

Representative Hall, Atlanta, Georgia

Tuesday, March 1, 2011

Twenty-First Legislative Day

The House met pursuant to adjournment at 10:00 o'clock, A.M., this day and was called to order by the Speaker.

Prayer was offered by Reverend Dr. Peter Vivenzio, First Baptist Church, Brunswick, Georgia.

The members pledged allegiance to the flag.

Representative Davis of the 109th, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

By unanimous consent, the reading of the Journal was dispensed with.

The Journal was confirmed.

By unanimous consent, the following was established as the order of business during the first part of the period of unanimous consents:

1. Introduction of Bills and Resolutions.
2. First reading and reference of House Bills and Resolutions.
3. Second reading of Bills and Resolutions.
4. Reports of Standing Committees.
5. Third reading and passage of Local uncontested Bills.
6. First reading and reference of Senate Bills and Resolutions.

Pursuant to HR 389, the House commended the Will to Live Foundation and invited the Trautwein family to be recognized by the House of Representatives.

By unanimous consent, the following Bills and Resolutions of the House were introduced, read the first time and referred to the Committees:

HB 393. By Representative Allison of the 8th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Hiawassee ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 394. By Representatives Hamilton of the 23rd, Powell of the 171st, Riley of the 50th, Powell of the 29th, Baker of the 78th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation pursuant to an application by 100 percent of the landowners, so as provide for deannexation of property previously annexed; to provide for procedures, conditions, and limitations; to require a plan for services by municipalities prior to annexation; to provide for the appointment of a special master; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 395. By Representative Yates of the 73rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state purchasing, so as to provide for a specified preference for qualified business enterprises owned and controlled by disabled veterans in awarding certain types of state contracts; to define certain terms; to provide for determination of such preference; to provide for terms and conditions; to provide for qualification and certification of such business enterprises; to provide for certain offenses and punishments; to provide for rules and regulations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 396. By Representatives Rice of the 51st, Marin of the 96th, Coleman of the 97th, Sheldon of the 105th, Casas of the 103rd and others:

A BILL to be entitled an Act to incorporate the City of Peachtree Corners; to provide a charter; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for other matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 397. By Representatives Powell of the 171st, Bearden of the 68th, Powell of the 29th, Greene of the 149th, Baker of the 78th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to comprehensively revise the provisions of law regarding open meetings and open records; to provide definitions relating to open meetings; to provide for the manner of closing meetings; to provide for open meetings; to provide for remedies for improperly closing meetings; to provide for exceptions and exemptions; to provide for sanctions; to provide for related matters; to conform certain cross references; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 398. By Representatives Fludd of the 66th, Bruce of the 64th, Jones of the 44th and Taylor of the 55th:

A BILL to be entitled an Act to amend an Act providing in Fulton County a system for pension and retirement pay to teachers and employees of the Board of Education of Fulton County, approved February 2, 1945 (Ga. L. 1945, p. 528), as amended, particularly by an Act approved May 19, 2009 (Ga. L. 2009, p. 4004), so as to correct certain typographical errors; to amend certain provisions so as to comply with the federal Uniformed Services Employment and Reemployment Rights Act of 1994 and the federal Heroes Earnings Assistance and Relief Tax Act of 2008; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 399. By Representatives Powell of the 171st, Knight of the 126th and Jacobs of the 80th:

A BILL to be entitled an Act to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to require the registration with the Secretary of State of the names and addresses of persons having responsibility for managing the business of limited partnerships and limited liability companies; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 400. By Representatives Neal of the 1st, McCall of the 30th, Burns of the 157th, Rogers of the 26th, Dickson of the 6th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to water resources, so as to exempt water withdrawals from a certain portion of the Tennessee River basin from restrictions on interbasin transfers of water; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 408. By Representatives Spencer of the 180th, Rynders of the 152nd, Watson of the 163rd, Cooper of the 41st, Hembree of the 67th and others:

A BILL to be entitled an Act to provide a short title; to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health of students, so as to require automated external defibrillators in all schools; to require certain trained personnel in such schools; to provide for certain reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 409. By Representative Maddox of the 172nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 50 of Title 43 of the Official Code of Georgia Annotated, relating to licensing and registration of veterinarians and veterinary technicians, so as to revise certain provisions as to the application for a license to practice veterinary medicine; to provide for a waiver under certain circumstances; to revise certain provisions as to the scheduling and administration of examinations for veterinary technicians; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

- HB 410. By Representatives Coleman of the 97th, Clark of the 98th, Brockway of the 101st and Sheldon of the 105th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create a new charter for the City of Suwanee," approved April 9, 1999 (Ga. L. 1999, p. 3729), as amended, so as to provide that the term of any elected city official shall be declared vacant upon the occupant of such office qualifying for election to another office; to provide that municipal officers shall be elected by majority vote; to provide for applicability; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

- HB 411. By Representatives Fludd of the 66th, Jordan of the 77th and Abdul-Salaam of the 74th:

A BILL to be entitled an Act to provide that future elections for the office of judge of the probate court of Fayette County shall be nonpartisan elections; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

- HB 412. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-7-40.12 of the Official Code of Georgia Annotated, relating to tax credit for qualified research expenses, so as to remove certain limitations on the use of a tax credit for research and development by a business enterprise; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- HB 413. By Representatives Golick of the 34th, Rogers of the 26th, Hembree of the 67th, Maxwell of the 17th and Meadows of the 5th:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 33 of the Official Code of Georgia Annotated, relating to the regulation of surplus line insurance, so as to revise the surplus line insurance law in Georgia; to provide for definitions; to change provisions of the authorization of

procurement of surplus line insurance; to change certain provisions related to the duties of the broker prior to placing insurance; to revise licensing provisions for resident and nonresident surplus line producers; to change applicability provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 414. By Representatives Bearden of the 68th, Meadows of the 5th, England of the 108th, Powell of the 171st and Cheokas of the 134th:

A BILL to be entitled an Act to amend Chapter 5 of Title 6 of the Official Code of Georgia Annotated, relating to the Georgia Aviation Authority, so as to revise the duties of the Georgia Aviation Authority; to provide for the transfer of certain personnel, aircraft, and other assets from the Georgia Aviation Authority to the Department of Public Safety; to provide for related matters; to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to transfer certain personnel, assets, and liabilities of the Georgia Aviation Authority to the Department of Public Safety; to provide the department with certain authority and duties with regard to aviation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

HB 415. By Representatives Atwood of the 179th, Willard of the 49th, Benfield of the 85th, Lindsey of the 54th and Maddox of the 127th:

A BILL to be entitled an Act to amend Titles 15, 16, 21, 40, 45, and 50 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, elections, motor vehicles and traffic, public officers and employees, and state government, respectively, so as to provide for a modernized and uniform system of compiling, creating, maintaining, and updating jury lists in this state; to modernize terminology in Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries; to remove nonmechanical procedures relative to selecting persons for jury service; to amend the Official Code of Georgia Annotated so as to conform provisions to the new Chapter 12 of Title 15 and correct cross-references; to provide for related matters; to provide for a contingent effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 423. By Representatives Purcell of the 159th and Stephens of the 164th:

A RESOLUTION celebrating the life of Hugh Carroll Butler and dedicating a bridge in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 424. By Representatives Neal of the 1st, McCall of the 30th, Burns of the 157th, Rogers of the 26th, Dickson of the 6th and others:

A RESOLUTION urging the performance of a feasibility study of the withdrawal, storage, and distribution of waters from a certain portion of the Tennessee River basin; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 425. By Representatives Neal of the 1st, Walker of the 107th, Mills of the 25th, Collins of the 27th, Clark of the 98th and others:

A RESOLUTION proposing an amendment to the Constitution, in a manner consistent with the United States Constitution, so as to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or indirectly, for the provision of such services; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary.

HR 426. By Representatives Heard of the 114th, Wilkinson of the 52nd, Hugley of the 133rd, McCall of the 30th, Abrams of the 84th and others:

A RESOLUTION creating the House Study Committee on Procurement Policies of Georgia Departments and Agencies Regarding Businesses Owned by Minorities and Women; and for other purposes.

Referred to the Committee on State Institutions & Property.

By unanimous consent, the rules were suspended in order that the following Bills and Resolution of the House could be introduced, read the first time and referred to the Committees:

HB 426. By Representatives Jerguson of the 22nd, Cooper of the 41st, Purcell of the 159th, Buckner of the 130th and Dempsey of the 13th:

A BILL to be entitled an Act to amend Code Section 43-26-3 of the Official Code of Georgia Annotated, relating to definitions relative to the "Georgia Registered Professional Nurse Practice Act," so as to revise a definition; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 427. By Representatives Rice of the 51st, Black of the 174th, Jacobs of the 80th, Lindsey of the 54th, Purcell of the 159th and others:

A BILL to be entitled an Act to amend Article 15 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to serious traffic offenses, so as to provide that a person convicted for the first time of driving under the influence of alcohol or drugs may be ordered to have a certified ignition interlock device installed and maintained; to provide that failure to do so shall result in a three-year suspension of such person's driving privileges; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 428. By Representatives Jacobs of the 80th and Taylor of the 79th:

A BILL to be entitled an Act to amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, so as to provide an additional method of annexation for certain municipalities; to provide for procedures; to provide for related matters; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 429. By Representatives Powell of the 171st, Meadows of the 5th, Martin of the 47th, Holmes of the 125th, Harrell of the 106th and others:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide for comprehensive regulation of local government infrastructure financing; to provide for a short title; to provide for legislative purposes; to provide for definitions; to create the Local Government Infrastructure Financing Authority and the County Infrastructure Financing Authority; to provide for members, qualifications, officers, meetings, and procedures; to provide for powers, duties, and authority of each authority; to provide for related matters;

to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 430. By Representatives Austin of the 10th, Hatfield of the 177th, Jerguson of the 22nd, Dutton of the 166th, Benton of the 31st and others:

A BILL to be entitled an Act to establish the "Fair and Orderly Administration of Capital Punishment Act"; to amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to habeas corpus procedure for persons under sentence of state court of record, so as to provide time frames for filing briefs and orders in petitions challenging for the first time state court proceedings resulting in a death sentence; to change certain provisions relating to petitions challenging for the first time state court proceedings resulting in a death sentence; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HR 457. By Representatives Hatfield of the 177th and Black of the 174th:

A RESOLUTION honoring the service of Sergeant Jerry Bagley and dedicating a bridge in his honor; and for other purposes.

Referred to the Committee on Transportation.

By unanimous consent, the following Bills and Resolutions of the House and Senate were read the second time:

HB 357	HB 358
HB 359	HB 360
HB 361	HB 362
HB 363	HB 364
HB 365	HB 366
HB 368	HB 369
HB 370	HB 371
HB 372	HB 373
HB 374	HB 375
HB 376	HB 377
HB 378	HB 379
HB 380	HB 381

HB 382	HB 383
HB 384	HB 385
HB 386	HB 387
HB 388	HB 389
HB 390	HB 391
HB 392	HB 401
HB 402	HB 403
HB 404	HB 405
HB 406	HB 407
HR 407	HR 408
HR 419	HR 420
HR 421	HR 422
SB 8	SB 17
SR 20	

Representative Rice of the 51st District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 127	Do Pass, by Substitute	HB 205	Do Pass
HB 224	Do Pass, by Substitute	HB 253	Do Pass
HB 269	Do Pass, by Substitute	HB 309	Do Pass, by Substitute

Respectfully submitted,
/s/ Rice of the 51st
Chairman

The following Resolutions of the House, referred to the House Rules Subcommittee on Invites, were reported by the Committee on Rules with the following recommendations:

HR 427	Do Pass
HR 428	Do Pass
HR 432	Do Pass
HR 434	Do Pass

Pursuant to HR 427, the House congratulated the 2010 Milton High School girls lacrosse team on winning their fifth State Championship in six years and invited them to be recognized by the House of Representatives.

Pursuant to HR 434, the House recognized March 1, 2011, as Columbus Day at the state capitol and invited Mayor Teresa Tomlinson, Mr. Carmen Cavezza, Mr. Mike Gaymon, and Mr. Bob Jones to be recognized by the House of Representatives.

Pursuant to HR 428, the House congratulated the 2010 Milton High School boys lacrosse team on its 2010 GHSA Class AAAAA State Championship and invited them to be recognized by the House of Representatives.

The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
TUESDAY, MARCH 1, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 21st Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HB 80	Annexation of territory; unincorporated islands; repeal (Substitute)(GAff-Hamilton-23rd)
HB 173	Teachers; expungement of records; revise provisions (Ed-Coleman-97th)
HB 279	Motor vehicles; use of child restraint systems; increase age (MotV-Powell-29th)
HR 95	Conveyance of certain property; Appling, Burke, Toombs, Upson, and other counties; authorize (Substitute)(SI&P-Neal-1st)

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The following message was received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

The Senate has passed by the requisite constitutional majority the following bills of the Senate:

SB 58. By Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Jackson of the 24th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relating to indemnification for the death or disability of a state highway employee; to provide a short title; to provide for the intent and authority of the General Assembly; to provide for applicability; to repeal conflicting laws; and for other purposes.

SB 64. By Senators McKoon of the 29th, Millar of the 40th, Shafer of the 48th, Rogers of the 21st, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to change the amount of fees and penalties for application for reinstatement for corporations, nonprofit corporations, and limited liability companies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 94. By Senators Heath of the 31st, Seabaugh of the 28th, Mullis of the 53rd and Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Code Section 16-11-125.1 of the Official Code of Georgia Annotated, relating to definitions relative to the carrying and possession of firearms, so as to change certain definitions; to repeal conflicting laws; and for other purposes.

SB 95. By Senators Carter of the 1st, Grant of the 25th, Mullis of the 53rd and Murphy of the 27th:

A BILL to be entitled an Act to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, so as to provide for the authority to investigate the employment history of an applicant applying for appointment or certification as a peace officer; to provide immunities relating thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has passed by the requisite constitutional majority the following bill of the House:

HB 207. By Representative Walker of the 107th:

A BILL to be entitled an Act to provide a new charter for the City of Grayson, Georgia amending an Act creating the City of Grayson, Georgia approved December 16, 1901 (Ga. L. 1901, P. 662), as amended; to provide for incorporation, boundaries, and powers of the city, both specific and general; to provide for construction of powers, exercise of powers and ordinances of the city; to provide the ability to sue and be sued; to provide for the governing authority of such city, the terms of office, qualification for office, the creation of vacancies, and the filling of vacancies in office; to provide for compensation of members of the governing authority; to provide prohibitions for elected officials; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bills of the Senate were read the first time and referred to the Committees:

SB 58. By Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Jackson of the 24th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relating to indemnification for the death or disability of a state highway employee; to provide a short title; to provide for the intent and

authority of the General Assembly; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 64. By Senators McKoon of the 29th, Millar of the 40th, Shafer of the 48th, Rogers of the 21st, Crosby of the 13th and others:

A BILL to be entitled an Act to amend Title 14 of the Official Code of Georgia Annotated, relating to corporations, partnerships, and associations, so as to change the amount of fees and penalties for application for reinstatement for corporations, nonprofit corporations, and limited liability companies; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 94. By Senators Heath of the 31st, Seabaugh of the 28th, Mullis of the 53rd and Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Code Section 16-11-125.1 of the Official Code of Georgia Annotated, relating to definitions relative to the carrying and possession of firearms, so as to change certain definitions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 95. By Senators Carter of the 1st, Grant of the 25th, Mullis of the 53rd and Murphy of the 27th:

A BILL to be entitled an Act to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, so as to provide for the authority to investigate the employment history of an applicant applying for appointment or certification as a peace officer; to provide immunities relating thereto; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

The following members were recognized during the period of Morning Orders and addressed the House:

Representatives Maxwell of the 17th, McKillip of the 115th, Parent of the 81st, Geisinger of the 48th, and Atwood of the 179th.

The following Resolution of the House was read and referred to the Committee on Rules:

HR 450. By Representative Harden of the 147th:

A RESOLUTION commending the YMCA of Georgia's Youth Assembly and inviting the Youth Assembly's governor, lieutenant governor, speaker of the house, and the president pro tempore to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 451. By Representatives Bruce of the 64th, Fludd of the 66th, Long of the 61st, Williams of the 89th, Pruett of the 144th and others:

A RESOLUTION recognizing and commending Richard E. and Sarah E. Wood on the occasion of their 50th wedding anniversary; and for other purposes.

HR 452. By Representatives Allison of the 8th, Collins of the 27th and Maddox of the 127th:

A RESOLUTION commending the faculty, staff, students, and Board Chairman Dr. Michael C. Markovitz of Atlanta's John Marshall Law School; and for other purposes.

HR 453. By Representatives Smyre of the 132nd, Buckner of the 130th, Hugley of the 133rd, Smith of the 131st and Smith of the 129th:

A RESOLUTION recognizing and commending Mr. Larry Sanders on the occasion of his retirement; and for other purposes.

HR 454. By Representatives Teasley of the 38th, Cooper of the 41st, Evans of the 40th and Wilkerson of the 33rd:

A RESOLUTION congratulating MetroAtlanta Ambulance Service; and for other purposes.

HR 455. By Representatives Dudgeon of the 24th and Hamilton of the 23rd:

A RESOLUTION recognizing and commending Tyler Everton; and for other purposes.

HR 456. By Representative Allison of the 8th:

A RESOLUTION recognizing and commending Nate Flory; and for other purposes.

The roll was called and the following Representatives answered to their names:

Abdul-Salaam	Davis	Hatfield	Marin	Scott, S
Abrams	Dawkins-Haigler	Heard	Martin	Setzler
Allison	Dempsey	Heckstall	Maxwell	Shaw
Amerson	Dickerson	Hembree	McBrayer	Sheldon
Anderson	Dickey	Henson	McCall	Sims, B
Ashe	Dickson	Hill	McKillip	Sims, C
Atwood	Dobbs	Holcomb	Meadows	Smith, E
Austin	Dollar	Holmes	Mills	Smith, K
Baker	Drenner	Holt	Mitchell	Smith, L
Battles	Dudgeon	Horne	Morgan	Smith, R
Bearden	Dukes	Houston	E Mosby	Smith, T
Beasley-Teague	Dutton	Howard	Murphy	Smyre
Bell	Ehrhart	Huckaby	Neal, J	Spencer
Benfield	England	Hudson	Neal, Y	Stephens, M
Benton	Epps, C	Hugley	Nimmer	Stephenson
Black	Epps, J	Jackson	Nix	Talton
Braddock	Evans	Jacobs	Oliver	Tankersley
Brockway	Floyd	James	O'Neal	Taylor, D
Brooks	Fludd	Jasperse	Pak	Taylor, T
Bruce	Franklin	Jerguson	Parsons	Teasley
Bryant	Frazier	Johnson	Peake	Thomas
Buckner	E Fullerton	Jones, J	Powell, A	Tinubu
Burns	Gardner	Jones, S	Powell, J	Walker
Byrd	Geisinger	Kaiser	Pruett	Watson
Carter	Golick	Kendrick	Purcell	Welch
Casas	Gordon	Kidd	Ramsey	Wilkerson
Channell	Greene	Knight	Randall	Wilkinson
Cheokas	E Hamilton	Lane	Reece	Willard
Clark, J	Hanner	Lindsey	Rice	Williams, A
Clark, V	Harbin	Long	Riley	Williams, E
Coleman	Harden, B	Lucas	Roberts	Williams, R
Collins	E Harden, M	Maddox, B	Rogers	Williamson
Cooke	Harrell	Maddox, G	Rynders	Yates
Coomer	Hatchett	Manning	Scott, M	Ralston, Speaker
Crawford				

The following members were off the floor of the House when the roll was called:

Representatives Cooper of the 41st, Jordan of the 77th, Morris of the 155th, Parrish of the 156th, and Stephens of the 164th.

They wished to be recorded as present.

Due to a mechanical malfunction, Representatives Mayo of the 91st and Parent of the 81st were not recorded on the attendance roll call. They wished to be recorded as present.

By unanimous consent, the following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 335. By Representative Parent of the 81st:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change certain provisions relating to tax levies; to change certain provisions relating to elections; to change certain provisions relating to notice of candidacy; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	Y McCall	N Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	N Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	E Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Baker	Y Drenner	N Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	Y Dukes	Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	N Dutton	Y Hudson	Y Neal, J	N Spencer
Y Bell	Y Ehrhart	Y Hugley	Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	N Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	N Franklin	Y Jones, J	Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	E Fullerton	Jordan	Y Peake	Y Thomas

Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	E Hamilton	Y Lindsey	Y Randall	Y Wilkerson
N Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	N Harbin	Y Lucas	Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	E Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	N Manning	N Rogers	Y Williams, R
N Coomer	Y Hatchett	Y Marin	Y Rynders	Williamson
Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 146, nays 15.

The Bill, having received the requisite constitutional majority, was passed.

Representative Austin of the 10th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Brockway of the 101st and Teasley of the 38th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

House of Representatives
401 Paul D. Coverdell Legislative Office Building
Atlanta, Georgia 30334

March 1, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 335 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The following Resolutions of the House, favorably reported by the Committee on Rules, were read and adopted:

HR 427. By Representatives Martin of the 47th, Jones of the 46th, Riley of the 50th, Wilkinson of the 52nd, Lindsey of the 54th and others:

A RESOLUTION congratulating the 2010 Milton High School girls lacrosse team on winning their fifth State Championship in six years and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 428. By Representatives Martin of the 47th, Jones of the 46th, Riley of the 50th, Wilkinson of the 52nd, Lindsey of the 54th and others:

A RESOLUTION congratulating the 2010 Milton High School boys lacrosse team on its 2010 GHSA Class AAAAA State Championship and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 432. By Representatives Cooper of the 41st, Jacobs of the 80th, Peake of the 137th, Smith of the 70th, Rynders of the 152nd and others:

A RESOLUTION commending the Cherokee Rose Foundation and proclaiming February, 2011, Cancer Screening and Early Detection Month in Georgia and inviting the Cherokee Rose Foundation to be recognized by the House of Representatives; and for other purposes.

HR 434. By Representatives Smyre of the 132nd, Smith of the 131st, Hugley of the 133rd, Buckner of the 130th and Smith of the 129th:

A RESOLUTION recognizing March 1, 2011, as Columbus Day at the state capitol and inviting Mayor Teresa Tomlinson, Mr. Carmen Cavezza, Mr. Mike Gaymon, and Mr. Bob Jones to be recognized by the House of Representatives; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Governmental Affairs:

HB 124. By Representatives Hamilton of the 23rd, Powell of the 171st, Powell of the 29th, Amerson of the 9th, Tankersley of the 158th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to procedure for resolving

annexation disputes, so as to revise the compensation for members of the arbitration panel; to provide for related matters; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Agriculture & Consumer Affairs:

HB 125. By Representatives Dickson of the 6th, England of the 108th and Burns of the 157th:

A BILL to be entitled an Act to amend Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission, so as to change certain provisions relating to commission meetings; to repeal an automatic termination provision; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Health & Human Services:

HB 147. By Representatives Watson of the 163rd, Cooper of the 41st, Ramsey of the 72nd, Hatchett of the 143rd and Pak of the 102nd:

A BILL to be entitled an Act to amend Chapter 34A of Title 43 of the Official Code of Georgia Annotated, the "Patient Right to Know Act of 2001," so as to include information as to whether a physician has medical malpractice insurance as part of the physician profile; to provide that a patient has the right to inquire as to whether the physician carries medical malpractice insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Banks & Banking:

HB 239. By Representatives Morris of the 155th, Harden of the 28th and Nix of the 69th:

A BILL to be entitled an Act to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide the Department of Banking and Finance the power to require dissolution of a financial institution; to provide for the effect of failure to maintain five members on a board of directors; to provide for

service on a credit committee by a director of a credit union in certain cases; to provide for the payment of a P.O.D. account to an incorporated entity; to provide for penalties for making false statements; to provide that certain attorneys must be licensed to practice law in Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Insurance:

HB 167. By Representatives Davis of the 109th, Maxwell of the 17th, Rogers of the 26th, Meadows of the 5th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for changes in the definitions of the terms "group accident and sickness insurance" and "true association"; to provide a short title; to provide certain definitions; to include plan administrators in prompt pay requirements; to provide for penalties; to provide an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Health & Human Services:

HB 227. By Representatives Clark of the 98th, Cooper of the 41st, Wilkinson of the 52nd, Clark of the 104th, Evans of the 40th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to provide for statutory construction relating to a law authorizing a student to carry and self-administer auto-injectable epinephrine; to provide for local board of education policies authorizing school personnel to administer auto-injectable epinephrine to students who are having an anaphylactic adverse reaction; to provide for a definition; to provide for information and training; to provide for immunity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bills and Resolution of the House were taken up for consideration and read the third time:

HB 279. By Representatives Powell of the 29th, Rice of the 51st, Meadows of the 5th, Cooper of the 41st, Abrams of the 84th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 40 of the Official Code of Georgia Annotated, relating to equipment and inspection of motor vehicles, so as to increase age requirements for use of child restraint systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	N Davis	Y Heckstall	Y Mayo	N Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	N McCall	Y Sheldon
Y Amerson	Y Dickerson	N Hill	Y McKillip	Y Sims, B
Y Anderson	N Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	N Holmes	N Mills	N Smith, E
N Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	N Dudgeon	N Howard	E Mosby	Y Smith, T
N Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	N Dutton	Y Hudson	Y Neal, J	N Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	N Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	N Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
N Braddock	Y Evans	N Jasperse	Y O'Neal	Y Tankersley
N Brockway	Y Floyd	N Jerguson	Y Pak	Y Taylor, D
N Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	N Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	N Teasley
Y Buckner	E Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
N Byrd	Y Geisinger	Y Kendrick	Y Powell, J	N Walker
Y Carter	Y Golick	Y Kidd	N Pruett	Y Watson
N Casas	Y Gordon	Y Knight	Y Purcell	N Welch
Y Channell	Y Greene	N Lane	Y Ramsey	N Weldon
Y Cheokas	E Hamilton	Y Lindsey	Y Randall	Y Wilkerson
N Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	N Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	N Riley	Y Williams, A
E Collins	E Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
N Cooke	N Harrell	Y Manning	Y Rogers	Y Williams, R
N Coomer	Y Hatcher	Y Marin	N Rynders	N Williamson
Y Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 129, nays 43.

The Bill, having received the requisite constitutional majority, was passed.

HR 95. By Representatives Neal of the 1st, Greene of the 149th, Jerguson of the 22nd, Buckner of the 130th, Davis of the 109th and others:

A RESOLUTION authorizing the conveyance of certain State owned real property located in Appling County, Georgia; authorizing the exchange of certain state owned real property in Burke County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Toombs County, Georgia; authorizing the conveyance of certain state owned real property located in Upson County; to provide an effective date; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Authorizing the conveyance of certain State owned real property located in Appling County, Georgia; authorizing the exchange of certain state owned real property in Burke County, Georgia; authorizing the leasing of certain state owned real property located in Calhoun County, Georgia; authorizing the conveyance of certain state owned real property located in Carroll County, Georgia; authorizing the conveyance of certain state owned real property located in Colquitt County, Georgia; authorizing the conveyance or leasing of certain state owned real property located in DeKalb County, Georgia; authorizing the leasing of certain state owned real property in Fulton County, Georgia; authorizing the conveyance of certain state owned real property located in Haralson County, Georgia; authorizing the conveyance of certain state owned real property located in Lowndes County, Georgia; authorizing the sale of certain state owned real property located in Monroe County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Stephens County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Toombs County, Georgia; authorizing the conveyance of certain state owned real property located in Upson County; to provide an effective date; and for other purposes.

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Appling County, Georgia;
- (2) Said real property is all that tract or parcel lying and being in Land Lots 191 and 234 of the 2nd Land District and Georgia Militia District 1297 of Appling County and containing approximately 2.74 acres along State Route 15 and is more particularly described on a plat of survey highlighted in yellow entitled "Right-of-Way Plan for

Georgia Department of Transportation" last revised on July 14, 2008, and being on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said property is under the custody of the State Forestry Commission;

(4) The Department of Transportation is improving the road as a portion of Project EDS-545(28), P.I. 522300, Parcel 45;

(5) The Department of Transportation requires that the above-described property be owned in the name of the Department of Transportation and will purchase property from the state for fair market value including cost to cure any damages;

(6) The State Forestry Commission, at its meeting of February 9-10, 2009, approved the conveyance of the above-described property to the Department of Transportation; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Burke County, Georgia;

(2) Said parcel is all that tract or parcel of land lying and being in Georgia Militia District 68 of Burke County described as commencing at course L5 then continuing and including course EL1 to course R14 to the gate location then reconvening at course R24 then continuing to and ending at course R26 and containing approximately 3.3 acres, being more particularly described as a 30 foot-wide access easement on a plat of survey "Property Survey for Stuart Rackley" prepared by Warren E. Poythress, Georgia Registered Land Surveyor No. 1953, dated April 28, 2009, revised March 15, 2010, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval; and

(3) The above-described property provides access to property owned by Stuart Rackley adjacent to the Yuchi Wildlife Management Area which is under the custody of the Department of Natural Resources;

(4) Stuart Rackley is the owner of the underlying fee interest to approximately 57.86 acres on which a conservation easement to the state was conveyed on December 31, 2010, as described on the same plat;

(5) Stuart Rackley is desirous of the state conveying the above-described 3.3 acre easement in exchange for a 30 foot-wide access easement of approximately 0.7 of an acre from Stuart Rackley commencing at course R4 then continuing to course R7 then reconvening at course R14 then continuing to and ending at course R24 on the same plat, and the consideration of the value of the conservation easement conveyed to the state on December 31, 2010;

(6) Stuart Rackley and the Department of Natural Resources have reached an agreement for the exchange of easements which is advantageous to the state;

(7) The Board of Natural Resources, by resolution dated October 27, 2010, recommended the exchange of easements as described above; and

WHEREAS:

- (1) The State of Georgia is the owner of certain parcels of real property located in Calhoun County, Georgia;
- (2) Said property is all that tract or parcel of land lying and being in Lot 176th of the 1st District of Calhoun County containing 1 acre and being more particularly described in a deed recorded in the Superior Court of Calhoun County in Deed Book V Folio 431 and being on file in the offices of the State Properties Commission and more specifically described in that aerial drawing locating a Forestry tower at the intersection of Tower Drive SE and Hartford Street East in the City of Edison, Georgia, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) The above-described property is in the custody of the State Forestry Commission;
- (4) The West Georgia Consortium Housing Authority is desirous of leasing for \$10.00 a portion of the tower on the property to locate and operate a video security system through June 30, 2025, on that tower;
- (5) By resolution dated June 24, 2010, the State Forestry Commission recommended the leasing of said property; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Carroll County, Georgia;
- (2) Said real property is all that tract or parcel lying and being in Land Lot 219 of the 5th Land District of Carroll County and containing approximately 0.72 of one acre and is more particularly described on a plat of survey entitled "Right-of-Way Plan, Carroll County" last revised on March 22, 2010, and prepared by Douglas C. Crawford, Georgia Registered Land Surveyor #1833 and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said property is under the custody of the Technical College System of Georgia at West Georgia Technical College;
- (4) There is heavy traffic causing safety concerns near Olympic Road and Georgia Highway 16, which will be compounded by new buildings at West Georgia Technical College;
- (5) The Carroll County Board of Commissioners has agreed to and intends to construct and maintain a safer road, and as a condition of maintaining it requires that the above-described property be owned in the name of the Carroll County Board of Commissioners;
- (6) The State Board of Technical and Adult Education, at its meeting of November 4, 2010, approved the conveyance of the above-described property to the Carroll County Board of Commissioners for \$10.00; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Carroll County, Georgia;
- (2) Said real property is all those tracts or parcels of land having been purchased from the development authority of the City of Bowdon for \$2,000.00, lying and being in Land Lot 157 of the 9th Land District of Carroll County, Georgia, containing approximately 2.0 acres, as shown on a plat of survey entitled "State of Georgia, Department of Agriculture" dated May 16, 1994, prepared by Keck & Wood Engineers and Surveyors, approved by Ross Lynn, and on file in the offices of the State Properties Commission as Real Property Record 08701, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said tract or parcel was formerly the site of the Bowdon Poultry Lab, now under the custody of the Department of Agriculture and no longer in operation;
- (4) The City of Bowdon is desirous of acquiring the above-described property for \$2,000.00 for public purposes, specifically for operation of a free medical clinic in an economically depressed area, and on December 15, 2010, approved a resolution to that effect; and on January 14, 2011, the development authority of the City of Bowdon consented to the purchase of the property by the city;
- (5) By letter dated January 13, 2011, the Commissioner of Agriculture recommended that the above-described property be declared surplus and conveyed to the City of Bowdon for fair market value as determined by the State Properties Commission for public purpose, in this instance for operation of a free medical clinic in Bowdon; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Colquitt County, Georgia;
- (2) Said real property is all those tracts or parcels of land lying and being in Land Lot 260 of the 8th District of Colquitt County, Georgia, containing approximately 5 acres being the same property from the Colquitt County Board of Commissioners on May 14, 1962, for \$1.00 as Real Property Record 01904, and on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said tract or parcel was formerly the site of Moultrie Armory, now under the custody of the Department of Defense and no longer in operation;
- (4) The Colquitt County Board of Education is desirous of acquiring the above-described property for the public purpose of locating its kindergarten program;
- (5) By letter dated January 21, 2011, the adjutant general stated that all activities associated with the above-described property have been relocated to a new location and declared the property surplus to the needs of the department and recommended that the above-described property be conveyed to the Colquitt County Board of Education for \$10.00 to be used for public purpose; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in DeKalb County, Georgia; and
- (2) Said parcel is all that tract or parcel of land lying and being in Land Lot 79 of the 15th Land District of DeKalb County containing approximately 43 acres and being more particularly described on a drawing by the Georgia Department of Corrections titled Metro State Prison and Fleet Properties to Surplus dated February 18, 2011, and being on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval; and
- (3) The above-described property is under the custody of the Department of Corrections and known as Metro State Prison and Vehicle Repair Center; and
- (4) The Department of Corrections no longer has a need for the above-described property and has declared it surplus to its needs; and
- (5) The property will be sold or leased for the fair market value as determined by the State Properties Commission; and

WHEREAS:

- (1) The State of Georgia is the owner of certain parcels of real property located in Fulton County, Georgia;
- (2) Said property is all that tract or parcel of land lying and being in Land Lot 78th of the 14th District of Fulton County containing approximately 3 acres and being more particularly described as Tract Parcels "1," "2," and "3" on a drawing entitled "Property Breakout Sketch (Green Lot – CFHOF)" last revised February 4, 2011, and being on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) The above-described tract parcels comprise a portion of the Geo. L. Smith II Georgia World Congress Center campus which is in the custody of the Department of Economic Development and managed by the Geo. L. Smith II Georgia World Congress Center Authority through that certain management agreement dated April 8, 1974, and subsequently amended;
- (4) The State of Georgia is the owner of certain parcels of real property adjacent to the above-described property also lying and being in Land Lot 78th of the 14th District of Fulton County and being more particularly described as "Central of Georgia Railroad" which is leased to CSX Transportation under that certain lease which expires December 31, 2019, and being on file in the offices of the State Properties Commission;
- (5) The Department of Economic Development, by and through the Geo. L. Smith II Georgia World Congress Center Authority, desires to: (i) construct a new parking deck; (ii) construct a new entranceway from Marietta Street to the Geo. L. Smith II Georgia World Congress Center; (iii) extend Baker Street and abandon Foundry Street; and (iv) remodel office space in Building A of the Geo. L. Smith II Georgia

World Congress Center together with optional connecting pedestrian walkways on Tracts 1 and 2, respectively, for the enhancement of a proposed College Football Hall of Fame facility through the issuance of not more than \$10,000,000.00 in principal amount of general obligation bonds as authorized in Section 50 of the General Appropriations Act for state fiscal year 2010-2011 (Ga. L. 2010, Volume One, Book Two Appendix, p. 160 of 164, Act No. 684)[BOND # 78] from state general funds. In addition to the above bond issuance, an additional \$10,000,000.00 bond request will be made for the Fiscal Year 2012 budget;

(6) Atlanta Hall Management, Inc., desires leasing Tract 2 being approximately 1.4 acres for 30 years with four renewal options of five years each, provided that Atlanta Hall Management, Inc., maintains licensing and authorization from the National Football Foundation for operation of the College Football Hall of Fame, and provided that certain plans and specifications for the College Football Hall of Fame are approved by the state, and that the lease of the "Primary Lease Parcel" is made upon other specified stipulations and terms and conditions as more particularly set forth in the resolution:

(A) State approval through Geo. L. Smith II Georgia World Congress Center Authority of exterior design plans for the College Football Hall of Fame facility;

(B) The use of a certain number of parking spaces in the state's above-proposed parking deck;

(C) Grant of a right of first offer to Atlanta Hall Management, Inc., for a period of ten years from the commencement date of the ground lease for the lease of certain air rights above the existing parking deck structure, provided that any new lease of such air rights will be presented to the General Assembly for approval; and

(D) The granting of nonexclusive appurtenant easements for the use and enjoyment of the College Football Hall of Fame facility for the term of the lease which may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Haralson County, Georgia; and

(2) Said parcel is all that tract or parcel of land lying and being in Land Lot 230 of the 5th Section of the 7th Land District of Haralson County containing approximately 10.4 acres and being more particularly described on a plat of survey for the Department of Corrections by Cleveland S. Boutwell, Jr., Georgia Registered Land Surveyor # 1704, dated April 22, 1994, and being on file in the offices of the State Properties Commission as Real Property Record #8580; and

(3) The above-described property is under the custody of the Department of Corrections and was the West Georgia Inmate Boot Camp in Haralson County; and

(4) Haralson County is desirous of acquiring the above-described property for a public purpose; and

- (5) The Department of Corrections no longer has a need for the above-described property and has declared it surplus to its needs; and
- (6) The property will be conveyed to Haralson County for good and valuable consideration as determined by the State Properties Commission; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Lowndes County, Georgia;
- (2) Said real property is a 0.771 of an acre parcel or tract lying and being in Land Lot 76, and is described as Parcel 3 on those plans dated January 18, 2011 and entitled "State of Georgia Department of Transportation, Office: District 4 – Tifton, Utility Plan Drawing 24-002, Sheet 19 of 66" for Georgia Department of Transportation Project BR000-0000-00 (684) Lowndes County, P.I. 000684, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) The above-described property is in the custody of the Department of Agriculture and is known as the Valdosta Farmers Market;
- (4) The City of Valdosta is improving and replacing Tucker Bridge Road at Dukes Bay Canal as a portion of Georgia Department of Transportation Project BR000-0000-00 (684) Lowndes County, P.I. 000684, and Parcel 3 of the project is a state owned unused parcel of approximately 0.771 of an acre at the rear of the 28 acre Valdosta Farmers Market;
- (5) The City of Valdosta requires that the above-described property be owned in its name and will purchase property from the state for \$10.00 and cost to cure any damages;
- (6) In consideration of the improved safety and traffic resulting from the project, the Commissioner of Agriculture in a letter dated January 19, 2011, approved the conveyance of the above-described property to the City of Valdosta for \$10.00; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Monroe County, Georgia;
- (2) Said real property is all that approximately 3 acre parcel or tract lying and being in Land Lot 214 of the 6th District and described on a survey titled "Survey of Proposed Site of Georgia State Patrol Station for Monroe County" by H.C. Kendrick, Jr., Georgia Registered Land Surveyor Number 1592, dated September 9, 1969, and recorded with the June 11, 1970, deed from the Commissioners of Roads and Revenues for Monroe County in Book 85 Folio 71 in the Office of the Clerk of Superior Court of Monroe County, a copy of which is on file as Real Property Record #5041 in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

- (3) The above-described property is in the custody of the Department of Public Safety and is known as State Patrol Post 44 in Forsyth, Georgia;
- (4) The post which the county built in 1969 has outlived its useful life and the county has offered to fully finance both demolition of the current post and construction of new post facilities not to exceed a cost of \$750,000.00;
- (5) The Board of Public Safety at its November 18, 2010, meeting approved a resolution in support of the conveyance of the property to the Commissioners of Roads and Revenues for Monroe County with the stipulations that the Commissioners construct a new post to the department's specifications, not to exceed \$750,000.00, and after construction convey to the state a deed for the three improved acres with a clause of reversion to the Commissioners of Roads and Revenues for Monroe County if the property ever ceases to be used for public purpose as determined by the state;
- (6) The county and state shall enter into an agreement to construct, and in the event the General Assembly fails to authorize conveyance of the property to the county, the county shall nevertheless complete construction of the new headquarters and barracks for use by the Department of Public Safety as Georgia State Patrol Post 44;
- (7) In the event that the property is conveyed to the county and the county is legally prohibited from transferring fee simple title to the State of Georgia upon completion of construction, the county will grant the State of Georgia an estate for years until such time as fee simple title can be conveyed;
- (8) The Monroe County Commissioners approved a resolution on December 21, 2010, approving the stipulations above and that the commissioners construct a new post to the department's specifications, not to exceed \$750,000.00, and after construction convey to the state a deed for the three improved acres with a clause of reversion to the Commissioners of Roads and Revenues for Monroe County if the property ever ceases to be used for public purpose as determined by the state; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Stephens County, Georgia;
- (2) Said real property is all that tract or parcel lying and being in Georgia Militia District 267 of Stephens County described as 0.244 of an acre titled Parcel 59 on Sheet 16 of 37 of a drawing by Arcadis for the Georgia Department of Transportation entitled RIGHT OF WAY MAP, dated May 30, 2006, and being on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said property is under the custody of the State Forestry Commission as part of the 1.8 acre property known as the Stephens County District Office, which has been declared surplus and authorized in Ga. L. 2010, p. 1017 to sell by competitive bid;
- (4) The Department of Transportation is improving the S.R. 17 and 17 Alternate on the southwest side of Highway 17 west of Meadowbrook Drive in Eastanolee, Georgia,

as a portion of Project EDS-545(37) Stephens County, P.I. 122260, 0.244 of an acre Parcel 59;

(5) The Department of Transportation requires that the above-described property be owned in the name of the Department of Transportation and will purchase property from the state for fair market value including cost to cure any damages;

(6) The State Forestry Commission, at its meeting of November 2, 2010, approved the conveyance of the above-described property to the Department of Transportation; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Stephens County, Georgia;

(2) Said real property is all that tract or parcel lying and being in Georgia Militia District 440 of Stephens County and containing approximately 1.06 acres as shown on a plat of survey dated April 2, 2009, by Russell Bartlett, Registered Georgia Surveyor # 2114 for Stephens County Board of Commissioners and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval, which is a portion of that 3.99 acre property conveyed to the State of Georgia on July 2, 1968, for \$10.00 from the Board of Commissioners of Roads and Revenues of Stephens County and recorded in Deed Book 100 Pages 61-63 and Plat Book 5 Page 43 as Real Property Record #4333;

(3) Said property is under the custody of the Department of Public Safety and is known as State Patrol Post 7, such post having been constructed at the expense of Stephens County;

(4) To improve public safety, the Board of Commissioners of Stephens County desires to build a fire station on that 1.06 acre parcel, which would be 100 percent financed, constructed, and insured by the county and which would be easily accommodated without diminishing the department's use of the property;

(5) The department supports and has approved the construction and operation of such fire station and a 25 year lease of the property; consideration would be the value of the fire station improvement and increased public safety and additional improvements made in 2010 to the existing state patrol post by the county of approximately \$2,700.00;

(6) The Board of Commissioners of Stephens County approved on June 15, 2010, a resolution requesting a long-term lease of the 1.06 acres for the construction of such a fire station with those considerations;

(7) The Board of Public Safety at its meeting of June 24, 2010, approved a long-term ground lease of the 1.06 acre above-described property to the Board of Commissioners of Roads and Revenues of Stephens County for such consideration; and

WHEREAS:

- (1) The State of Georgia is the owner of two certain parcels of real property totaling 1.02 acres located in Toombs County, Georgia;
- (2) Said first parcel of such real property is all that parcel described as Parcel A ("the lease area") of land lying and being in Georgia Militia District 1823 of Toombs County containing a total of approximately 0.55 of an acre as shown on a plat of survey entitled "A New Automotive Technology Building at Southeastern Technical College" dated January 5, 2010, and prepared by Marty A. McLeod, Georgia Registered Land Surveyor. Said second parcel of such real property is all that parcel described as Parcel B (for Non-Exclusive Access) lying and being in the same district and containing a total of approximately 0.47 of an acre as shown on the same plat of survey and being on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) The State Board of Technical and Adult Education, at its meeting of February 4, 2010, approved the granting of a 25 year ground lease for \$1.00 of approximately 1.02 total acres to the Southeastern Early College and Career Academy for use as a site to construct, access, and operate a career academy on the above-described property at the Southeastern Technical College in Vidalia;
- (4) At the same meeting the board approved granting a revocable license over the two parcels of above-described property, and such request was approved by the State Properties Commission on June 18, 2010;
- (5) The Southeastern Early College and Career Academy is desirous of leasing the above-described property with access until the lease is extinguished in order to construct, access, and operate the Southeastern Early College and Career Academy. A single building is being constructed partially on lease area and on nonlease area and will cost a total of \$6,778,000.00, of which SECCA will contribute \$2,778,000.00 for the academy portion on the lease area. The remaining \$4,000,000.00 for the technical college side the building on the nonlease area will be paid from FY-2008B and 2009B bond funds established under Project No. TCSG-237, Automotive Technology Building, Southeastern Technical College, allowing students to earn credits toward both a high school diploma and a technical diploma or certificate; and

WHEREAS:

- (1) The State of Georgia is the owner of certain parcels of real property located in Toombs County, Georgia;
- (2) Said real property is both of those tracts or parcels of land lying and being in the 1536 Georgia Militia District of Toombs County, Georgia, containing approximately 2.86 acres being the same property acquired from B. K. Parker on August 15, 1956, for \$4,000.00 as Real Property Record 01334.01, and containing approximately 2.1 acres being the same property acquired from B. K. Parker on May 27, 1958, for \$1,000.00 as Real Property Record 01334.02, and on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey

prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said tract or parcel was formerly the site of Lyons Armory, now under the custody of the Department of Defense and no longer in operation;

(4) The City of Lyons is desirous of acquiring the above-described property for a sum equivalent to the outstanding general obligation bonds remaining on the project, to be used for public use, and passed a resolution on January 18, 2011, agreeing to such conditions;

(5) By letter dated January 21, 2011, the adjutant general stated that all activities associated with the above-described property have been relocated to a new location and declared the property surplus to the needs of the department and recommended that the above-described property be conveyed to the City of Lyons for the amount of outstanding general obligation bonds to be used for public purpose; and

WHEREAS:

(1) The State of Georgia is the owner of certain parcels of real property located in Upson County, Georgia;

(2) Said real property is those tracts or parcels of land lying and being in the Land Lots 219 and 224 of the 219 and 224 District of Upson County, Georgia, containing approximately 7.05 acres being the same property acquired from the City of Thomaston on March 07, 1949, for \$1.00 as Real Property Record 01369.01, and containing approximately 3.4 acres, less approximately 0.9297 of one acre taken from the aforementioned 3.4 acres parcel that was transferred back to the City of Thomaston on May 3, 1955, for \$1.00 as Real Property Record 01371, and 3.08 acres being the same property acquired from the City of Thomaston on January 18, 1955, for \$1.00 as Real Property Record 01369.02, and 0.86 acres being the same property acquired from the City of Thomaston on May 3, 1955, for \$1.00 as Real Property Record 01370, and 0.601 of an acre being the same property acquired from the Trustees of Stanford Ellington Post No. 6447, Department of Georgia on April 28, 1955, for \$1.00 as Real Property Record 01372 on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said tract or parcel was formerly the site of Thomaston Armory, now under the custody of the Department of Defense and no longer in operation;

(4) The City of Thomaston is desirous of acquiring the above-described property, to be used for public use, and passed a resolution on October 19, 2010, agreeing to such conditions;

(5) By letter dated January 21, 2011, the adjutant general stated that all activities associated with the above-described property have been relocated to a new location and declared the property surplus to the needs of the department and recommended that the above-described property be conveyed to the City of Thomaston for the amount of outstanding general obligation bonds and used for public purpose if the

Department of Defense is appropriated sufficient funding to renovate the recently relocated armory at the former Lorenzo Benn Youth Development Center.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
SECTION 1.

That the State of Georgia is the owner of the above-described real property in Appling County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Department of Transportation for a consideration of fair market value and any cost to cure damages and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 3.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution is enacted into law and approved by the State Properties Commission.

SECTION 4.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 5.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Appling County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 6.

That custody of the above-described property shall remain in the State Forestry Commission until the property is conveyed.

ARTICLE II
SECTION 7.

That the State of Georgia is the owner of the above-described real property easement in Burke County and that in all matters relating to the exchange of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 8.

That the State of Georgia acting by and through its State Properties Commission is authorized to convey the above-described property easement to Stuart Rackley in exchange for Stuart Rackley conveying to the State of Georgia a 30 foot-wide access easement of approximately 0.7 of an acre; a conservation easement on approximately 57.86 acres which was conveyed on December 31, 2010, to the State of Georgia in custody of the Department of Natural Resources; and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 9.

That the authorization in this resolution to convey the above-described easement shall expire three years after the date this resolution becomes effective.

SECTION 10.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 11.

That the exchanged easements shall be recorded by the grantee in the Superior Court of Burke County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 12.

That custody of the above-described easement shall remain in the Department of Natural Resources until the easement is conveyed.

ARTICLE III

SECTION 13.

That the State of Georgia is the owner of the above-described real property located in Calhoun County and that in all matters relating to the leasing of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 14.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease the above-described real property to the West Georgia Consortium Housing Authority through June 30, 2025, to locate and operate a video security system

for a consideration of \$10.00 and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 15.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including the execution of all necessary documents.

SECTION 16.

That the lease shall be recorded by the lessee in the Superior Court of Calhoun County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 17.

That the authorization to lease the above-described property shall expire three years after the date this resolution becomes effective.

ARTICLE IV
SECTION 18.

That the State of Georgia is the owner of the above-described real property in Carroll County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 19.

That the above-described real property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Carroll County Board of Commissioners for a consideration of \$10.00 and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 20.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution is enacted into law and approved by the State Properties Commission.

SECTION 21.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 22.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Carroll County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 23.

That custody of the above-described property shall remain in the Technical College System of Georgia until the property is conveyed.

ARTICLE V

SECTION 24.

That the State of Georgia is the owner of the above-described real property in Carroll County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 25.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Bowden for a consideration of \$2,000.00 so long as the property is used for public purpose, specifically for operation of a free medical clinic in an economically depressed area, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 26.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 27.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 28.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Carroll County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 29.

That custody of the above-described property shall remain in the Department of Agriculture until the property is conveyed.

ARTICLE VI

SECTION 30.

That the State of Georgia is the owner of the above-described real property in Colquitt County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 31.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Colquitt County Board of Education for a consideration of \$10.00 so long as the property is used for public purpose, specifically for locating its kindergarten program, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 32.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 33.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 34.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Colquitt County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 35.

That custody of the above-described property shall remain in the Department of Defense until the property is conveyed.

ARTICLE VII**SECTION 36.**

That the State of Georgia is the owner of the above-described real property in DeKalb County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 37.

That the State of Georgia acting by and through its State Properties Commission is authorized to either sell or lease the above-described property. The consideration for either the sale or lease of the property shall not be less than the fair market value as determined by the State Properties Commission to be in the best interest of the State of Georgia and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 38.

That the authorization in this resolution to sell or lease the above-described real property shall expire three years after the date that this resolution becomes effective.

SECTION 39.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such sale or lease.

SECTION 40.

That the deed of conveyance or lease shall be recorded by the grantee in the Superior Court of DeKalb County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 41.

That custody of the above-described properties shall remain in the Department of Corrections until the property is conveyed or leased.

ARTICLE VIII**SECTION 42.**

That the State of Georgia is the owner of the above-described real property located in Fulton County and that in all matters relating to the leasing of the real property and granting of appurtenant easements, the State of Georgia is acting by and through its State Properties Commission.

SECTION 43.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease and grant appurtenant easements on the above-described real properties to Atlanta Hall Management for a period of 30 years with four renewals of five years for a consideration of the economic benefit to the state as defined by the Department of Economic Development and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 44.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including, but not limited to, executing or authorizing the execution of all necessary and proper documents.

SECTION 45.

That the lease shall be recorded by the lessee in the Superior Court of Fulton County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 46.

That the authorization to lease the above-described property shall expire three years after the date this resolution becomes effective.

**ARTICLE IX
SECTION 47.**

That the State of Georgia is the owner of the above-described real property in Haralson County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 48.

That the State of Georgia acting by and through its State Properties Commission is authorized to sell the above-described property to Haralson County for good and valuable consideration as determined by the State Properties Commission to be in the best interest of the State of Georgia and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 49.

That the authorization in this resolution to sell the above-described real property shall expire three years after the date that this resolution becomes effective.

SECTION 50.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such sale.

SECTION 51.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Haralson County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 52.

That custody of the above-described properties shall remain in the Department of Corrections until the property is conveyed.

**ARTICLE X
SECTION 53.**

That the State of Georgia is the owner of the above-described real property in Lowndes County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 54.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Valdosta for a consideration of \$10.00 and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 55.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 56.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 57.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Lowndes County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 58.

That custody of the above-described property interest shall remain in the Department of Agriculture until the property is conveyed.

ARTICLE XI
SECTION 59.

That the State of Georgia is the owner of the above-described real property in Monroe County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 60.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Commissioners of Roads and Revenues for Monroe County for a consideration of \$10.00 so long as the property is used for public purpose, specifically for the demolition of the existing Georgia State Patrol post and construction of new headquarters and barracks to be used by the Department of Public Safety as Georgia State Patrol Post 44 which will then be conveyed back to the State of Georgia at no cost, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 61.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 62.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 63.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Monroe County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 64.

That custody of the above-described property shall remain in the Department of Public Safety until the property is conveyed.

ARTICLE XII**SECTION 65.**

That the State of Georgia is the owner of the above-described real property, in Stephens County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 66.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the Department of Transportation for a consideration of the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 67.

That the authorization in this resolution to convey the above-described property interest shall expire three years after the date this resolution becomes effective.

SECTION 68.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 69.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Stephens County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 70.

That custody of the above-described property interest shall remain in the State Forestry Commission until the property is conveyed.

ARTICLE XIII**SECTION 71.**

That the State of Georgia is the owner of the above-described real property located in Stephens County and that in all matters relating to the leasing of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 72.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to ground lease the above-described real property to the Board of Commissioners of Roads and Revenues of Stephens County for a period of 25 years for a consideration of improvements made to the State Patrol Post by the county in 2010 worth \$2,700.00 and value added as a result of the new fire station improvement and increase in public safety; to locating, constructing, maintaining, and operating a new fire station; and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 73.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including the execution of all necessary documents.

SECTION 74.

That the lease shall be recorded by the lessee in the Superior Court of Stephens County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 75.

That the authorization to lease the above-described property shall expire three years after the date this resolution becomes effective.

ARTICLE XIV**SECTION 76.**

That the State of Georgia is the owner of the above-described real property in Toombs County and that in all matters relating to the leasing of the approximately 0.55 of an acre of real property with nonexclusive access during the life of the lease of approximately 0.47 of an acre, the State of Georgia is acting by and through its State Properties Commission.

SECTION 77.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease the above-described real property to the Southeastern Early College and Career Academy for a period of 25 years to construct, access, and maintain the Southeastern Early College and Career Academy on the above-described property at the Southeastern Technical College for a consideration of \$1.00 and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 78.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease, including that the Southeastern Early College and Career Academy shall have the right to remove or cause to be removed from said access area only such trees and bushes as may be reasonably necessary for the proper construction, operation, and maintenance of said thoroughfare.

SECTION 79.

That this resolution does not affect and is not intended to affect any rights, powers, interest, or liability of the Department of Transportation with respect to the state highway system, of a county with respect to the county road system, or of a municipality with respect to the city street system. The grantee shall obtain any and all other required permits from the appropriate governmental agencies as are necessary for its lawful use of the easement area or public highway right of way and comply with all applicable state and federal environmental statutes in its use of the easement area.

SECTION 80.

That the lease shall be recorded by the lessee in the Superior Court of Toombs County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE XV**SECTION 81.**

That the State of Georgia is the owner of the above-described real property in Toombs County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 82.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Lyons for a consideration of a sum equivalent to the outstanding general obligation bonds remaining on the project, so long as the property is used for public purpose, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 83.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 84.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 85.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Toombs County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 86.

That custody of the above-described property shall remain in the Department of Defense until the property is conveyed.

ARTICLE XVI**SECTION 87.**

That the State of Georgia is the owner of the above-described real property in Upson County and that in all matters relating to the conveyance of the real property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 88.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Thomaston for a consideration of a sum equivalent to the outstanding general obligation bonds remaining on the project, so long as the property is used for public purpose, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 89.

That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 90.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 91.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Upson County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 92.

That custody of the above-described property shall remain in the Department of Defense until the property is conveyed.

ARTICLE XVII**SECTION 93.**

That this resolution shall become effective as law upon its approval by the Governor or upon its becoming law without such approval.

ARTICLE XVIII**SECTION 94.**

That all laws and parts of laws in conflict with this resolution are repealed.

The report of the Committee, which was favorable to the adoption of the Resolution, by substitute, was agreed to.

On the adoption of the Resolution, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	E Fullerton	Y Jordan	Y Peake	Y Thomas

Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Weldon
Y Cheokas	E Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	E Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 169, nays 2.

The Resolution, having received the requisite constitutional majority, was adopted, by substitute.

The Speaker Pro Tem assumed the Chair.

HB 173. By Representatives Coleman of the 97th, Casas of the 103rd, Nix of the 69th, Ashe of the 56th, Clark of the 104th and others:

A BILL to be entitled an Act to amend Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards for teachers, so as to revise provisions relating to expungement of records; to provide for related matters; to repeal conflicting laws; and for other purposes.

The report of the Committee, which was favorable to the passage of the Bill, was agreed to.

On the passage of the Bill, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M

Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Jerguson	Y Pak	N Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	E Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Ramsey	Weldon
Y Cheokas	E Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	E Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 1.

The Bill, having received the requisite constitutional majority, was passed.

HB 80. By Representatives Hamilton of the 23rd, Sheldon of the 105th, Holt of the 112th, Powell of the 29th, Rice of the 51st and others:

A BILL to be entitled an Act to amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, so as to repeal Article 6, relating to annexation of unincorporated islands; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, so as to repeal Article 6, relating to annexation of unincorporated islands; to provide a definition; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to annexation of territory, is amended by repealing Article 6, relating to annexation of unincorporated islands.

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 36-36-4, relating to the prohibition on the creation of unincorporated islands, as follows:

"(b) When requested by resolution of the county governing authority, a municipality is authorized to provide any service or exercise any function within an unincorporated island. Such authority shall be in addition to any other authority of the municipality to provide extraterritorial services or functions. For purposes of this subsection, 'unincorporated island' ~~shall have the same meaning as contained in paragraph (3) of Code Section 36-36-90~~ means:

(A) An unincorporated area in existence on January 1, 1991, with its aggregate external boundaries abutting the annexing municipality;

(B) An unincorporated area in existence as of January 1, 1991, with its aggregate external boundaries abutting any combination of the annexing municipality and one or more other municipalities; or

(C) An unincorporated area in existence as of January 1, 1991, which the county governing authority has by resolution adopted not later than 90 days following July 1, 1992, that identifies any unincorporated area of the county to which the county has no reasonable means of physical access for the provision of services otherwise provided by the county governing authority solely to the unincorporated area of the county."

SECTION 3.

This Act shall become effective on January 1, 2013.

SECTION 4.

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

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

On the passage of the Bill, by substitute, the roll call was ordered and the vote was as follows:

Y Abdul-Salaam	Y Davis	N Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C

Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	N Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Jones, J	Y Parrish	Y Taylor, T
N Bryant	Y Frazier	Y Jones, S	Y Parsons	E Teasley
Y Buckner	E Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	N Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Weldon
Y Cheokas	E Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	E Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 6.

The Bill, having received the requisite constitutional majority, was passed, by substitute.

The following report of the Committee on Rules was read and adopted:

HOUSE SUPPLEMENTAL RULES CALENDAR
TUESDAY, MARCH 1, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 21st Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HB 326 HOPE program; comprehensive revisions; provide (Substitute)(App-Collins-27th) (AM# 33 1002) (AM# 33 1003)

Structured Rule

None

Bills and Resolutions on this calendar may be called in any order the Speaker desires.

Respectfully submitted,
/s/ Meadows of the 5th
Chairman

The Speaker assumed the Chair.

Under the general order of business, established by the Committee on Rules, the following Bill of the House was taken up for consideration and read the third time:

HB 326. By Representatives Collins of the 27th, Ralston of the 7th, Jones of the 46th, Abrams of the 84th, O`Neal of the 146th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide comprehensive revisions to the HOPE scholarship and grant program; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions

relating to compensation of employees of the Georgia Lottery Corporation; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

**A BILL TO BE ENTITLED
AN ACT**

To amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to provide comprehensive revisions to the HOPE scholarship and grant program; to revise definitions; to revise eligibility requirements; to combine and revise the HOPE scholarship programs relating to public and private postsecondary institutions; to revise requirements relating to HOPE grants and HOPE GED vouchers; to revise provisions relating to the Georgia Student Finance Commission; to repeal certain laws relating to HOPE scholarships at private postsecondary institutions, PROMISE teacher's scholarships, HOPE teacher's scholarships, PROMISE II teacher's scholarships, and the HOPE Scholarship/Pre-K Legislative Oversight Committee; to provide for service cancelable loans for certain direct loans to students on the basis of need and merit; to revise definitions relating to tuition equalization grants at private colleges and universities; to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, so as to require certain coursework; to amend Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," so as to revise provisions relating to compensation of employees of the Georgia Lottery Corporation; to eliminate a reserve subaccount and automatic reduction triggers relating to books and fees; to revise a provision relating to retailers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, is amended in Code Section 20-3-519, relating to definitions relative to HOPE scholarships and grants, as follows:

"20-3-519.

As used in this part, the term:

- (1) 'Academic year' means a period of time, typically nine months, in which a full-time student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.

(2) ~~'Advanced degree' means a master's degree, specialist's degree, or doctorate in education conferred by an approved postsecondary institution upon completion of a unified program of study at the graduate level. Reserved.~~

(3) ~~'Approved teacher education program' means a program offered by a public or private postsecondary institution which program has been approved by the Georgia Professional Standards Commission. Reserved.~~

(4) ~~'Certificate' or 'diploma' means a credential, other than a degree, indicating satisfactory completion of training in a program of study offered by an eligible public postsecondary institution.~~

(5) ~~'Critical shortage field' means an area of study or an area of specialized expertise for which a shortage of qualified teachers or educators exists in Georgia, designated as such by the Georgia Student Finance Commission.~~

~~(5.1)~~ 'Dual credit enrollment' means enrollment by a student in a postsecondary course in which an agreement has been established between an eligible high school and an eligible postsecondary institution wherein the student earns Carnegie units of credit that count toward both high school graduation requirements and postsecondary coursework requirements.

(6) ~~'Eligible high school' school,' until December 31, 2010, means a public or private secondary school which is:~~

~~(A) Located in Georgia and is currently or within the last two years has been accredited by:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The Georgia Accrediting Commission;~~
- ~~(iii) The Georgia Association of Christian Schools;~~
- ~~(iv) The Association of Christian Schools International;~~
- ~~(v) The Georgia Private School Accreditation Council; or~~
- ~~(vi) The Southern Association of Independent Schools; or~~

~~(B) Located in another state and accredited by one of the following regional or state accrediting entities:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The New England Association of Schools and Colleges;~~
- ~~(iii) The Middle States Association of Colleges and Schools;~~
- ~~(iv) The North Central Association of Colleges and Schools;~~
- ~~(v) The Northwestern Association of Schools and Colleges;~~
- ~~(vi) The Western Association of Schools and Colleges;~~
- ~~(vii) The Alabama Independent School Association;~~
- ~~(viii) The Southern Association of Independent Schools; or~~
- ~~(ix) The Florida Council of Independent Schools.~~

~~(6.1) On and after January 1, 2011, 'eligible high school' means a public or private secondary school which is:~~

~~(A) Located in Georgia and accredited as such by:~~

- ~~(i) The Southern Association of Colleges and Schools;~~
- ~~(ii) The Georgia Accrediting Commission;~~

- (iii) The Georgia Association of Christian Schools;
 - (iv) The Association of Christian Schools International;
 - (v) The Georgia Private School Accreditation Council; or
 - (vi) ~~The Accrediting Commission for Independent Study; or~~
 - (~~vii~~) The Southern Association of Independent Schools; or
- (B) Located in another state and accredited by one of the following regional agencies:
- (i) The Southern Association of Colleges and Schools;
 - (ii) The New England Association of Schools and Colleges;
 - (iii) The Middle States Association of Colleges and Schools;
 - (iv) The North Central Association of Colleges and Schools;
 - (v) The Northwestern Association of Schools and Colleges;
 - (vi) The Western Association of Schools and Colleges;
 - (vii) The Alabama Independent School Association; or
 - (viii) The Southern Association of Independent Schools.
- (7) 'Eligible postsecondary institution' means a school which is:
- (A) A unit of the University System of Georgia;
 - (B) A branch of the Technical College System of Georgia;
 - (C) A private independent nonprofit postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph (A) of paragraph (2) of Code Section 20-3-411; or
 - (D) A private proprietary postsecondary institution eligible for tuition equalization grants in accordance with the provisions of subparagraph ~~(C)~~(B) of paragraph (2) of Code Section 20-3-411.
- (8) 'Eligible private postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (C) or (D) of paragraph (7) of this Code section.
- (9) 'Eligible public postsecondary institution' means an eligible postsecondary institution which meets the criteria set out in subparagraph (A) or (B) of paragraph (7) of this Code section.
- (9.1) 'Factor rate' means the percentage amount established by the General Assembly in an annual appropriation Act against which the previous year HOPE award amount is multiplied.
- (9.2) 'First professional degree program' means a nonundergraduate degree program that meets the requirements established by the program regulations promulgated by the Georgia Student Finance Commission which, at a minimum, shall include, but not be limited to, the following:
- (A) Accepts students after the completion of the sophomore or junior year; and
 - (B) Results in the award of a nonundergraduate degree.
- (10) 'Freshman student' means a student at a postsecondary institution who has attempted less than 46 quarter hours or less than 31 semester hours.

(11) 'Full-time student' means a matriculated student attending a postsecondary educational institution and enrolled for at least 12 semester hours or the equivalent in any given semester or quarter.

(12) 'Grade point average' means the numbered grade average calculated using a 4.0 scale.

(12.1) 'Half-time student' means a matriculated student attending a postsecondary educational institution and enrolled for six to 11 semester hours or the equivalent in any given semester or quarter.

(12.2) 'HOPE award rate' means the rate equal to the previous academic year HOPE tuition payment to the eligible public postsecondary institution multiplied by the factor rate divided by 15. Notwithstanding the foregoing, the Georgia Student Finance Commission may adjust the previous academic year HOPE tuition payment used to calculate the HOPE award rate to reflect changes in the mission or sector of an eligible public postsecondary institution that affects the tuition charged by that institution.

(13) 'HOPE grant' means a Helping Outstanding Pupils Educationally grant for education awarded in accordance with Code Section 20-3-519.5.

(13.1) 'HOPE award amount' means the amount of HOPE award to be made to an eligible student as follows:

(A) At an eligible public postsecondary institution, the HOPE award amount is equal to the HOPE award rate multiplied by the number of credit hours, up to a maximum of 15, in which an eligible student is enrolled per quarter or semester; provided, however, that the quarter award shall equal two-thirds of the semester award and that credit hours for remedial and developmental courses shall not be included for the HOPE scholarship; or

(B) At an eligible private postsecondary institution, the HOPE award amount is equal to HOPE tuition payment multiplied by the factor rate for full-time students and one-half of the HOPE tuition payment multiplied by the factor rate for half-time students. No awards shall be made to eligible students enrolled in five or fewer credit hours and credit hours for remedial and developmental courses shall not be included for the HOPE scholarship.

(14) 'HOPE scholarship' means a Helping Outstanding Pupils Educationally scholarship for education awarded in accordance with Code ~~Sections~~ Section 20-3-519.2 ~~or 20-3-519.3~~.

~~(15) 'HOPE teacher's scholarship' means a Helping Outstanding Pupils Educationally scholarship for education awarded in accordance with Code Section 20-3-519.8.~~
Reserved.

(16) 'HOPE GED voucher' means a Helping Outstanding Pupils Educationally general educational development (GED) diploma voucher for postsecondary education awarded in accordance with Code Section 20-3-519.6.

(16.1) 'HOPE tuition payment' means, in the case of an eligible public postsecondary institution, the amount paid for tuition only based on the standard undergraduate full-time tuition rate for 15 hours; and, in the case of an eligible private postsecondary

institution, the amount paid for tuition based on the amount established by the General Assembly in an appropriations Act.

(17) 'Junior student' means a student at a postsecondary institution who has attempted at least 91 quarter hours but less than 136 quarter hours or at least 61 semester hours but less than 91 semester hours.

(18) ~~'Mandatory fees' means fees approved by the Georgia Student Finance Commission that are charged by a postsecondary institution to every student enrolled in that institution, regardless of the student's program of study.~~ Reserved.

(19) 'Matriculated status' means being recognized as a student in a defined program of study leading to a degree, diploma, or certificate at a postsecondary institution.

(19.1) 'Part-time student' means a matriculated student attending a postsecondary educational institution and enrolled for less than 12 semester hours or the equivalent in any given semester or quarter and who has never been enrolled for 12 or more semester hours or the equivalent in any given semester or quarter.

(20) ~~'PROMISE teacher's scholarship' means a scholarship awarded in accordance with Code Section 20-3-519.7.~~ Reserved.

(21) 'Quarter hours' includes each quarter hour attempted, ~~whether remedial or for credit toward a degree, certificate, or diploma,~~ but shall not include hours attempted for remedial and developmental courses for purposes of the HOPE scholarship.

(21.1) 'Remedial and developmental courses' means coursework required by the postsecondary institution or chosen by the student that does not count toward program requirements for college degrees in the case of the HOPE scholarship, or, diplomas or certificates in the case of the HOPE grant.

(22) 'Semester hours' includes each semester hour attempted, ~~whether remedial or for credit toward a degree, certificate, or diploma,~~ but shall not include hours attempted for remedial and developmental courses for purposes of the HOPE scholarship.

(23) 'Senior student' means a student at a postsecondary institution who has attempted at least 136 quarter hours but less than 191 quarter hours or at least 91 semester hours but less than 128 semester hours.

(24) 'Sophomore student' means a student at a postsecondary institution who has attempted at least 46 quarter hours but less than 91 quarter hours or at least 31 semester hours but less than 61 semester hours.

(25) 'Title IV' means Title IV of the Higher Education Act of 1965, as amended, 20 U.S.C.A. Section 1070, et seq.

(26) 'Tuition' means the charges to a student for postsecondary academic instruction without regard to other fees such as technology, activity, athletic, health, or other similar fees.

(27) 'Zell Miller Scholar' means a student that has met the applicable eligibility requirements to receive a HOPE scholarship in accordance with Code Section 20-3-519.2 and:

(A) As an incoming freshman:

(i) Having graduated from high school with a grade point average of at least 3.7 calculated in accordance with Code Section 20-2-157 and having received a score

of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26; or
(ii) Having completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received a score of at least 1,200 combined critical reading score and math score on a single administration of the SAT or an ACT composite scale score of at least 26, and earning a cumulative grade point average of at least 3.5 at an eligible postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive scholarship for such student's freshman year to be paid at the end of the freshman year; and

(B) As a sophomore, junior, senior, or first professional student, having a cumulative grade point average of at least 3.5 at the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2. Notwithstanding the foregoing, a student that entered an eligible postsecondary institution as a freshman between July 1, 2007, and June 30, 2011, and met the requirements of subparagraph (A) of this paragraph may become a Zell Miller Scholar as a sophomore, junior, senior, or first professional student.

A student that loses eligibility to be a Zell Miller Scholar for any reason may regain eligibility one time if the student requalifies at one of the checkpoints set forth in paragraph (1) of subsection (b) of Code Section 20-3-519.2."

SECTION 2.

Said article is further amended in Code Section 20-3-519.1, relating to ineligibility for scholarships or grants, as follows:

"20-3-519.1.

(a) A student is eligible for any scholarship or grant described in this part if the student:

(1) Meets residency requirements by:

(A)(i) Being classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and

(ii)(I) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in division (i) of this subparagraph for a period of at least 12 months immediately prior to the first day of classes for which the scholarship or grant is to be awarded; or

(II) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in division (i) of this subparagraph for a period of at least 24 months immediately

prior to the first day of classes for which the scholarship or grant is to be awarded;
or

(B) Being classified as a legal resident of Georgia if such student is an active duty military service member or the spouse or dependent child of an active duty military service member and the active duty military service member is stationed in Georgia.

(2) Meets all applicable requirements of this part relating to the relevant scholarship or grant and applicable to the student.

(b) A student is ineligible for any scholarship or grant described in this part if the student:

(1) Is not a United States citizen or a permanent resident alien who meets the definition of an eligible noncitizen under federal Title IV requirements;

(2) Has not complied with United States Selective Service System requirements for registration, if such requirements are applicable to the student;

(3) Is in default on a federal Title IV educational loan or a State of Georgia educational loan, provided that a student who is otherwise eligible and has fully repaid the defaulted loan will be eligible to obtain a scholarship or grant for future academic terms but not retroactively;

(4) Owes a refund on a federal Title IV student financial aid program or a Georgia student financial aid program, provided that a student who is otherwise eligible and has fully paid the refund owed will be eligible to obtain a scholarship or grant for future academic terms but not retroactively;

(5) Has been convicted of a felony offense involving marijuana, a controlled substance, or a dangerous drug as set out in Code Section 20-1-23 or 20-1-24 of the 'Drug-free Postsecondary Education Act of 1990,' provided that such ineligibility extends from the date of conviction to the completion of the next academic term;

(6) Is incarcerated; or

(7) Does not meet each qualification listed in the Code section relating to the relevant scholarship or grant and applicable to the student."

SECTION 3.

Said article is further amended in Code Section 20-3-519.2, relating to eligibility requirements for a HOPE scholarship at a public postsecondary institution, as follows:

"20-3-519.2.

(a) To be eligible for a HOPE scholarship, an entering freshman student seeking an associate or baccalaureate degree at an eligible public postsecondary institution shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

(1) Meet residency requirements by:

~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~

~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~

~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded.~~

~~Notwithstanding the foregoing, a dependent child of military personnel stationed in Georgia shall be deemed to be a legal resident of Georgia and, subject to meeting all other eligibility requirements, shall be eligible to receive the HOPE scholarship as a freshman if the student graduated from a high school located in Georgia or from a home study program meeting the requirements of Code Section 20-2-690 that is located in Georgia;~~

~~(2)(1) Meet achievement standards by:~~

~~(A) Having graduated from an eligible high school while meeting the curriculum requirements of his or her program of study in 1993 or thereafter and meeting the requirements set out in the applicable subsection and paragraph of Code Section 20-2-157;~~

~~(B) In the case of a student who is otherwise qualified but:~~

~~(i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690, having received the general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993, provided that such student shall only be eligible for a HOPE scholarship pursuant to subsection ~~(e)~~(c) of this Code section;~~

~~(ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or~~

~~(iii) Graduated from a high school which is not an eligible high school, earning a cumulative grade point average of at least 3.0 at an eligible public postsecondary institution at the end of the quarter or semester in which the student has attempted 45 quarter hours or 30 semester hours, provided that such student shall be eligible to receive a retroactive HOPE scholarship for such student's freshman year to be paid at the end of the freshman year; or~~

~~(C) In the case of an otherwise qualified student who:~~

- (i) Did not graduate from high school or complete a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 but received the general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993;
 - (ii) Completed a home study program meeting the requirements of subsection (c) of Code Section 20-2-690 in lieu of graduating from an eligible high school; or
 - (iii) Graduated from a high school which is not an eligible high school, earning a score in the eighty-fifth percentile or higher nationally on a standardized college admission test, such as the SAT or ACT; and
- ~~(3)~~(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status.
- (b) To be eligible for a HOPE scholarship, a sophomore, junior, senior, or first professional student seeking an associate, ~~or~~ baccalaureate, or first professional degree at an eligible ~~public~~ postsecondary institution shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:
- ~~(1)~~ Meet residency requirements by:
- ~~(A) Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in state tuition policy of the board of regents and the in state tuition guidelines set by the Technical College System of Georgia; and~~
 - ~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~
 - ~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~
- ~~(2)~~(1) Meet achievement standards by meeting the following criteria:
- (A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution:
 - (i) At the end of the quarter or semester in which the student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours if such student is a full-time student; or
 - (ii) At the end of three consecutive quarters or semesters if such student is a part-time student and has maintained part-time student status for three consecutive quarters or semesters; and

- (B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and
- ~~(3)(2)~~ Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate or first professional student in a matriculated status.
- ~~(e)~~ To be eligible for a HOPE scholarship, a junior student seeking a baccalaureate or first professional degree at a public postsecondary institution shall:
- (1) Meet residency requirements by:
- (A) ~~Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~
- (B)(i) ~~If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~
- (ii) ~~If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~
- (2) Meet achievement standards by meeting the following criteria:
- (A) ~~Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 90 quarter hours or 60 semester hours; and~~
- (B) ~~Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and~~
- (3) ~~Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.~~
- ~~(d)~~ To be eligible for a HOPE scholarship, a senior student seeking a baccalaureate or a first professional degree at a public postsecondary institution shall:
- (1) Meet residency requirements by:
- (A) ~~Meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of~~

~~regents and the in-state tuition guidelines set by the Technical College System of Georgia; and~~

~~(B)(i) If the student was classified as a legal resident of Georgia at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 12 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded; or~~

~~(ii) If the student was not classified as a legal resident at the time of graduation from high school or from a home study program meeting the requirements of Code Section 20-2-690, then the student must have met the requirements set forth in subparagraph (A) of this paragraph for a period of at least 24 months immediately prior to the first day of classes for which the HOPE scholarship is to be awarded;~~

~~(2) Meet achievement standards by meeting the following criteria:~~

~~(A) Earning a cumulative grade point average of at least 3.0 at a postsecondary institution at the end of the quarter or semester in which the student has attempted 135 quarter hours or 90 semester hours; and~~

~~(B) Maintaining satisfactory academic progress in a course of study in accordance with the standards and practices used for federal Title IV programs by the postsecondary institution in which the student is enrolled; and~~

~~(3) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status or, in the case of an otherwise eligible student who is classified as a first professional degree student rather than an undergraduate student, being accepted into the first professional degree program of study prior to receiving a baccalaureate degree.~~

~~(e)(c)(1)(A) A full-time student who fails to maintain a cumulative grade point average of at least 3.0 at the end of the quarter or semester in which the student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attend the next 45 quarter or 30 semester hours without a HOPE scholarship.~~

~~(B) An otherwise eligible full-time student who attains or regains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the full-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may qualify or requalify for a HOPE scholarship; provided, however, that a student who receives a HOPE scholarship and loses eligibility pursuant to this subsection is only eligible to regain or requalify for the HOPE scholarship one time.~~

~~(B)(C) An otherwise eligible part-time student who regains or attains a cumulative grade point average of at least 3.0 at the end of a quarter or semester in which the part-time student has attempted 45, 90, or 135 quarter hours or 30, 60, or 90 semester hours may attain or requalify for a HOPE scholarship; provided, however, that a student who receives a HOPE scholarship and loses eligibility pursuant to this subsection is only eligible to regain or requalify for the HOPE scholarship one time.~~

(2) In addition to other requirements, and regardless of quarter hours or semester hours of coursework attempted, a student who fails to possess a cumulative grade point average of at least 3.0 at the end of each spring quarter or semester or at the end of three consecutive quarters or semesters for a part-time student pursuant to paragraph ~~(2)~~(1) of subsection (b) of this Code section shall be ineligible for a HOPE scholarship until such time as the student regains or attains a cumulative grade point average of at least 3.0 at one of the 45, 90, or 135 quarter hour grade point average checkpoints or at one of the 30, 60, or 90 semester hour grade point average checkpoints, at which time the student will regain or attain eligibility if other terms and conditions in this Code section are also satisfied; provided, however, that a student who receives a HOPE scholarship and loses eligibility pursuant to this subsection is only eligible to regain or requalify for the HOPE scholarship one time.

~~(f) For students eligible for a HOPE scholarship under this Code section, no minimum number of hours of enrollment is required.~~

~~(g)(1)(d) Except as set out in paragraph (2) of this subsection, a A student may receive the HOPE scholarship until the first of these events:~~

~~(A)(1) The student has earned a baccalaureate or first professional degree; or~~

~~(B)(2) The student has attempted at any postsecondary institution a total of 190 quarter hours or 127 semester hours; or~~

~~(3) Beginning with those students receiving HOPE for the first time on or after July 1, 2011, seven years from a student's graduation from high school or the equivalent thereof as determined by the Georgia Student Finance Commission in its rules and regulations; provided, however, that for a student that serves in the military during such seven-year period, any such military service served as active duty shall not count against the seven-year period. A student that is ineligible to receive a HOPE scholarship pursuant to this paragraph but who received the HOPE scholarship during the 2010-2011 academic year shall continue to be eligible for the HOPE scholarship until June 30, 2015, as long as such student meets all other eligibility requirements, including, but not limited to, paragraphs (1) and (2) of this subsection.~~

~~(2) A student enrolled in an undergraduate or first professional degree program designed to be more than 190 quarter hours or 127 semester hours in length is eligible to receive the HOPE scholarship for the lesser of:~~

~~(A) A total of 225 attempted quarter hours or 150 attempted semester hours; or~~

~~(B) The number of hours required for graduation if the student has a cumulative grade point average of at least 3.0 after the term in which the student attempted 190 quarter hours or 127 semester hours.~~

~~(3) Notwithstanding anything herein to the contrary, attempted hours shall include all postsecondary level course hours taken prior to high school graduation if such student does not qualify for the HOPE scholarship as an entering freshman based solely on his or her grade point average. As used in this paragraph, the term 'postsecondary level course hours' means hours accepted by the student's eligible postsecondary institution for credit when the student enters as a freshman.~~

~~(h)(e)(1) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE scholarship awarded under this Code section shall be equal to the HOPE award amount. include tuition, approved mandatory fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester, except as otherwise provided for in paragraphs (2) and (3) of this subsection.~~

~~(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13.~~

~~(3) Paragraph (2) of this subsection shall not apply to an eligible public postsecondary institution established by law on or after January 1, 2004. For any eligible public postsecondary institution established on or after January 1, 2004, the amount of the mandatory fees paid shall be equal to such amount or amounts initially approved for that new eligible public postsecondary institution for its first year of operation by action of the board of regents or the Technical College System of Georgia, as applicable, except as otherwise provided for in Code Section 50-27-13.~~

(f) For each semester of eligibility, Zell Miller Scholars shall be awarded an amount in addition to the HOPE award amount as follows:

(1) If attending an eligible public institution, an amount equal to the difference between the HOPE award amount and the then current academic year standard undergraduate tuition amount at the institution to be paid; and

(2) If attending an eligible private institution, an amount equal to the difference between the HOPE award amount and the HOPE tuition payment.

~~(i) A dependent child of military personnel stationed in Georgia on active duty shall be deemed to meet the residency requirements of paragraph (1) of subsections (a), (b), (c), and (d) of this Code section."~~

SECTION 4.

Said article is further amended in Code Section 20-3-519.5, relating to eligibility requirements for a HOPE grant at a branch of the Technical College System of Georgia, as follows:

"20-3-519.5.

(a) To be eligible for a HOPE grant, a student seeking a diploma or certificate at a branch of the Technical College System of Georgia or a unit of the University System of Georgia shall, in addition to meeting the residency requirements set forth in subsection (a) of Code Section 20-3-519.1:

(1) Meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program promulgated by the Georgia Student Finance Commission which shall be based upon the in-state tuition policy of the board of regents and the in-state tuition guidelines set by the Technical College System of Georgia Meet achievement standards by having a grade point average of at least 3.0 at the point that the student has accumulated 30 semester or 45 quarter hours

of courses towards a diploma or certificate for which the student received HOPE funds pursuant to this part. The grade point average shall be calculated using such 30 semester or 45 quarter hours taken pursuant to this subsection; and

(2) Meet enrollment standards by being admitted, enrolled, and classified as an undergraduate student in a matriculated status in a program of study leading to a certificate or diploma and maintaining satisfactory academic progress in accordance with the standards and practices used for federal Title IV programs by the institution at which the student is enrolled.

(b) There is no minimum number of hours of enrollment required for eligibility for a HOPE grant under this Code section.

(c) Subject to the provisions of subsection (e) of this Code section, an eligible student may receive HOPE grants for all course work required by the institution for programs of study leading to a certificate or diploma, including remedial ~~or developmental studies~~ and developmental courses.

~~(d)~~(4) Subject to the amounts appropriated by the General Assembly and provisions relating to the Lottery for Education Account in Code Section 50-27-13, a HOPE grant awarded under this Code section shall equal the HOPE award amount. ~~include tuition, approved mandatory fees, and a book allowance not to exceed \$100.00 per quarter or \$150.00 per semester, except as otherwise provided for in paragraph (2) of this subsection.~~

~~(2) Effective beginning with the fall quarter or semester commencing after July 1, 2004, the amount of mandatory fees paid shall be equal to such amount or amounts that were paid on January 1, 2004, except as otherwise provided for in Code Section 50-27-13.~~

(e) No student that has a baccalaureate degree, its equivalent or higher, from any postsecondary institution shall be eligible to receive a HOPE grant. No student may receive HOPE grants for more than 95 quarter hours or 63 semester hours of attempted coursework, ~~except as provided for in subsection (f) of this Code section.~~ No student may receive more than a cumulative total of 190 quarter hours or 127 semester hours of combined HOPE scholarships and grants, ~~unless in accordance with Code Sections 20-3-519.2 and 20-3-519.3.~~ For purposes of this subsection, attempted hours shall not include hours for courses taken and paid for by a HOPE grant while a student is participating in dual credit enrollment with both an eligible high school and a branch of the Technical College System of Georgia or a unit of the University System of Georgia. The Technical College System of Georgia or the University System of Georgia, as applicable, shall verify that the student is enrolled in an eligible high school and shall notify the Georgia Student Finance Commission of the student's participation in dual credit enrollment.

~~(f) A student enrolled in a diploma program designed to be more than 95 quarter hours or 63 semester hours in length is eligible to receive a HOPE grant for the lesser of:~~

~~(1) A total of 130 attempted quarter hours or 86 attempted semester hours; or~~

~~(2) The number of hours required for graduation.~~

~~(g) A dependent child of military personnel stationed in Georgia on active duty shall be deemed to meet the residency requirements of paragraph (1) of subsection (a) of this Code section."~~

SECTION 5.

Said article is further amended in Code Section 20-3-519.6, relating to HOPE GED vouchers, as follows:

"20-3-519.6.

~~(a) To be eligible for a HOPE GED voucher, a student attending an eligible public postsecondary institution shall meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission which shall be based upon the in state tuition policy of the board of regents and the in state tuition guidelines set by the Technical College System of Georgia.~~

~~(b) To be eligible for a HOPE GED voucher, a student attending an eligible private postsecondary institution shall meet residency requirements by meeting the requirements to be classified as a legal resident of Georgia as established by the program regulations promulgated by the Georgia Student Finance Commission.~~

~~(c) Subject to the amounts appropriated by the General Assembly and provisions relating to the scholarship shortfall reserve subaccount in Code Section 50-27-13, a HOPE GED voucher in the amount of \$500.00 shall be awarded available once to each student receiving a general educational development (GED) diploma awarded by the Department of Technical and Adult Education, now known as the Technical College System of Georgia, after June 30, 1993;. Such voucher shall be issued to such student upon enrollment in shall be valid at any eligible postsecondary institution in Georgia for within 24 months from the date of issuance the general educational development (GED) diploma was awarded to the student and may only be used to cover postsecondary costs of attendance at such institution.~~

~~(d) An otherwise eligible student receiving a HOPE GED voucher under this Code section is eligible for a HOPE scholarship as a sophomore, junior, or senior student."~~

SECTION 6.

Said article is further amended in Code Section 20-3-519.10, relating to application of HOPE scholarships and HOPE grants, as follows:

"20-3-519.10.

A HOPE scholarship and a HOPE grant may be applied only to tuition, mandatory fees, and book costs to any portion of a student's tuition. In no case shall a HOPE scholarship or HOPE grant exceed a student's tuition."

SECTION 7.

Said article is further amended in Code Section 20-3-519.11, relating to the Georgia Student Finance Commission, as follows:

"20-3-519.11.

(a) The Georgia Student Finance Commission is authorized to promulgate rules and regulations not inconsistent with the provisions of this part relating to grants and scholarships described in this part. The Georgia Student Finance Commission is authorized to promulgate rules and regulations related to grants, loans, and scholarships no longer in effect as of the effective date of this Act, under this part but for which the Georgia Student Finance Commission or the Georgia Student Finance Authority and the student were previously obligated.

(b) Every eligible postsecondary institution shall be subject to examination by the Georgia Student Finance Commission for the sole purpose of determining whether such postsecondary institution has properly complied with rules and regulations established pursuant to this Code section. Such examination shall be conducted by the Georgia Student Finance Commission no less frequently than once every three years. The Georgia Student Finance Commission is authorized to conduct the examination using sampling and extrapolation techniques. However, nothing in this subsection shall be construed to interfere with the authority of the postsecondary institution to determine its own curriculum, philosophy, purpose, or administration. In the event it is determined that a postsecondary institution knowingly or through error certified an ineligible student to be eligible for a scholarship or grant under this part, the amount of such scholarship or grant paid to the postsecondary institution pursuant to such certification shall be refunded by the postsecondary institution to the Georgia Student Finance Commission. The Georgia Student Finance Commission may suspend a postsecondary institution from receiving HOPE scholarship or HOPE grant award payments if it fails to refund any monies deemed due pursuant to this subsection. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(c) Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such statement or misrepresentation knowing it to be false, for the purpose of enabling an ineligible student to obtain wrongfully a scholarship or grant under this part shall be guilty of a misdemeanor.

~~(b)~~(d) Notwithstanding any provision of this part, the Georgia Student Finance Commission is authorized to promulgate rules and regulations restricting eligibility for the scholarships and grants described in this part or reducing the dollar amount of scholarships and grants described in this part in accordance with the provisions of Code Section 50-27-13. In addition to other remedies available at law and equity, the Georgia Student Finance Commission is authorized to enter into repayment agreements with students that owe refunds to the Georgia Student Finance Commission of any scholarship or grant described in this part. Except as prohibited by federal or other state laws, individuals that owe refunds and fail to enter into repayment agreements with the Georgia Student Finance Commission are, without judicial action, subject to garnishment of their pay, loss of a professional license, offset of lottery winnings, and offset of a state tax refund in accordance with rules and regulations promulgated by the Georgia Student Finance Commission not inconsistent with the provisions of this part.

As used in this subsection, the term 'refund' shall mean scholarship and grant amounts paid to or on behalf of students subsequently, in accordance with rules and regulations promulgated by the Georgia Student Finance Commission, determined to be ineligible to receive such funds.

~~(e)~~(e) The funding for the scholarships and grants described in this part shall be subject to annual appropriations enacted by the General Assembly which shall establish the total amount of funding for such scholarships and grants."

SECTION 8.

Said article is further amended by repealing and reserving Code Sections 20-3-519.3, 20-3-519.7, 20-3-519.8, 20-3-519.9, 20-3-519.12, and 20-3-519.13, relating to eligibility requirements for a HOPE scholarship at a private postsecondary institution, the PROMISE teacher's scholarship, the HOPE teacher's scholarship, ineligibility for a HOPE teacher's scholarship, eligibility for the PROMISE II teacher's scholarship, and the HOPE Scholarship/Pre-K Legislative Oversight Committee, respectively.

SECTION 9.

Said article is further amended in Code Section 20-3-250.5, relating to administration of the "Nonpublic Postsecondary Educational Institutions Act of 1990", by revising paragraph (10) of subsection (b) as follows:

"(10) To establish and promulgate regulations for qualified proprietary institutions whose students receive tuition equalization grants in accordance with the criteria set forth in subparagraph ~~(C)~~ (B) of paragraph (2) of Code Section 20-3-411."

SECTION 10.

Said article is further amended in Code Section 20-3-395.3, relating to repayment schedules for direct loans to students on the basis of need and merit, by adding a new subsection to read as follows:

"(c) Notwithstanding anything herein to the contrary, a student may service cancel a loan described in this subpart in accordance with rules and regulations promulgated by the authority if such student is employed by and agrees to teach in a public school in Georgia as a science, technology, engineering, or math teacher at the elementary, middle, or secondary level. For service repayment, the loan shall be repaid at a rate of one year of service for each academic year of study or its equivalent for which a loan is made to a student pursuant to this subpart."

SECTION 11.

Said article is further amended in Code Section 20-3-411, relating to definitions relative to tuition equalization grants at private colleges and universities, as follows:

"20-3-411.

As used in this subpart, the term:

(1) 'Academic year' means a period of time, typically nine months, in which a full-time student is expected to complete the equivalent of at least two semesters' or three quarters' academic work.

(2) 'Approved school' means:

(A) A nonproprietary institution of higher education located in this state which is not a branch of the university system; which is not a four-year or graduate level institution of higher education that is, or is a part of, a college or university system that is owned and operated by a state other than Georgia; which is accredited by the Southern Association of Colleges and Schools; which is not a graduate level school or college of theology or divinity; and which is not presently receiving state funds under Article 4 of this chapter; provided, however, that an institution which otherwise meets the requirements of this definition and of this subpart except for the lack of accreditation by the Southern Association of Colleges and Schools shall be deemed to be an 'approved school' during the period that the institution holds candidate for accreditation status with the Southern Association of Colleges and Schools; provided, further, that an institution which was previously accredited by the Southern Association of Colleges and Schools within the last seven years and which otherwise meets the requirements of this definition and of this subpart except for the lack of accreditation by the Southern Association of Colleges and Schools shall be deemed to be an 'approved school'; and

~~(B) A nonproprietary institution of higher education located outside the State of Georgia which is a four year or graduate level institution of higher education that is, or is a part of, a college or university system that is owned and operated by a state other than Georgia; which is accredited by the Southern Association of Colleges and Schools; which is not a graduate level school or college of theology or divinity; and which is located within 50 road miles, by the nearest practical route of travel, of the home residence of one or more eligible students. The term 'home residence,' for purposes of this subpart, shall, in the case of a dependent student, mean the principal residence of the parent or legal guardian of a student; and~~

~~(C)~~(B)(i) A qualified proprietary institution of higher education located in this state which is a baccalaureate degree-granting institution of higher education; which is accredited by ~~a regional accrediting agency recognized by the United States Department of Education~~ the Southern Association of Colleges and Schools; which is not a Bible school or college (or, at the graduate level, a school or college of theology or divinity); which admits as regular students only persons who have a high school diploma, a general educational development (GED) diploma, or a degree from an accredited postsecondary institution; whose students are eligible to participate in the federal Pell Grant program; which has been reviewed and approved for operation and for receipt of tuition equalization grant funds by the Georgia Nonpublic Postsecondary Education Commission; which is domiciled and incorporated in the State of Georgia; ~~and~~ which has been in existence in the State of Georgia for at least ten years; and which met all of the requirements of this subparagraph by January 1, 2011; provided, however, that the

criteria for approval for receipt of tuition equalization grant funds shall include but not be limited to areas of course study, quality of instruction, student placement rate, research and library sources, faculty, support staff, financial resources, physical plant facilities resources, and support and equipment resources.

(ii) Any proprietary institution that is otherwise qualified pursuant to division (i) of this subparagraph on July 1, 1995, shall be deemed to be eligible for receipt of tuition equalization grant funds subject, however, to any subsequent review of such approval pursuant to any proper regulations which may thereafter be adopted in accordance with paragraph (10) of subsection (b) of Code Section 20-3-250.5 applicable to all qualified proprietary institutions.

(iii) Any proprietary institution of higher education that is otherwise qualified pursuant to division (i) of this subparagraph on January 1, 2011, shall continue to be an approved school pursuant to this paragraph as long as it continues to meet the requirements of division (i) of this subparagraph as such existed on the day prior to the effective date of this division.

(3) 'Eligible student' means a person who:

(A) Is enrolled in or accepted for enrollment as a full-time undergraduate level student in an approved school or as a graduate level student if funds are specifically appropriated in appropriations Acts of the General Assembly for payment of grants to graduate level students;

(B) Is or will be a citizen of Georgia for a period of at least 12 months immediately prior to each date of registration in the approved school;

(C) Is not knowingly promoting or engaging in any activity which is determined by the approved school's governing body to be detrimental to the school; and

(D) Meets the eligibility requirements for the HOPE program as set forth in paragraph (1) of subsection (a) and in subsection (b) of Code Section 20-3-519.1. ~~In the case of an approved school located outside the State of Georgia, is enrolled or accepted for enrollment therein at an academic level beyond the sophomore academic classification and whose home residence is, by the nearest practical route of travel, located within 50 road miles of the approved school and more than 50 road miles from the nearest four-year institution of the University System of Georgia.~~

(4) 'Full-time student' means an undergraduate student who enrolls for a minimum of 12 academic hours, or ten academic hours in the case of a graduate student, ~~and students who are inmates in an institution administered by the Department of Corrections."~~

SECTION 12.

Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to removal of local school board members under certain circumstances, is amended by revising subsection (a) as follows:

"(a) Notwithstanding Code Section 20-2-54.1 or any other provisions of law to the contrary, if a local school system or school is placed on the level of accreditation immediately preceding loss of accreditation for school board governance related

reasons by one or more accrediting agencies included in subparagraph ~~(6.1)(A)~~ (6)(A) of Code Section 20-3-519, the State Board of Education shall conduct a hearing in not less than ten days nor more than 30 days and recommend to the Governor whether to suspend all eligible members of the local board of education with pay. If the State Board of Education makes such recommendation, the Governor may, in his or her discretion, suspend all eligible members of the local board of education with pay and, in consultation with the State Board of Education, appoint temporary replacement members who shall be otherwise qualified to serve as members of such board."

SECTION 13.

Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to the uniform reporting system for determining eligibility of students seeking enrollment in postsecondary courses, is amended by adding new subsections to read as follows:

"(d) Beginning with students graduating from high school on or after May 1, 2015, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least two courses from the following categories:

- (1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;
- (2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;
- (3) Advanced placement courses in core subjects;
- (4) International baccalaureate courses in core subjects; or
- (5) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(e) Beginning with students graduating from high school on or after May 1, 2016, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least three courses from the following categories:

- (1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;
- (2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;
- (3) Advanced placement courses in core subjects;
- (4) International baccalaureate in core courses; or
- (5) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(f) Beginning with students graduating from high school on or after May 1, 2017, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least four courses from the following categories:

- (1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;
- (2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;
- (3) Advanced placement courses in core subjects;
- (4) International baccalaureate in core courses; or
- (5) Advanced foreign language courses.

Students shall take one or more courses in each category provided however that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection."

SECTION 14.

Article 1 of Chapter 27 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the "Georgia Lottery for Education Act," is amended by revising subsection (a) of Code Section 50-27-12, relating to employees of the Georgia Lottery Corporation, as follows:

"(a) The corporation shall establish and maintain a personnel program for its employees and fix the compensation and terms of compensation of its employees, including, but not limited to, production incentive payments; provided, however, that production incentive payments, bonuses, or any other consideration in addition to an employee's base compensation shall not exceed 25 percent of such employee's base compensation. In total, bonuses shall not exceed 1 percent of the net increase over the prior year's deposit into the Lottery for Education Account. No bonuses may be awarded in years in which there is not a net increase over the prior year's deposit into the Lottery for Education Account."

SECTION 15.

Said article is further amended in Code Section 50-27-13, relating to disposition of lottery proceeds, by revising subsections (b) and (f) as follows:

"(b)(1) On or before the fifteenth day of each ~~quarter~~ month, the corporation shall transfer to the general fund of the state treasury, for credit to the Lottery for Education Account for the preceding ~~quarter~~ month, the amount of all net proceeds during the preceding ~~quarter~~ month. The state treasurer shall separately account for net proceeds by establishing and maintaining a Lottery for Education Account within the state treasury.

(2) Upon their deposit into the state treasury, any moneys representing a deposit of net proceeds shall then become the unencumbered property of the State of Georgia and the corporation shall have no power to agree or undertake otherwise. Such moneys shall be invested by the state treasurer in accordance with state investment

practices. All earnings attributable to such investments shall likewise be the unencumbered property of the state and shall accrue to the credit of the Lottery for Education Account.

~~(3) A scholarship shortfall reserve subaccount shall be maintained within the Lottery for Education Account in an amount equal to at least 50 percent of net proceeds deposited into such account for the preceding fiscal year. An amount equal to 10 percent of the total amount of lottery proceeds disbursed during the preceding fiscal year in the form of scholarships and grants for higher education shall be deposited from lottery proceeds each year until such amount equals 50 percent of such sum. Thereafter, only an amount necessary to maintain the scholarship shortfall reserve subaccount in an amount equal to 50 percent of the amount of lottery proceeds disbursed during the preceding fiscal year shall be deposited into the subaccount. If the net proceeds paid into the Lottery for Education Account in any year are not sufficient to meet the amount appropriated for higher education scholarships education purposes, the shortfall reserve subaccount may be drawn upon to meet the deficiency. In the event the shortfall reserve is drawn upon and falls below 50 percent of net proceeds deposited into such account for the preceding fiscal year, the shortfall reserve shall be replenished to the level required by this paragraph in the next fiscal year and the lottery-funded programs shall be reviewed and adjusted accordingly. In the event it becomes necessary to draw from the reserve subaccount in any fiscal year, the scholarship program shall be reviewed and shall be reduced to accommodate available lottery proceeds, exclusive of the scholarship shortfall reserve subaccount, through such methods as reducing the family income cap qualification, reducing or eliminating grants for student fees and books, and reducing the academic years funded.~~

~~(4) A shortfall reserve subaccount shall be maintained within the Lottery for Education Account. The amount of the shortfall reserve subaccount shall be equal to 10 percent of the total amount of lottery proceeds deposited into the Lottery for Education Account for the preceding fiscal year. If the net proceeds deposited into the Lottery for Education Account in any year, exclusive of the amount in the shortfall reserve subaccount, are not sufficient to meet the amount appropriated for education purposes pursuant to subsection (c) of this Code section, the shortfall reserve subaccount may be drawn upon to meet the deficiency. In the event the shortfall reserve subaccount is drawn upon, the subaccount shall be brought back to the appropriate level with the first available funds duly deposited into the Lottery for Education Account.~~

~~(5)(A) For purposes of this subsection, the term:~~

~~(i) 'Highest year end balance' means the highest total amount of unexpended and uncommitted funds in the Lottery for Education Account, as determined by the state auditor, at the end of any fiscal year beginning with Fiscal Year 2004 and continuing through the most recent fiscal year for which the state auditor has verified the amount of such funds, which shall not include amounts contained in the subaccounts provided for in paragraphs (3) and (4) of this subsection.~~

~~(ii) 'Year end balance' means the amount, as determined by the state auditor, of unexpended and uncommitted funds in the Lottery for Education Account at the end of a fiscal year, which shall not include amounts contained in the subaccounts provided for in paragraphs (3) and (4) of this subsection.~~

~~(B)(i) In the event that the year end balance of a fiscal year is less than 92 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for book allowances under Part 7 of Article 7 of Chapter 3 of Title 20 shall not exceed \$150.00 per year beginning in the next fiscal year and thereafter. This provision shall not apply to students who are eligible to participate in the federal Pell Grant program.~~

~~(ii) In the event that the year end balance of any subsequent fiscal year is less than 84 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for book allowances under Part 7 of Article 7 of Chapter 3 of Title 20 shall be eliminated beginning in the subsequent fiscal year and thereafter. This provision shall not apply to students who are eligible to participate in the federal Pell Grant program.~~

~~(iii) In the event that the year end balance of any further subsequent fiscal year is less than 75 percent of the highest year end balance, as defined in this paragraph, then all scholarships and grants for mandatory fees under Part 7 of Article 7 of Chapter 3 of Title 20 shall be eliminated beginning in the next fiscal year and thereafter.~~

"(f) In compliance with the requirement of the Constitution that there shall be a separate accounting of lottery proceeds, no deficiency in the Lottery for Education Account shall be replenished by book entries reducing any nonlottery reserve of general funds, including specifically but without limitation the revenue shortfall reserve or the midyear adjustment reserve; ~~nor shall any program or project started specifically from lottery proceeds be continued from the general fund;~~ such programs must be adjusted or discontinued according to available lottery proceeds unless the General Assembly by general law establishes eligibility requirements and appropriates specific funds within the general appropriations Act; nor shall any nonlottery surplus in the general fund be reduced. No surplus in the Lottery for Education Account shall be reduced to correct any nonlottery deficiencies in sums available for general appropriations, and no surplus in the Lottery for Education Account shall be included in any surplus calculated for setting aside any nonlottery reserve or midyear adjustment reserve. In calculating net revenue collections for the revenue shortfall reserve and midyear adjustment reserve, the state accounting officer shall not include the net proceeds. Any program or project started specifically with lottery proceeds may be continued from the general fund; provided, however, that no program or project started specifically with lottery proceeds and continued from the general fund may then be continued in whole or in part from lottery proceeds."

SECTION 16.

Said article is further amended in Code Section 50-27-17, relating to the state-wide network of retailers, by revising subsection (c) as follows:

"(c) The corporation shall provide for compensation to lottery retailers in the form of commissions in an amount ~~of not less than 5~~ of not more than 6 percent of gross sales and may provide for other forms ~~of compensation for services rendered in the sale or cashing of lottery tickets or shares of incentive compensation beginning on July 1, 2016; provided, however, that other forms of incentive compensation may be provided beginning on July 1, 2014, if the Lottery for Education Account deposits exceed \$1 billion in the previous fiscal year or may be provided prior to July 1, 2016, as authorized by the Governor.~~"

SECTION 17.

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

SECTION 18.

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

The following amendments were read and adopted:

Representative Collins of the 27th offers the following amendment:

Amend the House Committee on Appropriations substitute to HB 326 (LC 33 4076-ECS) by striking line 928 and inserting in lieu thereof the following:

commissions in an amount ~~of not less than 5~~ of 6 percent of gross sales and

Representatives Jones of the 46th and Collins of the 27th offer the following amendment:

Amend the House Committee on Appropriations substitute to HB 326 (LC 33 4076-ECS) by striking "3.5" on line 210 and inserting in its place "3.3".

The Committee substitute, as amended, was adopted.

The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to, as amended

On the passage of the Bill, by substitute, as amended, the roll call was ordered and the vote was as follows:

N Abdul-Salaam	Y Davis	Y Heckstall	N Mayo	Y Setzler
Y Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon

Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
N Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	E Mosby	Y Smith, T
Y Bearden	N Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	N Stephenson
Y Black	Y Epps, J	N James	Y Oliver	Y Talton
Y Braddock	N Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
N Brooks	N Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	N Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	E Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	E Hamilton	Y Lindsey	N Randall	N Wilkerson
Y Clark, J	Y Hanner	Y Long	N Reece	Y Wilkinson
Y Clark, V	Y Harbin	N Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	N Williams, A
Y Collins	E Harden, M	Y Maddox, G	Y Roberts	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 152, nays 22.

The Bill, having received the requisite constitutional majority, was passed, by substitute, as amended.

Representative Dobbs of the 53rd stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

House of Representatives
401 Paul D. Coverdell Legislative Office Building
Atlanta, Georgia 30334

March 1, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 326 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

By unanimous consent, the following Bill of the House, having been previously postponed, was again postponed until tomorrow:

HB 91. By Representatives Bearden of the 68th, Ramsey of the 72nd, Powell of the 171st and Cooke of the 18th:

A BILL to be entitled an Act to amend Article 1 of Chapter 10 of Title 17 and Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment and the issuance, expiration, and renewal of drivers' licenses, respectively, so as to provide that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence; to provide for procedure; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of licenses, so as to provide for license suspension under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 10:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 10:00 o'clock, tomorrow morning.