9 and enacts O.C.G.A. Section 15-11-9.1.

Effective May 24, 2007.

***Act 236; HB 168***

This Act changes the qualifications for an associate juvenile court judge.

The Act amends O.C.G.A. Section 15-11-21.

**TITLE 15 (continued)**

Effective July 1, 2007.

***Act 325; HB 153***

This Act changes provisions relating to hearings in juvenile court and changes provisions relating to the disposition of a deprived child. The Act provides for certain requirements and procedures when changing placement of children who are in the custody of the Division of Family and Children Services.

The Act amends O.C.G.A. Sections 15-11-21, 15-11-55, and 49-5-3.  
Effective July 1, 2007.

***Act 248; SB 128***

This Act requires that foster parents, preadoptive parents, and relative caregivers are given notice of their right to be heard at certain hearings and provides for procedural safeguards to assure that in a permanency hearing there is consultation with the child, in an age appropriate manner, regarding the proposed permanency and transition plan for the child. The Act requires consideration of in-state and out-of-state placements for children at permanency plan hearings. The Act provides for confidentiality of records held by the Office of the Child Advocate for the Protection of Children. The Act also provides that the Department of Human Resources shall not disclose or use information from child abuse and neglect registries obtained from other states for any purpose other than conducting background checks to be used in foster care and adoptive placements and permits the department to provide health and education records to children who leave foster care as a result of reaching the age of majority.

The Act amends O.C.G.A. Sections 15-11-55.1, 15-11-58, 15-11-104, 15-11-174, 49-5-40, and 49-5-41.

Effective May 24, 2007.

**TITLE 16  
CRIMES AND OFFENSES**

***Act 255; SB 79***

This Act increases the maximum punishment for convictions for criminal attempt to commit felonies punishable by death or life imprisonment.

The Act amends O.C.G.A. Section 16-4-6.

Effective July 1, 2007, and applicable to crimes committed on and after July 1, 2007.

***Veto No. 34; SB 135***

This Act increases penalties for reproducing, transferring, selling, distributing, or circulating certain recorded material and provides for forfeiture of certain items. The Act also provides for additional restitution.

The Act amends O.C.G.A. Section 16-8-60.

***Veto No. 33; SB 100***

This Act changes the penalties for knowingly manufacturing, selling, or distributing false identification documents based on the age of the offender.

The Act amends O.C.G.A. Section 16-9-4.

***Act 202; SB 98***

This Act provides the Georgia Bureau of Investigation with the authority to investigate certain offenses against minors and gives the bureau subpoena power under certain circumstances. The Act defines the term "electronic device" for purposes of the "Computer Pornography and Child Exploitation Act of 2007."

**TITLE 16 (continued)**

The Act amends O.C.G.A. Sections 16-9-109, 16-12-100.2, and 35-3-4 and enacts O.C.G.A. Section 35-3-4.1.

Effective \_\_\_\_\_, 2007.

***Act 252; SB 95***

This Act makes it unlawful to attempt to purchase cigarettes and tobacco related objects and changes certain provisions relating to vending machines which dispense cigarettes, tobacco products, or tobacco related objects.

The Act amends O.C.G.A. Sections 16-12-171 and 16-12-173.

Effective July 1, 2007.

***Act 331; HB 286***

This Act makes changes to the list of Schedule II and Schedule V controlled substances and dangerous drugs.

The Act amends O.C.G.A. Sections 16-13-26, 16-13-29, and 16-13-71.

Effective May 29, 2007.

**TITLE 17**

**CRIMINAL PROCEDURE**

***Act 250; SB 106***

This Act extends the period for which a court may require a bond with a surety for good behavior.

The Act amends O.C.G.A. Section 17-6-90.

Effective July 1, 2007.

***Act 348; SB 190***

This Act changes the procedure for defendants raising the issue of insanity or mental incompetency to stand trial. The Act provides for definitions and allows the committing court to have discretion to allow outpatient evaluations.

The Act amends O.C.G.A. Section 17-7-130.

Effective July 1, 2007.

***Act 327; HB 197***

This Act requires parties to raise specific objections to jury charges prior to the jury retiring for deliberation and failure to raise such objections precludes appellate review except under limited circumstances. The Act also abolishes the three-judge panel which reviewed sentences of imprisonment exceeding 12 years and provides for disposition of such cases in the pipeline and for the dissolution of such panel.

The Act amends O.C.G.A. Section 15-6-77, repeals O.C.G.A. Section 17-10-6, and enacts O.C.G.A. Sections 17-8-58 and 17-10-6.3.

Effective July 1, 2007, and applicable to trials which occur on and after July 1, 2007.

***Act 13; SB 23***

This Act provides that when the court is making a determination with respect to probation and suspension of sentence or the State Board of Pardons and Paroles is considering pardon, parole, or other relief, inquiry can be made regarding the legality of a prisoner's presence in the United States.

The Act enacts O.C.G.A. Sections 17-10-1.3 and 42-9-43.1.

Effective May 11, 2007.

## **TITLE 17 (continued)**

### ***Act 22; SB 139***

This Act transfers the Georgia Public Defender Standards Council from the judicial branch of government to the executive branch of government.

The Act amends O.C.G.A. Sections 17-12-1, 17-12-10.1, 17-12-26, and 17-12-30.

Effective July 1, 2007.

### ***Act 63; HB 586***

This Act changes provisions relating to indigent defense costs. The Act specifies that certain costs are not to be considered contingent expenses and changes matters relating to appointing counsel and attorney's fees in capital cases.

The Act amends O.C.G.A. Sections 15-6-24 and 17-12-127.

Effective July 1, 2007, and applicable to all costs and fees incurred or counsel appointed on and after July 1, 2007.

## **TITLE 19 DOMESTIC RELATIONS**

### ***Act 264; HB 369***

This Act provides for changes in child custody proceedings. The Act provides for direct appeals from all judgments or orders in child custody cases and changes certain provisions relating to cases requiring application for appeal. The Act adds information to filing and dispositional forms in domestic relations cases. The Act requires parents to submit a parenting plan to the court in child custody cases. The Act permits the parents of a child to agree to binding arbitration on the issue of child custody and other matters. The Act specifies that there is no presumption in favor of any particular form of custody, legal or physical, nor in favor of either parent. The Act establishes factors that a judge may consider in determining the best interests of the child. The Act provides for written findings of fact in child custody proceedings. The Act requires that custodial and noncustodial parents give notification of a change of address under certain circumstances. The Act provides for attorney's fees, expenses of litigation, and other costs in child custody proceedings.

The Act amends O.C.G.A. Sections 5-6-34, 5-6-35, 9-11-133, 19-5-1, 19-7-22, and 19-9-1 through 19-9-7 and enacts O.C.G.A. Sections 19-9-1.1 and 19-9-1.2.

Effective January 1, 2008, and applicable to all child custody proceedings and modifications of child custody filed on or after January 1, 2008.

### ***Act 214; HB 497***

This Act provides for pre-birth surrender of rights of a biological father to a child being placed for adoption. The Act provides for the dissolution of surrender rights signed by the birth mother if the biological father legitimates the child and the adoption is not granted. The Act clarifies the authority of a birth mother to sign either a voluntary acknowledgment of legitimation or of paternity following her execution of a surrender of parental rights in support of an adoption of the same child.

The Act amends O.C.G.A. Sections 19-8-4, 19-8-5, 19-8-7, 19-8-9, 19-8-12, and 19-8-26.

Effective July 1, 2007, and applicable to proceedings on or after July 1, 2007.

### ***Act 15; SB 61***

This Act requires a petitioner in an adoption proceeding to submit to a criminal history records check by submitting his or her fingerprints to the Georgia Crime Information Center, which shall notify the court in writing of the presence or absence of any derogatory finding.

The Act amends O.C.G.A. Section 19-8-16.

Effective July 1, 2007.



## **TITLE 19 (continued)**

### ***Act 350; SB 42***

This Act authorizes the Department of Human Resources to impose and retain federal Deficit Reduction Act of 2005 fees on obligees and obligors with respect to certain child support collections.

The Act amends O.C.G.A. Sections 19-11-6 and 19-11-8.  
Effective July 1, 2007.

## **TITLE 20 EDUCATION**

### ***Act 352; SB 123***

This Act changes provisions relating to requirements for placement of students in classrooms. The Act requires that twins or other multiples be placed in the same classroom at the request of a parent or guardian, if the children are in the same grade level at the same school and meet the class eligibility requirements. The Act provides that each local board of education may set maximum class sizes for high school general education programs under certain conditions.

The Act enacts O.C.G.A. Section 20-2-71 and amends O.C.G.A. Section 20-2-182.  
Effective July 1, 2007.

### ***Act 142; SB 72***

This Act changes provisions relating to the operation of school councils and the employment of certain personnel. The Act eliminates language relating to the membership on the school council being open to teachers, parents, and business representatives. The Act requires that the parent or guardian members make up a majority on the school council and that at least two of the parent or guardian members be businesspersons. The Act provides that the chairperson of the school council be a parent member. The Act authorizes the employment of school administrative managers to conduct the financial and business affairs of a school. The Act provides for alternative teaching certifications for secondary school teachers. The Act prohibits discrimination or disparate treatment for teachers and applicants for alternative certification.

The Act amends O.C.G.A. Sections 20-2-86, 20-2-290, and 20-2-200 and enacts O.C.G.A. Section 20-2-206.

Effective July 1, 2007.

### ***Act 203; SB 170***

This Act provides that American Sign Language can be used to fulfill the foreign language requirements for a college preparatory diploma for any student. The Act recognizes American Sign Language as a fully developed, natural language and as language commonly used in the United States and Canada.

The Act amends O.C.G.A. Sections 20-2-151.1 and 30-1-6.  
Effective July 1, 2007.

### ***Act 201; SB 168***

This Act enacts the "Deaf Child's Bill of Rights Act." The Act provides for legislative findings regarding deaf and hard-of-hearing children. The Act requires that a school system take into account the specific communication needs of a deaf or hard-of-hearing student. The Act provides for the explanation of options to the parent or guardian of a deaf or hard-of-hearing student. The Act also provides that a deaf student shall not be denied the opportunity for instruction in a particular communication mode or language.

The Act amends O.C.G.A. Section 20-2-152.1.  
Effective July 1, 2007.

**TITLE 20 (continued)**

***Act 131; HB 375***

This Act provides that children who serve as pages of the Georgia General Assembly shall be credited as present by the school in which enrolled in the same manner as an educational field trip. The Act prohibits such participation as a page from being counted as an absence.

The Act amends O.C.G.A. Section 20-2-692.

Effective July 1, 2007.

***Veto No. 27; HB 559***

This Act provides for teachers and employees of charter schools to be considered employees for purposes of participating in health insurance plans for teachers and other school personnel.

The Act amends O.C.G.A. Sections 20-2-880 and 20-2-910.

***Act 138; SB 9***

This Act enacts the "Grade Integrity Act of 2007," which provides that no classroom teacher shall be required, coerced, intimidated, or disciplined in any manner to change the grade of a student. The Act provides for the reporting of such conduct to the Professional Standards Commission as an ethics violation.

The Act enacts O.C.G.A. Section 20-2-989.20.

Effective July 1, 2007.

***Act 116; SB 39***

This Act enacts the "Charter Systems Act." The Act provides for legislative findings regarding educational programs. The Act revises and adds definitions of certain terms relating to charter schools. The Act provides for the establishment of charter systems and a Charter Advisory Committee. The Act establishes certain requirements for petitions for charter systems. The Act revises provisions relating to the approval or denial of a charter petition and the review of charters. The Act provides for terms, renewals, and terminations of charter systems. The Act provides waivers and operating requirements, control, and management for charter systems. The Act revises certain provisions relative to the funding of charter schools. The Act changes provisions concerning the Office of Charter School Compliance.

The Act amends O.C.G.A. Sections 20-2-2062, 20-2-2063, 20-2-2064, 20-2-2064.1, 20-2-2065, 20-2-2066, 20-2-2067.1, 20-2-2068, 20-2-2068.1, and 20-2-2069 and enacts O.C.G.A. Sections 20-2-2063.1 and 20-2-2063.2.

The amendment to O.C.G.A. Section 20-2-2068.1 is effective on July 1, 2008, and applicable to the 2008-2009 school year and every year thereafter; provided, however, that local school systems shall plan for such changes to the law and take all necessary measures with regard to budgeting prior to July 1, 2008. Remaining sections of the Act are effective July 1, 2007.

***Act 117; SB 10***

This Act enacts the "Georgia Special Needs Scholarship Act," which provides for scholarships for public school students with disabilities to attend other public or private schools. The Act establishes qualifications and criteria for the scholarship program. The Act also establishes certain requirements for schools that participate in the scholarship program. The Act provides for the amount of scholarship that may be granted and method of payments. The Act authorizes the State Board of Education to promulgate rules to administer the program. The Act requires the Office of Student Achievement in conjunction with the Department of Education to provide an annual report to the General Assembly regarding the program.

The Act enacts O.C.G.A. Sections 20-2-2110 through 20-2-2118.

Effective May 18, 2007, and applicable to the 2007-2008 school year and all school years subsequent thereto.

**TITLE 20 (continued)**

***Veto No. 21; HB 467***

This Act provides for course credit for entering freshmen students who have successfully completed the international baccalaureate diploma program. The Act requires each public institution of higher education in Georgia to adopt and implement a policy regarding the granting of such undergraduate course credit. The Act provides for the policy to be made available to the public and to the Board of Regents by December 31, 2007, and implemented beginning with the 2008-2009 school year.

The Act enacts O.C.G.A. Section 20-3-88.

***Act 363; HB 131***

This Act amends provisions relating to the Georgia HERO (Helping Educate Reservists and their Offspring) Scholarship so as to provide that surviving spouses shall be eligible students. The Act specifies the amount of the scholarship for each eligible surviving spouse. The Act provides limitations on the time periods when such scholarship funds shall be available.

The Act amends O.C.G.A. Sections 20-3-485 and 20-3-486.

Effective July 1, 2007.

***Veto No. 16; HB 363***

This Act amends provisions relating to the eligibility requirements for a HOPE grant so as to provide that students at Georgia Military College shall be eligible for HOPE grants.

The Act amends O.C.G.A. Section 20-3-519.5.

**TITLE 21  
ELECTIONS**

***Act 261; SB 194***

This Act provides that election superintendents and designees of a board of elections shall be certified by December 31 of the year in which appointed. The Act changes the date of the presidential preference primary in Georgia. The Act changes the date by which the parties must submit names to the Secretary of State for inclusion on the ballot and the date on which the Secretary of State shall publish such list of names. The Act provides that in certain circumstances the county election superintendent may begin the tabulation of absentee ballots prior to the close of the polls on the day of a primary, election, or runoff and to provide procedures for such tabulation. The Act provides that absentee ballots that are enclosed in an outer envelope but not contained in an inner envelope shall be counted. The Act provides that a person may cancel his or her absentee ballot under certain circumstances.

The Act amends O.C.G.A. Sections 21-2-101, 21-2-191, 21-2-193, 21-2-386, and 21-2-388.

Effective July 1, 2007.

***Act 21; SB 124***

This Act corrects typographical, stylistic, and other errors and omissions in O.C.G.A. Title 21.

The Act amends O.C.G.A. Section 21-2-374.

Effective May 11, 2007.

***Act 259; SB 40***

This Act increases the penalties for certain election related offenses.

The Act amends O.C.G.A. Sections 21-2-384, 21-2-385, 21-2-561, 21-2-562, 21-2-566, 21-2-567, 21-2-568, 21-2-571, 21-2-572, 21-2-573, 21-2-587, 21-2-590, and 21-2-600.

Effective July 1, 2007.

**TITLE 24  
EVIDENCE**

*Act 230; HB 314*

This Act provides for DNA samples to be collected from persons convicted of certain felonies and sexual offenses who are placed on probation rather than incarcerated.

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

Effective July 1, 2007.

**TITLE 26  
FOOD**

*Act 336; HB 433*

This Act changes certain provisions relating to the authority of the application of the "Georgia Meat Inspection Act" to provide for jurisdiction and enforcement.

The Act changes provisions requiring a license to operate a meat or dairy processing plant in the state by eliminating the license requirement as it applies to dairy processing plants and exempting meat and poultry processing plants operating under a federal grant of inspection from the United States Department of Agriculture, Food Safety Inspection Service.

The Act amends O.C.G.A. Sections 26-2-64, 26-2-209, and 26-2-210 and enacts O.C.G.A. Section 26-2-213.1.

Effective July 1, 2007.

*Act 36; HB 112*

This Act eliminates fee requirements for licenses relative to milk products, cream testers, and the manufacture or bottling of soft drinks or soft drink syrup.

The Act establishes that manufacturers and bottlers obtain a food sales establishment license from the Commissioner of Agriculture.

The Act amends O.C.G.A. Sections 26-2-234, 26-2-235, and 26-2-351.

Effective July 1, 2007.

*Act 245; SB 205*

This Act provides that the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to a patient under certain circumstances shall not be considered ground for sanctioning the license of a pharmacist.

The Act enacts the "Prescription Medication Integrity Act" providing for definitions, pedigrees for prescription drugs, contingent effectiveness, enforcement, prohibited acts, and penalties.

The Act amends O.C.G.A. Section 26-4-60 and enacts O.C.G.A. Sections 26-4-200 through 26-4-205.

Effective July 1, 2007, except as specifically detailed in the Act.

*Act 130; HB 330*

This Act requires the Georgia State Board of Pharmacy to establish and maintain a registry of pharmacy technicians.

The Act amends O.C.G.A. Sections 26-4-28, 26-4-82, 26-4-85, and 26-4-110.

Effective July 1, 2007, except as otherwise provided in the Act.

**TITLE 27  
GAME AND FISH**

***Act 34; HB 81***

This Act provides for applicants for a veteran's lifetime sportsman's license. The Act provides for the licensing of salt water fishing guides.

The Act amends O.C.G.A. Sections 27-1-2, 27-2-3.1, and 27-2-23.2.

Effective on July 1, 2007.

***Act 35; HB 100***

This Act extensively revises provisions relative to shrimp and shrimping.

The Act amends O.C.G.A. Sections 27-1-2, 27-4-13, 27-4-110, 27-4-112, 27-4-113, 27-4-118, 27-4-132, 27-4-132.1, 27-4-133, 27-4-136, 27-4-140, 27-4-170, 27-4-171, 27-4-205, and 27-4-206 and repeals O.C.G.A. Sections 27-4-119 and 27-4-139.

Effective on July 1, 2007.

**TITLE 28  
GENERAL ASSEMBLY**

***Veto No. 25; HB 529***

This Act amends numerous provisions of the O.C.G.A. so as to reflect changes in the organization of the General Assembly with respect to budgetary functions. The Act implements the abolition of the Legislative Budget Office and provides for the powers, duties, and responsibilities of the House Budget Office and the Senate Budget Office.

The Act amends O.C.G.A. Sections 8-2-144, 15-6-77.4, 15-9-60.1, 15-18-12, 15-21-74, 15-21-113, 15-21A-7, 17-12-26, 20-2-320, 20-3-133, 28-4-6, 28-4-7, 28-5-42, 35-2-41.1, 45-12-82, 45-12-85, 45-12-88, 45-12-95, 45-12-110, 45-12-175, 45-13-22, 50-25-7.1, and 50-34-17; enacts O.C.G.A. Section 28-5-6, and repeals O.C.G.A. Sections 28-5-5, 45-12-75.1, and 45-12-178.

***Act 359; HB 220***

This Act repeals O.C.G.A. Chapter 28-8, relating to the Georgia Criminal Justice Improvement Council.

Effective May 29, 2007.

**TITLE 30  
HANDICAPPED PERSONS**

***Act 135; HB 655***

This Act creates the Georgia Commission on Hearing Impaired and Deaf Persons and provides for its members, powers, and duties. The Act also changes certain provisions relating to authorized expenditures from the fund created to operate a state-wide dual party telecommunications relay service.

The Act amends O.C.G.A. Sections 30-1-5 and 46-5-30.

Effective July 1, 2007.

***Act 210; HB 366***

This Act provides that every person engaged in the raising of a dog for training as a guide or service dog shall have the right to be accompanied by such dog in the same manner as a totally or partially blind, deaf, or physically disabled person under certain conditions.

The Act amends O.C.G.A. Sections 30-4-2 and 30-4-4.

Effective July 1, 2007.

**TITLE 30 (continued)**

***Act 126; HB 233***

This Act revises the definition of the term "exploitation" as it is used in the context of protection of disabled adults and elderly persons.

The Act amends O.C.G.A. Sections 30-5-3, 30-5-8, and 31-8-81.

Effective July 1, 2007.

**TITLE 31  
HEALTH**

***Act 207; HB 147***

This Act enacts the "Woman's Ultrasound Right to Know Act." The Act provides for offering pregnant females an opportunity to undergo an ultrasound if such imaging is available and to allow the woman to view the sonogram and listen to the fetal heartbeat if present. The Act changes certain provisions relating to voluntary and informed consent to abortions and requires certain information be available to the Department of Human Resources. The Act provides for civil and professional penalties and provides for construction and severability.

The Act amends O.C.G.A. Sections 31-9A-3, 31-9A-4, and 31-9A-6 and enacts O.C.G.A. Section 31-9A-6.1.

Effective July 1, 2007.

***Act 14; SB 60***

This Act establishes the Georgia Trauma Care Network Commission and provides for its composition, membership, duties, and responsibilities. The Act creates the Georgia Trauma Trust Fund and provides for its management and use.

The Act enacts O.C.G.A. Sections 31-11-100 through 31-11-103.

Effective July 1, 2007.

***Act 60; HB 429***

This Act enacts the "Georgia HIV Pregnancy Screening Act of 2007" requiring physicians and health care providers to test pregnant women for HIV unless they specifically decline. The Act requires a pregnant woman to be informed of the test and her right to refuse. The Act revises the duties of the Health Strategies Council and the Department of Community Health relative to the state health plan.

The Act enacts O.C.G.A. Section 31-17-4.2 and amends O.C.G.A. Sections 31-6-2, 31-6-20, 31-6-21, and 31-22-9.2.

Effective July 1, 2007.

***Act 246; SB 204***

This Act changes certain provisions relating to the Board for the Distribution of Cadavers and the membership of the board, the appointment of a chairperson, and the calling of at least one meeting per year.

The Act changes the provision relating to whom a bond shall be given prior to a school or college being allowed or permitted to receive any body or bodies.

The Act amends O.C.G.A. Sections 31-21-20 and 31-21-25.

Effective July 1, 2007.

***Act 48; HB 24***

This Act revises the law concerning living wills and enacts the "Georgia Advance Directive for Health Care Act" which provides for a savings clause for a living will and durable power of attorney for health care, a new form for use as a living will, and witness requirements. The Act provides for revocation, the effect of marriage, and guardianship and provides for duties and responsibilities of

## **TITLE 31 (continued)**

health care agents and health care providers. The Act provides for the effect of these provisions on other legal rights and duties. The Act repeals O.C.G.A. Chapter 31-36, relating to durable power of attorney for health care.

The Act amends O.C.G.A. Sections 31-32-1 through 31-32-14. The Act repeals and reserves O.C.G.A. Sections 31-36-1 through 31-36-13. The Act amends O.C.G.A. Sections 10-12-4, 16-5-5, 16-5-100, 29-4-3, 29-4-10, 29-4-21, 29-5-21, 31-5A-7, 31-8-55, 31-9-2, 31-33-2, 31-36A-6, 31-39-2, 37-2-35, 44-5-143, and 49-6-72.

Effective July 1, 2007.

### ***Act 247; SB 148***

This Act enacts the "Saving the Cure Act," also known as "Keone's Law." The Act creates the Newborn Umbilical Cord Blood Bank for postnatal tissue and fluid and provides for donations and information concerning donations. The Act provides for the creation of the Georgia Commission for Saving the Cure and the membership, appointment, terms of office, and duties of such commission and provides for funding mechanisms. The Act authorizes taxpayers to make certain contributions through the income tax payment and refund process to permitted stem cell research.

The Act enacts O.C.G.A. Sections 31-46-1 through 31-46-5 and 48-7-63.

Effective May 24, 2007, and O.C.G.A. Section 48-7-63 shall apply to all taxable years beginning on and after January 1, 2007.

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

### ***Act 55; HB 192***

This Act increases the amount for which the Department of Transportation may execute a negotiated contract and increases the amount of a contract that requires a bond. The Act also exempts contracts for engineering or other professional services from a proposal guaranty and from bond requirements.

The Act amends O.C.G.A. Sections 32-2-61, 32-2-70, 32-4-67, 32-4-69, and 32-4-119.

Effective July 1, 2007.

### ***Act 204; SB 282***

This Act provides for the creation of alternative tourism routes. The Act also provides for the designation of such routes and the construction and maintenance of welcome centers on such routes.

The Act enacts O.C.G.A. Section 32-4-24.

Effective May 23, 2007.

### ***Act 57; HB 231***

This Act provides that when removing vehicles or obstructions from roadways, upon the orders of a state or local law enforcement official, towing companies shall be liable for instances of gross negligence only.

The Act amends O.C.G.A. Section 32-6-2.

Effective May 16, 2007.

### ***Act 133; HB 536***

This Act provides that fines for excess weight on vehicles should be based on the weight of the vehicle including any legal variance.

The Act amends O.C.G.A. Section 32-6-26.

Effective July 1, 2007.

**TITLE 32 (continued)**

***Act 17; SB 87***

This Act directs the Department of Transportation to seek approval from the Federal Highway Administration to incorporate the use of "RV Friendly" markers on service signs for businesses that cater to the needs of persons driving recreational vehicles.

The Act enacts O.C.G.A. Section 32-6-87.1.

Effective May 11, 2007.

***Act 12; SB 19***

This Act allows the Department of Transportation to pay or participate in the payment of the costs of removal of certain utility facilities when it is deemed to be in the public interest. The Act provides that a utility that fails to remove a facility in a timely manner shall be responsible to the Department of Transportation for failure to comply.

The Act amends O.C.G.A. Sections 32-6-170 and 32-6-171.

Effective July 1, 2007.

**TITLE 33  
INSURANCE**

***Act 254; SB 84***

This Act relates to enumeration of unfair methods of competition and unfair or deceptive acts or practices to protect members of the armed forces of the United States from unscrupulous practices regarding the marketing and sale of insurance.

The Act amends O.C.G.A. Section 33-6-4.

Effective May 24, 2007.

***Veto No. 14; HB 242***

This Act provides for an exemption for certain high deductible health plans sold or maintained in connection with a health savings account with respect to state insurance premium taxes.

The Act provides that the taxable net income of any taxpayer of this state shall not include premiums paid for high deductible health plans established and used with a health savings account providing for conditions and limitations.

The Act amends O.C.G.A. Sections 33-8-4 and 48-7-27.

***Act 132; HB 408***

This Act provides that every association and industrial insured captive insurance company issuing workers' compensation insurance contracts shall be permitted to join and receive benefits from the Georgia Insurers Insolvency Pool.

The Act amends O.C.G.A. Section 33-41-20 and enacts O.C.G.A. Section 33-41-20.1.

Effective January 1, 2008.

***Act 134; HB 648***

This Act changes the definition of long-term care insurance.

The Act amends O.C.G.A. Section 33-42-4.

Effective May 18, 2007.



**TITLE 34  
LABOR**

*Act 226; HB 443*

This Act amends the meaning of the term "employment" within the scope of employment security. The Act extends the suspension of adjustments in the State-wide Reserve Ratio relative to employment security. The Act provides for a reduced adjustment in contribution rate.

The Act amends O.C.G.A. Sections 34-8-35, 34-8-156, and 34-8-193.

Effective July 1, 2007.

*Act 335; HB 424*

This Act extends the definition of the term "farm laborer" for purposes of workers' compensation. The Act provides for the dismissal of certain workers' compensation claims. The Act extends the scope of examination of persons receiving workers' compensation. The Act provides that charges for prescriptions and other items and services shall be subject to the approval of the State Board of Workers' Compensation. The Act increases the compensation for a disability.

The Act amends O.C.G.A. Sections 34-9-2, 34-9-100, 34-9-200.1, 34-9-202, 34-9-205, 34-9-261, and 34-9-262.

Effective July 1, 2007.

*Act 258; SB 96*

This Act provides that for purposes of a drug-free workplace program, urinalysis conducted by laboratories, testing at the employer worksite with on-site testing kits, or use of oral testing shall be deemed suitable and acceptable substance abuse testing.

The Act amends O.C.G.A. Section 34-9-415.

Effective July 1, 2007.

*Act 145; SB 131*

This Act provides that for purposes of the Subsequent Injury Trust Fund, an employer who has ceased to be a self-insurer shall continue to be liable to the fund for assessments in subsequent calendar years so long as payments are made on any workers' compensation claims made while in self-insured status.

The Act amends O.C.G.A. Section 34-9-358.

Effective May 18, 2007.

*Act 140; SB 49*

This Act provides that the Division of Rehabilitation Services of the Department of Labor shall oversee the delivery of deaf-blind services and techniques provided by an organization that lead to maximum independence and employment for individuals with both a hearing and a vision loss. The Act provides for a time frame to retain the services of an organization to provide services and techniques to deaf-blind individuals and training on such services and techniques.

The Act enacts O.C.G.A. Section 34-15-20.

Effective July 1, 2007.

**TITLE 35  
LAW ENFORCEMENT OFFICERS AND AGENCIES**

*Act 42; HB 245*

This Act repeals certain provisions relating to a passenger motor vehicle for the warden of Georgia State Prison to be furnished by the Department of Public Safety.

The Act repeals O.C.G.A. Section 35-1-2.

Effective July 1, 2007.

**TITLE 35 (continued)**

***Act 16; SB 62***

This Act revises provisions relating to publication of statistics by the Georgia Crime Information Center and provides for certain conditions for requesting criminal history records.

The Act amends O.C.G.A. Sections 35-3-33 and 35-3-35.

Effective May 11, 2007.

**TITLE 36**

**LOCAL GOVERNMENT**

***Veto No. 35; SB 193***

This Act provides that if a county governing authority provides group health insurance benefits for county employees, such benefits must also be offered to the sheriff, judge of probate court, clerk of superior court, full-time magistrate court judges, tax receiver, tax collector, and tax commissioner on the same terms and conditions as other county employees. The Act also changes certain provisions relating to compensation.

The Act amends O.C.G.A. Sections 36-1-11.1 and 36-5-28.

***Act 52; HB 107***

This Act requires that the amount of fees collected from customers of public utilities or companies as a result of franchise agreements or contracts shall be itemized on bills or invoices transmitted to customers.

The Act amends O.C.G.A. Section 36-34-2.

Effective January 1, 2008.

***Act 369; HB 247***

This Act changes certain provisions relating to acquisition and construction of water and sewage systems. The Act also prohibits counties, municipalities, and local authorities from requiring connection with or use of water supplied by a public water system except when other water is unfit. The Act also prohibits charges or fees for services made available but not used.

The Act amends O.C.G.A. Section 36-34-5 and enacts O.C.G.A. Section 36-60-17.1.

Effective July 1, 2007.

***Act 205; HB 2***

This Act provides for a new procedure for resolving disputes between governing authorities relative to annexation. The Act provides for a sunset date for the current procedures used to resolve such disputes.

The Act amends O.C.G.A. Section 36-36-11 and enacts O.C.G.A. Sections 36-36-110 through 36-36-119.

Effective July 1, 2007.

***Veto No. 37; SB 225***

This Act requires training with respect to redevelopment powers, programs, and tax allocation districts. The Act also provides certain procedures regarding boards of education consenting to tax allocation districts.

The Act enacts O.C.G.A. Section 36-44-5.1 and amends O.C.G.A. Section 36-44-9.

***Act; HB 519***

This Act provides for the transferability of certificates of public necessity and convenience and medallions for taxicabs. The Act also provides that such certificates and medallions may be used as collateral to secure a loan.

The Act enacts O.C.G.A. Section 36-60-25.

**TITLE 36 (continued)**

Effective July 1, 2007.

***Act 324; HB 109***

This Act provides that under certain circumstances a county containing no municipality shall be deemed to constitute a consolidated government and shall be subject to certain provisions.

The Act enacts O.C.G.A. Section 36-68-4.

Effective July 1, 2007.

***Act 232; HB 232***

This Act increases community participation in development impact fee advisory committees. The Act provides for expenditure of impact fees under certain circumstances. The Act changes certain provisions relating to deposit and expenditure of fees and provides for an annual report.

The Act amends O.C.G.A. Sections 36-71-2, 36-71-4, 36-71-5, and 36-71-8.

Effective July 1, 2007.

***Act 235; HB 181***

This Act provides for limitations with respect to the creation, activation, and activities of public safety and judicial facilities authorities. The Act requires resolutions and referendums prior to issuing bonds for new projects. The Act requires that certain authorities located in counties that have activated or activate public safety and judicial facilities authorities shall obtain approval by resolution and referendum prior to issuing bonds. The Act provides that counties and municipalities activating a public safety and judicial facilities authority shall not activate a joint public safety and judicial facilities authority.

The Act enacts O.C.G.A. Sections 36-75-11 through 36-75-13.

Effective May 24, 2007.

***Act 368; HB 227***

This Act provides for expedited franchising of cable and video services by the Secretary of State. The Act provides for franchise options for cable service providers and video service providers. The Act provides for a process for the issuance, transfer, modification, and termination of a state franchise. The Act provides for franchise fees and requires customer service. The Act requires that a state franchise provide public, educational, and governmental programming. The Act provides for a service outlet to municipalities and counties and complimentary basic cable service or video service to public schools and public libraries. The Act prohibits discrimination toward potential residential subscribers.

The Act enacts O.C.G.A. Chapter 36-76.

Effective July 1, 2007.

***Act 225; HB 471***

This Act prohibits local governments from requiring transfer of the ownership of privately constructed water or sewage systems under certain conditions.

The Act amends O.C.G.A. Section 36-80-21.

Effective May 24, 2007.

***Act 342; SB 146***

This Act provides for the advertisement of contract opportunities.

The Act amends O.C.G.A. Sections 36-91-2 and 36-91-20.

Effective July 1, 2007.

***Act 122; HB 134***

This Act provides a new maximum amount of \$750,000.00 for bid bonds for public works bidding and for substitutes for performance bonds.

## **TITLE 36 (continued)**

The Act amends O.C.G.A. Sections 36-91-51 and 36-91-71.  
Effective July 1, 2007.

### ***Act 372; SB 200***

This Act provides for a comprehensive program for the creation of infrastructure development districts.

The Act enacts O.C.G.A. Chapter 36-93 and amends O.C.G.A. Sections 12-5-30, 12-5-31, and 12-5-96.

Effective January 1, 2009, provided that a resolution is ratified at the November, 2008, state-wide general election amending the Constitution so as to authorize the General Assembly to provide by general law for the creation and comprehensive regulation of infrastructure development districts.

## **TITLE 38 MILITARY**

### ***Veto No. 7; HB 76***

This Act enacts the "Georgia Emergency Management Agency Nomenclature Act of 2007." The Act provides criminal and civil penalties for the willful unauthorized use of the nomenclature of the Georgia Emergency Management Agency, including the nomenclature of the Georgia Information Sharing and Analysis Center.

The Act enacts O.C.G.A. Sections 38-3-130 through 38-3-138.

## **TITLE 40 MOTOR VEHICLES**

### ***Act 346; HB 518***

This Act modifies the definitions pertaining to motor vehicles so as to provide a definition for "commercial motor vehicle." The Act excludes state vehicles used by employees of the Georgia Lottery Corporation from provisions applicable to other state vehicles that require government issued plates and decals identifying the governmental entity that owns the vehicle. The Act modifies the expiration date for tags issued to manufacturers, distributors, dealers, and transporters of manufactured vehicles that are sold, leased, or transported by such persons. The Act prohibits the state revenue commissioner from registering vehicles which are prohibited by federal law from being operated in intrastate commerce. The Act modifies weight ratings for determining license fees for the operation of commercial motor vehicles. The Act shortens the time for submitting an application for a certificate of title for a motor vehicle from 90 days to 30 days. The Act requires an owner of a vehicle that is scrapped, dismantled, or demolished to deliver the certificate of title to the state revenue commissioner for cancellation within 72 hours of such disposal.

The Act amends O.C.G.A. Sections 40-1-1, 40-2-37, 40-2-38, 40-2-38.1, 40-2-151, 40-3-21, 40-3-32, 40-3-33, 40-3-34, 40-3-36, and 50-19-2 and enacts O.C.G.A. Section 40-2-138.

Numerous provisions become effective at different times and the Act itself should be consulted to determine the effective dates of specific provisions.

### ***Veto No. 38; SB 251***

This Act requires the Department of Revenue to establish an Internet website for the purpose of posting certain information regarding motor vehicles that are towed without the consent of the owner or operator. Under threat of civil penalty, the Act requires tow truck, wrecker, storage facility, and repair shop operators to complete certain posting requirements pertaining to such vehicles. Law enforcement agencies are also required to post stolen vehicle information on the website. Unauthorized tampering with the website is a high and aggravated misdemeanor. The Act also removes from the qualifications to receive a commercial driver's license the requirement that a Highway Watch safety and security training program or similar program be completed. The Act also extends the expiration time for commercial driver's licenses from four years to five years.

**TITLE 40 (continued)**

The Act amends O.C.G.A. Sections 40-5-147 and 40-5-150 and enacts O.C.G.A. Section 40-2-11.

***Act 257; SB 38***

This Act requires an applicant for the initial issuance of a motor vehicle tag to present a valid Georgia driver's license or identification card unless otherwise expressly exempt from such requirement.

The Act amends O.C.G.A. Section 40-2-33.

Effective July 1, 2007.

***Act 62; HB 457***

This Act establishes an administrative process for the issuance of special license plates for all requests for special license plates which were not authorized prior to July 1, 2007. The Act provides that the Department of Revenue shall administer the process by which an application for a special license plate shall meet minimum statutory requirements and that such requirements shall be met prior to seeking any legislation needed to authorize manufacture of the special license plate.

The Act amends O.C.G.A. Section 40-2-60.1.

Effective July 1, 2007.

***Act 351; SB 81***

This Act permits a surviving spouse of a disabled veteran to continue to receive free disabled veterans special license plates and revalidation decals. The Act also exempts certain special license plates from the additional \$25.00 annual registration fee for a revalidation decal and special tag renewal fee. The Act also authorizes the issuance of additional revenue-sharing and nonrevenue-sharing special license plates for specified purposes if certain preconditions are met.

The Act amends O.C.G.A. Sections 40-2-69, 40-2-85.1, 40-2-85.2, 40-2-86.21, and 40-2-86.22.

Effective May 29, 2007.

***Act 341; SB 77***

This Act requires the Department of Revenue to initiate an electronic filing system for registration of commercial vehicles under the International Registration Plan no later than January 1, 2008.

The Act enacts O.C.G.A. Section 40-2-88.1.

Effective July 1, 2007.

***Veto No. 36; SB 224***

This Act replaces the definition of "commercial vehicle policy" with the definition of "commercially insured vehicle policy" and deletes the definition of "fleet policy" in the definitions relating to notification of insurance coverage termination for motor vehicles. The Act also requires an insurer issuing, renewing, or terminating a policy of motor vehicle liability insurance other than a commercially insured vehicle policy to provide notice of such action by electronic transmission to the Department of Revenue; provided, however, that there is no requirement to report subsequent renewals of a previously reported coverage. The Act repeals Code Section 40-5-71 and incorporates these provisions into Code Section 40-2-137. The Act requires the commissioner of revenue to provide quarterly reports of insurers that fail to comply with the notice requirements to the Commissioner of Insurance who is then authorized to take appropriate action against such insurer.

The Act amends O.C.G.A. Sections 40-2-26, 40-2-137, 40-5-72, and 40-6-10 and repeals O.C.G.A. Section 40-5-71.

***Act 340; HB 183***

This Act deletes the definition of "salvaged-repaired motor vehicle" and requires that the legend "rebuilt" shall be placed on a vehicle certificate of title where applicable in no larger than 12 point font. This Act also transfers the duty to cause the term "rebuilt" to be affixed to a motor vehicle under specified conditions from the restoring person, entity, or owner to the Department of Revenue.

The Act amends O.C.G.A. Sections 40-3-2, 40-3-36, and 40-3-37.

**TITLE 40 (continued)**

Effective July 1, 2007.

***Act 323; HB 171***

This Act authorizes the use of a sworn statement of a vehicle owner when the owner does not have a valid title to the vehicle for the purpose of: 1) transferring the vehicle to a licensed parts dealer or scrap metal processor; 2) scrapping, dismantling, or disposing of the vehicle for such purposes; and 3) canceling the certificate of title and registration.

The Act amends O.C.G.A. Sections 40-3-36 and 43-43-3.

Effective July 1, 2007.

***Veto No. 6; HB 69***

This Act prohibits the Department of Driver Services from charging a fee for providing an individual his or her personal driving record online.

The Act amends O.C.G.A. Section 40-5-2.

***Veto No. 32; SB 15***

This Act makes the fourth or subsequent conviction for driving without being licensed within five years a felony.

The Act amends O.C.G.A. Sections 40-5-20, 40-5-121, and 42-4-14.

***Act 11; SB 5***

This Act authorizes the Governor to delay compliance with certain provisions of the federal Real ID Act, H.R. 1268, P.L. 109-13. The Act also requires that, no later than January 1, 2008, and except as otherwise required by federal law, the Department of Driver Services shall not issue an identification card, license, permit, or other document to a noncitizen until the noncitizen applicant has been confirmed through the Systematic Alien Verification for Entitlements Program to be lawfully present in the United States.

The Act enacts O.C.G.A. Sections 40-5-4.1 and 40-5-21.2.

Effective July 1, 2007.

***Act 44; HB 419***

This Act provides that a driver's license suspension for a conviction of certain drug offenses shall run consecutively to any other license suspension; and if the suspended driver has never been issued a driver's license, then the person shall not be eligible for a license during the suspension. The Act also modifies provisions relating to out of service orders for commercial vehicle drivers committing serious traffic offenses or railroad grade crossing offenses by adding and changing definitions relating to "driving under the influence," "major traffic violation," "serious traffic violation," and "railroad grade crossing offenses." The Act also authorizes the Department of Driver Services to grant waivers and exemptions for physical requirements for a commercial driver's license or commercial driver's instruction permit, extends the length of time a commercial driver's license is valid from four to five years, and increases the number of certified investigators the commissioner of driver services may employ from 15 to 30 investigators.

The Act amends O.C.G.A. Sections 40-5-75, 40-5-142, 40-5-147, 40-5-150, 40-5-151, 40-5-159, and 40-16-4.

Effective January 1, 2008.

***Act 124; HB 144***

This Act transfers provisions relating to the sale or advertising of used motor vehicles displayed on the real property of an owner or lessee from Code Section 43-47-8.1 to a new Code Section 40-2-39.1. The Act makes a violation of such provisions a misdemeanor. The Act also repeals provisions relating to leaving a motor vehicle unattended.

The Act amends O.C.G.A. Section 43-47-8.1, enacts O.C.G.A. Section 40-2-39.1, and repeals O.C.G.A. Section 40-6-201.

## **TITLE 40 (continued)**

Effective July 1, 2007; provided, however, prosecutions for or cases involving any violation of law occurring prior to such date shall not be affected by the repeals or amendments made or abated by reason thereof.

### ***Act 119; HB 79***

This Act excludes certain vehicles from window tinting limitations if the vehicle: (1) has a valid special license plate issued to a government official; (2) is owned or operated by the state or a political subdivision of the state; or (3) is operated by a licensed private detective or security officer.

The Act amends O.C.G.A. Section 40-8-73.1.

Effective May 18, 2007.

## **TITLE 41 NUISANCES**

### ***Act 144; SB 101***

This Act revises provisions concerning the treatment of agricultural facilities and operations and forest land as nuisances by changing the definition of a forest products processing plant to include a commercial operation that manufactures, packages, labels, distributes, or stores any building material made from gypsum rock.

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

Effective July 1, 2007.

## **TITLE 42 PENAL INSTITUTIONS**

### ***Act 128; HB 313***

This Act authorizes the commissioner of corrections to issue warrants for the arrest of escaped convicts. The Act prohibits certain persons confined in a penal institution or other facility under the jurisdiction of the Board of Corrections from possessing or maintaining any photograph, picture, or depiction of a victim of the crime for which he or she has been convicted, except under certain circumstances. The Act clarifies that the Georgia Correctional Industries Administration has authority to administer and manage certain inmate work programs and to publicize and invite employers to participate in such inmate work programs. The Act prohibits employers that participate in inmate work programs from providing any thing of value to the Board of Corrections, the Department of Corrections, the Georgia Correctional Industries Administration, or any officer or employee thereof other than the payments authorized by law and likewise prohibits the Board of Corrections, the Department of Corrections, the Georgia Correctional Industries Administration, or any officer or employee thereof from accepting any thing of value from such employers other than the payments authorized by law.

The Act amends O.C.G.A. Sections 42-2-8, 42-5-120, 42-5-123, 42-5-124, and 42-10-4 and enacts O.C.G.A. Section 42-5-65.

Effective May 18, 2007.

### ***Act 148; SB 235***

This Act provides that certified correctional employees of the Department of Corrections who leave the department under certain conditions may retain their badges.

The Act amends O.C.G.A. Section 42-5-35.

Effective July 1, 2007.

## **TITLE 42 (continued)**

### ***Act 56; SB 34***

This Act prohibits certain persons confined in a penal institution or other facility under the jurisdiction of the Board of Corrections from possessing or maintaining any photograph, picture, or depiction of a victim of the crime for which he or she has been convicted, except under certain circumstances.

The Act enacts O.C.G.A. Section 42-5-65.

Effective May 16, 2007.

### ***Act 221; HB 527***

This Act precludes registration fees for private and governmental probation services registering with the County and Municipal Probation Advisory Council.

The Act amends O.C.G.A. Section 42-8-107.

Effective July 1, 2007.

## **TITLE 43 PROFESSIONS**

### ***Act 249; SB 114***

This Act increases the number of points given to disabled veterans taking professional licensing exams. The Act provides for qualifications to become an applicant and for approval for an appraiser classification. The Act provides that the Georgia Real Estate Appraisers Board may distribute to appraisers educational material to help conduct their business. The Act changes provisions relating to the length of time that an appraiser's classification must have lapsed prior to being required to requalify as an original applicant. The Act provides that a certain period of time shall have passed after completing the terms and conditions of a sentence for certain criminal convictions before making an application for licensure to the Georgia Real Estate Commission. The Act provides for additional criminal offenses for which the commission may deny a license. The Act changes the term "in-class hour" to "instructional hour." The Act changes the number of instructional hours for a broker prelicense course of study. The Act changes the required number of continuing education hours required annually by the commission for renewal. The Act provides for exemptions to the continuing education requirement for active duty members of the armed forces and members of the General Assembly. The Act permits the Georgia Real Estate Commission to provide certain educational materials to consumers. The Act provides that real estate brokers are entitled to trust funds only after the consummation or termination of the transaction. The Act permits a holder of a real estate license to deal directly with the client of another licensee under certain circumstances.

The Act amends O.C.G.A. Sections 43-1-9, 43-39A-8, 43-39A-11, 43-39A-14, 43-40-8, 43-40-12, 43-40-15, 43-40-20, and 43-40-25.

Effective July 1, 2007.

### ***Act 217; SB 237***

This Act requires the Georgia State Board of Architects and Interior Designers to post all current laws, rules, regulations, and standards of conduct relating to the practice of architecture on the board's official website and to provide notification of changes in such laws, rules, regulations, or standards and information pertaining to disciplinary actions taken by the board on such website. The Act also changes the qualifications of applicants for examination or a certificate of registration. The Act also changes certain provisions relating to cease and desist orders issued by the board and civil penalties and judicial review for such orders.

The Act amends O.C.G.A. Sections 43-4-9 and 43-4-18.

Effective May 24, 2007, and applicable to violations committed on or after the effective date of the Act.



**TITLE 43 (continued)**

***Act 251; SB 102***

This Act changes the scope of practice of chiropractors and provides for penalties for unlicensed practice of chiropractic.

The Act amends O.C.G.A. Sections 43-9-1, 43-9-16, and 43-9-19.

Effective May 24, 2007.

***Act 263; HB 90***

This Act provides for additional requirements for the reciprocity of licensed embalmers and funeral directors from other states. The Act also requires licensed funeral establishments to contain actual caskets or models, mock-ups, or sections of caskets or similar items available and in stock for purchase at the establishment or have the ability to have such items delivered within 24 hours.

The Act amends O.C.G.A. Sections 43-18-42 and 43-18-70.

Effective July 1, 2007.

***Act 243; SB 222***

This Act revises the definition of "advanced practice registered nurse" so as to clearly state that a certified registered nurse anesthetist who has graduated from an approved nurse anesthetist educational program prior to January 1, 1999, shall not be required to hold a master's degree or other graduate degree. The Act requires an advanced practice registered nurse to display the title or abbreviation of his or her area of specialization.

Amends O.C.G.A. Sections 43-26-3 and 43-26-6.

Effective July 1, 2007.

***Act 262; SB 17***

This Act provides for additional pharmaceutical agents which may be used by a doctor of optometry for treatment purposes.

Amends O.C.G.A. Section 43-30-1.

Effective July 1, 2007.

***Act 219; HB 626***

This Act provides that a maximum of 20 hours of annual continuing education shall be required for retired physicians who have an active license and are providing uncompensated health care services; provided, however, up to 40 hours of annual continuing education may be required if the retired physician has not had an active license for up to five years.

This Act amends O.C.G.A. Section 43-34-3.

Effective July 1, 2007.

***Act 339; HB 528***

This Act provides for the licensing of cosmetic laser practitioners.

The Act enacts O.C.G.A. Sections 43-34-240 through 43-34-253.

Effective only if funds are specifically appropriated for the purposes of this Act in a General Appropriations Act making specific reference to this Act and only when funds so appropriated become available for expenditure.

***Act 322; SB 115***

This Act revises the licensure provisions for residential and general contractors.

Amends O.C.G.A. Sections 43-41-2, 43-41-3, 43-41-5, 43-41-6, 43-41-8, 43-41-9, 43-41-12, 43-41-14, and 43-41-17.

Effective May 29, 2007.

**TITLE 43 (continued)**

***Act 338; HB 224***

This Act changes the number of members appointed by the Governor to the State Licensing Board for Residential and General Contractors to 15. The Act also changes the number of members to serve as members of the residential contractor division to eight. The Act changes the date by which residential contractor and general contractor members shall be licensed to January 1, 2008. The Act provides that one member of the residential contractor division shall serve an initial term of one year. The Act provides a date by which the newly created fifteenth member of the board shall be appointed.

The Act amends O.C.G.A. Sections 43-41-3 and 43-41-4.  
Effective May 29, 2007.

**TITLE 44  
PROPERTY**

***Act 129; HB 316***

This Act provides that the Public Service Commission and the governing authority of municipalities have concurrent jurisdiction on matters related to regulating and controlling the removal of improperly parked cars or trespassing personal property. The Act provides for permits and other requirements that towing and storage firms operating within a municipality's corporate limits shall obtain from the commission.

The Act amends O.C.G.A. Section 44-1-13.  
Effective July 1, 2007.

***Act 334; HB 383***

This Act changes provisions relating to the "Georgia Condominium Act" by adding certain definitions. The Act provides in relation to allocation and liability for common expenses and how assessments are made that a declarant shall pay certain expenses. The Act provides for an exception for a certain obligation to provide a certificate of occupancy. The Act provides for the effect on land use and zoning ordinances or laws of an expandable condominium and provides for the creation of a subcondominium and a subassociation.

The Act amends O.C.G.A. Sections 44-3-71, 44-3-80, and 44-3-111 and enacts O.C.G.A. Section 44-3-117.

Effective July 1, 2007.

***Veto No. 19; HB 430***

This Act provides protections for the rights of ways of railroads from loss by claims of adverse possession or other claims by prescription. The Act changes certain provisions related to property rights of railroads and requirements.

The Act enacts O.C.G.A. Sections 24-4-23.2 and 44-5-161.1 and amends O.C.G.A. Sections 44-5-40, 44-5-163, 44-5-164, 44-5-175, 44-9-1, 44-9-54, and 46-8-100.

***Act 253; SB 94***

This Act defines the term "writ of possession" and clarifies the process for judgments by default if the tenant fails to answer when a writ of possession is issued by the landlord. The Act defines "nonrefundable fee" and changes the definition of "security deposit" to exclude from the meaning of security deposit certain fees or money.

The Act enacts O.C.G.A. Section 44-7-49 and amends O.C.G.A. Sections 44-7-30 and 44-7-53.  
Effective July 1, 2007.

**TITLE 45  
PUBLIC OFFICERS**

***Act 206; HB 16***

This Act extends certain statutory protections for public employees who provide information regarding fraud, waste, or abuse in government programs and operations so as to include all employees covered under the State Merit System of Personnel Administration and employees of local governmental entities that receive state funds.

The Act amends O.C.G.A. Section 45-1-4.

Effective July 1, 2007.

***Veto No. 5; HB 48***

This Act amends the definition of "in the line of duty" under the Georgia State Indemnification Fund so as to extend indemnification coverage to emergency medical technicians and firefighters who are participating in training, law enforcement officers and firefighters who are on duty but who are not receiving compensation for such services, law enforcement officers employed by state or local authorities, and law enforcement officers attending basic training as required by the Georgia Peace Officer Standards and Training Council.

The Act amends O.C.G.A. Section 45-9-81.

***Act 127; HB 274***

This Act provides additional qualifications for a notary public, including that a notary shall be a United States citizen or legal resident of the United States. The Act also requires a notary public applicant to provide a telephone number and certain other resident information. The Act makes a third or subsequent offense for violating the notaries public provisions a felony.

The Act amends O.C.G.A. Sections 45-17-2, 45-17-2.1, 45-17-13, and 45-17-20.

Effective July 1, 2007.

***Act 26; SB 172***

This Act amends provisions relating to public employee health care. The Act provides for employer and retiree contributions to the Georgia Retiree Health Benefit Fund. The Act designates the Georgia Retiree Health Benefit Fund as a trust fund available and dedicated for all employer and retiree contributions and other deposits, as delineated, for the coverage of health care expenses and administration costs. The Act provides powers and duties of the board, department, and commissioner of Community Health as they relate to the fund. The Act also provides protection for the fund from creditors of the state and employers.

The Act enacts O.C.G.A. Sections 20-2-898, 20-2-926, and 45-18-21 and amends O.C.G.A. Sections 45-18-100, 45-18-101, 45-18-102, 45-18-104, and 45-18-105.

Effective July 1, 2007.

***Act 58; HB 213***

This Act repeals O.C.G.A. Section 45-18-37, relating to a special pay plan for deferred payment of special compensation to reduce the federal tax burden for applicable state employees.

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

Effective July 1, 2007.

***Act 28; SB 210***

This Act authorizes the Secretary of State to designate a facility occupied by a government agency as a branch depository under certain circumstances. The Act also provides that the Division of Archives and History shall own the equipment used to manage electronic archival records but may contract with third parties to manage such records.

The Act amends O.C.G.A. Sections 45-13-45 and 45-13-46.

Effective July 1, 2007.

**TITLE 46  
PUBLIC UTILITIES**

***Act 357; HB 389***

This Act changes the definition of motor common carrier to include limousine carriers and changes the definition of limousine carrier. The Act revises the law relating to tariffs of limousine carriers providing that the commission is not authorized to set, adjust, or change rates or charges for transportation of passengers and any such tariffs that exist as of June 30, 2007, are void. The Act requires the inclusion of the motor vehicle identification number in any advertising for a limousine carrier, requires commercial liability and indemnity insurance, and provides for enforcement of these advertising and insurance requirements. The Act provides for powers granted to the commission to regulate limousines and limousine carriers and applies to all vehicles of specified types that are managed or operated by limousine carriers.

The Act amends O.C.G.A. Sections 46-1-1, 46-7-85.1, and 46-7-85.12 and enacts O.C.G.A. Sections 46-7-85.18 through 46-7-85.21.

Effective July 1, 2007.

***Act 332; HB 317***

This Act excludes vehicles engaged in the moving of household goods and certain types of passenger vans from regulation by the governing authority of a municipality. The Act provides that certain types of tow trucks shall remain subject to the jurisdiction of the commission and the municipality within which towing operations are conducted.

The Act amends O.C.G.A. Section 46-1-1.

Effective July 1, 2007.

***Act 354; HB 587***

This Act provides that any certificate issued by the Public Service Commission shall be revoked or amended by the commission upon application to the commission by a person to provide natural gas service to a specified end-use customer, property owner, or developer who has requested natural gas service if the holder of the certificate has failed to begin construction or operation of service in substantially all of the territory covered by such certificate.

The Act amends O.C.G.A. Section 46-4-28.

Effective May 29, 2007, and applicable to all certificates in effect or applied for on or after such date.

***Act 211; HB 394***

This Act substantially revises the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977." The Act provides that the legislative intent is to bring new and emerging technologies within the scope of the law and establish a means by which local public safety agencies may provide 9-1-1 service to such users. The Act expands definitions and provisions to include Voice over Internet Protocol service and prepaid wireless service. The Act provides additional requirements, duties, and responsibilities for the 9-1-1 Advisory Committee and creates the Emergency 9-1-1 Assistance Fund.

The Act amends O.C.G.A. Sections 46-5-121 through 46-5-138, 46-5-221, and 46-5-231. The Act enacts O.C.G.A. Sections 16-11-39.2, 46-5-134.2, and 46-5-138.2.

Effective July 1, 2007.

**TITLE 47  
RETIREMENT**

***Act 19; SB 104***

This Act corrects typographical, stylistic, and other errors and omissions in O.C.G.A. Title 47. The Act amends O.C.G.A. Sections 47-14-22, 47-17-71, and 47-25-22.

Effective May 11, 2007.

## **TITLE 47 (continued)**

### ***Act 61; HB 448***

This Act establishes separate funds for the payment of premiums for term life insurance for active and retired members of the Employees' Retirement System of Georgia and the Georgia Judicial Retirement System in compliance with Government Accounting Standards Board regulations.

The Act amends O.C.G.A. Sections 47-2-54, 47-2-334, 47-19-10, 47-23-29, and 47-23-30.  
Effective June 30, 2007.

### ***Act 24; SB 162***

This Act changes the method of calculating a disability benefit under the Employees' Retirement System of Georgia for persons who become members on or after July 1, 2007.

The Act amends O.C.G.A. Section 47-2-123.  
Effective July 1, 2007.

### ***Act 51; HB 106***

This Act provides that benefit options under the Peace Officers' Annuity and Benefit Fund shall be calculated on interest and mortality tables approved by the board of trustees of such retirement fund.

The Act amends O.C.G.A. Section 47-17-80.  
Effective July 1, 2007.

### ***Act 43; HB 318***

This Act provides that certain corporations organized under the laws of a country other than the United States or Canada shall be deemed to be organized under the laws of this state or another state for purposes of the Public Retirement Systems Standards Law. The Act increases the percentage of their investment assets large retirement systems may invest in foreign stock.

The Act amends O.C.G.A. Sections 47-20-83 and 47-20-84.  
Effective July 1, 2007.

### ***Act 23; SB 156***

This Act provides that counties, municipal corporations, and other political subdivisions may provide post-employment benefits other than retirement or pension benefits. The Act provides that such plans may be prefunded to comply with certain financial reporting, disclosure, and actuarial requirements and shall be held in trust for the intended purpose. The Act creates the Board of Regents Retiree Health Benefit Fund and provides for a trust fund to provide for retiree post-employment health care benefits.

The Act amends O.C.G.A. Sections 47-20-10 and 47-20-10.1 and enacts O.C.G.A. Sections 47-21-20 through 47-21-25 and Article 2 of O.C.G.A. Chapter 47-21.

Effective July 1, 2007.

## **TITLE 48 REVENUE AND TAXATION**

### ***Act 6; HB 357***

This Act defines the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" for certain taxable years and thereby incorporates certain provisions of federal law into Georgia law.

The Act amends O.C.G.A. Section 48-1-2.

Effective April 17, 2007, and applicable to all taxable years beginning on or after January 1, 2007, except that certain provisions shall be applicable to all taxable years beginning after December 31, 2005, but before January 1, 2007.

**TITLE 48 (continued)**

***Act 59; HB 380***

This Act changes certain provisions regarding the mailing of bills or notices by tax collectors and tax commissioners and provides for applicability of interest and penalties.

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

Effective July 1, 2007.

***Act 40; HB 222***

This Act prohibits county tax commissioners and certain employees from purchasing property offered for sale under tax executions or tax foreclosure proceedings and provides for criminal penalties for violations.

The Act enacts O.C.G.A. Section 48-4-23.

Effective July 1, 2007.

***Act 333; HB 321***

This Act changes certain eligibility requirements with respect to the conservation use assessment.

The Act amends O.C.G.A. Section 48-5-7.4.

Effective July 1, 2007.

***Act 33; HB 78***

This Act provides for additional acts which shall not constitute a breach of a conservation use covenant.

The Act amends O.C.G.A. Section 48-5-7.4.

Effective July 1, 2007.

***Act 212; HB 445***

This Act clarifies an ad valorem tax exemption for certain charitable institutions.

The Act amends O.C.G.A. Section 48-5-41.

Effective May 23, 2007.

***Act 364; HB 182***

This Act provides that positive tax allocation increments shall not be used in calculating certain tax digest amounts.

The Act amends O.C.G.A. Section 48-5-274.

Effective May 30, 2007.

***Act 223; HB 486***

This Act changes certain provisions regarding compensation to be paid to the tax commissioner for additional duties and provides for an exception.

The Act amends O.C.G.A. Section 48-5-359.1.

Effective May 24, 2007.

***Veto No. 20; HB 441***

This Act revises provisions relative to adjustment of taxable income with respect to income from federal obligations and certain other obligations.

The Act amends O.C.G.A. Sections 48-7-21 and 48-7-27.

***Act 147; SB 184***

This Act changes certain provisions regarding the disallowances as a business expense of certain compensation paid by a taxpayer and exempts military income received by a member of the national guard or any reserve component of the armed services of the United States stationed in defense of

**TITLE 48 (continued)**

the borders of the United States. The Act also changes certain provisions regarding definitions with respect to current income tax payment and changes certain provisions regarding collection and withholding of income taxes.

The Act amends O.C.G.A. Sections 48-7-21, 48-7-21.1, 48-7-27, 48-7-100, and 48-7-101.

Effective July 1, 2007, except that provisions related to military income shall become effective on January 1, 2008, and shall be applicable to all taxable years beginning on or after that date.

***Act 41; HB 225***

This Act changes certain provisions regarding the Georgia Higher Education Savings Plan and savings trust accounts. The Act also changes certain provisions regarding the state income tax deduction for contributions to college savings plans.

The Act amends O.C.G.A. Sections 20-3-634 and 48-7-27.

Effective May 14, 2007.

***Veto No. 4; HB 451***

This Act changes certain provisions regarding income tax credits for film, video, or digital productions in this state and provides for a program of tax refunds for companies creating and expanding certain tourism attractions. The Act also provides for conditions of eligibility for the tax refunds and prescribes the form of the agreement between the companies and the Department of Economic Development.

The Act amends O.C.G.A. Section 48-7-40.26 and enacts O.C.G.A. Sections 48-8-240 through 48-8-245.

***Veto No. 15; HB 327***

This Act authorizes a setoff of certain debts owed to public housing authorities and changes certain definitions and procedures.

The Act amends O.C.G.A. Section 48-7-161 and enacts O.C.G.A. Section 48-7-171.

***Act 209; HB 219***

This Act provides for prepayments of certain local sales and use taxes with respect to motor fuels and provides for procedures to change provisions relating to penalties. The Act also changes certain provisions regarding refunds of motor fuel taxes and reports of motor fuel deliveries. The Act provides a sales and use tax exemption with respect to certain property purchased by the George L. Smith II World Congress Center Authority, the Jekyll Island-State Park Authority, and the Georgia Ports Authority.

The Act amends O.C.G.A. Sections 10-9-10, 12-3-274, 48-8-2, 48-8-30, 48-8-50, 48-8-82, 48-8-87, 48-8-102, 48-8-104, 48-8-110.1, 48-8-113, 48-8-201, 48-8-204, 48-9-9, and 52-2-37.

Effective on January 1, 2008, except that certain provisions become effective on July 1, 2007.

***Veto No. 3; HB 413***

This Act provides for an exemption for a limited period of time with respect to sales of personal property to be used in the construction or expansion of a nature center or performing arts amphitheater facility owned or operated by an organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code.

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

***Act 330; HB 282***

This Act provides for an exemption for a limited period of time with respect to sales or use of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of certain aircraft.

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

Effective July 1, 2007.

**TITLE 48 (continued)**

***Act 366; HB 193***

This Act provides for a partial exemption from the state sales and use tax on certain sales or uses of jet fuel and provides for an exemption from a certain local sales and use tax on certain sales or uses of jet fuel.

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

Effective May 30, 2007, and applicable to transactions occurring on or after July 1, 2007, and prior to July 1, 2009.

***Act 234; HB 186***

This Act provides for a temporary exemption regarding the sale of tangible personal property to, or used in or for the construction of, an alternative fuel facility primarily dedicated to the processing and production of ethanol, biodiesel, and butanol. The Act also provides for definitions and the powers and duties of the state revenue commissioner.

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

Effective May 24, 2007.

***Act 326; HB 169***

This Act provides for an exemption for a certain period of time with respect to certain donations of prepared food and beverages and provides for procedures and powers of the state revenue commissioner.

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

Effective July 1, 2007.

***Veto No. 2; HB 162***

This Act provides for an exemption for a limited period of time with respect to sales of tangible personal property used in direct connection with the construction of a performing arts amphitheater facility, a performing arts center, or sales to certain nonprofit volunteer health clinics.

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

***Veto No. 1; HB 148***

This Act provides for an exemption for a limited period of time from state sales and use tax with respect to the sale or use of natural or artificial gas, No. 2 fuel oil, No. 6 fuel oil, propane, and coal used directly or indirectly in the manufacture or processing of tangible personal property primarily for resale, and the fuel cost recovery component of retail electric rates used directly or indirectly in the manufacture or processing of tangible personal property primarily for resale. The Act also changes certain provisions regarding the exemption with respect to the sale of tangible property to or in construction or expansion of an aquarium.

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

***Act 120; HB 128***

This Act provides for an exemption with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time. The Act also provides for an exemption from sales and use taxes with respect to certain sales of energy efficient products.

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

Effective May 18, 2007.

***Act 329; HB 264***

This Act changes the method of disbursing the proceeds of the homestead option sales and use tax and provides procedures to be followed by the state revenue commissioner.

The Act amends O.C.G.A. Sections 48-8-101 and 48-8-104, and enacts O.C.G.A. Section 48-8-101.1.



**TITLE 48 (continued)**

Effective May 29, 2007.

***Veto No. 17; HB 374***

This Act changes certain definitions applicable to the hotel/motel tax.  
The Act amends O.C.G.A. Sections 48-13-50.2 and 48-13-51.

**TITLE 49  
SOCIAL SERVICES**

***Act 208; HB 155***

This Act requires the Department of Human Resources to conduct a fingerprint criminal history records check on an owner of certain defined facilities including personal care homes, private home care providers, community living providers, and child welfare agencies. The Act also provides for a procedure for conducting such record checks and requires that a license to operate such a facility shall be revoked or denied where the owner has been convicted of certain designated serious criminal offenses. The Act also sets forth a method by which the owner may appeal the department's decision through an administrative procedure.

The Act enacts O.C.G.A. Section 49-2-14.1.

Effective May 23, 2007.

***Act 216; HB 505***

This Act extends the obligation to cooperate with the Department of Human Resources to pharmacy benefit managers and any other insurers legally responsible for payment of a claim for a health care item or service where the department is seeking recovery of assistance from third parties liable for sickness, injury, disease, or disability. The Act also authorizes the department to charge fees relating to the issuance of a license to operate an adult day center.

The Act amends O.C.G.A. Section 49-4-148 and enacts O.C.G.A. Section 49-6-86.

Effective July 7, 2007, except that licensing of adult day centers shall become effective only if funds are specifically appropriated for the purposes of the Act.

***Veto No. 26; HB 549***

This Act modifies the approval process for certain health care programs for persons 21 years of age or younger who are eligible for specified medical assistance by authorizing basic therapy services without prior approval of the Department of Community Health and by mandating approval procedures for other medically necessary services for such qualified persons.

The Act enacts O.C.G.A. Sections 49-4-166 through 49-4-169.

***Act 220; HB 551***

This Act enacts the "State False Medicaid Claims Act." The Act creates a civil cause of action for filing a false or fraudulent claim with the Georgia Medicaid program for Medicaid payments. A person making such a false or fraudulent claim shall be required to pay a civil fine of not less than \$5,500.00 nor more than \$11,000.00 and shall also be liable for treble damages and the costs of litigation. The civil cause of action shall be brought on behalf of the State of Georgia by either the Georgia State Attorney General or a private individual.

The Act enacts O.C.G.A. Sections 49-4-168, 49-4-168.1, 49-4-168.2, 49-4-168.3, 49-4-168.4, 49-4-168.5, and 49-4-168.6.

Effective May 24, 2007.

***Act 344; SB 188***

This Act requires that contractors with the Department of Human Resources who are providing child placement services shall abide by the guidelines set forth in the foster parent bill of rights.

**TITLE 49 (continued)**

This Act also requires the Department of Human Resources to establish a grievance procedure for responding to grievances filed by foster parents.

The Act amends O.C.G.A. Section 49-5-281.

Effective May 29, 2007.

**TITLE 50  
STATE GOVERNMENT**

***Act 10; HB 94***

This Act amends the 2006-2007 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2006-2007.

Effective May 10, 2007.

***Act 377; HB 95***

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2007-2008.

Effective May 30, 2007.

***Veto No. 8; HB 91***

This Act provides that the Department of Audits and Accounts shall prepare an annual report showing receipts and expenditures of revenues by all state agencies.

The Act enacts O.C.G.A. Section 50-6-10.

***Act 343; SB 157***

This Act provides for a grant program under the Department of Community Affairs and pursuant to contract with the Georgia Environmental Facilities Authority to private persons to finance installing, replacing, and converting motor fuel storage equipment to facilitate storing and dispensing E-85 gasoline for retail sale.

The Act enacts O.C.G.A. Section 50-8-170 and Article 7 of O.C.G.A. Chapter 50-8.

Effective May 29, 2007.

***Act 50; HB 96***

This Act provides that letters of credit issued by a Federal Home Loan Bank may be accepted to secure state funds on deposit in state depositories.

The Act amends O.C.G.A. Section 50-17-59.

Effective July 1, 2007.

***Act 30; SB 212***

This Act provides that disclosure of public records shall not be required for social security numbers and dates of birth of public employees.

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

Effective May 11, 2007.

***Act 49; HB 101***

This Act provides that, with some exceptions, agricultural or food system records, data, or information that is considered a part of the critical infrastructure and data or information collected, recorded, or otherwise obtained for the purposes of the national animal identification system shall not be subject to disclosure.

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

Effective May 16, 2007.

**TITLE 50 (continued)**

***Act 31; SB 280***

This Act provides that an officer or employee of the Georgia Technology Authority shall not have greater than a 1 percent interest in entities doing business with such authority.

The Act amends O.C.G.A. Section 50-25-7.7.

Effective May 11, 2007.

***Veto No. 13; HB 229***

This Act provides that lottery winnings may be assigned pursuant to a judicial order. The Act provides conditions necessary for such an assignment.

The Act amends O.C.G.A. Sections ~~50-27-3, 50-27-13, and 50-27-24~~ and enacts O.C.G.A. Section 50-27-24.1.

**TITLE 51  
TORTS**

***Act 9; SB 182***

This Act provides that physical impairment shall be an essential element of an asbestos claim or a silica claim and provides a limitations period for filing a claim. The Act provides for dismissal of pending claims under certain conditions and creates rules regarding forum non conveniens, venue, joinder and consolidation of claims, liability of successor corporations, and exceptions. The Act also establishes methods by which to establish fair market value of total gross assets.

The Act enacts O.C.G.A. Sections 51-14-1 through 51-14-13 and 51-15-1 through 51-15-8.

Effective May 1, 2007.

**TITLE 52  
WATERS**

***Veto No. 12; HB 218***

This Act changes references to security guards employed by the Georgia Ports Authority to read peace officers for purposes of authority to enforce traffic laws.

The Act amends O.C.G.A. Section ~~52-2-10~~.

***Act 37; HB 132***

This Act provides for certain administrative action by the Department of Natural Resources against the owners of vessels which have been removed and stored from public or private waters and have not been redeemed. The Act also provides for such action against the owners of vessels which have been left unattended in such waters. The Act increases the number of pilots allowed for certain ports.

The Act amends O.C.G.A. Sections 52-6-31, 52-7-71, and 52-7-72 and enacts O.C.G.A. Section 52-7-72.1.

Effective May 14, 2007.

***Act 337; HB 510***

This Act changes provisions stating an exemption from the length of vessels which may be operated on Lake Oconee.

The Act amends O.C.G.A. Section 52-7-13.

Effective May 29, 2007.

**TITLE 53**  
**WILLS, TRUSTS, AND ADMINISTRATION OF ESTATES**

*Act 123; HB 139*

This Act provides for the forfeiture of an intestate share of an estate under certain circumstances and for the appointment of a guardian ad litem. The Act also changes certain rules relating to the rules of inheritance when a decedent dies without a will.

The Act amends O.C.G.A. Sections 53-1-20 and 53-2-1.

Effective July 1, 2007.

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