

Senate Bill 455

By: Senators Adelman of the 42nd, Smith of the 52nd, Meyer von Bremen of the 12th and Harp of the 29th

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

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8 thereto which have been superseded by subsequent state laws; to provide for and to correct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

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

14 **SECTION 1.**

15 Reserved.

16 **SECTION 2.**

17 Reserved.

18 **SECTION 3.**

19 Reserved.

20 **SECTION 4.**

21 Reserved.

SECTION 5.

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2 Reserved.

SECTION 6.

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4 Reserved.

SECTION 7.

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6 Reserved.

SECTION 8.

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8 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
9 amended in:

10 (1) Code Section 8-2-113, relating to promulgation of rules and regulations by the
11 commissioner of community affairs, delegation of inspection authority, rules and regulations
12 continued in full force and effect, advisory committee, powers of commissioner, and training
13 programs by replacing "occurring" with "occurring" in the introductory language of
14 subsection (d).

SECTION 9.

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16 Reserved.

SECTION 10.

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18 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
19 amended in:

20 (1) Code Section 10-14-3, relating to definitions in regard to cemetery and funeral services,
21 by inserting a double quotation mark after "merchandise," in paragraph (3).

SECTION 11.

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23 Reserved.

SECTION 12.

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25 Reserved.

SECTION 13.

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27 Reserved.

SECTION 14.

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2 Reserved.

SECTION 15.

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4 Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended in:

5 (1) Code Section 15-2-10, which is repealed, by designating said Code section as reserved.

6 (2) Code Section 15-2-11, which is repealed, by designating said Code section as reserved.

7 (3) Code Section 15-2-12, which is repealed, by designating said Code section as reserved.

8 (4) Code Section 15-2-13, which is repealed, by designating said Code section as reserved.

9 (5) Code Section 15-2-14, which is repealed, by designating said Code section as reserved.

10 (6) Code Section 15-2-15, which is repealed, by designating said Code section as reserved.

11 (7) Code Section 15-6-3, relating to terms of court, by replacing:

12 "(B) Polk County — Third Monday in March and July.

13 Provided, however, that"

14 with:

15 "(B) Polk County — Third Monday in March and July;

16 provided, however, that"

17 in subparagraph (B) of paragraph (38).

18 (8) Code Section 15-6-11, which is repealed, by designating said Code section as reserved.

19 (9) Code Section 15-6-61, relating to the duties of clerks of superior courts generally, use
20 of computerized record-keeping system, and printed copies of the grantor and grantee
21 indices, by striking the comma following "public" in subsection (b).

22 (10) Code Section 15-6-75, which is repealed, by designating said Code section as reserved.

23 (11) Code Section 15-6-76, which is repealed, by designating said Code section as reserved.

24 (12) Code Section 15-10-2, relating to magistrate jurisdiction, by replacing "or" with "and"
25 at the end of paragraph (13).

26 (13) Code Section 15-11-9.1, relating to definitions and the role and responsibilities of a
27 court appointed special advocate (CASA), by replacing "Request judicial citizen review
28 panel" with "Request a judicial citizen review panel" in paragraph (5) of subsection (d).

29 (14) Code Section 15-11-21, relating to associate juvenile court judges, appointment and
30 compensation, qualifications, conduct of hearings, and rehearing, by replacing "to serve as
31 associate juvenile court judge" with "to serve as an associate juvenile court judge" in
32 subsection (a).

33 (15) Code Section 15-11-111, relating to definitions regarding parental notification, by
34 replacing "United States Immigration and Naturalization Service" with "United States
35 Immigration and Customs Enforcement Division of the Department of Homeland Security"
36 in paragraph (2).

1 (16) Code Section 15-11-205, relating to hearing, burden of proof, retention by court of
2 order, fraud in securing emancipation, and appeals, by replacing "The hearing" with "The
3 hearing on the petition for emancipation" in the introductory language and by replacing
4 "'other means of support' does not" with "the term 'other means of support' does not" in
5 paragraph (3) of subsection (a).

6 (17) Code Section 15-11-208, relating to duty to provide support until emancipation, no
7 "deprived child" status, and marriage, by replacing "child" with "minor" the first time it
8 appears in subsection (b).

9 (18) Code Section 15-18-44, relating to powers and duties, employees' bonds, audits, and
10 certain retired personnel not to be compensated regarding the Prosecuting Attorneys'
11 Council, by replacing "Superior Court Clerks' Retirement Fund of sGeorgia" with "Superior
12 Court Clerks' Retirement Fund of Georgia" in subsection (d).

13 (19) Code Section 15-19-57, relating to investigation of unauthorized practice of law, by
14 replacing the period with a semicolon at the end of paragraph (2).

15 (20) Code Section 15-19-58, relating to injunctive relief, venue, procedure, and other
16 remedies not curtailed in action against unauthorized practice of law, by replacing the period
17 with a semicolon at the end of paragraph (2).

18 **SECTION 16.**

19 Reserved.

20 **SECTION 17.**

21 Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is
22 amended in:

23 (1) Code Section 17-4-47, relating to issuance of warrants by video conference, testimony,
24 initial bond hearings, and oaths, by replacing "issued provided that" with "issued, provided
25 that" in subsection (d).

26 (2) Code Section 17-10-1.3, relating to factoring into sentencing determinations citizenship
27 status of convict, by replacing "Be authorized to consider the likelihood" with "Consider the
28 likelihood" in paragraph (2) and by replacing "Where appropriate, be authorized to decline"
29 with "Where appropriate, decline" in paragraph (3) of subsection (c).

30 **SECTION 18.**

31 Reserved.

SECTION 19.

Title 19 of the Official Code of Georgia Annotated, relating to domestic relations, is amended in:

(1) Code Section 19-8-7, relating to surrender or termination of parental or guardian's rights where a child is adopted by a relative, by replacing "re-birth" with "pre-birth" in subparagraph (e)(3)(F).

(2) Code Section 19-8-26, relating to how surrender of parental rights executed, how and when surrender may be withdrawn and forms, by inserting a quotation mark at the beginning of the form and by inserting a period and a quotation mark at the end of the form in subsection (f) and by inserting a period at the end of the blank line in the form in the second (D) designation in paragraph (2) of subsection (h).

(3) Code Section 19-9-5, relating to custody agreements, ratification, and supplementation, by replacing the single quotation marks with double quotation marks at the beginning and end of "custody" both times it appears in subsection (a).

SECTION 20.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended in:

(1) Code Section 20-2-286, relating to the Georgia Closing the Achievement Gap Commission and its creation, membership, vacancies, purpose, authority, compensation, and termination, by repealing said obsolete Code section.

(2) Code Section 20-2-2068, relating to termination of a charter, by replacing the semicolon with a period at the end of subparagraph (a)(1)(B), by replacing the period with a semicolon at the end of the undesignated text at the end of paragraph (1) of subsection (a), by replacing the semicolon with a comma at the end of paragraph (2) of subsection (b), and by replacing "Good cause" with "The term 'good cause'" in the undesignated text at the end of paragraph (2) of subsection (b).

(3) Code Section 20-2-2117, relating to adoption and promulgation of rules, immunity from liability for scholarship decisions, and schools may be barred from program participation for certain actions, by replacing "notlimited" with "not limited" in subsection (a).

SECTION 21.

Reserved.

SECTION 22.

Reserved.

SECTION 23.

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2 Reserved.

SECTION 24.

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4 Reserved.

SECTION 25.

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6 Reserved.

SECTION 26.

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8 Reserved.

SECTION 27.

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10 Reserved.

SECTION 28.

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12 Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is
13 amended in:
14 (1) Code Section 28-5-5, which is repealed, by designating said Code section as reserved.

SECTION 29.

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16 Reserved.

SECTION 30.

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18 Reserved.

SECTION 31.

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20 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in:
21 (1) Code Section 31-5A-7, relating to information and comparisons regarding cost and
22 quality of health care state wide, by replacing "medical conditions, surgeries and procedures"
23 with "medical conditions, surgeries, and procedures", by replacing "surgery centers, nursing
24 homes and rehabilitation centers" with "surgery centers, nursing homes, and rehabilitation
25 centers" twice, by replacing "Department shall" with "department shall", by replacing
26 "providing consumers on the cost" with "providing consumers information on the cost", and
27 by replacing "healthcare" with "health care".

SECTION 32.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended in:

(1) Code Section 32-6-87.1, relating to "RV friendly" markers, by replacing "the 'Georgia Administrative Procedures Act,'" with "the 'Georgia Administrative Procedure Act,'" in subsection (b).

SECTION 33.

Reserved.

SECTION 34.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended in:

(1) Code Section 34-8-153, relating to employment security and liability of succeeding employer, computation of rate of contributions, transfers between employers with substantially common ownership, management, or control, transfers made for the purpose of obtaining a lower rate of contribution, and penalties for violations, by replacing "For the purposes of this Code section" with "For the purposes of this subsection" at the beginning of paragraphs (2), (3), and (4); by redesignating paragraph (5) as new subsection (i) and redesignating subparagraphs (A) and (B) thereof as paragraphs (1) and (2) thereof; and by renumbering paragraphs (6) and (7) as paragraphs (5) and (6), respectively, in subsection (h).

(2) Code Section 34-8-156, relating to the State-wide Reserve Ratio and reduction in tax rate, by replacing "for the period of January 1 through December 31, 2007, January 1 through December 31, 2008, and January 1 through December 31, 2009," with "for the periods of January 1 through December 31, 2007, January 1 through December 31, 2008, and January 1 through December 31, 2009," in the undesignated text at the end of subparagraph (d)(4)(B).

(3) Code Section 34-8-157, relating to regular benefits paid to be charged against experience rating account, by replacing the designation "(b)(2)(A)" with the designation "(2)(A)" in subparagraph (b)(2)(A).

(4) Code Section 34-8-193, relating to the determination of the amount of weekly unemployment benefits, by striking "and" at the end of paragraph (12) of subsection (c).

(5) Code Section 34-15-20, relating to the delivery of deaf-blind services and techniques leading to maximum independence and integration, by replacing "workforce;" with "work force;" in subsection (a).

SECTION 35.

Reserved.

SECTION 36.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended in:

(1) Code Section 36-76-7, relating to subscriber customer service requirements by cable service providers or video service providers holding a state franchise, by replacing "the Governor's Office of Consumer Affairs shall conduct a rulemaking to establish" with "the Governor's Office of Consumer Affairs shall establish" in paragraph (1) of subsection (c).

(2) Code Section 36-89-5, relating to administration, rules and regulations, and excess funds with regard to homeowner tax relief grants, by replacing "Code Section 38-89-4," with "Code Section 36-89-4," in subsection (b).

SECTION 37.

Reserved.

SECTION 38.

Reserved.

SECTION 39.

Reserved.

SECTION 40.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in:

(1) Code Section 40-2-151, relating to annual license fees for operation of vehicles and fee for permanent licensing of certain trailers, is amended by replacing "14,000" with "14,001" in subdivisions (a)(3)(A)(ii) and (a)(10)(A)(ii).

(2) Code Section 40-5-142, relating to definitions in regard to commercial drivers' licenses, by replacing "commercial vehicle." with "commercial motor vehicle." in the undesignated text at the end of paragraph (7).

(3) Code Section 40-5-151, relating to disqualification from driving and action required after suspending, revoking, or canceling a commercial driver's license or nonresident commercial driver's privileges, by replacing "Section 105 of the Hazardous Materials Transportation Act," with "Section 105 of the Hazardous Materials Transportation Act, 49 U.S.C. app. 1804," both times it appears in paragraph (3) of subsection (g).

SECTION 41.

Reserved.

SECTION 42.

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2 Reserved.

SECTION 43.

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4 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,
5 is amended in:

6 (1) Code Section 43-1-28, relating to volunteers in health care specialties, by striking
7 "Notwithstanding any other provision of law, each health care board may issue a special
8 license to qualifying health care practitioners whose health care specialty is licensed by that
9 board under the terms and conditions set forth in this Code section. The special license may
10 only be issued to a person who:" the second time it appears in the introductory language of
11 subsection (c).

12 (2) Code Section 43-9-16, relating to chiropractors' scope of practice and injury from want
13 of reasonable degree of care is a tort, by replacing "provided, however, the same" with
14 "provided, however, that the same" in subsection (b).

15 (3) Code Section 43-33-18, relating to physical therapists and refusal to grant or restore
16 licenses, discipline of licensees, suspension, revocation, or restriction of licenses, and
17 immunity for violation reporters, by replacing "holds a master or doctorate degree" with
18 "holds a master's or doctorate degree" in subdivision (a)(1)(A)(ii)(II).

19 (4) Code Section 43-34-3, relating to continuing education requirement for health care
20 professionals, is amended by replacing "provided, however, the board" with "provided,
21 however, that the board" in paragraph (2) of subsection (b).

22 (5) Code Section 43-34-26.3, relating to physicians and delegation of certain medical acts
23 to advanced practice registered nurses, construction and limitations of such delegation,
24 definitions, conditions of nurse protocol, and issuance of prescription drug orders, by
25 replacing "medical treatments, diagnostic studies or in life-threatening situations" with
26 "medical treatments, diagnostic studies, or, in life-threatening situations," in subsection (b).

27 (6) Code Section 43-34-37, relating to authority to refuse license or to discipline physician,
28 restoration of licenses, enforcement investigations, evidentiary privileges, closed hearings,
29 immunity for reporting violations, and when investigation or assessment of licensee's fitness
30 to practice required, by replacing "one day" with "one-day" in subsection (j).

31 (7) Code Section 43-38-7, relating to registration of armed employees, qualifications,
32 continuing education, fingerprints, registration card, and suspension regarding operators of
33 private detective businesses and private security businesses, by inserting "and" at the end of
34 subparagraph (c)(1)(E).

35 (8) Code Section 43-39A-14, relating to real estate appraisers and required conduct of
36 applicants, refusal of classification, imposition of sanctions, revocation of classification,

1 noncompliance with child support orders, and borrowers in default, by replacing "and
2 provided that" with "provided, further, that" in paragraph (1.1) of subsection (b) and
3 subparagraph (b)(1.2)(A) and by replacing "safeguard the interests of the public." with
4 "safeguard the interest of the public." in subparagraph (b)(2)(C).

5 (9) Code Section 43-40-8, relating to real estate brokers and salespersons and qualifications
6 of licensees, course of study for licensed salespersons, lapse, reinstatement, renewal,
7 continuing education, and standards for courses, by replacing "referenced in subsection (d)
8 above" with "referenced in subsection (d) of this Code section" in subsection (e).

9 (10) Code Section 43-40-15, relating to real estate brokers and salespersons and grant,
10 revocation, or suspension of licenses, other sanctions, surrender or lapse, conviction,
11 noncompliance with child support order, and borrowers in default, by replacing "and
12 provided that if such individual" with "provided, further, that if such individual" in
13 paragraph (1.1) of subsection (b) and in subparagraph (b)(1.2)(A).

14 (11) Code Section 43-41-2, relating to definitions regarding residential and general
15 contractors, by deleting the single quote between the double quote and the word "Board" in
16 paragraph (1).

17 (12) Code Section 43-41-8, relating to eligibility for licensure without examination,
18 reciprocity, and burden upon applicant regarding residential and general contractors, by
19 replacing "state of Georgia" with "State of Georgia" in paragraph (2) of subsection (a).

20 (13) Code Section 43-41-17, relating to residential and general contractors and effective date
21 of licensing and sanctioning provisions, unenforceable contracts, compliance with county or
22 municipal requirements, exemption for DOT contractors, and other exceptions by replacing
23 "pursuant to Chapter 4 of this title or an interior designer registered pursuant to Chapter 4 of
24 this title or an engineer registered pursuant to Chapter 15 of this title" with "pursuant to
25 Chapter 4 of this title, an interior designer registered pursuant to Chapter 4 of this title, or an
26 engineer registered pursuant to Chapter 15 of this title" in subsections (i) and (j).

27 **SECTION 44.**

28 Reserved.

29 **SECTION 45.**

30 Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees,
31 is amended in:

32 (1) Code Section 45-12-171, relating to the Office of Planning and Budget being the
33 principal state agency for coordinating development, demographic data, statistical
34 coordination, and federal programs and applications for and receipt of financial assistance,

1 by replacing "Code Sections 45-12-172, 45-12-177, and 45-12-178." with "Code Sections
2 45-12-172 and 45-12-177." in subsection (b).

3 (2) Code Section 45-17-13, relating to notaries public and change of residence, address, or
4 name, by deleting the comma following "Georgia Superior Court Clerks' Cooperative
5 Authority" in subsection (a).

6 (3) Code Section 45-18-104, relating to the Georgia Retiree Health Benefit Fund and control
7 over the fund, obligations and expenditures, investment and management of assets, and
8 conflicts of interest of board members, by inserting a period after the Code section number.

9 **SECTION 46.**

10 Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public
11 transportation, is amended in:

12 (1) Code Section 46-5-132, relating to fees by service suppliers of an emergency telephone
13 number 9-1-1 system, by inserting a period after the Code section number.

14 (2) Code Section 46-5-138.2, relating to an emergency telephone number 9-1-1 system and
15 the definition of a director and training and instruction, by replacing "As used in this Code
16 Section," with "As used in this Code section," in subsection (a).

17 **SECTION 47.**

18 Reserved.

19 **SECTION 48.**

20 Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is
21 amended in:

22 (1) Code Section 48-1-2, relating to definitions regarding general provisions of revenue and
23 taxation, by replacing "1986 , as amended,." with "1986, as amended." in paragraph (14).

24 (2) Code Section 48-7-27, relating to computation of taxable net income, by repealing
25 previously reserved subsection (e).

26 **SECTION 49.**

27 Reserved.

28 **SECTION 50.**

29 Reserved.

30 **SECTION 51.**

31 Reserved.

SECTION 52.

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2 Reserved.

SECTION 53.

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4 Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and
5 administration of estates, is amended in:

6 (1) Code Section 53-2-1, relating to the Revised Probate Code of 1998 and the rules of
7 inheritance when decedent dies without will and effect of abandonment of child, by
8 redesignating subparagraph (a)(1)(A) as paragraph (1) of subsection (a), by redesignating
9 subparagraph (a)(1)(B) as paragraph (2) of subsection (a), and by redesignating paragraph
10 (2) as paragraph (3) in subsection (a).

SECTION 54.

11
12 Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code
13 section, subsection, paragraph, subparagraph, division, and subdivision numbers and
14 designations as contained in the Official Code of Georgia Annotated published under
15 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through
16 40 of such publication or replacement volumes thereto, as amended by the text and
17 numbering of Code sections as contained in the 2007 supplements to the Official Code of
18 Georgia Annotated published under authority of the state in 2007 by LEXIS Publishing, are
19 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.
20 Annotations; editorial notes; Code Revision Commission notes; research references; notes
21 on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title,
22 chapter, article, part, and subpart captions or headings, except as otherwise provided in the
23 Code; catchlines of Code sections or portions thereof, except as otherwise provided in the
24 Code; and rules and regulations of state agencies, departments, boards, commissions, or other
25 entities which are contained in the Official Code of Georgia Annotated are not enacted as
26 statutes by the provisions of this Act. Material which has been added in brackets or
27 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes
28 within the text of a Code section by the editorial staff of the publisher in order to explain or
29 to prevent a misapprehension concerning the contents of the Code section and which is
30 explained in an editorial note is not enacted by the provisions of this section and shall not be
31 considered a part of the Official Code of Georgia Annotated. The reenactment of the
32 statutory portion of the Official Code of Georgia Annotated by this Act shall not affect,
33 supersede, or repeal any Act of the General Assembly, or portion thereof, which is not
34 contained in the Official Code of Georgia Annotated and which was not repealed by Code
35 Section 1-1-10, specifically including those Acts which have not yet been included in the text

1 of the Official Code of Georgia Annotated because of effective dates which extend beyond
2 the effective date of the Code or the publication date of the Code or its supplements. The
3 provisions contained in other sections of this Act and in the other Acts enacted at the 2008
4 regular session of the General Assembly of Georgia shall supersede the provisions of the
5 Official Code of Georgia Annotated reenacted by this section.

6 **SECTION 55.**

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

9 **SECTION 56.**

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