

House Bill 942

By: Representative Willard of the 49th

A BILL TO BE ENTITLED
AN ACT

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5 superseded by subsequent laws; to reenact the statutory portions of said Code, as amended;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

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Reserved.

12 **SECTION 2.**

13 Reserved.

14 **SECTION 3.**

15 Reserved.

16 **SECTION 4.**

17 Reserved.

18 **SECTION 5.**

19 Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended
20 in:

21 (1) Code Section 5-5-41, relating to requirements as to extraordinary motions for new trial
22 generally, notice of filing of motion, limitations as to number extraordinary motions in

23 criminal cases, and DNA testing, by replacing "his or her case, for" with "his or her case for"
24 in paragraph (1) of subsection (c).

25 **SECTION 6.**

26 Reserved.

27 **SECTION 7.**

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

30 (1) Code Section 7-1-4, relating to definitions relative to the Department of Banking and
31 Finance and financial institutions generally, by replacing "a bank charter; or accumulated
32 deficit" with "a bank charter or accumulated deficit" in paragraph (35).

33 (2) Code Section 7-1-1001, relating to licensing of mortgage lenders and mortgage brokers
34 and exemption for certain persons and entities and registration requirements, by replacing
35 "paragraph (1) of this Code section." with "paragraph (1) of this subsection." in
36 paragraph (2), by replacing "paragraphs (1) or (2) of this Code section." with "paragraph (1)
37 or (2) of this subsection." in paragraph (3), and by replacing "under paragraph (17) of this
38 Code section." with "under paragraph (17) of this subsection." in paragraph (14) of
39 subsection (a).

40 (3) Code Section 7-1-1003.5, relating to the Nationwide Mortgage Licensing System and
41 Registry, by replacing "Registry adopts an appropriate" with "Registry adopt an appropriate"
42 in paragraph (3) of subsection (a).

43 **SECTION 8.**

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

46 (1) Code Section 8-2-25, relating to state building, plumbing, and electrical codes and
47 state-wide application of minimum standard codes, codes requiring adoption by a
48 municipality or county, adoption of more stringent requirements by local governments,
49 adoption of standards for which the state code does not exist, and exemption for certain farm
50 buildings or structures, by replacing "pursuant to Code Section 8-2-25." with "pursuant to
51 this Code section." in paragraph (2) of subsection (e).

52 **SECTION 9.**

53 Reserved.

54 **SECTION 10.**

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

57 (1) Code Section 10-1-202.1, relating to the addition of denatonium benzoate to certain
58 antifreeze, applicability, and limitation on civil and criminal liability, by replacing "receipt
59 or container" with "receipt, or container" in subsection (e).

60 **SECTION 11.**

61 Reserved.

62 **SECTION 12.**

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

65 (1) Code Section 12-2-6, relating to authority of the Department of Natural Resources to
66 arrange for and accept federal aid and cooperation, by replacing "conservation and any other
67 activities" with "conservation, and any other activities" in subsection (e).

68 (2) Code Section 12-3-444, relating to membership in the Sapelo Island Heritage Authority,
69 by replacing "Office of the Governor" with "office of the Governor" in paragraph (5) of
70 subsection (a).

71 (3) Code Section 12-5-31, relating to regulated riparian rights to surface waters for general
72 or farm use, by redesignating current subsection (a) as new subsection (b) and by
73 redesignating current subsection (b) as new subsection (a) so as to place definitions first and
74 by replacing "paragraph (3) of subsection (a) of this Code section" with "paragraph (3) of
75 subsection (b) of this Code section" in subsection (h), paragraph (4) of subsection (k), and
76 paragraphs (3) and (4) of subsection (p).

77 (4) Code Section 12-5-546, relating to predictions of drought in the Flint River basin,
78 irrigation reduction auction, and agreement, by replacing "acknowledgement" with
79 "acknowledgment" in subsection (e).

80 (5) Code Section 12-5-582, relating to model ordinances for effective storm-water
81 management and for a district-wide watershed management plan, by replacing "NPDES"
82 with "National Pollutant Discharge Elimination System" each time the term appears in
83 paragraphs (2) and (3) of subsection (e).

84 (6) Code Section 12-6-224, relating to the role of the State Forestry Commission in the
85 "Georgia Carbon Sequestration Registry Act," by replacing "participant-reported results"
86 with "participant reported results" in paragraph (2).

87 (7) Code Section 12-6-230, relating to certification of methodologies and results, by
88 replacing "commission-approved procedures" with "commission approved procedures" in
89 subsection (a) and paragraphs (1) and (3) of subsection (c).

90 (8) Code Section 12-6-232, relating to obligations of the State Forestry Commission, by
91 replacing "commission-approved procedures" with "commission approved procedures" in
92 subparagraph (A) of paragraph (2).

93 (9) Code Section 12-7-6, relating to best management practices in controlling soil erosion
94 and sedimentation, by replacing "land disturbing activity" with "land-disturbing activity" in
95 division (b)(15)(C)(ii).

96 (10) Code Section 12-8-22, relating to definitions relative to the "Georgia Comprehensive
97 Solid Waste Management Act," by replacing "wastewater treatment plant" with "waste-water
98 treatment plant" in paragraph (33).

99 (11) Code Section 12-8-39, relating to cost reimbursement fees and surcharges, by deleting
100 the obsolete reference "as required by Code Section 12-8-39.2" at the end of subsection (a).

101 (12) Code Section 12-15-3, relating to definitions relative to the "Sewage Holding Tank
102 Act," by replacing "graywater" with "gray water" in paragraph (4).

103 **SECTION 13.**

104 Title 13 of the Official Code of Georgia Annotated, relating to contracts, is amended in:

105 (1) Code Section 13-8-53, relating to enforcement of covenants, by replacing
106 "postemployment covenant" with "post-employment covenant" both times it appears in
107 paragraph (1) of subsection (c).

108 **SECTION 14.**

109 Reserved.

110 **SECTION 15.**

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

112 (1) Code Section 15-6-30, relating to travel expenses for judges of the superior courts, by
113 deleting the obsolete reference "a sentence review panel," in subsection (a).

114 (2) Code Section 15-10-262, relating to prosecutorial procedure in magistrate courts, by
115 replacing "solicitor general" with "solicitor-general" and "solicitors general" with
116 "solicitors-general" in subsection (b).

117 (3) Code Section 15-12-23, relating to clerk of board of jury commissioners, appointment
118 of court personnel in certain counties, juror questionnaires, and construction with other laws,
119 by replacing "and any attendant expense of administration of the courts are determined to be

120 contingent expense of court," with "and any attendant expenses of administration of the
121 courts are determined to be contingent expenses of court," in paragraph (1) of subsection (b).
122 (4) Code Section 15-18-43, relating to members of the Prosecuting Attorneys' Council not
123 ineligible for office, by replacing "solicitor general" with "solicitor-general".
124 (5) Code Section 15-18-66, relating to duties and authority of solicitors-general, by replacing
125 "recorders court" with "recorder's court" in paragraph (3) of subsection (b).

126 **SECTION 16.**

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

129 (1) Code Section 16-12-38, relating to pyramid promotional schemes, prohibition,
130 exceptions, and penalties, by replacing "Title10" with "Title 10" in paragraph (4) of
131 subsection (b).

132 **SECTION 17.**

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

135 (1) Code Section 17-5-100, relating to investigation of illegal alien status, by replacing "8
136 USCA 1373(c), 8 USCA 1644;" with "8 U.S.C.A. Section 1373(c) and 8 U.S.C.A. Section
137 1644;" in paragraph (2) of subsection (c).

138 (2) Code Section 17-10-15, relating to AIDS transmitting crimes, by replacing "Centers for
139 Disease Control" with "Centers for Disease Control and Prevention" in subsection (g).

140 (3) Code Section 17-15-2, relating to definitions relative to victim compensation, by
141 replacing "by a trained medical personnel" with "by trained medical personnel" in the
142 introductory language of paragraph (6).

143 **SECTION 18.**

144 Reserved.

145 **SECTION 19.**

146 Reserved.

147 **SECTION 20.**

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

149 (1) Code Section 20-1A-11, relating to penalties and notice regarding regulations in early
150 care and learning, by replacing "the provisions of Code Section 20-2A-10" with "the
151 provisions of Code Section 20-1A-10" in subsection (a).

- 152 (2) Code Section 20-2-152, relating to special education services, by replacing "in this
153 subsection whose" with "in this subsection, whose" in paragraph (5) of subsection (d).
- 154 (3) Code Section 20-2-260, relating to capital outlay funds generally in regard to education,
155 by replacing "the Appropriations Act" with "the appropriations Act" in paragraph (5) of
156 subsection (j).
- 157 (4) Code Section 20-2-281, relating to assessment of effectiveness of educational programs,
158 by replacing "curriculum-based" with "curriculum based" in subsection (a).
- 159 (5) Code Section 20-2-326, relating to definitions regarding the "Building Resourceful
160 Individuals to Develop Georgia's Economy Act," by redesignating current paragraph (2) as
161 new paragraph (4) and by redesignating current paragraphs (3) and (4) as new paragraphs (2)
162 and (3), respectively, arranging said paragraphs in alphabetical order.
- 163 (6) Code Section 20-2-881, relating to the Board of Community Health to establish plans,
164 rules and regulations, extent of coverage, and recommendations to the General Assembly for
165 a schedule of maximum fees for hospitals and practitioners, by replacing "practitioners that
166 accept" with "practitioners who accept" in subsection (d).
- 167 (7) Code Section 20-2-911, relating to the Board of Community Health to establish a plan,
168 rules and regulations, extent of coverage, and recommendations to the General Assembly for
169 a schedule of maximum fees for hospitals and practitioners, by replacing "practitioners that
170 accept" with "practitioners who accept" in subsection (d).
- 171 (8) Code Section 20-2-989.11, relating to appeals to the State Board of Education, by
172 replacing "Georgia Board of Education" with "State Board of Education".
- 173 (9) Code Section 20-3-519, relating to definitions regarding HOPE scholarships and grants,
174 by redesignating current paragraph (12.2) as new paragraph (13), by redesignating current
175 paragraph (13) as new paragraph (14), by redesignating current paragraph (13.1) as new
176 paragraph (12.2), by redesignating current paragraphs (14) and (15) as new paragraphs (15)
177 and (16), and by redesignating current paragraph (16) as new paragraph (13.1), respectively,
178 arranging said paragraphs in alphabetical order.
- 179 (10) Code Section 20-3-519.1, relating to eligibility for scholarships or grants, by replacing
180 "lists Georgia as their home of record." with "lists Georgia as their home of record; and" at
181 the end of subparagraph (a)(1)(B).
- 182 (11) Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship,
183 by replacing "students receiving HOPE for the first time" with "students receiving a HOPE
184 scholarship for the first time" and "for a student that serves in the military" with "for a
185 student who serves in the military" in paragraph (3) of subsection (d) and by deleting the
186 paragraph (1) designation preceding the text at the beginning of subsection (e).
- 187 (12) Code Section 20-3-519.11, relating to the Georgia Student Finance Commission,
188 examination of institutions, rules and regulations, and appropriation of funds, by replacing

189 "fails to refund any monies deemed due" with "fails to refund any moneys deemed due" in
190 subsection (b).

191 (13) Code Section 20-3-633, relating to the creation of the Georgia Higher Education
192 Savings Plan, the board of directors, and assignment to Department of Administrative
193 Services, by replacing "the commissioner of technical and adult education" with "the
194 commissioner of the Technical College System of Georgia" in paragraph (1) of subsection
195 (a).

196 (14) Code Section 20-4-11, relating to the powers of the State Board of the Technical
197 College System of Georgia, by replacing "a commissioner of technical and adult education"
198 with "a commissioner of the Technical College System of Georgia" in the introductory
199 language of paragraph (3).

200 (15) Code Section 20-4-14, relating to the establishment of the Technical College System
201 of Georgia and powers and duties, by replacing "department" with "system" in subsection
202 (b) and paragraph (5) of subsection (c).

203 (16) Code Section 20-14-3, relating to the Education Coordinating Council and membership,
204 officers, and meetings, by revising subsection (a) as follows:

205 "(a) The council shall consist of the Governor, the State School Superintendent, the
206 chairperson of the State Board of ~~the Technical College System of Georgia~~ Education, the
207 chancellor of the University System of Georgia, the chairperson of the Board of Regents
208 of the University System of Georgia, the commissioner of ~~technical and adult education~~ the
209 Technical College System of Georgia, the chairperson of the ~~State Board of Technical and~~
210 ~~Adult Education~~ State Board of the Technical College System of Georgia, the executive
211 secretary of the Professional Standards Commission, the chairperson of the Professional
212 Standards Commission, and the director of the Department of Early Care and Learning."

213 (17) Code Section 20-14-50, relating to the creation of a postsecondary accountability
214 assessment program, adoption of performance measures, report cards, and audit, by replacing
215 "the State Board of the Technical College System of Georgia" with "the State Board of
216 Technical and Adult Education (now known as the State Board of the Technical College
217 System of Georgia)" in subsection (d).

218 (18) Code Section 20-16-2, relating to definitions regarding the Georgia Higher Education
219 Facilities Authority and "self-liquidating" projects, by replacing "projects shall be deemed
220 'self-liquidating,' if," with "projects shall be deemed 'self-liquidating' if," in subsection (b).

221 **SECTION 21.**

222 Reserved.

223 **SECTION 22.**

224 Reserved.

225 **SECTION 23.**

226 Reserved.

227 **SECTION 24.**

228 Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended in:

229 (1) Code Section 24-12-21, relating to disclosure of AIDS confidential information, by
230 replacing "shall apply as to" with "shall apply to" in subsection (aa).

231 (2) Code Section 24-13-21, relating to subpoena for attendance of witnesses - form,
232 issuance, and subpoena in blank, by replacing "not more than 20 days imprisonment" with
233 "not more than 20 days' imprisonment" in subsection (h).

234 (3) Code Section 24-13-26, relating to enforcement of subpoenas, continuance, and
235 secondary evidence of books, papers, or documents, by replacing "not more than 20 days
236 imprisonment" with "not more than 20 days' imprisonment" in subsection (a).

237 (4) Code Section 24-13-92, relating to criminal or grand jury proceedings in foreign state
238 and certificate of need for testimony, hearing, summons, custody and delivery, expenses, and
239 punishment for failure to attend and testify, by replacing "in lieu of issuing subpoena" with
240 "in lieu of issuing a subpoena" in subsection (c).

241 **SECTION 25.**

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

244 (1) Code Section 25-3-6, relating to the effect of the powers of local fire departments on the
245 powers and duties of other officials and departments, by replacing "the Georgia Forestry
246 Commission" with "the State Forestry Commission".

247 **SECTION 26.**

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

250 (1) Code Section 26-4-28, relating to the powers, duties, and authority of the State Board of
251 Pharmacy, by replacing the period with a semicolon at the end of paragraph (12.1) of
252 subsection (a).

253 **SECTION 27.**

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

255 (1) Code Section 27-2-3, relating to effective periods of hunting, fishing, and trapping
256 licenses generally and multiyear licenses, by replacing "multi-year" with "multiyear"
257 wherever such term occurs in subsections (a) and (b), by replacing "one-, two-, or multi-year
258 anniversary" with "one-year, two-year, or multiyear anniversary" in subsection (a), and by
259 replacing "Multi-year" with "Multiyear" in subsection (b).

260 (2) Code Section 27-4-150, relating to taking, possessing, and dealing in crabs and peelers,
261 by replacing "crab licenses" with "crabbing licenses" in paragraph (4) of subsection (e) and
262 the introductory language of paragraph (5) of subsection (e) and by replacing "crab license"
263 with "crabbing license" in paragraph (6) of subsection (e).

264 **SECTION 28.**

265 Reserved.

266 **SECTION 29.**

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

269 (1) Code Section 29-3-32, relating to the property obligations of a conservator and
270 investment of funds, by repealing and reserving paragraph (12), which refers to repealed
271 provisions.

272 (2) Code Section 29-9-13.1, relating to authentication of documents in court proceedings,
273 by replacing "as is provided in that Code section" with "as is provided in such Code sections"
274 at the end of said Code section.

275 **SECTION 30.**

276 Reserved.

277 **SECTION 31.**

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

279 (1) Code Section 31-1-3.2, relating to hearing screenings for newborns, by repealing and
280 reserving obsolete subsections (f), (g), and (h).

281 (2) Code Section 31-2-11, relating to biopharmaceuticals and expedited review for Georgia
282 based companies, by replacing "the PeachCare for Kids program" with "the PeachCare for
283 Kids Program" in subsection (b).

284 (3) Code Section 31-6-43, relating to acceptance or rejection of application for certificate
285 of need, by replacing "publishes notices of the filing" with "publishes notice of the filing"
286 in the last sentence of subsection (i).

287 (4) Code Section 31-7-12.2, relating to regulation and licensing of assisted living
 288 communities, legislative intent, definitions, procedures, and requirements for medication
 289 aides, by replacing "As used in this Code Section" with "As used in this Code section" in the
 290 introductory language of subsection (b) and by replacing "Code section 31-2-8" with "Code
 291 Section 31-2-8" in paragraph (7) of subsection (c).

292 (5) Code Section 31-8-111, relating to rights as citizens for resident of long-term care
 293 facilities, by replacing "referenda" with "referendums" in paragraph (1).

294 (6) Code Section 31-8-193, relating to the establishment of programs to provide for health
 295 care services to low-income recipients and contracts with health care providers, by replacing
 296 "the Department of Public Health" with "the department" in paragraph (3) of subsection (b).

297 (7) Code Section 31-21-7, relating to preneed contracts and revisions, by replacing "18 years
 298 or older" with "18 years of age or older" in subsection (b) and by replacing "holds the right
 299 of disposition" with "hold the right of disposition" in subsection (e).

300 (8) Code Section 31-35-1, relating to legislative findings relative to vaccinations for
 301 firefighters, emergency medical technicians, and public safety officials, by replacing
 302 "Centers for Disease Control" with "Centers for Disease Control and Prevention".

303

SECTION 32.

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

306 (1) Code Section 32-6-26, relating to the weight of a vehicle and load, by replacing
 307 "subparagraph (A) through (F)" with "subparagraphs (A) through (F)" in paragraph (2) of
 308 subsection (g).

309 (2) Code Section 32-6-28, relating to permits for excess weight and dimensions, by replacing
 310 "Code Section 32-6-22 and Code Section 32-6-26" with "Code Sections 32-6-22 and
 311 32-6-26" in subparagraph (a)(1)(B); by replacing "Superload permit –" with "Superload
 312 permit." in subparagraph (c)(4)(B); and by replacing "Superload plus permit –" with
 313 "Superload plus permit." in subparagraph (c)(4)(C).

314 (3) Code Section 32-6-75.3, relating to application for tree trimming permit and annual
 315 renewal, forms, application fees, evaluation, and criteria for trimming trees or vegetation, by
 316 redesignating the current introductory language in paragraph (3) of subsection (e) as new
 317 subparagraph (e)(3)(D) and by redesignating current subparagraph (e)(3)(D) as new
 318 subparagraph (e)(3)(E); by replacing "self promotional" with "self-promotional" and
 319 "benefitting" with "benefiting" in subsection (h); and by replacing "\$5000.00" with
 320 "\$5,000.00" in subsection (i).

321 (4) Code Section 32-9-14, relating to the board of directors of the Metropolitan Atlanta
322 Rapid Transit Authority, by replacing "including but not limited to, attendance" with
323 "including but not limited to attendance" in subsection (g).

324

SECTION 33.

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

326 (1) Code Section 33-1-19, relating to the Special Advisory Commission on Mandated Health
327 Insurance Benefits, by replacing "Department of Insurance" with "Insurance Department"
328 in paragraphs (1) and (2) of subsection (d) and in subsection (f).

329 (2) Code Section 33-5-25, relating to broker to ascertain financial condition of unauthorized
330 insurer prior to placement of insurance therewith and placement of insurance with foreign
331 or alien insurers, by replacing "\$4,500,000.00" with "\$4.5 million" at the end of the
332 undesignated text at the end of subparagraph (b)(1)(A) and by replacing "the group's
333 domiciliary regulatory" with "the group's domiciliary regulatory agency" in subparagraph
334 (b)(1)(B).

335 (3) Code Section 33-20A-3, relating to definitions relative to patient protection, by replacing
336 "advance practice nurse," with "advanced practice nurse," in paragraph (6).

337 (4) Code Section 33-24-53, relating to insurance and compensation for referrals or
338 recommendations to attorneys prohibited and penalties, by replacing "All persons, except law
339 enforcement personnel and persons named in the report shall be required" with "All persons,
340 except law enforcement personnel and persons named in the report, shall be required" in
341 subsection (c).

342 (5) Code Section 33-29A-30, relating to legislative findings and purpose and increasing
343 availability of health insurance for uninsured individuals, by replacing "policies in Georgia
344 that is currently approved" with "policies in Georgia that are currently approved".

345 (6) Code Section 33-29A-35, relating to adoption of rules and regulations by the
346 Commissioner of Insurance and application of dispute resolution mechanism or provision,
347 by replacing "Code Sections 33-24-27.1, 33-24-27, 31-24-59.12, and 33-29-6(c)." with
348 "Code Sections 33-24-27, 33-24-27.1, and 33-24-59.12 and subsection (c) of Code Section
349 33-29-6." at the end of subsection (a).

350 (7) Code Section 33-30-1, relating to "group accident and sickness insurance" and "true
351 association" defined, by replacing "paragraph (2) of this Code section" with "paragraph (2)
352 of this subsection" in paragraph (3) of subsection (a).

353 (8) Code Section 33-45-5, relating to application for approval or renewal of certificate of
354 authority regarding continuing care providers and facilities, by replacing "annual disclosure
355 statements" with "annual disclosure statement".

356 (9) Code Section 33-45-7, relating to requirements for continuing care agreements, addenda,
 357 and amendments, by replacing "a list all properties" with "a list of all properties" in
 358 paragraph (1) of subsection (a).

359 (10) Code Section 33-45-8, relating to portion of entrance fee paid by resident of a
 360 continuing care facility to be held in escrow account, by replacing "subparagraph (A) of
 361 paragraph (6) of subsection (a)" with "subparagraph (a)(6)(A)" in paragraph (2) of subsection
 362 (b) and by replacing "subparagraph (B) of paragraph (6) of subsection (a)" with
 363 "subparagraph (a)(6)(B)" in paragraph (3) of subsection (b).

364 **SECTION 34.**

365 Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
 366 is amended in:

367 (1) Code Section 34-14-3, relating to the establishment of the Governor's Office of
 368 Workforce Development, the executive director, and the attachment to Office of Planning
 369 and Budget, by replacing "the Board of Technical and Adult Education" with "the State
 370 Board of the Technical College System of Georgia" in paragraph (3) of subsection (a).

371 **SECTION 35.**

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

374 (1) Code Section 35-1-4, relating to requirements for reporting stolen motor vehicles and
 375 license plates and effect on the Georgia Crime Information Center, by replacing
 376 "paragraph (14) of Code Section 35-3-33." with "paragraph (14) of subsection (a) of Code
 377 Section 35-3-33."

378 (2) Code Section 35-1-17, relating to local law enforcement agencies to enter into
 379 agreements with federal agencies for the enforcement of immigration laws, by replacing
 380 "memorandum of understandings" with "memorandums of understanding" in paragraph (2)
 381 of subsection (b).

382 (3) Code Section 35-2-1, relating to the creation of the Board of Public Safety, by revising
 383 subparagraphs (b)(2)(D) and (b)(2)(E) as follows:

384 "(D) A representative appointed by the Governor by and with the advice and consent
 385 of the Senate from the membership of the Georgia State Firemen's Association; the first
 386 representative shall serve an initial term ending on January 20, 1984.—~~Each, each~~
 387 subsequent term ~~shall be~~ being for three years; and

388 (E) A representative appointed by the Governor by and with the advice and consent of
 389 the Senate from the membership of the Georgia Association of Fire Chiefs; the first

390 representative shall serve an initial term beginning on January 21, 2011.—~~Each, each~~
 391 term shall be being for three years."

392 (4) Code Section 35-2-49, relating to the provision of uniforms and equipment to sworn
 393 members of the Department of Public Safety and radio operators and retention of weapons
 394 and badges upon retirement, by replacing "Department of Motor Vehicle Safety, Georgia
 395 Public Service Commission, Georgia Department of Transportation" with "Department of
 396 Driver Services (formerly known as the Department of Motor Vehicle Safety), Public Service
 397 Commission, Department of Transportation" and by replacing "Georgia Department of Motor
 398 Vehicle Safety, Georgia Public Service Commission, Georgia Department of Transportation"
 399 with "Department of Driver Services (formerly known as the Department of Motor Vehicle
 400 Safety), Public Service Commission, Department of Transportation".

401 (5) Code Section 35-3-36, relating to duties of state criminal justice agencies as to
 402 submission of fingerprints, photographs, and other identifying data to center, by replacing
 403 "subparagraph (A) of paragraph (1) of Code Section 35-3-33" with "subparagraph (a)(1)(A)
 404 of Code Section 35-3-33" and "subparagraphs (B), (C), and (D) of paragraph (1) of Code
 405 Section 35-3-33." with "subparagraphs (a)(1)(B), (a)(1)(C), and (a)(1)(D) of Code Section
 406 35-3-33." in subsection (a), by replacing "paragraph (1) of Code Section 35-3-33," with
 407 "paragraph (1) of subsection (a) of Code Section 35-3-33," in subsection (c), and by
 408 replacing "paragraph (9) of Code Section 35-3-33." with "paragraph (9) of subsection (a) of
 409 Code Section 35-3-33." in subsection (j).

410 (6) Code Section 35-3-37, relating to inspection of criminal records and purging, modifying,
 411 or supplementing of records, by replacing "control of disputed record" with "control of the
 412 disputed records" in subsection (c).

413 (7) Code Section 35-8-2, relating to definitions relative to the "Georgia Peace Officer
 414 Standards and Training Act," by replacing "a solicitor general," with "a solicitor-general,"
 415 in paragraph (4).

416 (8) Code Section 35-9-15, relating to the appointment of a law enforcement officer of the
 417 United States or any state as an officer of this state, by replacing "Chapter 8 of Title 35," with
 418 "Chapter 8 of this title," in paragraph (2) of subsection (e).

419 **SECTION 36.**

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

422 (1) Code Section 36-8-6, currently repealed under Chapter 8, relating to county police, by
 423 designating said Code section as reserved.

424 (2) Code Section 36-31-8, relating to transition periods for governmental functions and
 425 appointment by the Governor of interim representatives, in paragraph (2) of subsection (e)
 426 as follows:

427 "~~(2) Provisions of Code Sections Section 12-8-31.1 and 12-8-39.2, relating to solid waste~~
 428 ~~planning and solid waste management reporting;~~"

429 (3) Code Section 36-32-13, relating to municipal court clerks and the role of the Municipal
 430 Courts Training Council, by replacing "8 hours" with "eight hours" in paragraph (2) of
 431 subsection (b).

432 (4) Code Section 36-36-3, relating to report identifying annexed property, maps and surveys,
 433 technical assistance to municipalities, and preclearance, by replacing "stating their intent"
 434 with "stating its intent" in paragraph (3) of subsection (a).

435 (5) Code Section 36-37-6, relating to disposition of municipal property generally, by
 436 replacing "in any way provided, however, that" with "in any way; provided, however, that"
 437 in paragraph (2) of subsection (j).

438 (6) Code Section 36-44-3, relating to definitions relative to the "Redevelopment Powers
 439 Law," by replacing "U.S. Bureau of the Census" with "United States Bureau of the Census"
 440 in division (7)(A)(iii).

441 (7) Code Section 36-44-9, relating to computation of allocation increments of districts,
 442 property tax included, and use of tax funds, by replacing "consolidated government or board
 443 of education" with "consolidated government, or board of education" in subsection (e).

444 (8) Code Section 36-60-13, relating to multiyear lease, purchase, or lease-purchase contracts,
 445 by replacing "lease purchase contracts" with "lease-purchase contracts" in the introductory
 446 paragraph of subsection (a).

447 (9) Code Section 36-66-4, relating to hearings on proposed zoning decisions, by replacing
 448 "local government then:" with "local government, then:" in the introductory paragraph of
 449 subsection (b) and by replacing "subsection (b)" with "subsection (c)" in subparagraph
 450 (d)(4)(C).

451 (10) Code Section 36-66A-1, relating to definitions relative to transfer of development
 452 rights, by replacing "groundwater recharge area;" with "ground-water recharge area;" and by
 453 replacing "aesthetic," with "esthetic," in paragraph (6).

454 (11) Code Section 36-66A-2, relating to procedures, methods, and standards for transfer of
 455 development rights, by replacing "enter in to" with "enter into" in subsection (f).

456 (12) Code Section 36-76-4, relating to application process for the issuance of a state
 457 franchise for a cable service provider, by striking "and" at the end of paragraph (3) of
 458 subsection (c).

459 (13) Code Section 36-82-10, relating to reporting requirements for bonds, by replacing "\$1
 460 million, shall" with "\$1 million shall" in the introductory paragraph of subsection (b).

461 (14) Code Section 36-83-7, relating to state technical assistance in the local government
 462 investment pool, by replacing "operating needs, by:" with "operating needs by:" in the
 463 introductory paragraph of said Code section.

464 (15) Code Section 36-88-6, relating to criteria for enterprise zones, by replacing "Federal
 465 Bureau of the Census," with "United States Bureau of the Census," in subsection (a) and by
 466 replacing "U.S. Bureau of Census;" with "United States Bureau of the Census;" in
 467 paragraph (1) of subsection (b).

468 (16) Code Section 36-89-2, relating to appropriation and purpose of homeowner tax relief
 469 grants, by replacing "In each year the General Assembly" with "In each year, the General
 470 Assembly" and by replacing "school districts, in order to" with "school districts in order to"
 471 in said Code section.

472 (17) Code Section 36-91-100, relating to definitions regarding bidding for government
 473 works projects, by replacing "pursuant to Article 2 of Chapter 70 of Title 36" with "pursuant
 474 to Article 2 of Chapter 70 of this title" in paragraph (1) and by replacing "provisions of
 475 Chapter 62 of Title 36" with "provisions of Chapter 62 of this title" in paragraph (3).

476 (18) Code Section 36-91-102, relating to planning, finance, construction, acquisition,
 477 leasing, operation, and maintenance of government works projects, implementation, and
 478 lobbying restrictions, by replacing "ten days notice" with "ten days' notice" in subparagraph
 479 (c)(4)(A).

480 (19) Code Section 36-92-4, relating to regulation of settlement of actions against local
 481 government entities, by replacing "tortfeasor," with "tort-feasor," in subsection (g).

482 **SECTION 37.**

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

484 (1) Code Section 37-4-107, relating to appointment of client representatives and guardians
 485 ad litem, notification provisions, and duration and scope of guardianship ad litem, by
 486 replacing "first class mail." with "first-class mail." in subsection (d).

487 (2) Code Section 37-10-2, relating to the Interstate Compact on Mental Health, by replacing
 488 "Commissioner of Behavioral Health and Developmental Disabilities," with "commissioner
 489 of behavioral health and developmental disabilities," in subsection (a) of Article XV of the
 490 compact.

491 **SECTION 38.**

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

494 (1) Code Section 38-2-251, currently repealed under Part 3 of Article 3 of Chapter 2, relating
 495 to pay, pensions, and allowances, by designating said Code section as reserved.

496 (2) Code Section 38-3-3, relating to definitions relative to emergency management, by
497 replacing "42 U.S.C. 2011," with "42 U.S.C. Section 2011," in paragraph (3).

498 (3) Code Section 38-3-22.2, relating to the establishment of the Airport Anti-Terrorism
499 Training Committee, by replacing "Anti-Terrorism" with "Antiterrorism" once in
500 paragraph (1) of subsection (a), twice in the introductory language of subsection (b), once
501 in subsection (c), and twice in subsection (d).

502 (4) Code Section 38-3-57, relating to the establishment under the Georgia Emergency
503 Management Agency of a standardized, verifiable, performance based unified incident
504 command system, utilization, training, implementation, and funding, by replacing "the
505 Georgia Forestry Commission," with "the State Forestry Commission," in subsection (c).

506 **SECTION 39.**

507 Reserved.

508 **SECTION 40.**

509 Reserved.

510 **SECTION 41.**

511 Reserved.

512 **SECTION 42.**

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

515 (1) Code Section 42-2-14, relating to the power of the Governor to declare a state of
516 emergency with regard to jail and prison overcrowding, by deleting the obsolete reference
517 "provisions, other than bonding requirements, of Chapter 3 of this title, known as the
518 'Georgia Building Authority (Penal) Act,'" in said Code section.

519 (2) Code Section 42-8-111, relating to court ordered installation of ignition interlock
520 devices, completion of alcohol and drug use risk reduction program, notice of requirements,
521 and fees for driver's license, by replacing "subject-matter" with "subject matter" in subsection
522 (f).

523 **SECTION 43.**

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

526 (1) Code Section 43-34-171, relating to definitions regarding clinical perfusionist licensure,
527 by replacing "chemotherapeutic" with "chemotherapeutics" in division (6)(B)(vii).

528

SECTION 44.

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

530 (1) Code Section 44-14-366, relating to mechanics and materialmen and waiver of lien or
 531 claim upon bond in advance of furnishing labor, services, or materials void, interim waiver
 532 and release upon payment, unconditional waiver and release upon final payment, and
 533 affidavit of nonpayment, by inserting a period following "THE ABOVE FACTS ARE
 534 SWORN TRUE AND CORRECT BY THE UNDERSIGNED, THIS _____ DAY OF
 535 _____, ____" in the form in subparagraph (f)(2)(C).

536

SECTION 45.

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

539 (1) Code Section 45-10-28, relating to penalties for violation of part, civil actions by
 540 Attorney General to collect penalties, and violations by public official, agency head, or
 541 employee, by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3),
 542 respectively, in subsection (c).

543 (2) Code Section 45-15-13, relating to the representation of state authorities by the Attorney
 544 General, by deleting obsolete reference "Georgia Building Authority (Penal)," in said Code
 545 section.

546

SECTION 46.

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

549 (1) Code Section 46-1-1, relating to definitions and exclusions in regard to general
 550 provisions relative to public utilities and public transportation, by replacing "rentor's" with
 551 "renter's" in subparagraph (C) of paragraph (5.1).

552 (2) Code Section 46-2-28, relating to procedure for issuance of stocks, bonds, notes, or other
 553 debt by companies under the Public Service Commission's jurisdiction and exemptions, by
 554 replacing "of this Code section, if" with "of this Code section if" in the introductory language
 555 of subsection (g).

556 (3) Code Section 46-5-134, relating to billing of subscribers, liability of subscriber for
 557 service charge, taxes on service, establishment of Emergency Telephone System Fund,
 558 records, and use of funds, by replacing the single quotation marks with double quotation
 559 marks at the beginning and end of the term "employee benefits" in subparagraph (f)(1)(C);
 560 by replacing "maintenance of emergency 9-1-1 system" with "maintenance of the emergency
 561 9-1-1 system" in subparagraph (f)(1)(D); by replacing the single quotation marks with double
 562 quotation marks at the beginning and end of the term "cost of insurance" in division

563 (f)(2)(B)(i); by replacing "hardware and software that supports the use" with "hardware and
564 software that support the use" in division (f)(2)(B)(v); and by replacing "shall certify in their
565 audit" with "shall certify in its audit" in paragraph (1) of subsection (m).

566 (4) Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions,
567 imposition of fee by localities, collection and remission of charges, and distribution of funds,
568 by replacing "Section 20.3 of Title 47 of the Code of Federal Regulations" with "47 C.F.R.
569 Section 20.3" in paragraph (9) of subsection (a), by replacing "75 cents" with "75¢" in
570 paragraph (1) of subsection (b), and by replacing "ten minutes or less, or \$5.00" with "ten
571 minutes or less or \$5.00" in subsection (g).

572 **SECTION 47.**

573 Reserved.

574 **SECTION 48.**

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

577 (1) Code Section 48-8-3, relating to exemptions from state sales and use tax, by replacing
578 the period with a semicolon at the end of subparagraph (G) of paragraph (33.1) and by
579 designating currently repealed paragraph (58) as reserved.

580 **SECTION 49.**

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

583 (1) Code Section 49-10-3, relating to powers, duties, and responsibilities regarding the
584 Georgia Board for Physician Workforce, by replacing "Award service cancelable loans" with
585 "To award service cancelable loans" in paragraph (2).

586 **SECTION 50.**

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

589 (1) Code Section 50-5-69, relating to purchases without competitive bidding, a central bid
590 registry, procurement cards, rules and regulations, applicability to emergency purchases, and
591 Purchasing Advisory Council, by replacing "the commissioner of technical and adult
592 education" with "the commissioner of the Technical College System of Georgia" in
593 subsection (a) and by replacing "purchases made through procurement card" with "purchases
594 made through procurement cards" in subsection (c).

595 (2) Code Section 50-8-240, relating to the creation, members, vacancies, and quorum
 596 regarding the Martin Luther King, Jr., Advisory Council, by replacing "the Martin Luther
 597 King, Jr. Advisory Council" with "the Martin Luther King, Jr., Advisory Council" in
 598 subsection (a).

599 (3) Code Section 50-8-241, relating to duties of the Martin Luther King, Jr., Advisory
 600 Council, by replacing "Martin Luther King, Jr. Advisory Council" with "Martin Luther King,
 601 Jr., Advisory Council" in the introductory paragraph of said Code section.

602 (4) Code Section 50-16-38, relating to all state entities to acquire real property through the
 603 State Properties Commission, exceptions, procedure for handling acquisition requests, funds
 604 for acquisitions, donations, and conveyance of title, by replacing "All state entities" with "all
 605 state entities" in the undesignated text at the end of subsection (a).

606 (5) Code Section 50-17-21, relating to definitions regarding state financing and investment,
 607 by deleting obsolete reference "Georgia Building Authority (Penal)," in paragraph (9).

608 (6) Code Section 50-17-50, relating to the creation of the State Depository Board,
 609 membership, quorum, board to name state depositories, and assignment for administrative
 610 purposes, by deleting "referred to in this article as the 'state treasurer,'" which is redundant.

611 (7) Code Section 50-18-72, relating to when public disclosure not required and disclosure
 612 of exempting legal authority regarding public records, by replacing "upon such toll" with
 613 "upon any toll" in paragraph (18) of subsection (a).

614 (8) Code Section 50-36-1, relating to verification requirements, procedures, and conditions
 615 for verification of lawful presence within the United States, exceptions, regulations, and
 616 criminal and other penalties for violations, by revising subsection (e) as follows:

617 "(e)(1) An agency or political subdivision providing or administering a public benefit
 618 shall require every applicant for such benefit to:

619 ~~(1)(A)~~ Provide at least one secure and verifiable document, as defined in Code Section
 620 50-36-2; and

621 ~~(2)(B)~~ Execute a signed and sworn affidavit verifying the applicant's lawful presence
 622 in the United States, ~~which affidavit shall state~~ and stating:

623 ~~(A)(i)~~ The applicant is a United States citizen or legal permanent resident 18 years
 624 of age or older; or

625 ~~(B)(ii)~~ The applicant is a qualified alien or nonimmigrant under the federal
 626 Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully
 627 present in the United States and ~~provide~~ providing the applicant's alien number issued
 628 by the Department of Homeland Security or other federal immigration agency; ~~and~~.

629 ~~(3)(2)~~ The state auditor shall create affidavits for use under this ~~Code section~~ subsection
 630 and shall keep a current version of such affidavits on the Department of Audits and
 631 ~~Account's~~ Accounts' official website.

632 ~~(4)~~(3) Documents required by this ~~Code section~~ subsection may be submitted
633 electronically, provided the submission complies with Chapter 12 of Title 10."

634 **SECTION 51.**

635 Reserved.

636 **SECTION 52.**

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

639 (1) Code Section 52-7-8, relating to the classification of vessels and required equipment
640 regarding the registration, operation, and sale of watercraft generally, by revising subsections
641 (k) and (l) as follows:

642 "(k) **Definition.** As used in this Code section, the words 'personal flotation device' shall
643 not include flotation devices such as plastic toys, rafts, and other devices used for
644 recreational purposes in or around swimming pools, lakes, or beaches when such devices
645 are easily recognizable as not being designed or intended for use as lifesaving devices.

646 ~~Any person who violates this Code section shall be guilty of a misdemeanor.~~

647 (l) **Penalty.** Any person who violates this Code section shall be guilty of a misdemeanor."

648 **SECTION 53.**

649 Reserved.

650 **SECTION 54.**

651 (a) Except for Title 47, the text of Code sections and title, chapter, article, part, subpart,
652 Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and
653 designations as contained in the Official Code of Georgia Annotated published under
654 authority of the state by The Michie Company in 1982 and contained in Volumes 3 through
655 40 of such publication or replacement volumes thereto, as amended by the text and
656 numbering of Code sections as contained in the 2011 supplements to the Official Code of
657 Georgia Annotated published under authority of the state in 2011 by LEXIS Publishing, are
658 reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.

659 (b) Annotations; editorial notes; Code Revision Commission notes; research references;
660 notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses;
661 title, chapter, article, part, and subpart captions or headings, except as otherwise provided in
662 the Code; catchlines of Code sections or portions thereof, except as otherwise provided in
663 the Code; and rules and regulations of state agencies, departments, boards, commissions, or
664 other entities which are contained in the Official Code of Georgia Annotated are not enacted

665 as statutes by the provisions of this Act. Material which has been added in brackets or
666 parentheses and editorial, delayed effective date, effect of amendment, or other similar notes
667 within the text of a Code section by the editorial staff of the publisher in order to explain or
668 to prevent a misapprehension concerning the contents of the Code section and which is
669 explained in an editorial note is not enacted by the provisions of this section and shall not be
670 considered a part of the Official Code of Georgia Annotated.

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

678 (d) The provisions contained in other sections of this Act and in the other Acts enacted at
679 the 2012 regular session of the General Assembly of Georgia shall supersede the provisions
680 of the Official Code of Georgia Annotated reenacted by subsection (a) of this section.

681 (e) In the event of an irreconcilable conflict between a provision in Sections 1 through 53
682 of this Act and a provision of another Act enacted at the 2012 regular session of the General
683 Assembly, the provision of such other Act shall control over the conflicting provision in
684 Sections 1 through 53 of this Act to the extent of the conflict.

685 **SECTION 55.**

686 This Act shall become effective upon its approval by the Governor or upon its becoming law
687 without such approval; except that Section 24 and paragraph (2) of Section 29 shall become
688 effective January 1, 2013.

689 **SECTION 56.**

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