

House Bill 142

By: Representative Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

1 To amend the Official Code of Georgia Annotated, so as to revise, modernize, and correct
2 errors or omissions in said Code in furtherance of the work of the Code Revision
3 Commission; to repeal portions of said Code, or Acts in amendment thereof, which have
4 become obsolete, have been declared to be unconstitutional, or have been preempted or
5 superseded by subsequent laws; to reenact the statutory portions of said Code, as amended;
6 to provide for other matters relating to revision and reenactment of said Code; to provide for
7 effect in event of conflicts; to provide for an effective date; to repeal conflicting laws; and
8 for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Reserved.

12 **SECTION 2.**

13 Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in:
14 (1) Code Section 2-7-113.1, relating to the prohibition of local regulation of pesticides and
15 variances from rule or regulation of the Commissioner of Agriculture, by replacing "the
16 Natural Resources and the Environment Committee of the House of Representatives" with
17 "the Natural Resources and Environment Committee of the House of Representatives" in
18 subsection (b).

19 **SECTION 3.**

20 Reserved.

21 **SECTION 4.**

22 Reserved.

SECTION 5.

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24 Reserved.

SECTION 6.

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26 Reserved.

SECTION 7.

27
28 Title 7 of the Official Code of Georgia Annotated, relating to banking and finance, is
29 amended in:

30 (1) Code Section 7-1-1001, relating to the licensing of mortgage lenders and mortgage
31 brokers and exemptions for certain persons and entities and registration requirements, by
32 replacing "of this Code section shall obtain" with "of this Code section, shall obtain" in
33 subsection (b).

34 (2) Code Section 7-1-1004, relating to the investigation of mortgage broker and lender
35 applicants and their officers, audit, and education, experience, and other requirements
36 relative to licensees and registrants, by replacing "Investigation, and" with "Investigation
37 and" in paragraph (1) of subsection (j).

SECTION 8.

38
39 Title 8 of the Official Code of Georgia Annotated, relating to buildings and housing, is
40 amended in:

41 (1) Code Section 8-2-111, relating to building and housing definitions in regard to units
42 designed to be affixed to foundations or existing buildings, by replacing "part," with "part"
43 in paragraph (6.1).

SECTION 9.

44
45 Reserved.

SECTION 10.

46
47 Title 10 of the Official Code of Georgia Annotated, relating to commerce and trade, is
48 amended in:

49 (1) Code Section 10-14-6, relating to irrevocable trust funds in regard to cemetery and
50 funeral services, by revising paragraph (1) of subsection (f) as follows:

51 "(f)(1) The assets of a trust fund shall be invested and reinvested subject to all the terms,
52 conditions, limitations, and restrictions imposed by the laws of the State of Georgia upon
53 executors and trustees regarding the making and depositing of investments with trust
54 moneys pursuant to former Code Sections 53-8-1 through 53-8-4 of the ~~Pre-1998 Probate~~

55 Code,' as such existed on December 31, 1997, if applicable; Code Section 53-8-1 of the
 56 ~~Revised Probate Code of 1998;~~ or Code Section 53-12-340 of ~~The Revised Georgia~~
 57 ~~Trust Code of 2010.~~ Subject to said terms, conditions, limitations, and restrictions, the
 58 trustee of the perpetual care trust fund shall have full power to hold, purchase, sell,
 59 assign, transfer, reinvest, and dispose of any of the securities and investments in which
 60 any of the assets of said fund are invested, including proceeds of investments."

61 **SECTION 11.**

62 Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, is
 63 amended in:

64 (1) Code Section 11-9-333, relating to priority of certain liens, by revising the introductory
 65 language of subsection (a) as follows:

66 "*(a) Year's support; property taxes; other state taxes; other taxes or judgments.* Except
 67 as is expressly provided to the contrary elsewhere in this article and in subsection (b) of
 68 this Code section, a perfected security interest in collateral takes priority over each and all
 69 of the liens, claims, and rights described in Code Section 44-14-320, relating to the
 70 establishment of certain liens, as now or hereafter amended, ~~and; former~~ Code Section
 71 ~~53-7-91 of the Pre-1998 Probate Code,~~ as such existed on December 31, 1997, if
 72 ~~applicable; or; and~~ Code Section 53-7-40 of the ~~Revised Probate Code of 1998;~~ relating
 73 to the priority of debts against the estate of a decedent, as now or hereafter amended;
 74 provided, nevertheless, that:"

75 **SECTION 12.**

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

78 (1) Code Section 12-2-8, relating to the promulgation of minimum standards and procedures
 79 for protection of natural resources, environment, and vital areas of state and stream and
 80 reservoir buffers, by replacing "Georgia Forestry Commission" with "State Forestry
 81 Commission" in division (g)(2)(D)(i).

82 (2) Code Section 12-3-522.1, relating to the joint operation between the Georgia Music Hall
 83 of Fame and the Georgia Sports Hall of Fame and proposals for accomplishing objectives,
 84 by replacing "property management and other activities" with "property management, and
 85 other activities" and by replacing "management and operation" with "management, and
 86 operation" both times it appears.

87 (3) Code Section 12-3-562.1, relating to the joint operation between the Georgia Sports Hall
 88 of Fame and the Georgia Music Hall of Fame and proposals for accomplishing objectives,
 89 by replacing "property management and other activities" with "property management, and

90 other activities" and by replacing "management and operation" with "management, and
91 operation" both times it appears.

92 (4) Chapter 3, relating to parks, historic areas, memorials, and recreation, by revising and
93 redesignating Code Section 12-3-651, relating to the creation of the Georgia Agrirama
94 Development Authority, delegation of powers, duration, and designation as the State
95 Museum of Agriculture, as follows:

96 "~~12-3-651~~ 20-3-73.1.

97 ~~(a) There is created a body corporate and politic, to be known as the Georgia Agrirama~~
98 ~~Development Authority, which shall be deemed an instrumentality of the State of Georgia~~
99 ~~and a public corporation. By that name, style, and title, such body may contract and be~~
100 ~~contracted with, sue and be sued, implead and be impleaded, and complain and defend in~~
101 ~~all courts.~~

102 ~~(b) The authority may delegate to one or more of its members or to its agents and~~
103 ~~employees such powers and duties as it may deem proper.~~

104 ~~(c) The authority shall exist through June 30, 2010.~~

105 ~~(d) The Georgia Agrirama is designated and shall be recognized as the State Museum of~~
106 ~~Agriculture.";~~

107 and by revising and redesignating Code Section 12-3-662, relating to the continuation of the
108 Georgia Agrirama Development Authority, governance, and transfer of assets, as follows:

109 "~~12-3-662~~ 20-3-73.2.

110 (a) After June 30, 2010, the Board of Regents of the University System of Georgia shall
111 be the successor to and a continuation of the authority former Georgia Agrirama
112 Development Authority provided under former provisions of Article 11 of Chapter 3 of
113 Title 12 as such existed on June 30, 2010, and shall continue the mission of the former
114 authority.

115 (b) The change of the governance of the State Museum of Agriculture and its continuation,
116 as provided in this Code section, shall in no way affect any existing obligations, liabilities,
117 or rights of the authority as such existed on June 30, 2010. All such obligations, liabilities,
118 and rights are transferred to, vested in, and assumed by the Board of Regents of the
119 University System of Georgia. All existing contracts and agreements between any party
120 and the authority shall not be affected by this Code section but shall continue in full force
121 and effect, without interruption, as contracts or agreements of the Board of Regents of the
122 University System of Georgia.

123 (c) All right, title, interest, and ownership of all assets, including all real estate, of the
124 authority are transferred to and vested in the Board of Regents of the University System
125 of Georgia.";

126 and by repealing the remainder of Article 11 of said Chapter 3, relating to the Georgia
 127 Agrirama Development Authority, which consists of obsolete Code Sections 12-3-650 and
 128 12-3-652 through 12-3-661.

129 (5) Code Section 12-5-4, relating to programs for voluntary water conservation and
 130 enhancing water supply, by replacing "Georgia Department of Natural Resources," with
 131 "Department of Natural Resources," by replacing "the Georgia Department of Community
 132 Affairs," with "the Department of Community Affairs," by replacing "the Georgia Forestry
 133 Commission," with "the State Forestry Commission," by replacing "the Georgia Department
 134 of Community Health," with "the Department of Community Health," by replacing "the
 135 Georgia Department of Agriculture," with "the Department of Agriculture," and by replacing
 136 "the Georgia Soil and Water Conservation Commission" with "the State Soil and Water
 137 Conservation Commission" in subsection (a).

138 (6) Code Section 12-5-7, relating to local variances from state restrictions on outdoor
 139 watering, by replacing "4 P.M." with "4:00 P.M." in paragraph (1) of subsection (a.1).

140 (7) Code Section 12-5-180.1, relating to allocating water and waste-water usage among
 141 tenants and charging tenants for usage, by replacing "provided, however, a county" with
 142 "provided, however, that a county, municipal, or other" in subsection (f).

143 (8) Code Section 12-5-524, relating to the creation of the Water Council and obligations of
 144 the council, by replacing "Georgia Forestry Commission" with "State Forestry Commission"
 145 in subsection (a).

146 (9) Code Section 12-8-104, relating to the powers and duties of the director of the voluntary
 147 remediation program, by replacing "To collect assess, receive," with "To collect, assess,
 148 receive," in paragraph (5) of subsection (a).

149 (10) Code Section 12-8-104.1, relating to the establishment of the Voluntary Remediation
 150 Escrow Account and the role and duties of the director, by replacing "interest bearing
 151 account" with "interest-bearing account" in subsection (a).

152 (11) Code Section 12-11-4, relating to the creation of the Georgia Youth Conservation
 153 Corps, purposes, and rules and regulations, by replacing the period with a semicolon at the
 154 end of paragraph (8.1).

155 **SECTION 13.**

156 Reserved.

157 **SECTION 14.**

158 Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships,
 159 and associations, is amended in:

160 (1) Code Section 14-8-25, relating to incidents of tenancy in partnership, by revising
161 paragraph (5) of subsection (b) as follows:

162 "(5) A partner's right in specific partnership property is not subject to the year's support
163 provided for in former Code Sections 53-5-1 and 53-5-2 ~~of the 'Pre-1998 Probate Code,'~~
164 as such existed on December 31, 1997, if applicable, or in Code Sections 53-3-1, 53-3-2,
165 53-3-4, 53-3-5, and 53-3-7 ~~of the 'Revised Probate Code of 1998.'~~"

166 **SECTION 15.**

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

168 (1) Code Section 15-9-86.1, relating to statements in lieu of stating time of hearing in certain
169 types of probate court proceedings, by revising paragraphs (10) and (11) of subsection (e)
170 as follows:

171 "(10) Proceedings for determination of heirs at law, as provided in former Code Sections
172 53-4-30, et seq. ~~of the 'Pre-1998 Probate Code'~~ as such existed on December 31, 1997;
173 and

174 (11) Proceedings for setting aside year's support, as provided in former Code Section
175 53-5-8 ~~of the 'Pre-1998 Probate Code.'~~ as such existed on December 31, 1997.'"

176 (2) Code Section 15-9-127, relating to probate courts and additional concurrent jurisdiction
177 with superior courts, by revising paragraph (3) as follows:

178 "(3) Approval of settlement agreements pursuant to former Code Section 53-3-22 ~~of the~~
179 ~~'Pre-1998 Probate Code,'~~ as such existed on December 31, 1997, if applicable, or Code
180 Section 53-5-25 ~~of the 'Revised Probate Code of 1998';"~~

181 (3) Code Section 15-11-30.1, relating to appointment of guardian and transfer of custody and
182 support questions from superior courts to juvenile courts, by revising division (a)(2)(A)(ii)
183 and subdivision (a)(2)(F)(vii)(III) as follows:

184 "(ii) Find that termination of parental rights and adoption, and, if the proposed
185 guardian is not a relative of the child, that placement with a fit and willing relative,
186 is not in the best interest of the child;"

187 "(III) If there is no grandparent of the child, any three of the nearest adult relatives
188 of the child determined according to Code Section 53-2-1 ~~of the 'Revised Probate~~
189 ~~Code of 1998';"~~

190 (4) Code Section 15-11-84, relating to juvenile proceedings and governmental entity
191 defined, sharing information, and confidentiality, by replacing "Governmental entities and
192 state, county, municipal, or consolidated government, or municipal government departments,
193 boards, or agencies shall" with "Governmental entities and state, county, municipal, or
194 consolidated government departments, boards, or agencies shall" at the beginning of
195 subsection (b).

196 (5) Code Section 15-16-21, relating to fees for sheriff's services and disposition of fees, by
 197 replacing "in his hands," with "in his or her hands," in paragraph (14) of subsection (b).

198 **SECTION 16.**

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

201 (1) Code Section 16-5-21, relating to aggravated assault, by replacing "court interpreter or"
 202 with "court interpreter, or" in subsection (l).

203 (2) Code Section 16-9-109.1, relating to fraudulent business practices using the Internet or
 204 electronic mail, definitions, penalties and sanctions, and immunity, by replacing "'Electronic
 205 mail message'" with "'E-mail message'" at the beginning of paragraph (1) of subsection (a)
 206 and by replacing "electronic mail message," with "e-mail message," in paragraph (1) of
 207 subsection (b).

208 (3) Code Section 16-9-153, relating to e-mail virus distribution, denial of service attacks,
 209 and other conduct prohibited, by replacing "electronic mail" with "e-mail" in subparagraph
 210 (a)(1)(A).

211 (4) Code Section 16-10-6, relating to the sale of real or personal property to a political
 212 subdivision by a local officer or employee and exceptions, by adding "and" at the end of
 213 subparagraph (c)(3)(B).

214 (5) Code Section 16-11-129, relating to license to carry a weapon, temporary renewal
 215 permit, and mandamus, by replacing "the United States Bureau of Immigration and Customs
 216 Enforcement" with "United States Immigration and Customs Enforcement" in paragraph (3)
 217 of subsection (d).

218 (6) Code Section 16-11-173, relating to firearms and legislative findings, preemption of
 219 local regulation and lawsuits, and exceptions, by replacing "municipalities or counties" with
 220 "municipalities or counties," in subsection (d).

221 (7) Code Section 6-12-175, relating to minors and tobacco and enforcement actions,
 222 collection and report of fines, inspections by law enforcement agencies, and annual report,
 223 by replacing "officers, and" with "officers and" in subsection (b).

224 (8) Code Section 16-13-46, relating to administrative inspections and warrants in regard to
 225 controlled substances, by adding "and" at the end of paragraph (3) of subsection (a) and
 226 subparagraph (b)(4)(E).

227 (9) Code Section 16-14-3, relating to definitions in regard to the "Georgia RICO (Racketeer
 228 Influenced and Corrupt Organizations) Act," by redesignating division (9)(A)(xl) as
 229 division (9)(A)(xxxix) and by redesignating division (9)(A)(xxxx) as division (9)(A)(xl),
 230 respectively, and by revising division (12)(B)(i) as follows:

231 "(i) Any person appointed or acting as a guardian or conservator under Title 29,
 232 relating to guardian and ward, or personal representative under former Chapter 6 of
 233 Title 53 of the ~~'Pre-1998 Probate Code,'~~ as such existed on December 31, 1997,
 234 relating to the administration of estates, if applicable, or Chapter 6 of Title 53 of the
 235 ~~'Revised Probate Code of 1998'~~ and other provisions in ~~such revised probate code~~
 236 Chapter 1 through 11 of Title 53, the 'Revised Probate Code of 1998,' relating to the
 237 administration of estates; or"

238 (10) Code Section 16-15-4, relating to participation in criminal street gang activity
 239 prohibited, by replacing "(i) or (j)" with "(i), or (j)" in paragraph (3) of subsection (k).

240 SECTION 17.

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

243 (1) Code Section 17-6-12, relating to the discretion of the court to release a person charged
 244 with a crime on that person's own recognizance only and effect of failure of person charged
 245 to appear for trial, by inserting a semicolon at the end of subparagraph (a)(1)(C).

246 (2) Code Section 17-10-6.1, relating to punishment for serious violent offenders, by revising
 247 the undesignated text at the end of paragraph (2) of subsection (b) as follows:

248 "shall, unless sentenced to life imprisonment, be a split sentence which shall include a
 249 mandatory minimum term of imprisonment of 25 years, followed by probation for life.
 250 No portion of the mandatory minimum sentence imposed shall be suspended, stayed,
 251 probated, deferred, or withheld by the sentencing court ~~and shall not be or~~ reduced by any
 252 form of pardon, parole, or commutation of sentence by the State Board of Pardons and
 253 Paroles."

254 so as to conform with Merritt v. State, 286 Ga. 650, 651 at note 3 (2010).

255 (3) Article 1 of Chapter 10, relating to procedure for sentencing and imposition of
 256 punishment, by codifying the text of Section 10 of an Act to amend Code Section 16-5-1 and
 257 Chapter 10 of Title 17 of the Official Code of Georgia Annotated, approved April 29, 2009
 258 (Ga. L. 2009, p. 223), as Code Section 17-10-16.1.

259 (4) Code Section 17-17-12.1, relating to requests to prevent an accused from sending any
 260 form of written, text, or electronic communication to the victim's family, or the victim, by
 261 replacing "insure" with "ensure" in paragraph (3) of subsection (d).

262 SECTION 18.

263 Reserved.

264 **SECTION 19.**

265 Reserved.

266 **SECTION 20.**

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

268 (1) Code Section 20-1-10, relating to certification by the Public Service Commission
269 required prior to contracting with motor or contract carrier, by replacing "technical school
270 or other institution" with "technical school, or other institution" in subsection (a).

271 (2) Code Section 20-1A-12, relating to the Department of Early Care and Learning and
272 application, "license" defined, actions authorized by the department in event of violations,
273 investigations, and governmental immunity, by replacing "within 30 days of due date" with
274 "within 30 days of the due date" in paragraph (7) of subsection (c).

275 (3) Code Section 20-2-51, relating to local boards of education and the election of county
276 board members, persons ineligible to be members or superintendent, ineligibility for local
277 boards of education, and ineligibility for other elective offices, by replacing the single
278 quotation marks with double quotation marks at the beginning and end of the term
279 "immediate family member" in subparagraph (c)(4)(A).

280 (4) Code Section 20-2-73, relating to removal of local board of education members under
281 certain circumstances, by replacing "subparagraph (6.1)(A)" with "subparagraph (A) of
282 paragraph (6.1)" in subsection (a).

283 (5) Code Section 20-2-167, relating to the State Board of Education and funding for direct
284 instructional, media center, and staff development costs, computerized uniform budget and
285 accounting system, submission of local budget to the state board, and provision of certain
286 information by local boards, by replacing "as long as" with "so long as" in paragraph (3) of
287 subsection (f).

288 (6) Code Section 20-2-182, relating to program weights to reflect funds for payment of
289 salaries and benefits, maximum class size, reporting requirements, and application to specific
290 school years, by replacing "as long as" with "so long as" in the undesignated text at the end
291 of paragraph (1) of subsection (i).

292 (7) Code Section 20-2-184.1, relating to funding for additional days of instruction, programs
293 for low-performing students, and transportation costs, by replacing "as long as" with "so long
294 as" in paragraph (3) of subsection (b).

295 (8) Code Section 20-2-212, relating to salary schedules established by the State Board of
296 Education, by replacing "as long as" with "so long as" in the undesignated text at the end of
297 paragraph (2) of subsection (a).

298 (9) Code Section 20-2-212.6, relating to limitation on salary increase for school
299 superintendent or administrators, by replacing "that this shall not apply" with "that this

300 subsection shall not apply" in subsection (a) and by replacing "30 days notice" with "30 days'
301 notice" in paragraph (1) of subsection (b).

302 (10) Code Section 20-2-326, relating to definitions regarding the "Building Resourceful
303 Individuals to Develop Georgia's Economy Act," by replacing "two, three, or four-year" with
304 "two-year, three-year, or four-year" and by replacing "work-based learning" with "work
305 based learning" in paragraph (9).

306 (11) Code Section 20-2-327, relating to secondary and postsecondary education and
307 recognition of advanced proficiency/honors courses and counseling and development of
308 individual graduation plans, by replacing "requirements, and" with "requirements; and" at
309 the end of paragraph (1) of subsection (a).

310 (12) Code Section 20-2-751.4, relating to policies prohibiting bullying, assignment to
311 alternative school, and notice, by replacing "or physical act, which" with "or physical act
312 which" in paragraph (3) of subsection (a).

313 (13) Code Section 20-2-1010, relating to the State Board of Education to prescribe textbooks
314 and choosing from multiple listings, by replacing "in any medium, print, nonprint, or digital"
315 with "in any medium, whether print, nonprint, or digital" and by replacing "such material that
316 constitutes" with "such material, that constitutes" in subsection (a).

317 (14) Code Section 20-3-520, relating to construction and operation authorized and separate
318 appropriations regarding the Eugene Talmadge Memorial Hospital, by replacing "Medical
319 College of Georgia" with "Georgia Health Sciences University".

320 **SECTION 21.**

321 Reserved.

322 **SECTION 22.**

323 Title 22 of the Official Code of Georgia Annotated, relating to eminent domain, is amended
324 in:

325 (1) Code Section 22-2-109, relating to condemnation and factors to be considered in
326 determining or estimating just and adequate compensation, determination of date of taking,
327 inclusion of date of approval of original location of highway in petition for condemnation,
328 and newspaper advertisement, by replacing "(2 Capitol Square, Atlanta, Georgia 30334)"
329 with "(One Georgia Center, 600 West Peachtree NW, Atlanta, Georgia 30308)" in
330 subsection (b).

331 (2) Code Section 22-2-137, relating to factors to be considered in determining or estimating
332 just and adequate compensation, determination of date of taking, inclusion of date of
333 approval of original location of highway in petition for condemnation, and newspaper

334 advertisement, by replacing "(2 Capitol Square, Atlanta, Georgia 30334)" with "(One
335 Georgia Center, 600 West Peachtree NW, Atlanta, Georgia 30308)" in subsection (b).

336 **SECTION 23.**

337 Reserved.

338 **SECTION 24.**

339 Reserved.

340 **SECTION 25.**

341 Reserved.

342 **SECTION 26.**

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

345 (1) Code Section 26-2-312, relating to wholesale fish dealers' licenses, by replacing
346 "movable;" with "movable; and" at the end of paragraph (1) of subsection (a).

347 (2) Code Section 26-4-41, relating to the practice of pharmacy and qualifications for license,
348 examination, and internship and other training programs by replacing "determine; and" with
349 "determine." at the end of paragraph (1) of subsection (c).

350 **SECTION 27.**

351 Reserved.

352 **SECTION 28.**

353 Reserved.

354 **SECTION 29.**

355 Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, is
356 amended in:

357 (1) Code Section 29-2-16, relating to individuals with preference for permanent
358 guardianship of minor and preference not controlling, by revising paragraph (2) of
359 subsection (a) as follows:

360 "(2) The nearest adult relative of the minor determined according to Code Section 53-2-1
361 of the Revised Probate Code of 1998;"

362 (2) Code Section 29-2-17, relating to the petition for appointment of a permanent guardian,
363 requirements of petition, and notice, by revising subparagraph (b)(7)(C) as follows:

364 "(C) If there is no grandparent of the minor, any three of the nearest adult relatives of
 365 the minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code~~
 366 ~~of 1998;~~"

367 (3) Code Section 29-2-22, relating to the authority of a guardian and the appointment of a
 368 guardian ad litem, by revising paragraph (6) of subsection (b) as follows:

369 "(6) If there is no conservator, to disclaim or renounce any property or interest in
 370 property of the minor in accordance with the provisions of Code Section 53-1-20 ~~of the~~
 371 ~~Revised Probate Code of 1998.~~"

372 (4) Code Section 29-2-40, relating to petition to resign guardianship, requirements, service,
 373 hearing, and appointment of successor guardian, by revising paragraph (3) of subsection (c)
 374 as follows:

375 "(3) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 376 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 377 ~~1998.~~"

378 (5) Code Section 29-2-41, relating to the appointment of a successor guardian, by revising
 379 paragraph (3) of subsection (a) as follows:

380 "(3) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 381 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 382 ~~1998.~~"

383 (6) Code Section 29-2-51, relating to the appointment of a successor guardian, notice,
 384 preference to selected individuals, and order of appointment, by revising paragraph (3) of
 385 subsection (b) as follows:

386 "(3) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 387 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 388 ~~1998.~~"

389 (7) Code Section 29-3-7, relating to the preference among individuals for appointment of
 390 a conservator and the court's ability to ignore preference for the best interest of a minor, by
 391 revising paragraph (2) of subsection (a) as follows:

392 "(2) The nearest adult relative of the minor as set forth in Code Section 53-2-1 ~~of the~~
 393 ~~Revised Probate Code of 1998;~~"

394 (8) Code Section 29-3-8, relating to the petition for appointment of a conservator for a
 395 minor, requirements of petition, and notice, by revising subparagraph (b)(5)(D) as follows:

396 "(D) If there is no grandparent of the minor, any three of the nearest adult relatives of
 397 the minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code~~
 398 ~~of 1998;~~"

399 (9) Code Section 29-3-22, relating to the power of a conservator and cooperation with the
 400 guardian of a minor, by revising subparagraph (b)(2)(D) and paragraph (8) of subsection (c)
 401 as follows:

402 "(D) If there is no grandparent of the minor, any three of the nearest adult relatives of
 403 the minor determined as set forth in Code Section 53-2-1 ~~of the Revised Probate Code~~
 404 ~~of 1998.~~"

405 "(8) To disclaim or renounce any property or interest in property of the minor in
 406 accordance with the provisions of Code Section 53-1-20 ~~of the Revised Probate Code of~~
 407 ~~1998;~~"

408 (10) Code Section 29-3-80, relating to the required showing for resignation of a conservator,
 409 name of suitable alternate required, notice, and order appointing a successor conservator, by
 410 revising paragraph (4) of subsection (c) as follows:

411 "(4) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 412 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 413 ~~1998.~~"

414 (11) Code Section 29-3-81, relating to individuals entitled to notice, appointment of a
 415 successor conservator, and turning over of property, by revising paragraph (4) of
 416 subsection (a) as follows:

417 "(4) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 418 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 419 ~~1998.~~"

420 (12) Code Section 29-3-91, relating to the appointment of successor conservator, notice, and
 421 hearing and bond requirements, by revising paragraph (4) of subsection (b) as follows:

422 "(4) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 423 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 424 ~~1998.~~"

425 (13) Code Section 29-4-3, relating to the order of preference in selection of guardians,
 426 written request nominating a guardian, and requirements of writing, by revising
 427 subsection (d) as follows:

428 "(d) At any time prior to the appointment of a guardian, a spouse, adult child, or parent of
 429 an adult may nominate in writing an individual to serve as that adult's guardian should the
 430 adult be judicially determined to be in need of a guardian, and that nomination shall be
 431 given the preference described in this Code section, provided that it is signed in accordance
 432 with the provisions of subsection (e) of this Code section or, if in a will, is executed in
 433 accordance with the provisions of Code Section 53-4-20 ~~of the Revised Probate Code of~~
 434 ~~1998.~~"

435 (14) Code Section 29-4-23, relating to the powers and rights of a guardian, appointment of
 436 a guardian ad litem, and coordination and cooperation with conservator or others, by revising
 437 paragraph (7) of subsection (b) as follows:

438 "(7) If there is no conservator, to disclaim or renounce any property or interest in
 439 property of the ward in accordance with the provisions of Code Section 53-1-20 ~~of the~~
 440 ~~Revised Probate Code of 1998.~~"

441 (15) Code Section 29-5-3, relating to the order of preference in selecting a conservator,
 442 nomination of individual to serve as a conservator, and requirements of the nomination, by
 443 revising subsection (d) as follows:

444 "(d) At any time prior to the appointment of a conservator, a spouse, adult child, or parent
 445 of an adult may nominate in writing a person to serve as the adult's conservator should the
 446 adult be judicially determined to be in need of a conservator, and that nomination shall be
 447 given the preference described in this Code section, provided that it is signed in accordance
 448 with the provisions of subsection (e) of this Code section or, if in a will, is executed in
 449 accordance with the provisions of Code Section 53-4-20 ~~of the Revised Probate Code of~~
 450 ~~1998.~~"

451 (16) Code Section 29-5-23, relating to the authority of a conservator and cooperation with
 452 a guardian or other interested parties, by revising paragraph (9) of subsection (c) as follows:

453 "(9) To disclaim or renounce any property or interest in property of the ward in
 454 accordance with the provisions of Code Section 53-1-20 ~~of the Revised Probate Code of~~
 455 ~~1998;~~"

456 (17) Code Section 29-8-1, relating to county administrators as ex officio county guardians,
 457 by revising said Code section as follows:

458 "29-8-1.

459 County administrators as provided for in Article 5 of Chapter 6 of Title 53 ~~of the Revised~~
 460 ~~Probate Code of 1998~~ are ex officio county guardians and shall serve as guardians or
 461 conservators in all cases where appointed by the court."

462 (18) Code Section 29-8-2, relating to bond requirements, by revising said Code section as
 463 follows:

464 "29-8-2.

465 In addition to the bond required in Code Section 53-6-41 ~~of the Revised Probate Code of~~
 466 ~~1998~~, county guardians shall give another bond with good security, to be judged by the
 467 court, in the sum of \$5,000.00. The bond shall be payable to the court for the benefit of all
 468 concerned. It shall be attested by the judge or clerk of the court and shall be conditioned
 469 upon the faithful discharge of the county guardian's duty as such, as required by law.
 470 Actions on the bond may be brought by any person aggrieved by the misconduct of the
 471 county guardian, as provided by law for actions on the bonds of other guardians."

472 **SECTION 30.**

473 Reserved.

474 **SECTION 31.**

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

476 (1) Code Section 31-2-6, relating to the creation of the position of the commissioner of
477 community health, creation of divisions, and allocation of functions, by replacing "Division
478 of Public Heath," with "Division of Public Health," in subsection (b).

479 (2) Code Section 31-2-17.1, relating to the Georgia Diabetes Control Grant Program,
480 advisory committee, administration of authorized grant programs, and grant criteria, by
481 replacing "commissioner of the Department of Community Health," with "commissioner of
482 community health," in the undesignated text at the end of subsection (b).

483 (3) Code Section 31-8-179.3, relating to hospitals and the assessment of provider payments
484 to be paid by hospital in quarterly installments and payment recognized as expenditure for
485 indigent or charity care, by replacing "due at end of each" with "due at the end of each" in
486 subsection (b).

487 (4) Code Section 31-22-9, relating to applicability of the chapter to clinical laboratories, by
488 replacing "Medical College of Georgia," with "Georgia Health Sciences University," in
489 paragraph (1) of subsection (a).

490 (5) Code Section 31-47-1, relating to the purpose of the Arthritis Prevention and Control
491 Program, needs assessment, advisory panel, and coordination and utilization with other
492 programs, by striking the quotation marks at the beginning and end of the term "Arthritis
493 Prevention and Control Program" in subsection (a), the introductory language of
494 subsection (b), subsection (c), and paragraphs (1) and (2) of subsection (e).

495 (6) Code Section 31-47-2, relating to the role and duties of the commissioner of community
496 health, by striking the quotation marks at the beginning and end of the term "Arthritis
497 Prevention and Control Program" in paragraphs (1) and (2).

498 **SECTION 32.**

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

501 (1) Code Section 32-2-20, relating to the composition of the State Transportation Board,
502 qualifications of members, terms of office, manner of selection of the members, filling of
503 vacancies, officers, meetings, and compensation of members, by replacing "which he
504 represents" with "which he or she represents" in subsection (a).

505

SECTION 33.

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

507 (1) Code Section 33-24-21.1, relating to insurance and group accident and sickness contracts
 508 and conversion privilege and continuation right provisions, by replacing "eligibility, and"
 509 with "eligibility and" in subsection (l).

510 (2) Code Section 33-24-56.4, relating to payment for telemedicine services, by replacing
 511 "electronic mail," with "e-mail," in paragraph (3) of subsection (b).

512 (3) Code Section 33-34-5.1, relating to self-insurers in regard to motor vehicle accident
 513 reparations, by replacing "Commissioner of Insurance" with "Commissioner" each time this
 514 term occurs in subsection (a) and subsection (c), by replacing "Chapter 3 of this title" with
 515 "Chapter 3 of Title 40" in paragraph (2) of subsection (a), by replacing "Chapter 2 of Title
 516 33" with "Chapter 2 of this title" and "Chapter 10 of Title 33" with "Chapter 10 of this title"
 517 in subparagraph (a)(3)(F), and by replacing "one or more of the following forms:" with "one
 518 or more of the following:" at the end of the introductory language of paragraph (3) of
 519 subsection (b).

520 (4) Code Section 33-43-3, relating to medicare supplement policies and duplicate benefits
 521 prohibited and establishment of standards, by replacing "persons that are eligible" with
 522 "persons who are eligible" in subsection (g), by replacing "government, or" with
 523 "government or" in the introductory language of subsection (h), and by replacing "Part B, or"
 524 with "Part B or" in paragraph (1) of subsection (h).

525 (5) Code Section 33-50-3, relating to multiple employer self-insured health plans and
 526 application for license, payment of fees, and payment of premium taxes, by replacing
 527 "Chapter 8 of Title 33." with "Chapter 8 of this title." both times it appears in subsection (c).

528 (6) Code Section 33-50-5, relating to minimum surplus, capital requirements, security
 529 deposit, annual audit, aggregate excess stop-loss coverage, and individual excess stop-loss
 530 coverage, by redesignating the introductory language of subsection (g) as paragraph (1) of
 531 subsection (g) and by redesignating current paragraphs (1) through (4) as new paragraphs (2)
 532 through (5), respectively, in subsection (g) and by redesignating the introductory language
 533 of subsection (h) as paragraph (1) of subsection (h) and by redesignating current paragraphs
 534 (1) through (3) as new paragraphs (2) through (4), respectively, in subsection (h).

535 (7) Code Section 33-50-14, relating to multiple employer self-insured health plans and the
 536 Commissioner's approval of plans offering coverage in other states, by replacing "plan,
 537 which covers lives in other states, may" with "plan which covers lives in other states may".

538 (8) Code Section 33-64-6, relating to pharmacy benefits managers not being required to
 539 obtain a license as an administrator, by replacing "Article 2 of Chapter 23 of Title 33" with
 540 "Article 2 of Chapter 23 of this title".

541 **SECTION 34.**

542 Reserved.

543 **SECTION 35.**

544 Reserved.

545 **SECTION 36.**

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

548 (1) Code Section 36-44-3, relating to definitions relative to redevelopment powers, by
549 replacing "ill heath," with "ill health," in division (7)(A)(i).

550 (2) Code Section 36-61-9, relating to the power of eminent domain, conditions, and title
551 acquired, by revising subsection (b) as follows:

552 "(b) Whenever condemnation proceedings are instituted and carried on by a municipality
553 or county in accordance with subsection (a) of this Code section or through any other
554 method of condemnation provided by law, upon the payment by the municipality or county
555 seeking condemnation of the amount of the award and final judgment on appeal the
556 municipality or county shall become vested with a fee simple indefeasible title to the
557 property to which the condemnation proceedings relate. Such payment may be offset in
558 whole or in part by the amount of any municipal or county tax liens on the condemned
559 property and by any existing special assessments tax liens on the condemned property,
560 including without limitation education or special district taxes collected by the municipality
561 or county; provided, however, that any such setoff shall be subject to any existing tax liens
562 having higher priority pursuant to Code Section 48-2-56 and to the interest in the
563 condemned property of any known beneficiary of a year's support pursuant to former Code
564 Section 53-5-2 of the ~~'Pre-1998 Probate Code,'~~ as such existed on December 31, 1997, if
565 applicable, or Code Sections 53-3-1, 53-3-2, 53-3-4, 53-3-5, and 53-3-7 of the ~~'Revised~~
566 ~~Probate Code of 1998'~~; provided, further, that where the condemned property is subject to
567 a valid deed to secure debt, such setoff shall only be allowed for tax liens which arose as
568 a result of an assessment against such property. It is declared to be necessary, to enable
569 such municipalities and counties to exercise their powers under this Code section, that upon
570 the condemnation proceedings being had, the municipalities and counties shall become
571 vested with fee simple indefeasible title to the property involved in the proceedings."

572 (3) Code Section 36-80-21, relating to local governments and definitions and electronic
573 transmission of budgets, by replacing "municipality or" with "municipality, or" in
574 subparagraph (a)(2)(A).

575 **SECTION 37.**

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

577 (1) Code Section 37-1-40, relating to rules and regulations of the Board of Behavioral Health
578 and Developmental Disabilities, by redesignating said Code section as new Code Section
579 37-1-41.

580 (2) Code Section 37-1-22, relating to power of the Board of Behavioral Health and
581 Developmental Disabilities to provide and promote standards, rules, and regulations, by
582 redesignating the text of said Code section as new Code Section 37-1-40 and by reserving
583 the former Code Section 37-1-22 designation.

584 (3) Code Section 37-10-3, relating to the applicability of certain enforcement and
585 administrative provisions to Chapter 10 of this title, relating to the "Interstate Compact on
586 Mental Health Act," is amended by replacing "37-1-40," with "37-1-41,".

587 **SECTION 38.**

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

590 (1) Code Section 38-4-2, relating to powers and appointment of executive directors of
591 veterans' homes, by replacing "Medical College of Georgia," with "Georgia Health Sciences
592 University," in paragraph (1) of subsection (b).

593 **SECTION 39.**

594 Reserved.

595 **SECTION 40.**

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

598 (1) Code Section 40-2-86, relating to special license plates promoting certain beneficial
599 projects and supporting certain worthy agencies, funds, or nonprofit corporations, by
600 replacing "Medical College of Georgia." with "Georgia Health Sciences University." in
601 paragraph (15) of subsection (l).

602 (2) Code Section 40-3-36, relating to the cancellation of certificate of title for scrap,
603 dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement,
604 and removal of license plates, by replacing the period with a semicolon at the end of
605 division (a)(2)(E)(iii).

606 (3) Code Section 40-3-37, relating to salvaged or rebuilt motor vehicles, inspections, fees,
607 exemption of motorcycles, and glider kits, by replacing "a licensed dealer as defined in Code
608 Section 43-48-2." with "a licensee as defined in Code Section 43-47-2." in subparagraph

609 (a)(2)(C) and by replacing "corporation who rebuilds" with "corporation that rebuilds" in
610 subsection (e).

611 (4) Code Section 40-5-22, relating to persons not to be licensed, minimum ages for
612 licensees, school attendance requirements, and driving training requirements, by replacing
613 "in addition a cumulative total" with "in addition has a cumulative total" in
614 subparagraph (a.2)(1)(A).

615 (5) Code Section 40-5-27, relating to examination of driver's license applicants, by replacing
616 "rear-view" with "rearview" in paragraph (3) of subsection (c).

617 (6) Code Section 40-5-58, relating to habitual violators and probationary drivers' licenses,
618 by replacing "Code Section 40-5-61, such person may be issued" with "Code Section 40-5-61
619 may be issued" in paragraph (1) of subsection (e).

620 (7) Code Section 40-6-120, relating to methods of turning at intersections, by replacing
621 "intersection the vehicle" with "intersection, the vehicle" in subparagraph (C) of
622 paragraph (2).

623 (8) Code Section 40-11-1, relating to definitions regarding abandoned motor vehicles, by
624 replacing "'vehicle' means motor vehicle" with "'vehicle' means a motor vehicle" in
625 paragraph (2).

626 **SECTION 41.**

627 Reserved.

628 **SECTION 42.**

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

631 (1) Code Section 42-1-12, relating to the State Sexual Offender Registry, by replacing
632 "paragraph (3) of this Code section" with "paragraph (3) of this subsection" in paragraph (4)
633 of subsection (i).

634 (2) Code Section 42-1-14, relating to risk assessment classification, classification as a
635 "sexually dangerous predator," and electronic monitoring, by replacing "and work history,
636 and" with "and work history and" in paragraph (2) of subsection (a).

637 **SECTION 43.**

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

640 (1) Code Section 43-1B-4, relating to prohibited actions, civil penalties, and grounds for
641 disciplinary actions regarding patient referrals by health care providers, by replacing "Except

642 as provided in this Code section:" with "Except as provided in this chapter:" in the
643 introductory language.

644 (2) Code Section 43-4-1, relating to definitions relative to architects, by redesignating
645 current paragraph (12) as new paragraph (14) and by redesignating current paragraphs (13)
646 and (14) as new paragraphs (12) and (13), respectively, arranging said paragraphs in
647 alphabetical order.

648 (3) Code Section 43-4B-1, relating to definitions regarding the Georgia Athletic and
649 Entertainment Commission, by revising subparagraph (A) as follows:

650 ~~"(A)~~ "U.S.A. Boxing;"

651 (4) Code Section 43-4B-2, relating to the application of rules and regulations by the Georgia
652 Athletic and Entertainment Commission, by replacing "\$25,000,000.00." with "\$25 million."
653 in paragraph (2) of subsection (b).

654 (5) Code Section 43-6-11, relating to qualifications of applicants for an auctioneer's or
655 apprentice auctioneer's license, by deleting the obsolete subsection (e) and redesignating
656 subsection (d.1) as new subsection (e) as follows:

657 ~~"(d.1)(e)~~ "On and after December 31, 1995, no apprentice auctioneer's license shall be
658 issued or renewed.

659 ~~(e) No apprentice auctioneer may use an auction where gross sales did not exceed~~
660 ~~\$2,000.00 for the purpose of qualifying for licensure as an auctioneer under paragraph (1)~~
661 ~~of subsection (d) of this Code section."~~

662 (6) Code Section 43-9-1, relating to definitions regarding chiropractors, by replacing "term
663 'chiropractic' shall" with "term shall" both times it appears in paragraph (2) and by replacing
664 "in the state of Georgia" with "in this state" in paragraph (3).

665 (7) Code Section 43-10-8, relating to the requirement of a cosmetology certificate of
666 registration, by replacing "master cosmetologist level as defined in paragraph (4) of Code
667 Section 43-10-1." with "master cosmetologist level as defined in paragraph (8) of Code
668 Section 43-10-1." in subsection (b) and by replacing "paragraph (6) of Code Section
669 43-10-1." with "paragraph (9) of Code Section 43-10-1." in paragraph (1) of subsection (f).

670 (8) Code Section 43-10-20, relating to the teaching of cosmetology in prisons and
671 certification of registration, by replacing "the cosmetology programs that are approved by
672 the Technical College System of Georgia or the Department of Education as provided for by
673 paragraphs (8), (9), and (10) of Code Section 43-10-1 and paragraph (6) of subsection (e) of
674 Code Section 43-10-12." with "the cosmetology programs that are approved by the Technical
675 College System of Georgia or the Department of Education as provided for by paragraphs
676 (10), (11), (13), and (14) of Code Section 43-10-1 and paragraph (8) of subsection (e) of
677 Code Section 43-10-12." in subsection (a).

- 678 (9) Code Section 43-14-6, relating to the powers and duties of the divisions of electrical
679 contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility
680 contractors, by replacing "single family dwellings" with "single-family dwellings" in
681 paragraph (1) of subsection (a).
- 682 (10) Code Section 43-17-2, relating to definitions relative to charitable solicitations, by
683 replacing "benefitting" with "benefiting" in division (12)(A)(iii).
- 684 (11) Code Section 43-20A-2, relating to definitions regarding the regulation of private
685 immigration assistance services, by replacing "shall mean" with "means" in paragraph (4).
- 686 (12) Code Section 43-26-7, relating to the requirements for licensure as a registered
687 professional nurse and the requirements for a nontraditional nursing education program, by
688 replacing "If entered" with "If the applicant entered" at the beginning of subdivisions
689 (b)(2)(B)(ii)(I) and (b)(2)(B)(ii)(II) and subparagraphs (c)(4)(C) and (c)(4)(D) and by
690 replacing "If graduated" with "If the applicant graduated" at the beginning of subparagraph
691 (c)(4)(B).
- 692 (13) Code Section 43-26-12, relating to registered professional nurses and exceptions to
693 operation and burden of proof, by replacing "individual that has" with "individual who has"
694 in division (a)(9)(C)(i).
- 695 (14) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements, by
696 replacing "patients that meet certain criteria" with "patients who meet certain criteria" both
697 times it appears in paragraph (5) of subsection (a).
- 698 (15) Code Section 43-34A-4, relating to requests for physician profiles, fees, confidentiality,
699 and dispersal of inaccurate profile prohibited, by replacing "by electronic mail." with "by
700 e-mail."
- 701 (16) Code Section 43-38-7, relating to licensing of armed employees, qualifications,
702 continuing education, fingerprints, license card, and suspension, by replacing "under oath,
703 and" with "under oath and" in subsection (d).
- 704 (17) Code Section 43-39A-2, relating to definitions relative to real estate appraisers, by
705 replacing "Any person that contracts" with "Any person who contracts" at the beginning of
706 division (3)(B)(ii).
- 707 (18) Code Section 43-39A-14, relating to real estate appraisers and the required conduct of
708 applicants, refusal of classification, imposition of sanctions, revocation of classification,
709 noncompliance with child support orders, and borrowers in default, by replacing "licensure
710 or approval; and provided that if such" with "licensure or approval, provided that, if such"
711 in subparagraph (b)(1.2)(A).
- 712 (19) Code Section 43-39A-22, relating to real estate appraisers and investigations,
713 subpoenas, confidentiality, access to records, publication of names of disciplined appraisers
714 and schools, and closed meetings, by replacing "company who is the subject" with "company

715 that is the subject" both times it appears in subsection (d) and by replacing "or an approved
716 school" with "or approved school" in subsection (e).

717 (20) Code Section 43-41-7, relating to the requirement of written warranties by residential
718 and general contractors, by replacing "single family residence" with "single-family
719 residence".

720 (21) Code Section 43-47-2, relating to definitions relative to used motor vehicles and used
721 motor vehicle parts dealers, by deleting the text of obsolete paragraph (13) and reserving said
722 paragraph designation and by replacing "Financial institutions as used in this chapter shall
723 not include a pawnbroker as defined in Code Section 44-12-130; provided, however, that a
724 pawnbroker" with "A pawnbroker" at the beginning of the last sentence of subparagraph (A)
725 of paragraph (17) so as to eliminate the redundancy with the last sentence of paragraph (4)
726 of said Code section.

727 **SECTION 44.**

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

729 (1) Code Section 44-2-131, relating to the declaration of title by a descent upon petition,
730 service of petition and publication of notice, transfer of registered title and issuance of new
731 certificates, and the rights of a surviving spouse, by revising subsection (i) as follows:

732 "(i) Where the wife claims to be entitled to take possession of the estate without
733 administration under former Code Section 53-4-2 ~~of the 'Pre-1998 Probate Code,' as such~~
734 existed on December 31, 1997, if applicable, or Code Sections 53-1-7 and 53-2-1 ~~of the~~
735 ~~'Revised Probate Code of 1998,'~~ the procedure shall be substantially in the same manner."

736 **SECTION 45.**

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

739 (1) Code Section 45-8-1, relating to definitions relative to public officers and employees
740 accounting for public funds, by deleting the circular definition in paragraph (7) and reserving
741 the designation of said paragraph.

742 (2) Code Section 45-8-13.1, relating to depositories using pooled method of securing
743 deposits of public funds, qualifications, and the rights and responsibilities of the state
744 treasurer, by replacing "state treasurer delegates its rights" with "state treasurer delegates his
745 or her rights" in subsection (d).

746 (3) Code Section 45-12-75, relating to the Governor's budget report and its contents and
747 form, by replacing "foregone" with "forgone" in paragraph (8).

748 (4) Code Section 45-12-92, relating to revenue collections to be paid to the state treasury on
749 a monthly basis, the effect of failure of the budget unit to comply with this Code section,

750 definition of user fee, and reporting, by replacing "provided, or" with "provided or" in
 751 subparagraph (b)(3)(A) and by replacing "adjustment, which" with "adjustment which" in
 752 subparagraph (b)(3)(B).

753 (5) Code Section 45-16-11.2, relating to the monthly contingent expense allowance for the
 754 operation of the office of coroner, by replacing "Minimum Salary" with "Minimum Monthly
 755 Expenses" in the table following the text.

756 (6) Code Section 45-18-7.2, relating to the Georgia Agrirama Development Authority and
 757 employee health insurance, by repealing and reserving said obsolete Code section.

758 (7) Code Section 45-18-7.7, relating to employees and dependents of critical access hospitals
 759 in health plans, by deleting the obsolete reference "45-18-7.2," in subsection (c).

760 **SECTION 46.**

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

763 (1) Code Section 46-7-34, relating to motor common or contract carrier and the effect of
 764 certificates of public convenience and necessity to operate granted under prior law, by
 765 replacing "under Code Section" with "under former Code Section" in subsection (b).

766 **SECTION 47.**

767 Reserved.

768 **SECTION 48.**

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

771 (1) Code Section 48-5-7.2, relating to certification as rehabilitated historic property for
 772 purposes of preferential tax assessment, by revising paragraph (2) of subsection (j) as
 773 follows:

774 "(2) Liens for taxes deferred under this Code section, except for any lien covering the
 775 then current tax year, shall not be divested by an award for year's support authorized
 776 pursuant to former Chapter 5 of Title 53 of the ~~'Pre-1998 Probate Code,'~~ as such existed
 777 on December 31, 1997, if applicable, or Chapter 3 of Title 53 of the ~~'Revised Probate~~
 778 ~~Code of 1998.'~~"

779 (2) Code Section 48-5-7.3, relating to landmark historic property, by revising paragraph (2)
 780 of subsection (i) as follows:

781 "(2) Such liens for taxes, except for any lien covering the then current tax year, shall not
 782 be divested by an award for year's support authorized pursuant to former Chapter 5 of

783 Title 53 of the ~~'Pre-1998 Probate Code,'~~ as such existed on December 31, 1997, if
 784 applicable, or Chapter 3 of Title 53 of the ~~'Revised Probate Code of 1998.'~~"

785 (3) Code Section 48-5-76, relating to deferred taxes and interest constituting prior lien and
 786 effect of award for year's support on liens for deferred taxes, by revising subsection (b) as
 787 follows:

788 "(b) Liens for taxes deferred under this part, except for any lien covering the then current
 789 tax year, shall not be divested by an award for year's support authorized pursuant to former
 790 Chapter 5 of Title 53 of the ~~'Pre-1998 Probate Code,'~~ as such existed on December 31,
 791 1997, if applicable, or Chapter 3 of Title 53 of the ~~'Revised Probate Code of 1998.'~~"

792 (4) Code Section 48-6-2, relating to exemption of certain instruments, deeds, or writings
 793 from real estate transfer tax and requirement that consideration be shown, by revising
 794 paragraph (6) of subsection (a) as follows:

795 "(6) Any order for year's support awarding an interest in real property as provided in
 796 former Code Section 53-5-11 of the ~~'Pre-1998 Probate Code,'~~ as such existed on
 797 December 31, 1997, if applicable, or Code Section 53-3-11 of the ~~'Revised Probate Code~~
 798 ~~of 1998;'~~"

799 **SECTION 49.**

800 Reserved.

801 **SECTION 50.**

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

804 (1) Code Section 50-17-22, relating to the State Financing and Investment Commission, by
 805 replacing "chairman" with "chairperson" and "vice-chairman" with "vice chairperson" in
 806 paragraph (1) of subsection (b) and subsection (c), by replacing "state treasurer" with
 807 "director" in paragraphs (2) and (3) of subsection (b), by replacing "agenda" with "agendas"
 808 in paragraph (2) of subsection (b), and by replacing "Deposit, or arrange for," with "Deposit
 809 or arrange for" in division (d)(6)(B)(i).

810 (2) Code Section 50-17-63, relating to state depositories and the deposit of demand funds,
 811 investment of funds, reports, remittance of interest earned, and motor fuel tax revenues, by
 812 replacing "Chapter 17 of this title." with "this chapter." in subsection (b).

813 (3) Code Section 50-18-20, relating to definitions relative to court reports, by replacing "the
 814 Code of Judicial Conduct," with "the Georgia Code of Judicial Conduct," and by deleting
 815 "the Rules for Sentence Review Panel," in paragraph (4).

816 (4) Code Section 50-37-2, relating to definitions regarding guaranteed energy savings
 817 performance contracts, by replacing "program, or facility alteration, or technology" with

818 "program or facility alteration or technology" in the introductory language of paragraph (4)
 819 and by replacing "authorized under the" with "authorized under Part 1 of Article 1 of Chapter
 820 3 of Title 46, the" in subparagraph (M) of paragraph (4).

821 (5) Code Section 50-37-7, relating to requirements for state agencies regarding guaranteed
 822 energy savings performance contracts, by replacing "the department" with "the authority" in
 823 paragraph (2).

824 **SECTION 51.**

825 Reserved.

826 **SECTION 52.**

827 Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and
 828 water craft, is amended in:

829 (1) Code Section 52-3-2, currently repealed under Chapter 3, relating to the intracoastal
 830 waterway, by designating said Code section as reserved.

831 (2) Code Section 52-3-3, currently repealed under Chapter 3, relating to the intracoastal
 832 waterway, by designating said Code section as reserved.

833 (3) Code Section 52-3-6, currently repealed under Chapter 3, relating to the intracoastal
 834 waterway, by designating said Code section as reserved.

835 (4) Code Section 52-3-10, currently repealed under Chapter 3, relating to the intracoastal
 836 waterway, by designating said Code section as reserved.

837 **SECTION 53.**

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

840 (1) Code Section 53-1-1, relating to the Revised Probate Code of 1998 short title and
 841 effective date of provisions, by revising subsection (a) as follows:

842 "(a) This chapter and Chapters 2 through 11 of this title, as such chapters were ~~amended~~
 843 enacted by an Act approved April 2, 1996 (Ga. L. 1996, p. 504), and as amended by an Act
 844 approved April 29, 1997 (Ga. L. 1997, p. 1352), and as such chapters may be amended in
 845 the future, shall be known and may be cited as the 'Revised Probate Code of 1998.'

846 (2) Code Section 53-1-20, relating to renouncing succession under the 'Revised Probate
 847 Code of 1998,' by revising paragraph (1) of subsection (f) as follows:

848 "(f)(1)(A) Except as otherwise provided by the will or other governing instrument, a
 849 renunciation shall cause the renounced property to pass as if the person renouncing had
 850 predeceased the decedent or, in the case of property passing upon exercise of a power
 851 of appointment, as if the person renouncing had predeceased the holder of the power,

852 even if the acceleration of a contingent remainder or other interest results. A will or
 853 other governing instrument may otherwise provide expressly or by implication, but the
 854 fact that a remainder or other future interest following a renounced interest is
 855 conditioned upon surviving the holder of such renounced interest shall not, without
 856 more, be sufficient to indicate that such conditioned interest should not accelerate by
 857 reason of such renunciation.

858 (B) Notwithstanding ~~the foregoing subparagraph (A) of this paragraph,~~ solely for the
 859 purposes of the ~~last clause proviso~~ of paragraph (5) and the ~~last clause proviso~~ of
 860 paragraph (7) of subsection (c) of Code Section 53-2-1, any individual renouncing who
 861 is the only sibling or the only aunt or uncle surviving the decedent shall not be deemed
 862 to have predeceased the decedent."

863 (3) Code Section 53-9-2, relating to the filing and contents of a petition and publication of
 864 notice relative to the administration of an estate under the Revised Probate Code of 1998, by
 865 replacing "no administration necessary," with "no administration is necessary," in
 866 subsection (b).

867 (4) Code Section 53-12-5, relating to law governing the meaning and effect of trust
 868 provisions, by redesignating subsections (a) and (b) as paragraphs (1) and (2), respectively.

869 (5) Code Section 53-12-45, relating to limitation on action contesting validity of a revocable
 870 trust, by replacing "trust, and" with "trust and" in paragraph (2) of subsection (b).

871 (6) Code Section 53-12-80, relating to trusts and spendthrift provisions, by replacing
 872 "principal or" with "principal, or" in subsection (g).

873 (7) Code Section 53-12-190, relating to automatic amendment of governing instrument of
 874 a private foundation trust, charitable trust, or split-interest trust, by replacing "foundation a"
 875 with "foundation, a" in the introductory language.

876 (8) Code Section 53-12-210, relating to trustee compensation, by replacing "year." with
 877 "year:" at the end of subparagraph (c)(2)(B).

878 (9) Code Section 53-12-261, relating to powers of trustees, by replacing "beneficiary;" with
 879 "beneficiary." at the end of subparagraph (b)(27)(D).

880 (10) Code Section 53-12-263, relating to trustees and incorporation of powers by reference,
 881 by replacing "article" with "part" in subsections (b) and (c) and the introductory language of
 882 subsection (e).

883 (11) Code Section 53-12-280, relating to certification of trust by a trustee, by replacing "trust
 884 as provided" with "trust provided" in the introductory language of subsection (b).

885 (12) Code Section 53-12-304, relating to the liability of a successor trustee, by replacing
 886 "trustee, and" with "trustee and" in paragraph (1) of subsection (a).

887 (13) Code Section 53-12-320, relating to nonresidents acting as trustees, by replacing
 888 "thereto on" with "thereto, on" in subsection (c).

889 (14) Code Section 53-12-344, relating to language invoking application of trust investments
 890 and the "Georgia Principal and Income Act," by replacing "under Article 16 and 17" with
 891 "under this article and Article 17".

892 (15) Code Section 53-12-361, relating to trustee power of adjustment, by replacing "section
 893 if:" with "section:" at the end of the introductory language of subsection (c) and by replacing
 894 "The adjustment" with "If the adjustment" at the beginning of paragraphs (1) and (2) of
 895 subsection (c).

896 (16) Code Section 53-12-362, relating to the power to convert a trust into a unitrust, by
 897 replacing "Article 16 and 17" with "this article and Article 17" in the introductory language
 898 of paragraph (3) of subsection (d) and by replacing "instrument; and" with "instrument." at
 899 the end of paragraph (1) of subsection (j).

900 (17) Code Section 53-12-363, relating to abuse of a trustee's discretion, by replacing "apply"
 901 with "applies" in the introductory language of subsection (b).

902 (18) Code Section 53-12-401, relating to trustees and the apportionment of receipts and
 903 disbursements when decedent dies or income interest begins, by replacing "payer" with
 904 "payor" in subsection (c).

905 (19) Code Section 53-12-420, relating to trustees and principal receipts, by replacing "payer"
 906 with "payor" in paragraph (1).

907 (20) Code Section 53-12-425, relating to trustees and deferred compensation, annuities, and
 908 similar payments, by replacing "payer" with "payor" both times it appears and by replacing
 909 "payer's" with "payor's" in paragraph (1).

910 (21) Code Section 53-12-431, relating to asset-backed securities, by replacing "payer" with
 911 "payor" in subsection (b).

912 **SECTION 54.**

913 (a) Except for Title 47, the text of Code sections and title, chapter, article, part, subpart,
 914 Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and
 915 designations as contained in the Official Code of Georgia Annotated published under
 916 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through
 917 40 of such publication or replacement volumes thereto, as amended by the text and
 918 numbering of Code sections as contained in the 2010 supplements to the Official Code of
 919 Georgia Annotated published under authority of the state in 2010 by LEXIS Publishing, are
 920 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.

921 (b) Annotations; editorial notes; Code Revision Commission notes; research references;
 922 notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses;
 923 title, chapter, article, part, and subpart captions or headings, except as otherwise provided in
 924 the Code; catchlines of Code sections or portions thereof, except as otherwise provided in

925 the Code; and rules and regulations of state agencies, departments, boards, commissions, or
926 other entities which are contained in the Official Code of Georgia Annotated are not enacted
927 as statutes by the provisions of this Act. Material which has been added in brackets or
928 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes
929 within the text of a Code section by the editorial staff of the publisher in order to explain or
930 to prevent a misapprehension concerning the contents of the Code section and which is
931 explained in an editorial note is not enacted by the provisions of this section and shall not be
932 considered a part of the Official Code of Georgia Annotated.

933 (c) The reenactment of the statutory portion of the Official Code of Georgia Annotated by
934 subsection (a) of this section shall not affect, supersede, or repeal any Act of the General
935 Assembly, or portion thereof, which is not contained in the Official Code of Georgia
936 Annotated and which was not repealed by Code Section 1-1-10, specifically including those
937 Acts which have not yet been included in the text of the Official Code of Georgia Annotated
938 because of effective dates which extend beyond the effective date of the Code or the
939 publication date of the Code or its supplements.

940 (d) The provisions contained in other sections of this Act and in the other Acts enacted at
941 the 2011 regular session of the General Assembly of Georgia shall supersede the provisions
942 of the Official Code of Georgia Annotated reenacted by subsection (a) of this section.

943 (e) In the event of an irreconcilable conflict between a provision in Sections 1 through 53
944 of this Act and a provision of another Act enacted at the 2011 regular session of the General
945 Assembly, the provision of such other Act shall control over the conflicting provision in
946 Sections 1 through 53 of this Act to the extent of the conflict.

947 **SECTION 55.**

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

950 **SECTION 56.**

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