

Representative Hall, Atlanta, Georgia

Thursday, March 3, 2011

Twenty-Third 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.

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

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

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

Representatives Benfield of the 85th, Fullerton of the 151st, Heckstall of the 62nd, Horne of the 71st, Jordan of the 77th, Kaiser of the 59th, Martin of the 47th, McBrayer of the 153rd, Oliver of the 83rd, Scott of the 2nd, Setzler of the 35th, Smith of the 168th, Stephenson of the 92nd, and Weldon of the 3rd.

They wished to be recorded as present.

Due to a mechanical malfunction, Representatives Brooks of the 63rd and Cooper of the 41st were not recorded on the attendance roll call. They wished to be recorded as present.

Prayer was offered by Dr. Benny Tate, Pastor, Rock Springs Church, Milner, 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.

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

HB 438. By Representatives Kidd of the 141st and Powell of the 29th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections generally, so as to provide that independent candidates shall have an additional qualifying period; to change the time for filing of nomination petitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 439. By Representatives Kidd of the 141st and Powell of the 29th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections generally, so as to provide that an incumbent may qualify for reelection as an independent candidate or as the candidate of a political body without filing a nomination petition; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 440. By Representatives Willard of the 49th, Dobbs of the 53rd, Jacobs of the 80th, Golick of the 34th, Benfield of the 85th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to general provisions regarding offenses against public health and morals, so as to change certain provisions regarding the offense of cruelty to animals; to provide a definition; to clarify provisions relating to the elements of the offenses of cruelty to animals and aggravated cruelty to animals; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

HB 441. By Representatives Maddox of the 127th, Golick of the 34th, Jacobs of the 80th, Ramsey of the 72nd, Lane of the 167th and others:

A BILL to be entitled an Act to amend Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to the Attorney General, so as to provide for certain requirements relating to the Attorney General's authorization to employ private counsel; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 442. By Representatives Mills of the 25th, Rogers of the 26th, Collins of the 27th and Benton of the 31st:

A BILL to be entitled an Act to provide for the continuation of an alternative method of distribution of the net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution among the Hall County School District, City of

Gainesville School District, and City of Buford Independent School District; to provide an effective date; to provide for applicability; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 443. By Representative Epps of the 128th:

A BILL to be entitled an Act to amend Code Section 40-14-1 of the Official Code of Georgia Annotated, containing definitions relative to speed detection devices, so as to allow certain rehabilitation centers to obtain permits for using such devices; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 444. By Representatives Nix of the 69th and Smith of the 70th:

A BILL to be entitled an Act to amend an Act creating the Heard County Water Authority, originally known as the Franklin-Heard County Water Authority, approved March 21, 1984 (Ga. L. 1984, p. 4613), as amended, particularly by an Act approved March 22, 1989 (Ga. L. 1989, p. 4139), so as to change provisions relating to compensation of members of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 445. By Representatives Welch of the 110th, Lindsey of the 54th and Evans of the 40th:

A BILL to be entitled an Act to amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to provide for security deposits when residential rental property has been foreclosed upon; to change provisions relating to judgments and writs of possession; to provide for a definition; to provide for rights and remedies of tenants when their rental property has been foreclosed upon; to provide for notices to tenants who reside in property being foreclosed upon; to change provisions relating to sales made on foreclosure under power of sale; to prohibit wrongfully inducing a tenant to vacate property being foreclosed upon; to provide for specified civil damages; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 446. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend Chapter 5 of Title 30 of the Official Code of Georgia Annotated, relating to protection of disabled adults and elder persons, so as to clarify the immunity of financial service employees acting in good faith to seek information to guard against fraud against elderly and disabled adults; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 447. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend Part 4 of Article 7 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to foreclosures on personalty, so as to enact the "Foreclosure Rescue Fraud Prevention Act"; to provide for definitions; to provide for foreclosure rescue consultants and firms to be bonded; to provide for the application of certain state consumer protection laws to foreclosure rescue transactions; to provide that unfair foreclosure rescue transactions are unlawful and void; to provide for remedies; 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.

HB 448. By Representative Peake of the 137th:

A BILL to be entitled an Act to amend Chapter 7 of Title 50 of the O.C.G.A., relating to the Department of Economic Development, so as to provide legislative findings; to define certain terms; to provide that the Georgia Sports Hall of Fame Authority shall develop criteria for designating educational tourist attractions throughout this state which honor members of the hall of fame; to provide for criteria governing the design and placement of signs to be erected on public land recognizing such tourist attractions; to provide for rules and regulations by the State Transportation Board; to amend Code Section 32-6-76 of the O.C.G.A., relating to restrictions on directional signs generally, so as to authorize directional signs to such tourist attractions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

HB 449. By Representative Sims of the 169th:

A BILL to be entitled an Act to amend Code Section 7-1-810, relating to definitions relative to multiple-party accounts, so as to provide a definition of the term "person" to include entities registered to provide preneed services; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 450. By Representatives Sims of the 169th, Powell of the 29th, Pruett of the 144th, Rogers of the 26th, Stephens of the 164th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to setoff debt collection, so as to authorize a setoff of certain debts owed to public housing authorities; to change certain provisions relating to definitions; to provide for procedures, conditions, and limitations; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 451. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 46 of the Official Code of Georgia Annotated, relating to natural gas competition and deregulation, so as to change certain provisions relating to the universal service fund; to provide a short title; to provide for the creation and maintenance of the fund from the proceeds of the sale, lease, or operation of certain facilities; to provide for certain payments to the fund; to provide for commission approval of certain sales and leases; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 460. By Representatives Epps of the 140th, Holmes of the 125th, Dickey of the 136th, Randall of the 138th, Peake of the 137th and others:

A RESOLUTION honoring the accomplishments of Coach Billy Henderson and dedicating an interchange in his name; and for other purposes.

Referred to the Committee on Transportation.

HR 461. By Representatives Ashe of the 56th, Carter of the 175th, Thomas of the 100th, Fullerton of the 151st, Kaiser of the 59th and others:

A RESOLUTION directing the Georgia Department of Education and the Georgia Professional Standards Commission to cooperatively develop a course on educator ethics to include information on the official Georgia Code of Ethics for educators and have as one area of emphasis best practices for administering state mandated tests; and for other purposes.

Referred to the Committee on Education.

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

HB 416	HB 417
HB 418	HB 419
HB 420	HB 421
HB 422	HB 423
HB 424	HB 425
HB 431	HB 432
HB 433	HB 434
HB 435	HB 436
HB 437	HR 458
HR 459	SB 33
SB 67	

Pursuant to HR 367, the House recognized Operation One Voice and commended Sergeant First Class Joe Kap.

Representative Morris of the 155th District, Chairman of the Committee on Banks and Banking, submitted the following report:

Mr. Speaker:

Your Committee on Banks and Banking has had under consideration the following Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 239 Do Pass, by Substitute

Respectfully submitted,
/s/ Morris of the 155th
Chairman

Representative Parsons of the 42nd District, Chairman of the Committee on Energy, Utilities, and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Energy, Utilities, and Telecommunications 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 256	Do Pass, by Substitute
HB 280	Do Pass, by Substitute
HB 304	Do Pass

Respectfully submitted,
/s/ Parsons of the 42nd
Chairman

Representative Golick of the 34th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary Non-Civil 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 315	Do Pass, by Substitute
HB 373	Do Pass
HB 390	Do Pass

Respectfully submitted,
/s/ Golick of the 34th
Chairman

Representative Smith of the 70th District, Chairman of the Committee on Natural Resources and Environment, submitted the following report:

Mr. Speaker:

Your Committee on Natural Resources and Environment has had under consideration the following Bill and Resolutions of the House and Senate and has instructed me to report the same back to the House with the following recommendations:

HB 274 Do Pass, by Substitute
 HR 381 Do Pass, by Substitute
 SR 15 Do Pass

Respectfully submitted,
 /s/ Smith of the 70th
 Chairman

Representative Bearden of the 68th District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security 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 180	Do Pass, by Substitute	HB 247	Do Pass, by Substitute
HB 254	Do Pass	HB 266	Do Pass

Respectfully submitted,
 /s/ Bearden of the 68th
 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 260 Do Pass
 HR 435 Do Pass

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

HOUSE RULES CALENDAR
 THURSDAY, MARCH 3, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 23rd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 189 Noncovered Dental Services Act; enact (Substitute) (Ins-Wilkinson-52nd)

Modified Structured Rule

HB 87 Illegal Immigration Reform and Enforcement Act of 2011; enact (Substitute) (JudyNC-Ramsey-72nd) (AM# 35 0232)

Pursuant to Rule 33.3, debate on HB 87 will be limited to three hours. Time to be allocated at the discretion of the Speaker.

HB 123 Weapon removal from public official; include stun guns and tasers; clarify (Substitute) (JudyNC-Powell-171st)

HB 142 Official Code of Georgia Annotated; revise, modernize, and correct errors or omissions (Substitute) (CR-Willard-49th)

HB 264 Georgia Council for the Arts; power and authority; revise certain provisions (ED&T-Carter-175th)

Structured Rule

HB 156 Indemnification payment; injured state highway employees; change provisions (Ins-Cheokas-134th)

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 and House:

SB 21. By Senators Ligon, Jr. of the 3rd, Seabaugh of the 28th, McKoon of the 29th, Heath of the 31st, Loudermilk of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to administration of tax and license laws, so as to provide that no audit shall be conducted after three years following the filing of a sales and use tax return or report; to provide an exception; to repeal conflicting laws; and for other purposes.

- SB 34. By Senators Rogers of the 21st, Williams of the 19th, Seabaugh of the 28th, Goggans of the 7th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to authorize public school students in charter schools and virtual schools to participate in extracurricular activities at their resident school; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 66. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to revise continuing education requirements relative to clinical perfusionists; to revise the definition of "perfusion"; to revise requirements relating to renewal of licenses for clinical perfusionists; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 92. By Senators McKoon of the 29th, Williams of the 19th, Bethel of the 54th, Staton of the 18th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 122. By Senators Tolleson of the 20th, Williams of the 19th, Hooks of the 14th, Bulloch of the 11th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to local government public works bidding, so as to provide for local government contracts related to planning, financing, constructing, acquiring, operating, or maintaining certain water reservoirs, facilities, and systems; to amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the Water Supply Division of the Georgia Environmental Finance Authority, so as to provide for participation by the division in certain local water reservoir, facilities, and systems projects; to repeal conflicting laws; and for other purposes.

SB 125. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend an Act to make provisions for the Magistrate Court of Jasper County, approved March 12, 1984 (Ga. L. 1984, p. 3785), as amended, so as to provide that the clerk of the Superior Court of Jasper County shall serve as the clerk of the magistrate court; to provide for the appointment of a clerk of the magistrate court in the event that the clerk of superior court chooses not serve as such clerk; to provide for the compensation of such clerk; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 195. By Representatives Taylor of the 79th, Jacobs of the 80th and Parent of the 81st:

A BILL to be entitled an Act to authorize the City of Dunwoody to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 300. By Representatives Channell of the 116th, Kidd of the 141st and Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Putnam County, approved September 8, 1879 (Ga. L. 1879, p. 334), as amended, particularly by an Act approved February 13, 1957 (Ga. L. 1957, p. 2130), an Act approved April 11, 1979 (Ga. L. 1979, p. 3496), an Act approved March 30, 1987 (Ga. L. 1987, p. 4819), an Act approved March 30, 1993 (Ga. L. 1993, p. 4410), and an Act approved April 1, 1996 (Ga. L. 1996, p. 3804), so as to provide for certain compensation of the members of

the board; to provide for related matters; 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 21. By Senators Ligon, Jr. of the 3rd, Seabaugh of the 28th, McKoon of the 29th, Heath of the 31st, Loudermilk of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to administration of tax and license laws, so as to provide that no audit shall be conducted after three years following the filing of a sales and use tax return or report; to provide an exception; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SB 34. By Senators Rogers of the 21st, Williams of the 19th, Seabaugh of the 28th, Goggans of the 7th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs under the "Quality Basic Education Act," so as to authorize public school students in charter schools and virtual schools to participate in extracurricular activities at their resident school; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 66. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to revise continuing education requirements relative to clinical perfusionists; to revise the definition of "perfusion"; to revise requirements relating to renewal of licenses for clinical perfusionists; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 92. By Senators McKoon of the 29th, Williams of the 19th, Bethel of the 54th, Staton of the 18th, Ligon, Jr. of the 3rd and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide limitations on when in-person absentee balloting may be conducted; to provide for a period of advance voting; to provide for procedures; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- SB 122. By Senators Tolleson of the 20th, Williams of the 19th, Hooks of the 14th, Bulloch of the 11th, Golden of the 8th and others:

A BILL to be entitled an Act to amend Chapter 91 of Title 36 of the Official Code of Georgia Annotated, relating to local government public works bidding, so as to provide for local government contracts related to planning, financing, constructing, acquiring, operating, or maintaining certain water reservoirs, facilities, and systems; to amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the Water Supply Division of the Georgia Environmental Finance Authority, so as to provide for participation by the division in certain local water reservoir, facilities, and systems projects; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

- SB 125. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend an Act to make provisions for the Magistrate Court of Jasper County, approved March 12, 1984 (Ga. L. 1984, p. 3785), as amended, so as to provide that the clerk of the Superior Court of Jasper County shall serve as the clerk of the magistrate court; to provide for the appointment of a clerk of the magistrate court in the event that the clerk of superior court chooses not serve as such clerk; to provide for the compensation of such clerk; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Pursuant to HR 386, the House congratulated the Brookwood High School football team on winning the 2010 GHSA Class AAAAA State Championship and invited them to be recognized by the House of Representatives.

Pursuant to HR 435, the House commended the Legislative Fellows Program for Pakistan and invited program participants to be recognized by the House of Representatives.

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

Representatives Byrd of the 20th, Jasperse of the 12th, Epps of the 140th, Lucas of the 139th, Kendrick of the 94th, Taylor of the 55th, Ashe of the 56th, and Smith of the 122nd.

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

HR 260. By Representatives Gardner of the 57th, Oliver of the 83rd, Abrams of the 84th, Ashe of the 56th, Dobbs of the 53rd and others:

A RESOLUTION Commending the Fuqua Center for Late-Life Depression at Emory University, the Atlanta Housing Authority, the Atlanta Area Agency on Aging/Atlanta Regional Commission, the Department of Behavioral Health and Developmental Disabilities, the J.B. Fuqua Foundation, and the Jesse Parker Williams Foundation and inviting their representatives to be recognized by the House of Representatives; and for other purposes.

HR 435. By Representatives Cheokas of the 134th, Wilkinson of the 52nd, Stephens of the 164th, Lindsey of the 54th, Oliver of the 83rd and others:

A RESOLUTION commending the Legislative Fellows Program for Pakistan and inviting program participants to be recognized by the House of Representatives; and for other purposes.

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

HB 264. By Representatives Carter of the 175th, Wilkinson of the 52nd, Stephens of the 164th, Collins of the 27th and Huckaby of the 113th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Council for the Arts, so as to revise certain provisions as to the power, authority, duties, and related matters of the director of the Office of Planning and Budget and the Office of Planning and Budget so that such power, authority, duties, and related matters shall now be vested in and carried out by the commissioner of economic development and the Department of Economic Development; 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:

E Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E 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	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	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	E Smyre
E Beasley-Teague	Y Dutton	E Hudson	Y Neal, J	Y Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	E Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	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	Y Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y 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	Lane	Y Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Clark, J	Y Hanner	Y Long	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	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
N Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y 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 155, nays 3.

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

Representatives Clark of the 98th, Hembree of the 67th, and Maddox of the 172nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Byrd of the 20th 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 3, 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 264 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 156. By Representatives Cheokas of the 134th, Meadows of the 5th, Roberts of the 154th, England of the 108th, Bearden of the 68th 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 for indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relative to the indemnification of injured state highway employees; to provide 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:

E 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	E 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	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	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	E Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	E Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	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	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y 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
Channell	Y Greene	Y Lane	Y Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	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 165, nays 0.

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

Representative Channell of the 116th 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.

HB 189. By Representatives Wilkinson of the 52nd, Maxwell of the 17th, Shaw of the 176th, Hembree of the 67th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to provide that no contract or agreement between a dental insurer or network and a dentist shall require the dentist to accept an amount for dental care services that are not covered dental services under a dental benefit plan; to provide that no dental insurer shall publish or otherwise communicate that discounts are available for noncovered dental services; to provide that a violation is punishable as an unfair trade practice; to provide for a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, so as to provide that no contract or agreement between a dental insurer or network and a dentist shall require the dentist to accept an amount for dental care services that are not covered dental services under a dental benefit plan; to provide that no dental insurer shall publish or otherwise communicate that discounts are available for noncovered dental services; to provide that a violation is punishable as an unfair trade practice; to provide for a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Noncovered Dental Services Act."

SECTION 2.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions regarding insurance, is amended by adding a new Code section to read as follows:

"33-24-59.14.

(a) As used in this Code section:

(1) 'Covered dental services' means dental care services for which a reimbursement is available under a covered person's dental benefit plan, or for which a reimbursement would be available but for the application of contractual limitations such as deductibles, copayments, coinsurance, waiting periods, annual or lifetime maximums, frequency limitations, alternative benefit payments, or any other limitation.

(2) 'Covered person' means any subscriber, enrollee, member, beneficiary, or participant, or his or her dependent, for whom benefits are payable when that covered person receives dental care services rendered or authorized by a dentist licensed under Chapter 11 of Title 43.

(3) 'Dental benefit plan' means any individual or group plan, policy, contract, or subscription agreement which includes or is for dental care services that is issued, delivered, issued for delivery, or renewed in this state whether by a health care insurer, health maintenance organization, preferred provider organization, accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical or dental service corporation, health care plan, or any other person, firm, corporation, joint venture, or other similar business entity that pays for, purchases, or furnishes dental care services to patients, insureds, beneficiaries, or covered dependents in this state.

(4) 'Dental insurer' means any person, firm, corporation, joint venture, or other similar business entity that offers dental benefit plans in consideration of periodic payments.

(b) No contract between a dental insurer and a dentist shall require a dentist to accept an amount set by the dental insurer as payment for dental care services that are not covered dental services under the covered person's dental benefit plan.

(c) A dental insurer or other person or entity providing third-party administrator services shall not make available any providers in its dentist network to a plan that sets dental fees for any services except covered services.

(d) A dental insurer shall not draft, publish, disseminate, or circulate explanation of benefit forms that include language which directly or indirectly implies that a dentist may or should extend discounts to patients for noncovered dental services. Statements by a dental insurer which are prohibited by this Code section include but are not limited to, "Our members value the services you provide and we encourage you to continue extending the discount on noncovered services."

(e) A violation of this Code section shall be punishable as an unfair trade practice under Article 1 of Chapter 6 of this title."

SECTION 3.

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

The following amendment was read and withdrawn:

Representative Wilkinson of the 52nd offers the following amendment:

Amend HB 189 (LC 37 1121) by deleting on lines 6 and 7 after "services;" the following:

to provide that a violation is punishable as an unfair trade practice;

By deleting lines 47 and 48;

By inserting a double quote at the end of line 46.

The following amendment was read and adopted:

Representative Wilkinson of the 52nd offers the following amendment:

Amend the House Committee on Insurance substitute to HB 189 (LC 37 1166S) by deleting on lines 6 and 7 after "services;" the following:

to provide that a violation is punishable as an unfair trade practice;

By deleting lines 46 through 50 and inserting in their place:

insurer which are prohibited by this Code section include but are not limited to, 'Our members value the services you provide and we encourage you to continue extending the discount on noncovered services.'"

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:

E 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	Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	E Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	E Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	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	Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Teasley
Y Buckner	Y 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	Y Ramsey	Y Weldon
Y Cheokas	Y 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	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 165, nays 1.

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

Representatives Dickey of the 136th, Dickson of the 6th, and Williams of the 4th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

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

March 3, ad 2011

Dear Mr. Clerk,

Article I, Section X, of the Constitution of the United States, provides among other things that "No State shall...pass any...Law impairing the Obligation of Contracts." Further, Article I, Section II, Paragraph V, of the Constitution of the State of Georgia, 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 189 unconstitutionally impairs the obligation of contracts. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 142. By Representatives Willard of the 49th and Maddox of the 127th:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated, so as to revise, modernize, and correct errors or omissions in said

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

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Reserved.

SECTION 2.

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

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

SECTION 3.

Reserved.

SECTION 4.

Reserved.

SECTION 5.

Reserved.

SECTION 6.

Reserved.

SECTION 7.

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

- (1) Code Section 7-1-1001, relating to the licensing of mortgage lenders and mortgage brokers and exemptions for certain persons and entities and registration requirements, by replacing "of this Code section shall obtain" with "of this Code section, shall obtain" in subsection (b).
- (2) Code Section 7-1-1004, relating to the investigation of mortgage broker and lender applicants and their officers, audit, and education, experience, and other requirements relative to licensees and registrants, by replacing "Investigation, and" with "Investigation and" in paragraph (1) of subsection (j).

SECTION 8.

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

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

SECTION 9.

Reserved.

SECTION 10.

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

- (1) Code Section 10-5-76, relating to public records and exceptions relative to administration of the "Georgia Uniform Securities Act of 2008," by replacing "Code Section 10-5-21;" with "Code Section 10-5-71;" in paragraph (1) of subsection (b).
- (2) Code Section 10-14-6, relating to irrevocable trust funds in regard to cemetery and funeral services, by revising paragraph (1) of subsection (f) as follows:

"(f)(1) The assets of a trust fund shall be invested and reinvested subject to all the terms, conditions, limitations, and restrictions imposed by the laws of the State of Georgia upon executors and trustees regarding the making and depositing of investments with trust moneys pursuant to former Code Sections 53-8-1 through 53-8-4 ~~of the 'Pre-1998 Probate Code,' as such existed on December 31, 1997,~~ if applicable;_; Code Section 53-8-1 ~~of the 'Revised Probate Code of 1998,';~~_; or Code Section 53-12-340 ~~of 'The Revised Georgia Trust Code of 2010.';~~ Subject to said

terms, conditions, limitations, and restrictions, the trustee of the perpetual care trust fund shall have full power to hold, purchase, sell, assign, transfer, reinvest, and dispose of any of the securities and investments in which any of the assets of said fund are invested, including proceeds of investments."

SECTION 11.

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

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

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

SECTION 12.

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) The change of the governance of the State Museum of Agriculture and its continuation, as provided in this Code section, shall in no way affect any existing obligations, liabilities, or rights of the authority as such existed on June 30, 2010. All such obligations, liabilities, and rights are transferred to, vested in, and assumed by the Board of Regents of the University System of Georgia. All existing contracts and agreements between any party and the authority shall not be affected by this Code section but shall continue in full force and effect, without interruption, as contracts or agreements of the Board of Regents of the University System of Georgia.

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

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

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

- (6) Code Section 12-5-7, relating to local variances from state restrictions on outdoor watering, by replacing "4 P.M." with "4:00 P.M." in paragraph (1) of subsection (a.1).
- (7) Code Section 12-5-180.1, relating to allocating water and waste-water usage among tenants and charging tenants for usage, by replacing "provided, however, a county" with "provided, however, that a county, municipal, or other" in subsection (f).
- (8) Code Section 12-5-524, relating to the creation of the Water Council and obligations of the council, by replacing "Georgia Forestry Commission" with "State Forestry Commission" in subsection (a).
- (9) Code Section 12-8-104, relating to the powers and duties of the director of the voluntary remediation program, by replacing "To collect assess, receive," with "To collect, assess, receive," in paragraph (5) of subsection (a).
- (10) Code Section 12-8-104.1, relating to the establishment of the Voluntary Remediation Escrow Account and the role and duties of the director, by replacing "interest bearing account" with "interest-bearing account" in subsection (a).
- (11) Code Section 12-11-4, relating to the creation of the Georgia Youth Conservation Corps, purposes, and rules and regulations, by replacing the period with a semicolon at the end of paragraph (8.1).

SECTION 13.

Reserved.

SECTION 14.

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

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

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

SECTION 15.

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

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

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

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

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

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

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

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

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

(4) Code Section 15-11-84, relating to juvenile proceedings and governmental entity defined, sharing information, and confidentiality, by replacing "Governmental entities and state, county, municipal, or consolidated government, or municipal government departments, boards, or agencies shall" with "Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall" at the beginning of subsection (b).

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

SECTION 16.

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

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

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

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

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

(5) Code Section 16-11-129, relating to license to carry a weapon, temporary renewal permit, and mandamus, by replacing "the United States Bureau of Immigration and

Customs Enforcement" with "United States Immigration and Customs Enforcement" in paragraph (3) of subsection (d).

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

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

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

(9) Code Section 16-14-3, relating to definitions in regard to the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," by redesignating division (9)(A)(xl) as division (9)(A)(xxxix) and by redesignating division (9)(A)(xxxx) as division (9)(A)(xl), respectively, and by revising division (12)(B)(i) as follows:

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

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

SECTION 17.

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

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

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

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

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

(3) Article 1 of Chapter 10, relating to procedure for sentencing and imposition of punishment, by codifying the text of Section 10 of an Act to amend Code Section 16-5-1

and Chapter 10 of Title 17 of the Official Code of Georgia Annotated, approved April 29, 2009 (Ga. L. 2009, p. 223), as Code Section 17-10-16.1.

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

SECTION 18.

Reserved.

SECTION 19.

Reserved.

SECTION 20.

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

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

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

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

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

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

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

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

- (8) Code Section 20-2-212, relating to salary schedules established by the State Board of Education, by replacing "as long as" with "so long as" in the undesignated text at the end of paragraph (2) of subsection (a).
- (9) Code Section 20-2-212.6, relating to limitation on salary increase for school superintendent or administrators, by replacing "that this shall not apply" with "that this subsection shall not apply" in subsection (a) and by replacing "30 days notice" with "30 days' notice" in paragraph (1) of subsection (b).
- (10) Code Section 20-2-326, relating to definitions regarding the "Building Resourceful Individuals to Develop Georgia's Economy Act," by replacing "two, three, or four-year" with "two-year, three-year, or four-year" and by replacing "work-based learning" with "work based learning" in paragraph (9).
- (11) Code Section 20-2-327, relating to secondary and postsecondary education and recognition of advanced proficiency/honors courses and counseling and development of individual graduation plans, by replacing "requirements, and" with "requirements; and" at the end of paragraph (1) of subsection (a).
- (12) Code Section 20-2-751.4, relating to policies prohibiting bullying, assignment to alternative school, and notice, by replacing "or physical act, which" with "or physical act which" in paragraph (3) of subsection (a).
- (13) Code Section 20-2-1010, relating to the State Board of Education to prescribe textbooks and choosing from multiple listings, by replacing "in any medium, print, nonprint, or digital" with "in any medium, whether print, nonprint, or digital" and by replacing "such material that constitutes" with "such material, that constitutes" in subsection (a).
- (14) Code Section 20-3-520, relating to construction and operation authorized and separate appropriations regarding the Eugene Talmadge Memorial Hospital, by replacing "Medical College of Georgia" with "Georgia Health Sciences University".

SECTION 21.

Reserved.

SECTION 22.

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

- (1) Code Section 22-2-109, relating to condemnation and factors to be considered in determining or estimating just and adequate compensation, determination of date of taking, inclusion of date of approval of original location of highway in petition for condemnation, and newspaper advertisement, by replacing "(2 Capitol Square, Atlanta, Georgia 30334)" with "(One Georgia Center, 600 West Peachtree NW, Atlanta, Georgia 30308)" in subsection (b).
- (2) Code Section 22-2-137, relating to factors to be considered in determining or estimating just and adequate compensation, determination of date of taking, inclusion of date of approval of original location of highway in petition for condemnation, and newspaper advertisement, by replacing "(2 Capitol Square, Atlanta, Georgia 30334)"

with "(One Georgia Center, 600 West Peachtree NW, Atlanta, Georgia 30308)" in subsection (b).

SECTION 23.

Reserved.

SECTION 24.

Reserved.

SECTION 25.

Reserved.

SECTION 26.

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

- (1) Code Section 26-2-312, relating to wholesale fish dealers' licenses, by replacing "movable;" with "movable; and" at the end of paragraph (1) of subsection (a).
- (2) Code Section 26-4-41, relating to the practice of pharmacy and qualifications for license, examination, and internship and other training programs by replacing "determine; and" with "determine." at the end of paragraph (1) of subsection (c).

SECTION 27.

Reserved.

SECTION 28.

Reserved.

SECTION 29.

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

- (1) Code Section 29-2-16, relating to individuals with preference for permanent guardianship of minor and preference not controlling, by revising paragraph (2) of subsection (a) as follows:
 - "(2) The nearest adult relative of the minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of 1998;~~"
- (2) Code Section 29-2-17, relating to the petition for appointment of a permanent guardian, requirements of petition, and notice, by revising subparagraph (b)(7)(C) as follows:
 - "(C) If there is no grandparent of the minor, any three of the nearest adult relatives of the minor determined according to Code Section 53-2-1 ~~of the Revised Probate Code of 1998;~~"
- (3) Code Section 29-2-22, relating to the authority of a guardian and the appointment of a guardian ad litem, by revising paragraph (6) of subsection (b) as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"29-8-1.

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

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

"29-8-2.

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

SECTION 30.

Reserved.

SECTION 31.

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

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

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

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

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

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

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

SECTION 32.

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

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

SECTION 33.

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

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

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

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

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

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

(6) Code Section 33-50-5, relating to minimum surplus, capital requirements, security deposit, annual audit, aggregate excess stop-loss coverage, and individual excess stop-

loss coverage, by redesignating the introductory language of subsection (g) as paragraph (1) of subsection (g) and by redesignating current paragraphs (1) through (4) as new paragraphs (2) through (5), respectively, in subsection (g) and by redesignating the introductory language of subsection (h) as paragraph (1) of subsection (h) and by redesignating current paragraphs (1) through (3) as new paragraphs (2) through (4), respectively, in subsection (h).

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

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

SECTION 34.

Reserved.

SECTION 35.

Reserved.

SECTION 36.

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

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

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

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

shall only be allowed for tax liens which arose as a result of an assessment against such property. It is declared to be necessary, to enable such municipalities and counties to exercise their powers under this Code section, that upon the condemnation proceedings being had, the municipalities and counties shall become vested with fee simple indefeasible title to the property involved in the proceedings."

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

SECTION 37.

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

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

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

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

SECTION 38.

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

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

SECTION 39.

Reserved.

SECTION 40.

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

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

(2) Code Section 40-3-36, relating to the cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative

enforcement, and removal of license plates, by replacing the period with a semicolon at the end of division (a)(2)(E)(iii).

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

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

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

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

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

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

SECTION 41.

Reserved.

SECTION 42.

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

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

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

SECTION 43.

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

(1) Code Section 43-1B-4, relating to prohibited actions, civil penalties, and grounds for disciplinary actions regarding patient referrals by health care providers, by replacing "Except as provided in this Code section:" with "Except as provided in this chapter:" in the introductory language.

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

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

~~"(4)(A)~~ U.S.A. Boxing;"

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

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

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

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

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

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

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

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

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

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

- (12) Code Section 43-26-7, relating to the requirements for licensure as a registered professional nurse and the requirements for a nontraditional nursing education program, by replacing "If entered" with "If the applicant entered" at the beginning of subdivisions (b)(2)(B)(ii)(I) and (b)(2)(B)(ii)(II) and subparagraphs (c)(4)(C) and (c)(4)(D) and by replacing "If graduated" with "If the applicant graduated" at the beginning of subparagraph (c)(4)(B).
- (13) Code Section 43-26-12, relating to registered professional nurses and exceptions to operation and burden of proof, by replacing "individual that has" with "individual who has" in division (a)(9)(C)(i).
- (14) Code Section 43-34-26.1, relating to influenza vaccine protocol agreements, by replacing "patients that meet certain criteria" with "patients who meet certain criteria" both times it appears in paragraph (5) of subsection (a).
- (15) Code Section 43-34A-4, relating to requests for physician profiles, fees, confidentiality, and dispersal of inaccurate profile prohibited, by replacing "by electronic mail." with "by e-mail."
- (16) Code Section 43-38-7, relating to licensing of armed employees, qualifications, continuing education, fingerprints, license card, and suspension, by replacing "under oath, and" with "under oath and" in subsection (d).
- (17) Code Section 43-39A-2, relating to definitions relative to real estate appraisers, by replacing "Any person that contracts" with "Any person who contracts" at the beginning of division (3)(B)(ii).
- (18) Code Section 43-39A-14, relating to real estate appraisers and the required conduct of applicants, refusal of classification, imposition of sanctions, revocation of classification, noncompliance with child support orders, and borrowers in default, by replacing "licensure or approval; and provided that if such" with "licensure or approval, provided that, if such" in subparagraph (b)(1.2)(A).
- (19) Code Section 43-39A-22, relating to real estate appraisers and investigations, subpoenas, confidentiality, access to records, publication of names of disciplined appraisers and schools, and closed meetings, by replacing "company who is the subject" with "company that is the subject" both times it appears in subsection (d) and by replacing "or an approved school" with "or approved school" in subsection (e).
- (20) Code Section 43-41-7, relating to the requirement of written warranties by residential and general contractors, by replacing "single family residence" with "single-family residence".
- (21) Code Section 43-47-2, relating to definitions relative to used motor vehicles and used motor vehicle parts dealers, by deleting the text of obsolete paragraph (13) and reserving said paragraph designation and by replacing "Financial institutions as used in this chapter shall not include a pawnbroker as defined in Code Section 44-12-130; provided, however, that a pawnbroker" with "A pawnbroker" at the beginning of the last sentence of subparagraph (A) of paragraph (17) so as to eliminate the redundancy with the last sentence of paragraph (4) of said Code section.

SECTION 44.

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

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

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

SECTION 45.

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

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

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

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

(4) Code Section 45-12-92, relating to revenue collections to be paid to the state treasury on a monthly basis, the effect of failure of the budget unit to comply with this Code section, definition of user fee, and reporting, by replacing "provided, or" with "provided or" in subparagraph (b)(3)(A) and by replacing "adjustment, which" with "adjustment which" in subparagraph (b)(3)(B).

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

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

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

SECTION 46.

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

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

SECTION 47.

Reserved.

SECTION 48.

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

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

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

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

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

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

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

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

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

SECTION 49.

Reserved.

SECTION 50.

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

- (1) Code Section 50-17-22, relating to the State Financing and Investment Commission, by replacing "chairman" with "chairperson" and "vice-chairman" with "vice chairperson" in paragraph (1) of subsection (b) and subsection (c), by replacing "state treasurer" with "director" in paragraphs (2) and (3) of subsection (b), by replacing "agenda" with "agendas" in paragraph (2) of subsection (b), and by replacing "Deposit, or arrange for," with "Deposit or arrange for" in division (d)(6)(B)(i).
- (2) Code Section 50-17-63, relating to state depositories and the deposit of demand funds, investment of funds, reports, remittance of interest earned, and motor fuel tax revenues, by replacing "Chapter 17 of this title." with "this chapter." in subsection (b).
- (3) Code Section 50-18-20, relating to definitions relative to court reports, by replacing "the Code of Judicial Conduct," with "the Georgia Code of Judicial Conduct," and by deleting "the Rules for Sentence Review Panel," in paragraph (4).
- (4) Code Section 50-37-2, relating to definitions regarding guaranteed energy savings performance contracts, by replacing "program, or facility alteration, or technology" with "program or facility alteration or technology" in the introductory language of paragraph (4) and by replacing "authorized under the" with "authorized under Part 1 of Article 1 of Chapter 3 of Title 46, the" in subparagraph (M) of paragraph (4).
- (5) Code Section 50-37-7, relating to requirements for state agencies regarding guaranteed energy savings performance contracts, by replacing "the department" with "the authority" in paragraph (2).

SECTION 51.

Reserved.

SECTION 52.

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

- (1) Code Section 52-3-2, currently repealed under Chapter 3, relating to the intracoastal waterway, by designating said Code section as reserved.
- (2) Code Section 52-3-3, currently repealed under Chapter 3, relating to the intracoastal waterway, by designating said Code section as reserved.
- (3) Code Section 52-3-6, currently repealed under Chapter 3, relating to the intracoastal waterway, by designating said Code section as reserved.
- (4) Code Section 52-3-10, currently repealed under Chapter 3, relating to the intracoastal waterway, by designating said Code section as reserved.

SECTION 53.

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

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

"(a) This chapter and Chapters 2 through 11 of this title, as such chapters were ~~amended~~ enacted by an Act approved April 2, 1996 (Ga. L. 1996, p. 504), and as

amended by an Act approved April 29, 1997 (Ga. L. 1997, p. 1352), and as such chapters may be amended in the future, shall be known and may be cited as the 'Revised Probate Code of 1998.'"

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

"(f)(1)(A) Except as otherwise provided by the will or other governing instrument, a renunciation shall cause the renounced property to pass as if the person renouncing had predeceased the decedent or, in the case of property passing upon exercise of a power of appointment, as if the person renouncing had predeceased the holder of the power, even if the acceleration of a contingent remainder or other interest results. A will or other governing instrument may otherwise provide expressly or by implication, but the fact that a remainder or other future interest following a renounced interest is conditioned upon surviving the holder of such renounced interest shall not, without more, be sufficient to indicate that such conditioned interest should not accelerate by reason of such renunciation.

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

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

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

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

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

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

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

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

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

- (11) Code Section 53-12-280, relating to certification of trust by a trustee, by replacing "trust as provided" with "trust provided" in the introductory language of subsection (b).
- (12) Code Section 53-12-304, relating to the liability of a successor trustee, by replacing "trustee, and" with "trustee and" in paragraph (1) of subsection (a).
- (13) Code Section 53-12-320, relating to nonresidents acting as trustees, by replacing "thereto on" with "thereto, on" in subsection (c).
- (14) Code Section 53-12-344, relating to language invoking application of trust investments and the "Georgia Principal and Income Act," by replacing "under Article 16 and 17" with "under this article and Article 17".
- (15) Code Section 53-12-361, relating to trustee power of adjustment, by replacing "section if:" with "section:" at the end of the introductory language of subsection (c) and by replacing "The adjustment" with "If the adjustment" at the beginning of paragraphs (1) and (2) of subsection (c).
- (16) Code Section 53-12-362, relating to the power to convert a trust into a unitrust, by replacing "Article 16 and 17" with "this article and Article 17" in the introductory language of paragraph (3) of subsection (d) and by replacing "instrument; and" with "instrument." at the end of paragraph (1) of subsection (j).
- (17) Code Section 53-12-363, relating to abuse of a trustee's discretion, by replacing "apply" with "applies" in the introductory language of subsection (b).
- (18) Code Section 53-12-401, relating to trustees and the apportionment of receipts and disbursements when decedent dies or income interest begins, by replacing "payer" with "payor" in subsection (c).
- (19) Code Section 53-12-420, relating to trustees and principal receipts, by replacing "payer" with "payor" in paragraph (1).
- (20) Code Section 53-12-425, relating to trustees and deferred compensation, annuities, and similar payments, by replacing "payer" with "payor" both times it appears and by replacing "payer's" with "payor's" in paragraph (1).
- (21) Code Section 53-12-431, relating to asset-backed securities, by replacing "payer" with "payor" in subsection (b).

SECTION 54.

- (a) Except for Title 47, the text of Code sections and title, chapter, article, part, subpart, Code section, subsection, paragraph, subparagraph, division, and subdivision numbers and designations as contained in the Official Code of Georgia Annotated published under authority of the state by The Michie Company in 1982 and contained in Volumes 3 through 40 of such publication or replacement volumes thereto, as amended by the text and numbering of Code sections as contained in the 2010 supplements to the Official Code of Georgia Annotated published under authority of the state in 2010 by LEXIS Publishing, are reenacted and shall have the effect of statutes enacted by the General Assembly of Georgia.
- (b) Annotations; editorial notes; Code Revision Commission notes; research references; notes on law review articles; opinions of the Attorney General of Georgia; indexes; analyses; title, chapter, article, part, and subpart captions or headings, except as otherwise

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

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

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

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

SECTION 55.

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

SECTION 56.

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

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:

E 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	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	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	E Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	England	E Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	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	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y 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	E Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	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, by substitute, the ayes were 167, nays 0.

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

Representative Maddox of the 172nd 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.

HB 123. By Representatives Powell of the 171st, Bearden of the 68th, Willard of the 49th, Rynders of the 152nd, Battles of the 15th and others:

A BILL to be entitled an Act to amend Code Section 16-10-33 of the Official Code of Georgia Annotated, relating to removal or attempted removal of a weapon from a public official and punishment therefor, so as to clarify that the provision includes stun guns and tasers; to provide for related matters; to provide for an effective date and applicability; 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 Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to clarify that provisions relating to removal or attempted removal of a weapon from a public official includes stun guns and tasers; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, is amended by revising Code Section 16-10-33, relating to removal or attempted removal of a weapon from a public official and punishment therefor, as follows:

"16-10-33.

(a) For the purposes of this Code section, the term 'firearm' shall include stun guns and tasers. A stun gun or taser is any device that is powered by electrical charging units such as batteries and emits an electrical charge in excess of 20,000 volts or is otherwise capable of incapacitating a person by an electrical charge.

~~(a)~~(b) It shall be unlawful for any person knowingly to remove or attempt to remove a firearm, chemical spray, or baton from the possession of another person if:

- (1) The other person is lawfully acting within the course and scope of employment; and
- (2) The person has knowledge or reason to know that the other person is employed as:

(A) A peace officer as defined in paragraph (8) of Code Section 35-8-2;

(B) A probation officer, or other employee with the power of arrest, by the Department of Corrections;

(C) A parole supervisor, or other employee with the power of arrest, by the State Board of Pardons and Paroles;

(D) A jail officer or guard by a county or municipality and has the responsibility of supervising inmates who are confined in a county or municipal jail or other detention facility; or

(E) A juvenile correctional officer by the Department of Juvenile Justice and has the primary responsibility for the supervision and control of youth confined in such department's programs and facilities.

~~(b)~~(c) Any person who violates subsection ~~(a)~~(b) of this Code section shall, upon conviction thereof, be punished by imprisonment for not less than one nor more than five years or a fine of not more than \$10,000.00, or both.

(e)(d) A violation of this Code section shall constitute a separate offense. A sentence imposed under this Code section may be imposed separately from and consecutive to or concurrent with a sentence for any other offense related to the act or acts establishing the offense under this Code section."

SECTION 2.

This Act shall become effective on July 1, 2011, and shall apply to offenses committed on or after such date.

SECTION 3.

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:

E 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	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
E Beasley-Teague	Y Dutton	E Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	England	E Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	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	Y 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	Y Fullerton	Y Jordan	Y Peake	Thomas
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	E Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	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	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 1.

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

Representative Maddox of the 172nd 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.

HB 87. By Representatives Ramsey of the 72nd, Golick of the 34th, Dempsey of the 13th, Austin of the 10th, Allison of the 8th and others:

A BILL to be entitled an Act to enact the "Illegal Immigration Reform and Enforcement Act of 2011"; to amend the O.C.G.A., so as to provide for definitions; to provide for a private cause of action; to require private employers to use an employment eligibility verification system and provide for civil penalties; to provide for offenses; to provide for the investigation of illegal alien status; to provide authority for law enforcement officers to enforce federal immigration laws and to provide immunity; to provide for civil and criminal penalties; to modify provisions relating to training peace officers; to establish grant funding; to provide for the verification of the immigration status of foreign nationals; to provide that counties shall receive additional funding for confinement of state inmates; to require proof that private businesses are participating in the employment eligibility verification system; to provide for identification cards; to enact the "Secure and Verifiable Identity Document Act"; to provide for related matters; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To enact the "Illegal Immigration Reform and Enforcement Act of 2011"; to amend Article 3 of Chapter 10 of Title 13, Chapter 80 of Title 36, and Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to security and immigration compliance, general provisions relative to local government, and the verification of immigration status using the federal SAVE system prior to the issuance of certain public benefits, requirements, procedures, conditions, exceptions, regulations, and criminal and other

penalties for violations, respectively, so as to provide for definitions; to provide for a private cause of action for enforcement of provisions relating to the prevention of illegal immigration; to require private employers to use an employment eligibility verification system and provide for civil penalties; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide for offenses involving illegal aliens; to provide for the offense of aggravated identity fraud; to provide for penalties; to amend Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches and seizures, so as to provide for the investigation of illegal alien status; to amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to provide authority for law enforcement officers to enforce federal immigration laws under certain circumstances and to provide immunity for such officers subject to limitations; to provide for civil and criminal penalties; to modify provisions relating to training peace officers for enforcement of immigration and custom laws; to establish grant funding for local law enforcement agencies to enter into agreements with federal agencies for the enforcement of immigration law; to amend Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, so as to provide for the verification of the immigration status of foreign nationals arrested and held in a county or municipal jail; to provide that local governing authorities that have entered or attempted to enter into certain memorandums of agreement with the federal government shall receive additional funding for confinement of state inmates; to provide for a funding contingency; to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to local governments, so as to require proof that private businesses are participating in the employment eligibility verification system prior to the issuance of a business license or other documents; to amend Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, so as to provide for identification documents by applicants for public benefits; to enact the "Secure and Verifiable Identity Document Act"; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

I.
TITLE

SECTION 1.

This Act shall be known and may be cited as the "Illegal Immigration Reform and Enforcement Act of 2011."

II.
PRIVATE CAUSE OF ACTION FOR
THE ENFORCEMENT OF PROVISIONS
TO PREVENT ILLEGAL IMMIGRATION.

SECTION 2.

Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security and immigration compliance, is amended in Code Section 13-10-91, relating to the verification of the immigration status of new employees, eligibility, applicability, and rules and regulations for use of the federal E-Verify identification system, by revising subsection (f) as follows:

"(f)(1) No employer or agency or political subdivision, as such term is defined in Code Section 50-36-1, shall be subject to lawsuit or liability arising from any act to comply with the requirements of this Code section; provided, however, that a person who is a legal resident as defined in Code Section 40-2-1 and at least 21 years of age may file a civil action for injunctive or other equitable relief against any official or agency of this state or a political subdivision of this state for the purpose of enforcing the provisions of this Code section.

(2) A civil action filed pursuant to this subsection shall be filed in the superior court of the county having jurisdiction of the agency's headquarters or where the violation is alleged to have occurred. Prior to filing a civil action to enforce the provisions of this Code section, notice shall be served as follows:

(A) Within six months of the discovery of an alleged failure by an official or agency to enforce the provisions of this Code section, a person entitled to bring a claim based upon such failure shall serve a copy of his or her proposed claim in writing, by certified mail or statutory overnight delivery, on the official or agency, or both, alleged to have failed to enforce a provision or provisions of this Code section. A copy of such claim shall also be served upon the governing authority of the official or agency. The claim shall identify with specificity any provisions of this Code section that allegedly had not been followed and the allegations that form the basis of the proposed claim; and

(B) Upon the service of such claim, the official or agency shall have 30 days from the date of service to correct the alleged deficiency and take reasonable measures to implement and follow the requirements of this Code section. No civil action brought pursuant to this subsection shall be entertained by any court of this state against an official or agency of this state or subdivision of this state until the claim has first been presented for an opportunity to take corrective action as provided in this paragraph. If corrective action is taken sufficient to satisfy the requirements of this Code section, any civil action filed pursuant to this Code section shall be void ab initio. If, after the 30 day notice period, a claimant has a good faith basis for claiming that corrective action has not been sufficiently taken, then the claimant may proceed with filing a civil action. A copy of the notice served pursuant to this paragraph and proof of service shall be attached to the civil action when filed.

(3) All discovery and any pending hearings or motions in a civil action based on a violation of this Code section shall be stayed upon the filing of a motion to dismiss or a motion to strike. The court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this paragraph. The court shall rule on such motion to dismiss or

motion to strike within 45 days of the filing of a claimant's response or the agency or official's reply, whichever is later.

(4) If there is a judicial finding that an agency or official of an agency has violated or failed to abide by the provisions of this Code section, the court shall order the official or agency, or both, to conform to the requirements of the law and shall assess against the official or agency, or both, a civil penalty of not less than \$1,000.00 or more than \$5,000.00 for each separate violation. The court shall collect the civil penalty and remit the same to local law enforcement agencies or departments within the court's jurisdiction for the purpose of training law enforcement officers in matters related to the enforcement of immigration law. In addition, the court shall award all reasonable and necessary attorney's fees and expenses of litigation to any prevailing party by an adjudication on the merits in a proceeding brought pursuant to this Code section. Reasonable and necessary attorney's fees and expenses of litigation under this Code section may be requested by motion at any time during the course of such civil action but not later than 45 days after the final disposition, including, but not limited to, dismissal by the plaintiff, of such civil action.

(5) Nothing in this Code section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, or rule."

SECTION 3.

Said Code section of said article is further amended by adding new subsections to read as follows:

"(g) The Attorney General shall be authorized to bring any civil action against a political subdivision of this state that he or she deems necessary to enforce compliance with this Code section, including a civil action as provided for in subsection (f) of this Code section.

(h) A civil action brought against an official or agency of this state or a political subdivision of this state shall be subject to the provisions of Article 5 of Chapter 7 of Title 51, involving abusive litigation."

SECTION 4.

Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to local government, is amended by revising Code Section 36-80-23, relating to prohibition on immigration sanctuary policies by local governmental entities and certification of compliance, as follows:

"36-80-23.

(a) As used in this Code section, the term:

~~(1) 'Federal officials or law enforcement officers' means any person employed by the United States government for the purpose of enforcing or regulating federal immigration laws and any peace officer certified by the Georgia Peace Officer Standards and Training Council where such federal official or peace officer is acting within the scope of his or her employment for the purpose of enforcing federal immigration laws or preserving homeland security.~~

~~(2) 'Immigration status' means the legality or illegality of an individual's presence in the United States as determined by federal law.~~

~~(3) 'Immigration status information' means any information, not including any information required by law to be kept confidential but otherwise including but not limited to any statement, document, computer generated data, recording, or photograph, which is relevant to immigration status or the identity or location of an individual who is reasonably believed to be illegally residing within the United States or who is reasonably believed to be involved in domestic terrorism as that term is defined in Code Section 16-4-10 or a terroristic act as that term is defined by Code Section 35-3-62.~~

~~(4)~~(1) 'Local governing body' means any political subdivision of this state, including any county, consolidated government, municipality, authority, school district, commission, board, or any other local public body corporate, governmental unit, or political subdivision.

~~(5) 'Local official or employee' means any elected or appointed official, supervisor or managerial employee, contractor, agent, or certified peace officer acting on behalf of or in conjunction with a local governing body.~~

~~(6)~~(2) 'Sanctuary policy' means any regulation, rule, policy, or practice adopted by a local governing body which prohibits or restricts local officials or employees from communicating or cooperating with federal officials or law enforcement officers with regard to reporting immigration status information while such local official or employee is acting within the scope of his or her official duties.

(b) No local governing body, whether acting through its governing body or by an initiative, referendum, or any other process, shall enact, adopt, implement, or enforce any sanctuary policy.

(c) Any local governing body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection (c) of Code Section 50-36-1.

(d) The Department of Community Affairs, the Department of Transportation, or any other state agency that provides funding to local governing bodies ~~may~~ shall require certification of compliance with this Code section as a condition of funding.

(e)(1) A person who is a legal resident, as defined by Code Section 40-2-1, and at least 21 years of age may file a civil action for injunctive or other equitable relief against any local governing body or official of such body for the purpose of enforcing the provisions of this Code section.

(2) A civil action filed pursuant to this subsection shall be filed in the superior court of the county having jurisdiction over the local governing body. Prior to filing a civil action to enforce the provisions of this Code section, notice shall be provided to the local governing body as follows:

(A) Within six months of the discovery of an alleged violation of this Code section by an official, agency, or local governing body, a person entitled to bring a claim based upon such failure shall serve a copy of his or her proposed claim in writing on the local governing body, by certified mail or statutory overnight delivery, alleged

to have failed to enforce a provision or provisions of this Code section. The claim shall identify with specificity any provisions of this Code section that have been violated and the allegations that form the basis of the proposed claim; and

(B) Upon the service of such claim, the local governing body shall have 30 days from the date of service to correct the alleged violation and take reasonable measures to implement and follow the requirements of this Code section. No civil action brought pursuant to this subsection shall be entertained by any court of this state against a local governing body until the claim has first been presented for an opportunity to take corrective action as provided in this paragraph. If corrective action is taken sufficient to satisfy the requirements of this Code section, any civil action filed pursuant to this Code section shall be void ab initio. If, after the 30 day notice period, a claimant has a good faith basis for claiming that corrective action has not been sufficiently taken, then the claimant may proceed with filing a civil action. A copy of the notice served pursuant to this paragraph and proof of service shall be attached to the civil action when filed.

(3) All discovery and any pending hearings or motions in a civil action based on a violation of this Code section shall be stayed upon the filing of a motion to dismiss or a motion to strike. The court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this paragraph. The court shall rule on such motion to dismiss or motion to strike within 45 days of the filing of a claimant's response or the agency or official's reply, whichever is later.

(4) If there is a judicial finding that a local governing body or official of a local governing body has violated or failed to abide by the provisions of this Code section, the court shall order the local governing body to conform to the requirements of the law and shall assess against the local governing body a civil penalty of not less than \$1,000.00 or more than \$5,000.00 for each separate violation. The court shall collect the civil penalty and remit the same to local law enforcement agencies or departments within the court's jurisdiction for the purpose of training law enforcement officers in matters related to the enforcement of immigration law. In addition, the court shall award all reasonable and necessary attorney's fees and expenses of litigation to any prevailing party by an adjudication on the merits in a proceeding brought pursuant to this Code section. Reasonable and necessary attorney's fees and expenses of litigation under this Code section may be requested by motion at any time during the course of such civil action but not later than 45 days after the final disposition, including, but not limited to, dismissal by the plaintiff, of such civil action.

(5) Nothing in this Code section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, or rule.

(f) The Attorney General shall be authorized to bring any civil action against a political subdivision of this state that he or she deems necessary to enforce compliance with this Code section, including a civil action as provided for in subsection (e) of this Code section.

(g) A civil action brought pursuant to this Code section shall be subject to the provisions of Article 5 of Chapter 7 of Title 51, involving abusive litigation."

SECTION 5.

Code Section 50-36-1 of the Official Code of Georgia Annotated, relating to security and immigration compliance, general provisions relative to local government, and the verification of immigration status using the federal SAVE system prior to the issuance of certain public benefits, requirements, procedures, conditions, exceptions, regulations, and criminal and other penalties for violations, is amended by revising subsection (o) as follows:

"(o)(1) No employer, agency, or political subdivision shall be subject to lawsuit or liability arising from any act to comply with the requirements of this chapter; provided, however, that a person who is a legal resident as defined by Code Section 40-2-1 and at least 21 years of age may file a civil action for injunctive or other equitable relief against any official or agency of this state or political subdivision of this state for the purpose of enforcing the provisions of this Code section.

(2) A civil action filed pursuant to this subsection shall be filed in the superior court of the county having jurisdiction of the agency's headquarters or where the violation is alleged to have occurred. Prior to filing a civil action to enforce the provisions of this Code section, notice shall be served as follows:

(A) Within six months of the discovery of an alleged failure by an official or agency to enforce the provisions of this Code section, a person entitled to bring a claim based upon such failure shall serve a copy of his or her proposed claim in writing, by certified mail or statutory overnight delivery, on the official or agency, or both, alleged to have failed to enforce any provisions of this Code section. A copy of such claim shall also be served upon the governing authority of the official or agency. The claim shall identify with specificity the provision or provisions of this Code section that allegedly had not been followed and the allegations that form the basis of the proposed claim; and

(B) Upon the service of such claim, the official or agency shall have 30 days from the date of service to correct the alleged violation and take reasonable measures to implement and follow the requirements of this Code section. No civil action brought pursuant to this subsection shall be entertained by any court of this state against an official or agency of this state or subdivision of this state until the claim has first been presented for an opportunity to take corrective action as provided in this paragraph. If corrective action is taken sufficient to satisfy the requirements of this Code section, any civil action filed pursuant to this Code section shall be void ab initio. If, after the 30 day notice period, a claimant has a good faith basis for claiming that corrective action has not been sufficiently taken, then the claimant may proceed with filing a civil action. A copy of the notice served and pursuant to this paragraph and proof of service shall be attached to the civil action when filed.

(3) All discovery and any pending hearings or motions in a civil action based on a violation of this Code section shall be stayed upon the filing of a motion to dismiss or

a motion to strike. The court, on noticed motion and for good cause shown, may order that specified discovery or other hearings or motions be conducted notwithstanding this paragraph. The court shall rule on such motion to dismiss or motion to strike within 45 days of the filing of a claimant's response or the agency or official's reply, whichever is later.

(4) If there is a judicial finding that an agency or official of an agency has violated or failed to abide by the provisions of this Code section, the court shall order the agency to conform to the requirements of the law and shall assess against the agency a civil penalty of not less than \$1,000.00 or more than \$5,000.00 for each separate violation. The court shall collect the civil penalty and remit the same to local law enforcement agencies or departments within the court's jurisdiction for the purpose of training law enforcement officers in matters related to the enforcement of immigration law. In addition, the court shall award all reasonable and necessary attorney's fees and expenses of litigation to any prevailing party by an adjudication on the merits in a proceeding brought pursuant to this Code section. Reasonable and necessary attorney's fees and expenses of litigation under this Code section may be requested by motion at any time during the course of such civil action but not later than 45 days after the final disposition, including, but not limited to, dismissal by the plaintiff, of such civil action.

(5) Nothing in this Code section shall affect or preclude the right of any party to any recovery otherwise authorized by common law, statute, or rule."

SECTION 6.

Said Code section is further amended by adding new subsections to read as follows:

"(p) The Attorney General shall be authorized to bring any civil action against a political subdivision of this state that he or she deems necessary to enforce compliance with this Code section, including a civil action as provided for in subsection (o) of this Code section.

(q) A civil action brought against an official or agency of this state or a political subdivision of this state shall be subject to the provisions of Article 5 of Chapter 7 of Title 51, involving abusive litigation."

III.

CRIMINAL OFFENSES.

SECTION 7.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended in Article 8 of Chapter 9, relating to identity fraud, by adding a new Code section to read as follows:

"16-9-121.1.

(a) A person commits the offense of aggravated identity fraud when he or she willfully and fraudulently uses any counterfeit or fictitious identifying information concerning a

real, fictitious, or deceased person with intent to use such counterfeit or fictitious identifying information for the purpose of obtaining employment.

(b) The offense created by this Code section shall not merge with any other offense."

SECTION 8.

Said article of said title is further amended by revising Code Section 16-9-126, relating to penalties for violations, as follows:

"16-9-126.

(a) A violation of this article, other than a violation of Code Section 16-9-121.1 or 16-9-122, shall be punishable by imprisonment for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both. Any person who commits such a violation for the second or any subsequent offense shall be punished by imprisonment for not less than three nor more than 15 years, a fine not to exceed \$250,000.00, or both.

(a.1) A violation of Code Section 16-9-121.1 shall be punishable by imprisonment for not less than one nor more than 15 years, a fine not to exceed \$250,000.00, or both, and such sentence shall run consecutively to any other sentence which the person has received.

(b) A violation of this article which does not involve the intent to commit theft or appropriation of any property, resource, or other thing of value that is committed by a person who is less than 21 years of age shall be punishable by imprisonment for not less than one nor more than three years or a fine not to exceed \$5,000.00, or both.

(c) Any person found guilty of a violation of this article may be ordered by the court to make restitution to any consumer victim or any business victim of such fraud.

(d) Each violation of this article shall constitute a separate offense.

(e) Upon a conviction of a violation of this article, the court may issue any order necessary to correct a public record that contains false information resulting from the actions which resulted in the conviction."

SECTION 9.

Said article of said title is further amended by revising Code Section 16-9-128, relating to exemptions, as follows:

"16-9-128.

(a) The prohibitions set forth in Code Sections 16-9-121, 16-9-121.1, and 16-9-122 shall not apply to nor shall any cause of action arise under Code Sections 16-9-129 and 16-9-131 for:

(1) The lawful obtaining of credit information in the course of a bona fide consumer or commercial transaction;

(2) The lawful, good faith exercise of a security interest or a right to offset by a creditor or a financial institution;

(3) The lawful, good faith compliance by any party when required by any warrant, levy, garnishment, attachment, court order, or other judicial or administrative order, decree, or directive; or

- (4) The good faith use of identifying information with the permission of the affected person.
- (b) The exemptions provided in subsection (a) of this Code section ~~will~~ shall not apply to a person intending to further a scheme to violate Code Section 16-9-121, 16-9-121.1, or 16-9-122.
- (c) It ~~is~~ shall not be necessary for the state to negate any exemption or exception in this article in any complaint, accusation, indictment, or other pleading or in any trial, hearing, or other proceeding under this article involving a business victim. In such cases, the burden of proof of any exemption or exception is upon the business victim claiming it."

SECTION 10.

Said title is further amended in Chapter 11, relating to offenses against public order and safety, by adding a new article to read as follows:

"ARTICLE 5

16-11-200.

(a) As used in this Code section, the term:

(1) 'Illegal alien' means a person who is verified by the federal government to be present in the United States in violation of federal immigration law.

(2) 'Motor vehicle' shall have the same meaning as provided in Code Section 40-1-1.

(b) A person who, while committing another criminal offense, knowingly and intentionally transports or moves an illegal alien in a motor vehicle for the purpose of furthering the illegal presence of the alien in the United States shall be guilty of the offense of transporting or moving an illegal alien.

(c) Except as provided in this subsection, a person convicted for a first offense of transporting or moving an illegal alien who moves seven or fewer illegal aliens at the same time shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both. A person convicted for a second or subsequent offense of transporting or moving an illegal alien, and a person convicted on a first offense of transporting or moving an illegal alien who moves eight or more illegal aliens at the same time, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both. A person who commits the offense of transporting or moving an illegal alien who does so with the intent of making a profit or receiving anything of value shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both.

(d) This Code section shall not apply to:

(1) A government employee transporting or moving an illegal alien as a part of his or her official duties or to any person acting at the direction of such employee;

(2) A person who transports an illegal alien to or from a judicial or administrative proceeding when such illegal alien is required to appear pursuant to a summons, subpoena, court order, or other legal process; or

(3) A person who transports an illegal alien to a law enforcement agency or a judicial officer for official government purposes.

16-11-201.

(a) As used in this Code section, the term:

(1) 'Harboring' or 'harbors' means any conduct that tends to substantially help an illegal alien to remain in the United States in violation of federal law but shall not include a person providing services to infants, children, or victims of a crime; a person providing emergency medical service; or an attorney or his or her employees for the purpose of representing a criminal defendant.

(2) 'Illegal alien' means a person who is present in the United States in violation of federal immigration law.

(b) A person who is acting in violation of another criminal offense and who knowingly conceals, harbors, or shields an illegal alien from detection in any place in this state, including any building or means of transportation, when such person knows that the person being concealed, harbored, or shielded is an illegal alien, shall be guilty of the offense of concealing or harboring an illegal alien.

(c) Except as provided in this subsection, a person convicted of concealing or harboring an illegal alien who conceals or harbors seven or fewer illegal aliens at the same time in the same location shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both. A person convicted of concealing or harboring an illegal alien who conceals or harbors eight or more illegal aliens at the same time in the same location, or who conceals or harbors an illegal alien with the intent of making a profit or receiving anything of value, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both.

(d) This Code section shall not apply to a government employee or any person acting at the express direction of a government employee who conceals, harbors, or shelters an illegal alien when such illegal alien is or has been the victim of a criminal offense or is a witness in any civil or criminal proceeding or who holds an illegal alien in a jail, prison, or other detention facility.

16-11-202.

(a) As used in this Code section, the term 'illegal alien' means a person who is verified by the federal government to be present in the United States in violation of federal immigration law.

(b) A person who is acting in violation of another criminal offense and who knowingly induces, entices, or assists an illegal alien to enter into this state, when such person knows that the person being induced, enticed, or assisted to enter into this state is an

illegal alien, shall be guilty of the offense of inducing an illegal alien to enter into this state.

(c) Except as provided in subsection (d) of this Code section, for a first offense, a person convicted of inducing an illegal alien to enter into this state shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both. For a second or subsequent conviction of inducing an illegal alien to enter into this state, a person shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both.

(d) A person who commits the offense of inducing an illegal alien to enter into this state who does so with the intent of making a profit or receiving any thing of value shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment of not less than one or more than five years, a fine of not less than \$5,000.00 or more than \$20,000.00, or both."

IV.

LAW ENFORCEMENT OFFICERS AND ENFORCEMENT OF IMMIGRATION LAW.

SECTION 11.

Chapter 5 of Title 17 of the Official Code of Georgia Annotated, relating to searches and seizures, is amended by adding a new article to read as follows:

"ARTICLE 5

17-5-100.

(a) As used in this Code section, the term 'illegal alien' means a person who is verified by the federal government to be present in the United States in violation of federal immigration law.

(b) Except as provided in subsection (f) of this Code section, during any investigation of a criminal suspect by a peace officer, when such officer has probable cause to believe that a suspect has committed a criminal offense, including any traffic offense, the officer shall be authorized to seek to verify such suspect's immigration status when the suspect is unable to provide one of the following:

(1) A secure and verifiable document as defined in Code Section 50-36-2;

(2) A valid Georgia driver's license;

(3) A valid Georgia identification card issued by the Department of Driver Services;

(4) If the entity requires proof of legal presence in the United States before issuance, any valid driver's license from a state or district of the United States or any valid identification document issued by the United States federal government; or

(5) Other information as to the suspect's identity that is sufficient to allow the peace officer to independently identify the suspect.

(c) When attempting to determine the immigration status of a suspect pursuant to subsection (b) of this Code section, a peace officer shall be authorized to use any reasonable means available to determine the immigration status of the suspect, including:

(1) Use of any authorized federal identification data base;

(2) Identification methods authorized by federal law, including those authorized by 8 USCA 1373(c), 8 USCA 1644;

(3) Use of electronic fingerprint readers or similar devices; or

(4) Contacting an appropriate federal agency.

(d) A peace officer shall not consider race, color, or national origin in implementing the requirements of this Code section except to the extent permitted by the Constitutions of Georgia and of the United States.

(e) If during the course of the investigation into such suspect's identity, a peace officer receives verification that such suspect is an illegal alien, then such peace officer may take any action authorized by state and federal law, including, but not limited to, detaining such suspected illegal alien, securely transporting such suspect to any authorized federal or state detention facility, or notifying the United States Department of Homeland Security or successor agency. Nothing in this Code section shall be construed to hinder or prevent a peace officer or law enforcement agency from arresting or detaining any criminal suspect on other criminal charges.

(f) No person who in good faith contacts or has contact with a state or local peace officer or prosecuting attorney or member of the staff of a prosecuting attorney for the purpose of acting as a witness to a crime, to report criminal activity, or to seek assistance as a victim to a crime shall have his or her immigration status investigated based on such contact or based on information arising from such contact.

(g) A peace officer or prosecuting attorney, acting in good faith to carry out any provision of this Code section, shall have immunity from damages or liability from such actions."

SECTION 12.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by adding a new Code section to read as follows:

"35-1-16.

(a) It is the intent of the General Assembly to encourage Georgia law enforcement officials to work in conjunction with federal immigration authorities and to utilize all resources made available by the federal government to assist state and local law enforcement officers in the enforcement of the immigration laws of this state and of the United States.

(b) **Cooperation with federal authorities.**

(1) To the extent authorized by federal law, state and local government employees, including law enforcement officers and prosecuting attorneys, shall be authorized to send, receive, and maintain information relating to the immigration status of any individual as reasonably needed for public safety purposes. Except as provided by

federal law, such employees shall not be prohibited from receiving or maintaining information relating to the immigration status of any individual or sending or exchanging such information with other federal, state, or local governmental entities or employees for official public safety purposes.

(2) State and local agencies shall be authorized to enter into memorandum of understandings and agreements with the United States Department of Justice, the Department of Homeland Security, or any other federal agency for the purpose of enforcing federal immigration and customs laws and the detention, removal, and investigation of illegal aliens and the immigration status of any person in this state. A peace officer acting within the scope of his or her authority under any such memorandum of understanding, agreement, or other authorization from the federal government shall have the power to arrest, with probable cause, any person suspected of being an illegal alien.

(3) Except as provided by federal law, no state or local agency or department shall be prohibited from utilizing available federal resources, including data bases, equipment, grant funds, training, or participation in incentive programs for any public safety purpose related to the enforcement of state and federal immigration laws.

(4) When reasonably possible, applicable state agencies shall consider incentive programs and grant funding for the purpose of assisting and encouraging state and local agencies and departments to enter into agreements with federal entities and to utilize federal resources consistent with the provisions of this Code section.

(c) **Authority to transport illegal aliens.** If a state or local law enforcement officer has verification that a person is an illegal alien, then such officer shall be authorized to securely transport such illegal alien to a federal facility in this state or to any other temporary point of detention and to reasonably detain such illegal alien when authorized by federal law. Nothing in this Code section shall be construed to hinder or prevent a peace officer or law enforcement agency from arresting or detaining any criminal suspect on other criminal charges.

(d) **Authority to arrest illegal aliens.** When authorized by federal law, a state or local law enforcement officer shall be authorized to arrest any person based on such person's status as an illegal alien or for a violation of any federal immigration law.

(e) **Immunity.** A law enforcement officer, acting in good faith to enforce immigration laws pursuant to an agreement with federal authorities to collect or share immigration status information, or to carry out any provision of this Code section, shall have immunity from damages or liability from such actions."

SECTION 13.

Said title is further amended in Code Section 35-2-14, relating to defining peace officer and the enforcement of immigration and custom laws, by revising subsection (d) as follows:

"(d) The commissioner shall annually designate ~~appropriate~~ no fewer than ten peace officers to apply to be trained pursuant to the memorandum of understanding provided for in subsections (b) and (c) of this Code section. Such training shall be funded

pursuant to ~~the any~~ federal Homeland Security Appropriation Act of 2006, ~~Public Law 109-90~~, or any subsequent source of federal funding. The provisions of this subsection shall become effective upon such funding."

SECTION 14.

Said title is further amended by adding a new Code section to read as follows:

"35-6A-10.

(a) Subject to available funding, the council shall establish a grant or incentive program for the provision of funds to local law enforcement agencies as incentive to such agencies to use the federal Department of Homeland Security's Secure Communities initiative or any successor or similar program and shall establish an incentive program and a grant program to offset the costs for local law enforcement agencies to enter into and implement memorandums of agreement with federal agencies under Section 287(g) of the federal Immigration and Nationality Act. In awarding such grants or incentives, the council shall be authorized to consider and give priority to local areas with the highest crime rates for crimes committed by illegal aliens.

(b) The council shall:

(1) Subject to available funding, provide incentive programs and grants to local law enforcement agencies for utilizing federal resources and for entering into agreements with federal agencies for the enforcement of immigration law;

(2) Provide technical assistance to local governments and agencies for obtaining and qualifying for incentive programs and grant funds to utilize available federal resources and to enter into and implement such agreements provided for in subsection (a) of this Code section;

(3) Communicate information regarding the availability of federal resources and agreements provided for in subsection (a) of this Code section and the availability of related incentive programs and grant funds and post such information on the agency's official Internet website;

(4) Provide technical assistance and information regarding the process for contacting federal agencies, utilizing federal resources, and entering into agreements provided for in subsection (a) of this Code section and post such information on the agency's official Internet website; and

(5) Support state-wide campaigns and information programs in an effort to encourage every local law enforcement agency in this state to utilize federal resources and enter into agreements for the enforcement of state and federal immigration law."

SECTION 15.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Code Section 42-4-14, relating to determination of nationality of a person charged with felony and confined in a jail facility, as follows:

"42-4-14.

(a) When any person is confined, for any period, in the jail of a county or municipality or a jail operated by a regional jail authority in compliance with Article 36 of the

Vienna Convention on Consular Relations, a reasonable effort shall be made to determine the nationality of the person so confined.

~~(b) If the prisoner is a foreign national charged with a felony, driving under the influence pursuant to Code Section 40-6-391, driving without being licensed pursuant to subsection (a) of Code Section 40-5-20, or with a misdemeanor of a high and aggravated nature, the keeper of the jail or other officer shall make~~ When any foreign national is confined, for any period, in a county or municipal jail, a reasonable effort shall be made to verify that the prisoner such foreign national has been lawfully admitted to the United States and if lawfully admitted, that such lawful status has not expired. If verification of lawful status can not cannot be made from documents in the possession of the prisoner foreign national, verification shall be made within 48 hours through a query to the Law Enforcement Support Center (LESC) of the United States Department of Homeland Security or other office or agency designated for that purpose by the United States Department of Homeland Security by the federal government. If the prisoner foreign national is determined not to be lawfully admitted to the United States to be an illegal alien, the keeper of the jail or other officer shall notify the United States Department of Homeland Security, or other office or agency designated for notification by the federal government.

(c) Nothing in this Code section shall be construed to deny a person bond or from being released from confinement when such person is otherwise eligible for release; provided, however, that upon verification that any person confined in a jail is an illegal alien, such person may be detained, arrested, and transported as authorized by state and federal law.

(d) The Georgia Sheriffs Association shall prepare and issue guidelines and procedures used to comply with the provisions of this Code section."

SECTION 16.

Said title is further amended by revising subsection (c) of Code Section 42-5-51, relating to reimbursement of counties for housing certain inmates, as follows:

"(c) After proper documentation is received from the clerk of the court, the department shall have 15 days to transfer an inmate under sentence to the place of confinement. If the inmate is not transferred within the 15 days, the department ~~will~~ shall reimburse the county, in a sum not less than \$7.50 per day per inmate and in such an amount as may be appropriated for this purpose by the General Assembly, for the cost of the incarceration, commencing 15 days after proper documentation is received by the department from the clerk of the court; provided, however, that, subject to an appropriation of funds, local governing authorities that have entered into memorandums of understanding or agreement or that demonstrate continuous attempts to enter into memorandums of understanding or agreement with the federal government under Section 287(g) of the federal Immigration and Nationality Act shall receive an additional payment in the amount of 10 percent of the established rate paid for reimbursement for the confinement of state inmates in local confinement facilities. The reimbursement provisions of this Code section shall only apply to payment for the

incarceration of felony inmates available for transfer to the department, except inmates under death sentence awaiting transfer after their initial trial, and shall not apply to inmates who were incarcerated under the custody of the commissioner at the time they were returned to the county jail for trial on additional charges or returned to the county jail for any other purposes, including for the purpose of a new trial."

V.

VERIFICATION REQUIREMENTS.

SECTION 17.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to local governments, is amended by revising Code Section 36-60-6, relating to issuance of local business licenses and evidence of state licensure, as follows:

"36-60-6.

(a) Every private employer with five or more employees shall register with and utilize the federal employment eligibility verification system known as E-Verify, for verification of the immigration status of newly hired employees. The requirements of this subsection shall be effective on September 1, 2011, as to employers with 500 or more employees, on January 1, 2012, as to employers with 100 or more employees, and on July 1, 2012, as to employers with five or more employees.

~~(a)~~(b) Before any county or municipal corporation issues a business license, occupational tax certificate, or other document required to operate a business to any person engaged in a profession or business required to be licensed by the state under Title 43, the person ~~must~~ shall provide evidence of such licensure to the appropriate agency of the county or municipal corporation that issues business licenses. No business license, occupational tax certificate, or other document required to operate a business shall be issued to any person subject to licensure under Title 43 without evidence of such licensure being presented.

(c) Before any county or municipal corporation issues or renews a business license, occupational tax certificate, or other document required to operate a business to any person, the person shall provide evidence that he or she is authorized to use the federal employment eligibility verification system known as E-Verify or evidence that the provisions of this Code section do not apply. Evidence of such use shall be in the form of a sworn affidavit attesting that he or she utilizes and will continue to utilize the employment eligibility verification system in accordance with federal regulations or that he or she employs fewer than five employees. The affidavit shall include the person's federally assigned employment eligibility verification system user number and the date of authority for use. The requirements of this subsection shall be effective on September 1, 2011, as to employers with 500 or more employees, on January 1, 2012, as to employers with 100 or more employees, and on July 1, 2012, as to employers with fewer than five employees.

(d) Any county or municipal corporation issuing or renewing a business license, occupational tax certificate, or other document required to operate a business shall provide to the Department of Audits and Accounts not later than December 31 of each year a report demonstrating that such county or municipality is acting in compliance with the provisions of this Code section. This annual E-Verify report shall identify each license or certificate issued by the agency in the preceding 12 months and include the name of the person and business issued a license or other document and his or her federally assigned employment eligibility verification system user number as provided in the affidavit submitted at the time of application. Subject to funding, the Department of Audits and Accounts shall annually conduct an audit of no fewer than 20 percent of such reporting agencies.

(e) In order to assist private businesses and counties and municipal corporations in complying with the provisions of this Code section, the Department of Audits and Accounts shall provide a standardized form affidavit which may be used as acceptable evidence demonstrating use of the federal employment eligibility verification system or that the provisions of subsection (a) of this Code section do not apply to the applicant. The form affidavit shall be posted by the Department of Audits and Accounts on the agency's official website no later than July 1, 2011.

(f) Once an applicant for a business license, occupational tax certificate, or other document required to operate a business has submitted an affidavit with a federally assigned employment eligibility verification system user number, he or she shall not be authorized to submit a renewal application using a new or different federally assigned employment eligibility verification system user number, unless accompanied by a sworn document explaining the reason such applicant obtained a new or different federally assigned employment eligibility verification system user number.

~~(b)~~(g) Any person presenting false or misleading evidence of such state licensure shall be guilty of a misdemeanor. Any person, including any government official or employee, knowingly acting in violation of this Code section shall be guilty of a misdemeanor; provided, however, that any person who knowingly submits a false or misleading affidavit pursuant to this Code section shall be guilty of submitting a false document in violation of Code Section 16-10-20. It shall be a defense to a violation of this Code section that such person acted in good faith and made a reasonable attempt to comply with the requirements of this Code section.

(h) The Attorney General shall be authorized to bring any criminal or civil action he or she deems necessary to ensure compliance with the provisions of this Code section."

SECTION 18.

Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, is amended by revising subsection (e) of Code Section 50-36-1, relating to verification requirements, procedures, and conditions, as follows:

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

- (1) Provide at least one secure and verifiable document, as defined in Code Section 50-36-2; and
- (2) Execute ~~execute~~ a signed and sworn affidavit verifying the applicant's lawful presence in the United States, which affidavit shall state:
- (1)(A) The applicant is a United States citizen or legal permanent resident 18 years of age or older; or
- (2)(B) The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., ~~as amended~~, 18 years of age or older lawfully present in the United States and provide the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency."

SECTION 19.

Said chapter is further amended by adding a new Code section to read as follows:

"50-36-2.

(a) This Code section shall be known and may be cited as the 'Secure and Verifiable Identity Document Act.'

(b) As used in this Code section, the term:

(1) 'Agency or political subdivision' means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(2) 'Public official' means an elected or appointed official or an employee or an agent of an agency or political subdivision.

(3) 'Secure and verifiable document' means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies. Secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status.

(c) Unless required by federal law, on or after January 1, 2012, no agency or political subdivision shall accept, rely upon, or utilize an identification document for any official purpose that requires the presentation of identification by such agency or political subdivision or by federal or state law unless it is a secure and verifiable document.

(d) Any person acting in willful violation of this Code section by knowingly accepting documents that are not secure and verifiable documents shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.

(e) This Code section shall not apply to:

(1) A person reporting a crime;

(2) An agency official accepting a crime report, conducting a criminal investigation, or assisting a foreign national to obtain a temporary protective order;

(3) A person providing services to infants, children, or victims of a crime;

(4) A person providing emergency medical service;

- (5) A peace officer in the performance of the officer's official duties and within the scope of his or her employment;
 - (6) Instances when a federal law mandates acceptance of a document;
 - (7) A court, court official, or traffic violation bureau for the purpose of enforcing a citation, accusation, or indictment; or
 - (8) An attorney or his or her employees for the purpose of representing a criminal defendant.
- (f) Not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General."

VI.
SEVERABILITY, REPEAL,
AND ENFORCEMENT.

SECTION 20.

- (a) If any provision or part of any provision of this Act or the application of the same is held invalid or unconstitutional, the invalidity shall not affect the other provisions or applications of this Act or any other part of this Act than can be given effect without the invalid provision or application, and to this end, the provisions of this Act are severable.
- (b) The terms of this Act regarding immigration shall be construed to have the meanings consistent with such terms under federal immigration law.
- (c) The provisions of this Act shall be implemented in a manner consistent with federal laws governing immigration and civil rights.

SECTION 21.

Section 18 of this Act shall become effective on January 1, 2012. The remaining sections of this Act shall become effective on July 1, 2011. Except as otherwise expressly provided, the sections of this Act shall apply to offenses and violations occurring on or after their respective effective dates.

SECTION 22.

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

By unanimous consent, further consideration of HB 87 was suspended until later in the legislative day.

The Speaker announced the House in recess until 1:50 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker Pro Tem called the House to order.

The following Resolutions of the House were read and referred to the Committee on Rules:

HR 473. By Representatives Smith of the 70th and Hudson of the 124th:

A RESOLUTION recognizing and commending the McDuffie/Warren County Forestry Unit on being named the Georgia Forestry Commission 2010 Northern Unit of the Year and inviting them to appear before the House of Representatives; and for other purposes.

HR 474. By Representatives Smith of the 70th, Parrish of the 156th, Jackson of the 142nd and Morris of the 155th:

A RESOLUTION commending the Emanuel County Forestry Unit on being named the Georgia Forestry Commission 2010 Southern Unit of the Year and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 475. By Representatives Smith of the 70th and Cheokas of the 134th:

A RESOLUTION recognizing and commending the Americus District on being named the Georgia Forestry

HR 476. By Representatives Baker of the 78th, McCall of the 30th, England of the 108th, Abdul-Salaam of the 74th, Neal of the 75th and others:

A RESOLUTION commending Mr. James Eugene "Gene" Sutherland, Sr., and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 477. By Representatives Smith of the 168th, Ralston of the 7th, Lindsey of the 54th, Jones of the 46th, O'Neal of the 146th and others:

A RESOLUTION commending Mary Mac's Tea Room in Atlanta, Georgia, on the occasion of its 65th anniversary and inviting the owner and various staff members to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 478. By Representatives Drenner of the 86th, Bell of the 58th, Gardner of the 57th, Kaiser of the 59th, Benfield of the 85th and others:

A RESOLUTION recognizing and commending Catheren M. Woolard; and for other purposes.

HR 479. By Representatives Jones of the 46th, Sheldon of the 105th, Stephens of the 164th, McCall of the 30th, Oliver of the 83rd and others:

A RESOLUTION recognizing and commending Georgia Women of Achievement and 2011 honoree Mary Francis Hill Coley; and for other purposes.

HR 480. By Representatives Jones of the 46th, Sheldon of the 105th, Stephens of the 164th, McCall of the 30th, Burns of the 157th and others:

A RESOLUTION recognizing and commending Georgia Women of Achievement and 2011 honoree May duBignon Stiles Howard; and for other purposes.

HR 481. By Representatives Jones of the 46th, Sheldon of the 105th, Stephens of the 164th, McCall of the 30th, Burns of the 157th and others:

A RESOLUTION recognizing and commending Georgia Women of Achievement and 2011 honoree Lillian Gordy Carter; and for other purposes.

HR 482. By Representatives Dudgeon of the 24th, Ashe of the 56th, Walker of the 107th and Brockway of the 101st:

A RESOLUTION recognizing and commending native son and Georgia Tech professor Dr. Don P. Giddens upon his retirement as Dean of the College of Engineering; and for other purposes.

HR 483. By Representative Pak of the 102nd:

A RESOLUTION recognizing and commending Bruce Lampros; and for other purposes.

HR 484. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending Commissioner Tamla Lewis; and for other purposes.

HR 485. By Representatives Riley of the 50th, Martin of the 47th, Willard of the 49th, Rice of the 51st, Jones of the 46th and others:

A RESOLUTION congratulating the Chattahoochee High School football team on winning the 2010 GHSA Class AAAA State Championship; and for other purposes.

HR 486. By Representatives Burns of the 157th, Purcell of the 159th and Ralston of the 7th:

A RESOLUTION honoring the life and memory of Mr. Lawton M. Nease, Jr.; and for other purposes.

HR 487. By Representatives Purcell of the 159th, Bryant of the 160th and Stephens of the 164th:

A RESOLUTION recognizing and commending the 14th annual Collard Green Festival in Port Wentworth, Georgia; and for other purposes.

HR 488. By Representatives Peake of the 137th, Meadows of the 5th, Hamilton of the 23rd, Ehrhart of the 36th, Walker of the 107th and others:

A RESOLUTION recognizing 2011 as the Year of Golf in Georgia; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having previously been read, was again taken up for consideration:

HB 87. By Representatives Ramsey of the 72nd, Golick of the 34th, Dempsey of the 13th, Austin of the 10th, Allison of the 8th and others:

A BILL to be entitled an Act to enact the "Illegal Immigration Reform and Enforcement Act of 2011"; to amend the O.C.G.A., so as to provide for definitions; to provide for a private cause of action; to require private employers to use an employment eligibility verification system and provide for civil penalties; to provide for offenses; to provide for the investigation of illegal alien status; to provide authority for law enforcement officers to

enforce federal immigration laws and to provide immunity; to provide for civil and criminal penalties; to modify provisions relating to training peace officers; to establish grant funding; to provide for the verification of the immigration status of foreign nationals; to provide that counties shall receive additional funding for confinement of state inmates; to require proof that private businesses are participating in the employment eligibility verification system; to provide for identification cards; to enact the "Secure and Verifiable Identity Document Act"; to provide for related matters; and for other purposes.

The Committee substitute was previously read.

The Speaker assumed the Chair.

The following amendment was read:

Representative Roberts of the 154th et al. offer the following amendment:

Amend HB 87 (LC 29 4655S) by replacing lines 618 and 619 with the following:

be effective on July 1, 2012, as to employers with 100 or more employees and on December 31, 2012, as to

By replacing lines 637 through 639 with the following:

The requirements of this subsection shall be effective on July 1, 2012, as to employers with 100 or more employees and on December 31, 2012, as to employers with five or more employees.

On the adoption of the amendment, the roll call was ordered and the vote was as follows:

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

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

On the adoption of the amendment, the ayes were 113, nays 54.

The amendment was adopted.

Representatives Baker of the 78th and Kaiser of the 59th stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

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:

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 113, nays 56.

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

Representative Baker of the 78th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Greene of the 149th was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Geisinger of the 48th, Setzler of the 35th, and Weldon of the 3rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

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

March 3, 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 87 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 Maxwell of the 17th moved that the following Bill of the House be withdrawn from the Committee on Judiciary and recommitted to the Committee on Insurance:

HB 423. By Representatives Maxwell of the 17th, Golick of the 34th, Hembree of the 67th, Murphy of the 120th, Hugley of the 133rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to unfair trade practices, so as to provide that certain acts by residential contractors as they relate to insurance claims shall be considered violations of unfair trade practice; to provide for definitions; to provide for certain contractual requirements; to prohibit rebate or other compensation as

inducement for an insured to enter into an agreement; to provide for notice language; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative Coomer of the 14th moved that the following Bill of the House be withdrawn from the Committee on Judiciary and recommitted to the Committee on Judiciary Non-Civil:

HB 242. By Representatives Coomer of the 14th, Jacobs of the 80th, Atwood of the 179th, Weldon of the 3rd, Allison of the 8th and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 9 of the Official Code of Georgia Annotated, relating to verdict and judgment, so as to provide a short title; to provide for legislative findings; to define certain terms; to provide that no court, administrative agency, or other tribunal shall enforce a foreign law if doing so would violate a right guaranteed by the Constitution of this state or of the United States; to provide for construction; to provide for null contracts; to provide for findings of fact and conclusion of law; to provide for applicability; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The motion prevailed.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:30 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 9:30 o'clock, tomorrow morning.