

Senate Bill 46

By: Senators Adelman of the 42nd, Wiles of the 37th and Cowser of the 46th

AS PASSED

**A BILL TO BE ENTITLED
AN ACT**

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8 thereto which have been superseded by subsequent state laws; to provide for and to correct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

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

14 **SECTION 1.**

15 Reserved.

16 **SECTION 2.**

17 Reserved.

18 **SECTION 3.**

19 Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is
20 amended in:

21 (1) Code Section 3-6-21.1, relating to licensing of farm wineries to engage in retail and
22 wholesale sales, surety bond, and excise taxes, by adding a colon after "and" at the end of the
23 introductory language of paragraph (1) of subsection (a).

24 (2) Code Section 3-9-5, relating to the meaning of the term "bona fide nonprofit civic
25 organization," by replacing "26 U.S.C. Sections 501(c), 501(d), or 501(e)" with "subsection
26 (c), (d), or (e) of 26 U.S.C. Section 501".

27 **SECTION 4.**

28 Reserved.

29 **SECTION 5.**

30 Reserved.

31 **SECTION 6.**

32 Reserved.

33 **SECTION 7.**

34 Reserved.

35 **SECTION 8.**

36 Reserved.

37 **SECTION 9.**

38 Reserved.

39 **SECTION 10.**

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

42 (1) Code Section 10-1-236, which is repealed, by designating said Code section as reserved.

43 (2) Code Section 10-1-793, relating to violations in regard to motor vehicle warranty rights,
44 by replacing "'Fair Business Practice Act';" with "'Fair Business Practices Act';" in
45 subsection (a).

46 (3) Chapter 8, which is repealed, by designating said chapter as reserved.

47 **SECTION 11.**

48 Reserved.

49 **SECTION 12.**

50 Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural
51 resources, is amended in:

52 (1) Code Section 12-6-20, relating to forestry investigators, by replacing "this Code Section"
53 with "this Code section" in subsection (d).

54 **SECTION 13.**

55 Reserved.

56 **SECTION 14.**

57 Reserved.

58 **SECTION 15.**

59 Reserved.

60 **SECTION 16.**

61 Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is
62 amended in:

63 (1) Code Section 16-11-34.1, relating to preventing or disrupting General Assembly sessions
64 or other meetings of members and unlawful activities within the state capitol or certain
65 Capitol Square buildings, by inserting a comma after "knuckles" and after "material" in
66 subsection (b).

67 (2) Code Section 16-11-101, relating to furnishing knuckles or a knife to a person under the
68 age of 18 years, by inserting a comma after "knuckles" and after "material".

69 (3) Code Section 16-11-126, relating to carrying a concealed weapon, by inserting a comma
70 after "knuckles" in subsection (a).

71 (4) Code Section 16-11-127.1, relating to carrying weapons within school safety zones, at
72 school functions, or on school property, by inserting a comma after "knuckles" in
73 paragraph (2) of subsection (a).

74 (5) Code Section 16-11-135, relating to public or private employer's parking lot, right of
75 privacy in vehicles in employer's parking lot or invited guests on lot, severability, and rights
76 of action in regard to carrying and possession of firearms, by replacing "their locked
77 privately owned vehicle" with "his or her locked privately owned vehicle" in paragraph (4)
78 of subsection (c).

79 (6) Code Section 16-13-30.6, relating to prohibition on the purchase and sale of marijuana
80 flavored products, by replacing "the purpose of this law" with "the purpose of this Code
81 section" in the undesignated text at the end of subsection (b).

82 **SECTION 17.**

83 Reserved.

SECTION 18.

Reserved.

SECTION 19.

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

(1) Code Section 19-8-26, relating to how the surrender of parental rights is executed, how and when surrender may be withdrawn, and forms, by deleting the double quotation marks at the beginning and the end of the form in subsection (f).

SECTION 20.

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

(1) Code Section 20-2-71, relating to the placement of twins or higher order multiples in the same classroom, by replacing "5 days" with "five days" both times it appears in subsection (b).

(2) Code Section 20-2-154.1, relating to alternative education programs, intent, description, and funding, by replacing "community-based" with "community based" in subsection (e).

(3) Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, computerized uniform budget and accounting system, submission of local budget to state board, and provision of certain information by local boards, by replacing "Office of Education Accountability" with "Office of Student Achievement" in paragraph (2) of subsection (b).

(4) Code Section 20-2-168, relating to the distribution of federal funds, combined purchase of supplies and equipment, minimum school year, summer school programs, and year-round operation, by inserting a comma after "sudden" in subparagraph (c)(5)(B).

(5) Code Section 20-2-171, relating to minimum direct classroom expenditures, waivers, sanctions for noncompliance, submission of budget and expenditure information, and rules and regulations, by replacing "January 1, 2006 to add specific non-classroom staff" with "January 1, 2006, to add specific nonclassroom staff" in paragraph (2) of subsection (a) and by replacing "Acts of God" with "acts of God" in paragraph (4) of subsection (b).

(6) Code Section 20-2-182, relating to Quality Basic Education and program weights to reflect funds for payment of salaries and benefits, maximum class size, reporting requirements, and application to specific school years, by replacing "provided, further," with "provided, however," in paragraph (2) of subsection (i).

(7) Code Section 20-2-217, relating to the State Board of Education professional and staff development stipends, by replacing "the terms 'paraprofessional,' 'aide,' and 'licensed personnel' shall be defined" with "the term 'paraprofessional' shall be defined".

- 119 (8) Code Section 20-2-271, relating to regional educational service agencies and
120 development of a regional improvement plan, introduction of core services, instructional care
121 teams, and establishment of alternative methods of teacher certification, by replacing
122 "Educational Coordinating Council." with "Education Coordinating Council." in paragraph
123 (4) of subsection (b).
- 124 (9) Code Section 20-2-984.3, relating to educational personnel and the Professional
125 Standards Commission and the preliminary investigations of violations, requirement for
126 automatic investigation, and investigation of sexual offenses, by replacing "as provided for
127 in Code Section 16-6-1 through 16-6-17, 16-6-20," with "as provided for in Code Sections
128 16-6-1 through 16-6-17 or Code Section 16-6-20," in paragraph (5) of subsection (a) and "as
129 provided for in Code Sections 16-6-1 through 16-6-17, 16-6-20," with "as provided for in
130 Code Sections 16-6-1 through 16-6-17 or Code Section 16-6-20," in subsection (d).
- 131 (10) Code Section 20-2-2068.1, relating to charter schools and Quality Basic Education
132 formula and grants, local tax revenue, and funds from local bonds, by replacing "five
133 percent" with "5 percent" in paragraph (1) of subsection (c) and by replacing "nonQBE state
134 grants," with "non-QBE state grants," in subsection (d).
- 135 (11) Code Section 20-2-2090, relating to funding for commission charter schools, by
136 replacing "nonQBE state grants," with "non-QBE state grants," in paragraph (2) of subsection
137 (a).
- 138 (12) Code Section 20-3-39, relating to reassignment of responsibilities for operation and
139 management of public libraries, employees, transfer of funding, and rules and regulations,
140 by replacing "the Technical College System of Georgia" with "the Department of Technical
141 and Adult Education, now known as the Technical College System of Georgia," three times
142 in subsection (a) and by replacing "the Technical College System of Georgia," with "the
143 Department of Technical and Adult Education, now known as the Technical College System
144 of Georgia," in subsection (e).
- 145 (13) Code Section 20-3-295, relating to the Georgia Higher Education Assistance
146 Corporation maintaining a certified list of borrowers in default, administrative hearings, and
147 appeals, by replacing "Federal Bankruptcy Code." with "federal Bankruptcy Code." at the
148 end of paragraph (4) of subsection (a) and paragraph (6) of subsection (g).
- 149 (14) Code Section 20-3-405.3, relating to the Education for Public Service Student Loan
150 interest rate and recalculation, by replacing "subparagraph (A) of paragraph (2) of subsection
151 (a)" with "subparagraph (a)(2)(A)" in subparagraph (b)(2)(A) and by replacing "subparagraph
152 (B) of paragraph (2) of subsection (a)" with "subparagraph (a)(2)(B)" in subparagraph
153 (b)(2)(B).
- 154 (15) Code Section 20-3-431, relating to the definition of an eligible student in regard to the
155 North Georgia College Reserve Officers' Training Corps Grant Program, by replacing "For

156 purposes of this article," with "For purposes of this subpart," at the beginning of the
157 introductory language.

158 (16) Code Section 20-3-519, relating to definitions in regard to HOPE scholarships and
159 grants, by replacing "'Eligible high school'," with "'Eligible high school,'" at the beginning
160 of paragraph (6).

161 (17) Code Section 20-3-519.2, relating to the eligibility requirements for a HOPE
162 scholarship at a public postsecondary institution and scholarship amount, by replacing "the
163 Technical College System of Georgia" with "the Department of Technical and Adult
164 Education, now known as the Technical College System of Georgia," in divisions (a)(2)(B)(i)
165 and (a)(2)(C)(i).

166 (18) Code Section 20-3-519.3, relating to the eligibility requirements for a HOPE
167 scholarship at a private postsecondary institution and scholarship amount, by replacing "the
168 Technical College System of Georgia" with "the Department of Technical and Adult
169 Education, now known as the Technical College System of Georgia," in divisions (a)(2)(B)(i)
170 and (a)(2)(C)(i).

171 (19) Code Section 20-3-519.6, relating to HOPE GED vouchers, by replacing "the Technical
172 College System of Georgia" with "the Department of Technical and Adult Education, now
173 known as the Technical College System of Georgia," in subsection (a).

174 (20) Code Section 20-3-519.12, relating to eligibility for the Promise II teacher's scholarship,
175 amounts, application of scholarship, and no minimal hour enrollment, by replacing "the terms
176 'paraprofessional' and 'instructional aide' shall have the same meaning as" with "the term
177 'paraprofessional' shall have the same meaning as" in subsection (a).

178 (21) Code Section 20-3-660, relating to the creation of a program of postsecondary
179 education grants for foster children and adopted children, terms and conditions, applications,
180 eligibility, duties of the Division of Family and Children Services, expenses and fees
181 covered, and report by the Education Coordinating Council, by replacing the period with a
182 semicolon at the end of subparagraph (D) of paragraph (1), by replacing "20 U.S.C. Sec.
183 10871l," with "20 U.S.C. Section 10871l," "42 U.S.C. Secs. 2751-2756b," with "42 U.S.C.
184 Sections 2751-2756b," and the period with a semicolon at the end of subparagraph (B) of
185 paragraph (2), by replacing "general educational development certificate;" with "general
186 educational development (GED) diploma;" in subparagraph (A) of paragraph (3), by
187 replacing the period with a semicolon at the end of subparagraph (C) of paragraph (3), by
188 replacing the period with a semicolon at the end of subparagraph (C) of paragraph (4), by
189 replacing the period with a semicolon at the end of paragraph (5), and by replacing the period
190 with "; and" at the end of paragraph (6).

191 (22) Code Section 20-4-17, relating to agencies to receive federal funds and transfer of
192 personnel to the Technical College System of Georgia, by replacing "Technical College

193 System of Georgia" with "Department of Technical and Adult Education, now known as the
194 Technical College System of Georgia" in subsections (a) and (b).

195 (23) Code Section 20-4-25, relating to membership in the retirement system and professional
196 personnel employed on or after July 1, 1985, and nonprofessional personnel employed after
197 July 1, 1987, by replacing "the Technical College System of Georgia" with "the Department
198 of Technical and Adult Education, now known as the Technical College System of Georgia,"
199 and by replacing "the department" with "the Department of Technical and Adult Education,
200 now known as the Technical College System of Georgia,".

201 (24) Code Section 20-4-26, relating to membership in the retirement system and employees
202 of schools formerly operated by a local board of education or area postsecondary technical
203 education board, by replacing "the department" with "the Department of Technical and Adult
204 Education, now known as the Technical College System of Georgia,".

205 (25) Code Section 20-4-27, relating to service in the state merit system, by replacing "the
206 system" with "the Technical College System of Georgia".

207 (26) Code Section 20-5-5, relating to Internet safety policies in public libraries, by replacing
208 "patrons under 18 years of age and library employees" with "patrons under 18 years of age,
209 and library employees" in paragraph (1) of subsection (b).

210 **SECTION 21.**

211 Reserved.

212 **SECTION 22.**

213 Reserved.

214 **SECTION 23.**

215 Reserved.

216 **SECTION 24.**

217 Reserved.

218 **SECTION 25.**

219 Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is
220 amended in:

221 (1) Code Section 25-14-3, relating to the Safety Fire Commissioner and standards for testing
222 cigarettes, reports, and exceptions, by replacing "commissioner" with "Commissioner" each
223 time it appears in paragraphs (5) and (8) of subsection (b) and subsections (d) through (g).

- 224 (2) Code Section 25-14-4, relating to written certification in regard to cigarettes, by
225 replacing "commissioner" with "Commissioner" in subsection (e).
- 226 (3) Code Section 25-14-5, relating to the required marking of cigarettes, by replacing
227 "commissioner" with "Commissioner" each time it appears in subsections (c) through (f).
- 228 (4) Code Section 25-14-6, relating to civil penalty and forfeiture in regard to the sale of
229 cigarettes, by replacing "commissioner or Attorney General" with "Commissioner or
230 Attorney General" each time it appears in subsections (f) and (g).
- 231 (5) Code Section 25-14-7, relating to rules and regulations and inspections in regard to the
232 sale of cigarettes, by replacing "The commissioner" with "The Commissioner" in subsection
233 (a) and by replacing "the commissioner" with "the Commissioner" in subsection (b).
- 234 (6) Code Section 25-14-8, relating to enforcement of chapter and cooperation during
235 inspections, by replacing "the commissioner," with "the Commissioner," both times it
236 appears.
- 237 (7) Code Section 25-14-11, relating to the impact of changes in New York safety standards,
238 by replacing "the commissioner" with "the Commissioner".

239 **SECTION 26.**

240 Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics,
241 is amended in:

- 242 (1) Code Section 26-4-81, relating to substitution of generic drugs for brand name drugs, by
243 deleting subsection (h) which is a duplicate of subsection (e).
- 244 (2) Code Section 26-4-118, relating to the Pharmacy Audit Bill of Rights, recoupment of
245 disputed funds, appeals process for unfavorable reports, final audit report, and investigative
246 audits based on criminal offenses, by replacing "as provided for in subsection (c)," with "as
247 provided for in subsection (c) of this Code section," in paragraph (10) of subsection (b).

248 **SECTION 27.**

249 Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in:

- 250 (1) Code Section 27-4-150, relating to the taking, possessing, and dealing in crabs and
251 peelers and required records, by striking the paragraph (1) designation in subsection (a), as
252 paragraph (2) of subsection (a) was automatically repealed on July 1, 2008.

253 **SECTION 28.**

254 Reserved.

255 **SECTION 29.**

256 Reserved.

SECTION 30.

Reserved.

SECTION 31.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended in:

(1) Code Section 31-2-9, relating to suicide prevention programs and staffing, by replacing "external cause of injuries;" with "external causes of injury;" at the end of paragraph (8) of subsection (c).

(2) Code Section 31-3-5.2, relating to the definition of "gray water" and lawful use, by replacing "photo labs" with "photography laboratories" in paragraph (3) of subsection (b).

(3) Code Section 31-5A-8, relating to biopharmaceuticals and expedited review for Georgia based companies, by replacing "low income individuals" with "low-income individuals" in paragraph (6) of subsection (a).

(4) Code Section 31-6-2, relating to definitions in regard to the planning and development of state health care services and facilities, by replacing "the Commissioner of the Department of Community Health." with "the commissioner of community health." at the end of paragraph (9), by replacing "\$2,500,000.00" with "\$2.5 million" in subparagraph (A) and "\$1,000,000.00" with "\$1 million" and "build out costs," with "build-out costs," in subparagraph (B) of paragraph (14), by replacing "the Department of Community Health." with "the department." in paragraph (19), and by replacing "and as appropriate," with "and, as appropriate," in paragraph (28).

(5) Code Section 31-6-20, relating to the Health Strategies Council, by replacing "rural hospitals;" with "hospitals in rural counties;" in paragraph (2) and "urban hospitals;" with "hospitals in urban counties;" in paragraph (3) of subsection (a).

(6) Code Section 31-6-21, relating to the Department of Community Health, by replacing "Board of Community Health." with "board." at the end of both sentences in subsection (a).

(7) Code Section 31-6-40, relating to certificate of need required for new institutional health services and exemption, by replacing "\$2,500,000.00" with "\$2.5 million" in paragraph (2) and "\$1,000,000.00;" with "\$1 million;" in paragraph (3) of subsection (a), by replacing "the Department of Community Health" with "the department" in paragraph (1) and "monies" with "moneys" in the undesignated text at the end of paragraph (2) of subsection (c), and by replacing "service specific" with "service-specific" in subsection (d).

(8) Code Section 31-6-40.1, relating to the acquisition of health care facilities, penalty for failure to notify the department, limitation on applications, agreement to care for indigent patients, requirements for destination cancer hospitals, and notice and hearing provisions for penalties authorized under this Code section, by replacing "\$2,000,000.00" with "\$2 million" both times it appears, "\$4,000,000.00" with "\$4 million", "\$6,000,000.00" with "\$6 million",

293 "\$8,000,000.00." with "\$8 million.", and "any such fine" with "any such fines" in
294 paragraph (1) of subsection (c.1).

295 (9) Code Section 31-6-41, relating to the scope and term of validity of a certificate of need,
296 by replacing "location, area, cost," with "location, service area, cost," in subsection (a).

297 (10) Code Section 31-6-45, relating to the revocation of a certificate of need, enforcement
298 of chapter, and regulatory investigations and examinations, by replacing "commissioner of
299 the department" with "commissioner" in subsection (c).

300 (11) Code Section 31-6-47, relating to exemptions from the chapter, by replacing
301 "\$2,500,000.00;" with "\$2.5 million;" in division (a)(18)(A)(i), by replacing
302 "\$5,000,000.00;" with "\$5 million;" in subparagraph (a)(19)(A), and by replacing "the
303 Department of Community Health;" with "the department;" in division (a)(26)(A)(iii).

304 (12) Code Section 31-7-13, relating to the transfer of property upon the death of a patient,
305 by replacing "pursuant to Chapter 7 of this title," with "pursuant to this chapter," in the
306 introductory language of subsection (a).

307 (13) Code Section 31-7-282, relating to collection and submission of health care data, by
308 replacing "specified in paragraphs (1) through (4) of this Code section" with "specified in
309 paragraphs (1) through (3) of this Code section" and by replacing "specified in paragraph (2),
310 (3), or (4) of this Code section" with "specified in paragraph (2) or (3) of this Code section"
311 in the undesignated text at the end.

312 (14) Code Section 31-7-304, relating to private home care providers and application, license,
313 and license renewal fees or similar fees, by replacing "or a similar fee and the amount" with
314 "or a similar fee; and the amount".

315 (15) Code Section 31-18-4, relating to the duties of the Brain and Spinal Injury Trust Fund
316 Commission, by replacing "for whom a report is made in this chapter" with "for whom a
317 report is made pursuant to this chapter" in subsection (a).

318 (16) Code Section 31-34-2, relating to the purpose of the "Physicians for Rural Areas
319 Assistance Act," by replacing "under served" with "underserved".

320 **SECTION 32.**

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

323 (1) Code Section 32-2-81, relating to the definition of "design-build procedure," procedures
324 for utilization, receipt of letters of interest, limitation on contracting, and summary projects
325 regarding Department of Transportation contracts, by replacing the single quotation marks
326 with double quotation marks before and after "best and final offer" in subparagraph
327 (d)(7)(B).

328 (2) Code Section 32-4-2, relating to an official map, list, and records and rules and
329 regulations regarding the state highway system, by replacing "World Wide Web page" with
330 "web page" in subparagraph (a)(2)(B).

331 (3) Code Section 32-5-30, relating to the allocation of state and federal funds, budgeting
332 periods, and authorization of reduction of funds allocated regarding public roads, by
333 replacing "appropriated funds shall be budgeted" with "appropriated funds, shall be
334 budgeted" in paragraph (1) of subsection (a).

335 (4) Code Section 32-7-4, relating to the procedure for disposition of property, by replacing
336 "governing authority of the county" with "governing authority of the county or municipality"
337 in subparagraph (b)(2)(A).

338 (5) Code Section 32-10-63, relating to powers of the State Road and Tollway Authority
339 generally, by replacing "to fix their compensation" with "to fix their compensation;" in
340 paragraph (3).

341 (6) Code Section 32-10-124, relating to the power of the board and meaning of the use of
342 the word "bank" for purposes of this article in regard to the Georgia Transportation
343 Infrastructure Bank, by replacing "required by subparagraph (a)(9)(B) of Code Section
344 32-10-124;" with "required by subparagraph (B) of paragraph (9) of this subsection;" in
345 paragraph (17) of subsection (a).

346 **SECTION 33.**

347 Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended in:

348 (1) Code Section 33-63-4, relating to offering, selling, or providing to borrowers guaranteed
349 asset protection waivers, by replacing "the federal Truth in Lending Act, 15 U.S.C. 1601 et
350 seq.," with "the federal Truth in Lending Act, 15 U.S.C. Section 1601, et seq.," in
351 subsection (c).

352 **SECTION 34.**

353 Reserved.

354 **SECTION 35.**

355 Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and
356 agencies, is amended in:

357 (1) Code Section 35-1-15, relating to fresh pursuit by law enforcement officers, authority
358 and responsibilities of officers, and applicability, by replacing "their respective state" with
359 "his or her respective state" in paragraph (2) of subsection (a), by replacing "law enforcement
360 officer of this state. Provided, however, that" with "law enforcement officer of this state;
361 provided, however, that", and by replacing "Chapter 13 of Title 17 of the Official Code of

362 Georgia Annotated govern" with "Chapter 13 of Title 17 shall govern" in paragraph (2) of
363 subsection (c).

364 **SECTION 36.**

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

367 (1) Code Section 36-44-6, relating to the delegation of redevelopment powers to a
368 redevelopment agency, by replacing "Except as provided in subsection (c) of this Code
369 section, the" with "The" in paragraph (5) of subsection (b), as subsection (c) was repealed
370 in 2006.

371 **SECTION 37.**

372 Title 37 of the Official Code of Georgia Annotated, relating to mental health, is amended in:

373 (1) Code Section 37-1-20, relating to the Division of Mental Health, Developmental
374 Disabilities, and Addictive Diseases, by replacing "federal laws, rules and regulations" with
375 "federal laws and rules and regulations" in paragraph (4) of subsection (b).

376 (2) Code Section 37-2-6.3, relating to public body and debts, obligations, and liabilities, by
377 deleting the comma following "not" in subsection (c).

378 **SECTION 38.**

379 Title 38 of the Official Code of Georgia Annotated, relating to military, emergency
380 management, and veterans affairs, is amended in:

381 (1) Code Section 38-3-27, relating to local organizations for emergency management,
382 creation, structure, powers, directors, appointment, qualifications, and compensation, state
383 to provide financial assistance, and entitlement for funding, by replacing "To appropriate and
384 expend funds, execute contracts, and to obtain and distribute" with "To appropriate and
385 expend funds, to execute contracts, and to obtain and distribute" in paragraph (1), by
386 replacing "health, medical and related services, and to police," with "health, medical, and
387 related services and to police," in paragraph (5), and by replacing "transportation charges,
388 which are necessary" with "transportation charges which are necessary" in paragraph (6) of
389 subsection (b).

390 **SECTION 39.**

391 Title 39 of the Official Code of Georgia Annotated, relating to minors, is amended in:

392 (1) Code Section 39-5-1, relating to definitions regarding on-line Internet safety, by
393 redesignating current paragraph (1) as new paragraph (3) and by redesignating current
394 paragraph (3) as new paragraph (1), so as to put definitions in alphabetical order.

SECTION 40.

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

(1) Code Section 40-6-391, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for second time, and endangering a child, by deleting "or" at the end of paragraph (3), by replacing the period with a semicolon at the end of paragraphs (4) and (5), and by replacing the period with "; and" at the end of paragraph (6) of subsection (c).

(2) Code Section 40-14-25, relating to complaints about traffic-control signal monitoring devices, rebuttable presumption, and remission of revenues, by replacing "attorneys fees" with "attorney fees" in subsection (c).

(3) Code Section 40-14-26, relating to the revoking of a traffic-control signal monitoring device permit, hearing, and reconsideration, by deleting the comma following "permit" in subsection (b).

SECTION 41.

Reserved.

SECTION 42.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended in:

(1) Code Section 42-1-12, relating to the State Sexual Offender Registry, by replacing the commas with semicolons after "hair color" and "eye color" in subparagraph (a)(16)(A), by deleting "provide" in subparagraphs (a)(16)(C) through (a)(16)(F), by deleting the comma following "last registered" in paragraph (5) of subsection (b), and by replacing "registered sexual offender and thereafter the records" with "registered sexual offender; thereafter, the records" in paragraph (5) of subsection (c).

(2) Code Section 42-4-14, relating to the determination of the nationality of a person charged with a felony and confined in a jail facility, by replacing "county, any municipality or a jail" with "county or any municipality or a jail" in subsection (a).

SECTION 43.

Reserved.

SECTION 44.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended in:

(1) Code Section 44-5-40, relating to conveyance of future interests or estates, by replacing "construction or other development plans, permits or entitlements" with "construction, or other development plans, permits, or entitlements" and by replacing "shall be descendible, devisable and alienable" with "shall be descendible, devisable, and alienable" in the last sentence.

SECTION 45.

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

(1) Code Section 45-9-81, relating to definitions in regard to the Georgia State Indemnification Fund, by replacing "worker's compensation benefits" with "workers' compensation benefits" in subparagraph (C) of paragraph (6).

(2) Code Section 45-9-101, relating to definitions in regard to the Temporary Disability Compensation Program, by replacing "worker's compensation benefits" with "workers' compensation benefits" in subparagraph (B) of paragraph (5).

(3) Code Section 45-12-86, relating to the Governor being authorized to require state agencies to reserve specified appropriations for budget reductions and withhold a percentage of agency allotments to maintain spending within actual revenues, by replacing "the current revenue estimate or which appropriations are based" with "the current revenue estimate on which appropriations are based" in subsection (b).

SECTION 46.

Reserved.

SECTION 47.

Reserved.

SECTION 48.

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

(1) Code Section 48-7-1, relating to definitions regarding income taxes, by replacing "division (iii) of subparagraph (A)" with "division (iii) of subparagraph (A) of this paragraph" in subparagraph (C) of paragraph (10).

(2) Code Section 48-7-27, relating to the computation of taxable net income, by replacing "national guard" with "National Guard" in the introductory language of paragraph (12) of

458 subsection (a) and in subparagraph (a)(12)(B), by replacing the semicolon with a period at
459 the end of subparagraph (b)(10)(A), and by replacing "; and" with a period at the end of
460 subparagraph (b)(10)(B).

461 (3) Code Section 48-7-29.9, relating to a tax credit for qualified life insurance premiums for
462 National Guard and Air National Guard members, by replacing "national guard" with
463 "National Guard" and "air national guard" with "Air National Guard" in paragraphs (2)
464 and (3) of subsection (a).

465 (4) Code Section 48-7-29.11, relating to income tax credits for teleworking, definitions, and
466 powers and duties, by replacing "December 31st" with "December 31" in paragraph (3) of
467 subsection (e).

468 (5) Code Section 48-7-29.13, relating to a tax credit for qualified health insurance expenses,
469 by replacing "twelve consecutive months" with "12 consecutive months" in subsection (b).

470 (6) Code Section 48-7-29.14, relating to income tax credit for clean energy property, by
471 replacing "\$2,500,000.00" with "\$2.5 million" in subparagraphs (b)(3)(A) through (b)(3)(E).

472 (7) Code Section 48-7-40.15, relating to alternative tax credits for base year port traffic
473 increases and conditions and limitations, by replacing "or twenty-foot equivalent units
474 (TEU's), of product" with "or twenty-foot equivalent units (TEU's) of product" in
475 paragraph (1) of subsection (a).

476 (8) Code Section 48-7-63, relating to taxpayer contributions to permitted stem cell research
477 through income tax payment and refund process, by replacing "state revenue commissioner,"
478 with "commissioner," in subsection (a).

479 (9) Code Section 48-7A-3, relating to persons entitled to claim tax credit, tax credits
480 schedule, tax credit claimed against tax liability, period for filing claims for credit,
481 applicability to food stamp recipients, and authority of the commissioner, by replacing "under
482 this chapter" with "under Chapter 7 of this title" in paragraph (3) of subsection (a).

483 (10) Code Section 48-8-2, relating to definitions in regard to general provisions of state sales
484 and use tax, by deleting "or" at the end of subparagraph (J), by replacing the period with a
485 semicolon at the end of subparagraph (K), and by replacing the period with "; or" at the end
486 of subparagraph (L) of paragraph (3), by replacing "the 'Metropolitan Atlanta Rapid Transit
487 Authority Act of 1965' or" with "the 'Metropolitan Atlanta Rapid Transit Authority Act of
488 1965'; or" in current paragraph (5.2), and by redesignating current paragraph (5.1) as new
489 paragraph (5.2) and current paragraph (5.2) as new paragraph (5.1), respectively.

490 (11) Code Section 48-8-3, relating to state sales and use tax exemptions, by replacing the
491 period with a semicolon at the end of subparagraph (H) of paragraph (33.1), by replacing the
492 semicolon with a period at the end of subdivision (68)(C)(ii)(II), by replacing the semicolon
493 with a colon at the end of subparagraph (B) of paragraph (73), and by replacing "the effective
494 date of this paragraph" with "June 4, 2003," in paragraph (76).

495 (12) Code Section 48-8-13, relating to taxing jurisdiction for mobile telecommunications
496 services, by replacing "ZIP code" with "ZIP Code" each time it appears in paragraphs (1)
497 and (6) of subsection (a).

498 (13) Code Section 48-8-50, relating to compensation of dealers for reporting and paying tax
499 and reimbursement deduction, by replacing "paragraph (5.1) of Code Section 48-8-2," with
500 "paragraph (5.2) of Code Section 48-8-2," in paragraph (4) of subsection (b).

501 (14) Code Section 48-8-82, relating to the authorization of counties and municipalities to
502 impose a joint sales and use tax, rate, and applicability to sales of motor fuels and food and
503 beverages, by replacing "paragraph (5.2) of Code Section 48-8-2" with "paragraph (5.1) of
504 Code Section 48-8-2".

505 (15) Code Section 48-8-87, relating to the administration and collection of tax by
506 commissioner, applicability of Article 1 of this chapter, first application of moneys to
507 taxpayers' state tax liabilities, compensation of dealers if payments not delinquent, and rate,
508 by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code
509 Section 48-8-2;".

510 (16) Code Section 48-8-102, relating to the creation of special districts, levying of tax, use
511 of proceeds of tax, and restriction on levying taxes, by replacing "paragraph (5.2) of Code
512 Section 48-8-2" with "paragraph (5.1) of Code Section 48-8-2" in subsection (b).

513 (17) Code Section 48-8-104, relating to the exclusive administration of tax by the
514 commissioner, identification of the location where the tax was collected, and manner of
515 disbursement of proceeds, by replacing "paragraph (5.2) of Code Section 48-8-2;" with
516 "paragraph (5.1) of Code Section 48-8-2;" in subsection (a).

517 (18) Code Section 48-8-110.1, relating to the authorization for county special purpose local
518 option sales tax, subjects of taxation, and applicability to sales of motor fuels and food and
519 beverages, by replacing "paragraph (5.2) of Code Section 48-8-2" with "paragraph (5.1) of
520 Code Section 48-8-2" in subsection (c).

521 (19) Code Section 48-8-113, relating the administration and collection of tax by the
522 commissioner, application, and deduction to dealers, by replacing "paragraph (5.2) of Code
523 Section 48-8-2;" with "paragraph (5.1) of Code Section 48-8-2;".

524 (20) Code Section 48-8-201, relating to intergovernmental contracts for distribution of tax
525 proceeds, approval of referendum by voters, and a cap on the aggregate amount of tax, by
526 replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code Section
527 48-8-2;" in subparagraph (c)(1)(A).

528 (21) Code Section 48-8-204, relating the administration and collection of tax and deduction,
529 by replacing "paragraph (5.2) of Code Section 48-8-2;" with "paragraph (5.1) of Code
530 Section 48-8-2;".

531 (22) Code Section 48-9-14, relating to a second motor fuel tax, rate, exemptions, and
532 applicability of Article 1 of Chapter 8 of this title, by replacing "paragraph (5.2) of Code
533 Section 48-8-2." with "paragraph (5.1) of Code Section 48-8-2." in subparagraph (b)(2)(A).
534 (23) Code Section 48-9-16, relating to penalties and interest, untimely return, failure to pay,
535 false or fraudulent returns, failure to file returns, and dyed fuel oil violations, by replacing
536 "subject to a penalty to 10 percent" with "subject to a penalty of 10 percent" in
537 subsection (b).
538 (24) Code Section 48-11-12, relating to the assessment of deficiencies and penalties for
539 incorrect reports, nonpayment of tax, or purchase of insufficient stamps, assumption of
540 illegal sale absent evidence to contrary, and penalty for deficiency due to fraud, by inserting
541 "or" at the end of subparagraph (a)(1)(B).
542 (25) Code Section 48-11-30, relating to the penalty for sale or possession of counterfeit
543 cigarettes, by replacing "paragraphs (2) or (4)" with "paragraph (2) or (4)" in subsection (b).
544 (26) Code Section 48-13-50.2, relating to definitions in regard to excise tax on rooms,
545 lodgings, and accommodations, by replacing "section 501(c)(6)" with "Section 501(c)(6)"
546 in paragraph (1).
547 (27) Code Section 48-13-50.2, relating to definitions in regard to excise tax on rooms,
548 lodgings, and accommodations, by replacing "regional development centers" with "regional
549 commissions" in paragraph (5).
550 (28) Code Section 48-13-51, relating to the county and municipal levies on public
551 accommodations charges for promotion of tourism, conventions, and trade shows, by
552 replacing "municipality levying tax;" with "municipality levying the tax;" in subparagraph
553 (b)(5)(A).

554 **SECTION 49.**

555 Title 49 of the Official Code of Georgia Annotated, relating to social services, is amended
556 in:

557 (1) Code Section 49-2-13, relating to identifying transportation needs of the elderly and
558 persons with disabilities and alternatives to meet them, by replacing "Any combination of
559 above." with "Any combination of paragraphs (1) through (3) of this Code section." in
560 paragraph (4).
561 (2) Code Section 49-4-152.5, relating to pharmacy restocking fees, by replacing "pursuant
562 to the 'Utilization of Unused Prescription Drugs Act' in Article 11 of Chapter 4 of Title 26."
563 with "pursuant to Article 11 of Chapter 4 of Title 26, the 'Utilization of Unused Prescription
564 Drugs Act.'".

565 (3) Code Section 49-4-161, relating to definitions in regard to the Georgia Long-term Care
566 Partnership Program, by replacing "as specified in 42 U.S.C. 1917(b)" with "as specified in
567 42 U.S.C. Section 1917(b)" in paragraph (4).

568 (4) Code Section 49-4-168.1, relating to civil penalties for false or fraudulent Medicaid
569 claims, by striking the comma after "used" in paragraphs (2) and (4), by striking the comma
570 after "program" in paragraph (6), and by striking the commas after "used" and "Georgia" and
571 inserting a comma after "repay" in paragraph (7) of subsection (a).

572 (5) Code Section 49-4-168.2, relating to the role of the Attorney General in pursuing cases,
573 civil actions by private persons, special procedures for civil actions by private persons,
574 limitation on participation by a private person, stay of discovery, and receipt of proceeds
575 from civil judgment by a private person and Indigent Care Trust Fund, by replacing "civil
576 action, and shall not be" with "civil action and shall not be" in paragraph (1) of
577 subsection (d).

578 (6) Code Section 49-4-168.6, relating to venue, by replacing "multiple defendants, or" with
579 "multiple defendants or" and replacing "can be found, transacts business or commits an act"
580 with "can be found, transacts business, or commits an act".

581 (7) Code Section 49-5-131, relating to definitions in regard to the Governor's Office for
582 Children and Families, by deleting the subsection (a) designation, as there are no further
583 subsection designations in this Code section.

584 (8) Code Section 49-5-220, relating to legislative findings and intent and the State Plan for
585 the Coordinated System of Care for severely emotionally disturbed children or adolescents,
586 by replacing "The commissioner of the Department of Human Resources" with "The
587 commissioner of human resources" once in subsection (d) and twice in subsection (e).

588 (9) Code Section 49-6-60, relating to legislative intent, by replacing "community-based"
589 with "community based" both times it appears.

590 (10) Code Section 49-6-62, relating to the establishment of an elderly community care unit,
591 provision of services, annual service plan, implementation plan, annual progress report, fees
592 and contributions, and funding, by replacing "community-based" with "community based"
593 each time it appears in subsections (d) and (e).

594 (11) Code Section 49-6-63, relating to the establishment by lead agency of community care
595 service system, certification for benefits, evaluation by assessment team, volunteers, and
596 insurance coverage, by replacing "community-based" with "community based" each time it
597 appears in subsections (e) and (f).

598

SECTION 50.

599 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
600 in:

601 (1) Code Section 50-5-60.1, which is repealed, by designating said Code section as reserved.

602 (2) Code Section 50-5-83, relating to definitions and requirements for the state purchasing
603 card program, by striking "gift cards," in paragraph (8) of subsection (b), which term is
604 redundant of paragraph (7) of subsection (b), and by replacing "20 years imprisonment," with
605 "20 years' imprisonment," in subsections (c) and (d).

606 (3) Code Section 50-7-70, relating to legislative findings, definitions, criteria and application
607 process, fee, directional road signs, and rules and regulations regarding agricultural tourist
608 attractions, by replacing "a one time application fee of up to \$250 dollars." with "a one-time
609 application fee of up to \$250.00." in subsection (d).

610 (4) Code Section 50-8-61, relating to the prohibited employment of an employee of a center
611 or nonprofit corporation and penalties in regard to conflicts of interest in contract
612 administration under the Department of Community Affairs, by replacing "center" with
613 "commission" each time it appears in subsections (a) and (b).

614 (5) Code Section 50-8-62, relating to employee's business transactions with center or
615 nonprofit corporation prohibited and penalties, by replacing "center" with "commission".

616 (6) Code Section 50-8-63, relating to disclosure of an employee's business transactions with
617 a local government, exempt transactions, disclosure of loan transactions by a member of a
618 board or advisory committee, and penalties, by replacing "center" with "commission" each
619 time it appears in subsections (a) and (c).

620 (7) Code Section 50-8-64, relating to competitive bidding requirements in regard to conflicts
621 of interest in contract administration, by replacing "On or before January 1, 1993, each
622 center" with "Each commission" and "board of directors of the center" with "board of
623 directors of the commission".

624 (8) Code Section 50-8-65, relating to the annual report to the Board of Community Affairs,
625 by replacing "center" with "commission" each time it appears.

626 (9) Code Section 50-12-31, relating to the creation of the Georgia Arts Alliance, purpose,
627 governing organization, appointment of members of the board of trustees, terms, and
628 advisory committee, by replacing "one of which" with "one of whom" each time the phrase
629 appears in paragraph (1) of subsection (b).

630 (10) Code Section 50-13-4, relating to the procedural requirements for adoption,
631 amendment, or repeal of rules, emergency rules, limitation on action to contest rule, and
632 legislative override, by replacing "chairmen" with "chairpersons" in paragraph (1) of
633 subsection (f) and by replacing "the Senate Defense, Science and Technology Committee"
634 with "the Senate Science and Technology Committee" and by replacing "the House

635 Committee on Industry." with "the House Committee on Industrial Relations." in
636 subsection (h).

637 (11) Code Section 50-16-41, relating to rental agreements without competitive bidding being
638 authorized, limitations, commission charged with managing administrative space of all state
639 entities, standards governing the utilization of administrative space, reassignment of
640 administrative space, and rules and regulations, by replacing "paragraph (2) of Code Section
641 48-7-40." with "paragraph (2) of subsection (b) of Code Section 48-7-40." in paragraph (2)
642 of subsection (h).

643 (12) Code Section 50-18-72, relating to the inspection of public records and when public
644 disclosure is not required and disclosure of exempting legal authority, by replacing "pursuant
645 to Article 9" with "pursuant to Article 10" in paragraph (21) of subsection (a).

646 (13) Code Section 50-32-2, relating to definitions in regard to the Georgia Regional
647 Transportation Authority, by replacing "including but not limited to, the cost" with
648 "including but not limited to the cost" in subparagraph (B) of paragraph (4) and by replacing
649 "which are authorized" with "which is authorized" in paragraph (12).

650 (14) Code Section 50-32-11, relating to the powers of the Georgia Regional Transportation
651 Authority generally, by replacing "40 U.S.C. Section 4601, et seq.," with "42 U.S.C. Section
652 4601, et seq.," in paragraph (6) of subsection (a), by replacing "paying in whole or in part,
653 the cost" with "paying in whole or in part the cost" in subparagraph (a)(11)(A), and by
654 replacing "not less than 60 days notice" with "not less than 60 days' notice" in paragraph (33)
655 of subsection (a).

656 (15) Code Section 50-32-14, relating to the expenditure of state or federal funds regarding
657 the Georgia Regional Transportation Authority, by replacing "as determined by Department
658 of Community Affairs" with "as determined by the Department of Community Affairs".

659 (16) Code Section 50-32-15, relating to the issuance of bonds regarding the Georgia
660 Regional Transportation Authority, by replacing "or the Georgia Rail Passenger Authority
661 for the benefit" with "or the Georgia Rail Passenger Authority, for the benefit" in subsection
662 (c).

663 (17) Code Section 50-36-1, relating to verification requirements, procedures, and conditions,
664 exceptions, regulations, and criminal and other penalties for violations regarding lawful
665 presence within the United States, by replacing "every agency or a political subdivision" with
666 "every agency or political subdivision" in subsection (a) and by replacing "federal
667 Immigration and Nationality Act" with "federal Immigration and Nationality Act, Title 8
668 U.S.C., as amended," in paragraph (2) of subsection (d).

669 SECTION 51.

670 Reserved.

SECTION 52.

Reserved.

SECTION 53.

Reserved.

SECTION 54.

Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations as contained in the Official Code of Georgia Annotated published under authority of the state by The Michie Company in 1982 and contained in Volumes 3 through 40 of such publication or replacement volumes thereto, as amended by the text and numbering of Code sections as contained in the 2008 supplements to the Official Code of Georgia Annotated published under authority of the state in 2008 by LEXIS Publishing, are reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia. Annotations; editorial notes; Code Revision Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings, except as otherwise provided in the Code; catchlines of Code sections or portions thereof, except as otherwise provided in the Code; and rules and regulations of state agencies, departments, boards, commissions, or other entities which are contained in the Official Code of Georgia Annotated are not enacted as statutes by the provisions of this Act. Material which has been added in brackets or parentheses and editorial, delayed effective date, effect of amendment, or other similar notes within the text of a Code section by the editorial staff of the publisher in order to explain or to prevent a misapprehension concerning the contents of the Code section and which is explained in an editorial note is not enacted by the provisions of this section and shall not be considered a part of the Official Code of Georgia Annotated. The reenactment of the statutory portion of the Official Code of Georgia Annotated by this Act shall not affect, supersede, or repeal any Act of the General Assembly, or portion thereof, which is not contained in the Official Code of Georgia Annotated and which was not repealed by Code Section 1-1-10, specifically including those Acts which have not yet been included in the text of the Official Code of Georgia Annotated because of effective dates which extend beyond the effective date of the Code or the publication date of the Code or its supplements. The provisions contained in other sections of this Act and in the other Acts enacted at the 2009 regular session of the General Assembly of Georgia shall supersede the provisions of the Official Code of Georgia Annotated reenacted by this section.

705 **SECTION 55.**

706 This Act shall become effective upon its approval by the Governor or upon its becoming law
707 without such approval; except that:

708 (1) The amendments to Chapter 14 of Title 25 made by paragraphs (1) through (7) of
709 Section 25 of this Act shall become effective on January 1, 2010;

710 (2) The amendment to paragraph (5) of Code Section 48-13-50.2 made by paragraph (27)
711 of Section 48 of this Act shall become effective on July 1, 2009; and

712 (3) The amendments to Chapter 8 of Title 50 made by paragraphs (4) through (8) of Section
713 50 of this Act shall become effective on July 1, 2009.

714 **SECTION 56.**

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