

The House Committee on Code Revision offers the following substitute to HB 142:

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5 superseded by subsequent laws; to reenact the statutory portions of said Code, as amended;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.

23
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 10-5-76, relating to public records and exceptions relative to administration
50 of the "Georgia Uniform Securities Act of 2008," by replacing "Code Section 10-5-21;" with
51 "Code Section 10-5-71;" in paragraph (1) of subsection (b).

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

54 "(f)(1) The assets of a trust fund shall be invested and reinvested subject to all the terms,
 55 conditions, limitations, and restrictions imposed by the laws of the State of Georgia upon
 56 executors and trustees regarding the making and depositing of investments with trust
 57 moneys pursuant to former Code Sections 53-8-1 through 53-8-4 of the ~~'Pre-1998 Probate~~
 58 ~~Code,' as such existed on December 31, 1997,~~ if applicable; Code Section 53-8-1 of the
 59 ~~'Revised Probate Code of 1998,'~~ or Code Section 53-12-340 of ~~'The Revised Georgia~~
 60 ~~Trust Code of 2010.'~~ Subject to said terms, conditions, limitations, and restrictions, the
 61 trustee of the perpetual care trust fund shall have full power to hold, purchase, sell,
 62 assign, transfer, reinvest, and dispose of any of the securities and investments in which
 63 any of the assets of said fund are invested, including proceeds of investments."

64

SECTION 11.

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

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

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

78

SECTION 12.

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

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

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

88 other activities" and by replacing "management and operation" with "management, and
89 operation" both times it appears.

90 (3) Code Section 12-3-562.1, relating to the joint operation between the Georgia Sports Hall
91 of Fame and the Georgia Music Hall of Fame and proposals for accomplishing objectives,
92 by replacing "property management and other activities" with "property management, and
93 other activities" and by replacing "management and operation" with "management, and
94 operation" both times it appears.

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

99 ~~"12-3-651~~ 20-3-73.1.

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

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

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

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

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

112 ~~"12-3-662~~ 20-3-73.2.

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

118 (b) The change of the governance of the State Museum of Agriculture and its continuation,
119 as provided in this Code section, shall in no way affect any existing obligations, liabilities,
120 or rights of the authority as such existed on June 30, 2010. All such obligations, liabilities,
121 and rights are transferred to, vested in, and assumed by the Board of Regents of the
122 University System of Georgia. All existing contracts and agreements between any party
123 and the authority shall not be affected by this Code section but shall continue in full force

124 and effect, without interruption, as contracts or agreements of the Board of Regents of the
125 University System of Georgia.

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

129 and by repealing the remainder of Article 11 of said Chapter 3, relating to the Georgia
130 Agrirama Development Authority, which consists of obsolete Code Sections 12-3-650 and
131 12-3-652 through 12-3-661.

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

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

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

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

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

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

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

158 **SECTION 13.**

159 Reserved.

160 **SECTION 14.**

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

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

165 "(5) A partner's right in specific partnership property is not subject to the year's support
166 provided for in former Code Sections 53-5-1 and 53-5-2 of the ~~'Pre-1998 Probate Code,'~~
167 as such existed on December 31, 1997, if applicable, or in Code Sections 53-3-1, 53-3-2,
168 53-3-4, 53-3-5, and 53-3-7 of the ~~'Revised Probate Code of 1998.'~~"

169 **SECTION 15.**

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

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

174 "(10) Proceedings for determination of heirs at law, as provided in former Code Sections
175 53-4-30, et seq. of the ~~'Pre-1998 Probate Code'~~ as such existed on December 31, 1997;
176 and

177 (11) Proceedings for setting aside year's support, as provided in former Code Section
178 53-5-8 of the ~~'Pre-1998 Probate Code.'~~ as such existed on December 31, 1997."

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

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

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

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

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

193 (4) Code Section 15-11-84, relating to juvenile proceedings and governmental entity
194 defined, sharing information, and confidentiality, by replacing "Governmental entities and
195 state, county, municipal, or consolidated government, or municipal government departments,

196 boards, or agencies shall" with "Governmental entities and state, county, municipal, or
 197 consolidated government departments, boards, or agencies shall" at the beginning of
 198 subsection (b).

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

201 **SECTION 16.**

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

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

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

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

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

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

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

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

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

230 (9) Code Section 16-14-3, relating to definitions in regard to the "Georgia RICO (Racketeer
 231 Influenced and Corrupt Organizations) Act," by redesignating division (9)(A)(xl) as

232 division (9)(A)(xxxix) and by redesignating division (9)(A)(xxxx) as division (9)(A)(xl),
 233 respectively, and by revising division (12)(B)(i) as follows:

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

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

243 SECTION 17.

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

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

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

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

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

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

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

265 SECTION 18.

266 Reserved.

267 **SECTION 19.**

268 Reserved.

269 **SECTION 20.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323 **SECTION 21.**

324 Reserved.

325 **SECTION 22.**

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

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

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

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

339 **SECTION 23.**

340 Reserved.

341 **SECTION 24.**

342 Reserved.

343 **SECTION 25.**

344 Reserved.

345 **SECTION 26.**

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

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

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

353 **SECTION 27.**

354 Reserved.

355 **SECTION 28.**

356 Reserved.

357 **SECTION 29.**

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

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

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

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

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

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

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

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

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

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

383 "(3) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 384 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 385 ~~1998.~~"

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

389 "(3) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 390 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 391 ~~1998.~~"

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

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

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

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

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

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

408 "(8) To disclaim or renounce any property or interest in property of the minor in
 409 accordance with the provisions of Code Section 53-1-20 ~~of the Revised Probate Code of~~
 410 ~~1998;~~"

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

414 "(4) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 415 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 416 ~~1998.~~"

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

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

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

425 "(4) If there is no grandparent of the minor, any three of the nearest adult relatives of the
 426 minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of~~
 427 ~~1998.~~"

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

431 "(d) At any time prior to the appointment of a guardian, a spouse, adult child, or parent of
 432 an adult may nominate in writing an individual to serve as that adult's guardian should the
 433 adult be judicially determined to be in need of a guardian, and that nomination shall be
 434 given the preference described in this Code section, provided that it is signed in accordance
 435 with the provisions of subsection (e) of this Code section or, if in a will, is executed in
 436 accordance with the provisions of Code Section 53-4-20 ~~of the Revised Probate Code of~~
 437 ~~1998.~~"

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

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

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

447 "(d) At any time prior to the appointment of a conservator, a spouse, adult child, or parent
 448 of an adult may nominate in writing a person to serve as the adult's conservator should the
 449 adult be judicially determined to be in need of a conservator, and that nomination shall be
 450 given the preference described in this Code section, provided that it is signed in accordance
 451 with the provisions of subsection (e) of this Code section or, if in a will, is executed in
 452 accordance with the provisions of Code Section 53-4-20 ~~of the Revised Probate Code of~~
 453 ~~1998.~~"

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

456 "(9) To disclaim or renounce any property or interest in property of the ward in
 457 accordance with the provisions of Code Section 53-1-20 ~~of the Revised Probate Code of~~
 458 ~~1998;~~"

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

461 "29-8-1.

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

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

467 "29-8-2.

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

475 **SECTION 30.**

476 Reserved.

477 **SECTION 31.**

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

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

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

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

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

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

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

501 **SECTION 32.**

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

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

508

SECTION 33.

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

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

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

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

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

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

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

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

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

544 **SECTION 34.**

545 Reserved.

546 **SECTION 35.**

547 Reserved.

548 **SECTION 36.**

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

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

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

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

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

578

SECTION 37.

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

580 (1) Code Section 37-1-40, relating to rules and regulations of the Board of Behavioral Health
581 and Developmental Disabilities, by redesignating said Code section as new Code Section
582 37-1-41.

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

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

590

SECTION 38.

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

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

596

SECTION 39.

597 Reserved.

598

SECTION 40.

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

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

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

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

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

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

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

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

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

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

629 **SECTION 41.**

630 Reserved.

631 **SECTION 42.**

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

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

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

640 **SECTION 43.**

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

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

645 as provided in this Code section:" with "Except as provided in this chapter:" in the
646 introductory language.

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

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

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

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

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

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

662 ~~(e) No apprentice auctioneer may use an auction where gross sales did not exceed~~
663 ~~\$2,000.00 for the purpose of qualifying for licensure as an auctioneer under paragraph (1)~~
664 ~~of subsection (d) of this Code section."~~

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

668 (7) Code Section 43-10-8, relating to the requirement of a cosmetology certificate of
669 registration, by replacing "master cosmetologist level as defined in paragraph (4) of Code
670 Section 43-10-1." with "master cosmetologist level as defined in paragraph (8) of Code
671 Section 43-10-1." in subsection (b) and by replacing "paragraph (6) of Code Section
672 43-10-1." with "paragraph (9) of Code Section 43-10-1." in paragraph (1) of subsection (f).

673 (8) Code Section 43-10-20, relating to the teaching of cosmetology in prisons and
674 certification of registration, by replacing "the cosmetology programs that are approved by
675 the Technical College System of Georgia or the Department of Education as provided for by
676 paragraphs (8), (9), and (10) of Code Section 43-10-1 and paragraph (6) of subsection (e) of
677 Code Section 43-10-12." with "the cosmetology programs that are approved by the Technical
678 College System of Georgia or the Department of Education as provided for by paragraphs
679 (10), (11), (13), and (14) of Code Section 43-10-1 and paragraph (8) of subsection (e) of
680 Code Section 43-10-12." in subsection (a).

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

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

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

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

730 **SECTION 44.**

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

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

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

739 **SECTION 45.**

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

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

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

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

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

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

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

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

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

763 **SECTION 46.**

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

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

769 **SECTION 47.**

770 Reserved.

771 **SECTION 48.**

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

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

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

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

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

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

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

791 "(b) Liens for taxes deferred under this part, except for any lien covering the then current
 792 tax year, shall not be divested by an award for year's support authorized pursuant to former
 793 Chapter 5 of Title 53 of the ~~'Pre-1998 Probate Code,'~~ as such existed on December 31,
 794 1997, if applicable, or Chapter 3 of Title 53 of the ~~'Revised Probate Code of 1998.'~~"

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

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

802 **SECTION 49.**

803 Reserved.

804 **SECTION 50.**

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

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

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

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

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

821 "program or facility alteration or technology" in the introductory language of paragraph (4)
 822 and by replacing "authorized under the" with "authorized under Part 1 of Article 1 of Chapter
 823 3 of Title 46, the" in subparagraph (M) of paragraph (4).

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

827 **SECTION 51.**

828 Reserved.

829 **SECTION 52.**

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

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

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

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

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

840 **SECTION 53.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

915 **SECTION 54.**

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

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

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

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

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

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

950 **SECTION 55.**

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

953 **SECTION 56.**

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