

## OBSOLETE OR MODIFIED OPINIONS

Note: The opinions here listed were correct when issued, but must be construed in the light of subsequent legislation or holdings by the courts. Unless an opinion is indicated as formally withdrawn or has obviously been invalidated by court filing or Act of the General Assembly it should not be disregarded entirely, but should be considered along with the indicated modification. Additionally, there may be changes in statutory or case law affecting the holding of an opinion that have not yet come to the attention of the Attorney General so as to generate a superseding or modifying opinion; therefore, sole reliance on this table as dispositive of the continuing validity of any opinion is imprudent. This table is intended to be an aid to, and not a substitute for, thorough and independent legal research of the topic under consideration.

<b>Subject Opinion</b>	<b>Nature of Change</b>	<b>Authority for Change</b>
1941-43, p. 153	Opinion relating to treatment given by chiropractors as limited to hands only.	Op. Att’y Gen. 84-53, <i>Caldwell v. Knight</i> , 92 Ga. App. 747 (1955), authorized traction as permissible procedure.
1945-47, p. 488	Opinion relating to treatment given by chiropractors as limited to hands only.	Op. Att’y Gen. 84-53, <i>Caldwell v. Knight</i> , 92 Ga. App. 747 (1955), authorized traction as permissible procedure.
1945-47, p. 576	Opinion relating to motor fuel tax.	Anything contrary to Op. Att’y Gen. 80-29 withdrawn. Second motor fuel tax held to apply to sales of motor fuel through post exchanges located on federal reservations when not for exclusive use of United States.
1948-49, p. 241	Opinion deals with miscegenation statutes; discusses prohibition of interracial marriages, etc.	All such statutes are apparently invalid under holding in <i>Loving v. Virginia</i> , 338 U.S. 1, 87 S. Ct. 1817, 18 L. Ed. 2d 1010 (1967).

1948-49, p. 662	Opinion states that standing timber is part of land on which it stands and its value is merged into value of realty for tax purposes.	Op. Att’y Gen. 73-96 reverses former opinion. One having contract to cut timber during certain period must pay taxes thereon. Timber contract is in nature of deed rather than lease, creating estate separate from that of realty.
1950-51, p. 275	Opinion states that member of county board of education cannot use school funds to pay dues in professional organization.	Op. Att’y Gen. 74-72 modifies prior opinion by providing that school funds may be used for membership dues in professional organization if school system derives some tangible benefit therefrom.
1952-53, p. 117	Proxy marriages declared valid.	Op. Att’y Gen. 66-155.
1954-56, p. 81	Clerk of superior court cannot run for legislature.	Ga. Laws 1968, pp. 1249, 1309 (Code 26-2309). See Op. Att’y Gen. 66-105.
1954-56, p. 276	Opinion states that no statute governs married students in public schools.	Op. Att’y Gen. 68-391. Later opinion points out that amendment to Ga. Code Ann. 32-937 [Ga. Laws 1961, p. 202] has been enacted to govern this matter.
1954-56, p. 495	Opinion relates to license fees for businesses operating at the Atlanta State Farmers’ Market.	Op. Att’y Gen. 88-8 updated prior opinion.
1954-56, p. 587	States that adjudication or charge in bankruptcy does not relieve driver from requirements of Motor Vehicle Safety Responsibility	Supreme Court of the U.S. has held similar provision of Arizona law invalid as infringement upon Federal Bankruptcy Act. <i>Perez v. Campbell</i> , 402 U.S. 738, 29 L. Ed. 2d 233 (1971).

1954-56, p. 603	Ordinaries now remit 20 percent of all fees collected to retirement fund instead of former method, which added \$1. charge to each marriage license.	Former method held unconstitutional. See <i>Gunby v. Yates</i> , 214 Ga. 17. For present law, see Code 24-1708a.
1954-56, p.781	Opinion states that, for intangible tax purposes, a demand note secured by real estate starts out as a short term note, but changes to long term note if unpaid for three years. Later opinion states that, regardless of recitals, true character of note should be determined at once from maturity date in instrument to be filed.	Op. Att’y Gen. U70-9.
1954-56, p. 787	Opinion rules that note dated 7-1-54 and due 7-1-57 was loan for period of 3 years and one day.	Such loan amounts to loan for 3 years. <i>Johnson v. Public Finance Corp.</i> , 126 Ga. App. 557 (1972).
1954-56, p. 833	Position that Code Ann. 92-3432a gives taxpayer mandatory right to hearing receded from.	See brief filed in <i>Anderson v. Blackmon</i> , Court of Appeals, Case No. 45758, 10/70. Reported in 123 Ga. App. 128.
1957, p. 8	Opinion holds that state-chartered banks may not make deposits in savings and loan associations.	Op. Att’y Gen. 78-66 holds that such deposits are now permitted.
1957, p. 94	Opinion deals with miscegenation.	See Op. Att’y Gen. 1948-49, p. 241, <i>supra</i> .
1957, p. 250	Opinion states that law books (opinions of appellate courts) may be distributed to counties according to Resolutions of General Assembly without proof of loss by fire or providential cause.	Op. Att’y Gen. 71-32. This latter opinion states that general law requires loss by providential cause; not changed by local legislation.

1958-59, p. 112	Opinion states that blanket bonds are insufficient for school principals.	Op. Att’y Gen. 68-266. Earlier opinion rescinded insofar as it conflicts with latter.
1958-59, p. 125	Opinion states that county education funds may not be used to pay premiums for workmen’s compensation insurance. This opinion was correct when issued, but the law has been changed by constitutional amendment.	Proposal by Ga. Laws 1966, p. 1066, superseding Ga. Const., Art. VII, Sec. IV. See especially Ga. Code Ann. 2-5702(10). See also Op. Att’y Gen. 68-240; <i>Rosser et al. v. Meriwether County</i> , 125 Ga. App. 239 (1971).
1958-59, p. 130	Opinion states that county boards of education cannot pay mileage for members traveling on official business.	Op. Att’y Gen. 68-292. Earlier opinion declared superseded by later amendments to Ga. Code Ann. 32-904.
1958-59, p. 245	Opinion states that prisoner under death sentence whose execution has been stayed must be returned to his county sheriff until within 20 days of new time for execution.	Op. Att’y Gen. 71-188 expressly withdraws earlier opinion. Prisoner under death sentence, once turned over to Department of Corrections, will remain there, regardless of stay, as long as he is under death sentence.
1958-59, p. 329	Opinion holds municipal corporations are not political subdivisions of state. This opinion has been formally withdrawn.	Op. Att’y Gen. 70-174.
1958-59, p. 381	Opinion states that sales tax attaches upon any sale in Georgia, irrespective of whether purchased property is to be used in interstate commerce.	This opinion held erroneous insofar as tax upon property actually used in interstate commerce is concerned. <i>Undercofler v. Eastern Air Lines</i> , 221 Ga. 824.

1958-59, p. 406	States that county education funds should not be used for workmen's compensation purposes.	See comment to Op. Att'y Gen. 1958-59, p. 125, supra.
1958-59, p. 408	Indicates that county education funds should not be used for workmen's compensation purposes.	See comment to Op. Att'y Gen. 1958-59, p. 125 supra.
1960-61, p. 168	States that county education funds should not be used for workmen's compensation purposes.	See comment to Op. Att'y Gen. 1958-59, p. 125, supra.
1960-61, p. 188	Provision of funds for nonsectarian schools.	Op. Att'y Gen. U93-3 renders earlier opinion obsolete because of change in the underlying law from "Adequate Program for Education in Georgia" funding to "Quality Based Education" funding.
1960-61, p. 482	Opinion relates to whether returned property may be revalued and reassessed at any time within the applicable period of limitation.	Superseded by Op. Att'y Gen. U87-14.
1962, p. 472	Opinion holds Stone Mountain Memorial Association to be state agency, and employees eligible to participate in State Health Insurance Plan.	Op. Att'y Gen. 75-6.1 expressly rescinded prior opinion. Association is not state agency and employees are not eligible to participate in State Health Insurance Plan.

1963-65, p. 318	Opinion states that under Ga. Code Ann. 77-512, Board of Pardons and Paroles must keep misdemeanant files in permanent record, and that there is no authority for their destruction.	Op. Att’y Gen. 70-26 as further clarified in Op. Att’y Gen. 71-196 ruled that such records could be destroyed under the authority of the Governor under former Ga. Code Ann. 40-809, if proper declassification procedure were observed. (For present law, see Ga. Code Ann. 40-807c, 40-814c).
1963-65, p. 555	States that “Brewer System” for dispensing drugs in hospitals by machines is absolutely illegal in Georgia.	Op. Att’y Gen. 69-85 modifies earlier opinion by holding that “Brewer System” may be used if no state or federal law is violated. Note that earlier opinion was written under former law.
1963-65, p. 697	Opinion states that State Department of Education may continue to pay salaries to staff members engaged in advanced studies.	Op. Att’y Gen. 72-98 states that earlier opinion is superseded insofar as in conflict. Staff members may only draw salary during time spent on advance study, but may be granted leave of absence. Member may be granted stipend if there are funds available.
1963-65, p. 760	Indicates that county boards of education were (as of 1964) authorized, but not required, to use education funds for workmen’s compensation purposes.	See comment to Op. Att’y Gen. 1958-59, p. 125, supra. Note that Ga. Code Ann. 2-5702(10) presently provides that such funds shall be paid from education funds.
65-13	Opinion deals with private banks; now abolished.	Ga. Laws 966, pp. 692, 715 (Ga. Code Ann. 13-2348.)
65-20	Filling of vacancies where no resolution filed by hospital authority board re method used in filling vacancies.	Op. Att’y Gen. 81-89, citing <i>Collins v. Nix</i> , 125 Ga. App. 520 (1972).
65-90	Private banks abolished.	See Op. Att’y Gen. 65-13, supra.

65-117	Opinion states that drivers license cannot be revoked for municipal conviction of traffic violation forbidden by state law.	Opinion may still be technically correct, but see Ga. Code Ann. 68A-1503 permitting local authorities to adopt state traffic laws as ordinances.
66-49	Basically this opinion is correct in that it holds that where the state owns land adjacent to tidewaters, its title extends to low water mark and beyond. However, it also contains dicta about private ownership of such property no longer in accord with the position of this office.	See Position Paper, Ops. Att’y Gen. 1970, p. 279.
66-67	Opinion states that attorney need not join Ga. Bar Ass’n. He must, however, join successor organization, State Bar of Ga.	Ga. Laws 1963, pp. 70, 71 (Ga. Code Ann. 9-701); <i>Wallace v. Wallace</i> , 225 Ga. 102 (1969).
66-126	Superior court judges and district attorneys now elected by voters of circuit, rather than of whole state.	Proposal by Ga. Laws 1966, p. 819, amending Ga. Code Ann. 2-3802; proposal by Ga. Laws 1966, p. 987, amending Ga. Code Ann. 2-4601.
66-166	State funds now used for school lunches.	Proposal by Ga. Laws 1967, p. 940 (Ga. Code Ann. 2-5501 (10-A)).
66-177	Opinion indicates candidate was intending to run as “Republican.” Candidates can apparently no longer list party affiliations when nominated by petition unless also nominated by convention.	Ga. Code 34-1010(g) as amended by Ga. Laws 1970, pp. 347, 360. See Op. Att’y Gen. U70-120.
66-208	Opinion concerns cap on amount state agency employer may pay surviving spouse of deceased employee.	Superseded by Op. Att’y Gen. 86-41.

66-224	District attorneys (formerly solicitors general) now elected by voters of the circuit, rather than by those of whole state.	See Op. Att’y Gen. 66-126, supra.
66-225	Opinion cautions against medical practice by corporation. This can now be performed if the Professional Corporation Act is complied with.	Ga. Laws 1970, p. 243 (Ga. Code Ann. Ch. 84-54).
66-264	State funds for school lunches.	See Op. Att’y Gen. 66-166, supra.
67-14	Teachers in vocational technical schools required to be certified.	See Op. Att’y Gen. 84-43. Such teachers are no longer required to be certified.
67-27	Commercial fishing on Sunday held illegal.	Former 26-6908 not incorporated in new Criminal Code; stands repealed.
67-41	Word “Bankers” could not appear in name of ordinary business corporation organized under old law. See former Code 22-1802(a).	This provision does not appear in 1968 Corporation Code.
67-43	Opinion deals with formerly illegal school lunch funds. Such funds are now legal.	Ga. Code Ann. 2-5501 (10-A).
67-74	Enforcement of laws prohibiting hunting and commercial fishing on Sunday.	Omitted from new Criminal Code; hence repealed.
67-95	Deals with foreign corporation dissolved in state of incorporation. There was no specific provision under former law.	See Ga. Code Ann. 22-1416.



67-121	Opinion states that when state sentence is imposed upon person serving time as result of federal conviction, sentences, in absence of stipulation to contrary, shall be construed to run concurrently.	Op. Att’y Gen. 73-148 reverses earlier opinion. Sentences of federal and state courts construed to run consecutively in absence of contrary stipulation. See <i>Grimes v. Greer</i> , 223 Ga. 628.
67-138	Opinion states that word “Limited” may not be used as part of corporate name.	“Limited” is authorized under 1968 Corporation Code. Code 22-301(1).
67-163	Advises that no corporate charter be issued unless period of existence is stipulated at not exceeding 35 years.	Period of duration is now perpetual unless otherwise limited. Ga. Code Ann. 22-802.
67-182	Whether the purchase of uniforms for non-faculty personnel is for an educational purpose.	Modified by O.C.G.A. 20-2-980 which provides that such uniforms for “school maintenance, food service, or custodial personnel are for educational purposes.
67-210	States that adjudication or discharge in bankruptcy does not relieve driver from requirements of Motor Vehicle Safety Responsibility Law.	See comment to Op. Att’y Gen. 1954-56, p. 587, supra.
67-217	Opinion states that constables can generally enforce traffic laws.	Op. Att’y Gen. U75-56. Former opinion reversed because of later enactment. Ga. Laws 1969, pp. 875, 876 (Ga. Code Ann. 24-822), states that constables shall not enforce traffic laws without warrant.
67-245	Opinion deals with former restrictions upon foreign corporations as to ownership of land, etc. Under the 1968 Code, a foreign corporation with a certificate of authority has the same rights as a domestic corporation.	Ga. Code Ann. 22-1402.

67-247	Same comment as Op. Att’y Gen. 67-245, supra.	Same as Op. Att’y Gen. 67-245, supra.
67-252	Discusses private ownership of tidelands. Holdings no longer in accord with the position of this office.	See Position Paper, Op. Att’y Gen. 1970, p. 279.
67-297	At time of opinion no general law stated whether a candidate for municipal office had to receive a majority, or whether a plurality would suffice.	If charter so provides, plurality is sufficient; if charter is silent, candidate must have majority. Ga. Code Ann. 34A-1407.
67-316	Concluded that Georgia Prison Industries Administration must utilize office of Supervisor of Purchases.	Superseded by Op. Att’y Gen. 89-56.
67-342	Grants to municipalities. Superseded by later opinion.	Op. Att’y Gen.70-171.
67-345	Opinion deals with proposed long term contracts by State Department of Education. Cautions about constitutional prohibition against state contracts for periods “longer than single year.”	Op. Att’y Gen. 74-115 (footnote 3) points out that “single year” referred to does not mean any 12-month period but, rather, “current fiscal year.”
67-366	Opinion states there is no provision of law to authorize alligator farming. This has now been enacted.	Ga. Laws 1968, p. 480; Ga. Code Ann. Ch. 45-11.
67-375	Deals with private banks. Now abolished.	Ga. Laws 1966, pp. 692, 715 (Ga. Code Ann. 13-2348).
67-376	At time of opinion there was no statutory method of contesting a municipal election. We now have an applicable statute.	Ga. Code Ann. 34A-1501.

67-389	Opinion states that seizures of vehicles carrying illicit drugs can be made only by authorized agents or drug inspectors of State Board of Pharmacy, and that Ga. Code Ann. 42-813.1 has been repealed.	Op. Att’y Gen. U73-63 states that previous holding about repeal of Ga. Code Ann. 42-813.1 is in error. Said Code section provides that vehicles carrying contraband drugs may be seized by any sheriff or other arresting officer. It is recognized, however, that power of seizure in such officers is restricted to vehicles hauling drugs in violation of Uniform Narcotic Drug Act (Ga. Code Ann. Ch. 79A-8).
67-405	Opinion deals with former law under which Governor was elected by the General Assembly in case of failure of any candidate to receive a majority vote.	See Ga. Code Ann. 2-3004, as amended by proposal of Ga. Laws 1968, p. 1562.
67-414	Opinion states that Director of State Board of Probation, a full-time state employee, cannot be concurrently employed as consultant by the Board of Regents, another state agency.	Op. Att’y Gen. 71-101 does not supersede the older opinion, but clarifies it by pointing out that, while the Director of Corrections is a state employee, there is no prohibition against his taking concurrent employment by the Georgia Building Authority, not specifically an agency of the state.
67-422	At time of opinion there was no provision for absentee voting in a municipal election. This has now been enacted.	Ga. Code Ann. Ch. 34A-13.
67-432	Discusses mining in coastal sand bars and tidelands. Should be reevaluated in light of present position of this office and Coastal Marshlands Protection Law.	See Position Paper, Op. Att’y Gen. 1970, p. 279. See also, Ga. Laws 1970, p. 939 (Ga. Code Ann. 45-136 et seq.).

U67-77	Opinion states that it is not necessary for Solicitor General to resign from office in order to qualify for the Office of Superior Court Judge.	Art. II, Sec. II, Para. V of the 1983 Georgia Constitution provides that the office of any public official “shall be declared vacant upon such elected official qualifying” for another public office when the term for such office “begins more than 30 days prior to the expiration of such official’s present term of office.”
68-52	States that adjudication or discharge in bankruptcy does not relieve driver from requirements of Motor Vehicle Safety Responsibility Law.	See Comment to Op. Att’y Gen. 1954-56, p. 587, supra.
68-174	Opinion states that legislative Act, silent as to effective date, goes into effect when approved by the Governor. (Opinion is correct, since it deals with local law, but generalization is obsolete.)	Ga. Laws 1968, p. 1364 (Ga. Code Ann. 102-111) provides effective date of January 1 or July 1 next after approval for general (not local) laws.
68-225	Opinion states that account reserved for bad debts is surplus account and should be included in determining fair market value of bank shares for tax purposes.	Op. Att’y Gen. 71-119 holds that “reserves . . . for bad debts represent deductions from the values of the corresponding assets and at the same time result in deductions from proprietorship.” Op. Att’y Gen. 68-225 superseded insofar as it conflicts.
68-271	Opinion states that State Dept. of Family and Children Services and Division for Children and Youth are definitely two separate agencies for social security purposes.	Op. Att’y Gen. 71-44 states that these two agencies may be considered as either a single agency or as separate agencies, as convenience of administration may demand.

68-296	Opinion states that local school systems may not invest in U.S. treasury bills and notes. This has been changed by statute.	See Ga. Code Ann. 32-942, as amended by Ga. Laws 1969, p. 721.
68-324	Opinion states constable can mark his car and enforce traffic regulations.	See Op. Att’y Gen. 67-217, supra.
68-333	Opinion indicates that the Surface Mined Land Use Board, being “autonomous”, has exclusive control over its personnel.	Op. Att’y Gen. 71-62 states that the Commissioner of Conservation should decide who has authority to attach “prejudice” to a board employee’s record.
68-432	Recipients or relatives of recipients of public assistance prohibited from serving on county board of family and children services.	Prohibition rescinded by Manual Transmittal #18 on 9-3-74. However, see Op. Att’y Gen. 81-32 concerning conflict of interest.
U68-78	Opinion provides that sales of burial easements are not subject to real estate transfer tax.	1998 Op. Att’y Gen. 98-19, which concludes that Georgia’s real estate transfer tax applies to easements acquired by public utilities, withdraws 1968 Op. Att’y Gen. U68-78 to the extent inconsistent therewith.
69-28	Opinion states that county cannot, under Home Rule power, increase salaries of employees of tax commissioner or employ additional deputy sheriff, since this would affect personnel of elected officer.	Op. Att’y Gen. U74-47 modifies earlier opinion. While county cannot affect compensation of elective officer without local legislation, restriction does not apply to employees of such officers.
69-42	Testimony of coroner at inquest conducted by himself.	Superseded by Op. Att’y Gen. 69-220.
69-53	States that loans guaranteed by F.H.A. and V.A. exceeding eight percent as to interest are usurious.	Ga. Laws 1970, p. 174 (Ga. Code Ann. 57-101.1) permits such loans to carry interest of over nine percent.

69-68	Opinion states that county cannot affect salary of employees of elective officers.	See comment to Op. Att’y Gen. 69-28, <i>supra</i> .
69-82	States that municipal corporations may not employ timing devices to clock speeders.	The present law permits use of such devices if the statute is complied with. See Ga. Code Ann. Ch. 68-21 as amended by Ga. Laws 1970, p. 435.
69-99	Refers to \$15 deposit in divorce cases. This has been raised to \$20.	Ga. Laws 1971, p. 774, amending Ga. Code Ann. 24-2727.
69-111	Refers to \$15 filing fee in divorce cases. This has been raised to \$20.	Ga. Laws 1971, p. 774, amending Ga. Code Ann. 24-2727.
69-172	States that application for search warrant must be addressed to a judicial officer in the county in which the search is to be conducted.	A superior court judge presently can sign any document (including a warrant) in any county of his circuit for use in any county of the circuit. Ga. Laws 1971, p. 363 (Ga. Code Ann. 24-2630). See also <i>Pass v. State</i> , 227 Ga. 730(5)(a) (1971) wherein a judge pro hac vice of the Municipal Court of Atlanta sitting in Fulton County was held authorized to issue a warrant for search in that portion of the city lying in DeKalb County.
69-177	Ruling that architectural renderings and models are taxable sales held incorrect.	<i>Hawes v. Dimension, Inc.</i> , 122 Ga. App. 190 (1970).
69-258	Opinion states that State Department of Family and Children Services cannot pay for liability insurance or other expenses of volunteer workers unless they are made employees of the department.	Op. Att’y Gen. 71-76 modifies earlier opinion by stating that expenses of volunteers may be paid by contract through Division of Children and Youth without making such persons employees.

69-322	Same as Op. Att’y Gen. 69-258, supra.	See comment to Op. Att’y Gen. 69-258, supra.
69-349	Substantively this opinion is correct, but it contains a typographical error so serious as to be confusing: two paragraphs are duplicated on page 488.	Beginning with 3rd paragraph on that page, “Your first question”, delete through line beginning “1958 Ga. Laws” at end of following paragraph.
69-454	Opinion states that county attorney is public officer, and not county officer; member of county board of tax assessors thus would not be ineligible simultaneously to hold position of county attorney.	See <i>Lucus v. Woodward</i> , 240 Ga. 770 (1978), footnote 7, on page 773.
69-458	Opinion concerns intangible property tax.	Conflicts with subsequent case law. See <i>Roberts v. Lipson</i> , 231 Ga. 142 (1973).
69-467	Deals with after-hours employment of state employees as cleaning personnel by the State Building Authority.	See comment to Op. Att’y Gen. 67-414, supra.
69-474	Opinion states that counties may levy taxes to pay employee insurance and pensions without special legislation.	Op. Att’y Gen. U75-37 did not overrule earlier opinion, but modified it to hold that only employees subject to jurisdiction of the county commissioners are covered. County cannot, under Home Rule or other local authority, pension or change compensation of elected officers or employees not subject to commissioners.
69-485	Opinion relates to county voter registration cards utilized by municipalities.	As to inapplicability of opinion, see Op. Att’y Gen. 85-27.

U69-417	Opinion hold that persons residing in area annexed are not entitled to vote in city elections since they have not resided in city 90 days prior to election.	See U78-42. Rationale of Op. Att’y Gen. U69-417 no longer applicable.
70-8	Opinion indicates that state contracts for duration of “more than one year” are not enforceable.	See comment to Op. Att’y Gen. 67-345, supra.
70-99	States that interest rate on delinquent ad valorem taxes is nine percent. This is correct for state and county taxes, but for municipal taxes, rate is seven percent.	Op. Att’y Gen. U71-91, citing Ga. Code Ann. 92-7601.
70-118	States that validity of Agricultural Commodities Sales Promotion Act as applied to tobacco was in doubt because of pendency of appeal to Supreme Court in <i>Lewis v. Campbell</i> .	Decision of Court of Appeals affirmed in 401 U.S. 985, 28 L.Ed. 526 (1971). Act is invalid as to tobacco.
70-122	Opinion states that Agricultural Commodity Commission may not transact business by telephone poll of members.	Modified by Op. Att’y Gen. 85-26.
U70-139	Interest on delinquent ad valorem taxes. See comment to Op. Att’y Gen. 70-99, supra.	See comment Op. Att’y Gen. 70-99, supra.
U70-147	Opinion expresses view that retirement payments to former Federal Reserve Bank employees are not exempt from state income tax.	Holding is obsolete because of change in law. Ga. Laws 1971, pp. 605, 613 et seq., amending Ga. Code Ann. 92-3107.



U70-155	Opinion, as printed, is confusing as to procedure to be followed where holder of absentee ballot finds he will be in county on election day.	Opinion should read: "Whenever an elector (other than one whose physical disability prevents his attendance at the polls) is present in the county of his residence during the time the polls are open in any primary or election for which he has returned an absentee ballot for voting, such elector shall immediately appear in person before the registrars and shall request in writing that the envelope containing his absentee ballot be marked Canceled.' The registrars, after having satisfied themselves as to the identity of such elector, shall thereupon grant the request and shall notify the managers of his election district as to such action so as to permit him to vote in person in his district . . . " Ga. Code Ann. 34-1409. Cancellation of absentee ballot must precede casting of regular vote.
U70-167	Opinion held that unclaimed deposits of just and adequate compensation in condemnation cases would escheat to the state.	Withdrawn by Op. Att'y Gen. U85-23 due to subsequent statutes.
U70-215	This was originally an unofficial opinion, but has been adopted as official.	See Op. Att'y Gen. 71-132.
71-10	Opinion held that school funds cannot lawfully be expended in support of extracurricular athletic teams.	Ga. Const. 1976, Art. VII, Sec. II, Par. I (13), Ga. Code Ann. 2-4701, authorizes expenditures for certain athletic contests, such as coach's salary. See Op. Att'y Gen. U79-6.

71-16	Opinion indicates confusion between superior court clerk's indexing and filing fees. See footnote to opinion indicating legislative problem.	Ops. Att'y Gen. U71-73 and U71-75 contain further and more detailed legislative history.
71-139	Indicates that Stone Mountain Memorial Association is not liable for sales tax on purchases made for maintenance and operation of projects.	Op. Att'y Gen. 71-178 indicates that the sales tax exemption is limited to operation and maintenance of "projects erected by it [the Association]."
71-141	Opinion states that there is no law which would prevent a department head from making deductions from state employees' pay for purchase in a mutual fund plan if authorized by the employee.	Op. Att'y Gen. U74-62 holds that, in absence of legislation, department head may not make charitable deductions, even if authorized by employee. Points out that bookkeeping and administrative work might result in unconstitutional gratuity by state. Op. Att'y Gen. 71-141 must yield to this opinion in case of conflict.
71-149	Opinion states that even though local amendment to the State Constitution authorizes Fulton County to adopt air pollution laws, there is no authority for county to make penal by ordinance an act already denounced by statute.	Op. Att'y Gen. 71-201 points out that local Act makes violation of Fulton County air pollution laws, as authorized by Constitution, misdemeanors. Previous opinion is inapplicable to Fulton County insofar as it indicates that Fulton antipollution laws are not enforceable penalty.
71-177	Opinion states that person is minor until he reaches age 21.	Ga. Laws 1972, p. 193 (Ga. Code Ann. 74-104), reduced age of majority to 18 years.
71-182	Opinion concerns disbursement of restitution payments when victim cannot be located.	Superseded by Op. Att'y Gen. U87-17.

U71-25	Opinion under former law stated that justices of the peace received compensation for issuance of arrest and search warrants, but nothing if warrants not issued. Statute of 1977 provides that justices are entitled to fee upon application for warrant, regardless of whether it was issued.	Ga. Code Ann. 24-1601, 27-2932; see Op. Att’y Gen. U77-31.
U71-43	Relates to campus policemen and security personnel of university institutions.	Superseded by Op. Att’y Gen. 90-11.
U71-49	Opinion states that deputy sheriffs of Municipal Court of Savannah are subject to Peace Officer Standards and Training Act.	Op. Att’y Gen. U75-7 withdraws earlier opinion insofar as it conflicts. Training Act applies only to officers who are members of “law enforcement unit,” which does not include deputy sheriffs employed by municipal court.
U71-103	Opinion states that Recorder’s Court of Columbus has no authority over state traffic offenses.	Op. Att’y Gen. 73-40 states that earlier opinion is withdrawn. Ga. Laws 1955, p. 736 (now repealed) permitted cities of the population bracket including Columbus authority to enact traffic ordinances not inconsistent with state traffic law. Offenses were therefore triable in recorder’s court. (For present law, see Ga. Code Ann. 68A-1503).

U71-115	Opinion states that municipal corporations may deposit funds in credit unions.	Op. Att’y Gen. 74-41 specifically withdraws earlier opinion. Ga. Code Ann. 89-804 provides that Code Ch. 89-8 applies to municipalities, and 89-811 requires public funds to be deposited in solvent “banks,” a term which would not include credit unions. (Later amended to include other organizations, but credit unions still not authorized.)
U71-119	Opinion relates to county law libraries.	Probate court authorized to collect costs supporting county law libraries. See Op. Att’y Gen. U88-3.
72-27	Relates to Peace Officer Standards and Training Act.	See Op. Att’y Gen. 90-11.
72-63	Moving expenses of state employees not part of “compensation.”	Op. Att’y Gen. 81-42; employees can now be reimbursed for moving expenses. See Ga. Code Ann. 89-936.
72-124	Opinion states that youths 18 and younger convicted of misdemeanors and noncapital felonies must be committed to Division for Children and Youth.	Op. Att’y Gen. 73-99 supersedes former opinion. By virtue of later legislation, person involved may be sentenced indefinitely to Youthful Offender Division, Department of Offender Rehabilitation.
72-169	Opinion states that nonbanking corporation cannot be merged with banking company.	Ga. Laws 1974, pp. 705, 873 (Ga. Code Ann. 41A-2401 (b)) permits corporations other than banks or trust companies to be merged with those corporations provided the resulting corporation is a bank or trust company. See Op. Att’y Gen. 78-36.

U72-93	Opinion states that the Act lowering age of majority to 18 (Ga. Laws 1972, p. 193; Ga. Code Ann. 74-104) made persons 18 years of age or over eligible to serve as grand jurors.	Supreme Court of Georgia holds that persons less than 21 years of age cannot so serve. <i>Gibson v. State</i> , 236 Ga. 874, 880, points out that Ga. Code Ann. 59-201, as amended by Ga. Laws 1973, p. 726, presently requires age of 21 for eligibility, and such section is constitutional as it requires grand jurors to be “most experienced, intelligent and upright” citizens. See also, <i>White v. State</i> , 230 Ga. 327.
U72-112	Relates to permits to carry firearms.	Withdrawn to extent of conflict with Op. Att’y Gen. U89-21.
73-11	Question number 5 of Opinion considers whether checks written by a bank to pay liabilities other than deposit liabilities, and outstanding for 15 years, are considered to be unclaimed property under the Disposition of Unclaimed Property Act of 1972.	Statutory interpretation in question number 5 withdrawn and superseded by Op. Att’y Gen. 93-2 which determines that “omnibus” provision of Disposition of Unclaimed Property Act includes intangible property held or owing in the ordinary course of the holder’s business.
73-31	Composite Board of Medical Examiners does not possess authority to issue by reciprocity licenses to practice medicine to persons who graduated from osteopathic schools of medicine prior to July 1, 1963.	Op. Att’y Gen. 74-59 specifically withdraws the earlier opinion. Composite Board may issue reciprocity licenses, provided: (1) applicant’s school was approved by either former medical or osteopathic board at time of his graduation; (2) the school complied substantially with present-day requirements for an approved medical school; and (3) applicant possesses a full medical practitioner’s license from state of original license.

73-36	Opinion states that any limiting features of a youthful offender sentence – “not to exceed ___ years” or “not to be discharged prior to the service of ___ years” – should be regarded only as a recommendation.	<i>England v. Bussiere</i> , 237 Ga. 814 (1976), holds that the court’s sentence is enforceable.
73-55	States that only records of completed official acts or transactions are “public records” within the meaning of the Open Records Act.	Rendered obsolete by the decisions in <i>Athens Observer v. Anderson</i> , 245 Ga. 63, 64 (1980) and <i>Irvin v. Macon Telegraph Publishing Co.</i> , 253 Ga. 43 (1984), which state that such an interpretation is too narrow.
73-83	Opinion relates to educational expenditures.	Overruled to some extent by Op. Att’y Gen. 86-18.
U73-1	Opinion states that private investigators are prohibited from carrying concealed weapons even if licensed to carry weapons.	Op. Att’y Gen. 76-68 points out that licensed private investigators are authorized to carry concealed weapons under amendment by Ga. Laws 1976, p. 1430, to Code Ch. 26-29.
U73-117	Opinion holds that in counties with no state court, municipal courts have jurisdiction of traffic offenses within corporate limits, and courts of ordinary have jurisdiction outside city limits.	U78-47 holds that probate court in county having no state court has jurisdiction to hear traffic case which involves violation of state law, even though offense occurs within city limits of municipality which has recorder’s court.
74-17	Opinion concerns licensing requirements regarding drugs.	State agencies are now subject to requirements of Controlled Substances Act. See Op. Att’y Gen. 86-28.

74-19	Opinion states that, for purposes of Workmen’s Compensation Law, employees of county departments of family and children services are county employees, and not state employees.	Op. Att’y Gen. 74-89 states that, with exception of district health director, all such persons whose salary is paid directly by Department of Human Resources are state rather than county employees.
74-33	Opinion states that legal name of married woman is her name followed by name of her husband.	Subsequent opinion, Op. Att’y Gen. 75-49 holds that all persons, including married women, may change names by usage, and without court decree, for all purposes, including issuance of drivers license.
74-86	Opinion states that “No-Fault” Motor Vehicle Act, being later in date, supersedes provisions of Motor Vehicle Safety Responsibility Act with respect to self-insurers.	Op. Att’y Gen. 75-42 modifies prior opinion by holding that the two Acts in question are separate and independent. Later Act does not supersede former, and self-insurance provisions of each must be enforced as applicable.
74-100	Opinion states that any limiting features of a youthful offender sentence – “not to exceed ___ years” or “not to discharged prior to the service of ___ years” – should be regarded only as a recommendation.	<i>England v. Bussier</i> , 237 Ga. 814 (1976), holds that the court’s sentence is enforceable.
74-103	Opinion concluded that fee paid upon candidate’s qualification was not expenditure required to be reported.	Ga. Laws 1977, p. 1302, renders opinion obsolete.
74-115	Opinion concerns fiscal obligations of state agency beyond current year.	See Position Paper on “multi-year agreements,” Op. Att’y Gen. 1978, p. 267.

U74-8	Opinion states that only volunteer firemen who have actually attended 75% of fires, drills and meetings during years counted for eligibility can receive pensions from Firemen's Pension Fund.	Op. Att'y Gen. U74-53 points out that under more recent Act (Ga. Laws 1974, p. 377), board of trustees may excuse nonattendance where beyond control of fireman, and that excused nonattendance shall not affect retirement rights.
U74-62	Opinion relates to prohibited payroll deductions.	See Op. Att'y Gen. 82-79; Ga. Laws 1982, p. 2274 (Ga. Code Ann. 89-2001 et seq.; O.C.G.A. 45-20-50 et seq.) authorizes charitable deductions as part of employment contract.
U74-67	Relates to permits to carry firearms.	Withdrawn to extent of conflict with Op. Att'y Gen. U89-21.
75-44	Opinion relates to administration of medication by unlicensed personnel in health care institutions.	Superseded by Op. Att'y Gen. 85-41 due to amendments in the licensing laws.
75-68	Measurement of roads in Musogee County for the purpose of determining proportional share of annual distribution of state grant under the General Appropriations Act should include only those roads which are outside of Urban Services District Number One.	Op. Att'y Gen. 75-108 superseded the prior opinion, holding that though county Urban Services Districts Nos. One and Two should not include any roads under the county system except extensions of county roads, said districts should be considered as a municipality for assistance under a separate program.
75-88	Opinion concerns Medicaid provider agreements limiting state liabilities for fiscal years.	See Position Paper on "multi-year agreements," Op. Att'y Gen. 1978, p. 267.
U75-10	Relates to permits to carry firearms.	Withdrawn to extent of conflict with Op. Att'y Gen. U89-21.



75-88	Opinion concerns Medicaid provider agreements limiting state liabilities for fiscal years.	See Position Paper on “multi-year agreements,” Op. Att’y Gen. 1978, p. 267.
75-94	Paragraph I of Section V of Article IX of the Georgia Constitution of 1983, regarding general obligation debt of county school systems, is implemented both by application provisions of Title 20 of the Official Code of Georgia Annotated, pertaining to education, and by applicable provisions of Title 36 of the Code, pertaining to local government.	Modified as necessary to conform to 1998 Att’y Gen. Op. 98-12.
U75-16	Opinion relates to county law libraries.	Probate court authorized to collect costs supporting county law libraries. See Op. Att’y Gen. U88-3.
76-16	Opinion held that sentence imposed subsequent to revocation of first offense probation should run from date sentence was imposed.	<i>Stephens v. State</i> , 245 Ga. 835 (1980), renders opinion obsolete.
76-18	Opinion concerns cap on amount state agency employer may pay surviving spouse of deceased employee.	Superseded by Op. Att’y Gen. 86-41.
76-68	Opinion relates to permits for carrying firearms.	Prior opinion not applicable to current law. See Op. Att’y Gen. 86-22.
76-99	Opinion held that Campaign and Financial Disclosure Act did not apply to contributions made to solicit support for or opposition to proposed constitutional amendments or legislative enactments.	Ga. Laws 1979, p. 602, renders opinion obsolete.

U76-15	Opinion discusses authority of superior court to terminate parental rights in connection with adoption proceedings. Statute now provides specifically for termination of such rights.	Ga. Code Ann. 74-413 (a) (1), based on Ga. Laws 1977, pp. 201, 219.
U76-39	Opinion states that sheriffs have statutory authority to accept or reject sureties on bail bonds in misdemeanor cases, but that in felony cases they have only such power as may be delegated by the court. Statute of 1977 requires sheriffs to publish list of acceptable sureties and to accept proper sureties in felony cases.	Ga. Code Ann. 27-418; see Op. Att’y Gen. U77-29.
U76-41	Opinion discusses manner in which judges emeritus may elect spouses’ benefits under Superior Court Judges Retirement System.	Op. Att’y Gen. U76-60 is on same subject-matter, and states that it supersedes U76-41 in case of any conflict.
U76-47	Opinion discusses manner in which judges emeritus may elect spouses’ benefits under Superior Court Judges Retirement System.	Op. Att’y Gen. U76-60 is on same subject-matter, and elaborates on and more broadly states the conclusions of Op. Att’y Gen. U76-47.
U76-53	Opinion states that salaried probate judges may not retain vital records fees.	Ga. Laws 1982, pp. 723, 746 (O.C.G.A. 31-10-27 (c)) (Ga. Code Ann. 88-1727 (c)), provides that such fees may be retained.
U76-70	Opinion concludes that jurisdiction of Professional Practices Commission extends to county school superintendents.	Conclusion rejected by Supreme Court in <i>Taylor v. Davis</i> , 242 Ga. 528 (1978).
U76-71	Opinion states that military personnel cannot obtain firearms permits because they are not residents of Georgia	1996 Ga. Laws 108, §§ 3-5 provides that active duty military personnel are eligible, even though they are not residents of Georgia.

77-31	Opinion relates to building officials accepting construction documents signed and sealed by architect or engineer.	Op. Att’y Gen. 87-31 supersedes prior opinion to extent of any conflict.
77-55	Opinion concerns contributions of “persons” to candidates.	<i>Kaler v. Common Cause of Ga.</i> , 242 Ga. 481 (1978), holds that any “person” contributing more than \$500 “on behalf of candidates” is required to report that fact.
77-72	Opinion concerns candidates designated as poll watchers.	Op. Att’y Gen. 82-30 (citing Ga. Code Ann. 34-1310 (d) and 34A-1209 (d)), holding that candidates must remain outside enclosed voting area.
U77-11	Opinion states that superior court clerk serving as juvenile court clerk may not receive additional salary.	Additional salary of \$200 per month allowed by Ga. Laws 1984, p. 436. See Op. Att’y Gen. U84-35.
U77-32	Opinion relating to destruction of court records.	Records Act held to be conditionally applicable to judicial branch of government. See Op. Att’y Gen. 82-29; Ga. Laws 1978, pp. 1372, 1374.
78-72	Opinion addresses voting limitations on citizen member of Georgia Board of Dentistry.	Modified by Op. Att’y Gen. 04-2 as a result of legislation subsequent to the earlier opinion authorizing “each consumer member of a professional licensing board . . . to vote on <i>all</i> matters brought before that board.”
U78-1	Opinion relating to notes and recordings by court reporters.	See Op. Att’y Gen. 82-14; language in Op. Att’y Gen. U78-1 must be read in light of <i>Giddings v. Starks</i> , 240 Ga. 496 (1978).

U78-48	Opinion relating to authority of probate judge to determine validity of affidavit in support of application for petition for leave to proceed in forma pauperis.	Portion of opinion withdrawn. See Op. Att’y Gen. U80-53, citing <i>Martin v. State</i> , 151 Ga. 9 (1979).
79-21	Opinion states that in-house investigative personnel are exempt from licensure based on Ga. Code Ann. 84-6502(b). There is no exemption in current law.	Superseded by O.C.G.A. T. 43, Ch. 38 and by 1991 Op. Att’y Gen. 91-34 which states that persons who employ investigative personnel must be licensed unless otherwise exempt.
79-39	Opinion relating to verification of elector’s signatures on recall petitions.	Opinion withdrawn because of decision of Supreme Court ( <i>Segars v. Bramlett</i> , 245 Ga. 386 (1980)), holding that signature of elector on recall petition must be verified by superintendent as being that of registered voters; that form of signature must be in same form as either signature or printed name on registration card; and that printed name must be in same form as either signature or printed name of elector on registration card.
79-66	Opinion relates to retainage during construction for contracts for water treatment programs.	Georgia law specifically authorizes use of retainage in water and sewer contracts; to extent of conflict with Op. Att’y Gen. 79-66, Op. Att’y Gen. 81-24 shall control.
U79-7	Opinion relates to mandatory transferral to the superior court in dispossession proceedings.	See Op. Att’y Gen. U83-69. O.C.G.A. 44-7-53 as amended by Ga. Laws 1983, pp. 884, 916, allows such actions to be tried in magistrate court.

80-74	Opinion concerns jurisdiction over charges of unlawful discrimination in University System.	See Op. Att’y Gen. 83-35. GOFEP may conduct proceedings notwithstanding fact that same factual grievance is pending before Regents.
80-84	Opinion states that the Georgia Board of Nursing should not disclose to the public certain records of investigative materials.	Withdrawn as result of <i>Irvin et al. v. Macon Telegraph Publishing Co.</i> , 253 Ga. 43 (1984).
80-149	Estate of nonresident decedent owning 100% of common stock of foreign corporation owning property in state required to pay tax.	Op. Att’y Gen. 84-45 narrowed application of Op. Att’y Gen. 80-149 to more limited circumstances.
U80-25	Middle Georgia Consortium, Inc. (nonprofit corporation) not authorized by General Assembly.	Ga. Laws 1981, p. 444, validated incorporation of Middle Georgia Consortium. See Op. Att’y Gen. U81-31.
U80-55	Opinion provides that the provisions of Ga. Laws 1974, p. 198-99, authorizing the establishment of deferred compensation plans, do not expand the investment authority of political subdivisions of the state.	1981 Ga. Laws 119 renders opinion obsolete in that said provisions permit expanded investment authority to political subdivisions.
81-2	Substantively this opinion is correct, but it contains a serious printing error on page 5, 2d paragraph.	Superseded by Op. Att’y Gen. 83-83 in order to correct printing error.

81-16	Third paragraph of Opinion reaffirms interpretation given Disposition of Unclaimed Property Act of 1972 in question number 5 of Op. Att’y Gen. 73-11.	Statutory interpretation of question number 5 of Op. Att’y Gen. 73-11 withdrawn and superseded by Op. Att’y Gen. 93-2 which determines that “omnibus” provision of Disposition of Unclaimed Property Act includes intangible property held or owing in the ordinary course of the holder’s business.
81-71	Opinion concerns access to personnel files under Georgia’s “Open Records Law.”	<i>Irvin v. Macon Telegraph Publishing Co.</i> , 253 Ga. 43(1984) renders opinion obsolete.
81-87	Opinion relates to filling vacancy in coroner’s office.	Superseded by Op. Att’y Gen. 84-32. See O.C.G.A. 45-16-2 (b).
81-104	Relates to state employees having property interest in continued employment.	Made obsolete by <i>Brown v. Georgia Dept. of Revenue</i> , 881 F.2d 1018 (11th Cir. 1989).
U81-32	Relates to confidentiality provisions of the First Offender Act.	Statutory changes affect advice given in prior opinions. See 1991 Op. Att’y Gen. U91-5.
U81-46	Opinion relates to salary of superior court clerk serving as clerk of state court.	Superseded by Op. Att’y Gen. U84-52 due to statutory changes.
82-17	Opinion concerns state construction codes.	See Op. Att’y Gen. 84-14. Opinion 82-17 invalid insofar as it relates to law that has been repealed.
82-73	Opinion relates to training requirements for airport firefighters.	Law now inapplicable to national guardsmen. See Op. Att’y Gen. 86-6.
U82-45	Opinion relates to representation of defendants in criminal proceedings by special assistant attorneys general.	Superseded by Op. Att’y Gen. U84-27. O.C.G.A. 45-15-30 allows such representation.

83-54	Teachers in vocational technical schools required to be certified.	See Op. Att’y Gen. 84-43. Such teachers no longer required to be certified.
83-74	General Assembly must approve conversion of county tech institute to Board of Regents school.	Ga. Const. 1983, Art, VIII, Sec. IV, Para. I(b) requires legislative approval before creating new public college. See 1994 Op. Att’y Gen. 94-9.
U83-55	Opinion relating to city councilman serving as magistrate.	See Op. Att’y Gen. U85-41 regarding effect of Ga. Const. 1983, Art II, Sec. II, Par. V.
U83-62	Opinion relates to collection of fines and forfeitures in criminal cases.	Responsibility now lies with clerk of court; see Op. Att’y Gen. U85-20.
84-44	Opinion relates to hunting on land of another.	Op. Att’y Gen. 87-21 withdraws offense as fingerprintable crime.
84-54	Opinion relates to service charge limitation on returned checks.	Opinion superseded to extent of inconsistency with Op. Att’y Gen. 85-31.
84-66	On page 141 of opinion, the semicolon following “school buses” in the quoted portion of O.C.G.A. § 20-2-411 should be deleted.	Change made to conform to original text of O.C.G.A. § 20-2-411.
84-87	Opinion concluded that a health maintenance organization does not necessarily fall within the definition of an insurer as provided in Title 3 of the Official Code of Ga. Annotated.	Withdrawn as a result of 1986 amendment to O.C.G.A. 33-21-1(7) (1986 Ga. Laws 676, sec. 1) to specifically include health maintenance organizations within the meaning of the term insurer.

U87-28	Opinion states that exemption from requirements is limited to those times while engaged in the pursuit of official duties.	1988 Ga. Laws 472, § 1 extended the exemption to those employed full-time, or if not employed full-time, while in pursuit of official duties. 1994 Ga. Laws 547, § 2 provides that the exemption is applicable to persons employed in the offices listed. Op. Att'y Gen. U97-13 recognizes that the exemption is no longer limited to the performance of official duties.
U84-50	Opinion held that only owner of motor vehicle required to keep proof of insurance.	Modified by Op. Att'y Gen. U88-13.
U85-9	Opinion relates to electric membership corporation selling TV antennae or satellite dishes.	Withdrawn by letter dated 11/24/86. See <i>Washington Electric Membership v. Avant</i> , 256 Ga. 340 (1986).
U85-37	Relates to confidentiality provisions of the First Offender Act.	Statutory changes affect advice given in prior opinions. See 1991 Op. Att'y Gen. U91-5.
U86-6	Opinion concerns the use of special county one percent sales and use tax to retire bonded indebtedness incurred in conjunction with capital outlay projects which were not planned contemporaneously with the imposition of the tax.	Modified by 1991 Op. Att'y Gen. U91-1 and the 1987 amendment of O.C.G.A. 48-8-111 which permits use of special county one percent sales and use tax proceeds to retire certain previously incurred county general obligation debt.
U86-33	Opinion concerns whether Magistrate Court of Rockdale County is required to make remittances to POAB Fund and Sheriff's Retirement Fund.	Statutory changes affect advice given in prior opinion. See Op. Att'y Gen. U87-12.
87-18	Opinion relates to political action committees.	Op. Att'y Gen. 89-54 controls in case of contrary conclusion.



U87-28	Opinion states that exemption from requirements is limited to those times while engaged in the pursuit of official duties.	1988 Ga. Laws 472, sec. 1 extended the exemption to those employed full-time, or if not employed full-time, while in pursuit of official duties. 1994 Ga. Laws 547, sec. 2 provides that the exemption is applicable to persons employed in the offices listed. Op. Att’y Gen. U97-13 recognizes that the exemption is no longer limited to the performance of official duties.
88-24	Relates to Boiler and Pressure Vessel Safety Act (O.C.G.A. 34-11-7) reference to vessels inspected in accordance with O.C.G.A. 34-11-10.	Statutory changes affect advice so that opinion is no longer applicable, and statute should be applied as presently written.
U88-31	Salary for assistant district attorney.	Service as D.A. used in calculating salary of assistant. Op. Att’y Gen. U90-11; Ga. Laws 1990, p. 1235.
U89-20	Relates to confidentiality provisions of the First Offender Act.	Statutory changes affect advice given in prior opinions. See 1991 Op. Att’y Gen. U91-5.
U89-29	Relates to confidentiality provisions of the First Offender Act.	Statutory changes affect advice given in prior opinions. See 1991 Op. Att’y Gen. U91-5.
90-5	Opinion made obsolete by change in statute. Opinion states that social security numbers must be on voter registration cards and are subject to disclosure.	O.C.G.A. 21-2-225(b) makes other voter registration information available for public inspection but not social security numbers.

90-38	Opinion concluded, in part, that a menorah, a religious symbol, left unattended for a period of days in front of the Capitol, a core government building, could convey an impermissible message of state endorsement of religion, in violation of the Establishment Clause.	<i>Chabad Lubavitch of Ga. v. Harris</i> , 752 F. Supp. 1063 (N.D. Ga. 1990) (upholding a different basis for prohibiting outdoor Capitol display – a content-neutral policy precluding any object from being left on Capitol grounds); <i>Chabad Lubavitch of Ga. v. Miller</i> , 5 F.3d 1383 (11th Cir. 1993) (en banc), held, as to the display of the menorah inside the Capitol Rotunda, that display of a religious symbol in a designated public forum, where private speech was allowed on an equal access basis, did not violate the Establishment Clause; the location of the display in a core government building did not necessarily send a message of state endorsement, as the state was merely permitting speech to take place in a content-neutral manner; the state could take the further step of informing the public that speech in a public forum does not enjoy state endorsement.
91-28	Relates to authority of the Adjutant General over the State Defense Force.	Withdrawn and superseded by 1992 Op. Att’y Gen. 92-2.
92-26	Relates to contributions made by candidate or candidate’s family to candidate’s campaign.	O.C.G.A. 21-5-41(c) codifies Opinion’s conclusion and broadens dollar limit exclusion to include contributions from candidate’s family.

93-11	Opinion concludes that referring patients for magnetic resonance imaging is not within the scope of the practice of chiropractors in Georgia.	Superseded by Op. Att’y Gen. U06-1 as a result of a change in the law. Referral for magnetic resonance imaging is authorized if needed to determine appropriate chiropractic care or for treatment for or evaluation of conditions which are outside the scope of practice of the chiropractor, assuming the referral is otherwise prudent and proper.
94-18	Opinion provides that funds held by banks to pay outstanding certified and official checks are not subject to service charges before being reported as unclaimed property.	<i>First Union Nat. Bank v. Collins</i> , 221 Ga. App. 442 (1996), held that service charges imposed on dormant official and certified checks were “lawful charges” under O.C.G.A. 44-12-193, governing unclaimed property.
02-5	Opinion concludes that federal forfeiture funds may not be used to pay the salaries, including overtime pay and other benefits, of law enforcement officers.	Based upon an intervening change in the law in 2015, 2016 Op. Att’y Gen. 2016-3 withdraws the former opinion to the extent it is inconsistent with recently-enacted O.C.G.A. § 9-16-21 and holds that if federal law and regulations or guidelines permit the use of federal forfeiture proceeds for overtime pay Georgia law now permits such use.
02-7	Opinion updates crimes and offenses for which the Georgia Crime Information Center is authorized to collect and file fingerprints.	Op. Att’y Gen. 03-3 includes consideration of a crime, O.C.G.A. § 40-6-15 (Supp. 2002), not presented in the original request and supersedes Op. Att’y Gen. 02-07. In all other respects the opinions are the same.