

**SUMMARY OF  
GENERAL STATUTES ENACTED  
AT THE 2009 SESSION  
OF THE  
GENERAL ASSEMBLY OF  
GEORGIA**

**LEGISLATIVE SERVICES COMMITTEE**

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ATLANTA, GEORGIA 30334**

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**SEWELL R. BRUMBY**  
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## FOREWORD

We are pleased to present to you the Summary of General Statutes Enacted at the 2009 Session of the General Assembly of Georgia. This represents one of the services which the Legislative Services Committee and the Office of Legislative Counsel perform for the legislative branch of government. Other services include bill drafting, research, statutory and Code revision, rendering of opinions, counseling, legislative reference, interim committee staffing, and preparation of reports.

This document contains a summary of the general statutes of state-wide application which were enacted at the 2009 regular session of the General Assembly of Georgia. No resolutions, local Acts, or uncodified "population Acts" have been included. The document also includes a table of Code sections amended and enacted at the 2009 session.

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

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

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

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

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Legislative Counsel

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

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

## GENERAL ASSEMBLY 2009 SESSION SUMMARY

HOUSE BILLS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
	868	277	578	4	6	3	269/8
Generals Passed. . . . .	130						
Locals Passed. . . . .	<u>147</u>						
	<u>277</u>						Sent to the Governor for approval: 277
Pending / Carry-Overs:							
House. . . . .	504						
Senate. . . . .	65						
Further Action. . . . .	5						
Conf. Committee. . . . .	<u>4</u>						
	<u>578</u>						
Hoppers. . . . .	4						
Prefiled-Not Intro. . . . .	6						
Unfav. Rept./Lost. . . . .	<u>3</u>						
	<u>868</u>						

HOUSE RESOLUTIONS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
	1084	935	147	0	1	1	3/0
Generals [3] & Other							
Non-Priv. Adopted. . . . .	23						
Locals Adopted. . . . .	0						
Constitutional Am. . . . .	0						
Privileged Adopted. . . . .	<u>912</u>						
	<u>935</u>						Sent to the Governor for approval: 3
Pending / Carry-Overs:							
House . . . . .	145						
Senate . . . . .	1						
Conf. Committee . . . . .	<u>1</u>						
	<u>147</u>						
Prefiled-Not Intro. . . . .	1						
Unfav. Rept./Lost. . . . .	<u>1</u>						
	1084						

SENATE BILLS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
	292	75	215	0	0	2	68/7
Generals Passed. . . . .	64						
Locals Passed. . . . .	<u>11</u>						
	<u>75</u>						Sent to Governor for approval: 75
Pending / Carry-Overs:							
Senate. . . . .	137						
House. . . . .	65						
Further Action. . . . .	11						
Conf. Committee. . . . .	<u>2</u>						
	<u>215</u>						
Prefiled-Not Intro. . . . .	0						
Unfav. Rept./Lost. . . . .	<u>2</u>						
	292						

SENATE RESOLUTIONS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
	792	735	55	0	0	2	5/1
Generals [6] and Other							
Non-Priv. Adopted . . . . .	60						
Constitutional Ams. . . . .	0						
Privileged Adopted. . . . .	<u>675</u>						
	<u>735</u>						Sent to Governor for approval: 6
Pending / Carry-Overs:							
House . . . . .	16						
Senate . . . . .	39						
Further Action. . . . .	<u>0</u>						
	<u>55</u>						
Prefiled-Not Intro. . . . .	0						
Unfav. Rept./Lost. . . . .	<u>2</u>						
	792						

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TOTAL BILLS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
HOUSE . . . . .	868	277	578	4	6	3	269/8
SENATE . . . . .	<u>292</u>	<u>75</u>	<u>215</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>68/7</u>
TOTAL. . . . .	1160	352	793	4	6	5	337/15

TOTAL RESOLUTIONS	Introduced	Passed	Pending	Hoppers	Prefiled Not Intro.	Unfav. Rept. Lost	Signed/Vetoed by Governor
HOUSE . . . . .	1084	935	147	0	1	1	3/0
SENATE . . . . .	<u>792</u>	<u>735</u>	<u>55</u>	<u>0</u>	<u>0</u>	<u>2</u>	<u>5/1</u>
TOTAL. . . . .	1876	1670	202	0	1	3	8/1

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**TITLE 1  
GENERAL PROVISIONS**

*Act 8; SB 46*

This Act makes extensive editorial amendments to the Office 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 April 14, 2009.

*Act 59; SB 27*

This Act designates the month of April of every year as "Confederate History and Heritage Month" in Georgia. The Act also designates the Ralph Mark Gilbert Civil Rights Museum as an official Georgia historical civil rights museum.

The Act enacts O.C.G.A. Sections 1-4-20 and 50-3-85.

Effective July 1, 2009.

**TITLE 2  
AGRICULTURE**

*Act 99; HB 529*

This Act preempts certain local ordinances relating to the production of agricultural or farm products. The Act also limits the liability under certain conditions of certain landowners who permit persons to hunt or fish on their property or allow persons on such property for agritourism.

The Act enacts O.C.G.A. Sections 2-1-6 and 51-1-53.

Effective May 1, 2009.

*Act 100; SB 152*

This Act amends certain provisions relating to the administrative authority of the Commissioner of Agriculture, hearings, penalties, final decisions, and judicial review. The Act also authorizes the Commissioner of Agriculture to create, register, license, promote, and protect a trademark for use in connection with the general promotion of all agricultural commodities grown within this state. The Act also provides for an Agricultural Commodity Commission for Ornamental Plants.

The Act amends O.C.G.A. Sections 2-2-9.1, 2-2-10, and 2-8-13 and enacts O.C.G.A. Section 2-8-5.

Effective May 1, 2009.

*Act 97; SB 43*

This Act amends certain provisions providing for the assessment for suppression and eradication programs and conditions of assessments relating to boll weevil eradication. The Act also provides for definitions and penalties.

The Act amends O.C.G.A. Sections 2-7-152, 2-7-156, and 2-7-158.

Effective July 1, 2009.

**TITLE 5  
APPEAL AND ERROR**

*Act 124; HB 324*

This Act provides that no appeal shall be heard in the state until costs of the tribunal appealed from have been paid.

The Act amends O.C.G.A. Section 5-3-22.

Effective July 1, 2009.



## **TITLE 5 (continued)**

### ***Act 122; HB 283***

This Act increases the filing fees for civil cases in the Supreme Court of Georgia and the Court of Appeals to \$300.00. The Act also lifts the fee cap to be charged to applicants for admission to the bar by examination.

The Act amends O.C.G.A. Sections 5-6-4 and 15-19-2.

The change to O.C.G.A. Title 5 is effective on July 1, 2009, and the change to O.C.G.A. Title 15 is effective May 4, 2009.

## **TITLE 6 AVIATION**

### ***Act 240; SB 85***

This Act enacts the "Georgia Aviation Authority Act" and establishes the Georgia Aviation Authority for purposes of acquiring, operating, maintaining, housing, and disposing of all state aviation assets and providing aviation services and oversight of state aircraft and aviation operations. The Act repeals provisions governing aviation operations conducted by the Department of Transportation pursuant to the "Air Transportation Act."

The Act enacts O.C.G.A. Sections 6-5-1 through 6-5-10, amends O.C.G.A. Section 32-2-2, and repeals O.C.G.A. Sections 50-19-20 through 50-19-26.

Effective July 1, 2009.

## **TITLE 7 BANKING AND FINANCE**

### ***Act 31; HB 141***

This Act updates definitions, provides for penalties for failure of financial institutions to provide information requested by the Department of Banking and Finance, and includes bank holding companies in the definition of financial institutions. The Act also provides for payment of dividends by Subchapter S banks, changes the amount of par value, and provides certain investigative powers to the department. The Act further provides immunity to the department for proper disclosure of certain information, updates the records required to be maintained by a licensee, and prohibits the employment of persons who have a final cease and desist order entered against them.

The Act amends O.C.G.A. Sections 7-1-4, 7-1-68, 7-1-91, 7-1-243, 7-1-285, 7-1-460, 7-1-651, 7-1-684.1, 7-1-685, 7-1-686, 7-1-687.1, 7-1-692, 7-1-703, 7-1-704, and 10-1-393 and enacts O.C.G.A. Sections 7-1-689.2, 7-1-707.2, and 7-1-707.3.

Effective July 1, 2009.

### ***Act 66; HB 312***

This Act incorporates provisions of the federal S.A.F.E. Mortgage Licensing Act of 2008, a part of the Housing and Economic Recovery Act of 2008, Public Law 110-289, into the Official Code of Georgia Annotated.

The Act amends O.C.G.A. Sections 7-1-1000 through 7-1-1003.5, 7-1-1004, and 7-1-1005 through 7-1-1021; enacts O.C.G.A. Sections 7-1-1001.1, 7-1-1003.6, 7-1-1003.7, and 7-1-1004.1 through 7-1-1004.3; and repeals O.C.G.A. Section 7-1-1003.4.

Effective July 1, 2009.

**TITLE 9  
CIVIL PRACTICE**

***Act 121; HB 221***

This Act provides that no writ of mandamus or writ of prohibition to compel the removal of a judge shall issue when a motion to recuse may be filed or has been filed and was denied after being assigned to a separate judge for hearing.

The Act amends O.C.G.A. Sections 9-6-20 and 9-6-40.

Effective July 1, 2009.

***Act 25; HB 29***

This Act authorizes the service of pleadings subsequent to the original complaint by e-mail and matters relative to such service. The Act also provides for a stay of discovery, under certain circumstances, when a stay of discovery is filed.

The Act amends O.C.G.A. Sections 9-11-5, 9-11-6, and 9-11-12.

Effective July 1, 2009, and applicable to motions to dismiss filed after July 1, 2009.

**TITLE 10  
COMMERCE AND TRADE**

***Act 57; SB 30***

This Act requires suppliers of automotive gasoline to offer to supply gasoline distributors with gasoline that has not been blended with, but is suitable for blending with, fuel alcohol. The Act also precludes inhibiting gasoline distributors from being blenders.

The Act amends O.C.G.A. Sections 10-1-232 and 10-1-240 and enacts O.C.G.A. Section 10-1-234.1.

Effective July 1, 2009.

***Act 150; SB 82***

This Act provides for the regulation of theft of regulated metal property by requiring certain persons offering to sell secondary metals to provide certain information. The Act provides for the method of payment a secondary metals recycler may use to make certain purchases. The Act also provides for definitions and penalties.

The Act amends O.C.G.A. Sections 10-1-350, 10-1-351, and 16-8-12 and enacts O.C.G.A. Section 10-1-352.1.

Effective July 1, 2009.

***Act 344; HB 189***

This Act corrects cross-references in O.C.G.A. Title 9. The Act provides for oversight by the administrator of private child support collections. The Act requires private child support collectors to register with the Secretary of State and prohibits such collectors from certain practices. The Act also provides for definitions, contractual requirements, and termination of such contracts. The Act changes the provisions relating to payment of child support held by the Child Support Enforcement Agency of the Department of Human Resources and amends the provision relating to the confidentiality of information and records held by the department.

The Act amends O.C.G.A. Sections 9-9-2, 10-1-392, 19-11-18, and 19-11-30 and enacts O.C.G.A. Sections 10-1-393.9 and 10-1-393.10.

Effective July 1, 2009.

**TITLE 10 (continued)**

***Act 141; HB 126***

This Act enacts the "Uniform Electronic Transactions Act." Such Act provides for the authorization of electronic records and electronic signatures under certain circumstances between certain parties and provides for certain conditions, procedures, and requirements for using electronic records and electronic signatures. The Act corrects cross-references throughout the Official Code of Georgia Annotated.

The Act amends O.C.G.A. Chapter 10-12 and O.C.G.A. Sections 15-10-53, 31-33-8, 43-39A-4.1, 43-40-3.1, and 50-18-72.

Effective July 1, 2009.

**TITLE 12  
CONSERVATION AND NATURAL RESOURCES**

***Act 87; HB 552***

This Act extends the prohibition against drilling wells or boreholes for the purpose of injecting surface water into the Floridan aquifer in any county governed by the Georgia coastal zone management program before July 1, 2014.

The Act amends O.C.G.A. Sections 12-5-134 and 12-5-135.

Effective April 30, 2009.

***Act 162; HB 170***

This Act provides for an annual per acre rental fee to be established by the Coastal Marshlands Protection Committee for the leasing of state owned marshland or water bottoms for dock structures. The Act provides for additional exemptions for certain activities by electric membership corporations, public authorities operating electric systems, and municipal electric systems from the provisions governing state owned marshlands and water bottoms.

The Act amends O.C.G.A. Sections 12-5-287 and 12-5-295.

Effective May 5, 2009.

***Act 108; SB 155***

This Act provides a definition of ephemeral stream so as to clarify the exemption of ephemeral streams from the 25 foot buffer requirement for state waters.

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

Effective July 1, 2009.

***Act 166; HB 310***

This Act expands the state-wide recycling program for state agencies to include steel cans, plastic and glass bottles, and all grades of paper.

The Act amends O.C.G.A. Section 12-8-36.

Effective July 1, 2009.

***Act 144; HB 248***

This Act is cited as the "Georgia Voluntary Remediation Program Act" and establishes a program for the voluntary remediation of qualified properties subject to cleanup standards for regulated substances that may contribute to unacceptable environmental exposure to humans or other organisms that may be adversely affected by the release of the constituent. The Act provides for an application process and review and oversight of the voluntary remediation plan by the Environmental Protection Division of the Department of Natural Resources.

The Act enacts O.C.G.A. Sections 12-8-100 through 12-8-108.

Effective June 1, 2009.

## **TITLE 12 (continued)**

### ***Act 23; SB 198***

This Act expands the power of the Board of Natural Resources so as to permit the board by rule or regulation to collect an administrative fee from emission inspection stations to cover the direct and indirect costs associated with oversight and the activities of the Environmental Protection Division of the Department of Natural Resources that are necessary to achieve compliance with certain clean air laws. The Act also authorizes a time extension for obtaining a certificate of emission inspection under certain circumstances related to economic hardship.

The Act amends O.C.G.A. Sections 12-9-46 and 12-9-48.

Effective April 21, 2009.

## **TITLE 13 CONTRACTS**

### ***Act 64; HB 173***

This Act provides for the enforcement of contracts that restrict competition in certain commercial agreements as long as the restrictions in the restrictive covenant are reasonable in time, geographic area, and scope of prohibited activities. The Act provides for judicial enforcement of restrictive covenants and the application of certain rebuttable presumptions. The Act permits a court to modify a covenant that is otherwise void and unenforceable as long as the modification does not render the covenant more restrictive with regard to the employee than as originally drafted by both parties.

The Act amends O.C.G.A. Section 13-8-2, enacts O.C.G.A. Sections 13-8-50 through 13-8-59, and repeals O.C.G.A. Section 13-8-2.1.

Effective on the day following the ratification at the time of the 2010 general election of an amendment to the Constitution of Georgia providing for the enforcement of covenants in commercial contracts that limit competition.

### ***Act 339; HB 2***

This Act clarifies compliance requirements of public employers with employee verification requirements and provides for certain immunity. The changes expand the duties of keepers of jails relative to determining the nationality of prisoners. The Act expands the requirements relating to verification of lawful presence in this country, procedures, and conditions for receiving public benefits.

The Act amends O.C.G.A. Sections 13-10-91, 42-4-14, and 50-36-1.

Effective January 1, 2010.

## **TITLE 14 CORPORATIONS, PARTNERSHIPS, AND ASSOCIATIONS**

### ***Act 38; HB 308***

This Act amends the "Georgia Limited Liability Company Act" and provides for technical corrections, clarification, and consistency with the Georgia Business Corporations Code. The Act modifies provisions relating to limited liability companies, including: operating agreements, the formation of such companies, conversion to such a company, membership liability to other members or assignees, membership liability for consent to distribution in violation of the law, rights of a judgment creditor, admission of members, powers of the estate of a deceased or incompetent member, dissolution, a certificate of termination, and mergers. The Act provides for electronic transmission of notice relating to limited liability companies.

The Act amends O.C.G.A. Sections 14-11-101, 14-11-203, 14-11-212, 14-11-303, 14-11-311, 14-11-408, 14-11-504, 14-11-505, 14-11-506, 14-11-602, 14-11-610, 14-11-901, and 14-11-905.

Effective July 1, 2009.

**TITLE 15  
COURTS**

***Act 210; HB 216***

This Act changes the terms of court in the Cordele Judicial Circuit.  
The Act amends O.C.G.A. Section 15-6-3.  
Effective January 1, 2010.

***Act 110; SB 199***

This Act allows for the suspension of the required annual training for probate judges and magistrates for 2009 and 2010.  
The Act amends O.C.G.A. Sections 15-9-1.1 and 15-10-137.  
Effective May 4, 2009.

***Act 177; HB 495***

This Act makes various changes relative to probate courts, including providing for associate probate judges, changing provisions relating to special elections for filling a vacancy of the office of probate judge, and updating language relating to probate matters.  
The Act amends O.C.G.A. Sections 15-9-4, 15-9-11, and 15-9-30 and enacts O.C.G.A. Section 15-9-2.1.  
Effective July 1, 2009.

***Act 47; HB 453***

This Act extends the sunset dates for real estate or personal property filing fees, the state-wide uniform automated information system, and the collection and remittance of real estate or personal property filing fees to July 1, 2014.  
The Act amends O.C.G.A. Sections 15-6-77, 15-6-97, and 15-6-98.  
Effective July 1, 2009.

***Act 112; SB 246***

This Act requires notice to certain persons when a child is released from detention under certain circumstances.  
The Act enacts O.C.G.A. Section 15-11-51.  
Effective May 4, 2009.

***Act 37; HB 254***

This Act provides that the Department of Human Resources shall attempt to locate adult relatives of a child removed from the custody of his or her parents and provide notice to such relatives of certain matters. The Act also provides conditions for the placement of a child following a termination of parental rights order.  
The Act amends O.C.G.A. Sections 15-11-55 and 15-11-103.  
Effective July 1, 2009.

***Act 36; HB 245***

This Act changes provisions relating to the disposition of delinquent children to youth development centers.  
The Act amends O.C.G.A. Section 15-11-66.  
Effective April 21, 2009.

**TITLE 15 (continued)**

***Act 67; SB 207***

This Act expands the admission of the general public to certain juvenile court proceedings under certain circumstances and provides for the sharing of certain confidential information. The Act also changes provisions relating to sealing of records.

The Act amends O.C.G.A. Sections 15-11-78, 15-11-79, 15-11-79.2, and 15-11-82 and enacts O.C.G.A. Section 15-11-84.

Effective January 1, 2010, and applicable to proceedings filed after January 1, 2010.

***Act 119; HB 195***

This Act provides that under certain circumstances, members of an electric membership corporation may be competent to serve as a trial juror in cases involving an electric membership corporation as a party.

The Act enacts O.C.G.A. Section 15-12-137.1.

Effective May 4, 2009.

**TITLE 16  
CRIMES AND OFFENSES**

***Act 88; HB 575***

This Act changes the definition of the offense of kidnapping, makes it nonmergable, and provides for venue for the offense.

The Act amends O.C.G.A. Section 16-5-40.

Effective July 1, 2009.

***Act 149; HB 123***

This Act changes the definition of the offense of child molestation and provides for venue.

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

Effective May 5, 2009.

***Act 70; HB 71***

This Act removes the "novelty" defense to manufacturing, selling, or distributing false identification documents.

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

Effective October 1, 2009, and applicable to offenses committed on and after October 1, 2009.

***Act 153; SB 89***

This Act allows the consumption of food and beverages at rapid rail stations or intermodal bus stations under certain circumstances.

The Act amends O.C.G.A. Section 16-12-120.

Effective July 1, 2009.

***Act 43; HB 368***

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

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

Effective April 21, 2009.

**TITLE 17  
CRIMINAL PROCEDURE**

***Act 139; HB 306***

This Act provides for electronic pretrial release and monitoring in addition to or as a special condition of bond and provides for all circumstances relative to such release, including conditions for the program, fees, penalties for violating terms of release, and revocation of participation.

The Act enacts O.C.G.A. Section 17-6-1.1.

Effective July 1, 2009.

***Act 137; HB 147***

This Act requires professional bondsmen to provide the clerk of court with certain information for communication purposes and allows certain notices to be served on bondsmen by electronic means. The Act relieves the surety of liability under certain circumstances.

The Act amends O.C.G.A. Sections 17-6-50, 17-6-71, and 17-6-72.

Effective May 5, 2009.

***Act 55; SB 151***

This Act allows the court and the State Board of Pardons and Paroles to have more input from crime victims, including testifying via a written statement or prerecorded audio or video statement under certain circumstances.

The Act amends O.C.G.A. Sections 17-10-1.2 and 42-9-43.

Effective July 1, 2009.

***Act 21; SB 193***

This Act authorizes the Department of Corrections to consider certain offenders for participation in a transitional work center or work release program during the offender's final year of incarceration.

The Act amends O.C.G.A. Section 17-10-6.1.

Effective July 1, 2009.

***Act 62; SB 13***

This Act allows a sentence of imprisonment for life without parole to be imposed for the offense of murder independent of a death penalty prosecution and repeals Code sections inconsistent with such sentencing. The Act also provides that serious violent felons sentenced to life without parole shall not be eligible for any sentence-reducing measures.

The Act amends O.C.G.A. Sections 16-5-1, 17-10-2, 17-10-6.1, and 17-10-31. The Act repeals O.C.G.A. Sections 17-10-30.1, 17-10-31.1, and 17-10-32.1.

Effective April 29, 2009, and applicable to offenses committed on and after April 29, 2009, except under certain circumstances.

***Act 56; SB 172***

This Act allows victim compensation for serious mental and emotional trauma and makes changes relative to providing for such compensation.

The Act amends O.C.G.A. Sections 17-15-1, 17-15-2, 17-15-5, 17-15-6, 17-15-7, and 17-15-8.

Effective July 1, 2009.

**TITLE 19**  
**DOMESTIC RELATIONS**

*Act 77; HB 184*

This Act provides for the release of information by the Department of Human Resources and probate courts concerning the need for testing for sickle cell disease and explaining the causes and effects of such disease.

The Act enacts O.C.G.A. Section 19-3-40.  
Effective July 1, 2009.

*Act 32; HB 145*

This Act modifies provisions relating to deviations from standard child support amounts, including changing the definition of "low income" for purposes of a deviation based on low income.

The Act amends O.C.G.A. Section 19-6-15.  
Effective September 1, 2009.

*Act 151; SB 69*

This Act expands the definition of "sexual exploitation" relating to child abuse in areas pertaining to reporting, investigating, and preventing child abuse and the confidentiality of records containing child abuse information.

The Act amends O.C.G.A. Sections 19-7-5, 19-15-1, and 49-5-40.  
Effective May 5, 2009.

*Act 171; HB 388*

This Act is cited as the "Option of Adoption Act." The Act allows for the relinquishment of rights to an embryo and provides that a child born from such relinquished embryo shall be the legal child of the recipient. The Act also corrects certain cross-references to Article 1 of O.C.G.A Chapter 19-8.

The Act enacts O.C.G.A. Sections 19-8-40 through 19-8-43 and amends O.C.G.A. Sections 15-11-28, 19-8-26, 29-2-22, and 49-5-12.  
Effective July 1, 2009.

**TITLE 20**  
**EDUCATION**

*Act 91; SB 14*

This Act prohibits any person on the National Sex Offender Registry or the state sexual offender registry from being eligible for election to or service on a local board of education.

The Act amends O.C.G.A. Section 20-2-51.  
Effective July 1, 2009.

*Act 164; HB 251*

This Act provides parents with the option of enrolling their children in another school within the local school system or in a school in another local school system if certain conditions are met. The Act also provides nepotism restrictions for eligibility for members of local boards of education and for local school superintendents.

The Act amends O.C.G.A. Sections 20-2-51 and 20-2-101 and enacts O.C.G.A. Sections 20-2-2130 and 20-2-2131.  
Effective May 5, 2009.



**TITLE 20 (continued)**

***Act 118; HB 193***

This Act provides for a 180 day school year or the equivalent thereof. The Act changes the base payment calculation for school food and nutrition personnel from 190 days multiplied by eight hours to 1,520 hours in an annual school year. The Act provides for public elementary and secondary schools to be closed on November 11 of each year in honor of Veterans Day.

The Act amends O.C.G.A. Sections 20-2-147, 20-2-151, 20-2-168, 20-2-187, 20-2-306, and 20-2-942.

Effective May 4, 2009.

***Act 39; HB 313***

This Act revises certain provisions relating to calculating grade point averages for purposes of determining eligibility for enrollment and scholarships for postsecondary education.

The Act amends O.C.G.A. Section 20-2-157.

Effective July 1, 2009.

***Veto No. 11; SB 178***

This Act provides for enrollment counts for students who are enrolled in a dual enrollment program. The Act establishes requirements for weighting of students in certain dual enrollment courses under the Quality Basic Education Formula. The Act temporarily waives expenditure controls relating to funds earned for direct instructional costs, media center costs, staff and professional development costs, and additional days of instruction. The Act embeds into the Official Code of Georgia Annotated and extends sunset dates in an Act approved May 6, 2008 (Ga. L. 2008, p. 288), an Act approved April 9, 2001 (Ga. L. 2001, p. 148), and an Act approved April 22, 1999 (Ga. L. 1999, p. 400), relating to the automatic repeal of provisions relating to advance funding, exceptional growth, and low-wealth capital outlay grants. The Act enacts the "Building Resourceful Individuals to Develop Georgia's Economy Act" to develop programs to improve graduation rates and to improve the preparedness of students for postsecondary education and careers. The Act provides for the development of focused programs of study and model programs for students at risk of dropping out of high school. The Act requires the training of school counselors and graduation coaches to provide for educational counseling and career awareness programs for students. The Act establishes a reform grant program and requires local school systems which receive a reform grant to comply with certain requirements. The Act provides for high school completion rate goals in the state accountability system. The Act also provides for exemptions from certain portions of the high school graduation test and end-of-course assessments.

The Act amends O.C.G.A. Sections 20-2-160, 20-2-161, 20-2-167, 20-2-184.1, 20-2-260, 20-2-262, and 20-2-281 and enacts O.C.G.A. Sections 20-2-325 through 20-2-329.3.

***Act 63; HB 149***

This Act enacts the "Move on When Ready Act" to provide a program for eleventh and twelfth grade students to attend postsecondary colleges and schools for high school credit. The Act requires that certain information and notices be provided to parents and students of the program. The Act provides requirements for course credit and requires the establishment of rules and regulations relating to testing requirements for eligible students participating in the program. The Act also provides for state funding.

The Act enacts O.C.G.A. Section 20-2-161.3.

Effective July 1, 2009.

***Act 6; HB 455***

This Act removes the sunset provision for the Georgia Master Teacher Program. The Act temporarily extends the deadline until May 15, 2009, for the school year 2009-2010 for local governing boards to tender new contracts or provide written notice of intention of not to renew a contract to certificated personnel. The Act provides for placement on the state salary schedule for an educator who has a leadership degree but is not in a leadership position.

**TITLE 20 (continued)**

The Act amends O.C.G.A. Sections 20-2-205, 20-2-211, and 20-2-212.  
Effective April 6, 2009.

***Act 35; HB 243***

This Act provides that teachers currently receiving salary increases for holding certification from the National Board for Professional Teaching Standards shall be eligible for continuing increases unless they leave a teaching position after March 1, 2009. The Act establishes an exception for teachers enrolled in the process as of March 1, 2009. The Act provides that the salary increases and reimbursement of the portion of the national certification program participation fee shall be subject to appropriations by the General Assembly.

The Act amends O.C.G.A. Section 20-2-212.2.  
Effective July 1, 2009.

***Act 51; HB 280***

This Act provides for additional compensation, subject to appropriations of the General Assembly, for teachers certified by the Professional Standards Commission in math or science or both. The Act further provides the establishment of standards for math and science endorsements to kindergarten and elementary school teachers.

The Act enacts O.C.G.A. Section 20-2-212.5.  
Effective July 1, 2009.

***Act 24; SB 210***

This Act provides for the inclusion of home schooled students among those students eligible to participate in the student honors program.

The Act amends O.C.G.A. Section 20-2-306.  
Effective April 21, 2009.

***Act 165; HB 300***

This Act requires local school systems to provide certain information to parents and guardians of students in grades six through 12 on meningococcal meningitis disease and its vaccine whenever other health information is provided.

The Act enacts O.C.G.A. Section 20-2-776.  
Effective July 1, 2009.

***Act 54 ; HB 229***

This Act requires local school systems to conduct an annual fitness assessment program for students in grades one through 12 and to comply with state physical education instruction requirements. The Act provides that the methods of assessment shall be determined and funded by the State Board of Education with the results of each student reported to the parent and the aggregate results of the assessments sent to the board. The Act requires the board to submit an annual report to the Governor beginning October 1, 2012. The Act also provides for the establishment of one or more programs of recognition.

The Act enacts O.C.G.A. Section 20-2-776.  
Effective July 1, 2009.

***Act 10; SB 8***

This Act provides for possession and self-administration of auto-injectable epinephrine by students. The Act requires each local board of education to adopt a policy authorizing students to carry and self-administer prescription auto-injectable epinephrine that requires certain conditions be met. The Act authorizes disciplinary action if the student uses auto-injectable epinephrine in a manner other than as prescribed. The Act limits the liability of local school systems and their

**TITLE 20 (continued)**

employees and agents with regard to an injury to a student caused by the use of auto-injectable epinephrine.

The Act enacts O.C.G.A. Section 20-2-776.  
Effective July 1, 2009.

***Act 19; SB 122***

This Act repeals the Georgia Retiree Health Benefit Fund and creates the Georgia School Personnel Post-employment Health Benefit Fund and the Georgia State Employees Post-employment Health Benefit Fund. The Act provides for the responsibility for the proper operation of the funds to be vested in the Department of Community Health.

The Act enacts O.C.G.A. Sections 20-2-874 through 20-2-879 and Sections 45-18-24 through 45-18-28 and repeals O.C.G.A. Sections 45-18-100 through 48-18-105.

Effective April 21, 2009, except for the repeal provisions which shall become effective on September 1, 2010.

***Act 148; HB 555***

This Act amends the "Charter Schools Act of 1998" so as to include commission charter schools within the facilities fund. The Act requires the Department of Education to ensure that any unencumbered funds and all equipment and property purchased with public education funds revert to the ownership of the Georgia Charter Schools Commission in the event that a commission charter school terminates operations. The Act provides certain requirements relating to the use of surplus property of a local board of education by a local charter school.

The Act amends O.C.G.A. Section 20-2-2068.2.  
Effective July 1, 2009.

***Act 241; SB 114***

This Act provides for the transfer of students who are military dependents into a local school system and waives certain course prerequisites. The Act also provides for additional excused absences in certain circumstances and provides for on-time graduation for children of military families.

The Act enacts O.C.G.A. Sections 20-2-2130, 20-2-2131, 20-2-2140, 20-2-2141, 20-2-2150 through 20-2-2154, 20-2-2160, 20-2-2161, and 20-2-2170.

Effective July 1, 2009.

***Veto No. 2; HB 100***

This Act changes provisions regarding student scholarship organizations. The Act provides that a student who was an eligible student at the time he or she first received an educational scholarship or tuition grant shall remain an eligible student so long as the student receives an educational scholarship or tuition grant from a student scholarship organization. The Act changes certain requirements regarding the operation and taxation of student scholarship organizations and provides for criminal penalties. The Act also changes requirements relating to the qualified education income tax credit.

The Act amends O.C.G.A. Sections 20-2A-1 through 20-2A-3 and 48-7-29.16.

***Act 242; HB 484***

This Act provides that dependent children of military personnel stationed in Georgia on active duty shall be deemed to meet the residency requirements for purposes of HOPE scholarships and grants.

The Act amends O.C.G.A. Sections 20-3-519.2, 20-3-519.3, and 20-3-519.5.  
Effective July 1, 2009.

**TITLE 20 (continued)**

***Act 72; HB 93***

This Act provides authorization for the Georgia Medical Center Authority to take partial and joint ownership interests in real property, to create nonprofit subsidiaries, to create investment or revolving loan funds using bond money as seed funds, and to invest in equity investments managed by third-party managers.

The Act amends O.C.G.A. Section 20-15-5.

Effective July 1, 2009.

**TITLE 21  
ELECTIONS**

***Act 14; SB 47***

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

The Act amends O.C.G.A. Title 21.

Effective April 21, 2009.

***Act 75; HB 156***

This Act provides that an elected magistrate judge or other elected public official who is serving ordered military duty may continue in office and shall be eligible for reelection during such duty. The Act provides for qualification by mail, messenger, or agent.

The Act enacts O.C.G.A. Section 15-10-20.1 and amends O.C.G.A. Sections 21-2-132 and 21-2-153.

Effective April 30, 2009.

***Act 143; SB 86***

This Act provides that persons registering to vote shall provide proof of United States citizenship.

The Act amends O.C.G.A. Section 21-2-216.

Effective July 1, 2009.

***Act 79; HB 227***

This Act provides for the confidentiality of the addresses of certain registered voters, including persons who are under a protective court order, have obtained a restraining order, or are residents of a family violence shelter.

The Act amends O.C.G.A. Section 21-2-225 and enacts O.C.G.A. Section 21-2-225.1.

Effective July 1, 2009.

***Act 86; HB 549***

This Act provides for the transmittal of information to the Secretary of State regarding jurors who declare themselves as not being a citizen of the United States. The Act specifies the information which the Department of Driver Services may provide for purposes of creating juror lists.

The Act amends O.C.G.A. Sections 21-2-231 and 40-5-2.

Section 1 of the Act is effective January 1, 2010. The remaining sections of the Act are effective April 30, 2009.

***Act 71; HB 86***

This Act provides that returns of absentee ballots shall be made by precinct.

The Act amends O.C.G.A. Section 21-1-386.

Effective July 1, 2009.

## **TITLE 21 (continued)**

### ***Act 109; SB 168***

This Act changes provisions relating to the powers and duties of the State Ethics Commission. The Act revises provisions relating to prohibitions against campaign contributions by regulated entities to their elected regulators and revises provisions relating to contributions by officers and employees of regulated entities. The Act requires disclosure report identification of contributions by officers and employees of a regulated entity. The Act prohibits elected regulators from soliciting contributions from such officers and employees. The Act changes certain provisions regarding filing campaign disclosure reports and financial disclosure reports and eliminates duplicate copy filing of certain disclosure reports with county election superintendents. The Act provides that no written affirmation shall be required for electronic filings. This Act provides that the state revenue commissioner shall report the name of any member of the General Assembly who has not filed a required tax return or who is in default on any tax payment to the appropriate ethics committee.

The Act amends O.C.G.A. Sections 21-5-6, 21-5-30.1, 21-5-34, 21-5-34.1, 21-5-50, 21-5-51, and 21-5-52 and enacts O.C.G.A. Section 28-1-8.

Effective May 4, 2009.

## **TITLE 26**

### **FOOD, DRUGS, AND COSMETICS**

#### ***Act 98; SB 80***

This Act expands prohibitions relating to adulteration and misbranding of food to include a failure to comply with new testing, reporting, or record-keeping requirements. The Act requires the Commissioner of Agriculture to establish standards for food processing plants, for a written food safety plan, and for testing of samples of foods and ingredients. The Act also authorizes the Commissioner to inspect certain records of food processing plants.

The Act amends O.C.G.A. Sections 26-2-22 and 26-2-36 and enacts O.C.G.A. Section 26-2-27.1. Effective May 1, 2009.

## **TITLE 27**

### **GAME AND FISH**

#### ***Act 167; HB 326***

This Act provides that certain two-year or other multiyear hunting, fishing, and hunting and fishing combination licenses shall be effective through the one, two, or multiyear anniversary of the date of issuance of such licenses. The Act also provides for a single transaction process to purchase multiyear licenses and sets the fee for such licenses and sets a residency requirement for individuals receiving multiyear licenses. The Act repeals and reserves a provision requiring a primitive weapons license. The Act requires that a person receiving an annual nonresident hunting/fishing license provide certain proof that he or she has completed the official hunter education or hunter safety course in such person's home state. The Act changes "hunting" to "hunting/fishing" throughout O.C.G.A. Title 27 with respect to references to certain licenses. The Act deletes from O.C.G.A. Title 27 certain provisions relating to the reduction of game and fish license, permit, tag, and stamp fees.

The Act amends O.C.G.A. Sections 27-2-3, 27-2-3.1, 27-2-5, 27-2-6, 27-2-7, 27-2-17, 27-2-21, 27-2-23, and 27-3-114; an Act amending O.C.G.A. Title 27 approved March 10, 1992 (Ga. L. 1992, p. 470); an Act amending O.C.G.A. Title 27 approved June 3, 2003 (Ga. L. 2003, p. 654); and an Act amending Article 1 of O.C.G.A. Chapter 27-2 approved May 5, 2005 (Ga. L. 2005, p. 517).

Effective May 5, 2009.

**TITLE 27 (continued)**

***Act 18; SB 111***

This Act provides certain limitations on utilizing lights to hunt certain wildlife. The Act amends O.C.G.A. Sections 27-3-2 and 27-3-24. Effective July 1, 2009.

***Act 17; SB 110***

This Act provides for an exception to a prohibition against trapping wildlife upon the rights of way of public roads or highways. The Act amends O.C.G.A. Section 27-3-63. Effective July 1, 2009.

**TITLE 28  
GENERAL ASSEMBLY**

***Act 74; HB 117***

This Act changes the references to certain committees of the Georgia Senate and House of Representatives throughout the Official Code of Georgia Annotated in order to conform such references to committee names as adopted by resolution by the Georgia Senate and Georgia House of Representatives, respectively. Effective April 30, 2009.

**TITLE 30  
HANDICAPPED PERSONS**

***Act 147; HB 457***

This Act revises the definition of disabled adult and provides that certain acts against disabled adults in long-term care facilities are unlawful. The Act amends O.C.G.A. Sections 30-5-3 and 30-5-8. Effective July 1, 2009.

**TITLE 31  
HEALTH**

***Veto No. 10; SB 159***

This Act creates the Hemophilia Advisory Board and provides such board with duties, membership, and a procedure for selecting officers. The Act also provides for a short title and legislative findings. The Act enacts O.C.G.A. Section 31-1-10.

***Act 102; HB 228***

This Act provides for the reorganization and reestablishment of various state health and human services agencies including reestablishing the Department of Community Health and establishing the Department of Human Services and the Department of Behavioral Health and Developmental Disabilities. The Act reassigns various functions to the new agencies and also provides for the transition to the new agencies. The Act provides for boards for each agency, reconstitutes the Board of Community Health, and abolishes the Board of Human Resources. The Act provides for the position of State Health Officer and establishes the Advisory Council for Public Health. The Act

**TITLE 31 (continued)**

establishes the Public Health Commission. The Act provides for inspection warrants for residential child care licensing and for criminal background checks for employees of the Department of Behavioral Health and Developmental Disabilities. The Act repeals the automatic sunset provision for the State Commission on Family Violence.

The Act amends O.C.G.A. Titles 31, 37, and 49 and various other sections throughout the O.C.G.A. in order to reflect the reorganization of certain state agencies.

Effective July 1, 2009.

***Act 142; HB 667***

This Act changes certain provisions relating to the content and form of notice to the Attorney General, fees, and retention of experts regarding hospital acquisitions.

The Act amends O.C.G.A. Section 31-7-402.

Effective May 5, 2009.

***Act 105; SB 133***

This Act provides sovereign immunity protection for certain health care professionals in safety net clinics who participate in the Health Share Program. The Act also revises a definition relating to the "Health Share' Volunteers in Medicine Act."

The Act amends O.C.G.A. Section 31-8-192 and enacts O.C.G.A. Section 31-8-195.1.

Effective July 1, 2009.

***Act 29; HB 64***

This Act provides a deadline for the completion and filing of the medical certification as to the cause and circumstances of death and provides for penalties for failing to meet such deadline. The Act authorizes a coroner to complete and sign a medical certification as to the cause and circumstances of death under certain circumstances. The Act also provides for certain notification requirements when a death occurs in a different county than where the acts or events resulting in the death occurred.

The Act amends O.C.G.A. Sections 31-10-15, 45-16-22, and 45-16-24.

Effective July 1, 2009.

***Act 136; SB 201***

This Act provides for voluntary contributions through individual income tax returns and other mechanisms for cancer research.

The Act amends O.C.G.A. Section 31-12-14.

Effective July 1, 2009.

***Act 68; HB 68***

This Act provides that an individual may provide through a preneed contract for the disposition of his or her body after death. The Act determines the persons authorized to direct the disposition of a person's body after such person's death and provides for the forfeiture of such right under certain circumstances. The Act provides for a procedure for resolving conflicting claims. The Act provides for immunity for funeral homes that act in good faith in following directions with respect to the disposition of a person's body. The Act restricts the location of certain crematories and creates a procedure for the disposition of cremains after a certain period of time.

The Act enacts O.C.G.A. Sections 31-21-7 and 43-18-80 and amends O.C.G.A. Section 43-18-72.

Effective July 1, 2009.

***Act 69; HB 69***

This Act provides for an attending physician to issue an order not to resuscitate a candidate for nonresuscitation without concurrence by another physician under certain circumstances.

The Act amends O.C.G.A. Section 31-39-4.

Effective July 1, 2009.

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

*Act 340; SB 200*

This Act creates the Planning Division within the Department of Transportation and the position of director for such division. The Act provides for a procedure for developing transportation plans for the state. The Act provides duties, an organizational structure within the Department of Transportation, certain requirements, procedures, guidelines, and funding mechanisms in order to implement the transportation plans for the state. The Act also removes a planning function from the Georgia Regional Transportation Authority.

The Act amends O.C.G.A. Sections 32-2-1, 32-2-20, 32-2-21, 32-2-41, 32-2-41.1, 32-2-41.2, 32-2-42, 32-5-27, and 50-32-11. The Act enacts O.C.G.A. Sections 32-2-22 and 32-2-43 and reenacts O.C.G.A. Sections 32-2-78, 32-2-79, and 32-2-80.

Effective May 11, 2009.

*Act 73; HB 101*

This Act provides regulation of certain facilities above and below the roadways, including a procedure to remove asbestos pipes from certain rights of way. The Act also limits certain prohibitions upon advertising in or on transit agencies' vehicles and facilities.

The Act amends O.C.G.A. Section 32-6-51 and enacts O.C.G.A. Section 32-4-4.

Effective July 1, 2009.

**TITLE 33  
INSURANCE**

*Act 128; HB 410*

This Act amends provisions relating to the amount and method of computing tax on insurance premiums to exempt from state premium taxes premiums paid by Georgia residents for high deductible health plans as defined by Section 223 of the Internal Revenue Code. The Act also adds a provision relating to county and municipal corporation taxes on life insurance companies to exempt such insurers from otherwise applicable local premium taxes on premiums paid by Georgia residents for high deductible health plans. The Act further exempts insurance companies other than life insurance companies from local premium taxes on premiums paid by Georgia residents for high deductible health plans. The Act changes the computation of taxable net income to provide a deduction of 100 percent of premiums paid by the taxpayer for high deductible health plans as defined by Section 223 of the Internal Revenue Code. The Act also changes provisions relating to tax credits for health insurance expenses to define a high deductible health plan.

The Act amends O.C.G.A. Sections 33-8-4, 33-8-8.1, 33-8-8.2, 48-7-27, and 48-7-29.13.

Effective May 4, 2009, and applicable to all taxable years beginning on or after January 1, 2009, except that Section 2 shall be applicable to all taxable years beginning on or after January 1, 2010.

*Act 15; SB 76*

This Act repeals a provision requiring each workers' compensation insurer to disclose certain information to the Commissioner of Insurance on or before March 1 each year. The Act also removes certain references.

The Act amends O.C.G.A. Sections 33-9-21 and 33-9-40.1 and repeals O.C.G.A. Section 34-9-135.

Effective July 1, 2009.

*Act 133; HB 550*

This Act provides that in the event of a conversion of a mutual insurer to a stock insurer, an additional method of payment may be provided, if the mutual insurer is a life insurer, as a paid-up life insurance policy with a cash value of 100 percent of the policyholder's equity in the insurer with certain restrictions.



**TITLE 33 (continued)**

The Act amends O.C.G.A. Section 33-14-76.  
Effective July 1, 2009.

***Act 107; SB 144***

This Act repeals the requirement that an applicant for an insurance agent's license shall be appointed an agent by an authorized insurer prior to issuance of the license. The Act also provides that no licensed managing general agent may charge a fully earned policy fee in connection with the issuance of an insurance policy unless such fee is a component of the insurer's rate filing and such policy fee does not exceed \$25.00.

The Act amends O.C.G.A. Sections 33-23-5 and 33-23-5.1 and enacts O.C.G.A. Section 33-47-4.1.  
Effective July 1, 2009.

***Act 115; HB 80***

This Act changes the minimum number of employees required to be covered under an insurance contract or contracts held by a corporation or trustee.

The Act amends O.C.G.A. Section 33-24-6.  
Effective July 1, 2009.

***Act 154; SB 94***

This Act revises the time periods and eligibility for continuation coverage under certain group and sickness insurance plans to provide for additional continuation plan options as provided by Section 3001 of Title III of the federal American Recovery and Reinvestment Act of 2009. The Act provides that the Commissioner of Insurance is authorized to allow certain health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses to be approved for sale in connection with or packaged with otherwise approved individual health insurance policies.

The Act amends O.C.G.A. Section 33-24-21.1 and enacts O.C.G.A. Section 33-51-7.  
Effective May 5, 2009.

***Act 146; SB 63***

This Act provides that any plan or arrangement established or maintained by two or more accredited independent nonproprietary institutions of higher education located in this state is not subject to the requirements relating to multiple employer self-insured plans.

The Act amends O.C.G.A. Section 33-50-2.  
Effective July 1, 2009.

***Act 93; SB 61***

This Act amends O.C.G.A. Chapter 33-59, the "Life Settlements Act." The Act provides for definitions and license requirements for providers and registration requirements for life settlement brokers. The Act also provides for suspension, revocation, and refusal to renew such license and provides for requirements for life settlement contracts. The Act provides for the authority of the Commissioner of Insurance to investigate persons involved in life settlement business and suspected of fraudulent practices. The Act provides for restrictions on advertising, certain disclosures, and requirements and procedures for life settlement contracts. The Act authorizes the Commissioner of Insurance to promulgate rules and regulations. The Act provides for prohibited acts concerning life settlement contracts, fraud prevention and control, certain immunities from liability, confidentiality, injunctions and civil remedies, and criminal sanctions and penalties. The Act further provides violations constitute unfair trade practices.

The Act amends O.C.G.A. Sections 33-59-1 through 33-59-18.

Effective April 30, 2009, for purposes of the promulgation of rules and regulations by the Commissioner of Insurance and for all other purposes July 1, 2009.

## **TITLE 33 (continued)**

### ***Veto No. 9; SB 123***

This Act provides for the regulation and licensure of pharmacy benefits managers by the Commissioner of Insurance. The Act provides for license requirements and filing fees, requires a surety bond, and provides that a pharmacy benefits manager shall not engage in the practice of medicine. The Act also provides for certain audit requirements applicable to pharmacy benefits managers and provides that a pharmacy benefits manager shall not be licensed as an administrator.

The Act enacts O.C.G.A. Sections 33-64-1 through 33-64-7.

## **TITLE 34**

### **LABOR AND INDUSTRIAL RELATIONS**

#### ***Act 49; HB 581***

This Act enacts the "Georgia Works Job Creation and Protection Act of 2009." The Act provides for the implementation of provisions allowing for stimulation of the economy and labor market within the state. The Act provides incentives to employers to comply with the Employment Security Law. The Act reauthorizes certain federal funds to the Department of Labor. The Act reduces employer payment requirements for de minimis tax amounts and extends suspension of adjustments based upon the State-wide Reserve Ratio. The Act provides for additional weeks of benefits for persons in certain types of job training. The Act changes provisions relating to withdrawals from the Unemployment Trust Fund.

The Act amends O.C.G.A. Sections 34-8-21, 34-8-24, 34-8-85, 34-8-121, 34-8-150, 34-8-156, 34-8-193, 34-8-197, and 50-17-22.

Effective April 21, 2009.

#### ***Act 40; HB 330***

This Act changes provisions for service of decisions of an administrative law judge and decisions of the appellate division upon counsel of record. The Act provides that an employee's waiver of confidentiality includes past medical history with respect to any condition or complaint related to the condition for which the employee claims compensation. The Act provides the conditions under which employers from other states engaged in the construction industry with workers' compensation insurance coverage issued in such other states shall be considered to be in compliance with the requirement of providing insurance for payment of workers' compensation in this state. The Act provides that final settlement payments may be paid by the employer to a person or corporation appointed by the superior court.

The Act amends O.C.G.A. Sections 34-9-102, 34-9-103, 34-9-121, 34-9-207, 34-9-223, and 34-9-385.

Effective July 1, 2009.

## **TITLE 35**

### **LAW ENFORCEMENT OFFICERS AND AGENCIES**

#### ***Act 178; HB 607***

This Act provides for the appointment of a member of the Georgia Association of Fire Chiefs to serve as a member of the Board of Public Safety.

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

Effective January 20, 2011.

#### ***Act 41; HB 343***

This Act establishes the position of weight inspector within the Motor Carrier Compliance Division of the Department of Public Safety. The Act authorizes the weight inspector to enforce

**TITLE 35 (continued)**

certain noncriminal provisions relating to commercial motor vehicle weight, registration, size, and load and to temporarily detain a commercial motor vehicle operated in violation of the law.

The Act amends O.C.G.A. Section 35-2-100 and enacts O.C.G.A. Section 35-2-102.  
Effective April 21, 2009.

**TITLE 36  
LOCAL GOVERNMENT**

*Act 52; HB 63*

This Act provides a comprehensive revision of the redevelopment powers. The Act provides a short title, definitions, legislative purposes, powers and the authority to delegate such powers, and such other procedures and guidelines necessary in order to provide local governments with the mechanisms to implement their redevelopment powers.

The Act repeals and reenacts O.C.G.A. Chapter 36-44.  
Effective April 22, 2009.

*Act 152; SB 20*

This Act prohibits local governing bodies from providing immigration sanctuary policies. The Act provides for penalties for local governing bodies violating such provisions.

The Act enacts O.C.G.A. Section 36-80-23.  
Effective May 5, 2009.

*Act 45; HB 427*

This Act provides for new requirements regarding the criteria for pervasive poverty within enterprise zones.

The Act amends O.C.G.A. Section 36-88-6.  
Effective July 1, 2009.

*Act 1; HB 143*

This Act changes the manner and method of appropriating funds for homeowner tax relief grants. The Act amends O.C.G.A. Sections 36-89-3 and 45-12-86.

Effective February 17, 2009.

*Veto No. 4; HB 553*

This Act creates the Local Government Equipment Financing Authority and the County Equipment Financing Authority and provides comprehensive regulation of local government equipment financing. The Act provides for members, qualifications, officers, meetings, procedures, certain limitations, and guidelines in order to provide financing to local governments for certain equipment.

The Act enacts O.C.G.A. Chapter 36-93.

**TITLE 40  
MOTOR VEHICLES AND TRAFFIC**

*Act 114; HB 57*

This Act designates the Department of Revenue as the agency responsible for the administration of the federal Unified Carrier Registration Act of 2005. The Act also repeals provisions previously governing motor carriers. The Act requires the commissioner of public safety to establish and regulate identification requirements which comply with provisions of the federal Unified Carrier Registration Act of 2005. The Act provides that motor carrier transportation contracts which purport

**TITLE 40 (continued)**

to indemnify, defend, or hold harmless a promisee against any liability for loss resulting from negligence or intentional acts or omissions of the promisee are unenforceable. The Act provides that operation of a motor vehicle subject to an out-of-service order issued by certain agencies shall be a misdemeanor.

The Act amends O.C.G.A. Sections 40-2-1, 46-7-12.1, 46-7-15, 46-7-26, 46-7-37, and 46-7-39, repeals O.C.G.A. Sections 46-7-15.1 and 46-7-16, and enacts O.C.G.A. Section 40-2-140.

Effective July 1, 2009, as to those provisions relating to motor carrier transportation indemnification contracts and applicable to such contracts entered on or after such date, effective October 1, 2009, as to provisions relating to adopting rules and regulations pertaining to the repeal of subsections (a) through (d) of O.C.G.A. Section 46-7-15 and O.C.G.A. Section 46-7-15.1, and effective May 4, 2009, as to the remaining provisions.

***Act 101; SB 128***

This Act permits permanent life-time licensing and registration of certain trailers, including boat trailers, utility trailers, and noncommercial cattle and livestock trailers. The Act also updates provisions relating to surge brakes.

The Act amends O.C.G.A. Sections 40-2-20, 40-2-47, 40-2-151, and 40-8-50.

Effective January 1, 2010, as to those provisions relating to licensing and registration of certain trailers and effective May 1, 2009, as to those provisions relating to surge brakes.

***Act 179; HB 639***

This Act provides for the issuance of special license plates for the Atlanta Falcons Youth Foundation and the Georgia Aquarium, Inc.

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

Effective July 1, 2009.

***Act 22; SB 196***

This Act clarifies that a person driving without a license shall not be guilty of such offense if the person produces a valid Georgia driver's license in court regardless of whether the license was issued at the time of arrest. The Act also provides for a driver's license suspension of a person convicted of causing serious injury to another due to a right of way violation resulting from a collision with a motorcyclist, pedestrian, bicyclist, or farmer transporting vehicles hauling farm products, machinery, or livestock. The Act increases the fee to be paid by a DUI Alcohol or Drug Use Risk Reduction Program to the state for each assessment and also raises the fee such program shall charge the offender for the assessment. The Act permits local governments to authorize the use of sidewalks by bicyclists who are 12 years of age or younger.

The Act amends O.C.G.A. Sections 40-5-20, 40-5-83, 40-5-121, 40-6-77, 40-6-96, and 40-6-144 and enacts O.C.G.A. Section 40-5-57.3.

Effective July 1, 2009.

***Act 135; HB 160***

This Act increases several drivers' license reinstatement fees and provides for an additional administrative fee for certain persons committing speeding offenses classified as super speeders. The Act also requires that a charging officer indicate on a uniform traffic citation or other charging instrument used to charge a speeding violation whether the violation occurred on a two-lane road or a highway.

The Act amends O.C.G.A. Sections 40-5-22.1, 40-5-30, 40-5-56, 40-5-57.1, 40-5-62, 40-5-70, 40-5-75, 40-5-84, 40-5-121, and 40-6-187 and enacts O.C.G.A. Section 40-6-189.

Effective July 1, 2009, as to those provisions relating to increases in drivers' license reinstatement fees, and effective January 1, 2010, as to those provisions relating to the uniform traffic citation and charging instrument and the super speeder fee.

**TITLE 42  
PENAL INSTITUTIONS**

*Act 48; HB 464*

This Act provides for a deduction from an inmate's account for repayment of the full cost of prescription medication for self-inflicted injuries unless the inmate has a severe mental health designation. The Act provides for repayment of part of the cost of inmate prescription medication for any condition unrelated to pregnancy or a chronic illness. The Act also provides that a hospital or hospital authority which does not have a contract with the Department of Corrections on July 1, 2009, shall only be reimbursed up to the Georgia Medicaid rate for emergency services provided to a state inmate.

The Act amends O.C.G.A. Sections 42-5-2 and 42-5-55.  
Effective April 21, 2009.

*Act 104; SB 64*

This Act establishes the HIV testing program for the testing of state inmates prior to their release from a state penal institution. Such program shall be implemented by the Department of Corrections, contingent upon funding.

The Act enacts O.C.G.A. Section 42-5-52.2.  
Effective July 1, 2009.

*Act 42; HB 344*

This Act authorizes a sentencing court to impose a \$10.00 per day fee as a condition of probation for a defendant sentenced to a day reporting center provided the defendant is not indigent or unemployed.

The Act amends O.C.G.A. Section 42-8-34.  
Effective July 1, 2009, and applicable to defendants convicted on or after such date.

*Act 33; HB 226*

This Act allows a sentencing court to give credit for time served for a defendant sentenced to a probation detention center.

The Act amends O.C.G.A. Section 42-8-35.4.  
Effective July 1, 2009, and applicable to probationers sentenced on or after such date.

*Act 11; SB 24*

This Act establishes the "Probation Management Act." The Act authorizes a court to sentence a probationer to the sentencing options system. The Act provides that the Department of Corrections shall administer the sentencing options system which shall be a system of administrative sanctions imposed as an alternative to judicial modification or revocation of probation where a probationer has violated a condition of probation.

The Act enacts O.C.G.A. Sections 42-8-150 through 42-8-159.  
Effective April 21, 2009.

**TITLE 43  
PROFESSIONS AND BUSINESSES**

*Act 342; HB 60*

This Act prohibits persons who are exempt from the requirements of the "Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing Law" from holding themselves out to the public as being licensed to practice professional counseling, social work, or marriage and family therapy or any combination thereof and from using any term or other indicia implying that such persons are licensed to practice professional counseling social work, or marriage and family therapy or any combination thereof.

**TITLE 43 (continued)**

The Act amends O.C.G.A. Section 43-10A-7.  
Effective July 1, 2009.

***Act 60; HB 475***

This Act amends the requirements for nursing education programs required for licensure as an advanced practice registered nurse, registered professional nurse, or licensed practical nurse. The Act changes certain provisions relating to requirements for registered professional nurses in nontraditional nursing education programs. The Act provides for temporary permits for approved preceptorships.

The Act amends O.C.G.A. Sections 43-26-3, 43-26-7, 43-26-8, 43-26-32, 43-26-36, and 43-26-38.  
Effective April 29, 2009.

***Act 243; HB 509***

This Act provides for comprehensive revision to the regulation of physicians, acupuncturists, physician's assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice. The Act establishes the Georgia Composite Medical Board to regulate physicians, acupuncturists, physician assistants, cancer and glaucoma treatment, respiratory care practice, clinical perfusionists, orthotics and prosthetics, and cosmetic laser services. The Act provides for the selection and the powers, duties, and procedures of the board, its officers, and members. The Act provides for peer review of certain medical professionals. The Act requires individuals regulated under O.C.G.A. Chapter 43-34 to notify the board upon the conviction of a felony. The Act provides for the suspension, reinstatement, and renewal of a license, permit, or certificate granted under O.C.G.A. Chapter 43-34. The Act provides for certain standards, conditions, and requirements to practice medicine, acupuncture, or orthotics and prosthetics and prior to licensure as a physician assistant, respiratory therapist, or clinical perfusionist. The Act provides penalties for practicing medicine, acupuncture, or orthotics and prosthetics and for acting as a physician assistant, respiratory therapist, or clinical perfusionist without a license. The Act authorizes the delegation of certain duties from physicians to nurses or physician assistants. The Act provides for the delegation of tasks involving polysomnography. The Act authorizes a physician assistant to make a pronouncement of death under certain circumstances for purposes of vital records. The Act revises laws relating to cosmetic laser services. The Act amends various other provisions of the Official Code of Georgia Annotated for purposes of conformity.

The Act amends O.C.G.A. Sections 16-13-21, 16-13-72, 20-2-774, 20-3-476, 20-3-512, 20-3-513, 24-9-67.1, 26-4-50, 26-4-80, 26-4-85, 26-4-130, 31-7-16, 31-9-6.1, 31-9A-2, 31-9A-6.1, 31-10-16, 31-11-2, 31-11-60.1, 31-11-81, 31-22-9.1, 31-34-4, 31-38-2, 33-3-27, 33-20A-3, 33-20B-2, 33-24-56.4, 33-24-58.2, 33-24-72, 34-9-1, 34-9-415, 40-6-392, 42-4-70, 42-5-55, 43-1-28, 43-5-13, 43-26-5, 43-30-13, 43-34-1 through 43-34-12, 43-34-20 through 43-34-45, 43-34-60 through 43-34-72, 43-34-100 through 43-34-110, 43-34-120 through 43-34-126, 43-34-140 through 43-34-152, 43-24-170 through 43-34-180, 43-34-190 through 43-34-203, 43-34-240 through 43-34-253, 43-34A-2, 43-34A-3, 43-34A-6, 43-35-3, 45-2-7, 51-2-5.1, and 51-1-29.5.

Effective July 1, 2009, except that O.C.G.A. Sections 43-34-240 through 43-34-253 are effective as amended in Section 1 of the Act only if funds are specially appropriated for the purposes of Ga. L. 2007, p. 626 in a General Appropriations Act making specific reference to such Act and shall become effective when funds so appropriated become available for expenditure.

***Act 53; HB 217***

This Act authorizes the use of influenza vaccine orders for a group of patients. The Act sets forth the requirements for influenza vaccine protocol agreements between physicians and pharmacists or nurses. The Act provides that a physician may prescribe influenza vaccine for a group of patients by virtue of an influenza vaccine order contained in a protocol agreement to be administered by a pharmacist and nurse, provided that the physician is registered with the Department of Human Resources' vaccination registry, the Georgia Registry of Immunization Transactions and Services, and other requirements are met. The Act specifies certain requirements as to the administration of the influenza vaccine to persons under the age of 18 and age 65 or older. The Act provides for vaccinations and other measures for health care workers in hospitals. The Act also provides the

## **TITLE 43 (continued)**

Governor the power to declare a state of emergency in the event of an actual or impending pandemic influenza emergency.

The Act amends O.C.G.A. Sections 31-7-18, 38-3-3, and 38-3-51 and enacts O.C.G.A. Section 43-34-26.4.

Effective April 28, 2009.

### ***Act 341; SB 104***

This Act provides for certain changes to the "Georgia Cosmetic Laser Services Act." The Act amends certain definitions. The Act provides an exception allowing certain persons desiring to obtain a license as an assistant laser practitioner to be eligible for such a license if he or she makes application to the board within a certain time frame and has obtained at least 2,000 hours of experience in administering cosmetic laser services and received at least two certificates of laser/intense pulse light courses. The Act removes language providing the Composite State Board of Medical Examiners with the authority to waive education or experience requirements but does permit the board to waive certain requirements as to certain facilities offering cosmetic laser services. The Act changes certain requirements relating to consulting physicians. The Act requires certain information to be provided as part of informed consent. The Act requires that the advisory committee include at least one person licensed to practice medicine and specialized in a field with expertise in the biologic behavior of the skin.

The Act amends O.C.G.A. Sections 43-34-242, 43-34-244, and 43-34-248 through 43-34-250 and enacts O.C.G.A. Section 43-34-249.1.

Effective upon the "Georgia Cosmetic Laser Services Act," approved May 29, 2007 (Ga. L. 2007, p. 626), becoming effective as provided in Section 2 therein.

### ***Act 81; HB 315***

This Act requires that all fees and other valuable consideration be disclosed by any person licensed as a community association manager, salesperson, associate broker, or broker for all real estate transactions. The Act also requires that agreements to refer a person to another licensee for brokerage or relocation services must be made in writing, and an estimate of any consideration for such referral must be provided.

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

Effective April 30, 2009.

## **TITLE 44 PROPERTY**

### ***Act 140; HB 127***

This Act adopts the "Uniform Real Property Electronic Recording Act" to provide for the validity of electronic documents and recording of such documents.

The Act enacts Part 2 of O.C.G.A. Chapter 44-2.

Effective May 5, 2009.

### ***Act 89; HB 608***

This Act changes the definition of time-share estate and expands what time-share instruments for a time-share program shall include.

The Act amends O.C.G.A. Sections 44-3-162 and 44-3-170.

Effective July 1, 2009.

### ***Act 138; HB 492***

This Act provides that private residence clubs and private residence club developments are not time-share estates, time-share programs, time-share projects, or time-share uses and provides for the application of certain restrictive covenants and exceptions.

## **TITLE 44 (continued)**

The Act enacts O.C.G.A. Section 44-3-162.1.  
Effective May 5, 2009.

### ***Act 85; HB 528***

This Act requires developers who manage certain homeowners' or condominium owners' associations to provide audits to such owners in certain circumstances.

The Act enacts O.C.G.A. Section 44-3-250.  
Effective July 1, 2009.

### ***Act 106; SB 141***

This Act requires the recording of documents relating to sales under power and changes provisions relating to sales made on foreclosure under power of sale.

The Act amends O.C.G.A. Sections 44-14-160 and 44-14-162.3.  
Effective July 1, 2009.

## **TITLE 45 PUBLIC OFFICERS AND EMPLOYEES**

### ***Act 103; SB 38***

This Act authorizes the Georgia Bureau of Investigation to perform post-mortem examinations and autopsies on persons whose death occurs within a state owned or leased building or on the curtilage of such building. The Act also permits a medical examiner to provide biological substances to an approved canine instructor or school for the purpose of training police canines.

The Act enacts O.C.G.A. Section 45-16-25 and amends O.C.G.A. Section 45-16-50.  
Effective July 1, 2009.

## **TITLE 46 PUBLIC UTILITIES AND PUBLIC TRANSPORTATION**

### ***Act 130; HB 440***

This Act provides that state government endorsed rideshare programs are neither for hire nor private carrier operations. The Act provides for definitions of the terms "exempt rideshare," "government endorsed rideshare program," and "GRTA." The Act modifies the definitions of the terms "for hire" and "private carrier" relative to public utilities and public transportation.

The Act amends O.C.G.A. Section 46-1-1.  
Effective May 4, 2009.

### ***Act 13; SB 31***

This Act enacts the "Georgia Nuclear Energy Financing Act." The Act authorizes utilities in Georgia to recover the costs of financing associated with the construction of a nuclear generating plant which has been certified by the Georgia Public Service Commission from the customers of such utilities through a separate rate tariff. The Act provides that the financing charges shall be based on the utility's actual cost of debt and on the authorized cost of equity capital and capital structure as determined by the commission. The Act specifies that the commission retains the discretion to consider the effect of such tariff when setting the level of any senior or low-income assistance and provides that the income qualification for such assistance shall be 200 percent of the federal poverty level. The Act provides the commission with the authority to authorize any specific accounting treatment for the costs recovered by the utility and to review whether such costs are being properly recovered.

The Act amends O.C.G.A. Section 46-2-25.  
Effective April 21, 2009.



**TITLE 46 (continued)**

***Act 80; HB 302***

This Act requires any telecommunications company that charges a customer for a service which is provided to the customer by a nonaffiliated third party to provide to such customer the ability to block the nonaffiliated third-party service and any charges associated with such service.

The Act amends O.C.G.A. Section 46-5-171.1.

Effective January 1, 2010.

**TITLE 47**

**RETIREMENT AND PENSIONS**

***Act 92; SB 48***

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

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

Paragraph (5) of Section 1 of the Act is effective July 1, 2009. The remaining provisions of the Act are effective April 30, 2009.

***Act 156; SB 98***

This Act changes references to the State Merit System of Personnel Administration to the State Personnel Administration.

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

Effective July 1, 2009.

***Act 275; HB 202***

This Act provides for a maximum compensation to be used for computing contributions and benefits and the payment of benefits. The Act provides for the rollover of certain funds and for a limit on benefits. The Act provides for application of service credits. The Act provides for the holding of pension funds in trust. The Act provides for a normal retirement age and vesting. The Act ratifies certain prior changes to public retirement plans. The Act provides for changes in public retirement law to comply with federal law and regulations.

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

Effective May 11, 2009.

***Act 84; HB 477***

This Act removes a requirement that application for certain creditable service for returning veterans be made within a certain time.

The Act amends O.C.G.A. Section 47-1-62.

Effective April 30, 2009.

***Act 82; HB 452***

This Act provides that persons who become members of the Employees' Retirement System of Georgia, the Georgia Legislative Retirement System, or the Georgia Judicial Retirement System shall not be eligible to receive a cost-of-living increase in retirement benefits.

The Act amends O.C.G.A. Sections 47-2-29, 47-6-80, and 47-23-21.

Effective July 1, 2009.

***Act 83; HB 476***

This Act provides that an employing unit shall pay to the retirement system the actuarial cost of granting an employee a salary increase in excess of 5 percent during the 12 months prior to such employee's retirement. The Act provides that the computation of a retirement benefit shall not include a compensation increase in the last 12 months of employment which exceeds 5 percent. The

**TITLE 47 (continued)**

Act clarifies provisions relative to a death benefit. The Act provides for the authority to increase liability contribution rates. The Act provides that certain provisions relating to continued employment or reemployment shall not apply to certain members under the Peace Officers' Annuity and Benefit Fund.

The Act amends O.C.G.A. Sections 47-2-120, 47-2-123, 47-2-222, 47-2-334, 47-2-353, 47-2-356, and 47-17-80.

Effective July 1, 2009.

***Act 94; SB 177***

This Act provides that appellate court judges who become members of the Employees' Retirement System of Georgia and persons who become members of the Georgia Legislative Retirement System or the Georgia Judicial Retirement System shall not be entitled to group term life insurance.

The Act amends O.C.G.A. Sections 47-2-162, 47-2-163, 47-2-224, and 47-23-29.

Effective July 1, 2009.

***Act 157; SB 109***

This Act transfers certain duties and obligations from the Department of Administrative Services to the Council of Superior Court Judges of Georgia, the Council of State Court Judges of Georgia, the Prosecuting Attorneys' Council of the State of Georgia, and the Council of Juvenile Court Judges.

The Act amends O.C.G.A. Chapters 2, 8, 12, 18, and 23 of Title 47.

Effective July 1, 2010.

***Act 175; HB 487***

This Act increases contributions to the Superior Court Clerks' Retirement Fund of Georgia. The Act increases certain fines. The Act provides for an employer contribution to the Peace Officers' Annuity and Benefit Fund.

The Act amends O.C.G.A. Sections 47-14-40, 47-14-50, 47-14-51, and 47-17-61.

Effective May 5, 2009.

***Act 176; HB 488***

This Act provides for eligibility for creditable service under the Superior Court Clerks' Retirement Fund of Georgia.

The Act amends O.C.G.A. Section 47-14-77.

Effective June 1, 2009.

***Act 44; HB 371***

This Act changes the definition of the term "large retirement system." The Act changes the investment authority of large retirement systems.

The Act amends O.C.G.A. Section 47-20-84.

Effective April 21, 2009.

***Act 78; HB 210***

This Act clarifies who shall pay employer contributions for certain members of the Georgia Judicial Retirement System.

The Act amends O.C.G.A. Section 47-23-43.

Effective July 1, 2009.

**TITLE 48  
REVENUE AND TAXATION**

***Act 7; HB 74***

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 8, 2009, except that Section 1 shall be applicable to all taxable years beginning on or after January 1, 2009, and Section 2 shall be applicable to all taxable years beginning after December 31, 2007, but before January 1, 2009.

***Act 174; HB 485***

This Act enacts the "Improved Taxpayer Customer Service Act of 2009." The Act provides for the service of subpoenas by certified mail and expands the right to an administrative hearing with respect to claims for sales and use tax refunds. The Act also enables individual taxpayers who take the qualified education tax credit to file electronically by changing the provisions regarding when the letter of confirmation of donation shall be attached to the return and provides for alternative tax credits for base year port traffic.

The Act amends O.C.G.A. Sections 48-2-8, 48-2-35, 48-2-35.1, 48-2-55, and 48-7-29.16 and enacts O.C.G.A. Section 48-7-40.15A.

Effective May 5, 2009, except that Section 6 shall be applicable to all taxable years beginning after January 1, 2008.

***Act 125; HB 334***

This Act provides for changes regarding the form of payment of taxes and provides for penalties when taxpayers who are required to file electronically fail to do so.

The Act amends O.C.G.A. Section 48-2-32 and enacts O.C.G.A. Section 48-2-44.1.

Effective January 1, 2010.

***Act 173; HB 441***

This Act provides for the expedited payment of sales and use tax refund claims secured by a satisfactory bond and for civil and criminal penalties regarding certain sales and use tax refund claims. The Act also authorizes refunds to credit card issuers for certain motor fuel sales to tax-exempt entities.

The Act amends O.C.G.A. Section 48-2-35.1 and enacts O.C.G.A. Section 48-9-10.1.

Effective May 5, 2009.

***Act 131; HB 444***

This Act provides for civil penalties and injunctive relief regarding certain tax return preparers.

The Act enacts O.C.G.A. Section 48-2-62.

Effective May 4, 2009.

***Act 9; SB 55***

This Act changes the factors required to be considered in determining fair market value of real property and changes the deadline for filing for forest land conservation use assessment. The Act also changes certain provisions regarding the establishment of the equalized adjusted property tax digest and changes made in taxpayers' returns.

The Act amends O.C.G.A. Sections 48-5-2, 48-5-7.7, 48-5-274, and 48-5-306.

Effective April 14, 2009, and applicable to all taxable years beginning on or after January 1, 2009.

***Act 61; SB 240***

This Act provides for the modernization and revision of certain provisions regarding ad valorem taxation of property by revising certain procedures relative to the appeal of assessments for ad

**TITLE 48 (continued)**

valorem tax purposes. The Act also changes provisions regarding collection of costs, commissions, interest, and penalties and provides for additional tax return filing requirements for public utilities.

The Act amends O.C.G.A. Sections 48-5-7.7, 48-5-161, 48-5-306, 48-5-311, and 48-5-511.

Effective April 29, 2009, and Sections 1 and 2 shall be applicable to all property tax appeals submitted to arbitration or appealed to superior court on or after that date.

***Act 132; HB 482***

This Act provides that, subject to a referendum approval, all tangible personal property constituting the inventory of a business shall be exempt from state ad valorem taxation.

The Act enacts O.C.G.A. Section 48-5-41.2.

Effective July 1, 2009.

***Act 123; HB 304***

This Act extends the state-wide homestead exemption for disabled veterans and their unremarried surviving spouses or minor children. The Act also changes provisions regarding tax appraisers and assessors going onto property in performance of their duties.

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

Effective May 4, 2009.

***Act 245; HB 318***

This Act changes certain provisions relating to the return for ad valorem tax purposes of motor vehicles and provides a partial tax exemption from ad valorem taxation of heavy-duty equipment motor vehicles for a limited period of time.

The Act amends O.C.G.A. Section 48-5-444 and enacts O.C.G.A. Section 48-5-506.1.

Effective May 11, 2009.

***Act 163; HB 233***

This Act provides for a moratorium period during which valuation increases of property which is subject to ad valorem taxation shall be limited to 0 percent with exceptions contained in the Act.

The Act enacts O.C.G.A. Chapter 48-5B.

Effective May 5, 2009.

***Act 170; HB 379***

This Act provides for an adjustment to income taxes so as to disallow expenses paid to certain real estate investment trusts.

The Act amends O.C.G.A. Sections 48-7-21 and 48-7-27 and enacts O.C.G.A. Section 48-7-28.4.

Effective May 5, 2009, and applicable to all taxable years beginning on or after January 1, 2010.

***Veto No. 3; HB 481***

This Act enacts the "Jobs, Opportunity, and Business Success Act of 2009." The Act provides for tax relief and encourages employment opportunities and business stimulation by waiving certain fees charged to business entities in Georgia and grants tax credits to employers who hire persons receiving employment security benefits. The Act also eliminates the requirement for dealers to make returns and remittances with respect to estimated sales and use tax liability and eliminates the corporate net worth tax.

The Act amends O.C.G.A. Sections 14-2-122, 14-9-1101, 14-11-1101, 34-8-156, 48-7-21, 48-7-27, 48-8-49, and 48-13-70, and enacts O.C.G.A. Section 48-7-29.17.

***Act 343; HB 186***

This Act extends the period of time that income tax credits for teleworking may be granted, changes the amount of the credits, and changes the reporting requirements.

**TITLE 48 (continued)**

The Act amends O.C.G.A. Section 48-7-29.11.  
Effective May 11, 2009.

***Act 260; HB 261***

This Act provides for an income tax credit for a limited period of time for the purchase of one eligible single-family residence.

The Act enacts O.C.G.A. Section 48-7-29.17.  
Effective May 11, 2009.

***Act 129; HB 439***

This Act provides for the comprehensive revision of income tax credits for business enterprises in less developed areas, employers providing approved retraining, business enterprises having qualified research expenses, base year port traffic, and taxpayers establishing or relocating headquarters into Georgia.

The Act amends O.C.G.A. Sections 48-7-40, 48-7-40.1, 48-7-40.5, 48-7-40.12, 48-7-40.15, and 48-7-40.17.

Effective May 4, 2009, and applicable to all taxable years beginning on or after January 1, 2009.

***Act 172; HB 438***

This Act provides for the comprehensive revision of the income tax credits for qualified jobs, investment, investment property, and projects.

The Act amends O.C.G.A. Section 48-7-40.24.

Effective May 5, 2009, and applicable to all taxable years beginning on or after January 1, 2009.

***Act 28; HB 59***

This Act changes certain provisions regarding the exemption from sales and use taxes on prescription drugs and provides for additional exemptions from sales and use taxes on certain controlled substances, dangerous drugs, new animal drugs, or medical devices.

The Act amends O.C.G.A. Section 48-8-3 and enacts O.C.G.A. Section 48-8-18.

Effective April 21, 2009, except for Section 2, relating to controlled substances and dangerous drugs, which is effective on July 1, 2009.

***Act 116; HB 116***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of certain aircraft not registered in Georgia.

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

Effective July 1, 2009.

***Act 117; HB 120***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of certain school supplies, clothing, footwear, computers, computer related accessories, energy efficient products, and water efficient products.

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

Effective May 4, 2009.

***Act 161; HB 129***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of certain tangible personal property used for and in the renovation or expansion of a zoological institution as further defined in the Act.

**TITLE 48 (continued)**

The Act amends O.C.G.A. Section 48-8-3.  
Effective May 5, 2009.

***Act 120; HB 212***

This Act provides for an exemption from state and local sales and use taxes for a limited period of time on certain sales or uses of jet fuel.

The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2009.

***Act 168; HB 349***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of certain tangible personal property used for and in the new construction of a civil rights museum as further defined in the Act.

The Act amends O.C.G.A. Section 48-8-3.  
Effective May 5, 2009.

***Act 126; HB 358***

This Act provides for an extension of the exemption from state sales and use taxes for a limited period of time on use of food for hunger relief purposes and food donated for disaster relief purposes.

The Act amends O.C.G.A. Section 48-8-3.  
Effective May 4, 2009.

***Act 169; HB 364***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of airplane flight simulation training devices approved by the Federal Aviation Administration.

The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2009.

***Act 127; HB 395***

This Act provides for an extension of the exemption from state sales and use taxes for a limited period of time on sales of certain tangible personal property used in direct connection with the construction of certain symphony halls.

The Act amends O.C.G.A. Section 48-8-3.  
Effective July 1, 2009.

***Act 26; HB 46***

This Act provides for an exemption from state sales and use taxes for a limited period of time on sales of dyed fuel oils.

The Act enacts O.C.G.A. Section 48-8-16.  
Effective April 21, 2009.

***Act 30; HB 121***

This Act provides for an exemption from any rate of prepaid state taxes for a limited period of time on sales of motor fuel and aviation gasoline to the extent it differs from the rate levied as of January 1, 2008.

The Act enacts O.C.G.A. Sections 48-8-17 and 48-8-17.1.  
Effective April 21, 2009.

**TITLE 48 (continued)**

***Act 145; HB 181***

This Act extends the state revenue commissioner's authority to make distributions of unidentifiable sales and use tax proceeds to December 31, 2011.

The Act amends O.C.G.A. Section 48-8-67.

Effective May 5, 2009.

***Veto No. 1; HB 56***

This Act revises and changes procedures and requirements regarding the renegotiation of distribution certificates. The Act changes provisions regarding the failure to file a new distribution certificate and the discontinuation of the joint county and municipal sales and use tax.

The Act amends O.C.G.A. Sections 48-8-89, 48-8-89.1, and 48-8-92.

**TITLE 49  
SOCIAL SERVICES**

***Act 20; SB 165***

This Act authorizes the Department of Community Health to obtain income eligibility information from the Department of Revenue for applicants for Medicaid and the PeachCare for Kids Program.

The Act amends O.C.G.A. Sections 49-4-146.1 and 49-5-273.

Effective January 1, 2010.

***Act 34; HB 237***

This Act modifies provisions relating to providing financial assistance to families adopting children so as to require that the Department of Human Resources determine eligibility for assistance and execute an adoption assistance agreement prior to the adoption as a condition of providing financial assistance to adoptive families. The Act clarifies that financial assistance shall not exceed the cost of providing foster care.

The Act amends O.C.G.A. Section 49-5-8.

Effective July 1, 2009.

***Act 16; SB 79***

This Act expands access to records pertaining to child abuse so as to permit access to such records by any governmental entity that has a need for the information in order to protect children from abuse. The Act also excludes from disclosure to private persons identifying information of all persons, information which is privileged as a matter of law, and information related to an ongoing criminal investigation or proceeding.

The Act amends O.C.G.A. Sections 49-5-40 and 49-5-41.

Effective July 1, 2009.

***Act 27; HB 49***

This Act authorizes the Georgia Board for Physician Workforce to apply for grants and accept gifts for the purposes of studying issues related to medical education or implementing initiatives to enhance medical education infrastructure and meet physician workforce needs.

The Act amends O.C.G.A. Section 49-10-3.

Effective July 1, 2009.

**TITLE 50  
STATE GOVERNMENT**

***Act 2; HB 118***

This Act amends the 2008-2009 "General Appropriations Act" to change certain appropriations for State Fiscal Year 2008-2009.  
Effective March 13, 2009.

***Act 345; HB 119***

This Act, the "General Appropriations Act," provides for the operation of state government for State Fiscal Year 2009-2010.  
Effective May 11, 2009.

***Act 155; SB 97***

This Act changes the designation of "State Merit System of Personnel Administration" to "State Personnel Administration" throughout the Official Code of Georgia Annotated.  
Effective July 1, 2009.

***Veto No. 5; HB 662***

This Act provides that the Georgia Building Authority shall reimburse the Department of Public Safety for the cost of performing security and police duties in the Capitol Square area.  
The Act amends O.C.G.A. Section 50-2-28 and enacts O.C.G.A. Section 50-9-18.

***Veto No. 12; SB 211***

This Act exempts certain state purchases from going through the Department of Administrative Services.  
The Act amends O.C.G.A. Section 50-5-58.

***Act 58; SB 44***

This Act provides contractual and purchasing preferences for certain supplies, materials, equipment, and agricultural products manufactured or produced in this state.  
The Act amends O.C.G.A. Section 20-2-500, O.C.G.A. Chapter 36-84, and O.C.G.A. Sections 50-5-60, 50-5-61, and 50-5-62.  
Effective July 1, 2009.

***Act 65; SB 170***

This Act prohibits companies that have business operations in the Republic of Sudan from participating in state contracts.  
The Act enacts O.C.G.A. Section 50-5-84.  
Effective April 29, 2009.

***Act 158; SB 117***

This Act provides that a company shall manufacture a minimum of 50 percent of its product in Georgia to be included in the "Made In Georgia" program. The Act requires the Department of Economic Development to maintain a website informing the public of Georgia manufacturers and their goods and products.  
The Act amends O.C.G.A. Section 50-7-80.  
Effective July 1, 2009.



**TITLE 50 (continued)**

***Act 12; SB 26***

This Act clarifies the prohibition of the disclosure of public information required by federal statute or regulation to be kept confidential. The Act limits the disclosure of certain private information of firefighters and emergency medical technicians. The Act limits the disclosure of individual account numbers and passwords used to access accounts. The Act provides that public disclosure shall not be required for certain personal contact information of individuals obtained by a local government. The Act provides for disclosure of certain information contained in criminal records.

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

Effective July 1, 2009.

***Act 50; HB 473***

This Act provides for grants for clean energy property for a limited period of time from federal funds allocated for such purposes. The Act provides for procedures, conditions, and limitations. The Act exempts the Georgia Technology Authority from certain sales and use taxes.

The Act enacts O.C.G.A. Section 50-23-21 and amends O.C.G.A. Section 50-25-8.

Effective May 22, 2009.

***Act 46; HB 436***

This Act authorizes the Georgia Technology Authority to develop certain plans and reports. The Act removes the requirement for the authority to maintain a three-year technology plan. The Act provides for a State Information Technology Report. The Act provides that the authority may adopt an accrual method of accounting. The Act requires state agencies to submit information technology reports. The Act removes the requirement that the authority, the Office of Planning and Budget, and the state accounting officer jointly develop a technology resources budget.

The Act amends O.C.G.A. Sections 50-19-12, 50-25-4, and 50-25-5.1, repeals and reserves O.C.G.A. Section 50-25-7.12, and enacts O.C.G.A. Section 50-25-7.10.

Effective April 21, 2009.

***Act 76; HB 157***

This Act revises the amounts in the lottery shortfall reserve subaccounts that trigger reductions in HOPE scholarship benefit programs.

The Act amends O.C.G.A. Section 50-27-13.

Effective July 1, 2009.

**TITLE 51  
TORTS**

***Act 111; SB 213***

This Act provides that a manufacturer shall not be held liable for allegedly producing a defective product or for public nuisance based on theories of market share or enterprise or other theories of industry-wide liability.

The Act amends O.C.G.A. Section 51-1-11.

Effective May 4, 2009.

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