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TITLE 1 -- GENERAL PROVISIONS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 471; SB 455

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 12, 2008.

Act 534; SB 364

This Act removes ratites from the classifications of livestock and meat and reclassifies ratites as poultry wherever such classifications appear throughout the Code.

The Act amends O.C.G.A. Sections 1-3-3, 4-2-1, 4-3-2, 4-4-1.1, 4-4-80, 4-6-1, 16-8-20, 26-2-62, 26-2-84, 26-2-85, 26-2-62, 26-2-100, 26-2-100.1, 26-2-102, 26-2-103, 26-2-104, 26-2-108, 26-2-109, 26-2-110, 26-2-110.1, 26-2-112, 26-2-113, 26-2-130, 26-2-131, 26-2-132, 26-2-249, and 26-2-410.

Effective May 12, 2008.

Act 379; HB 387

This Act designates the twelfth day of February of every year as "Georgia Day" to commemorate the landing of the first colonists in Georgia under Oglethorpe.

The Act enacts O.C.G.A. Section 1-4-17.

Effective July 1, 2008.

Act 561; HB 790

This Act designates the third week in October of every year as "School Bus Safety Week" in Georgia.

The Act enacts O.C.G.A. Section 1-4-17.

Effective July 1, 2008.

Act 559; HB 791

This Act designates the third Monday in October of every year as "School Bus Drivers Appreciation Day" in Georgia.

The Act enacts O.C.G.A. Section 1-4-17.

Effective July 1, 2008.

TITLE 2 -- AGRICULTURE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 563; SB 429

This Act provides for the enforcement of laws governing matters within the jurisdiction of the Commissioner of Agriculture in Titles 2, 10, 26, and 43 to prevent, detect, and respond to acts of bioterrorism and other types of acts affecting plants, animals, products, or facilities subject to regulation by the Department of Agriculture.

The Act amends O.C.G.A. Section 4-4-5 and enacts O.C.G.A. Section 2-2-13.
Effective July 1, 2008.

Act 465; SB 515

This Act changes certain provisions relating to the Georgia Seed Development Commission and its composition, officers, bylaws, quorum, compensation, records, audits, and bonds. The Act also changes provisions relating to the creation of an advisory board and its members and functions.

The Act amends O.C.G.A. Sections 2-4-3, 2-4-7, and 2-4-8.
Effective July 1, 2008.

Act 466; HB 649

This Act provides for an Agricultural Commodity Commission for Blueberries. The Act also provides for a balloting process beginning in 2010 and continuing every three years thereafter to determine whether any existing agricultural commission should continue to operate.

This Act amends O.C.G.A. Sections 2-8-13 and 2-8-14.
Effective May 12, 2008.

Act 578; SB 342

This Act changes certain provision relating to the powers and duties of the State Soil and Water Conservation Commission. The Act authorizes the Soil and Water Conservation Commission to receive grants to fund a certain percentage of the cost of obtaining permits for dam improvements and new public water supply reservoirs.

The Act changes certain provisions relating to additional powers and duties of the State Soil and Water Conservation Commission. The Act also changes certain provisions relating to the powers of the Environmental Protection Division with respect to federal acts and receipt and expenditure of federal and state appropriations. The Act provides for the issuance of permits, certifications, and other documents relating to the construction of new public water supply certifications, and other documents relating to construction of new public water supply reservoirs by local government entities.

The Act makes extensive changes to the "Georgia Water Supply Act." The Act changes certain provisions relative to water conservation plans; permits for withdrawal, diversion, or impoundment of surface waters generally and for farm use; and permits for the withdrawal, obtaining, or use of ground water.

The Act provides for an additional sales and use tax exemption for the purchase of water efficient products with a sales price of \$1,500.00 or less purchased for noncommercial home or personal use and extends the tax exemption period for the purchase of energy efficient products from October 2, 2008 until October 5, 2008.

The Act changes certain provisions relating to the purpose, powers, and duties of the Georgia Environmental Facilities Authority. The Act also changes certain provisions relating to review of contracts and agreements by the Environmental Protection Division or the Georgia Land Conservation Council. The Act creates a Water Supply Division within the Georgia Environmental Facilities Authority to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state. The Act establishes the Georgia Reservoir Fund.

The Act amends O.C.G.A. Sections 2-6-27, 12-5-4, 12-5-31, 12-5-32, 12-5-96,

12-5-470 through 12-5-482, 48-8-3, 50-23-4, 50-23-5, 50-23-9, and 50-23-19. The Act enacts O.C.G.A. Sections 12-5-470.1, 12-5-472.1, 12-5-476.1, 12-5-483, 12-5-484, and 50-23-25 through 50-23-29.

Effective July 1, 2008, except as the effective date (May 13, 2008) and applicability are specifically provided in the Act.

Act 442; SB 130

This Act provides that the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards. The Act consolidates in the Georgia Building Authority the functions, duties, responsibilities, and obligations of the Georgia Building Authority (Markets), the Georgia Building Authority (Hospital), the Georgia Building Authority (Penal) and the Agency for Removal of Hazardous Materials.

The Act amends O.C.G.A. Section 50-8-18, enacts O.C.G.A. Section 50-9-17, and repeals Article 1 of O.C.G.A. Chapter 2-10, Article 2 of O.C.G.A. Chapter 31-7, O.C.G.A. Chapter 42-3, and Article 4 of O.C.G.A. Chapter 50-9.

Effective July 1, 2008, except for Section 4 of said Act, which becomes effective on July 1, 2010.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

TITLE 3 -- ALCOHOLIC BEVERAGES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 499; HB 1066

This Act prohibits certain conduct relative to vaporized forms of alcoholic beverages produced by alcohol vaporizing devices. The Act also prohibits owning or possessing alcohol vaporizing devices, provides punishments for violating such provisions, and provides for certain exceptions to the prohibitions.

The Act enacts O.C.G.A. Section 3-3-33.

Effective July 1, 2008.

Act 726; SB 55

This Act authorizes restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a meal. The Act also provides that such a bottle removed from a restaurant shall not constitute an open alcoholic

beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle.

The Act amends O.C.G.A. Section 40-6-253 and enacts O.C.G.A. Section 3-6-4.
Effective July 1, 2008.

Act 699; HB 393

This Act repeals certain provisions relating to content requirements for wines manufactured by domestic and farm wineries; provides for a new definition of "farm winery"; and authorizes Georgia farm wineries to offer wine samples and to make retail sales of their wine and the wine of any other Georgia farm winery in tasting rooms and five additional locations within the state for consumption on the premises and in closed packages for consumption off the premises.

The Act amends O.C.G.A. Sections 3-6-21.1, 3-6-21.3, and 3-6-29.
Effective July 1, 2008.

Act 526; HB 1061

This Act defines the term "winery" for the purposes of special order shipping license requirements and regulations. The Act limits the number of cases of wine that may be shipped to any one customer and provides for certain taxes to be paid by the shipper of such wine.

The Act amends O.C.G.A. Section 3-6-31.
Effective July 1, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.
Effective July 1, 2008.

Act 388; HB 1243

This Act provides that nonprofit corporations may receive a permit from the state revenue commissioner to sell wine at retail for off-premises consumption for a period of three days. The Act also increases the number of days and number of permits the state revenue commissioner may issue; increases the fees for temporary permits; and provides for nonprofit corporations to conduct auctions for wine donated to such corporations by certain persons under certain circumstances.

The Act amends O.C.G.A. Section 3-9-3 and enacts O.C.G.A. Sections 3-9-4 and 3-9-5.
Effective March 29, 2008.

Act 552; SB 385

This Act provides for the licensing of limousine carriers to sell alcoholic beverages. The Act enacts O.C.G.A. Section 3-9-4.
Effective July 1, 2008.

Act 505; HB 1280

This Act provides that upon obtaining a state license from the state revenue commissioner, a regional economic assistance project (REAP) shall be authorized to sell alcoholic beverages for consumption on its premises at times authorized in any jurisdiction within the state for the sale of alcoholic beverages. The Act establishes a licensing procedure for obtaining such licenses and provides local governments with the authority to levy local taxes on the sale of alcoholic beverages made within its jurisdiction by a licensed REAP. The Act also provides that the Department of Community Affairs may provide certain assistance to local governments and authorities owning or operating a facility for convention and trade show purposes.

The Act amends O.C.G.A. Sections 50-8-7 and 50-8-193 and enacts O.C.G.A. Chapter 3-13.

Effective July 1, 2008.

TITLE 4 -- ANIMALS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 534; SB 364

This Act removes ratites from the classifications of livestock and meat and reclassifies ratites as poultry wherever such classifications appear throughout the Code.

The Act amends O.C.G.A. Sections 1-3-3, 4-2-1, 4-3-2, 4-4-1.1, 4-4-80, 4-6-1, 16-8-20, 26-2-62, 26-2-84, 26-2-85, 26-2-62, 26-2-100, 26-2-100.1, 26-2-102, 26-2-103, 26-2-104, 26-2-108, 26-2-109, 26-2-110, 26-2-110.1, 26-2-112, 26-2-113, 26-2-130, 26-2-131, 26-2-132, 26-2-249, and 26-2-410.

Effective May 12, 2008.

Act 563; SB 429

This Act provides for the enforcement of laws governing matters within the jurisdiction of the Commissioner of Agriculture in Titles 2, 10, 26, and 43 to prevent, detect, and respond to acts of bioterrorism and other types of acts affecting plants, animals, products, or facilities subject to regulation by the Department of Agriculture.

The Act amends O.C.G.A. Section 4-4-5 and enacts O.C.G.A. Section 2-2-13.

Effective July 1, 2008.

Act 540; SB 16

This Act creates the offense of removing an electronic tracking collar from a dog. The Act provides that such action shall constitute a misdemeanor and further provides for restitution in the event of a dog is lost or killed. The Act provides for exceptions.

The Act enacts O.C.G.A. Section 4-8-6.1.

Effective July 1, 2008.

Act 408; HB 301

This Act changes the crime of dogfighting. The Act also changes provisions relating to caring for an impounded animal and other matters relative to dogfighting.

The Act amends O.C.G.A. Sections 4-8-41, 4-11-9.3, 4-11-9.5, 4-11-17, and 16-12-37.

Effective May 6, 2008.

TITLE 7 -- BANKING AND FINANCE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 554; HB 921

This Act creates a nation-wide automated licensing system for mortgage brokers and mortgage lenders. The Act grants the Department of Banking and Finance the authority to participate in such a system and to promulgate rules and regulations governing its participation.

The Act enacts O.C.G.A. Section 7-1-1003.5.
Effective July 1, 2008.

TITLE 8 -- BUILDINGS AND HOUSING

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.
Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 447; SB 397

This Act allows actions pertaining to housing authorities and issuance of bonds to be filed in the superior court of the county in which the authority is located if housing units are located in more than one county.

The Act amends O.C.G.A. Section 8-3-35.
Effective May 6, 2008.

Veto No. 12; HB 1217

This Act creates the State Licensing Board of Home Inspectors and provides for its membership, appointment, filling of vacancies, terms of office, qualifications, powers and duties, staffing, and meetings. The Act provides for the licensing of home inspectors and for the qualifications and reciprocity under certain circumstances of such licensure. The Act provides for certain procedures regarding continuing education and the renewal of home inspector licenses. The Act also repeals Article 6 of O.C.G.A. Chapter 8-3, relating to

documentation by home inspectors.

The Act enacts O.C.G.A. Chapter 43-39B. The Act repeals Article 6 of O.C.G.A. Chapter 8-3.

TITLE 9 -- CIVIL PRACTICE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 722; HB 1020

This Act restricts or eliminates the duplication and release of evidence in certain cases involving a violation of Part 2 of Article 3 of O.C.G.A. Chapter 16-12, relating to sexual offenses related to minors, except under certain circumstances.

The Act amends O.C.G.A. Sections 9-11-34.1, 17-16-4, 50-18-71.1, and 50-18-72. Effective July 1, 2008.

TITLE 10 -- COMMERCE AND TRADE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 383; HB 297

This Act provides that a franchise agreement shall not be required to sell recreational vehicles during any convention or rally involving more than 2,500 recreational vehicles, provided that such convention or rally shall not invite out-of-state dealers unless all franchised Georgia recreational vehicle dealers are also invited. The Act provides that a convention or rally involving more than 2,500 recreational vehicles shall not permit certain discriminatory practices relating to the sale of recreational vehicles; nor shall such convention or rally require as a qualification to participate that Georgia dealers purchase inventory in addition to that required under a current franchise agreement between a manufacturer and such dealer. The Act requires out-of-state recreational vehicle dealers to register with the Department of Revenue prior to participating in any rally or convention in Georgia. Furthermore, the Act provides that a franchise agreement shall not be required for a dealer at a convention or rally with ten or more Georgia dealers that takes place at a location other than the place of business of any of the dealers participating in such convention or rally.

The Act amends O.C.G.A. Section 10-1-679.14. Effective March 14, 2008.

Act 696; HB 470

This Act requires that the manufacturer of new motor vehicles sold in Georgia shall provide the consumer of such vehicles with certain documents and information relating to the vehicles. The Act provides that, during a certain period after the purchase of a new motor vehicle, the manufacturer, its authorized agent, or the new motor vehicle dealer shall repair or correct any defect or condition impairing the use of such vehicle. The Act also provides that if attempts to correct any defect to the new vehicle or condition impairing the use of the new vehicle should fail, the consumer of such vehicle may require the manufacturer to repurchase or replace such vehicle. The Act provides for dispute resolution. The Act also provides that no manufacturer, authorized agent, or new motor vehicle dealer shall knowingly resell a vehicle reacquired as a result of an irreparable defect or condition unless the reacquisition and the nature of such defect or condition is conspicuously disclosed in writing or unless the manufacturer warrants to correct such defect or condition for a term of

one year or 12,000 miles, whichever occurs first. The Act also provides for certain liability.

The Act amends Article 28 of O.C.G.A. Chapter 10-1.

Provisions regarding rules and regulations effective May 14, 2008. All other provisions effective January 1, 2009.

Act 568; HB 130

This Act provides a consumer with the right to place, remove, or temporarily lift a security freeze on his or her credit report. The Act provides for the procedure for placing, removing, or temporarily lifting such security freezes and also provides for penalties for violating certain provisions relating to such security freezes.

The Act enacts O.C.G.A. Sections 10-1-913, 10-1-914, and 10-1-915.

Effective August 1, 2008.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

Act 528; SB 358

This Act replaces the "Georgia Securities Act of 1973" with the "Georgia Uniform Securities Act of 2008" and makes corresponding revisions throughout the O.C.G.A. This Act amends O.C.G.A. Chapter 10-5.

Effective July 1, 2009.

Act 685; SB 508

This Act updates and changes various provisions affecting probate courts. The Act corrects terminology to reflect conservators, changes the terms of court for probate courts, changes provisions relating to the composition of the Probate Judges Training Council and matters relevant to the council, provides for probate courts to have concurrent jurisdiction with superior courts on certain matters, changes certain provisions relating to compromise of a claim involving a gross settlement, changes provisions relating to sealing of records, provides for recordation of certain information relating to real property when no administration is necessary, and eliminates year's support as a bar for probate of a will after five years.

The Act amends O.C.G.A. Sections 10-6-36, 15-9-35, 15-9-82, 15-9-102, 15-9-127, 29-3-3, 29-9-18, 53-2-40, and 53-5-3.

Effective July 1, 2008.

Act 750; HB 1196

This Act provides for a state income tax credit for a qualified investment in a research fund, the purpose of which is to provide early-stage financing for businesses formed as a

result of the intellectual property resulting from the research conducted in the research universities in this state. The Act also provides that funds invested by the state from the Seed-Capital Fund, with certain restrictions, may include funds from sources other than the investment entity.

The Act enacts O.C.G.A. Sections 48-7-40.27 and 48-7-40.28 and amends O.C.G.A. Section 10-10-4.

Effective May 14, 2008, and applies to investments made on or after July 1, 2008.

Veto No. 7; HB 887

This Act creates the Master Settlement Agreement's Advisory Committee on Tobacco Use Prevention and Control Programs and provides for its composition, powers, and duties. The Act enacts O.C.G.A. Section 10-13-5.

TITLE 12 -- CONSERVATION AND NATURAL RESOURCES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

Act 398; HB 1176

This Act redesignates certain provisions relating to conservation and natural resources in Chapter 22 of Title 36 to Chapter 6A of Title 12 and extensively revises such provisions. The Act provides that land conservation projects by any nongovernmental entity shall be submitted by means of a co-application with the city or county having jurisdiction over the area in question, but that the city or county shall not be liable for any debt of the nongovernmental entity. The Act authorizes the Georgia Environmental Facilities Authority to incorporate one or more nonprofit corporations as subsidiary corporations of the authority and to exercise such powers and perform such functions of the authority, including but not

limited to the making of grants and loans, the provision of educational and assistance services, and entering into agreements for the purposes of land conservation projects. The Act provides for the withholding of state funds from nongovernmental entities failing to collect and remit amounts when due to the authority.

The Act amends O.C.G.A. Sections 12-3-403, 12-6-5, 36-22-1 through 36-22-15, 50-23-4, 50-23-5, 50-23-6, and 50-23-20, and enacts O.C.G.A. Sections 12-6A-1 through 12-6A-12.

Effective July 1, 2008.

Act 578; SB 342

This Act changes certain provision relating to the powers and duties of the State Soil and Water Conservation Commission. The Act authorizes the Soil and Water Conservation Commission to receive grants to fund a certain percentage of the cost of obtaining permits for dam improvements and new public water supply reservoirs.

The Act changes certain provisions relating to additional powers and duties of the State Soil and Water Conservation Commission. The Act also changes certain provisions relating to the powers of the Environmental Protection Division with respect to federal acts and receipt and expenditure of federal and state appropriations. The Act provides for the issuance of permits, certifications, and other documents relating to the construction of new public water supply certifications, and other documents relating to construction of new public water supply reservoirs by local government entities.

The Act makes extensive changes to the "Georgia Water Supply Act." The Act changes certain provisions relative to water conservation plans; permits for withdrawal, diversion, or impoundment of surface waters generally and for farm use; and permits for the withdrawal, obtaining, or use of ground water.

The Act provides for an additional sales and use tax exemption for the purchase of water efficient products with a sales price of \$1,500.00 or less purchased for noncommercial home or personal use and extends the tax exemption period for the purchase of energy efficient products from October 2, 2008 until October 5, 2008.

The Act changes certain provisions relating to the purpose, powers, and duties of the Georgia Environmental Facilities Authority. The Act also changes certain provisions relating to review of contracts and agreements by the Environmental Protection Division or the Georgia Land Conservation Council. The Act creates a Water Supply Division within the Georgia Environmental Facilities Authority to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state. The Act establishes the Georgia Reservoir Fund.

The Act amends O.C.G.A. Sections 2-6-27, 12-5-4, 12-5-31, 12-5-32, 12-5-96, 12-5-470 through 12-5-482, 48-8-3, 50-23-4, 50-23-5, 50-23-9, and 50-23-19. The Act enacts O.C.G.A. Sections 12-5-470.1, 12-5-472.1, 12-5-476.1, 12-5-483, 12-5-484, and 50-23-25 through 50-23-29.

Effective July 1, 2008, except as the effective date (May 13, 2008) and applicability are specifically provided in the Act.

Act 470; SB 466

This Act exempts the surface water used by certain car washes and swimming pools from the outdoor water restrictions implemented during emergency periods of water shortages and from the requirement of obtaining a permit from the director of the Environmental Protection Division of the Department of Natural Resources. The Act exempts the use of surface water by any permanent facility car wash that is connected to a sanitary sewer system of a political subdivision or local governing authority that recycles used wash water and is certified by Environmental Protection Division of the Department of Natural Resources as meeting best management practices. The Act exempts the use of surface water for any swimming pool if failure to maintain the swimming pool would create unsafe, unsanitary, or unhealthy conditions affecting the public health and welfare.

The Act amends O.C.G.A. Sections 12-5-31 and 12-5-102.

Effective May 12, 2008.

Act 716; HB 1281

This Act allows political subdivisions and local government authorities to impose more stringent restrictions on outdoor water use for good cause shown upon approval from the director of the Georgia Environmental Protection Division. The Act provides for local emergency restrictions on outdoor water use. The Act provides for an exemption from penalties under certain circumstances in the event a political subdivision or local government is unable to satisfy reduced water consumption or other permit requirements. The Act also provides for an exemption from state imposed nonstatutory outdoor watering restrictions or water use reductions under certain circumstances.

The Act mandates that new rules and regulations be adopted by the Board of Natural Resources relating to drought management by June 30, 2009.

The Act specifies that the use of surface water or ground water for any swimming pool shall be deemed not to be outdoor water for purposes of any outdoor watering restrictions if failure to maintain the swimming pool would create unsafe, unsanitary, or unhealthy conditions affecting the public health or welfare.

The Act amends O.C.G.A. Sections 12-5-31 and 12-5-102 and enacts O.C.G.A. Sections 12-5-7 and 12-5-8.

Effective May 14, 2008.

Act 409; HB 68

This Act changes certain provisions relating to the applicability of the "Coastal Marshlands Protection Act." The Act permits owners of up to four adjoining lots to obtain a permit from the Department of Natural Resources to build a single dock. The Act requires the lot owner to maintain the dock in good condition and repair the dock as necessary through the use of repair or replacement materials comparable in quality to the original authorized materials. The Act removes the provision providing for the automatic repeal of the "Coastal Marshlands Act" on July 1, 2009.

The Act amends O.C.G.A. Sections 12-5-295 and 12-5-329.

Effective July 1, 2008.

Act 530; SB 400

This Act provides for enforcement of laws relating to forestry and fires. The Act allows the investigators of the State Forestry Commission to investigate matters, changes provisions relating to burning of woodlands, brush, fields, or other land, and provides for penalties. The Act also consolidates and harmonizes provisions relating to arson of lands.

The Act amends O.C.G.A. Sections 12-6-20, 16-7-23, 16-7-28, and 16-11-160; and enacts O.C.G.A. Section 16-7-63.

Effective July 1, 2008.

Act 460; SB 399

This Act re-authorizes the collection of the \$1.00 fee retail tire dealers are required to impose on each new replacement tire sold in the state until June 30, 2011.

The Act amends O.C.G.A. Section 12-8-40.1.

Effective May 6, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6,

40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.
Effective July 1, 2008.

TITLE 14 -- CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 452; SB 436

This Act provides for a late filing fee for the late filing of an annual registration by a partnership, limited liability company, or a for profit or nonprofit corporation and the Act also provides for the filing without any fee of an application of withdrawal, certificate of cancellation, or articles of dissolution or intent to dissolve when filed by such entities with the Secretary of State. The Act also modifies certain provisions relating to the election of corporate board members and the resignation of a chairperson of the board. The Act also places certain limitations on amendments to bylaws adopted by a corporate board of directors or corporate shareholders. The Act also modifies provisions relating to the time and manner for the reinstatement of a for profit or nonprofit corporation or a limited liability company following an administrative dissolution.

The Act amends O.C.G.A. Sections 14-2-122, 14-2-728, 14-2-807, 14-2-810, 14-2-1020, 14-2-1021, 14-2-1422, 14-3-122, 14-3-1422, 14-8-57, 14-9-1101, 14-11-603, and 14-11-1101.

Effective July 1, 2008.

TITLE 15 -- COURTS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 729; HB 1245

This Act revises the funding, budgeting, and organization of delivering indigent defense services. The Act restricts the use of senior judges in death penalty cases and changes how death penalty counsel is appointed and paid in conflict cases. The Act changes how certain funds for indigent cases are collected and distributed and allows governing authorities to establish a procedure for verifying an applicant's income such that the governing authorities may retain certain funds. The Act changes the poverty guidelines for indigent defense. The Act expands the composition of the Georgia Public Defender Standards Council and changes who appoints such members, and expands the composition of each judicial circuit's circuit public defender supervisory panel and its duties and responsibilities. The Act changes the appointment of and the duties and responsibilities of the director of the Georgia Public Defender Standards Council. The Act changes the responsibilities of the Legislative Oversight Committee for the Georgia Public Defender

Standards Council.

The Act amends O.C.G.A. Sections 15-1-9.1, 15-1-9.2, 15-1-9.3, 15-6-76.1, 15-6-95, 15-7-49, 15-9-18, 15-10-240, 15-16-27, 15-21-73, 15-21-74, 15-21-77, 15-21-179, 15-21A-6, 17-12-2, 17-12-3, 17-12-4, 17-12-5, 17-12-6, 17-12-8, 17-12-9, 17-12-10, 17-12-10.1, 17-12-10.2, 17-12-11, 17-12-12, 17-12-12.1, 17-12-20, 17-12-22, 17-12-23, 17-12-24, 17-12-25, 17-12-26, 17-12-28, 17-12-31, 17-12-33, 17-12-36, 17-12-50, 17-12-51, 17-12-80; and repeals O.C.G.A. Sections 17-12-81 through 17-12-88 and Article 6 of O.C.G.A. Chapter 17-12.

Effective July 1, 2008, except that for purposes of appointing members to the Georgia Public Defender Standards Council and the circuit public defender supervisory panels, the Act is effective May 14, 2008.

Act 555; SB 11

This Act allows judges of superior and state courts who are performing ordered military duty to continue in office and be eligible for reelection during such duty and provides that performing ordered military duty shall be a basis to request assistance from other courts.

The Act amends O.C.G.A. Sections 15-1-9.1, 15-6-11, and 15-7-24.

Effective May 12, 2008.

Act 564; SB 396

This Act removes all functions of the commissioner of administrative services and the Department of Administrative Services relative to salary and travel expenses and transfers such functions for superior court judges and court reporters to The Council of Superior Court Judges of Georgia and for district attorneys to the Prosecuting Attorneys' Council of the State of Georgia. The Act also changes provisions relating to the functioning of the Prosecuting Attorneys' Council of the State of Georgia.

The Act amends O.C.G.A. Sections 15-5-60, 15-5-81, 15-6-29, 15-6-30, 15-6-31, 15-14-6, 15-18-14, 15-18-14.2, 15-18-19, 15-18-40, 15-18-41, 15-18-44, 16-11-130, 19-11-58, 19-11-59, 45-12-78, 45-18-14, and 50-5B-2; repeals O.C.G.A. Section 15-18-18; and enacts O.C.G.A. Section 15-18-47.

Effective July 1, 2008.

Act 562; HB 1054

This Act enacts the "Children and Family Services Strengthening Act of 2008." The Act creates the Governor's Office for Children and Families to be the successor entity to the Children and Youth Coordinating Council and the Children's Trust Fund Commission and provides for an executive director and advisory board for such newly created office. The Act also places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocate for the Protection of Children.

The Act amends O.C.G.A. Sections 15-5-81, 15-11-79, 15-11-173, 19-14-1, 19-14-20, 19-14-23, 19-15-4, 35-6A-3, 49-5-155, 49-5-156, 49-5-224, and 49-5-227. The Act enacts O.C.G.A. Sections 49-5-130 through 49-5-135. The Act repeals O.C.G.A. Sections 19-14-2 through 19-14-9.

Effective July 1, 2008.

Act 542; HB 1163

This Act provides for an additional judge of the superior court for the Alcovy, Atlanta, and Brunswick judicial circuits.

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

Effective May 12, 2008, except that the judgeships begin terms on July 1, 2009.

Act 429; HB 1018

This Act provides for additional filing fees for recording an instrument that requires cross-indexing to other previously recorded documents and for recording an instrument that cancels, satisfies, or releases certain liens. The Act also provides for electronic recording and requires the clerk to perform certain functions with regard to lien cancellations or requests for cross-indexing.

The Act amends O.C.G.A. Section 15-6-77.
Effective July 1, 2008.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 685; SB 508

This Act updates and changes various provisions affecting probate courts. The Act corrects terminology to reflect conservators, changes the terms of court for probate courts, changes provisions relating to the composition of the Probate Judges Training Council and matters relevant to the council, provides for probate courts to have concurrent jurisdiction with superior courts on certain matters, changes certain provisions relating to compromise of a claim involving a gross settlement, changes provisions relating to sealing of records, provides for recordation of certain information relating to real property when no administration is necessary, and eliminates year's support as a bar for probate of a will after five years.

The Act amends O.C.G.A. Sections 10-6-36, 15-9-35, 15-9-82, 15-9-102, 15-9-127, 29-3-3, 29-9-18, 53-2-40, and 53-5-3.

Effective July 1, 2008.

Act 720; HB 958

This Act changes matters in magistrate courts so as to clarify the appeal procedure for certain judgments, provide for additional information in statements of claim, change provisions relating to default judgments, revise the procedures for applying to vacate a judgment, and revise the requirements for use of postjudgment interrogatories.

The Act amends O.C.G.A. Sections 15-10-41, 15-10-43, 15-10-45, 15-10-48, and 15-10-50.

Effective July 1, 2008.

Act 795; HB 1040

This Act grants jurisdiction to juvenile courts for the appointment of a permanent guardian for a deprived child under certain circumstances and provides for procedures for such appointment.

The Act amends O.C.G.A. Section 15-11-30.1.
Effective July 1, 2008.

Act 496; HB 188

This Act provides an exemption from jury duty for a primary caregiver of a person

aged six or older who has physical or cognitive limitations.

The Act amends O.C.G.A. Section 15-12-1.

Effective July 1, 2008.

Act 432; HB 1086

This Act eliminates the maximum per diem allowance for court bailiffs.

The Act amends O.C.G.A. Section 15-12-7.

Effective July 1, 2008.

Veto No. 8; HB 978

This Act requires that a vehicle operated by an unlicensed driver in violation of Code Section 40-5-20 shall be impounded. The Act provides for exceptions to the impound requirement. The Act also extends the automatic repeal date of provisions relating to additional penalties for violations of traffic laws and ordinances.

The Act amends O.C.G.A. Sections 40-6-279 and 15-21-179.

Act 539; HB 1297

This Act allows victims of certain sexual offenses to have free forensic medical examinations even if the victim refuses to cooperate with law enforcement and allows such victims to refuse requests for polygraph examinations. The Act provides for preservation of certain evidence and changes certain matters relating to the sexual assault protocol. The Act allows the Criminal Justice Coordinating Council to waive subrogation under certain circumstances.

The Act amends O.C.G.A. Sections 15-24-2, 17-5-56, and 17-15-12 and enacts Article 4 of O.C.G.A. Chapter 17-5.

Effective May 12, 2008.

TITLE 16 -- CRIMES AND OFFENSES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 530; SB 400

This Act provides for enforcement of laws relating to forestry and fires. The Act allows the investigators of the State Forestry Commission to investigate matters, changes provisions relating to burning of woodlands, brush, fields, or other land, and provides for penalties. The Act also consolidates and harmonizes provisions relating to arson of lands.

The Act amends O.C.G.A. Sections 12-6-20, 16-7-23, 16-7-28, and 16-11-160; and enacts O.C.G.A. Section 16-7-63.

Effective July 1, 2008.

Act 581; HB 1346

This Act creates the offense of retail property fencing and provides for definitions and penalties. The Act enacts O.C.G.A. Section 16-8-5.2.

Effective July 1, 2008.

Act 534; SB 364

This Act removes ratites from the classifications of livestock and meat and reclassifies ratites as poultry wherever such classifications appear throughout the Code.

The Act amends O.C.G.A. Sections 1-3-3, 4-2-1, 4-3-2, 4-4-1.1, 4-4-80, 4-6-1,

16-8-20, 26-2-62, 26-2-84, 26-2-85, 26-2-62, 26-2-100, 26-2-100.1, 26-2-102, 26-2-103, 26-2-104, 26-2-108, 26-2-109, 26-2-110, 26-2-110.1, 26-2-112, 26-2-113, 26-2-130, 26-2-131, 26-2-132, 26-2-249, and 26-2-410.

Effective May 12, 2008.

Act 570; SB 388

This Act provides the Georgia Bureau of Investigation with the authority to investigate certain offenses involving identity fraud and gives the bureau subpoena power under certain circumstances.

The Act amends O.C.G.A. Sections 16-9-123, 35-3-4, and 35-3-4.1.

Effective May 13, 2008.

Act 551; SB 366

This Act prohibits inmates from possessing a telecommunications device without prior consent of the warden, superintendent, or his or her designee. The Act also makes it unlawful for any person to provide or attempt to provide an inmate with such a device. The Act provides for penalties in the event an inmate possesses a telecommunication device, certain drugs, or gun, pistol, or other weapon or a person provides or attempts to provide an inmate with such a device, drug, or gun, pistol, or other weapon. The Act replaces the terms "metal knuckles" and "metal knucks" with "knuckles whether made from metal, thermoplastic, wood, or other similar material" where they appear in certain provisions relating to offenses against public order and unauthorized possession of a weapon by an inmate.

The Act amends O.C.G.A. Sections 16-11-34.1, 16-11-101, 16-11-126, 16-11-127.1, 42-5-18, 42-5-19, and 42-5-63.

Effective July 1, 2008.

Act 564; SB 396

This Act removes all functions of the commissioner of administrative services and the Department of Administrative Services relative to salary and travel expenses and transfers such functions for superior court judges and court reporters to The Council of Superior Court Judges of Georgia and for district attorneys to the Prosecuting Attorneys' Council of the State of Georgia. The Act also changes provisions relating to the functioning of the Prosecuting Attorneys' Council of the State of Georgia.

The Act amends O.C.G.A. Sections 15-5-60, 15-5-81, 15-6-29, 15-6-30, 15-6-31, 15-14-6, 15-18-14, 15-18-14.2, 15-18-19, 15-18-40, 15-18-41, 15-18-44, 16-11-130, 19-11-58, 19-11-59, 45-12-78, 45-18-14, and 50-5B-2; repeals O.C.G.A. Section 15-18-18; and enacts O.C.G.A. Section 15-18-47.

Effective July 1, 2008.

Act 746; HB 1151

This Act changes certain provisions regarding raffle operations by nonprofit, tax-exempt organizations and changes certain definitions and licensing procedures for bingo. The Act also modernizes certain provisions regarding state income tax by revising provisions relative to adjustment of taxable income with respect to income from federal and other obligations. The Act further provides for organizations exempt from state income tax, consent agreements, and the proof needed to substantiate the tax credit for private driver education courses. The Act also revises provisions regarding electronic filing requirements, lump sum distributions, distributions to nonresident members of partnerships, Subchapter "S" corporations, and limited liability companies.

The Act amends O.C.G.A. Sections 16-12-22.1, 16-12-51, 16-12-53, 48-7-21, 48-7-25, 48-7-27, 48-7-29.5, 48-7-54, 48-7-100, 48-7-101, and 48-7-129.

Effective May 14, 2008, and applies to all taxable years beginning on or after January 1, 2008.

Act 545; SB 405

This Act repeals the "Georgia Anatomical Gift Act" and enacts the "Georgia Revised Uniform Anatomical Gift Act."

The Act amends O.C.G.A. Sections 16-12-160, 31-23-2, 31-32-4, 31-32-7, 31-32-8, and 40-5-6; repeals O.C.G.A. Section 31-23-6; and repeals and enacts Article 6 of O.C.G.A. Chapter 44-5.

Effective July 1, 2008.

Act 448; SB 406

This Act increases penalties for reproducing, transferring, selling, distributing, or circulating certain recorded material and provides for forfeiture of certain items and additional restitution. The Act also repeals the "Uniform Act for Out-of-State Parolee Supervision."

The Act amends O.C.G.A. Section 16-8-60 and repeals Article 3 O.C.G.A. of Chapter 42-9.

Effective July 1, 2008.

Act 714; SB 421

This Act increases the penalty for a second offense of possession of false identification, changes the penalty for knowingly manufacturing, selling, or distributing false identification documents, and changes all penalties for violating Code Section 16-9-4 if the offender is less than 21 years of age and the violation is for the purpose of the identification being used to obtain entry into an age restricted facility or to purchase a consumable good that is age restricted.

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

Effective July 1, 2008, and applies to offenses committed on and after July 1, 2008.

Act 529; SB 24

This Act prohibits persons from using the Internet or e-mail to induce others to provide identifying information by falsely representing themselves to be a business and provides for penalties.

The Act enacts Part 4 of Article 6 of O.C.G.A. Chapter 16-9.

Effective July 1, 2008.

Act 801; HB 89

This Act, the "Business Security and Employee Privacy Act," creates the crime of soliciting, persuading, encouraging, or enticing a dealer to transfer or convey a firearm to someone other than the actual buyer, prohibits certain employers from searching private vehicles of employees, and provides for exceptions. The Act provides certain immunities for employers and provides for civil remedies. The Act allows persons licensed to carry a concealed weapon to carry weapons in parks, historic sites, recreational areas, wildlife management areas, restaurants, and bars and removes provisions relating to how to carry such weapons in certain motor vehicles. The Act exempts constables from the prohibition against carrying a pistol on certain property under certain circumstances. The Act changes provisions relative to issuing a license to carry a pistol or revolver and temporary renewal permits. The Act also provides for certain immunities from liability for persons and entities that voluntarily assist state agencies during times of declared emergency.

The Act amends O.C.G.A. Sections 16-11-126, 16-11-127, 16-11-127.1, 16-11-129, and 51-1-29.2 and enacts O.C.G.A. Sections 16-11-113 and 16-11-135.

Effective July 1, 2008.

Act 408; HB 301

This Act changes the crime of dogfighting. The Act also changes provisions relating to caring for an impounded animal and other matters relative to dogfighting.

The Act amends O.C.G.A. Sections 4-8-41, 4-11-9.3, 4-11-9.5, 4-11-17, and 16-12-37.

Effective May 6, 2008.

Act 433; HB 1090

This Act makes changes to the list of Schedule I, Schedule II, Schedule III, and Schedule IV controlled substances and dangerous drugs.

The Act amends O.C.G.A. Sections 16-13-25, 16-13-26, 16-13-27, 16-13-28, 16-13-71, and 16-13-79.

Effective May 6, 2008.

Act 415; HB 280

This Act bans the sale of marijuana flavored products to minors and provides for definitions and penalties.

The Act enacts O.C.G.A. Section 16-13-30.6.

Effective July 1, 2008, and applies to offenses committed on and after July 1, 2008.

Act 569; SB 453

This Act prohibits manufacturing, distributing, dispensing, or possessing a controlled substance, marijuana, or counterfeit substances in, on, or within 1,000 feet of a state authority or state park, playground, or recreation center.

The Act amends O.C.G.A. Section 16-13-32.5.

Effective July 1, 2008.

TITLE 17 -- CRIMINAL PROCEDURE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 497; HB 333

This Act provides that weapons used in the commission of a crime or a delinquent act be turned over to the sheriff, chief of police, or other executive officer of a law enforcement agency which confiscated the weapon for disposal and provides for procedures for disposal and record keeping.

The Act amends O.C.G.A. Section 17-5-52.

Effective May 12, 2008.

Act 539; HB 1297

This Act allows victims of certain sexual offenses to have free forensic medical examinations even if the victim refuses to cooperate with law enforcement and allows such victims to refuse requests for polygraph examinations. The Act provides for preservation of certain evidence and changes certain matters relating to the sexual assault protocol. The Act allows the Criminal Justice Coordinating Council to waive subrogation under certain circumstances.

The Act amends O.C.G.A. Sections 15-24-2, 17-5-56, and 17-15-12 and enacts Article 4 of O.C.G.A. Chapter 17-5.

Effective May 12, 2008.

Act 717; HB 960

This Act requires trafficking in ecstasy cases to be bailable only before a superior court judge.

The Act amends O.C.G.A. Section 17-6-1.
Effective July 1, 2008.

Act 729; HB 1245

This Act revises the funding, budgeting, and organization of delivering indigent defense services. The Act restricts the use of senior judges in death penalty cases and changes how death penalty counsel is appointed and paid in conflict cases. The Act changes how certain funds for indigent cases are collected and distributed and allows governing authorities to establish a procedure for verifying an applicant's income such that the governing authorities may retain certain funds. The Act changes the poverty guidelines for indigent defense. The Act expands the composition of the Georgia Public Defender Standards Council and changes who appoints such members, and expands the composition of each judicial circuit's circuit public defender supervisory panel and its duties and responsibilities. The Act changes the appointment of and the duties and responsibilities of the director of the Georgia Public Defender Standards Council. The Act changes the responsibilities of the Legislative Oversight Committee for the Georgia Public Defender Standards Council.

The Act amends O.C.G.A. Sections 15-1-9.1, 15-1-9.2, 15-1-9.3, 15-6-76.1, 15-6-95, 15-7-49, 15-9-18, 15-10-240, 15-16-27, 15-21-73, 15-21-74, 15-21-77, 15-21-179, 15-21A-6, 17-12-2, 17-12-3, 17-12-4, 17-12-5, 17-12-6, 17-12-8, 17-12-9, 17-12-10, 17-12-10.1, 17-12-10.2, 17-12-11, 17-12-12, 17-12-12.1, 17-12-20, 17-12-22, 17-12-23, 17-12-24, 17-12-25, 17-12-26, 17-12-28, 17-12-31, 17-12-33, 17-12-36, 17-12-50, 17-12-51, 17-12-80; and repeals O.C.G.A. Sections 17-12-81 through 17-12-88 and Article 6 of O.C.G.A. Chapter 17-12.

Effective July 1, 2008, except that for purposes of appointing members to the Georgia Public Defender Standards Council and the circuit public defender supervisory panels, the Act is effective May 14, 2008.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 722; HB 1020

This Act restricts or eliminates the duplication and release of evidence in certain cases involving a violation of Part 2 of Article 3 of O.C.G.A. Chapter 16-12, relating to sexual offenses related to minors, except under certain circumstances.

The Act amends O.C.G.A. Sections 9-11-34.1, 17-16-4, 50-18-71.1, and 50-18-72.
Effective July 1, 2008.

TITLE 19 -- DOMESTIC RELATIONS

**THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL
ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO**

Act 580; SB 88

This Act enacts the "Care of a Grandchild Act." The Act provides for the creation, authorization, procedure, revocation, and termination of a power of attorney from a parent to a grandparent for the care of a grandchild.

The Act also clarifies the methods of legitimation of a child. The Act provides that prior to a child's first birthday, a father of a child born out of wedlock may render his relationship with the child legitimate when both the mother and father have freely agreed, consented, and signed a voluntary acknowledgment of paternity which includes an acknowledgment of legitimation and which has been made and has not been rescinded. The Act provides that the voluntary acknowledgment shall not authorize the father to receive custody or visitation until there is a judicial determination of custody or visitation.

The Act amends O.C.G.A. Sections 15-11-2, 15-11-96, 19-7-25, 19-7-46.1, 19-8-1, and 19-8-12, and enacts O.C.G.A. Sections 19-9-120 through 19-9-129 and 19-7-21.1.

Effective July 1, 2008.

Act 487; SB 483

This Act changes certain provisions relating to child support, including the definitions of certain terms. The Act modifies certain provisions relating to the calculation of child support and relating to gross income. The Act clarifies military compensation and allowances in determining gross income. The Act provides that the court may allow, upon motion, the temporary modification of a child support order pending the final trial on the petition.

The Act amends O.C.G.A. Section 19-6-15.

Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 564; SB 396

This Act removes all functions of the commissioner of administrative services and the Department of Administrative Services relative to salary and travel expenses and transfers such functions for superior court judges and court reporters to The Council of Superior Court Judges of Georgia and for district attorneys to the Prosecuting Attorneys' Council of the State

of Georgia. The Act also changes provisions relating to the functioning of the Prosecuting Attorneys' Council of the State of Georgia.

The Act amends O.C.G.A. Sections 15-5-60, 15-5-81, 15-6-29, 15-6-30, 15-6-31, 15-14-6, 15-18-14, 15-18-14.2, 15-18-19, 15-18-40, 15-18-41, 15-18-44, 16-11-130, 19-11-58, 19-11-59, 45-12-78, 45-18-14, and 50-5B-2; repeals O.C.G.A. Section 15-18-18; and enacts O.C.G.A. Section 15-18-47.

Effective July 1, 2008.

Act 562; HB 1054

This Act enacts the "Children and Family Services Strengthening Act of 2008." The Act creates the Governor's Office for Children and Families to be the successor entity to the Children and Youth Coordinating Council and the Children's Trust Fund Commission and provides for an executive director and advisory board for such newly created office. The Act also places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocate for the Protection of Children.

The Act amends O.C.G.A. Sections 15-5-81, 15-11-79, 15-11-173, 19-14-1, 19-14-20, 19-14-23, 19-15-4, 35-6A-3, 49-5-155, 49-5-156, 49-5-224, and 49-5-227. The Act enacts O.C.G.A. Sections 49-5-130 through 49-5-135. The Act repeals O.C.G.A. Sections 19-14-2 through 19-14-9.

Effective July 1, 2008.

Act 430; HB 1051

This Act requires the Georgia Child Fatality Review Panel to submit a report to the Judiciary Committees of the Senate and House of Representatives by January 1 of each calendar year regarding the prevalence and circumstances of child fatalities in the state. The Act eliminates the requirement for county multiagency child fatality review committees to submit annual reports to the Senate and House Judiciary Committees.

The Act amends O.C.G.A. Sections 19-15-3 and 19-15-4.

Effective July 1, 2008.

TITLE 20 -- EDUCATION

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 708; HB 1169

This Act amends the current definition of "day-care center" to exclude certain private schools that provide K-12 education.

The Act amends O.C.G.A. Section 20-1A-2.

Effective July 1, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.

Effective July 1, 2008.

Act 394; HB 1209

This Act provides that a local school system may enter into a contract with the State Board of Education for increased flexibility from certain state laws, rules, and regulations in exchange for increased accountability and defined consequences. The Act requires each local school system which elects to request increased flexibility to develop a five-year strategic plan. The Act also requires a local school system to notify the State Board of Education by June 30, 2013, whether it intends to request increased flexibility or remain under all current laws, rules, regulations, policies, and procedures. The Act does not apply to any local school system that has become a charter system or is in the process of applying to become a charter system. The Act changes certain provisions relating to the appointment of local school superintendents. The Act specifies that local school superintendents may concurrently serve as a principal, teacher, or another staff position and may also concurrently serve as the superintendent of more than one local school system. The Act also changes certain provisions relating to waivers or variances to improve student performance.

The Act amends O.C.G.A. Sections 20-2-101 and 20-2-244 and enacts O.C.G.A. Sections 20-2-80 through 20-2-84.6.

Effective July 1, 2008.

Act 715; SB 474

This Act provides that the Department of Education shall develop a model program for educating students regarding online safety while using the Internet. The Act further provides that Internet service providers shall make available to a subscriber a product or service that enables the subscriber to control a minor's use of the Internet, if such product or service is reasonably and commercially available for the technology used by the subscriber. The Act also allows monitoring of the e-mail and website viewing history of a probationer convicted of a sexual offense against a minor or other dangerous sexual offense.

The Act amends O.C.G.A. Sections 42-1-12 and 42-8-35 and enacts O.C.G.A. Sections 20-2-149 and 39-5-1 through 39-5-4.

Effective July 1, 2008, except that the provisions relating to the Sexual Offender Registry are effective on January 1, 2009.

Act 440; HB 1335

This Act changes the state authorized instructional program weights in the Quality Basic Education Formula.

The Act amends O.C.G.A. Section 20-2-161.

Effective July 1, 2008.

Act 571; HB 881

This Act establishes the Georgia Charter Schools Commission and provides for collaboration by the commission with the Department of Education. The Act requires the Department of Education to assist in securing federal and other institutional grants to establish the commission. The Act provides that each commission charter school shall receive funding through the appropriation of state and federal funds equal to the sum of Quality Basic Education Formula earnings and grants earned by the charter school, based on the school's enrollment, school profile, and student characteristics. The Act further provides that a proportional share of state categorical grants, non-Quality Basic Education state grants, state equalization grants, and all other state and federal grants shall also be calculated in the funding mechanism for charter schools. The Act provides for the commission to approve or deny petitions from existing charter schools.

The Act amends O.C.G.A. Sections 20-2-166 and 20-2-2068.1 and enacts O.C.G.A. Sections 20-2-165.1 and 20-2-2080 through 20-2-2092.

Effective July 1, 2008.

Act 547; HB 1300

This Act provides that certain school days canceled due to emergency, disaster, act of God, civil disturbance, or shortage of vital or critical materials, supplies, or fuel do not have to be made up under certain circumstances.

The Act amends O.C.G.A. Section 20-2-168.

Effective July 1, 2008.

Act 461; SB 523

This Act extends the date for automatic repeal of certain provisions of Code Section 20-2-260, relating to advance funding and exceptional growth funding for capital outlay, for one year to June 30, 2010. The Act also extends the date for automatic repeal of Code Section 20-2-262, relating to low-wealth capital outlay grants, for one year to June 30, 2010.

The Act amends O.C.G.A. Sections 20-2-260 and 20-2-262.

Effective July 1, 2008.

Act 713; HB 637

This Act changes provisions relating to the assessment of effectiveness of educational programs under the "Quality Basic Education Act." The Act provides local school systems with the ability to administer, with state funding, nationally norm-referenced assessments in reading, math, science, or social studies to students in grades three, five, and eight, subject to available appropriations. The Act directs the State Board of Education to assist the local system with administration, scoring, and the reporting of such assessments.

The Act amends O.C.G.A. Section 20-2-281.

Effective July 1, 2008.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 419 ; HB 602

This Act provides an exception to the prohibition of a school board member from selling school supplies or equipment to a county board. The Act specifies that the prohibition does not apply if there are fewer than three sources for such supplies or equipment within the county; provided, however, that any such purchase for supplies or equipment that is equal to or greater than \$10,000.00 must be approved by a majority of the members of the board in an open public meeting.

The Act amends O.C.G.A. Section 20-2-505.

Effective May 6, 2008.

Act 439; HB 1321

This Act provides that falsifying, misrepresenting, omitting, or erroneously reporting instances of alleged inappropriate behavior by a teacher, administrator, or other school employee toward a student or other school personnel must be addressed in the student code of conduct. The Act requires the Professional Standards Commission to establish a process for students to follow in reporting instances of alleged inappropriate behavior by a teacher or other school personnel. The Act provides for notice of such process in student and teacher handbooks. The Act also provides for statements to local media outlets in the event that a complaint against a teacher, administrator, or other school employee is found to be unsubstantiated and without merit. The Act mandates that the Professional Standards Commission shall coordinate a training program on educator misconduct. The Act provides for investigations by the commission staff of a complaint by a student against an educator alleging a sexual offense without commission notification.

The Act amends O.C.G.A. Section 20-2-751.5 and enacts O.C.G.A. Section 20-2-751.7.

Effective July 1, 2008.

Act 789; HB 1031

This Act requires each public high school in Georgia which has an interscholastic athletics program to have at least one functional automated external defibrillator on site at all time for use during emergencies. The Act provides for requirements on maintaining and using the defibrillator. The Act also provides that the Department of Education, subject to appropriations by the General Assembly, shall provide funds to local school systems to assist in the purchase of automated external defibrillators.

The Act enacts O.C.G.A. Section 20-2-775.

Effective July 1, 2008.

Act 572; HB 1277

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

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

Effective July 1, 2008.

Act 413; HB 250

This Act authorizes the Professional Standards Commission to investigate complaints alleging that an educator has been convicted of any felony, of any crime involving moral turpitude, of any other criminal offense involving the manufacture, distribution, trafficking, sale, or possession of a controlled substance or marijuana, or of any sexual offense. The Act also authorizes the staff of the Professional Standards Commission, without notification to the commission, to immediately open an investigation submitted to the commission by a local school superintendent of a complaint by a student against an educator alleging a sexual

offense.

The Act amends O.C.G.A. Section 20-2-984.3.
Effective July 1, 2008.

Act 574; HB 831

This Act enacts the "Charter School Capital Finance Act," which provides for a grant program under the State Board of Education with respect to qualified donations for the purchase of real property or capital outlay for charter schools. The Act specifies that the grant program shall provide one dollar in matching funds for a single charter school project for each dollar donated to a qualified charter school organization for such project.

The Act enacts O.C.G.A. Sections 20-2-3010 through 20-2-3015.
Effective July 1, 2008.

Act 773; HB 1133

This Act provides for a program of educational improvement and for student scholarship organizations. The Act specifies that each student scholarship organization must obligate 90 percent of its annual revenue for scholarships or tuition grants and maintain separate accounts for scholarship funds and operating funds. The Act requires that each student scholarship organization conduct an audit of its accounts and provide such audit to the Department of Revenue. The Act also provides for an income tax credit with respect to qualified education expenses and provides for an income tax exclusion with respect to certain scholarship amounts.

The Act enacts O.C.G.A. Sections 20-2A-1 through 20-2A-6 and 48-7-29.13.

Effective May 14, 2008, and applicable to all taxable years beginning on or after January 1, 2008.

Act 697; SB 492

This Act revises requirements relating to in-state tuition. The Act expands the definition of the term "eligible high school" as it relates to HOPE scholarship eligibility. The Act changes certain provisions relating to residency requirements for a HOPE scholarship at a private postsecondary institution. The Act provides that postsecondary level course hours taken prior to high school graduation will count towards hourly caps under certain conditions. The Act also provides that enrollment in postsecondary courses at a branch of the Georgia Department of Technical and Adult Education will not count against hourly caps for HOPE grants.

The Act amends O.C.G.A. Sections 20-3-66, 20-3-519, 20-3-519.2, 20-3-519.3, and 20-3-519.5.

Effective July 1, 2008.

Act 731; HB 1183

This Act eliminates the June 30, 2008, repeal of subsection (b) of Code Section 50-16-18, relating to the writing off of small amounts due to the state. The Act also changes the repeal date from June 30, 2008, to June 30, 2010, for language that allows state agencies and departments to write off \$100.00 or less unless the agency or department belongs to the board of regents or Department of Technical and Adult Education, in which case the agency or department may write off \$3,000.00 or less. The Act changes certain provisions relating to nonlapsing revenue of institutions in the university system. The Act also changes provisions relating to nonlapsing of revenue of institutions under the Department of Technical and Adult Education.

The Act amends O.C.G.A. Sections 20-3-86, 20-4-21.1, and 50-16-18.

Effective May 14, 2008.

Act 577; SB 169

This Act requires the Georgia Student Finance Authority to provide direct loans with an annual interest rate of 1 percent to eligible students. The Act enacts the "Graduate On Time Student Loan Act" and the "Education for Public Service Student Loan Act" to provide for direct loans to students at certain postsecondary institutions and provide for separate loan funds for such student loan programs. The Act allows the opportunity on income tax returns for Georgia taxpayers to contribute to these funds for student loans. The Act provides for the establishment of grants for North Georgia College and State University students who accept a military commission.

The Act amends O.C.G.A. Section 20-3-373 and enacts O.C.G.A. Sections 20-3-395 through 20-3-395.4, 20-3-400 through 20-3-400.6, 20-3-405 through 20-3-405.7, 20-3-409, and 20-3-440 through 20-3-446.

Effective July 1, 2008.

Act 402; SB 480

This Act amends the definition of the term "approved school" relating to tuition equalization grants at private colleges and universities. The Act also amends the definition of "eligible high school" relative to HOPE scholarships and grants.

The Act amends O.C.G.A. Sections 20-3-411 and 20-3-519.

Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 709; HB 311

This Act amends the definition of the term "eligible student" relating to the Georgia HERO scholarship to include surviving spouses of a deceased member of the Georgia National Guard or the reserve component of the armed forces who sustained a 100 percent disability. The Act also amends the definition of the term "qualifying term of service" relating to the Georgia HERO scholarship. The Act provides a time period for the application of Georgia HERO scholarship grants and the termination of grant eligibility.

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

Effective July 1, 2008.

Veto No. 14; SB 196

This Act provides scholarships to Georgia residents 25 years of age or younger whose parent was a legal resident of Georgia at the time he or she sustained qualified combat related injuries or death and who is enrolled as a student in a University System of Georgia or Department of Technical and Adult Education institution or an accredited private institution of higher learning approved by the Southern Association of Colleges and Schools, provided the tuition does not exceed that of an approved school which is a unit of the University System of Georgia or the Department of Technical and Adult Education. The Act also provides an exemption for a limited period of time with respect to certain gifts, grants, funds, scholarships, or other compensation as a result of death caused by a criminal act.

The Act amends O.C.G.A. Section 48-7-27 and enacts O.C.G.A. Sections 20-3-495 through 20-3-497.

Act 567; HB 152

This Act provides that otherwise qualified students who score in the eighty-fifth percentile or higher nationally on a standardized college admission test shall be eligible for the HOPE scholarship.

The Act amends O.C.G.A. Sections 20-3-519.2 and 20-3-519.3.

Effective May 13, 2008.

Act 427; HB 1014

This Act revises and changes certain provisions regarding the Georgia Higher Education Savings Plan. The Act changes the definition of the term "program" to include qualified tuition programs under Section 529 of the Internal Revenue Code. The Act provides that the board of directors of the plan may adopt and use marketing names, brands, logos, or other representations of the program for marketing the program within the state. The Act changes provisions regarding state income tax adjustments for contributions to or withdrawals from certain college savings programs and regarding taxation of nonresidents' entire net income.

The Act amends O.C.G.A. Sections 20-3-631 through 20-3-634, 48-7-1, 48-7-27, and 48-7-30.

Effective May 6, 2008, with Sections 8 and 9 of the Act applicable to all taxable years beginning on or after January 1, 2008.

Act 456; SB 482

This Act repeals provisions relating to the State Law Library and deletes references to the State Law Library and the state librarian.

The Act amends O.C.G.A. Sections 20-5-2, 36-80-19, 45-13-22, 50-5-58, and 50-18-31 and repeals O.C.G.A. Chapter 50-11.

Effective May 6, 2008.

Veto No. 15; SB 345

This Act adopts the Interstate Compact on Educational Opportunity for Military Children and creates the Interstate Commission on Educational Opportunity for Military Children. The Act specifies that the purpose of the compact is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents.

The Act enacts O.C.G.A. Sections 20-17-1 and 20-17-2.

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 718; HB 1098

This Act requires election superintendents to transmit to the Secretary of State a copy of notice and returns of certain primaries and elections. The Act revises certain duties of election superintendents. The Act requires election superintendents to complete, file, and transmit certain forms.

The Act amends O.C.G.A. Sections 21-2-9, 21-2-45.1, 21-2-70, 21-2-493, 21-2-496, 21-2-497, and 21-2-501.

Effective July 1, 2008.

Act 706; HB 1112

This Act amends provisions relating to meetings and duties of the State Election Board. The Act amends several provisions relating to election superintendents. The Act provides for a special election for congressional representatives under certain conditions. The Act amends several provisions relating to candidacy for office. The Act amends provisions relating to absentee ballots and assisted voting. The Act amends provisions relating to interference with primaries and elections.

The Act amends O.C.G.A. Sections 21-2-30, 21-2-31, 21-2-70, 21-2-70.1, 21-2-101, 21-2-132, 21-2-134, 21-2-225, 21-2-231, 21-2-381, 21-2-409, 21-2-415, 21-2-417.1, 21-2-419, 21-2-543.1, 21-2-566, 21-2-567, 21-2-568, and 21-2-573.

Effective July 1, 2008.

Act 453; SB 456

This Act corrects typographical, stylistic, and other errors in Title 21 of the Official Code of Georgia Annotated.

The Act amends O.C.G.A. 21-2-40, 21-2-379.1, 21-2-379.2, 21-2-384, 21-2-386, 21-2-522, 21-5-30.2, and 21-5-70.

Effective May 6, 2008.

Act 531; SB 387

This Act provides that electors may request and cast absentee ballots in any primary or election without stating a reason. The Act provides for the electronic submission of requests for absentee ballots for certain electors. The Act requires the verification of the eligibility of electors casting absentee ballots. The Act provides for the safekeeping of absentee ballots.

The Act amends O.C.G.A. Sections 21-2-380, 21-2-381, and 21-2-386.

Effective May 12, 2008.

Act 788; HB 993

This Act provides that electors who are 75 years of age or older or disabled shall be authorized to vote an absentee ballot without waiting in line.

The Act enacts O.C.G.A. 21-2-385.1.

Effective July 1, 2008.

Act 416; HB 296

This Act provides that special elections to present questions to voters shall be held only on certain dates.

The Act amends O.C.G.A. 21-2-540.

Effective January 1, 2010.

TITLE 24 -- EVIDENCE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 438; HB 1283

This Act provides protections for the rights of ways of railroads, changes certain provisions related to property rights of railroads, and provides that issues arising as to the dimensions of property acquired by railroads be determined by reference to a certain map. The Act changes provisions relating to the alienability of future interests. The Act revises the Evidence Code to presume that occupancy of a railroad right of way is with the permission of the railroad company or corporation, but that such presumption can be rebutted.

The Act amends O.C.G.A. Sections 44-5-40, 44-5-165, 44-5-166, 44-5-167, and 44-8-100 and enacts O.C.G.A. Section 24-4-23.2.

Effective July 1, 2008.

Act 451; SB 430

This Act provides that the Georgia Bureau of Investigation may compare lawfully collected information to lawfully collected DNA samples. The bureau shall not add a DNA profile of a suspect to any DNA data bank except upon conviction as provided by law.

The Act amends O.C.G.A. Section 24-4-63.

Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

TITLE 25 -- FIRE PROTECTION AND SAFETY

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 449; SB 414

This Act changes provisions relating to firefighter standards and training by providing a definition for fire department, increasing the number of members on the Georgia Firefighter Standards and Training Council, authorizing the council to provide for probation for certified individuals and suspensions for noncertified individuals, and removing certain certification qualifications relating to earning and possessing a first class firefighter diploma.

The Act amends O.C.G.A. Sections 25-4-2, 25-4-6, 25-4-7, and 25-4-8.
Effective July 1, 2008.

Act 401; SB 418

This Act establishes the "Georgia Fire Safety Standard and Firefighter Protection Act." The Act changes provisions relating to fire protection and safety by prohibiting the sale of cigarettes unless the manufacturer certifies the cigarettes meet certain safety standards. The Act also requires certain safety tests for cigarettes, provides for the maintenance of records relating to such safety tests, and requires that cigarettes shall be marked to indicate compliance with the requirements of the Act. Noncompliance with the Act may result in civil penalties and forfeiture.

The Act enacts O.C.G.A. Sections 25-14-1 through 25-14-11.

Effective January 1, 2010, provided that the provisions relating to the preemption of local laws shall be effective April 30, 2008.

TITLE 26 -- FOOD, DRUGS, AND COSMETICS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 534; SB 364

This Act removes ratites from the classifications of livestock and meat and reclassifies

ratites as poultry wherever such classifications appear throughout the Code.

The Act amends O.C.G.A. Sections 1-3-3, 4-2-1, 4-3-2, 4-4-1.1, 4-4-80, 4-6-1, 16-8-20, 26-2-62, 26-2-84, 26-2-85, 26-2-62, 26-2-100, 26-2-100.1, 26-2-102, 26-2-103, 26-2-104, 26-2-108, 26-2-109, 26-2-110, 26-2-110.1, 26-2-112, 26-2-113, 26-2-130, 26-2-131, 26-2-132, 26-2-249, and 26-2-410.

Effective May 12, 2008.

Act 504; HB 1303

This Act changes provisions relating to food service establishments by prohibiting a county board of health or other political subdivision of this state from regulating the provision of food nutrition information at food service establishments.

The Act amends O.C.G.A. Sections 26-2-370 and 26-2-373.

Effective July 1, 2008.

TITLE 27 -- GAME AND FISH

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 584; HB 239

This Act extends the definition of "rules and regulations" for criminal purposes to include current rules and regulations of the Board of Natural Resources. The Act authorizes the sale and keeping of sugar glider marsupials as pets under certain conditions; the Act exempts water buffalo from species for which a license is required; the Act provides immunity from civil liability for landowners permitting wildlife or hunters to traverse property.

The Act amends O.C.G.A. Sections 27-1-39 and 27-5-5 and enacts O.C.G.A. Section 51-1-52.

Effective May 13, 2008.

Act 428; HB 1016

This Act changes the salt-water and fresh-water demarcation line. The Act extends the authority of the commissioner of natural resources to manage blue crab fishing.

The Act amends O.C.G.A. Sections 27-4-1 and 27-4-151.

Effective May 6, 2008.

TITLE 28 -- GENERAL ASSEMBLY

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

TITLE 29 -- GUARDIAN AND WARD

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 685; SB 508

This Act updates and changes various provisions affecting probate courts. The Act corrects terminology to reflect conservators, changes the terms of court for probate courts, changes provisions relating to the composition of the Probate Judges Training Council and matters relevant to the council, provides for probate courts to have concurrent jurisdiction with superior courts on certain matters, changes certain provisions relating to compromise of a claim involving a gross settlement, changes provisions relating to sealing of records, provides for recordation of certain information relating to real property when no administration is necessary, and eliminates year's support as a bar for probate of a will after five years.

The Act amends O.C.G.A. Sections 10-6-36, 15-9-35, 15-9-82, 15-9-102, 15-9-127, 29-3-3, 29-9-18, 53-2-40, and 53-5-3.

Effective July 1, 2008.

TITLE 31 -- HEALTH

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 686; SB 463

This Act provides for the definition of the term "gray water" and provides for the lawful private residential direct reuse of such water.

The Act enacts O.C.G.A. Section 31-3-5.2.

Effective July 1, 2008.

Act 411; HB 180

This Act provides that the Department of Community Health shall expedite a review of certain prescription drugs or other health care products produced by Georgia biotechnology, biopharmaceutical, or pharmaceutical companies for inclusion on the preferred drug list under the state health benefit plan, the medical assistance program, the PeachCare for Kids program, or any health benefit plan or policy administered on behalf of the state.

The Act enacts O.C.G.A. Section 31-5A-8.

Effective May 6, 2008.

Act 390; HB 967

This Act exempts from the certificate of need program any prisons and other secure correctional institutions of the Department of Corrections and the Department of Juvenile Justice establishing medical facilities for the sole and exclusive purpose of providing health care services in a secure environment to prisoners.

The Act amends O.C.G.A. Section 31-6-47.

Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 442; SB 130

This Act provides that the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards. The Act consolidates in the Georgia Building Authority the functions, duties, responsibilities, and obligations of the Georgia Building Authority (Markets), the Georgia Building Authority (Hospital), the Georgia Building Authority (Penal) and the Agency for Removal of Hazardous Materials.

The Act amends O.C.G.A. Section 50-8-18, enacts O.C.G.A. Section 50-9-17, and repeals Article 1 of O.C.G.A. Chapter 2-10, Article 2 of O.C.G.A. Chapter 31-7, O.C.G.A. Chapter 42-3, and Article 4 of O.C.G.A. Chapter 50-9.

Effective July 1, 2008, except for Section 4 of said Act, which becomes effective on July 1, 2010.

Act 454; SB 469

This Act revises the definition of "personal care home" so as to exclude host homes. The Act also provides for the Department of Human Resources through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases to classify host homes for persons whose services are financially supported, in whole or in part, by funds authorized through the division and to provide guidelines for and oversight of host homes.

The Act amends O.C.G.A. Sections 31-7-12 and 37-1-20.

Effective on July 1, 2008.

Act 546; HB 1105

This Act requires that prior to discharging any inpatient who is 65 years of age or older a hospital shall offer the inpatients vaccinations for the influenza virus and pneumococcal disease. Such requirement to offer the vaccinations is contingent on availability and the approval of a standing order by the hospital's medical staff and is only required annually between October 1 and March 1.

The Act enacts O.C.G.A. Section 31-7-17.

Effective July 1, 2008.

Act 455; SB 479

This Act provides for the inclusion in the reporting related to the Indigent Care Trust Fund of certain information regarding fees for licensed ambulance services.

The Act amends O.C.G.A. Section 31-8-159.

Effective July 1, 2008.

Act 503; HB 1222

This Act amends the "'Health Share' Volunteers in Medicine Act" to revise certain provisions relating to requirements for entering into contracts with health care providers. The Act also requires that health care licensing boards issue special licenses under certain conditions and prohibits the issuance of such special license to a health care practitioner that is under sanctions or restrictions.

The Act amends O.C.G.A. Sections 31-8-192, 31-8-193, 43-1-28, 43-11-52, and 43-34-45.1.

Effective July 1, 2008.

Act 565; SB 381

This Act requires the State Office of Vital Records, within 60 days of a request by a parent named on a fetal death certificate or other eligible person provided for by law, to issue a certificate of birth resulting in stillbirth. The Act also requires for the person required to file a fetal death certificate to advise the parent of a stillborn child of certain rights to which he or she is entitled. The Act also provides that a certificate of birth resulting in stillbirth shall be classified as a vital record when held by the state registrar system.

The Act amends O.C.G.A. Section 31-10-1 and enacts O.C.G.A. Section 31-10-33.

Effective July 1, 2008.

Act 410; HB 111

This Act permits petitions for delayed birth certificates to be filed in the probate court as well as the superior court.

The Act amends O.C.G.A. Section 31-10-12.

Effective July 1, 2008.

Act 772; SB 549

This Act establishes a two level system of certified stroke centers, which such centers are identified by the state as either primary or remote treatment stroke centers. The Act provides for procedures and requirements for identifying hospitals as primary stroke centers. The Act provides that a hospital shall not advertise that it is identified by the state as a primary or remote stroke center unless so identified.

The Act enacts Article 6 of O.C.G.A. Chapter 31-11.

Effective July 1, 2008.

Act 545; SB 405

This Act repeals the "Georgia Anatomical Gift Act" and enacts the "Georgia Revised Uniform Anatomical Gift Act."

The Act amends O.C.G.A. Sections 16-12-160, 31-23-2, 31-32-4, 31-32-7, 31-32-8, and 40-5-6; repeals O.C.G.A. Section 31-23-6; and repeals and enacts Article 6 of O.C.G.A. Chapter 44-5.

Effective July 1, 2008.

Act 719; HB 1043

This Act provides a new definition of "confirmed lead poisoning" and "lead hazard abatement" for the purposes of abating certain lead poisoning hazards. The Act establishes certain procedures and requirements necessary prior to authorizing the Division of Public Health to seek a court order to perform a lead hazard abatement.

The Act amends O.C.G.A. Sections 31-41-12, 31-41-13, 31-41-14, and 31-41-18.
Effective July 1, 2008.

TITLE 32 -- HIGHWAYS, BRIDGES, AND FERRIES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 712; SB 417

This Act requires the commissioner of transportation to develop and publish benchmarks and issue reports on the progress of construction projects. The Act also requires the commissioner to perform value engineering studies on projects costing more than \$10 million and to publish on the department's website a detailed status report on each project under planning or construction.

The Act amends O.C.G.A. Section 32-2-41.1.

Effective July 1, 2008.

Act 549; HB 1189

This Act requires the commissioner of transportation to file a progress report and a final version of the State-wide Strategic Transportation Plan. The final version of the plan shall be completed by June 30, 2009.

The Act amends O.C.G.A. Section 32-2-41.1.

Effective May 12, 2008.

Act 425; HB 981

This Act provides that concrete haulers are entitled to the same weight variance granted to feed and granite haulers.

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

Effective July 1, 2008.

Act 467; HB 1088

This Act designates "agricultural tourist attractions." The Act provides for duties of the Department of Agriculture in relation to agricultural tourist attractions. The Act provides for directional signage to such attractions.

The Act amends O.C.G.A. Section 32-6-76 and enacts Article 6 of O.C.G.A. Chapter 50-7.

Effective July 1, 2008.

Act 748; HB 1026

This Act provides that a utility may be exempt from certain requirements of notice and hearing when the Department of Transportation requires the removal, relocation, or adjustment of utility facilities as a result of public road improvements.

The Act amends O.C.G.A. Section 32-6-171.

Effective July 1, 2008.

Act 543; HB 426

This Act provides that local school districts shall provide the Department of Transportation with information regarding rail crossings without active warning devices that are crossed by school buses. The Act provides further that local school districts shall use their best efforts to reroute buses to minimize the use of such rail crossings.

The Act amends O.C.G.A. Section 32-6-200.

Effective January 1, 2009.

Act 688; SB 444

This Act allows the Department of Transportation to more readily dispose of surplus property by streamlining the methods of notification necessary to previous owners of the property. The Act also provides for appraisal of the surplus property and acceptance of bids within 15 percent of the asking price in certain circumstances.

The Act amends O.C.G.A. Section 32-7-4.

Effective July 1, 2008.

Act 393; HB 1019

This Act creates the Georgia Transportation Infrastructure Bank within the State Road and Tollway Authority. The Act provides for the governance of the bank and the functions of the bank with respect to the financing of transportation projects in cooperation with local governmental units.

The Act amends O.C.G.A. Section 32-10-60 and enacts O.C.G.A. Sections 32-10-120 through 32-10-133.

Effective April 9, 2008.

TITLE 33 -- INSURANCE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 769; SB 471

This Act adds changes regulator financial examinations of domestic insurers from every three years to five years and extends confidential treatment to any other materials created, produced, or obtained by the Commissioner. The Act also provides that an examiner or other person appointed or authorized by the Commissioner, while participating in an

examination, shall enjoy the same immunities as those of a regular employee under similar circumstances. The Act further creates the "Property and Casualty Actuarial Opinion Law" requiring every property and casualty insurance company doing business in the state to submit the opinion of an appointed actuary to be filed in accordance with the provisions of said law and in accordance with rules and regulations promulgated by the Commissioner.

The Act amends O.C.G.A. Sections 33-2-11 and 33-2-15 and enacts O.C.G.A. Sections 33-62-1 through 33-62-3.

Effective July 1, 2008, except that certain provisions become effective on January 1, 2010.

Act 537; SB 213

This Act provides that the Commissioner of Insurance is authorized to waive retaliatory obligations, prohibitions, or restrictions under certain circumstances and provides for exceptions.

The Act amends O.C.G.A. Section 33-3-26.

Effective July 1, 2008.

Act 760; SB 518

This Act provides that contracts, agreements, and instruments for the removal of dents, dings, or creases or the removal of small windshield chips or cracks without replacement of the entire windshield shall be considered property insurance.

The Act amends O.C.G.A. Section 33-7-6.

Effective July 1, 2008.

Act 801; SB 276

This Act limits coverages under uninsured motorist provisions to automobile and motor vehicle liability policies and excludes umbrella and excess liability policies. The Act changes the definition of "uninsured motor vehicle" to allow uninsured motorist coverage to be stacked with other available liability coverages and allows insureds to select more restrictive uninsured motorist coverages. The Act also changes standards applicable to making and use of rates and provides for prior approval for private passenger motor vehicle insurance providing only the mandatory minimum limits. The Act provides that rates for private passenger motor vehicle insurance other than mandatory limits shall be effective upon filing and shall be implemented without approval of the Commissioner.

The Act amends O.C.G.A. Sections 33-7-11, 33-9-4, and 33-9-21.

Effective January 1, 2009, except that certain provisions shall become effective October 1, 2008.

Act 721; HB 673

This Act provides that when an insurer pays benefits to a third party on behalf of the insured, the insurer shall provide notice to the third party that failure to use the proceeds in accordance with a security agreement of the third party and a lienholder may constitute a violation of Code Section 16-8-4, theft by conversion. The Act applies to all automobile liability or motor vehicle liability insurance policies that pay benefits to a third party after January 1, 2009.

The Act amends O.C.G.A. Section 33-7-11.1.

Effective July 1, 2008.

Act 541; SB 348

This Act provides that the imposition of any fees or taxes for service provided by counties or municipal corporations upon insurance companies is in contravention of public policy, with exceptions.

The Act amends O.C.G.A. Section 33-3-8.2.
Effective May 12, 2008.

Act 730; HB 1246

This Act changes certain provisions regarding state income tax credits for certain business enterprises by including broadcasting. Broadcasting is added to the state income tax credits for business enterprises in less developed areas, for qualified research expenses, for alternative tax credits for base year port traffic increases, for qualified business expansion expenses, and for leased motor vehicles. The Act further provides for state insurance premium tax credits for insurance companies in counties designated as less developed areas.

The Act amends O.C.G.A. Sections 48-7-40, 48-7-40.1, 48-7-40.12, 48-7-40.15, 48-7-40.21, and 48-7-40.22 and enacts O.C.G.A. Sections 33-8-4.1, and 33-8-4.2.

Effective May 14, 2008, and applies to taxable years beginning on or after January 1, 2008, except that the tax credits for insurance companies shall become effective on January 1, 2009.

Act 535; SB 347

This Act provides that software may be considered an admitted asset when determining the financial condition of insurance companies.

The Act amends O.C.G.A. Section 33-10-1.
Effective May 12, 2008.

Act 463; HB 977

This Act provides that insurers are exempt from state premium taxes paid by Georgia residents for high deductible health plans sold in connection with a health savings account. The Act provides for the "Georgia Affordable HSA Eligible High Deductible Health Plan" to establish flexible guidelines for health savings account eligible high deductible plan designs. The Act further provides that the Commissioner of Insurance shall adopt policies to promote, approve, and encourage health savings account eligible high deductible accounts and provides for exemptions from certain unfair trade practices for certain wellness and health promotion programs and others and provides for certain requirements of such plans. The Act also provides for health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses under certain circumstances. The Act provides for an income tax deduction for high deductible health plans established and used with a health savings account and provides for an income tax credit for certain employers who provide high deductible health plans established and used with a health savings account. The Act further provides for procedures, conditions, and limitations and provides for powers, duties, and authority of the state revenue commissioner with respect to the foregoing.

The Act amends O.C.G.A. Sections 33-8-4, 33-8-8.2, and 48-7-27 and enacts O.C.G.A. Sections 33-51-1 through 33-51-6 and 48-7-29.13.

Effective January 1, 2009, and applicable to all taxable years beginning January 1, 2009, except some provisions are effective on May 7, 2008. Some provisions shall expire on January 1, 2015, unless the General Assembly acts to extend these provisions.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary

moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 768; HB 1328

This Act eliminates the consumer choice option from the state health benefit plan. The Act amends O.C.G.A. Section 33-20A-9.1. Effective July 1, 2008.

Act 585; HB 1234

This Act enacts the "Medicaid Care Management Organizations Act" to provide that care management organizations that contract with the Department of Community Health to provide health care services for Medicaid and PeachCare for Kids recipients meet certain requirements. The Act provides for requirements relating to reimbursement for emergency health care services, for requirements relating to critical access hospitals, for coverage for newborn infants until discharged from the hospital, and for bundling of provider complaints and appeals. The Act further provides for binding arbitration and interest payments on denied claims which are reversed and requires care management organizations to maintain a website for the processing of claims and searching for health care providers. The Act provides for other provisions relating to the processing of claims and other requirements and prohibitions related to care management organizations and health care provider agreements. The Act provides that a dentist may request a hearing on a decision of a care management organization relative to the Medicaid program.

The Act enacts O.C.G.A. Sections 33-21A-1 through 33-21A-12 and amends O.C.G.A. Section 49-4-153.

Effective May 13, 2008.

Act 767; SB 113

This Act provides for the definition of "limited subagent" and changes provisions relating to licensing requirements and qualifications and liability and penalties for unauthorized acts to include limited subagents.

The Act amends O.C.G.A. Sections 33-23-1, 33-23-4, 33-23-5, 33-23-5.1, 33-23-8, 33-23-10, 33-23-12, 33-23-13, 33-23-18, 33-23-19, 33-23-20, 33-23-23, 33-23-25, 33-23-26, 33-23-28, 33-23-29, 33-23-34, 33-23-35, 33-23-38, and 33-23-41.

Effective July 1, 2008.

Act 462; SB 383

The Act provides for the "Georgia Affordable HSA Eligible High Deductible Health Plan" to establish flexible guidelines for health savings account eligible high deductible plan designs. The Act further provides that the Commissioner of Insurance shall adopt policies to promote, approve, and encourage health savings account eligible high deductible accounts and provides for exemptions from certain unfair trade practices for certain wellness and

health promotion programs, condition or disease management programs, health risk appraisal programs, and similar provisions in such plans. The Act provides for certain requirements of such plans. The Act also provides for health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses under certain circumstances.

The Act amends O.C.G.A. Chapter 33-51.
Effective May 7, 2008.

Act 771; SB 470

This Act provides that guaranteed asset protection waivers are not insurance and that those guaranteed asset protection waivers issued after the date of enactment of these provisions shall not be construed as insurance. The Act provides for the scope, purposes, definitions, requirements for offering, contractual liability or other insurance policies, disclosures, cancellation, and exempted commercial transactions related to guaranteed asset protection waivers.

The Act enacts O.C.G.A. Sections 33-62-1 through 33-62-9.

Effective July 1, 2008, and applies to all guaranteed asset protection waivers which shall become effective on or after January 1, 2009.

TITLE 34 -- LABOR AND INDUSTRIAL RELATIONS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 501; HB 1186

This Act amends provisions relating to payment of assessments by insurers and self-insurers into the Subsequent Injury Trust Fund. The Act provides that the administrator of the trust fund shall maintain a reserve of surplus funds and for the reimbursement of any remaining balance.

The Act amends O.C.G.A. Sections 34-9-358 and 34-9-368.
Effective July 1, 2008.

TITLE 35 -- LAW ENFORCEMENT OFFICERS AND AGENCIES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 426; HB 983

This Act provides for the arrest of offenders by out-of-state law enforcement officers pursuing suspects across state lines under specified limited conditions.

The Act enacts O.C.G.A. Section 35-1-15.
Effective May 6, 2008.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 570; SB 388

This Act provides the Georgia Bureau of Investigation with the authority to investigate certain offenses involving identity fraud and gives the bureau subpoena power under certain circumstances.

The Act amends O.C.G.A. Sections 16-9-123, 35-3-4, and 35-3-4.1.

Effective May 13, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.

Effective July 1, 2008.

Act 562; HB 1054

This Act enacts the "Children and Family Services Strengthening Act of 2008." The Act creates the Governor's Office for Children and Families to be the successor entity to the Children and Youth Coordinating Council and the Children's Trust Fund Commission and provides for an executive director and advisory board for such newly created office. The Act also places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocate for the Protection of Children.

The Act amends O.C.G.A. Sections 15-5-81, 15-11-79, 15-11-173, 19-14-1, 19-14-20, 19-14-23, 19-15-4, 35-6A-3, 49-5-155, 49-5-156, 49-5-224, and 49-5-227. The Act enacts O.C.G.A. Sections 49-5-130 through 49-5-135. The Act repeals O.C.G.A. Sections 19-14-2 through 19-14-9.

Effective July 1, 2008.

Act 446; SB 373

This Act provides for the emergency suspension of a peace officer's certification where such officer has been arrested or indicted for a crime which is punishable as a felony. The Act also modifies the statutory requirements for persons employed or certified as a peace officer by removing the interview requirement.

The Act amends O.C.G.A. Sections 35-8-7.1, 35-8-8, and 35-8-24.

Effective May 6, 2008.

Act 445; SB 202

This Act transfers the Mattie's Call alert system and the Kimberly's Call alert system, which are state-wide alert systems for missing disabled adults and unapprehended murder or rape suspects, from the jurisdiction of the Georgia Emergency Management Agency to the Georgia Bureau of Investigation.

The Act renumbers and transfers O.C.G.A. Sections 38-3-110 through 38-3-120 to O.C.G.A. Sections 35-3-170 through 35-3-190.

Effective July 1, 2008.

TITLE 36 -- LOCAL GOVERNMENT

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 398; HB 1176

This Act redesignates certain provisions relating to conservation and natural resources in Chapter 22 of Title 36 to Chapter 6A of Title 12 and extensively revises such provisions. The Act provides that land conservation projects by any nongovernmental entity shall be submitted by means of a co-application with the city or county having jurisdiction over the area in question, but that the city or county shall not be liable for any debt of the nongovernmental entity. The Act authorizes the Georgia Environmental Facilities Authority to incorporate one or more nonprofit corporations as subsidiary corporations of the authority and to exercise such powers and perform such functions of the authority, including but not limited to the making of grants and loans, the provision of educational and assistance services, and entering into agreements for the purposes of land conservation projects. The Act provides for the withholding of state funds from nongovernmental entities failing to collect and remit amounts when due to the authority.

The Act amends O.C.G.A. Sections 12-3-403, 12-6-5, 36-22-1 through 36-22-15, 50-23-4, 50-23-5, 50-23-6, and 50-23-20, and enacts O.C.G.A. Sections 12-6A-1 through 12-6A-12.

Effective July 1, 2008.

Act 759; SB 154

This Act provides that solid waste collection agreements between private collection companies and commercial clients shall not be invalidated or displaced by a government action. The Act also establishes additional requirements regarding the disposition of excess funds of special districts providing local government services that are divided into noncontiguous areas.

The Act amends O.C.G.A. Section 36-31-12 and enacts O.C.G.A. Section 36-80-22. Effective May 14, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The

Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 435; HB 1126

This Act provides that one director of a downtown development authority may reside outside the county provided that such director owns a business in the downtown development area.

The Act amends O.C.G.A. Section 36-42-7.
Effective July 1, 2008.

Act 424; HB 975

This Act provides that under certain circumstances it shall be unlawful for any county, municipal corporation, or other issuing authority to issue any backdated license, permit, or other authorizing document, including but not limited to any building permit, sign permit, occupation tax certificate, zoning action, subdivision of land, final plat, or other similar authorization.

The Act enacts O.C.G.A. Section 36-60-26.
Effective May 6, 2008.

Act 693; HB 1024

This Act provides that where a minimum recreation tax, maximum recreation tax, or both have been established by petition and referendum, such tax may thereafter be removed by action of the municipal or county governing body, subject to approval by the voters of the municipality or county.

The Act enacts O.C.G.A. Section 36-64-15.
Effective May 14, 2008.

Act 762; HB 1160

This Act provides for the severance of transferable development rights and for the recordation and registry of such rights.

The Act amends O.C.G.A. Sections 36-66A-1 and 36-66A-2.
Effective July 1, 2008.

Act 456; SB 482

This Act repeals provisions relating to the State Law Library and deletes references to the State Law Library and the state librarian.

The Act amends O.C.G.A. Sections 20-5-2, 36-80-19, 45-13-22, 50-5-58, and 50-18-31 and repeals O.C.G.A. Chapter 50-11.
Effective May 6, 2008.

TITLE 37 -- MENTAL HEALTH

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL

ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 418; HB 535

This Act repeals provisions relating to the state ombudsman and community ombudsmen for mental health, mental retardation, and substance abuse and creates the office of disability services ombudsman. The Act sets forth the duties of the ombudsman to include promoting the safety, well-being, and rights of recipients of disability services; establishing priorities, policies, and procedures for resolving complaints by recipients of disability services; and investigating complaints relating to the provision of disability services by public or private persons, corporations, or businesses which provide disability services under agreement or contract with the Division of Mental Health, Developmental Disabilities, and Addictive Diseases within the Department of Human Resources. The Act also provides for the appointment of the ombudsman by the Governor and provides for the appointment of a medical review group consisting of the ombudsman and four psychiatrists, which group shall review deaths of persons receiving disability services in state hospitals or state operated community residential services.

The Act enacts O.C.G.A. Sections 37-2-30 through 37-2-47 and 37-2-50.

Effective on July 1, 2008, or upon appropriated funding making specific reference to the part for which funds are appropriated, whichever shall first occur.

Act 454; SB 469

This Act revises the definition of "personal care home" so as to exclude host homes. The Act also provides for the Department of Human Resources through the Division of Mental Health, Developmental Disabilities, and Addictive Diseases to classify host homes for persons whose services are financially supported, in whole or in part, by funds authorized through the division and to provide guidelines for and oversight of host homes.

The Act amends O.C.G.A. Sections 31-7-12 and 37-1-20.

Effective on July 1, 2008.

TITLE 38 -- MILITARY, EMERGENCY MANAGEMENT, AND VETERANS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO AFFAIRS

Act 445; SB 202

This Act transfers the Mattie's Call alert system and the Kimberly's Call alert system, which are state-wide alert systems for missing disabled adults and unapprehended murder or rape suspects, from the jurisdiction of the Georgia Emergency Management Agency to the Georgia Bureau of Investigation.

The Act renumbers and transfers O.C.G.A. Sections 38-3-110 through 38-3-120 to O.C.G.A. Sections 35-3-170 through 35-3-190.

Effective July 1, 2008.

Act 556; HB 1201

This Act establishes the "Georgia Emergency Management Agency Nomenclature Act of 2008." The Act provides civil and criminal sanctions for persons who use the Georgia Emergency Management Agency's nomenclature without written permission of the director of GEMA.

The Act enacts O.C.G.A. Sections 38-3-140 through 38-3-148.

Effective May 12, 2008.

Act 560; SB 33

This Act authorizes the development and implementation of a state-wide first responder building mapping information system, containing maps of designated public buildings for use by first responders in emergencies. The mapping information system shall be created and administered by the Georgia Emergency Management Agency provided that funding is made available for such purposes.

The Act enacts O.C.G.A. Sections 38-3-140 through 38-3-143 and amends O.C.G.A. Section 50-18-72.

Effective May 12, 2008.

TITLE 39 -- MINORS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 715; SB 474

This Act provides that the Department of Education shall develop a model program for educating students regarding online safety while using the Internet. The Act further provides that Internet service providers shall make available to a subscriber a product or service that enables the subscriber to control a minor's use of the Internet, if such product or service is reasonably and commercially available for the technology used by the subscriber. The Act also allows monitoring of the e-mail and website viewing history of a probationer convicted of a sexual offense against a minor or other dangerous sexual offense.

The Act amends O.C.G.A. Sections 42-1-12 and 42-8-35 and enacts O.C.G.A. Sections 20-2-149 and 39-5-1 through 39-5-4.

Effective July 1, 2008, except that the provisions relating to the Sexual Offender Registry are effective on January 1, 2009.

TITLE 40 -- MOTOR VEHICLES AND TRAFFIC

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 711; HB 945

This Act authorizes access to motor vehicle registration records and motor vehicle certificate of title records to persons engaged in providing notification to owners of towed or impounded vehicles.

The Act amends O.C.G.A. Sections 40-2-130, 40-3-23, and 40-11-2.

Effective July 1, 2008.

Act 575; SB 181

This Act authorizes motor vehicle rental companies to include in a written rental agreement a separate charge for certain fees, including recoverable facility charges, fees, and taxes.

The Act enacts O.C.G.A. Section 40-2-167.

Effective May 13, 2008.

Act 459; SB 517

This Act provides for the issuance of special license plates for persons with disabilities to certain businesses for business vehicles used by disabled employees of such businesses.

The Act amends O.C.G.A. Section 40-2-74.

Effective July 1, 2008.

Act 422; HB 961

This Act modifies provisions relating to special parking permits and license plates for persons with disabilities so as to require information from certain licensed practitioners in support of an application for such a permit. The Act also modifies the required appearance of such permits.

The Act amends O.C.G.A. Section 40-2-74.1.

Effective July 1, 2008.

Act 524; SB 369

The Act provides that the Department of Revenue shall accept the affidavit of an active duty military physician in support of an application for a disabled parking permit.

The Act amends O.C.G.A. Section 40-2-74.1.

Effective July 1, 2008.

Act 725; HB 1220

This Act provides that a special vehicle license plate for firefighters may be issued for more than one motor vehicle and also permits the spouse of a deceased firefighter to continue to be eligible to be issued such a license plate. The Act also authorizes the sale of special license plates supporting the Georgia Sea Turtle Center with funds to be distributed through the Nongame Wildlife Conservation and Wildlife Habitat Acquisition Fund. The Act also modifies provisions relating to the issuance of special license plates endorsing support for our troops so as to provide that funds raised from the sale of such plates shall be disbursed to the Georgia National Guard Family Support Foundation, Incorporated.

The Act amends O.C.G.A. Sections 40-2-78 and 40-2-86.21.

Effective May 14, 2008.

Act 800; HB 963

This Act provides for a special license plate commemorating and supporting the sport of soccer and provides that a portion of the funds generated by the sale of such special license plate shall be disbursed to the Georgia State Soccer Association, Incorporated.

The Act amends O.C.G.A. Section 40-2-86.21.

Effective July 1, 2008.

Act 727; SB 437

This Act adds special license plates for persons with disabilities and certain veterans to the list of license plates exempt from having to have a space for a county name decal. The Act also provides that the state revenue commissioner shall be responsible for the administration of those provisions relating to the registration and licensing of motor vehicles. The Act also modifies provisions relating to annual fees for the operation of certain motor vehicles. The Act also provides for the registration, licensing, and issuance of certificates of title for assembled motor vehicles and motorcycles. The Act also shortens the time for a security interest holder in a motor vehicle to provide the necessary documents to the county tag agent. The Act also modifies the definition of "rebuilder" as used in the "Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act."

The Act amends O.C.G.A. Sections 40-2-9, 40-2-27, 40-2-151, 40-2-152, 40-3-51, and 43-47-2 and enacts O.C.G.A. Sections 40-2-11 and 40-3-30.1.

Effective January 1, 2009, as to those provisions relating to annual license fees for the operation of motor vehicles, effective July 1, 2009, as to those provisions relating to forwarding documentation to a tag agent, and effective May 14, 2008, as to the remaining provisions.

Act 434; HB 1111

This Act authorizes the release of driver information to certain agencies for the purpose of voter registration identification. The Act also makes clarifying modifications to provisions related to persons not to be licensed, minimum ages for driver's licenses, school attendance requirements, and driving training requirements. The Act also provides for testing fees for persons applying for a Class P commercial or noncommercial instruction permit and persons applying for a Class A or B commercial driver's license. The Act also provides for certified notice to persons whose driver's license is suspended pursuant to an order for failure of the licensed person to make child support payments. The Act also requires that notice of a license suspension for failure to appear or respond to a citation be sent by certified mail. The Act also authorizes persons driving with limited driving permits for certain offenses to be able to renew the permit and also authorizes the replacement for a lost or destroyed probationary driver's license. The Act also provides for certain conditions for the renewal and replacement of identification cards. The Act also requires the Department of Driver Services to obtain the driving record of commercial driver's license applicants and consider such information when considering whether to issue a commercial driver's license or commercial driver's instruction permit. The Act also modifies certain provisions relating to the content of a commercial driver's license, out-of-service orders, and the placement of lights, flags, or strobe lamps on projecting loads.

The Act amends O.C.G.A. Sections 40-5-2, 40-5-22, 40-5-25, 40-5-54.1, 40-5-56, 40-5-60, 40-5-64, 40-5-103, 40-5-147, 40-5-149, 40-5-150, 40-5-151, 40-5-159, 40-5-171, and 40-8-27.

Effective January 1, 2009; provided, however, that those provisions of the Act relating to sending notice of driver's license suspensions by certified mail shall be effective January 1, 2010.

Act 787; SB 350

This Act requires that a person convicted of driving without a license shall be fingerprinted. The Act provides further that the fourth or subsequent conviction for driving without a license within five years shall be a felony.

The Act amends O.C.G.A. Sections 40-5-2, 40-5-20, 40-5-121, and 42-4-14.
Effective July 1, 2008.

Act 545; SB 405

This Act repeals the "Georgia Anatomical Gift Act" and enacts the "Georgia Revised Uniform Anatomical Gift Act."

The Act amends O.C.G.A. Sections 16-12-160, 31-23-2, 31-32-4, 31-32-7, 31-32-8, and 40-5-6; repeals O.C.G.A. Section 31-23-6; and repeals and enacts Article 6 of O.C.G.A. Chapter 44-5.

Effective July 1, 2008.

Act 787; SB 488

This Act authorizes foreign nationals to keep their license and personal identification cards from their home country under specified circumstances. The Act also exempts nonresidents from having to obtain a Georgia license provided they satisfy certain requirements. The Act also requires verification of noncitizens' lawful presence in the United States prior to issuance of a temporary driver's license.

The Act amends O.C.G.A. Sections 40-5-20, 40-5-21, 40-5-21.1, 40-5-21.2, and 40-5-100.

Effective January 1, 2009.

Act 566; HB 969

This Act revises provisions which exclude nonresident students from obtaining a Georgia driver's license so as to exclude students enrolled during the immediately preceding

period of enrollment in a school in this state and also students who have paid for the immediately preceding period of enrollment. The Act also includes in the definition of "approved driver education training course" a home education program that satisfies certain requirements. The Act also clarifies that the coordination of state and local highway safety programs is excluded from certain surplus property requirements.

The Act amends O.C.G.A. Sections 40-5-21, 40-5-22, and 40-10-7.
Effective July 1, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.
Effective July 1, 2008.

Act 544; HB 336

This Act modifies provisions relating to clinical evaluations and substance abuse treatment programs for reinstatement, issuance, or restoration of a driver's license for persons convicted of driving under the influence. The Act also provides that a fourth offense for driving under the influence within ten years shall, upon conviction, be a felony offense.

The Act amends O.C.G.A. Sections 40-5-63.1 and 40-6-391.

Effective July 1, 2008, and applies to offenses occurring on or after that date and, for purposes of calculating the number of prior offenses, applies only to prior offenses occurring on or after that date.

Veto No. 9; HB 1027

This Act authorizes a court to permit individuals required to attend driver improvement programs for certain driving offenses to attend on-line courses approved by the Department of Driver Services. The Act also provides for criteria and the approval for such driver improvement programs to be administered by the DDS.

The Act amends O.C.G.A. Sections 40-5-81 and 40-5-83.

Act 437; HB 1235

This Act provides that a law enforcement agency that improperly has a fleet vehicle towed or impounded for failure to provide sufficient proof of insurance shall be liable for the fees related to the wrongful towing or impoundment of such vehicle.

The Act amends O.C.G.A. Section 40-6-10.

Effective July 1, 2008.

Act 799; HB 77

This Act requires a permit for the operation of traffic-control signal monitoring devices. The Act provides for the issuance, administration, and regulation of such permits to be conducted by the Department of Transportation. The Act also amends certain provisions related to the enforcement of penalties for traffic violations substantiated by evidence from traffic-control signal monitoring devices.

The Act amends O.C.G.A. Sections 40-6-20, 40-14-20 through 40-14-24 and enacts O.C.G.A. Sections 40-14-25 and 40-14-26.

Effective December 31, 2008.

Act 726; SB 55

This Act authorizes restaurant patrons to remove for off-premises consumption a resealed partially consumed bottle of wine that was purchased with a meal. The Act also provides that such a bottle removed from a restaurant shall not constitute an open alcoholic beverage container for purposes of the prohibition against possessing an open container of alcohol in the passenger area of a motor vehicle.

The Act amends O.C.G.A. Section 40-6-253 and enacts O.C.G.A. Section 3-6-4.
Effective July 1, 2008.

Act 793; SB 529

This Act clarifies that the offense of homicide by vehicle in the first degree and homicide by vessel in the first degree includes a person who causes the death of a person through the operation of a vehicle or vessel, respectively, where the person fails to stop and attempt to render assistance.

The Act amends O.C.G.A. Sections 40-6-270, 40-6-393, 40-6-393.1, 52-7-12.2, and 52-7-12.3.

Effective July 1, 2008, and applies to offenses committed on or after such date.

Veto No. 8; HB 978

This Act requires that a vehicle operated by an unlicensed driver in violation of Code Section 40-5-20 shall be impounded. The Act provides for exceptions to the impound requirement. The Act also extends the automatic repeal date of provisions relating to additional penalties for violations of traffic laws and ordinances.

The Act amends O.C.G.A. Sections 40-6-279 and 15-21-179.

TITLE 42 -- PENAL INSTITUTIONS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 582; SB 1

This Act repeals Code Section 42-1-15 and enacts a new Code Section 42-1-15, which provides restrictions on where sexual offenders and sexually dangerous predators may reside, work, volunteer, or loiter and also provides for restrictions on photographing a minor under certain circumstances. The Act changes the definition of the term "area where minors congregate" to include public libraries and adds the definition of the term "day-care center."

The Act amends O.C.G.A. Sections 42-1-12, enacts O.C.G.A. Section 42-1-15, and repeals O.C.G.A. Section 42-1-15.

Effective July 1, 2008.

Act 715; SB 474

This Act provides that the Department of Education shall develop a model program for educating students regarding online safety while using the Internet. The Act further provides that Internet service providers shall make available to a subscriber a product or service that enables the subscriber to control a minor's use of the Internet, if such product or service is reasonably and commercially available for the technology used by the subscriber. The Act also allows monitoring of the e-mail and website viewing history of a probationer convicted of a sexual offense against a minor or other dangerous sexual offense.

The Act amends O.C.G.A. Sections 42-1-12 and 42-8-35 and enacts O.C.G.A. Sections 20-2-149 and 39-5-1 through 39-5-4.

Effective July 1, 2008, except that the provisions relating to the Sexual Offender

Registry are effective on January 1, 2009.

Act 442; SB 130

This Act provides that the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards. The Act consolidates in the Georgia Building Authority the functions, duties, responsibilities, and obligations of the Georgia Building Authority (Markets), the Georgia Building Authority (Hospital), the Georgia Building Authority (Penal) and the Agency for Removal of Hazardous Materials.

The Act amends O.C.G.A. Section 50-8-18, enacts O.C.G.A. Section 50-9-17, and repeals Article 1 of O.C.G.A. Chapter 2-10, Article 2 of O.C.G.A. Chapter 31-7, O.C.G.A. Chapter 42-3, and Article 4 of O.C.G.A. Chapter 50-9.

Effective July 1, 2008, except for Section 4 of said Act, which becomes effective on July 1, 2010.

Act 787; SB 350

This Act requires that a person convicted of driving without a license shall be fingerprinted. The Act provides further that the fourth or subsequent conviction for driving without a license within five years shall be a felony.

The Act amends O.C.G.A. Sections 40-5-2, 40-5-20, 40-5-121, and 42-4-14.

Effective July 1, 2008.

Act 551; SB 366

This Act prohibits inmates from possessing a telecommunications device without prior consent of the warden, superintendent, or his or her designee. The Act also makes it unlawful for any person to provide or attempt to provide an inmate with such a device. The Act provides for penalties in the event an inmate possesses a telecommunication device, certain drugs, or gun, pistol, or other weapon or a person provides or attempts to provide an inmate with such a device, drug, or gun, pistol, or other weapon. The Act replaces the terms "metal knuckles" and "metal knucks" with "knuckles whether made from metal, thermoplastic, wood, or other similar material" where they appear in certain provisions relating to offenses against public order and unauthorized possession of a weapon by an inmate.

The Act amends O.C.G.A. Sections 16-11-34.1, 16-11-101, 16-11-126, 16-11-127.1, 42-5-18, 42-5-19, and 42-5-63.

Effective July 1, 2008.

Veto No. 10; HB 1116

This Act increases the minimum reimbursement paid to counties for housing state inmates and removes certain provisions relating to the housing of inmates in county facilities and their transport to and from these facilities. The Act modifies certain provisions relating to the "Probation Management Act of 2004" and repeals the Code section which provides that such Act shall be repealed in its entirety on June 30, 2008. The Act provides that the Department of Corrections shall only impose probation restrictions which are equal to, or less restrictive than, the sanction cap set by the sentencing judge. The Act also provides that a preliminary hearing is not required in certain instances if an administrative hearing will be held within 15 days of arrest. The Act requires that official forms for the recording of findings, imposition of sanctions, or waiver of a hearing be filed with the clerk of the superior court having jurisdiction over the defendant. The Act changes certain provisions relating to the finality of the hearing officer's decision. The Act also specifies that the "Probation Management Act of 2004" is only applicable in judicial circuits where the department has allocated certified hearing officers.

The Act amends O.C.G.A. Sections 42-5-50, 42-5-51, 42-8-153, 42-8-154, 42-8-155, 42-8-156, and 42-8-158 and repeals O.C.G.A. Section 42-8-160.

Act 448; SB 406

This Act increases penalties for reproducing, transferring, selling, distributing, or circulating certain recorded material and provides for forfeiture of certain items and additional restitution. The Act also repeals the "Uniform Act for Out-of-State Parolee Supervision."

The Act amends O.C.G.A. Section 16-8-60 and repeals Article 3 O.C.G.A. of Chapter 42-9.

Effective July 1, 2008.

Act 458; SB 502

This Act provides that a certified parole officer who leaves under honorable conditions after 20 or more years of service or who leaves due to a disability that prevents him or her from serving as a peace officer shall be entitled to retain his or her badge. The Act also provides that a certified officer killed in the line of duty shall be entitled to have his or her badge given to a surviving family member.

The Act amends O.C.G.A. Section 42-9-9.

Effective July 1, 2008.

TITLE 43 -- PROFESSIONS AND BUSINESSES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 775; HB 1055

This Act revises various provisions throughout Title 43, relating to professions and businesses. The Act provides that a designee of the division director of the professional licensing boards may sign and attest orders and processes. The Act increases regulatory protections for consumers of accounting services and changes the requirements for certification as a certified public accountant. The Act changes the registration requirements of firms of certified public accountants. The Act permits the use of certain titles relating to certified public accountants. The Act also changes requirements relating to applications for certification as a registered interior designer. The Act revises a definition relating to athletic trainers without expanding the scope of practice beyond the determination of an advising and consenting physician. The Act revises provisions relating to the inspector at auctions. The Act provides for service of documents and applications relating to geologists upon the division director of the professional licensing boards at his or her office. The Act revises provisions regulating private immigration assistance services. The Act repeals certain provisions relating to license by reciprocity and license by endorsement for massage therapists. The Act provides for certain education and training requirements for the issuance of physical therapist licenses. The Act establishes licensure by endorsement for physical therapists. The Act establishes the renewal period for expired licenses for veterinarians and veterinary technicians by the division director of the professional licensing boards.

The Act amends O.C.G.A. Sections 43-1-3, 43-3-2, 43-3-6, 43-3-21, 43-3-24, 43-3-28, 43-3-30, 43-3-31, 43-3-34, 43-3-35, 43-4-32, 43-5-1, 43-6-18.1, 43-19-7, 43-24A-12, 43-24A-13, 43-33-12, 43-33-15, and 43-50-40. The Act amends O.C.G.A. Chapter 43-20A.

Sections 2 through 10 of the Act are effective July 1, 2009. Sections 1 and 11 through 22 are effective July 1, 2008.

Act 503; HB 1222

This Act amends the "'Health Share' Volunteers in Medicine Act" to revise certain provisions relating to requirements for entering into contracts with health care providers.

The Act also requires that health care licensing boards issue special licenses under certain conditions and prohibits the issuance of such special license to a health care practitioner that is under sanctions or restrictions.

The Act amends O.C.G.A. Sections 31-8-192, 31-8-193, 43-1-28, 43-11-52, and 43-34-45.1.

Effective July 1, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.

Effective July 1, 2008.

Act 550; SB 363

This Act provides for and defines "advanced dental education programs." The Act also provides further qualifications for the issuance of a teacher's or instructor's license to a dentist.

The Act amends O.C.G.A. Sections 43-11-1, 43-11-20, and 43-11-42.

Effective July 1, 2008.

Act 744; HB 611

This Act provides for certain changes to the restrictions of Class I licenses for electrical contracting.

The Act amends O.C.G.A. Section 43-14-6.

Effective July 1, 2008.

Act 583; HB 1104

This Act provides that no paid solicitor in Georgia shall solicit contributions for a charitable purpose or on behalf of a charitable organization in or from this state unless such solicitor is registered and qualified for such means of solicitation by the Secretary of State. The Act provides that certain volunteer fire departments and rescue services are exempt from such requirements. The Act prohibits the making of any untrue or misleading written or oral statements to the Secretary of State by anyone registered as, or making application for registration as, a solicitor agent, paid solicitor, or charitable organization. The Act also changes certain provisions concerning the entry of certain orders.

The Act amends O.C.G.A. Sections 43-17-2, 43-17-3, 43-17-3.1, 43-17-5, 43-17-7, 43-17-8, 43-17-12, and 43-17-16.

Effective July 1, 2008.

Act 764; HB 1168

This Act provides for a comprehensive revision of the excise tax on rooms, lodgings, and accommodations. The Act also provides procedures for the imposition, collection, and expenditure of proceeds of the tax. The Act contains the powers, duties, and authority of county and municipal governments. The Act further provides for the duties of the state revenue commissioner and changes the membership of the Hotel Motel Tax Performance Review Board. The Act also includes a change in the procedure regarding notice of termination of occupancy by an innkeeper.

The Act amends O.C.G.A. Sections 43-21-3.1, 48-13-50.2, 48-13-51, 48-13-54, and 48-13-56.1.

Effective May 14, 2008, except for Sections 1 through 11, which shall be effective July 1, 2008.

Act 527; HB 1041

This Act removes obsolete language relating to graduate nurses. The Act also requires fingerprint record checks for persons applying for licensure as a registered professional nurse.

The Act amends O.C.G.A. Sections 43-26-6 and 43-26-7.
Effective July 1, 2008.

Act 412; HB 241

This Act specifies certain requirements for practical training and experience for persons applying for licensure as a dispensing optician. The Act also provides for credit for practical training experience already obtained by the applicant and provides for certain alternative means of obtaining the required education, training, and experience required for licensure.

The Act amends O.C.G.A. Section 43-29-7.
Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Veto No. 12; HB 1217

This Act creates the State Licensing Board of Home Inspectors and provides for its membership, appointment, filling of vacancies, terms of office, qualifications, powers and duties, staffing, and meetings. The Act provides for the licensing of home inspectors and for the qualifications and reciprocity under certain circumstances of such licensure. The Act provides for certain procedures regarding continuing education and the renewal of home inspector licenses. The Act also repeals Article 6 of O.C.G.A. Chapter 8-3, relating to documentation by home inspectors.

The Act enacts O.C.G.A. Chapter 43-39B. The Act repeals Article 6 of O.C.G.A.

Act 727; SB 437

This Act adds special license plates for persons with disabilities and certain veterans to the list of license plates exempt from having to have a space for a county name decal. The Act also provides that the state revenue commissioner shall be responsible for the administration of those provisions relating to the registration and licensing of motor vehicles. The Act also modifies provisions relating to annual fees for the operation of certain motor vehicles. The Act also provides for the registration, licensing, and issuance of certificates of title for assembled motor vehicles and motorcycles. The Act also shortens the time for a security interest holder in a motor vehicle to provide the necessary documents to the county tag agent. The Act also modifies the definition of "rebuilder" as used in the "Used Motor Vehicle Dealers' and Used Motor Vehicle Parts Dealers' Registration Act."

The Act amends O.C.G.A. Sections 40-2-9, 40-2-27, 40-2-151, 40-2-152, 40-3-51, and 43-47-2 and enacts O.C.G.A. Sections 40-2-11 and 40-3-30.1.

Effective January 1, 2009, as to those provisions relating to annual license fees for the operation of motor vehicles, effective July 1, 2009, as to those provisions relating to forwarding documentation to a tag agent, and effective May 14, 2008, as to the remaining provisions.

TITLE 44 -- PROPERTY

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 763; HB 1121

This Act changes provisions relating to insurance coverage for condominium associations and specifies certain insurance coverage.

The Act amends O.C.G.A. Section 44-3-107.

Effective July 1, 2008.

Act 776; HB 422

This Act provides for a minimum amount for liens in the "Georgia Condominium Act" and the "Georgia Property Owners' Association Act" and allows the recovery of attorney's fees in actions involving covenants running with the land.

The Act amends O.C.G.A. Sections 44-3-109, 44-3-232, and 44-5-60.

Effective July 1, 2008.

Act 438; HB 1283

This Act provides protections for the rights of ways of railroads, changes certain provisions related to property rights of railroads, and provides that issues arising as to the dimensions of property acquired by railroads be determined by reference to a certain map.

The Act changes provisions relating to the alienability of future interests. The Act revises the Evidence Code to presume that occupancy of a railroad right of way is with the permission of the railroad company or corporation, but that such presumption can be rebutted.

The Act amends O.C.G.A. Sections 44-5-40, 44-5-165, 44-5-166, 44-5-167, and 44-8-100 and enacts O.C.G.A. Section 24-4-23.2.

Effective July 1, 2008.

Act 545; SB 405

This Act repeals the "Georgia Anatomical Gift Act" and enacts the "Georgia Revised Uniform Anatomical Gift Act."

The Act amends O.C.G.A. Sections 16-12-160, 31-23-2, 31-32-4, 31-32-7, 31-32-8, and 40-5-6; repeals O.C.G.A. Section 31-23-6; and repeals and enacts Article 6 of O.C.G.A. Chapter 44-5.

Effective July 1, 2008.

Act 502; HB 1093

This Act changes provisions relating to liquidated damages when an indebtedness secured by any instrument is paid in full and cancellation is required to be transmitted to the grantor and provides for procedure related thereto.

The Act amends O.C.G.A. Section 44-14-3.

Effective May 12, 2008, and applies only to demands for liquidated damage made after the effective date.

Act 707; SB 355

This Act changes how disbursement of settlement funds is accomplished when funds are collected using certain methods.

The Act amends O.C.G.A. Section 44-14-13.

Effective July 1, 2008, and applies to loans closed on or after July 1, 2008.

Act 576; SB 531

This Act requires a foreclosure to be conducted by the current owner or holder of the mortgage as reflected by public records and provides for the identity of the secured creditor to be included in the advertisement and in court records. The Act changes the time frame and content of the secured creditor's notice to the debtor.

The Act amends O.C.G.A. Sections 44-14-162 and 44-14-162.2.

Effective May 13, 2008.

Act 755; HB 579

This Act provides for the assessment of certain rent charges on certain manufactured homes or mobile homes by real property owners, establishes a lien for such rent changes, and provides for certain notices and procedure.

The Act enacts Code Section 44-14-349.

Effective July 1, 2008.

Act 766; SB 374

This Act changes the time period for filing and enforcing materialmen's and mechanics' liens and provides for the computation of time periods. The Act provides for certain notices regarding waiver of a lien or claim upon bond and the form therefor, sets filing fees for such liens, provides how certain notices are mailed or delivered, and provides for a notice of contest of lien.

The Act amends O.C.G.A. Sections 44-14-360, 44-14-361.1, 44-14-361.5, 44-14-364,

44-14-366, and 44-14-367 and enacts O.C.G.A. Sections 44-14-368 and 44-14-369.
Effective March 31, 2009.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 423; HB 972

This Act enacts the "Uniform Prudent Management of Institutional Funds Act" to provide standards for charities to use in managing investments and spending from endowments and for the management of institutional funds.

The Act amends O.C.G.A. Chapter 44-15.
Effective July 1, 2008.

Act 794; HB 1132

This Act enacts the "Uniform Environmental Covenants Act" to provide for the contents of an environmental covenant and matters related to environmental covenants.

The Act enacts O.C.G.A. Chapter 44-16.
Effective July 1, 2008.

TITLE 45 -- PUBLIC OFFICERS AND EMPLOYEES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.
Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Veto No. 1; HB 119

This Act increases the annual salaries of Supreme Court Justices, Court of Appeals Judges, superior court judges, and district attorneys.
The Act amends O.C.G.A. Section 45-7-4.

Act 700; HB 1113

This Act prohibits any person from obtaining any personal gain or benefit through the use of purchase orders, government contracts, credit cards, charge cards, or debit cards. The Act provides for requirements for the use of state purchasing cards. The Act prohibits the obtaining of the costs of any personal travel for nongovernmental purposes through a fraudulent request of reimbursement. The Act provides for penalties.

The Act amends O.C.G.A. Sections 45-7-32 and 50-5-80 and enacts O.C.G.A. Section 50-5-83.

Effective July 1, 2008, except that provisions for promulgating rules and regulations, policies, procedures, and manuals are effective May 14, 2008.

Act 444; SB 175

This Act amends provisions relating to indemnification of state officers and employees to clarify the scope of a covered criminal action. The Act replaces "Department of Administrative Services" with "Office of Treasury and Fiscal Services" in several places. The Act provides for duties of the Department of Administrative Services relating to competitive bidding for state goods and services.

The Act amends O.C.G.A. Sections 45-9-1, 46-3-427, 46-3-436, 46-3-438, and 50-5-67.

Effective July 1, 2008.

Act 536; SB 254

This Act places the administration of the Georgia State Indemnification Fund under the Department of Administrative Services. The Act also expands indemnification eligibility so as to include part-time firefighters, firefighters with the Georgia Forestry Commission, emergency management rescue specialists, and members of the Georgia National Guard. Indemnification coverage is expanded to include injuries and deaths occurring during training. The Act excludes from coverage anyone acting while working for a private employer if the person is also eligible for workers' compensation from the private employer and also excludes coverage for injuries or deaths occurring while commuting to and from work and training. The Act includes coverage for partial permanent disabilities and excludes payments for injuries or deaths resulting from certain on-duty activities. The Act modifies the manner in which indemnification claims are paid and amends the composition of the State Indemnification Commission.

The Act amends O.C.G.A. Sections 45-9-81, 45-9-82, 45-9-83, 45-9-84, 45-9-84.1, 45-9-84.2, 45-9-84.3, 45-9-85, 45-9-86, 45-9-89, and 45-9-102 through 45-9-105. The Act renumbers O.C.G.A. Sections 45-9-88, 45-9-90, 45-9-91, 45-9-101, and 45-9-106. The Act repeals O.C.G.A. Sections 45-9-86.1, 45-9-86.2, 45-9-87, and 45-9-100.

Effective July 1, 2008, and applies to all incidents occurring on or after that date.

Act 450; SB 425

This Act authorizes the Department of Administrative Services to establish incentive programs for state agencies including differential premium rates and deductibles based on loss histories of state agencies, institutions, and authorities, and entities participation in loss control programs. The Act also authorizes DOAS to provide liability coverage to nonprofit agencies and their employees under contract with certain state agencies for the operation of state owned vehicles. The Act requires DOAS, in formulating the self-insurance program,

to establish a return to work program.

The Act amends O.C.G.A. Sections 45-9-4, 45-9-4.2, 50-5-12, 50-5-13, 50-5-16, 50-5-51, 50-16-9, 50-16-10, 50-16-11, and 50-21-33, and repeals Article 3 of O.C.G.A. Chapter 45-9.

Effective July 1, 2008.

Act 564; SB 396

This Act removes all functions of the commissioner of administrative services and the Department of Administrative Services relative to salary and travel expenses and transfers such functions for superior court judges and court reporters to The Council of Superior Court Judges of Georgia and for district attorneys to the Prosecuting Attorneys' Council of the State of Georgia. The Act also changes provisions relating to the functioning of the Prosecuting Attorneys' Council of the State of Georgia.

The Act amends O.C.G.A. Sections 15-5-60, 15-5-81, 15-6-29, 15-6-30, 15-6-31, 15-14-6, 15-18-14, 15-18-14.2, 15-18-19, 15-18-40, 15-18-41, 15-18-44, 16-11-130, 19-11-58, 19-11-59, 45-12-78, 45-18-14, and 50-5B-2; repeals O.C.G.A. Section 15-18-18; and enacts O.C.G.A. Section 15-18-47.

Effective July 1, 2008.

Veto Override No. 1; HB 529

This Act provides for the abolition of the Legislative Budget Office and for the establishment of the Senate Budget Office and the House Budget Office and the powers, duties, and responsibilities of those offices. The Act also repeals provisions regarding the Budgetary Responsibility and Oversight Committee.

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.

Effective January 28, 2008.

Act 456; SB 482

This Act repeals provisions relating to the State Law Library and deletes references to the State Law Library and the state librarian.

The Act amends O.C.G.A. Sections 20-5-2, 36-80-19, 45-13-22, 50-5-58, and 50-18-31 and repeals O.C.G.A. Chapter 50-11.

Effective May 6, 2008.

Act 557; SB 230

This Act clarifies and simplifies provisions relating to classified and nonclassified state employees so as to ensure that all state employees are treated fairly and in accordance with equal employment opportunity and nondiscrimination laws. The Act also authorizes the state merit system to establish state-wide criteria for the implementation of rules and policies adopted by the State Personnel Board. The Act changes the name of the Advisory Council for Personnel Administration to the Council for State Personnel Administration and modifies certain provisions related to the council. The Act establishes the Governor's Executive Leadership Institute for enhancing the capacity of supervisors, managers, and executives to lead state employees at the direct, organizational, and strategic levels.

The Act amends O.C.G.A. Sections 45-20-1, 45-20-2, 45-20-3, 45-20-4, 45-20-5, 45-20-6, 45-20-8, 45-20-9, 45-20-12, 45-20-15, 45-20-16, 45-20-19, 45-20-21, 45-20-91, 45-20-92, and 45-20-111. The Act repeals O.C.G.A. Sections 45-20-13, 45-20-14, and 45-20-17.

Effective May 12, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.

Effective July 1, 2008.

TITLE 46 -- PUBLIC UTILITIES AND PUBLIC TRANSPORTATION

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 444; SB 175

This Act amends provisions relating to indemnification of state officers and employees to clarify the scope of a covered criminal action. The Act replaces "Department of Administrative Services" with "Office of Treasury and Fiscal Services" in several places. The Act provides for duties of the Department of Administrative Services relating to competitive bidding for state goods and services.

The Act amends O.C.G.A. Sections 45-9-1, 46-3-427, 46-3-436, 46-3-438, and 50-5-67.

Effective July 1, 2008.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

Act 533; SB 379

This Act provides for the comprehensive revision of provisions relating to local government's authority to provide franchises. The Act modifies provisions relating to a telephone or telegraph company's authority to use eminent domain and the placement of posts. The Act also changes provisions regulating the construction of fixtures, posts, and wires near railroad tracks.

The Act amends O.C.G.A. Section 46-5-1.

Effective July 1, 2008.

Act 532; SB 384

This Act limits fees for the permitting of limousine carriers by airports. The Act provides that a chauffeur's permit and a certificate issued to the limousine carrier shall be adequate evidence of sufficient criminal background investigation. The Act deletes a provision authorizing cities and counties to enact ordinances requiring certain limousine carriers to pay business license fees.

The Act amends O.C.G.A. Section 46-7-85.11.

Effective July 1, 2008.

TITLE 47 -- RETIREMENT AND PENSIONS

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 414; HB 255

This Act expands the meaning of "public employment related crime" to include certain convictions in federal and state courts. The Act revises the effect of the commission of such offenses on a public retirement system. The Act provides for a hearing and appeal.

The Act amends O.C.G.A. Sections 47-1-20 and 47-1-22 and enacts O.C.G.A. Sections 47-1-22.2 and 47-1-25.

Effective July 1, 2008.

Act 558; SB 434

This Act changes the designation of the "Department of Adult and Technical Education" to the "Technical College System of Georgia" throughout Title 47.

The Act amends O.C.G.A. 47-2-1, 47-3-1, 47-3-60, 47-3-63, 47-4-2, and 47-4-40.

Effective July 1, 2008.

Veto No. 2; HB 373

This Act provides that retired former employees of the Uniform Division of the Department of Public Safety may return to work on a full-time basis after one year and continue to receive a full retirement benefit. The Act provides conditions. The Act provides that a member of the Employees' Retirement System of Georgia who was formerly a member of the Georgia Judicial Retirement System or the District Attorney's Retirement System may, under certain conditions, receive creditable service for such prior service.

The Act amends O.C.G.A. Section 47-2-223 and enacts O.C.G.A. Section 47-2-101.

Act 757; SB 328

This Act enacts the "Georgia State Employees' Pension and Savings Plan." The Act establishes a new retirement plan for state employees first or again employed on or after January 1, 2009, consisting of a defined benefit component having a benefit formula of 1 percent and a defined contribution component having a potential employer match of 3 percent. The Act provides that moneys paid into a fund for survivors' benefits may not be expended for any other purpose. The Act provides that certain members of the Georgia Judicial Retirement System may obtain creditable service for certain prior service under certain conditions.

The Act enacts Article 10 of O.C.G.A. Chapter 47-2 and O.C.G.A. Section 47-23-65 and amends O.C.G.A. Section 47-19-10.

Effective July 1, 2008.

Act 500; HB 815

This Act changes the definition of persons who are authorized to opt between the Teachers Retirement System of Georgia and the Regents Retirement Plan. The Act provides that the amount of employer matching funds in the Regents Retirement Plan shall be determined by the Board of Regents of the University System of Georgia.

The Act amends O.C.G.A. Sections 47-3-68 and 47-21-4.

Effective July 1, 2008.

Act 420; HB 656

This Act provides that a retired member of the Teachers Retirement System of Georgia who elected a survivor's benefit for a spouse and another may, upon divorce, revoke such election and reallocate the survivor's benefit to the other beneficiaries. The Act provides for a recalculation of benefits.

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

Effective July 1, 2008.

Act 770; SB 327

This Act provides that a member of the Teachers Retirement System of Georgia may return to full-time employment in certain positions after one year and continue to receive a full retirement allowance. The Act provides certain procedural requirements for retirement bills requiring a public retirement system to divest or refrain from investing in specific investments.

The Act amends O.C.G.A. Sections 47-3-127.1, 47-20-30, and 47-20-34.

Effective July 1, 2008.

Act 687; SB 460

This Act amends various provisions relating to the payment of membership dues and other funds into the Superior Court Clerks' Retirement Fund of Georgia. The Act establishes a penalty. The Act authorizes the board of trustees of such retirement fund to provide for a survivor's benefit for the spouse of a member who has vested for a benefit but who dies before attaining the age of 55.

The Act amends O.C.G.A. Sections 47-14-40, 47-14-50, 47-14-51, and 47-14-72.

Effective July 1, 2008.

Act 417; HB 358

This Act increases the amount of a death benefit under the Sheriffs' Retirement Fund of Georgia. The Act amends O.C.G.A. 47-16-102.

Effective July 1, 2008.

Act 421; HB 732

This Act provides that certain persons employed by the Composite State Board of Medical Examiners shall be eligible for membership in the Peace Officers' Annuity and Benefit Fund.

The Act amends O.C.G.A. Section 47-17-1.

Effective July 1, 2008.

Act 761; SB 451

This Act enacts the "Protecting Georgia's Investments Act." The Act prohibits public retirement systems from investing or retaining investments in companies which do business with the Islamic Republic of Iran.

The Act enacts O.C.G.A. Section 47-20-83.1

Effective July 1, 2008, and repealed July 1, 2015.

TITLE 48 -- REVENUE AND TAXATION

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 391; HB 926

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

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

Effective April 9, 2008, and applies to all taxable years beginning on or after January 1, 2008, except that Section 2 shall be applicable to all taxable years beginning after December 31, 2006, but before January 1, 2008.

Act 464; HB 1211

This Act provides for a special assessment of forest land conservation use property. The Act further provides for definitions regarding ad valorem taxation, valuation tables, and the powers and duties of county tax commissioners and the state revenue commissioner. The Act also provides for local assistance grants.

The Act amends O.C.G.A. Section 48-5-2 and enacts O.C.G.A. Sections 48-5-7.7, 48-5-271, and 48-5A-1 through 48-5A-4.

Effective January 1, 2009, and applies to all taxable years beginning on or after January 1, 2009; provided, however, that the Act shall only become effective upon the ratification at the November, 2008, state-wide election of a resolution which amends the Constitution to provide for the special assessment and taxation of forest land conservation use property.

Act 784; HB 1081

This Act changes certain provisions regarding qualifications for bona fide conservation use property and bona fide conservation use property which is subject to restrictive covenants. The Act also provides procedures regarding breaches of covenants and changes certain provisions regarding the payment of interest in taxpayer appeals.

The Act amends O.C.G.A. Sections 48-5-7.4 and 48-5-311.

Effective May 14, 2008.

Act 443; SB 159

This Act changes the due date for filing applications for homestead exemptions.

The Act amends O.C.G.A. Section 48-5-45.

Effective July 1, 2008.

Act 753; HB 1046

This Act extends the exemption from taxation of watercraft held in inventory for a limited period of time.

The Act amends O.C.G.A. Section 48-5-504.40.
Effective January 1, 2009.

Act 427; HB 1014

This Act revises and changes certain provisions regarding the Georgia Higher Education Savings Plan. The Act changes the definition of the term "program" to include qualified tuition programs under Section 529 of the Internal Revenue Code. The Act provides that the board of directors of the plan may adopt and use marketing names, brands, logos, or other representations of the program for marketing the program within the state. The Act changes provisions regarding state income tax adjustments for contributions to or withdrawals from certain college savings programs and regarding taxation of nonresidents' entire net income.

The Act amends O.C.G.A. Sections 20-3-631 through 20-3-634, 48-7-1, 48-7-27, and 48-7-30.

Effective May 6, 2008, with Sections 8 and 9 of the Act applicable to all taxable years beginning on or after January 1, 2008.

Act 746; HB 1151

This Act changes certain provisions regarding raffle operations by nonprofit, tax-exempt organizations and changes certain definitions and licensing procedures for bingo. The Act also modernizes certain provisions regarding state income tax by revising provisions relative to adjustment of taxable income with respect to income from federal and other obligations. The Act further provides for organizations exempt from state income tax, consent agreements, and the proof needed to substantiate the tax credit for private driver education courses. The Act also revises provisions regarding electronic filing requirements, lump sum distributions, distributions to nonresident members of partnerships, Subchapter "S" corporations, and limited liability companies.

The Act amends O.C.G.A. Sections 16-12-22.1, 16-12-51, 16-12-53, 48-7-21, 48-7-25, 48-7-27, 48-7-29.5, 48-7-54, 48-7-100, 48-7-101, and 48-7-129.

Effective May 14, 2008, and applies to all taxable years beginning on or after January 1, 2008.

Veto No. 14; SB 196

This Act provides scholarships to Georgia residents 25 years of age or younger whose parent was a legal resident of Georgia at the time he or she sustained qualified combat related injuries or death and who is enrolled as a student in a University System of Georgia or Department of Technical and Adult Education institution or an accredited private institution of higher learning approved by the Southern Association of Colleges and Schools, provided the tuition does not exceed that of an approved school which is a unit of the University System of Georgia or the Department of Technical and Adult Education. The Act also provides an exemption for a limited period of time with respect to certain gifts, grants, funds, scholarships, or other compensation as a result of death caused by a criminal act.

The Act amends O.C.G.A. Section 48-7-27 and enacts O.C.G.A. Sections 20-3-495 through 20-3-497.

Act 463; HB 977

This Act provides that insurers are exempt from state premium taxes paid by Georgia residents for high deductible health plans sold in connection with a health savings account. The Act provides for the "Georgia Affordable HSA Eligible High Deductible Health Plan" to establish flexible guidelines for health savings account eligible high deductible plan designs. The Act further provides that the Commissioner of Insurance shall adopt policies to promote, approve, and encourage health savings account eligible high deductible accounts and provides for exemptions from certain unfair trade practices for certain wellness and

health promotion programs and others and provides for certain requirements of such plans. The Act also provides for health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses under certain circumstances. The Act provides for an income tax deduction for high deductible health plans established and used with a health savings account and provides for an income tax credit for certain employers who provide high deductible health plans established and used with a health savings account. The Act further provides for procedures, conditions, and limitations and provides for powers, duties, and authority of the state revenue commissioner with respect to the foregoing.

The Act amends O.C.G.A. Sections 33-8-4, 33-8-8.2, and 48-7-27 and enacts O.C.G.A. Sections 33-51-1 through 33-51-6 and 48-7-29.13.

Effective January 1, 2009, and applicable to all taxable years beginning January 1, 2009, except some provisions are effective on May 7, 2008. Some provisions shall expire on January 1, 2015, unless the General Assembly acts to extend these provisions.

Act 773; HB 1133

This Act provides for a program of educational improvement and for student scholarship organizations. The Act specifies that each student scholarship organization must obligate 90 percent of its annual revenue for scholarships or tuition grants and maintain separate accounts for scholarship funds and operating funds. The Act requires that each student scholarship organization conduct an audit of its accounts and provide such audit to the Department of Revenue. The Act also provides for an income tax credit with respect to qualified education expenses and provides for an income tax exclusion with respect to certain scholarship amounts.

The Act enacts O.C.G.A. Sections 20-2A-1 through 20-2A-6 and 48-7-29.13.

Effective May 14, 2008, and applicable to all taxable years beginning on or after January 1, 2008.

Act 797; HB 851

This Act increases the amount of income tax credits for the certified rehabilitation of historic structures.

The Act amends O.C.G.A. Section 48-7-29.8.

Effective January 1, 2009, and applies to all taxable years beginning on or after that date.

Act 399; HB 1274

This Act changes certain provisions relating to state income tax credits for donations of real property for conservation purposes and carryover of credits.

The Act amends O.C.G.A. Section 48-7-29.12.

Effective April 24, 2008, and applies to taxable years beginning on or after January 1, 2008.

Act 728; HB 670

This Act provides for income tax credits for wood residuals diverted or transported to renewable biomass qualified facilities for a limited period of time and for clean energy property for a limited period of time.

The Act enacts O.C.G.A. Section 48-7-29.13.

Effective July 1, 2008.

Act 751; HB 1159

This Act provides for an income tax credit with respect to adoption of a qualified foster child.

The Act enacts O.C.G.A. Section 48-7-29.13.
Effective May 14, 2008, and applies to all taxable years beginning on or after January 1, 2008.

Act 730; HB 1246

This Act changes certain provisions regarding state income tax credits for certain business enterprises by including broadcasting. Broadcasting is added to the state income tax credits for business enterprises in less developed areas, for qualified research expenses, for alternative tax credits for base year port traffic increases, for qualified business expansion expenses, and for leased motor vehicles. The Act further provides for state insurance premium tax credits for insurance companies in counties designated as less developed areas.

The Act amends O.C.G.A. Sections 48-7-40, 48-7-40.1, 48-7-40.12, 48-7-40.15, 48-7-40.21, and 48-7-40.22 and enacts O.C.G.A. Sections 33-8-4.1, and 33-8-4.2.

Effective May 14, 2008, and applies to taxable years beginning on or after January 1, 2008, except that the tax credits for insurance companies shall become effective on January 1, 2009.

Act 786; HB 1273

This Act, for purposes of state income tax credits for businesses creating new jobs in less developed areas, changes the criteria of what constitutes a less developed area and the number of new jobs created as a criterion of eligibility for credits.

The Act amends O.C.G.A. Section 48-7-40.1.

Effective May 14, 2008, and applies to taxable years beginning on or after January 1, 2008.

Act 472; SB 435

This Act renames the Department of Technical and Adult Education and establishes the Technical College System of Georgia.

The Act amends O.C.G.A. Sections 3-8-6, 12-11-10, 20-2-161.2, 20-2-270, 20-2-320, 20-3-39, 20-3-85, 20-3-485, 20-3-519, 20-3-519.2, 20-3-519.3, 20-3-519.5, 20-3-519.6, 20-3-561, 20-4-11, 20-4-14, 20-4-16, 20-4-17, 20-4-18, 20-4-21, 20-4-22, 20-4-25, 20-4-26 through 20-4-34, 20-4-36, 20-4-42, 20-4-45, 20-14-8, 20-14-27, 20-14-50, 20-16-3, 35-5-6, 40-5-22, 43-7-3, 43-7-11, 43-7-13, 43-10-1, 43-10-9, 43-10-10, 43-10-20, 43-10A-7, 43-26-34, 43-26-55, 45-20-2, 48-7-40.5, 48-7-41, 50-13-2, 50-16-38, 50-25-14, and 50-27-3.

Effective July 1, 2008.

Act 469; HB 1100

This Act revises the income tax credit with respect to qualified film, video, or digital productions. The Act also defines the duties and authority of the state revenue commissioner in administering these income tax credits.

The Act amends O.C.G.A. Section 48-7-40.26.

Effective May 12, 2008, and applies to all taxable years beginning on or after January 1, 2008.

Veto No. 13; HB 1249

This Act provides for income tax credits for the creation of certain solar energy technology manufacturing jobs, qualified solar energy expenditures, and qualified solar energy research expenses.

The Act enacts O.C.G.A. Section 48-7-40.27.

Act 750; HB 1196

This Act provides for a state income tax credit for a qualified investment in a research fund, the purpose of which is to provide early-stage financing for businesses formed as a result of the intellectual property resulting from the research conducted in the research universities in this state. The Act also provides that funds invested by the state from the Seed-Capital Fund, with certain restrictions, may include funds from sources other than the investment entity.

The Act enacts O.C.G.A. Sections 48-7-40.27 and 48-7-40.28 and amends O.C.G.A. Section 10-10-4.

Effective May 14, 2008, and applies to investments made on or after July 1, 2008.

Act 790; HB 237

This Act changes certain provisions regarding exemptions with respect to sale of certain manufacturing machinery or equipment, certain primary handling equipment, certain aircraft machinery or equipment, certain parts, machinery clothing, molds, dies, or tooling, and certain air or water pollution eliminating machinery and equipment.

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

Effective January 1, 2009, except that tax, penalty, and interest liabilities and refund eligibility under paragraph (34.3) of O.C.G.A. Section 48-8-3, as amended by the Act, for any period prior to January 1, 2009, shall not be affected by the passage of the Act.

Act 791; HB 272

This Act provides for a partial 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, petroleum coke, and coal used directly or indirectly in the manufacture or processing, in a manufacturing plant located in this state, of tangible personal property primarily for resale, and the fuel cost recovery component of retail electrical rates used directly or indirectly in the manufacture or processing of tangible personal property primarily for resale.

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

Effective July 1, 2008.

Act 473; HB 948

This Act provides for an exemption from state sales and use tax with respect to the sale of certain school supplies, clothing, footwear, computers, and computer related accessories for a limited period of time. The Act further provides for an exemption from state sales and use tax with respect to sales of certain energy efficient products for a limited period of time. The Act allows for a deduction for private label credit card bad debts on a return filed by a member of an affiliated group as defined under 26 U.S.C. Section 1504.

The Act amends O.C.G.A. Sections 48-8-3 and 48-8-45.

Effective May 12, 2008, except for Section 3, relating to the bad debt deduction, which is effective on July 1, 2008.

Act 692; HB 957

This Act provides for an exemption from state sales and use tax for a limited period of time for the sale or use of tangible personal property to certain nonprofit health centers and nonprofit volunteer health clinics. The Act also extends the sunset or termination date of the exemption for certain nonprofit job training organizations.

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

Effective July 1, 2008.

Act 783; HB 1023

This Act extends the sunset or termination date of the exemption from the state sales and use tax with respect to the sale or use by a government contractor of overhead materials for an additional period of time.

The Act amends O.C.G.A. Section 48-8-3.
Effective May 14, 2008.

Act 698; HB 1078

This Act changes the provisions regarding the exemptions from state sales and use taxes for durable medical equipment or prosthetic devices.

The Act amends O.C.G.A. Section 48-8-3.
Effective July 1, 2008.

Act 785; HB 1110

This Act extends for a limited period of time the exemption from state sales and use tax with respect to certain sales of eligible food and beverages to a qualified food bank.

The Act amends O.C.G.A. Section 48-8-3.
Effective July 1, 2008.

Act 468; HB 1178

This Act provides for an exemption for a limited period of time from state sales and use tax on the sale or use of liquefied petroleum gas or other fuel used for swine raising purposes.

The Act amends O.C.G.A. Section 48-8-3.
Effective July 1, 2008.

Act 578; SB 342

This Act changes certain provision relating to the powers and duties of the State Soil and Water Conservation Commission. The Act authorizes the Soil and Water Conservation Commission to receive grants to fund a certain percentage of the cost of obtaining permits for dam improvements and new public water supply reservoirs.

The Act changes certain provisions relating to additional powers and duties of the State Soil and Water Conservation Commission. The Act also changes certain provisions relating to the powers of the Environmental Protection Division with respect to federal acts and receipt and expenditure of federal and state appropriations. The Act provides for the issuance of permits, certifications, and other documents relating to the construction of new public water supply certifications, and other documents relating to construction of new public water supply reservoirs by local government entities.

The Act makes extensive changes to the "Georgia Water Supply Act." The Act changes certain provisions relative to water conservation plans; permits for withdrawal, diversion, or impoundment of surface waters generally and for farm use; and permits for the withdrawal, obtaining, or use of ground water.

The Act provides for an additional sales and use tax exemption for the purchase of water efficient products with a sales price of \$1,500.00 or less purchased for noncommercial home or personal use and extends the tax exemption period for the purchase of energy efficient products from October 2, 2008 until October 5, 2008.

The Act changes certain provisions relating to the purpose, powers, and duties of the Georgia Environmental Facilities Authority. The Act also changes certain provisions relating to review of contracts and agreements by the Environmental Protection Division or the Georgia Land Conservation Council. The Act creates a Water Supply Division within the Georgia Environmental Facilities Authority to acquire, design, construct, equip, maintain, expand, and improve reservoirs in the state. The Act establishes the Georgia Reservoir Fund.

The Act amends O.C.G.A. Sections 2-6-27, 12-5-4, 12-5-31, 12-5-32, 12-5-96, 12-5-470 through 12-5-482, 48-8-3, 50-23-4, 50-23-5, 50-23-9, and 50-23-19. The Act enacts O.C.G.A. Sections 12-5-470.1, 12-5-472.1, 12-5-476.1, 12-5-483, 12-5-484, and 50-23-25 through 50-23-29.

Effective July 1, 2008, except as the effective date (May 13, 2008) and applicability are specifically provided in the Act.

Act 431; HB 1065

This Act authorizes a county or independent board of education to include local charter schools, state chartered special schools, or both, as capital outlay projects in projects specified in the ballot language for a proposed sales tax for educational purposes.

The Act enacts O.C.G.A. Section 48-8-144.

Effective May 6, 2008.

Act 743; HB 1035

This Act provides for a 1 percent sales tax to be used to fund transportation purposes in regional commission areas. The Act further provides for the development of a list of transportation purposes to be funded by the sales tax. The Act also allows county governing authorities to opt out of the plan. The Act contains a phase in of the existing motor fuels tax to be dedicated to transportation purposes and extends the exemption from the motor fuel tax for public transit vehicles.

The Act enacts O.C.G.A. Sections 48-8-220 and 48-8-221 and amends O.C.G.A. Section 48-9-3.

Effective on January 1, 2009, with regards to the 1 percent sales tax to fund transportation purposes, contingent on the passage of a constitutional amendment at the November, 2008, state-wide general election which authorizes additional funding for transportation purposes. Note that the constitutional amendment to authorize the transportation funding in the Act did not pass, therefore the Act as it relates to transportation funding is repealed effective January 1, 2009. The extension of the exemption for public transit vehicles from motor fuel taxes is effective July 1, 2008.

Veto No. 11; HB 1129

This Act, the "Georgia Tourism Development Act," creates a program of tax refunds for companies creating and expanding certain tourism attractions. The Act provides for conditions of eligibility and approval by the commissioner of economic development and the commissioner of revenue, as well as the governing authorities of counties and municipalities.

The Act enacts O.C.G.A. Sections 48-8-240 through 48-8-245.

Act 764; HB 1168

This Act provides for a comprehensive revision of the excise tax on rooms, lodgings, and accommodations. The Act also provides procedures for the imposition, collection, and expenditure of proceeds of the tax. The Act contains the powers, duties, and authority of county and municipal governments. The Act further provides for the duties of the state revenue commissioner and changes the membership of the Hotel Motel Tax Performance Review Board. The Act also includes a change in the procedure regarding notice of termination of occupancy by an innkeeper.

The Act amends O.C.G.A. Sections 43-21-3.1, 48-13-50.2, 48-13-51, 48-13-54, and 48-13-56.1.

Effective May 14, 2008, except for Sections 1 through 11, which shall be effective July 1, 2008.

Act 732; HB 302

This Act changes certain provisions relating to the excise tax on rooms, lodging, or accommodations, by allowing counties and municipalities containing an international horse park which was used in the Olympic Games to levy the tax at a rate of 8 percent.

The Act amends O.C.G.A. Section 48-13-51.

Effective May 14, 2008.

TITLE 49 -- SOCIAL SERVICES

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 781; HB 984

This Act defines children's transition care center as a temporary care facility for children dependent on life-sustaining treatments which center facilitates the transition from a hospital to a permanent residence. The Act also establishes requirements related to the activities of such centers.

The Act amends O.C.G.A. Sections 49-2-14.1, 49-5-3, and 49-5-12.

Effective July 1, 2008.

Act 498; HB 715

This Act removes certain registration requirements for applicants for the position of county director of a family and children services board appointed by the commissioner of human resources.

The Act amends O.C.G.A. Section 49-3-3.

Effective July 1, 2008.

Act 695; SB 507

This Act places restrictions on the Department of Community Health, its utilization vendors, and its care management organizations so as to prevent unreasonable denials or delays in medically necessary services to children with disabilities under the Medicaid Early Periodic Screening, Diagnostic, and Treatment Program and categorically needy and medically fragile children.

The Act enacts O.C.G.A. Sections 49-4-169, 49-4-169.1, 49-4-169.2, and 49-4-169.3.

Effective May 14, 2008.

Act 562; HB 1054

This Act enacts the "Children and Family Services Strengthening Act of 2008." The Act creates the Governor's Office for Children and Families to be the successor entity to the Children and Youth Coordinating Council and the Children's Trust Fund Commission and provides for an executive director and advisory board for such newly created office. The Act also places the functions of the Georgia Child Fatality Review Panel under the supervision of the Child Advocate for the Protection of Children.

The Act amends O.C.G.A. Sections 15-5-81, 15-11-79, 15-11-173, 19-14-1, 19-14-20, 19-14-23, 19-15-4, 35-6A-3, 49-5-155, 49-5-156, 49-5-224, and 49-5-227. The Act enacts O.C.G.A. Sections 49-5-130 through 49-5-135. The Act repeals O.C.G.A. Sections 19-14-2 through 19-14-9.

Effective July 1, 2008.

Act 523; SB 341

This Act requires the Council on Aging to provide a written report entitled "Project 2020: Georgia for a Lifetime" to the Governor, the President of the Senate, and the Speaker

of the House of Representatives no later than December 15, 2010, which report shall include research, identification, evaluation, and recommendations on state policies and practices regarding older adults, state agency readiness for the expanding aging population, and related issues.

The Act enacts O.C.G.A. Section 49-6-21.1.

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

Act 553; HB 1044

This Act modifies definitions relating to licensure of adult day centers so as to exclude respite care services programs from adult day centers for purposes of licensure requirements.

The Act amends O.C.G.A. Section 49-6-82.

Effective July 1, 2008.

TITLE 50 -- STATE GOVERNMENT

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 384; HB 989

This Act amends the 2007-2008 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2007-2008.

Effective March 21, 2008.

Act 705; HB 990

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2008-2009.

Effective May 14, 2008.

Act 456; SB 482

This Act repeals provisions relating to the State Law Library and deletes references to the State Law Library and the state librarian.

The Act amends O.C.G.A. Sections 20-5-2, 36-80-19, 45-13-22, 50-5-58, and 50-18-31 and repeals O.C.G.A. Chapter 50-11.

Effective May 6, 2008.

Act 444; SB 175

This Act amends provisions relating to indemnification of state officers and employees to clarify the scope of a covered criminal action. The Act replaces "Department of Administrative Services" with "Office of Treasury and Fiscal Services" in several places. The Act provides for duties of the Department of Administrative Services relating to competitive bidding for state goods and services.

The Act amends O.C.G.A. Sections 45-9-1, 46-3-427, 46-3-436, 46-3-438, and 50-5-67.

Effective July 1, 2008.

Act 700; HB 1113

This Act prohibits any person from obtaining any personal gain or benefit through the use of purchase orders, government contracts, credit cards, charge cards, or debit cards. The Act provides for requirements for the use of state purchasing cards. The Act prohibits the obtaining of the costs of any personal travel for nongovernmental purposes through a fraudulent request of reimbursement. The Act provides for penalties.

The Act amends O.C.G.A. Sections 45-7-32 and 50-5-80 and enacts O.C.G.A. Section 50-5-83.

Effective July 1, 2008, except that provisions for promulgating rules and regulations, policies, procedures, and manuals are effective May 14, 2008.

Act 758; SB 344

This Act abolishes the following boards and commissions which have become obsolete: the Pacific White Shrimp Aquaculture Development Advisory Council, the Georgia Tobacco Advisory Board, the Kinchafoonee Lake Authority, the Power Alley Development Authority, the State Waste-water Privatization Oversight Committee, the Coordinating Committee for Exceptional Individuals, the Education Information Steering Committee, the Center for Trade and Technology Transfer, the Natural Gas Consumer Education Advisory Board, the Distance Learning and Telemedicine Network Governing Board, the Georgia Institute for Community Business Development, and the Georgia Environmental Training and Education Authority.

The Act amends O.C.G.A. Sections 2-15-3, 10-4-110, 12-3-360 through 12-3-378, 12-3-680 through 12-3-708, 12-5-23.3, 20-2-301, 20-2-320, 20-3-84, 46-4-160.4, and repeals O.C.G.A. Sections 50-5-160 through 50-5-202, 50-30-1 through 50-30-6, and 50-35-1 through 50-35-13.

Effective May 14, 2008.

Act 548; SB 300

This Act enacts the "Transparency in Government Act" to require the Department of Audits and Accounts to maintain a searchable website providing public access to financial data relating to state government. The Act provides for the audit of books and records of state departments, agencies, and authorities.

The Act amends O.C.G.A. Sections 50-6-4, 50-6-7, 50-6-24, 50-6-25, 50-6-27, and 50-6-30 and enacts O.C.G.A. Section 50-6-32.

Effective July 1, 2008.

Act 467; HB 1088

This Act designates "agricultural tourist attractions." The Act provides for duties of the Department of Agriculture in relation to agricultural tourist attractions. The Act provides for directional signage to such attractions.

The Act amends O.C.G.A. Section 32-6-76 and enacts Article 6 of O.C.G.A. Chapter 50-7.

Effective July 1, 2008.

Act 475; SB 359

This Act provides for the creation of a "Made in Georgia" program to promote goods and products manufactured in Georgia. The Act provides duties for the Department of Economic Development. The Act enacts O.C.G.A. Section 50-7-70.

Effective July 1, 2008.

Act 436; HB 1216

This Act changes regional development centers to regional commissions and provides boundaries, membership, and powers and duties. The Act provides for governing councils, membership, and powers and duties. The Act provides for certain powers and duties of the State Auditor relating to the regional commissions. The Act provides for the transition from the regional development centers to the regional commissions.

The Act amends O.C.G.A. Titles 2, 8, 12, 14, 31, 32, 36, 44, 45, 48, and 50.

Effective July 1, 2009. The effectiveness of parts of the Act are subject to funding.

Act 442; SB 130

This Act provides that the Department of Community Affairs shall adopt policies and procedures as recommended standards for buildings owned or managed by the state with the goal of promoting effective energy and environmental standards. The Act consolidates in the Georgia Building Authority the functions, duties, responsibilities, and obligations of the Georgia Building Authority (Markets), the Georgia Building Authority (Hospital), the Georgia Building Authority (Penal) and the Agency for Removal of Hazardous Materials.

The Act amends O.C.G.A. Section 50-8-18, enacts O.C.G.A. Section 50-9-17, and repeals Article 1 of O.C.G.A. Chapter 2-10, Article 2 of O.C.G.A. Chapter 31-7, O.C.G.A. Chapter 42-3, and Article 4 of O.C.G.A. Chapter 50-9.

Effective July 1, 2008, except for Section 4 of said Act, which becomes effective on July 1, 2010.

Act 573; HB 291

This Act creates the Georgia Arts Alliance for the purpose of receiving and disbursing funds for the support of the arts. The Act provides for a board of trustees, membership, and duties.

The Act enacts Part 2 of Article 2 of O.C.G.A. Chapter 50-12.

Effective July 1, 2008.

Act 690; HB 953

This Act enacts the "War of 1812 Bicentennial Commission Act." The Act establishes the War of 1812 Bicentennial Commission. The Act provides for membership, powers, and duties of the commission.

The Act enacts Article 9 of O.C.G.A. Chapter 50-12.

Effective May 14, 2008.

Act 389; SB 352

This Act provides a method for the General Assembly to object to the adoption of administrative rules. The Act provides that the effectiveness of a challenged agency rule shall be stayed until the next legislative session.

The Act amends O.C.G.A. 50-13-4.

Effective March 29, 2008.

Act 525; HB 515

This Act provides for the assignment of lottery winnings. The Act provides requirements precedent to any such assignment.

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

Effective May 12, 2008.

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 801; HB 89

This Act, the "Business Security and Employee Privacy Act," creates the crime of soliciting, persuading, encouraging, or enticing a dealer to transfer or convey a firearm to someone other than the actual buyer, prohibits certain employers from searching private vehicles of employees, and provides for exceptions. The Act provides certain immunities for employers and provides for civil remedies. The Act allows persons licensed to carry a concealed weapon to carry weapons in parks, historic sites, recreational areas, wildlife management areas, restaurants, and bars and removes provisions relating to how to carry such weapons in certain motor vehicles. The Act exempts constables from the prohibition against carrying a pistol on certain property under certain circumstances. The Act changes provisions relative to issuing a license to carry a pistol or revolver and temporary renewal permits. The Act also provides for certain immunities from liability for persons and entities that voluntarily assist state agencies during times of declared emergency.

The Act amends O.C.G.A. Sections 16-11-126, 16-11-127, 16-11-127.1, 16-11-129, and 51-1-29.2 and enacts O.C.G.A. Sections 16-11-113 and 16-11-135.

Effective July 1, 2008.

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 584; HB 239

This Act extends the definition of "rules and regulations" for criminal purposes to include current rules and regulations of the Board of Natural Resources. The Act authorizes the sale and keeping of sugar glider marsupials as pets under certain conditions; the Act exempts water buffalo from species for which a license is required; the Act provides immunity from civil liability for landowners permitting wildlife or hunters to traverse property.

The Act amends O.C.G.A. Sections 27-1-39 and 27-5-5 and enacts O.C.G.A. Section 51-1-52.

Effective May 13, 2008.

TITLE 52 -- WATERS OF THE STATE

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 392; SB 433

This Act extensively revises the certificate of need program for institutional health services. The Act revises the composition and duties of the Health Strategies Council. The Act requires that after July 1, 2008, any new institutional health service shall be required to obtain a certificate of need. The Act provides certain procedures and requirements for any person proposing to develop or offer a new institutional health service or care facility and provides for penalties for noncompliance with such procedures and requirements. The Act provides for exemptions for obtaining a certificate of need. The Act provides for a temporary moratorium on the issuance of certificates of need for new and emerging health care services. The Act reassigns certain functions from the Health Planning Review Board to a Certificate of Need Appeal Panel. The Act provides for procedures for the judicial review of final agency decisions and for the revocation and partial revocation of certificates of need. The Act provides for the transfer of certain functions relating to the state health plan from the Health Strategies Council to the Board of Community Health.

The Act amends O.C.G.A. Sections 19-10A-2, 20-3-476, 20-3-513, 24-9-47, 24-10-70, 25-2-13, 31-1-1, Chapter 31-6, 31-7-1, 31-7-2.1, 31-7-3, 31-7-4, 31-7-5, 31-7-9, 31-7-150, 31-7-155, 31-7-175, 31-7-250, 31-7-280, 31-7-282, 31-7-300, 31-7-400, 31-8-46, 31-11-81, 31-18-3, 31-20-1, 31-21-5, 31-33-2, 33-19-10, 36-42-3, 43-34-26.3, 44-14-470, 51-1-29.3, 51-2-5.1, and 52-7-14. The Act enacts O.C.G.A. Sections 31-7-17, 31-7-159, 31-7-265, 31-7-308, and 31-7-354.

Part I of the Act is effective July 1, 2008, and Part II of the Act is effective July 1, 2009.

Act 793; SB 529

This Act clarifies that the offense of homicide by vehicle in the first degree and homicide by vessel in the first degree includes a person who causes the death of a person through the operation of a vehicle or vessel, respectively, where the person fails to stop and attempt to render assistance.

The Act amends O.C.G.A. Sections 40-6-270, 40-6-393, 40-6-393.1, 52-7-12.2, and 52-7-12.3.

Effective July 1, 2008, and applies to offenses committed on or after such date.

Act 752; HB 964

This Act establishes boating safety zones for the purpose of ensuring maritime and homeland security.

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

Effective July 1, 2008.

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

THE FOLLOWING BILLS WERE PASSED BY THE 2008 GENERAL ASSEMBLY AND ARE SUBJECT TO THE GOVERNOR'S VETO

Act 685; SB 508

This Act updates and changes various provisions affecting probate courts. The Act corrects terminology to reflect conservators, changes the terms of court for probate courts, changes provisions relating to the composition of the Probate Judges Training Council and

matters relevant to the council, provides for probate courts to have concurrent jurisdiction with superior courts on certain matters, changes certain provisions relating to compromise of a claim involving a gross settlement, changes provisions relating to sealing of records, provides for recordation of certain information relating to real property when no administration is necessary, and eliminates year's support as a bar for probate of a will after five years.

The Act amends O.C.G.A. Sections 10-6-36, 15-9-35, 15-9-82, 15-9-102, 15-9-127, 29-3-3, 29-9-18, 53-2-40, and 53-5-3.

Effective July 1, 2008.