House Bill 142 (COMMITTEE SUBSTITUTE)

By: Representatives Willard of the 49th and Maddox of the 127th

A BILL TO BE ENTITLED

AN ACT

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in amendment thereof, which have become obsolete, have been declared to be unconstitutional, or have been preempted or superseded by subsequent laws; to reenact the statutory portions of said Code, as amended; to provide for other matters relating to revision and reenactment of said Code;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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Reserved.

SECTION 2.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in:

(1) Code Section 2-7-113.1, relating to the prohibition of local regulation of pesticides and variances from rule or regulation of the Commissioner of Agriculture, by replacing "the Natural Resources and the Environment Committee of the House of Representatives" with "the Natural Resources and Environment Committee of the House of Representatives" in subsection (b).

SECTION 3.

Reserved.

SECTION 4.

Reserved.

SECTION 5.

Reserved.

SECTION 6.

Reserved.

SECTION 7.

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

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

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

SECTION 8.

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

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

SECTION 9.

Reserved.

SECTION 10.

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

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

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

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

SECTION 11.

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

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

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

SECTION 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 13.

Reserved.

SECTION 14.

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

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

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

SECTION 15.

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 16.

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 17.

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

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

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

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

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

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

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

SECTION 18.

Reserved.

SECTION 19.

Reserved.

SECTION 20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 21.

Reserved.

SECTION 22.

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

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

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

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

SECTION 23.

Reserved.

SECTION 24.

Reserved.

SECTION 25.

Reserved.

SECTION 26.

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

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

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

SECTION 27.

Reserved.

SECTION 28.

Reserved.

SECTION 29.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"29-8-1.

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

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

"29-8-2.

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

SECTION 30.

Reserved.

SECTION 31.

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

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

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

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

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

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

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

SECTION 32.

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

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

SECTION 33.

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

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

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

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

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

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

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

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

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

SECTION 34.

Reserved.

SECTION 35.

Reserved.

SECTION 36.

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

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

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

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

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

SECTION 37.

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

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

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

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

SECTION 38.

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

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

SECTION 39.

Reserved.

SECTION 40.

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

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

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

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

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

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

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

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

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

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

SECTION 41.

Reserved.

SECTION 42.

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

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

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

SECTION 43.

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

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

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

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

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

"~~(1)~~(A) U.S.A. Boxing;"

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

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

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

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

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

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

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

(9) Code Section 43-14-6, relating to the powers and duties of the divisions of electrical contractors, plumbers, conditioned air contractors, low-voltage contractors, and utility contractors, by replacing "single family dwellings" with "single-family dwellings" in paragraph (1) of subsection (a).

(10) Code Section 43-17-2, relating to definitions relative to charitable solicitations, by replacing "benefitting" with "benefiting" in division (12)(A)(iii).

(11) Code Section 43-20A-2, relating to definitions regarding the regulation of private immigration assistance services, by replacing "shall mean" with "means" in paragraph (4).

(12) Code Section 43-26-7, relating to the requirements for licensure as a registered professional nurse and the requirements for a nontraditional nursing education program, by replacing "If entered" with "If the applicant entered" at the beginning of subdivisions (b)(2)(B)(ii)(I) and (b)(2)(B)(ii)(II) and subparagraphs (c)(4)(C) and (c)(4)(D) and by replacing "If graduated" with "If the applicant graduated" at the beginning of subparagraph (c)(4)(B).

(13) Code Section 43-26-12, relating to registered professional nurses and exceptions to operation and burden of proof, by replacing "individual that has" with "individual who has" in division (a)(9)(C)(i).

(14) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements, by replacing "patients that meet certain criteria" with "patients who meet certain criteria" both times it appears in paragraph (5) of subsection (a).

(15) Code Section 43-34A-4, relating to requests for physician profiles, fees, confidentiality, and dispersal of inaccurate profile prohibited, by replacing "by electronic mail." with "by e-mail.".

(16) Code Section 43-38-7, relating to licensing of armed employees, qualifications, continuing education, fingerprints, license card, and suspension, by replacing "under oath, and" with "under oath and" in subsection (d).

(17) Code Section 43-39A-2, relating to definitions relative to real estate appraisers, by replacing "Any person that contracts" with "Any person who contracts" at the beginning of division (3)(B)(ii).

(18) Code Section 43-39A-14, relating to real estate appraisers and the required conduct of applicants, refusal of classification, imposition of sanctions, revocation of classification, noncompliance with child support orders, and borrowers in default, by replacing "licensure or approval; and provided that if such" with "licensure or approval, provided that, if such" in subparagraph (b)(1.2)(A).

(19) Code Section 43-39A-22, relating to real estate appraisers and investigations, subpoenas, confidentiality, access to records, publication of names of disciplined appraisers and schools, and closed meetings, by replacing "company who is the subject" with "company

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

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

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

SECTION 44.

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

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

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

SECTION 45.

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

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

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

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

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

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

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

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

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

SECTION 46.

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

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

SECTION 47.

Reserved.

SECTION 48.

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

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

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

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

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

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

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

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

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

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

SECTION 49.

Reserved.

SECTION 50.

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

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

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

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

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

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

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

SECTION 51.

Reserved.

SECTION 52.

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

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

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

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

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

SECTION 53.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 54.

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

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

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

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

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

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

SECTION 55.

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

SECTION 56.

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