

Representative Hall, Atlanta, Georgia

Monday, March 14, 2011

Twenty-Ninth 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:

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

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

Representatives Bell of the 58th, Benfield of the 85th, Epps of the 128th, Fludd of the 66th, Frazier of the 123rd, Howard of the 121st, Jordan of the 77th, Neal of the 75th, Smyre of the 132nd, Stephenson of the 92nd, and Walker of the 107th.

They wished to be recorded as present.

Prayer was offered by Reverend Lee Lacey, Senior Pastor, First Baptist Church of Sandersville, Sandersville, 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 Resolution of the House were introduced, read the first time and referred to the Committees:

HB 530. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Baker of the 78th and Heckstall of the 62nd:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Forest Park, approved March 24, 1988 (Ga. L. 1988, p. 4409), as amended, so as to clarify that the mayor is elected at large; to change the procedure to remove certain officials from office; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 531. By Representative Kidd of the 141st:

A BILL to be entitled an Act to amend Code Section 48-7-1 of the Official Code of Georgia Annotated, relating to definitions regarding income taxes, so as to change the definition of taxable nonresident; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 532. By Representative Kidd of the 141st:

A BILL to be entitled an Act to amend Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment and withholding, so as to provide for the taxability of compensation paid to entertainers and professional athletes; to provide for income tax withholding on such compensation; to provide for withholding without regard to whether an entertainer or professional athlete is considered an employee for other purposes; to provide for applicability and reporting; to provide for other related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 533. By Representatives Baker of the 78th and Weldon of the 3rd:

A BILL to be entitled an Act to amend Code Section 47-23-64 of the Official Code of Georgia Annotated, relating to transfer of funds from the Employees' Retirement System of Georgia to the Georgia Judicial Retirement System by judges, solicitors general, or district attorneys and crediting service, so as to provide that such officers and, in addition, juvenile judges shall under certain circumstances be entitled to have funds so transferred and to obtain creditable service; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 534. By Representatives Fullerton of the 151st, Willard of the 49th, Oliver of the 83rd, Powell of the 171st, Dukes of the 150th and others:

A BILL to be entitled an Act to amend Code Section 15-9-4 of the Official Code of Georgia Annotated, relating to additional eligibility requirements in certain counties, so as to modify the eligibility requirements; to amend Code

Section 15-9-36 of the Official Code of Georgia Annotated, relating to judges of probate courts as clerks thereof, chief clerk, authority to appoint other clerks, powers of appointed clerks, so as to modify provisions relating to the application of the Code section; to amend Code Section 15-9-120 of the Official Code of Georgia Annotated, relating to definitions for probate courts, so as to modify provisions relating to the definition of probate court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 535. By Representatives Oliver of the 83rd, Yates of the 73rd, England of the 108th, Houston of the 170th and Heard of the 114th:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to war veterans homes, so as to authorize the Veterans Service Board to establish a fee for residency in a facility of the Georgia State War Veterans' Home; to provide for a waiver of fees based on economic need; to provide for rules and regulations; to authorize the acceptance of certain assignment of benefits; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Defense & Veterans Affairs.

HB 536. By Representatives Weldon of the 3rd, Williams of the 4th and Neal of the 1st:

A BILL to be entitled an Act to amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, so as to provide for the regulation of private emergency warning point to multipoint systems by the Public Service Commission; to define certain terms; to provide for audits; to provide for immunity from liability for failure to deliver information over an emergency warning point to multipoint system; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 537. By Representatives Parrish of the 156th, Jackson of the 142nd and Hatchett of the 143rd:

A BILL to be entitled an Act to amend an Act creating the Small Claims Court of Johnson County, now the Magistrate Court of Johnson County,

approved April 6, 1981 (Ga. L. 1981, p. 4031), as amended, particularly by an Act approved March 12, 1984 (Ga. L. 1984, p. 4006), and an Act approved March 12, 1988 (Ga. L. 1988, p. 4746), so as to provide that on and after January 1, 2013, the probate judge shall serve as chief magistrate of the Magistrate Court of Johnson County; to provide for the office of the current magistrate and the expiration of his term; to repeal certain Acts; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 584. By Representatives Maddox of the 127th and Walker of the 107th:

A RESOLUTION honoring the life of Coach Jim Cavan and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 551. By Representatives Benton of the 31st and McCall of the 30th:

A BILL to be entitled an Act to create a board of elections and registration for Jackson County and to provide for its powers and duties; to provide for definitions; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 552. By Representatives Benton of the 31st and McCall of the 30th:

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

Referred to the Committee on Intragovernmental Coordination.

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

| | |
|--------|--------|
| HB 22 | HB 514 |
| HB 515 | HB 516 |
| HB 517 | HB 518 |
| HB 519 | HB 520 |
| HB 521 | HB 522 |
| HB 523 | HB 524 |
| HB 526 | HB 527 |
| HB 528 | HB 529 |
| HR 549 | HR 550 |
| SB 81 | SB 96 |
| SB 100 | SB 108 |
| SB 147 | SB 160 |
| SB 162 | |

Representative Cooper of the 41st District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

Your Committee on Health and Human Services 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 509 Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 41st
Chairman

Representative Hembree of the 67th District, Chairman of the Committee on Industrial Relations, submitted the following report:

Mr. Speaker:

Your Committee on Industrial Relations 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 500 Do Pass, by Substitute

Respectfully submitted,
/s/ Hembree of the 67th
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 525 Do Pass
HR 551 Do Pass

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

HOUSE RULES CALENDAR
MONDAY, MARCH 14, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 29th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 323 Motor vehicle; time of perfection of security interest; change (MotV-Harden-28th)
HB 374 Cosmetologists; examinations and applications for certificates of registration; change certain provisions (RegI-Mitchell-88th)

Modified Structured Rule

HB 33 Budget Act; zero-base budgeting; provide (Substitute) (B&FAO-Allison-8th)
HB 167 Insurance Delivery Enhancement Act of 2011; enact (Substitute) (Ins-Davis-109th)
HB 225 Agriculture; state promote sustainable agriculture; provide (Substitute) (A&CA-Holmes-125th)
HB 226 Georgia Council on Developmental Disabilities; regulate individual accounts; provisions (Substitute) (HumR-Sheldon-105th)

- HB 248 Health Care Sharing Ministries Freedom to Share Act; enact (Ins-Neal-1st)
- HB 256 9-1-1 system; regulation of charges on prepaid wireless services; provisions (Substitute) (EU&T-Willard-49th)
- HB 261 Disclosure; certain public records exempt; provide (Substitute) (Judy-Atwood-179th)
- HB 269 Drivers' licenses; provide definitions; background checks; provisions (Substitute) (MotV-Rice-51st) (AM# 34 0494)
- HB 272 Juvenile court; rehearing an order of associate juvenile court judge; delete provision (Judy-Weldon-3rd)
- HB 275 Cardiopulmonary resuscitation; authorized to order not to resuscitate; clarify (Substitute) (H&HS-Cheokas-134th)
- HB 280 Emergency Telephone System Fund; additional uses for moneys; provide (Substitute) (EU&T-Harbin-118th)
- HB 285 School employees; criminal background checks; revise provisions (Ed-Coleman-97th)
- HB 292 Employment security; extend rates and credits; change certain provisions (Substitute) (IndR-Hembree-67th)
- HB 303 Physicians assistants; delegation of authority by a physician; revise provisions (Substitute) (H&HS-Cooper-41st)
- HB 339 Emergency powers; challenge of quarantine or vaccination order; revise courts; provisions (Judy-Welch-110th) (AM# 29 1016)
- HB 343 Mental health; psychiatric stabilization or detoxification services; provide (Substitute) (H&HS-Cooper-41st)
- HB 371 Insurable interest; state entity; not fund life insurance on public officers or employees; provide (Ins-Maxwell-17th)
- HB 373 Designated felony acts; modify order for restrictive custody; clarify provisions (JudyNC-Pak-102nd)
- HB 423 Unfair trade practices; certain residential contractors insurance claims; violations; provide (Substitute) (Ins-Maxwell-17th)
- HR 71 Grady County; remaining state interest in a certain property; authorize conveyance (Substitute) (SI&P-Maddox-172nd)

Structured Rule

- HB 117 Withholding tax; person listed on closing statement subject to requirements; provide (W&M-Crawford-16th)
- HB 181 Special needs scholarship program; waiver one requirement; provide (Substitute) (Ed-Golick-34th)

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

Respectfully submitted,

/s/ Meadows of the 5th
Chairman

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

Mr. Speaker:

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

SB 26. By Senators Shafer of the 48th, Sims of the 12th, Seabaugh of the 28th, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit any additional limitations on carrying firearms during states of emergency; to provide civil remedies for violations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 76. By Senators Mullis of the 53rd, Rogers of the 21st, Goggans of the 7th, Unterman of the 45th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Code Section 31-11-102 of the Official Code of Georgia Annotated, relating to the duties and responsibilities of the Georgia Trauma Care Network Commission, so as to revise certain provisions relating to uncompensated trauma care provided by emergency medical services; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 79. By Senators Carter of the 1st, Ligon, Jr. of the 3rd and Stone of the 23rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide that members of local boards of education shall serve terms of no less than four years in length; to provide for a phase-in period; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 129. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3637), so as to remove certain qualifications for local board of education members; to restore terms of office for board members to four-year staggered terms; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

SB 151. By Senators Golden of the 8th, Goggans of the 7th, Rogers of the 21st, Williams of the 19th and Balfour of the 9th:

A BILL to be entitled an Act to amend Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio, so as to extend suspension of adjustments based upon the State-wide Reserve Ratio for the calendar year 2012; to provide for an increase in the overall rate; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 200. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

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

SB 201. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing for a new Board of Commissioners of Henry County, approved March 28, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), and by an Act approved April 25, 2002 (Ga. L. 2002, p. 4159), so as to provide for terms of office; to change the method of filling vacancies; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

SB 202. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create the Henry County Governmental Services Authority," approved May 6, 2005 (Ga.

L. 2005, p. 4014), so as to add airport facilities within the definition of the term "authority"; to modify and clarify the powers of the authority; to provide for the issuance of refunding revenue bonds; to modify the investments authorized for moneys of the authority; to expand the purpose of the authority to include providing public airports and landing fields; to repeal conflicting laws; and for other purposes.

SB 237. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to provide a new charter for the City of Summerville; to provide for incorporation, boundaries, and powers of the municipality; to provide for a governing authority of such municipality and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 232. By Representatives Lindsey of the 54th, Smyre of the 132nd, Wilkinson of the 52nd, Stephens of the 164th, Williams of the 4th and others:

A BILL to be entitled an Act to amend Code Section 28-7-3 of the Official Code of Georgia Annotated, relating to the prohibition of contingency compensation of lobbyists, so as to provide that such prohibition shall not apply to bona fide commission salespersons and that such salespersons shall not be required to register as lobbyists or otherwise be considered to be lobbyists; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 436. By Representative Reece of the 11th:

A BILL to be entitled an Act to provide a new charter for the City of Menlo; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to

members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for effective dates; 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 26. By Senators Shafer of the 48th, Sims of the 12th, Seabaugh of the 28th, Albers of the 56th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Part 3 of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to carrying and possession of firearms, so as to prohibit any additional limitations on carrying firearms during states of emergency; to provide civil remedies for violations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 76. By Senators Mullis of the 53rd, Rogers of the 21st, Goggans of the 7th, Unterman of the 45th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Code Section 31-11-102 of the Official Code of Georgia Annotated, relating to the duties and responsibilities of the Georgia Trauma Care Network Commission, so as to revise certain provisions relating to uncompensated trauma care provided by emergency medical services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 79. By Senators Carter of the 1st, Ligon, Jr. of the 3rd and Stone of the 23rd:

A BILL to be entitled an Act to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide that members of local boards of education shall serve terms of no less than four years in length; to provide for a phase-in period; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 129. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3637), so as to remove certain qualifications for local board of education members; to restore terms of office for board members to four-year staggered terms; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 151. By Senators Golden of the 8th, Goggans of the 7th, Rogers of the 21st, Williams of the 19th and Balfour of the 9th:

A BILL to be entitled an Act to amend Code Section 34-8-156 of the Official Code of Georgia Annotated, relating to the State-wide Reserve Ratio, so as to extend suspension of adjustments based upon the State-wide Reserve Ratio for the calendar year 2012; to provide for an increase in the overall rate; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

SB 200. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

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

Referred to the Committee on Judiciary.

SB 201. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing for a new Board of Commissioners of Henry County, approved March 28, 1974 (Ga. L. 1974, p. 3680), as amended, particularly by an Act approved April 4, 1990 (Ga. L. 1990, p. 5232), and by an Act approved April 25, 2002 (Ga. L. 2002, p. 4159), so as to provide for terms of office; to change the method of filling

vacancies; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 202. By Senators Jones of the 10th, Jeffares of the 17th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create the Henry County Governmental Services Authority," approved May 6, 2005 (Ga. L. 2005, p. 4014), so as to add airport facilities within the definition of the term "authority"; to modify and clarify the powers of the authority; to provide for the issuance of refunding revenue bonds; to modify the investments authorized for moneys of the authority; to expand the purpose of the authority to include providing public airports and landing fields; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 237. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to provide a new charter for the City of Summerville; to provide for incorporation, boundaries, and powers of the municipality; to provide for a governing authority of such municipality and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for other matters relative to the foregoing; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Meadows of the 5th, Jones of the 44th, Tinubu of the 60th, Geisinger of the 48th, Stephens of the 164th, Wilkinson of the 52nd, Morgan of the 39th, and Taylor of the 79th.

Pursuant to HR 258, the House recognized and commended the members of the St. Patrick's Day Parade Committee on the upcoming occasion of the 2011 St. Patrick's Day

Parade in Savannah, Georgia, and invited the committee members to be recognized by the House of Representatives.

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

HR 525. By Representatives Dawkins-Haigler of the 93rd, Stephenson of the 92nd and Jones of the 44th:

A RESOLUTION commending Delta Sigma Theta Sorority, Inc., recognizing March 14, 2011, as Delta Day at the state capitol, and inviting representatives of the sorority to be recognized by the House of Representatives; and for other purposes.

HR 551. By Representatives Jackson of the 142nd, Epps of the 140th, Williams of the 165th, Mitchell of the 88th, Talton of the 145th and others:

A RESOLUTION commending the contributions of members of the clergy in Georgia, recognizing March 14, 2011, as the tenth annual Clergy Day at the Georgia State Capitol, and inviting members of the clergy to be recognized by the House of Representatives; and for other purposes.

Representative Willard of the 49th District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

Your Committee on Judiciary 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 284 | Do Pass |
| HB 350 | Do Pass |
| HB 419 | Do Pass, by Substitute |

Respectfully submitted,
/s/ Willard of the 49th
Chairman

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 117. By Representative Crawford of the 16th:

A BILL to be entitled an Act to amend Code Section 48-7-128 of the Official Code of Georgia Annotated, relating to withholding tax on sale or transfer of real property and associated tangible personal property by nonresidents, so as to provide that the person listed on the closing statement as the seller shall be treated as the seller and shall be subject to the withholding and documentation requirements; to provide for related matters; 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:

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | Y Setzler |
| Y Abrams | Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| Y Allison | Y Dempsey | Y Henson | Y McCall | Y Sheldon |
| Y Amerson | Y Dickerson | Y Hill | McKillip | Y Sims, B |
| Y Anderson | Y Dickey | Y Holcomb | Y Meadows | Y Sims, C |
| E Ashe | Y Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| Y Austin | Dollar | Y Horne | Y Morgan | Y Smith, L |
| Y Baker | Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | 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 | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Taylor, R |
| Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Bryant | Frazier | Y Jones, S | E Parsons | Y Teasley |
| Y Buckner | E Fullerton | Jordan | Y Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | Y Tinubu |
| Byrd | Geisinger | Y Kendrick | Y Powell, J | Y Walker |
| Y Carter | Y Golick | Y Kidd | Y Pruett | Watson |
| Y Casas | Y Gordon | Y Knight | Purcell | Y Welch |
| Y Channell | Y Greene | Y Lane | Y Ramsey | E 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 | 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 | Y Williams, R |
| Y Coomer | Y Hatchett | E Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | E Scott, M | Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 147, nays 0.

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

Due to a mechanical malfunction, the vote of Representative Howard of the 121st was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Bryant of the 160th, Dawkins-Haigler of the 93rd, Frazier of the 123rd, Lucas of the 139th, and Stephenson of the 92nd 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.

HB 181. By Representatives Golick of the 34th, Coleman of the 97th, Casas of the 103rd, Lindsey of the 54th, Nix of the 69th and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions; to provide for related matters; 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 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, is amended by revising subsection (a) of Code Section 20-2-2114, relating to qualifications for the scholarship, as follows:

"(a) A student shall qualify for a scholarship under this article if:

(1) The student's parent currently resides within Georgia and has been a Georgia resident for at least one year;

(2) The student has one or more of the following disabilities:

(A) Autism;

- (B) Deaf/blind;
- (C) Deaf/hard of hearing;
- (D) Emotional and behavioral disorder;
- (E) Intellectual disability;
- (F) Orthopedic impairment;
- (G) Other health impairment;
- (H) Specific learning disability;
- (I) Speech-language impairment;
- (J) Traumatic brain injury; or
- (K) Visual impairment;

(3) The student has spent the prior school year in attendance at a Georgia public school and shall have had an Individualized Education Program (IEP) written by the school in accordance with federal and state laws and regulations; provided, however, that the State Board of Education shall be authorized to require a local board of education to expedite the development of an Individualized Education Program and to waive the prior school year requirement contained in this paragraph, in its sole discretion, on a case-by-case basis for specific medical needs of the student upon the request of a parent or guardian in accordance with state board procedures. If an expedited Individualized Education Program is required by the state board pursuant to this paragraph, the state board may additionally require such expedited process to be completed prior to the beginning of the school year. The State Board of Education shall provide an annual report by December 31 of each year through December 31, 2015, regarding the number of waivers approved pursuant to this paragraph to the General Assembly;

(4) The parent obtains acceptance for admission of the student to a participating school; and

(5) The parent submits an application for a scholarship to the department no later than the deadline established by the department."

SECTION 2.

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

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

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

| | | | | |
|----------------|-----------------|-------------|------------|------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Mayo | Y Setzler |
| N Abrams | 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 |
| E Ashe | Y Dickson | Y Holmes | Y Mills | N Smith, E |

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

On the passage of the Bill, by substitute, the ayes were 115, nays 33.

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

Representatives Bryant of the 160th and Frazier of the 123rd 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.

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Abdul-Salaam of the 74th stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

HB 323. By Representatives Harden of the 28th, Allison of the 8th, Battles of the 15th, Rice of the 51st and Austin of the 10th:

A BILL to be entitled an Act to amend Code Section 40-3-50 of the Official Code of Georgia Annotated, relating to perfection of a security interest in a motor vehicle, so as to change the time of perfection of a security interest; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | Y Setzler |
| Y Abrams | 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 |
| E Ashe | Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| Y Austin | Dollar | Y Horne | Y Morgan | Y Smith, L |
| Y Baker | Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Duke | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Nix | Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Taylor, R |
| Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Bryant | Frazier | Y Jones, S | E 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 | Purcell | Y Welch |
| Y Channell | Y Greene | Y Lane | Ramsey | E Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | Y Randall | Y Wilkerson |
| Y Clark, J | 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 | E Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | E Scott, M | Y Yates |
| Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 150, nays 0.

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

Representatives Bryant of the 160th, Dawkins-Haigler of the 93rd, and Stephenson of the 92nd 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.

Due to a mechanical malfunction, the vote of Representative Frazier of the 123rd was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

By unanimous consent, the following Bill of the House was postponed until the next legislative day:

HB 248. By Representatives Neal of the 1st, Golick of the 34th, Meadows of the 5th, Battles of the 15th and Walker of the 107th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that a health care sharing ministry which enters into a health care cost sharing arrangement with its participants shall not be considered an insurance company, health maintenance organization, or health benefit plan of any class, kind, or character and shall not be subject to any laws related to such; to provide a short title; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 371. By Representatives Maxwell of the 17th, Benton of the 31st and Meadows of the 5th:

A BILL to be entitled an Act to amend Code Section 33-24-3 of Title 50 of the Official Code of Georgia Annotated, relating to insurable interest in personal insurance, so as to provide that neither the state nor any political subdivision of the state shall have an insurable interest on the lives of public officers or employees; to provide that such entities shall not expend funds for life insurance on public officers or employees; to provide an exception; 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:

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | Setzler |
| Y Abrams | 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 |
| E 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 | Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | 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 | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Taylor, R |
| Y Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | Jones, S | E 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 | Welch |
| Y Channell | Y Greene | Y Lane | Y Ramsey | E 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 | Harden, M | Y Maddox, G | Y Roberts | Y Williams, E |
| Y Cooke | Y Harrell | Y Manning | Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | E Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | E Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 156, nays 0.

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

Representatives Dawkins-Haigler of the 93rd, Harden of the 28th, and Stephenson of the 92nd 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.

HB 374. By Representatives Mitchell of the 88th, Williams of the 4th, Dickson of the 6th, Jerguson of the 22nd, Fludd of the 66th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 43 of the Official Code of Georgia Annotated, relating to cosmetologists, so as to change certain provisions relating to examinations and applications for certificates of

registration; to provide for a credential's evaluation for an educational program to be submitted to the State Board of Cosmetology under certain circumstances; to change certain provisions relating to continuing education requirements; to change certain provisions relating to maintenance of student records; to change certain provisions relating to regulation and permits for schools, teachers, and instructors; to change certain provisions related to registration and examination of apprentices; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Bearden of the 68th offers the following amendment:

Amend HB 374 (LC 36 1775) by replacing "subsection (c)" with "subsections (c) and (d)" on line 195.

By replacing "the" with "the" on line 200.

By deleting the quotation mark at the end of line 203 and adding between lines 203 and 204 the following:

- (d) The remaining two hours of continuing education may be satisfied by:
- (1) Attendance at an industry or trade show registered with the board; ~~or~~
 - (2) A course or courses of study registered with the board in one or more of the following subjects: health and safety, industry trends, computer skills, business management, or the holder's area of practice; or
 - (3) Attending six or more hours of a cosmetology hair show, whether in this or another state, offered or sponsored by at least one licensed cosmetologist or which show includes at least one instructor who is a licensed cosmetologist."

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

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

| | | | | |
|----------------|-----------------|-------------|------------|------------|
| Y Abdul-Salaam | Davis | E Heckstall | Y Mayo | Y Setzler |
| Y Abrams | 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 |
| E Ashe | Y Dickson | Y Holmes | Y Mills | Y Smith, E |
| N Atwood | Y Dobbs | N Holt | Y Mitchell | Y Smith, K |
| Austin | Y Dollar | N Horne | Y Morgan | Y Smith, L |
| Y Baker | Drenner | Y Houston | E Morris | Y Smith, R |

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

On the passage of the Bill, as amended, the ayes were 140, nays 14.

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

Representatives Bryant of the 160th, Dawkins-Haigler of the 93rd, and Stephenson of the 92nd 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 14, 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 374 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 339. By Representatives Welch of the 110th, Willard of the 49th, Abrams of the 84th, Mills of the 25th, Maddox of the 127th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency powers, so as to revise the courts to which a challenge of a quarantine or vaccination order may be brought; to revise the manner of appealing orders concerning such challenges; to remove the Chief Judge of the Court of Appeals from the definition of authorized judicial officials for certain judicial emergencies; to extend the duration of a judicial emergency order when a public health emergency exists; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Welch of the 110th offers the following amendment:

Amend HB 339 (LC 29 4555) by replacing line 58 as follows:

to ~~the Court of Appeals~~, the Supreme Court pursuant to paragraph (7) of subsection (a) of Code Section 5-6-34. The

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

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

| | | | | |
|----------------|-----------------|-------------|------------|------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | N Setzler |
| Y Abrams | Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| N Allison | Y Dempsey | Y Henson | Y McCall | Y Sheldon |
| Y Amerson | Y Dickerson | N 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 | Mitchell | Smith, K |
| Y Austin | Y Dollar | N Horne | Y Morgan | Y Smith, L |
| Y Baker | Drenner | Y Houston | E Morris | Y Smith, R |
| Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |

| | | | | |
|------------------|-------------|-------------|-------------|------------------|
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| N Beasley-Teague | Y Dutton | E Hudson | E Neal, J | N Spencer |
| Y Bell | Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | N Nix | Stephenson |
| Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | N Fludd | E Johnson | Y Parent | N Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | Y Jones, S | E Parsons | Y Teasley |
| N Buckner | Y Fullerton | Y Jordan | Y Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | N Tinubu |
| N Byrd | Y Geisinger | N Kendrick | Y Powell, J | N Walker |
| Y Carter | Y Golick | Y Kidd | Y Pruett | Y Watson |
| Y Casas | Y Gordon | Knight | Y Purcell | Y Welch |
| Channell | Y Greene | Y Lane | Y Ramsey | Y Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | N Randall | Y 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 | 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 | E Marin | N Rynders | Y Williamson |
| Y Cooper | N Hatfield | Martin | E Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, as amended, the ayes were 134, nays 19.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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 Austin of the 10th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

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

March 14, 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 339 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

Representative McCall of the 30th District, Chairman of the Committee on Agriculture and Consumer Affairs, submitted the following report:

Mr. Speaker:

Your Committee on Agriculture and Consumer Affairs 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 409 Do Pass

Respectfully submitted,
/s/ McCall of the 30th
Chairman

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

HB 343. By Representatives Cooper of the 41st, Huckaby of the 113th, Collins of the 27th, Carter of the 175th, Houston of the 170th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to the powers and duties of the Department of Behavioral Health and Developmental Disabilities as it related to mental health, so as to provide for crisis stabilization units for the purpose of providing psychiatric stabilization or detoxification services; to provide for a definition; to provide for licensure; to provide for requirements; to provide for rules and regulations; to provide for related matters; 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 1 of Title 37 of the Official Code of Georgia Annotated, relating to the powers and duties of the Department of Behavioral Health and Developmental Disabilities as it related to mental health, so as to provide for crisis stabilization units for the purpose of providing psychiatric stabilization or detoxification services; to provide for a definition; to provide for licensure; to provide for requirements; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to the powers and duties of the Department of Behavioral Health and Developmental Disabilities as it related to mental health, is amended by adding a new Code section to read as follows:

"37-1-29.

(a) As used in this Code section, the term 'crisis stabilization unit' means a short-term residential program operated for the purpose of providing psychiatric stabilization and detoxification services that complies with applicable department standards and that provides brief, intensive crisis services 24 hours a day, seven days a week.

(b) The department shall be authorized to license crisis stabilization units pursuant to this Code section for the purpose of providing psychiatric stabilization and detoxification services in a community based setting rather than inpatient hospitalization and other higher levels of care.

(c) The department shall establish minimum standards and requirements for the licensure of crisis stabilization units. Such standards and requirements shall include, but not be limited to, the following:

(1) The capacity to carry out emergency receiving and evaluating functions;

(2) Voluntary and involuntary admission criteria;

(3) The prohibition to hold itself out as a hospital or bill for hospital or inpatient services;

(4) The unit is operated by an accredited and licensed, if applicable, health care authority;

(5) The unit has operating agreements with private and public inpatient hospitals and treatment facilities;

(6) The unit operates within the guidelines of the federal Emergency Medical Treatment and Active Labor Act with respect to stabilization and transfer of clients;

(7) Length of stay;

(8) Designation of transitional beds;

(9) Billing;

- (10) Physician and registered professional nurse oversight;
 - (11) Staff to client ratios;
 - (12) Patient restraint or seclusion;
 - (13) Safety and emergency protocols;
 - (14) Pharmacy services;
 - (15) Medication administration; and
 - (16) Reporting requirements.
- (d) A crisis stabilization unit shall be designated as an emergency receiving facility under Code Sections 37-3-40 and 37-7-40 and an evaluation facility under Code Sections 37-3-60 and 37-7-60, but shall not be designated as a treatment facility under Code Section 37-3-80 or 37-7-80. Crisis stabilization units may admit individuals on a voluntary basis. Individuals may be provided 24 hour observation, detoxification and stabilization services, medication prescribed by a physician, and other appropriate treatment or services.
- (e) No entity shall operate as a crisis stabilization unit without having a valid license issued pursuant to this Code section.
- (f) Application for a license to operate a crisis stabilization unit shall be submitted to the department in the manner prescribed by the department's rules and regulations.
- (g) The department shall issue a license to an applicant who meets all the rules and regulations for the licensure of crisis stabilization units. The license shall be nontransferable for a change of location or governing body.
- (h) Each licensee shall permit authorized department representatives to enter upon and inspect any and all premises for which a license has been granted or applied for so that verification of compliance with all relevant laws or regulations can be made.
- (i) The department may deny any license application which does not meet all the rules and regulations for the licensure of crisis stabilization units and may suspend or revoke a license which has been issued if an applicant or a licensee violates any such rules and regulations; provided, however, that before any order is entered denying a license application or suspending or revoking a license previously granted, the applicant or license holder, as the case may be, shall be afforded an opportunity for a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'
- (j) Any program licensed as a crisis stabilization unit pursuant to this Code section shall be exempt from the requirements to obtain a certificate of need pursuant to Article 3 of Chapter 6 of Title 31.
- (k) The department shall promulgate rules and regulations to implement the provisions of this Code section."

SECTION 2.

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

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

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

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | Y Setzler |
| Y Abrams | 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 | N Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Mitchell | Y Smith, K |
| Y Austin | Y Dollar | Y Horne | Y Morgan | E Smith, L |
| Y Baker | Y Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Black | Y Epps, J | Y James | Y Oliver | Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E 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 | E Parsons | Y Teasley |
| Y Buckner | Y Fullerton | Y Jordan | Y Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | Y Tinubu |
| N Byrd | Y Geisinger | Y Kendrick | Y Powell, J | Y Walker |
| Y Carter | Y Golick | N Kidd | Y Pruet | Y Watson |
| Y Casas | Y Gordon | Y Knight | Y Purcell | Y Welch |
| 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 | 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 | Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | E Marin | Y Rynders | Y Williamson |
| Y Cooper | N Hatfield | E Martin | E 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 150, nays 5.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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 Smith of the 70th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HR 71. By Representative Maddox of the 172nd:

A RESOLUTION authorizing the conveyance of any remaining state interest in a certain tract of real property to Grady County; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Authorizing the conveyance of any remaining state interest in a certain tract of real property to Grady County; and for other purposes.

WHEREAS, on September 2, 1994, the State of Georgia acting by and through the State Properties Commission, conveyed title to a tract of real property consisting of approximately 2,933 acres, lying and being in Grady County, Georgia, in Land Lots 44, 45, 75, 76, 77, 78, 83, 84, 85, 86, 114, 115, 116, 117, 118, 119, 123, 124, 125, 126, 127, and 156 in the 16th Land District, to Grady County, a political subdivision in the State of Georgia, as evidenced in that Quit Claim Deed recorded in Deed Book 344, Page 151, Grady County Records; and

WHEREAS, the above-described Quit Claim Deed and conveyance was subject to certain restrictions and conditions, and the State of Georgia now wishes to release the above-described property from these restrictions and conditions and further release any interest of the State of Georgia in the above-described real property to Grady County.

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

SECTION 1.

That the State of Georgia wishes to release the above-described real property from certain terms and conditions and that in all matters relating to the conveyance of the real property interest the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through the State Properties Commission, shall execute a quit claim deed to the above-described property to Grady County for good and valuable consideration as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

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

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

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | E Heckstall | Y Mayo | Y Setzler |
| Y Abrams | 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 | Meadows | Y Sims, C |
| Y Ashe | Y Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Mitchell | Y Smith, K |
| Y Austin | Y Dollar | Horne | Y Morgan | E Smith, L |
| Y Baker | Y Drenner | Y Houston | E Morris | Y Smith, R |
| Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | Jones, S | E 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 | 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 | Y Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | Y Randall | Y Wilkerson |
| Y Clark, J | 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 | Y Williams, R |
| Y Coomer | Y Hatchett | E Marin | Rynders | Y Williamson |
| Y Cooper | Y Hatfield | E Martin | E Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the adoption of the Resolution, by substitute, the ayes were 152, nays 0.

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

Representatives Dawkins-Haigler of the 93rd, Stephens of the 161st, and Stephenson of the 92nd 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.

HB 292. By Representatives Hembree of the 67th, Houston of the 170th, Rogers of the 26th and England of the 108th:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to extend certain contribution rates and credits; to change certain provisions relating to benefit experience; to continue provisions relating to administrative assessments; to extend the provision relating to automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to extend certain contribution rates and credits; to change certain provisions relating to benefit experience; to extend suspension of adjustments based upon the State-wide Reserve Ratio for the calendar year 2012; to provide for an increase in the overall rate; to continue provisions relating to administrative assessments; to extend the provision relating to automatic repeal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, is amended by revising Code Section 34-8-151, relating to the rate of employer contributions, as follows:

"34-8-151.

(a) For periods prior to April 1, 1987, or after December 31, ~~2011~~ 2016, each new or newly covered employer shall pay contributions at a rate of 2.7 percent of wages paid by such employer with respect to employment during each calendar year until the

employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162.

(b) For periods on or after April 1, 1987, but on or before December 31, 1999, each new or newly covered employer shall pay contributions at a rate of 2.64 percent of wages paid by such employer with respect to employment during each calendar year until the employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158 through 34-8-162.

(c) For periods on or after January 1, 2000, but on or before December 31, ~~2011~~ 2016, each new or newly covered employer shall pay contributions at a rate of 2.62 percent of wages paid by such employer with respect to employment during each calendar year until the employer is eligible for a rate calculation based on experience as defined in this chapter, except as provided in Code Sections 34-8-158, ~~34-8-159, 34-8-160, 34-8-161, and through~~ 34-8-162."

SECTION 2.

Said chapter is further amended by revising the introductory language to subsections (c) and (e) of Code Section 34-8-155, relating to benefit experience, as follows:

"(c) For the periods prior to April 1, 1987, or after December 31, ~~2011~~ 2016, variations from the standard rate of contributions shall be determined in accordance with the following requirements:"

"(e) For the periods on or after January 1, 2000, but on or before December 31, ~~2011~~ 2016, variations from the standard rate of contributions shall be determined in accordance with the following requirements:"

SECTION 3.

Said chapter is further amended by revising subparagraph (d)(4)(B) of Code Section 34-8-156, relating to the State-wide Reserve Ratio, as follows:

"(B) Except for any year or portion of a year during which the provisions of paragraph (1) of subsection (f) of Code Section 34-8-155 apply, when the State-wide Reserve Ratio, as calculated above, is less than 1.7 percent, there shall be an overall increase in the rate, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155 in accordance with the following table:

If the State-wide Reserve Ratio:

| <u>Equals or Exceeds</u> | <u>But Is Less Than</u> | <u>Overall Increase</u> |
|--------------------------|-------------------------|-------------------------|
| 1.5 percent | 1.7 percent | 25 percent |
| 1.25 percent | 1.5 percent | 50 percent |
| 0.75 percent | 1.25 percent | 75 percent |
| Under 0.75 percent | | 100 percent |

provided, however, that for the periods of January 1 through December 31, 2004; January 1 through December 31, 2005; and January 1 through December 31, 2006, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.00 percent on the computation date with respect to rates applicable to calendar year 2004, 2005, or 2006, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to 35 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155; and provided, further, that for the periods of January 1 through December 31, 2007, January 1 through December 31, 2008, January 1 through December 31, 2009, January 1 through December 31, 2010, ~~and~~ January 1 through December 31, 2011, and January 1 through December 31, 2012, the overall increase in the rate required under this subparagraph shall be suspended and the provisions of this subparagraph shall be null and void, except in the event the State-wide Reserve Ratio, as calculated above, is less than 1.25 percent on the computation date with respect to rates applicable to calendar year 2007, 2008, 2009, 2010, ~~or~~ 2011, or 2012, then for each such year the Commissioner of Labor shall have the option of imposing an increase in the overall rate of up to ~~35~~50 percent, as of the computation date, for each employer whose rate is computed under a rate table in Code Section 34-8-155."

SECTION 4.

Said chapter is further amended by revising subsection (b) of Code Section 34-8-180, relating to an administrative assessment on all wages, as follows:

"(b) For the periods on or after January 1, 2000, but on or before December 31, ~~2011~~ 2016, there is created an administrative assessment of 0.08 percent to be assessed upon all wages as defined in Code Section 34-8-49, except the wages of:

- (1) Those employers who have elected to make payments in lieu of contributions as provided by Code Section 34-8-158 or who are liable for the payment of contributions as provided in said Code section; or
- (2) Those employers who, by application of the State-wide Reserve Ratio as provided in Code Section 34-8-156, have been assigned the minimum positive reserve rate or the maximum deficit reserve rate."

SECTION 5.

Said chapter is further amended by revising subsection (b) of Code Section 34-8-181, relating to an additional administrative assessment for new or newly covered employers, as follows:

"(b) For the periods on or after January 1, 2000, but on or before December 31, ~~2011~~ 2016, in addition to the rate paid under Code Section 34-8-151, each new or newly covered employer shall pay an administrative assessment of 0.08 percent of wages payable by it with respect to employment during each calendar year until it is eligible

for a rate calculation based on experience as defined in this chapter, except as provided in Code Section 34-8-158."

SECTION 6.

Said chapter is further amended by revising Code Section 34-8-185, relating to the automatic repeal of Article 6, as follows:

"34-8-185.

This article shall stand repealed in its entirety on December 31, ~~2011~~ 2016."

SECTION 7.

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

SECTION 8.

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

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

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

| | | | | |
|------------------|-----------------|------------|-------------|---------------|
| Y Abdul-Salaam | Y Davis | Heckstall | Y Mayo | Y Setzler |
| Abrams | 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 | Dollar | Y Horne | Y Morgan | E Smith, L |
| Y Baker | Y Drenner | Y Houston | E Morris | Y Smith, R |
| Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Bryant | Y Frazier | Y Jones, S | E 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 | Ramsey | Y Weldon |

| | | | | |
|------------|-------------|-------------|------------|------------------|
| Y Cheokas | Y Hamilton | Y Lindsey | Y Randall | Y Wilkerson |
| Y Clark, J | Hanner | Y Long | Y Reece | Y Wilkinson |
| Y Clark, V | Y Harbin | Y Lucas | 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 | Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | E Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | E Martin | E 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 151, nays 0.

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

Representatives Bryant of the 160th, Dawkins-Haigler of the 93rd, Rice of the 51st, and Stephenson of the 92nd 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 Smith of the 70th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 272. By Representatives Weldon of the 3rd, Lane of the 167th, Bryant of the 160th, Atwood of the 179th, Huckaby of the 113th and others:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court administration, so as to delete provisions relative to a rehearing on the order of an associate juvenile court judge; to repeal conflicting laws; and for other purposes.

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

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

| | | | | |
|------------------|-----------------|-------------|------------|------------|
| Y Abdul-Salaam | Y Davis | Y Heckstall | Y Mayo | Y Setzler |
| Abrams | 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 | E Smith, L |
| Y Baker | Y Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |

| | | | | |
|------------|-------------|-------------|-------------|------------------|
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | Jones, S | E 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 | Y Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | Y Randall | Y Wilkinson |
| Y Clark, J | Y Hanner | Y Long | Y Reece | Y Wilkinson |
| Y Clark, V | Y Harbin | Y Lucas | Rice | E 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 | Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Marin | Y Rynders | Y Williamson |
| Cooper | Y Hatfield | E Martin | E Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 155, nays 0.

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

Representatives Dawkins-Haigler of the 93rd, Rice of the 51st, and Stephenson of the 92nd 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 Smith of the 70th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 226. By Representatives Sheldon of the 105th, Houston of the 170th, Hill of the 21st, Cooper of the 41st, Clark of the 98th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 30 of the Official Code of Georgia Annotated, relating to the Georgia Council on Developmental Disabilities, so as to provide for the comprehensive regulation of individual development accounts; to provide for definitions; to provide for procedures, conditions, and limitations with respect to the creation and operation of such accounts; to provide for powers, duties, and authority of the Georgia Council on Developmental Disabilities; to provide for powers, duties, and authority of certain fiduciary organizations; to amend Code Section 49-4-183 of the Official Code of Georgia Annotated, relating to

administration of the Georgia TANF Program by the Department of Human Services, so as to add to uses for individual development accounts; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 30 of the Official Code of Georgia Annotated, relating to the Georgia Council on Developmental Disabilities, so as to provide for the comprehensive regulation of individual development accounts; to provide for definitions; to provide for procedures, conditions, and limitations with respect to the creation and operation of such accounts; to provide for powers, duties, and authority of the Georgia Council on Developmental Disabilities; to provide for powers, duties, and authority of certain fiduciary organizations; to amend Code Section 49-4-183 of the Official Code of Georgia Annotated, relating to administration of the Georgia TANF Program by the Department of Human Services, so as to add to uses for individual development accounts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 8 of Title 30 of the Official Code of Georgia Annotated, relating to the Georgia Council on Developmental Disabilities, is amended by designating the current provisions as Article 1 and adding a new article to read as follows:

"ARTICLE 2

30-8-20.

As used in this article, the term;

(1) 'Account holder' means the person who is the owner of an individual development account.

(2) 'Assistive technology' means any item, piece of equipment, or product system, whether acquired commercially, off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

(3) 'Community based organization' means any nonprofit or charitable association that is approved to implement the individual development account reserve fund.

(4) 'Emergency' includes making payments for necessary medical expenses, to avoid eviction of the account holder from the account holder's residence, and for necessary living expenses following a loss of employment.

(5) 'Federal poverty guidelines' means poverty level as issued annually by the federal Department of Health and Human Services.

(6) 'Fiduciary organization' means a nonprofit, fundraising organization that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code, as amended, or a community development financial institution or community development credit union. Nothing in this paragraph shall be construed as preventing a fiduciary organization from cooperating with a financial institutional or for profit entity to carry out the purposes of this article.

(7) 'Financial institution' means a bank, trust company, savings bank, building and loan association, savings and loan company or association, or credit union authorized to do business in this state.

(8) 'Individual development account' means a contract between an account holder and a fiduciary organization for the deposit of savings by an account holder at a financial institution and the deposit by the fiduciary organization of matching funds into a separate reserve account at a financial institution to allow the account holder to accumulate assets for use toward achieving any of the specific purposes enumerated in Code Section 30-8-22.

(9) 'Lower income household' means a household having an income equal to or less than 80 percent of the median household income for the area as determined by the Department of Human Services or a household whose income is less than or equal to 300 percent of the federal poverty guidelines, whichever is more. In making the determination, the Department of Human Services shall give consideration to any data on area household income published by the United States Department of Housing and Urban Development and the federal poverty guidelines.

(10) 'Matching funds' means the moneys contributed from an individual development account reserve fund to an individual development account by a community based organization at a one-to-one ratio up to a five-to-one match.

30-8-21.

(a) A person whose income is the lesser of 80 percent of the median household income for the area or whose income is less than or equal to 300 percent of the federal poverty guidelines may open an individual development account for the purposes set forth in Code Section 30-8-22.

(b) A person who qualifies to become an account holder may enter into an agreement with a fiduciary organization for the establishment of an individual development account.

(c) A person applying to establish an individual development account shall enter into an individual agreement developed by the person and the fiduciary organization. The agreement shall provide for the amount of regular savings deposits, the matching funds rate, the asset goal, and the training classes and financial counseling the individual will attend.

30-8-22.

(a) A person may establish an individual development account only for one or more of the following purposes:

(1) The acquisition of postsecondary education or job training;

(2) The purchase of a primary residence. In addition to payment on the purchase price of the residence, individual development account moneys may be used to pay any usual or reasonable settlement, financing, or other closing costs. The account holder shall not have owned or held any interest in a residence during the three years prior to making the purchase. However, this three-year period shall not apply to displaced homemakers or other individuals who have lost home ownership as a result of divorce;

(3) Costs for major repairs or improvement to a primary residence;

(4) The capitalization of a small business. Individual development account moneys may be used for capital, plant, equipment, and inventory expenses or for working capital pursuant to a business plan. The business plan shall be approved by a financial institution, nonprofit microenterprise program, or other qualified agent demonstrating business expertise and shall be approved by the fiduciary organization. The business plan shall include a description of the services or goods to be sold, a marketing plan, and projected financial statements; and

(5) The purchase of assistive technology.

(b)(1) If an emergency occurs, an account holder may withdraw all or part of the account holder's deposits to an individual development account for a purpose not described in subsection (a) of this Code section with the approval of the fiduciary organization.

(2) The account holder shall reimburse the individual development account for the amount withdrawn under this subsection within 12 months after the date of such withdrawal. Failure of an account holder to make a timely reimbursement to the individual development account shall be grounds for removing the account holder from the individual development account program. Until the reimbursement has been made in full, an account holder shall not withdraw any matching funds or accrued interest on matching funds from the individual development account.

(c) If an account holder withdraws moneys from an individual development account for other than an approved purpose, the fiduciary organization may remove the account holder from the program.

(d) If an account holder moves from the area where the program is conducted or is otherwise unable to continue in the program, the fiduciary organization may remove the account holder from the program.

(e) If an account holder is removed from the program under subsection (b), (c), or (d) of this Code section, all matching funds accrued and the interest earned on matching funds shall revert to the fiduciary organization. The fiduciary organization shall use the reverted funds as a source of matching funds for other individual development accounts.

(f) An individual shall only contribute to an individual development account such amounts as are derived from earned income, child support payments, Social Security Supplemental Income disability payments, community service under Temporary Assistance for Needy Families, SI benefits, an Americorps stipend, or a job training stipend.

30-8-23.

The total amount paid into an individual development account during its existence, including amounts from funds, matching funds, and interest or investment earnings, shall not exceed \$60,000.00.

30-8-24.

The Georgia Council on Developmental Disabilities may select fiduciary organizations through competitive processes. In making the selections, the Georgia Council on Developmental Disabilities shall consider factors including, but not limited to:

- (1) The ability of the fiduciary organization to implement and administer the individual development account program, including the ability to verify account holder eligibility, certify that matching funds are used only for approved purposes, and exercise general fiscal accountability;
- (2) The capacity of the fiduciary organization to provide or raise matching funds for the deposits of account holders;
- (3) The capacity of the fiduciary organization to provide financial counseling, at least 12 hours of economic education and training specific to the assets the individuals will be purchasing, and other related services to account holders;
- (4) The links that the fiduciary organization has to other activities and programs designed to increase the independence of this state's lower income households through education and training, home ownership, and small business development; and
- (5) The feasibility of the fiduciary organization's program design, including match rates and regular savings amounts, to lead to asset purchase.

30-8-25.

(a) Subject to the Georgia Council on Developmental Disabilities rules, a fiduciary organization shall have sole authority over and responsibility for the administration of individual development accounts. The responsibility of the fiduciary organization shall extend to all aspects of the individual development account program, including marketing to participants, soliciting matching contributions, counseling account holders, providing financial literacy education, and conducting required verification and compliance activities. The fiduciary organization may establish program provisions as the organization believes necessary to ensure account holder compliance with this article. Notwithstanding any provisions of this article to the contrary, a fiduciary organization may establish income limitations for account holders that are lower than the income limitations otherwise established by this article.

(b) A fiduciary organization may act in partnership with other entities, including businesses, government agencies, nonprofit organizations, community development corporations, community action programs, housing authorities, and congregations to assist in the fulfillment of fiduciary organization responsibilities under this article.

(c) A fiduciary organization may use a reasonable portion of moneys allocated to the individual development account program for administration, operation, and evaluation purposes.

(d) A fiduciary organization selected to administer moneys directed by the state to individual development account purposes or receiving tax deductible contributions shall provide the Georgia Council on Developmental Disabilities with an annual report of the fiduciary organization's individual development account program activity. The report shall be filed no later than 90 days after the end of the fiscal year of the fiduciary organization. The report shall include, but shall not be limited to:

(1) The number of individual development accounts administered by the fiduciary organization;

(2) The amount of deposits and matching funds for each individual development account;

(3) The purpose of each individual development account;

(4) The number of withdrawals made; and

(5) Any other information the Georgia Council on Developmental Disabilities may require for the purpose of making a return on investment analysis.

(e) The Georgia Council on Developmental Disabilities may make all reasonable and necessary rules to ensure fiduciary organization compliance with this article.

30-8-26.

Financial institutions holding individual development accounts shall at a minimum:

(1) Keep the individual development account in the name of the account holder;

(2) Permit deposits to be made in the individual development account;

(3) Require the individual development account to earn a market rate of interest; and

(4) Permit the account holder, after obtaining the written authorization of the fiduciary organization, to withdraw money from the individual development account for any of the permissible uses.

30-8-27.

Funds deposited in individual development accounts are custodial accounts and shall not be counted as income, assets, or resources of the account holder for the purpose of determining financial eligibility for assistance or services pursuant to any federal, federally assisted, state, or municipal program based on need."

SECTION 3.

Code Section 49-4-183 of the Official Code of Georgia Annotated, relating to administration of the Georgia TANF Program by the Department of Human Services, is amended by revising paragraph (11) of subsection (b) as follows:

"(11) The establishment and maintenance of individual development accounts. The funds in such accounts may be used for postsecondary educational expenses, the purchase of a first home, assistive technology, or business capitalization. The funds in such accounts are custodial accounts and shall not be considered in determining eligibility for cash assistance pursuant to 42 U.S.C. Section 604(h)."

SECTION 4.

This Act shall become effective on July 1, 2011.

SECTION 5.

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

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

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

| | | | | |
|------------------|-----------------|-------------|-------------|---------------|
| Y Abdul-Salaam | Y Davis | Y Heckstall | Y Mayo | Y Setzler |
| Y Abrams | Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| Y Allison | Y Dempsey | Y Henson | Y McCall | Y Sheldon |
| Y Amerson | Y Dickerson | Y Hill | Y McKillip | Y Sims, B |
| Y Anderson | Y Dickey | Y Holcomb | Y Meadows | Y Sims, C |
| Ashe | Y Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | N Holt | Y Mitchell | Y Smith, K |
| Y Austin | Dollar | N Horne | Y Morgan | E Smith, L |
| Y Baker | Y Drenner | Y Houston | E Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | N Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | 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 |
| N Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E 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 | E Parsons | Y Teasley |
| Y Buckner | Y Fullerton | Y Jordan | Y Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | Y Tinubu |
| N Byrd | Y Geisinger | Y Kendrick | Y Powell, J | 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 | E Willard |
| Y Coleman | Y Harden, B | N 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 | Y Williams, R |
| Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Y Cooper | N Hatfield | E Martin | E 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 152, nays 8.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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 Smith of the 70th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

March 14, 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 226 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 225. By Representatives Holmes of the 125th, England of the 108th and McCall of the 30th:

A BILL to be entitled an Act to amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to define a term; to provide that it shall be the policy of this state to promote sustainable agriculture; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, so as to define a term; to provide that it shall be the policy of this state to promote sustainable agriculture; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to agriculture, is amended by revising Code Section 2-1-1, relating to definitions, as follows:

"2-1-1.

As used in this title, the term:

- (1) 'Commissioner' means the Commissioner of Agriculture.
- (2) 'Department' means the Department of Agriculture of this state.
- (3) 'Sustainable agriculture' or 'sustainable agricultural practices' means science-based agricultural practices, technologies, or biological systems supported by research or otherwise demonstrated to lead to broad outcomes-based improvements, which may include but not be limited to such critical outcomes as increasing agricultural productivity and improving human health through access to safe, nutritious, affordable food and other agricultural products, while enhancing agricultural and surrounding environmental conditions through the stewardship of water, soil, air quality, biodiversity, and wildlife habitat, so as to meet the needs of the present and improve the ability for future generations to meet their own needs while advancing progress toward environmental, social, and economic goals and the well-being of agricultural producers and rural communities."

SECTION 2.

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

"2-1-1.1.

It shall be the policy of this state to promote sustainable agriculture."

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:

| | | | | |
|------------------|-----------------|-------------|-------------|------------------|
| Abdul-Salaam | Y Davis | Y Heckstall | Mayo | Y Setzler |
| N Abrams | Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| Y Allison | Y Dempsey | Henson | Y McCall | Y Sheldon |
| Y Amerson | Y 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 | N Holt | Y Mitchell | Y Smith, K |
| Y Austin | Y Dollar | Y Horne | N Morgan | E 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 | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| N Bell | N Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| N Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | Y James | N Oliver | Y Talton |
| N Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E 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 | E Parsons | N Teasley |
| N Buckner | Y Fullerton | Y Jordan | Y Peake | N Thomas |
| Y Burns | N Gardner | Y Kaiser | Y Powell, A | N Tinubu |
| N Byrd | Y Geisinger | Y Kendrick | Y Powell, J | Y Walker |
| Y Carter | Golick | Y Kidd | Y Pruett | Y Watson |
| Y Casas | N Gordon | Y Knight | Y Purcell | N Welch |
| Y Channell | Y Greene | Y Lane | Y Ramsey | Y Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | Randall | Y Wilkerson |
| Y Clark, J | Y Hanner | Y Long | Y Reece | Y Wilkinson |
| Y Clark, V | Y Harbin | Y Lucas | Y Rice | E 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 | Y Williams, R |
| Y Coomer | Y Hatchett | Marin | Y Rynders | Y Williamson |
| Y Cooper | N Hatfield | E Martin | E Scott, M | Y Yates |
| N Crawford | Y Heard | Y Maxwell | N Scott, S | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 132, nays 24.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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 Smith of the 70th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Spencer of the 180th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 275. By Representatives Cheokas of the 134th, Cooper of the 41st, Carter of the 175th, Clark of the 104th, Harden of the 147th and others:

A BILL to be entitled an Act to amend Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to cardiopulmonary resuscitation, so as to clarify the health care providers authorized to effectuate an order not to resuscitate; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to cardiopulmonary resuscitation, so as to clarify the health care providers authorized to effectuate an order not to resuscitate; 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.

Chapter 39 of Title 31 of the Official Code of Georgia Annotated, relating to cardiopulmonary resuscitation, is amended in Code Section 31-39-2, relating to definitions pertaining to cardiopulmonary resuscitation, by adding new paragraphs to read as follows:

"(5.1) 'Caregiver' means an unlicensed assistant who provides direct health related care to patients or residents, a proxy caregiver performing health maintenance activities as provided in Code Section 43-26-12, or a person performing auxiliary services in the care of patients as provided in Code Section 43-26-12."

"(8.1) 'Nurse' means a person who is a licensed practical nurse as provided in Code Section 43-26-32 or a registered professional nurse as provided in Code Section 43-26-3."

"(11.1) 'Physician assistant' means a person licensed as a physician assistant pursuant to Article 4 of Chapter 34 of Title 43."

SECTION 2.

Said chapter is further amended in Code Section 31-39-4, relating to persons authorized to issue an order not to resuscitate, by revising subsection (a) as follows:

"(a) It shall be lawful for the attending physician to issue an order not to resuscitate pursuant to the requirements of this chapter. Any written order issued by the attending physician using the term 'do not resuscitate,' 'DNR,' 'order not to resuscitate,' 'no code,' or substantially similar language in the patient's chart shall constitute a legally sufficient order and shall authorize a physician, health care professional, nurse, physician assistant, caregiver, or emergency medical technician to withhold or withdraw cardiopulmonary resuscitation. Such an order shall remain effective, whether or not the patient is receiving treatment from or is a resident of a health care facility, until the order is canceled as provided in Code Section 31-39-5 or until consent for such order is revoked as provided in Code Section 31-39-6, whichever occurs earlier. An attending physician who has issued such an order and who transfers care of the patient to another physician shall inform the receiving physician and the health care facility, if applicable, of the order."

SECTION 3.

Said chapter is further amended by revising Code Section 31-39-6, relating to the revocation of consent to an order not to resuscitate, as follows:

"31-39-6.

(a) A patient may, at any time, revoke his or her consent to an order not to resuscitate by making either a written or an oral declaration or by any other act evidencing a specific intent to revoke such consent which is communicated to or in the presence of an attending physician, nurse, physician assistant, caregiver ~~or a member of the nursing staff at the health care facility,~~ a health care professional, or an emergency medical technician.

(b) Any parent or authorized person may at any time revoke his or her consent to an order not to resuscitate a patient by making either a written or an oral declaration or by any other act evidencing a specific intent to revoke such consent which is communicated to or in the presence of an attending physician, nurse, physician assistant, caregiver ~~or a member of the nursing staff at the health care facility,~~ a health care professional, or an emergency medical technician.

(c) Any physician who is informed of or provided with a revocation of consent pursuant to this Code section shall, either by himself or herself or by designee, immediately include the revocation in the patient's chart, cancel the order, and notify any health care facility staff responsible for the patient's care of the revocation and cancellation. Any member of the nursing staff, or a physician assistant, caregiver, a health care professional, or emergency medical technician who is informed of or provided with a revocation of consent pursuant to this Code section shall immediately notify a physician of such revocation."

SECTION 4.

Said chapter is further amended by revising Code Section 31-39-6.1, relating to form of order not to resuscitate, bracelet or necklace, and revocation or cancellation of order, as follows:

"31-39-6.1.

(a) In addition to those orders not to resuscitate authorized elsewhere in this chapter, any physician, health care professional, nurse, physician assistant, caregiver, or emergency medical technician shall be authorized to effectuate an order not to resuscitate for a person who is not a patient in a hospital, nursing home, or licensed hospice ~~and~~ if the order is evidenced in writing containing the patient's name, date of the form, printed name of the attending physician, and ~~signed by~~ signature of the attending physician on a form substantially similar to the following:

'DO NOT RESUSCITATE ORDER

NAME OF PATIENT: _____
 THIS CERTIFIES THAT AN ORDER NOT TO RESUSCITATE HAS BEEN
 ENTERED ON THE ABOVE-NAMED PATIENT.

SIGNED: _____
 ATTENDING PHYSICIAN

PRINTED OR TYPED NAME OF ATTENDING PHYSICIAN: _____
 ATTENDING PHYSICIAN'S TELEPHONE NUMBER: _____
 DATE: _____'

(b) A person who is not a patient in a hospital, nursing home, or licensed hospice and who has an order not to resuscitate pursuant to this Code section ~~shall~~ may wear an identifying bracelet on either the wrist or the ankle or an identifying necklace and shall post or place a prominent notice in such person's home. The bracelet shall be substantially similar to identification bracelets worn in hospitals. The bracelet, ~~or necklace, or notice shall be on an orange background and~~ shall provide the following information in boldface type:

'DO NOT RESUSCITATE ORDER

Patient's name: _____
 Authorized person's name and telephone number, if applicable: _____
 Patient's physician's printed name and telephone number: _____
 Date of order not to resuscitate: _____'

Any physician, health care professional, nurse, physician assistant, caregiver, or emergency medical technician shall be authorized to regard such a bracelet, ~~or necklace, or notice~~ as a legally sufficient order not to resuscitate in the same manner as an order issued pursuant to this chapter unless such person has actual knowledge that such order has been canceled or consent thereto revoked as provided in this chapter.

(c) Any order not to resuscitate evidenced pursuant to subsection (a) or (b) of this Code section may be revoked as provided in Code Section 31-39-6 and may be canceled as provided in Code Section 31-39-5."

SECTION 5.

Said chapter is further amended in Code Section 31-39-7, relating to liability of persons carrying out in good faith decisions regarding cardiopulmonary resuscitation, notification of next of kin or authorized person of patient by physician refusing to comply with an order not to resuscitate, by revising subsections (a) and (b) as follows:

"(a) No physician, health care professional, nurse, physician assistant, caregiver, health care facility, other licensed facility, emergency medical technician, or person employed by, acting as the agent of, or under contract with any of the foregoing shall be subject to criminal prosecution or civil liability or be deemed to have engaged in unprofessional conduct for carrying out in good faith a decision regarding cardiopulmonary resuscitation authorized by this chapter by or on behalf of a patient or for those actions taken in compliance with the standards and procedures set forth in this chapter.

(b) No physician, health care professional, nurse, physician assistant, caregiver, health care facility, other licensed facility, emergency medical technician, or person employed by, acting as the agent of, or under contract with any of the foregoing shall be subject to criminal prosecution or civil liability or be deemed to have engaged in unprofessional conduct for providing cardiopulmonary resuscitation to a patient for whom an order not to resuscitate has been issued, provided that such physician or person:

- (1) Reasonably and in good faith was unaware of the issuance of an order not to resuscitate; or
- (2) Reasonably and in good faith believed that consent to the order not to resuscitate had been revoked or canceled."

SECTION 6.

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

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

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

| | | | | |
|------------------|-----------------|-------------|------------|---------------|
| Y Abdul-Salaam | Y Davis | Y Heckstall | Y Mayo | Y Setzler |
| Y Abrams | Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| Y Allison | Y Dempsey | Y Henson | Y McCall | 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 | Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| Y Austin | Y Dollar | Y Horne | Y Morgan | E Smith, L |
| Y Baker | Drenner | Y Houston | Y Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | 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 | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E 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 | 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 | 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 | 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 | E Martin | E 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 160, nays 1.

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

Representatives Dawkins-Haigler of the 93rd and Stephenson of the 92nd 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.

HB 285. By Representatives Coleman of the 97th, Maxwell of the 17th and Casas of the 103rd:

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment under the "Quality Basic Education Act", so as to revise provisions relating to criminal background checks on school employees; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

| | | | | |
|------------------|-------------------|-------------|-------------|------------------|
| Y Abdul-Salaam | Y Davis | Y Heckstall | Y Mayo | Y Setzler |
| Y Abrams | Y Dawkins-Haigler | Y Hembree | Y McBrayer | Y Shaw |
| Y Allison | Y Dempsey | Y Henson | Y McCall | Y Sheldon |
| Y Amerson | Y Dickerson | Y Hill | Y McKillip | Y Sims, B |
| Y Anderson | Y Dickey | Y Holcomb | Y Meadows | Y Sims, C |
| Y Ashe | Y Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| Y Austin | Y Dollar | Y Horne | Y Morgan | Y Smith, L |
| Y Baker | Y Drenner | Y Houston | Y Morris | Y Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | E Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | E Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | E Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E 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 |
| 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 | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Cooper | Y Hatfield | E Martin | E Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 167, nays 0.

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

Representative Cooper of the 41st stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

HR 587. By Representatives Tinubu of the 60th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd, Hugley of the 133rd, Beasley-Teague of the 65th and others:

A RESOLUTION commending the Honorable Georganna Sinkfield and inviting her to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 588. By Representatives Atwood of the 179th, Lane of the 167th, Nix of the 69th, Jacobs of the 80th, Evans of the 40th and others:

A RESOLUTION recognizing and commending Temple Beth Tefilloh; and for other purposes.

HR 589. By Representatives Pruett of the 144th, Benfield of the 85th, Ashe of the 56th, Coleman of the 97th, England of the 108th and others:

A RESOLUTION recognizing March 30, 2011, as Farm to School Day at the state capitol and commending farm to school programs; and for other purposes.

HR 590. By Representatives Coleman of the 97th, Hembree of the 67th, Harrell of the 106th, Casas of the 103rd, Maxwell of the 17th and others:

A RESOLUTION recognizing and commending Anthony Cotton; and for other purposes.

HR 591. By Representatives Williamson of the 111th, Abrams of the 84th, Lindsey of the 54th, Jones of the 46th, O'Neal of the 146th and others:

A RESOLUTION recognizing and commending the Boys & Girls Clubs of Georgia and Boys & Girls Clubs of Georgia's 2011 Youth of the Year; and for other purposes.

HR 592. By Representatives Holt of the 112th, Maddox of the 172nd and Clark of the 98th:

A RESOLUTION recognizing and commending James and Meredith Holt on the occasion of their 50th wedding anniversary; and for other purposes.

HR 593. By Representatives Coleman of the 97th, Sheldon of the 105th, Thomas of the 100th, Clark of the 104th, Harrell of the 106th and others:

A RESOLUTION recognizing and commending Ms. Katherine L. Meyer on the occasion of her retirement; and for other purposes.

HR 594. By Representative Allison of the 8th:

A RESOLUTION recognizing and commending the Blairsville Scottish Festival and Highland Games; and for other purposes.

HR 595. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Tinubu of the 60th, Scott of the 76th, Baker of the 78th and others:

A RESOLUTION recognizing and commending Mrs. Jewell Lewis; 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 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 following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to provide that certain acts by residential roofing 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 amend Article 1 of Chapter 23 of Title 33, relating to agents, agencies, subagents, counselors, and adjusters, so as to prohibit certain acts by public adjusters or persons acting as public adjusters to use rebates or other compensation as inducement for an insured to enter into a contract; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," is amended by adding a new Code section to read as follows:

"10-1-393.12.

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

(1) 'Residential real estate' means a new or existing building constructed for habitation by one to four families, including detached garages.

(2) 'Residential roofing contractor' means a person or entity in the business of contracting or offering to contract with an owner or possessor of residential real estate to repair or replace roof systems.

(3) 'Roof system' means a roof covering, roof sheathing, roof weatherproofing, roof framing, roof ventilation system, and insulation.

(b) A person who has entered into a written contract with a residential roofing contractor to provide goods or services to be paid from the proceeds of a property and casualty insurance policy may cancel the contract prior to midnight on the fifth business day after the insured has received written notice from the insurer that all or any part of the claim or contract is not a covered loss under such insurance policy. Cancellation shall be evidenced by the insured giving written notice of cancellation to the residential roofing contractor at the address stated in the contract. Notice of cancellation, if given by mail, shall be effective upon deposit into the United States mail, postage prepaid and properly addressed to the residential roofing contractor. Notice of cancellation need not take a particular form and shall be sufficient if it indicates, by any form of written expression, the intention of the insured not to be bound by the contract.

(c) Before entering a contract as provided in subsection (b) of this Code section, the residential roofing contractor shall:

(1) Furnish the insured a statement in boldface type of a minimum size of ten points, in substantially the following form:

'You may cancel this contract at any time before midnight on the fifth business day after you have received written notification from your insurer that all or any part of

the claim or contract is not a covered loss under the insurance policy. This right to cancel is in addition to any other rights of cancellation which may be found in state or federal law or regulation. See attached notice of cancellation form for an explanation of this right'; and

(2) Furnish each insured a fully completed form in duplicate, captioned 'NOTICE OF CANCELLATION,' which shall be attached to the contract but easily detachable, and which shall contain in boldface type of a minimum size of ten points the following statement:

'NOTICE OF CANCELLATION

If you are notified by your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy, you may cancel the contract by mailing or delivering a signed and dated copy of this cancellation notice or any other written notice to (name of contractor) at (address of contractor's place of business) at any time prior to midnight on the fifth business day after you have received such notice from your insurer. If you cancel, any payments made by you under the contract will be returned to you within ten business days following receipt by the contractor of your cancellation notice.

I HEREBY CANCEL THIS TRANSACTION

(date)

(insured's signature).

(d) Within ten days after a contract as provided in subsection (b) of this Code section has been cancelled, the residential roofing contractor shall tender to the insured any payments, partial payments, or deposits made by the insured and any note or other evidence of indebtedness. If, however, the residential roofing contractor has performed any emergency services, acknowledged by the insured in writing to be necessary to prevent damage to the premises, the residential roofing contractor shall be entitled to the reasonable value of such services. Any provision in a contract as provided in subsection (b) of this Code section that requires the payment of any fee for anything except emergency services shall not be enforceable against any insured who has cancelled a contract under this Code section.

(e) A residential roofing contractor shall not represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of roof systems. This subsection shall not apply to a public adjuster licensed under Chapter 23 of this title."

SECTION 2.

Article 1 of Chapter 23 of Title 33 of the Official Code of Georgia Annotated, relating to agents, agencies, subagents, counselors, and adjusters, is amended by revising Code Section 33-23-43, relating to authority of adjusters and penalty for violation, as follows:

"33-23-43.

- (a) An adjuster licensed as both an independent and a public adjuster shall not represent both the insurer and the insured in the same transaction.
- (b) An adjuster shall have authority under his or her license only to investigate, settle, or adjust and report to his or her principal upon claims arising under insurance contracts on behalf of insurers only if licensed as an independent adjuster or on behalf of insureds only if licensed as a public adjuster.
- (c) No public adjuster, at any time, shall knowingly:
- (1) Suggest or advise the employment of or name for employment a specific attorney or attorneys to represent a person in any matter relating to a person's potential claims, including any motor vehicle accident claims for personal injury, loss of consortium, property damages, or other special damages;
 - (2) Accept or agree to accept any money or other compensation from an attorney or any person acting on behalf of an attorney which the adjuster knows or should reasonably know is payment for the suggestion or advice by the adjuster to seek the services of the attorney or for the referral of any portion of a person's claim to the attorney; ~~or~~
 - (3) Hire or procure another to do any act prohibited by this subsection; or
 - (4) Advertise or promise to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of goods or services. As used in this subsection, the term 'promise to pay or rebate' includes granting any allowance or offering any discount against the fees to be charged or paying the insured or any person directly or indirectly associated with the property any form of compensation, gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason.
- (d) For purposes of subsection (c) of this Code section, the term 'public adjuster' shall include licensed public adjusters as defined by Code Section 33-23-1, ~~and~~ persons representing themselves to be public adjusters who are not properly licensed by the Commissioner, and persons committing any act under paragraph (4) of subsection (c) of this Code section.
- (e) Any person who violates any provision of subsection (c) of this Code section shall be guilty of a misdemeanor and such violation shall be grounds for suspension or revocation of licenses under this chapter."

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 | 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 | 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 | Smith, L |
| Y Baker | Y Drenner | Y Houston | Morris | Y Smith, R |
| Battles | Y Dudgeon | Y Howard | Mosby | Y Smith, T |
| Y Bearden | Y Duker | Y Huckaby | Y Murphy | Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Bryant | Y Frazier | 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 | Tinubu |
| Y Byrd | Y Geisinger | Y Kendrick | Y Powell, J | E 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 | Y Weldon |
| Y Cheokas | Y Hamilton | Y Lindsey | Y Randall | Y Wilkerson |
| 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 | Y Maddox, G | Y Roberts | Y Williams, E |
| Y Cooke | Y Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Rynders | Y Williamson |
| Y Cooper | Y Hatfield | E Martin | Y Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Scott, S | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 154, nays 1.

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

Representatives Clark of the 98th and Scott of the 76th 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 14, 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 423 unconstitutionally impairs the obligation of contracts. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 256. By Representatives Willard of the 49th, Martin of the 47th, Abrams of the 84th, Taylor of the 79th, Riley of the 50th and others:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number 9-1-1 system, so as to provide for the comprehensive regulation of 9-1-1 charges on prepaid wireless services; to provide for imposition, collection, and distribution of such charges; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of counties, municipalities, and the state revenue commissioner; to repeal certain provisions relating to prepaid wireless service; to provide for related matters; to provide for effective dates; 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 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number 9-1-1 system, so as to provide for the comprehensive regulation of 9-1-1 charges on prepaid wireless services; to provide for imposition, collection, and distribution of such charges; to provide for procedures, conditions, and limitations; to provide for powers, duties, and authority of counties, municipalities, and the state revenue commissioner; to repeal certain provisions relating to prepaid wireless service; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to the emergency telephone number 9-1-1 system, is amended in Code Section 46-5-121, relating to legislative intent regarding 9-1-1 services, by adding a new subsection to read as follows:

"(e) The General Assembly further finds that the collection methodology for prepaid wireless telecommunications service should effectively capture 9-1-1 charges from prepaid users. It is the intent of the General Assembly to move the collection of existing 9-1-1 charges on prepaid wireless service to the retail point of sale."

SECTION 2.

Said part is further amended by repealing in its entirety Code Section 46-5-134.2, relating to 9-1-1 charges for prepaid wireless service.

SECTION 3.

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

"46-5-134.2.

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

(1) 'Commissioner' means the state revenue commissioner.

(2) 'Consumer' means a person who purchases prepaid wireless telecommunications service in a retail transaction.

(3) 'Department' means the Department of Revenue.

(4) 'Prepaid wireless 9-1-1 charge' means the charge that is required to be collected by a seller from a consumer in the amount established under subsection (b) of this Code section.

(5) 'Prepaid wireless telecommunications service' has the same meaning as prepaid wireless service as such term is defined in Code Section 46-5-122.

(6) 'Provider' means a person that provides prepaid wireless telecommunications service pursuant to a license issued by the Federal Communications Commission.

(7) 'Retail transaction' means the purchase of prepaid wireless telecommunications service from a seller for any purpose other than resale.

(8) 'Seller' means a person who sells prepaid wireless telecommunications service to another person.

(9) 'Wireless telecommunications service' means commercial mobile radio service as defined by Section 20.3 of Title 47 of the Code of Federal Regulations, as amended.

(b)(1) Counties and municipalities that operate a 9-1-1 public safety answering point, including counties and municipalities that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, are authorized to impose by ordinance or resolution a prepaid wireless 9-1-1 charge in the amount of 75 cents per retail transaction. Imposition of the fee authorized by this Code section by a county or municipality is contingent upon compliance with the requirements of paragraph (1) of subsection (j) of this Code section.

- (2) Where a county or municipality that operates a 9-1-1 public safety answering point fails to comply with the requirements of paragraph (1) of subsection (j) of this Code section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of such counties and municipalities as a state fee for state purposes.
- (c) Where a county or municipality imposes a 9-1-1 charge as authorized by paragraph (1) of subsection (b) of this Code section, or the 9-1-1 charge is imposed by the State of Georgia by paragraph (2) of subsection (b) of this Code section, the prepaid wireless 9-1-1 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 9-1-1 charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.
- (d) For the purposes of subsection (c) of this Code section, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of a prepaid wireless calling service as provided in paragraph (3) of subsection (e) of Code Section 48-8-77.
- (e) The prepaid wireless 9-1-1 charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 9-1-1 charges that the seller collects from consumers as provided in this Code section, including all such charges that the seller is deemed to collect where the amount of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.
- (f) The amount of the prepaid wireless 9-1-1 charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.
- (g) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for a single, nonitemized price, then the seller may elect not to apply the amount specified in subsection (b) of this Code section to such transaction. For purposes of this subsection, the term 'minimal' means an amount of service denominated as ten minutes or less, or \$5.00 or less.
- (h) Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the commissioner at the times and in the manner provided by Chapter 8 of Title 48 with respect to the sales and use tax imposed on prepaid wireless calling service. The commissioner shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to the sale of prepaid wireless calling service under Chapter 8 of Title 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the prepaid wireless 9-1-1 charge. The commissioner shall establish procedures by which a seller of prepaid wireless telecommunications service may document that a sale is not a retail transaction, which

procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Chapter 8 of Title 48. Nothing in this Code section shall authorize the commissioner to require that sellers of prepaid wireless calling services identify, report, or specify the jurisdiction within which the retail sale of such services occurred.

(i) A seller shall be permitted to deduct and retain 3 percent of prepaid wireless 9-1-1 charges that are collected by the seller from consumers.

(j) Prepaid wireless 9-1-1 charges remitted to the commissioner as provided in this Code section shall be distributed to counties, municipalities, and the State of Georgia as follows:

(1) On or before the December 31 of the year prior to the first year that the fee is imposed, each county and municipal corporation levying the fee, including counties and municipalities levying the fee that operate multijurisdictional or regional 9-1-1 systems or have created a joint authority pursuant to Code Section 46-5-138, shall file with the commissioner a certified copy of the pertinent parts of all ordinances and resolutions and amendments thereto which levy the prepaid wireless 9-1-1 charge authorized by this Code section. The ordinance or resolution specified herein shall specify an effective date of January 1, 2012, and impose a fee in the amount specified in paragraph (1) of subsection (b) of this Code section. The filing required by this paragraph shall be a condition of the collection of the prepaid wireless 9-1-1 charge within any county or municipality.

(2)(A) Each county or municipality operating a public safety answering point that has levied the prepaid wireless 9-1-1 charge authorized by this Code section and complied with the filing requirement of paragraph (1) of this subsection shall receive an amount calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending June 30 times a fraction, the numerator of which is the population of the jurisdiction or jurisdictions operating the public safety answering point and the denominator of which is the total population of the state. An amount calculated by multiplying the total amount remitted to the commissioner during the 12 month period ending June 30 times a fraction, the numerator of which is the total population of any jurisdiction or jurisdictions operating public safety answering points that have not complied with the filing requirement of paragraph (1) of this subsection and the denominator of which is the total population of this state, shall be deposited as provided in paragraph (5) of this subsection.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, the initial distribution shall be calculated using the total amount remitted to the commissioner during the six-month period beginning January 1, 2012, and ending June 30, 2012.

(C) For the purposes of this paragraph, population shall be measured by the United States decennial census of 2010 or any future such census plus any corrections or revisions contained in official statements by the United States Bureau of the Census made prior to the first day of September immediately preceding the distribution of

the proceeds of such charges by the commissioner and any official census data received by the commissioner from the United States Bureau of the Census or its successor agency pertaining to any newly incorporated municipality. Such corrections, revisions, or additional data shall be certified to the commissioner by the Office of Planning and Budget on or before August 31 of each year.

(3) Funds shall be distributed annually on or before October 15 of each year. Such distribution shall include any delinquent charges actually collected by the commissioner for a previous fiscal year which have not been previously distributed.

(4) Prior to calculating the distributions to county and municipal governments as provided in this subsection, the commissioner shall subtract an amount, not to exceed 2 percent of remitted charges, to defray the cost of administering and distributing funds from the prepaid wireless 9-1-1 charge. Such amount shall be paid into the general fund of the state treasury.

(5) Funds distributed to a county or municipality pursuant to this Code section shall be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund, maintained by the local government pursuant to paragraph (2) of subsection (d) of Code Section 46-5-134. The commissioner shall deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code section, other than the funds received pursuant paragraph (4) of this subsection, into the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title 45, the 'Budget Act.' It is the intention of the General Assembly, subject to the appropriation process, that an amount equal to the amount deposited into the general fund of the state treasury as provided in this paragraph be appropriated each year to a program of state grants to counties and municipalities administered by the department for the purpose of supporting the operations of public safety answering points in the improvement of 9-1-1 service delivery. The department shall promulgate rules and regulations for the administration of the 9-1-1 grant program.

(6) Notwithstanding a county's or municipality's failure to comply with the filing requirement of paragraph (1) of this subsection prior to January 1, 2012, a county or municipality that subsequently meets such filing requirements prior to January 1 of any subsequent year shall become eligible to participate in the next succeeding distribution of proceeds pursuant to subparagraph (A) of paragraph (2) of this subsection.

(k)(1) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of, or failure to provide, 9-1-1 or enhanced 9-1-1 service, or for identifying, or failing to identify, the telephone number, address, location, or name associated with any person or device that is accessing or attempting to access 9-1-1 or enhanced 9-1-1 service.

(2) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement officer of the United States, this or any other state, or any political subdivision of this or any

other state in connection with any lawful investigation or other law enforcement activity by such law enforcement officer.

(3) In addition to the liability provisions of paragraphs (1) and (2) of this subsection, the provisions of Code Section 46-5-135 shall apply to sellers and providers of prepaid wireless telecommunications service.

(1) The prepaid wireless 9-1-1 charge authorized by this Code section shall be the only 9-1-1 funding obligation imposed with respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be imposed by this state, any political subdivision of this state, or any intergovernmental agency for 9-1-1 funding purposes upon any provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid wireless telecommunications service."

SECTION 4.

(a) This section and Section 5 of this Act shall become effective upon their approval by the Governor or upon their becoming law without such approval.

(b) Section 3 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval only for local administrative purposes but in no event shall a fee and charge be imposed prior to January 1, 2012. Section 3 shall become effective for all purposes on January 1, 2012.

(c) Sections 1 and 2 of this Act shall become effective on January 1, 2012.

SECTION 5.

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 | 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 |
| 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 | Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |

| | | | | |
|------------|-------------|-------------|-------------|------------------|
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | 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 | E 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 | E 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 | Y Maddox, G | Y Roberts | Y Williams, E |
| Y Cooke | Y Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Y Cooper | N Hatfield | E 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 161, nays 2.

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

HB 303. By Representatives Cooper of the 41st, McCall of the 30th, Hembree of the 67th, Dobbs of the 53rd, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician assistants, so as to revise provisions relating to delegation of authority to a physician assistant by a physician; to authorize physician assistants to sign off on certain documents relating to health care; to revise a provision relating to a requirement that a supervising physician periodically see a patient; to provide for related matters; 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 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice, so as to revise provisions relating to delegation of authority to a nurse or physician assistant by a physician; to authorize advanced practice registered nurses to sign off on certain documents relating to health care; to amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician assistants, so as to revise provisions relating to delegation of authority to a physician

assistant by a physician; to authorize physician assistants to sign off on certain documents relating to health care; to revise a provision relating to a requirement that a supervising physician periodically see a patient; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to medical practice, is amended in Code Section 43-34-23, relating to delegation of authority to a nurse or physician assistant, by revising paragraph (1) subsection (b) as follows:

"(b)(1)(A) A physician may delegate the authority contained in subparagraph (B) of this paragraph to:

(A)(i) A physician assistant in accordance with a job description; or

(B)(ii) A nurse recognized by the Georgia Board of Nursing as a certified nurse midwife, certified registered nurse anesthetist, certified nurse practitioner, or clinical nurse specialist, psychiatric/mental health in accordance with a nurse protocol.

(B) A physician may delegate to those health care professionals identified in subparagraph (A) of this paragraph:

(i) The authority to order controlled substances selected from a formulary of such drugs established by the board and the authority to order dangerous drugs, medical treatments, and diagnostic studies;

(ii) The authority to request, receive, and sign for professional samples and to distribute professional samples to patients. The office or facility at which the health care professional identified in subparagraph (A) of this paragraph is working shall maintain a general list of the professional samples approved by the delegating physician for request, receipt, and distribution by the health care professional identified in subparagraph (A) of this paragraph as well as a complete list of the specific number and dosage of each professional sample and medication voucher received. Professional samples that are distributed by a health care professional identified in subparagraph (A) of this paragraph shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations; and

(iii) The authority to sign, certify, and endorse all documents relating to health care provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections; provided, however, that a health care professional identified in subparagraph (A) of this paragraph shall

not have the authority to sign death certificates or assign a percentage of a disability rating."

SECTION 2.

Said article is further amended in Code Section 43-34-25, relating to delegation of certain acts to an advanced practice registered nurse, by revising subsection (e) and by adding a new subsection to read as follows:

"(e) An advanced practice registered nurse may be authorized under a nurse protocol agreement to request, receive, and sign for professional samples and may distribute professional samples to patients. The office or facility at which the advanced practice registered nurse is working shall maintain a general list of the professional samples approved by the delegating physician for request, receipt, and distribution by the advanced practice registered nurse as well as a complete list of the specific number and dosage of each professional sample and medication voucher received ~~and dispensed~~. Professional samples that are distributed by an advanced practice registered nurse shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal laws and regulations.

(e.1) Except for death certificates and assigning a percentage of a disability rating, an advanced practice registered nurse may be delegated the authority to sign, certify, and endorse all documents relating to health care provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections."

SECTION 3.

Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician assistants, is amended in Code Section 43-34-103, relating to licensure and regulation of physician assistants, by revising subsections (e.1) and (e.2) and by adding a new subsection to read as follows:

"(e.1)(1) In addition to and without limiting the authority granted by Code Section 43-34-23, a physician may delegate to a physician assistant, in accordance with a job description, the authority to issue a prescription drug order or orders for any device as defined in Code Section 26-4-5, or to issue any dangerous drug as defined in Code Section 16-13-71 or any Schedule III, IV, or V controlled substance as defined in Code Section 16-13-21 on a prescription drug order or prescription device order form as specified in paragraph (3) of this subsection. Delegation of such authority shall be contained in the job description required by this Code section. The delegating physician shall remain responsible for the medical acts of the physician assistant performing such delegated acts and shall adequately supervise the physician assistant. If an existing job description for a physician assistant does not contain such authority to order a prescription drug or device order as provided by this subsection, that

physician assistant may not issue any such prescription drug or device order until a new job description delegating such authority is submitted to and approved by the board. Nothing in this Code section shall be construed to authorize the written prescription drug order of a Schedule I or II controlled substance.

(2) Nothing in this subsection shall be construed to create a presumption of liability, either civil or criminal, on the part of a pharmacist who is duly licensed under Title 26 and who in good faith fills a prescription drug or device order presented by a patient pursuant to this subsection. The pharmacist shall presume that the prescription drug or device order was issued by a physician assistant duly licensed under this article who has qualified under this Code section to prescribe pharmaceutical agents. The pharmacist shall also presume that the pharmaceutical agent prescribed by the physician assistant is an approved pharmaceutical agent, unless the pharmacist has actual or constructive knowledge to the contrary.

(3) The physician assistant shall only be authorized to exercise the rights granted under this subsection using a prescription drug or device order form which includes the name, address, and telephone number of the prescribing supervising or alternate supervising physician, the patient's name and address, the drug or device prescribed, the number of refills, and directions to the patient with regard to the taking and dosage of the drug. A prescription drug order which is transmitted either electronically or via facsimile shall conform to the requirements set out in paragraphs (1) and (2) of subsection (c) of Code Section 26-4-80, respectively. Any form containing less information than that described in this paragraph shall not be offered to or accepted by any pharmacist who is duly licensed under Title 26.

(4) The physician assistant or office staff shall notify the patient that the patient has the right to see the physician prior to any prescription drug or device order being issued by the physician assistant.

(5) Nothing in this Code section shall be construed to authorize a physician assistant to authorize refills of any drug for more than 12 months from the date of the original prescription drug or device order.

(6) A supervising physician or alternate supervising physician shall evaluate or examine, at least every three months, any patient receiving controlled substances.

(7) In addition to the copy of the prescription drug or device order delivered to the patient, a record of such prescription shall be maintained in the patient's medical record in the following manner:

(A) The physician assistant carrying out a prescription drug or device order shall document such order either in writing or by electronic means; and

(B) Except in facilities operated by the Division of Public Health of the Department of Community Health, the supervising physician shall review the prescription drug or device order copy and medical record entry for prescription drug or device orders issued within the past 30 days by the physician assistant. Such review may be achieved with a sampling of no less than 50 percent of such prescription drug or device order copies and medical record entries.

(8) A physician assistant is not permitted to prescribe drugs or devices except as authorized in the physician assistant's job description and in accordance with this article.

(9) The board shall adopt rules establishing procedures to evaluate an application for a job description containing the authority to order a prescription drug or device and any other rules the board deems necessary or appropriate to regulate the practice of physician assistants, to carry out the intent and purpose of this ~~Code section~~ article, or to protect the public welfare.

~~(10) Nothing in this Code section is intended to repeal any rules established by the board relating to the requirements and duties of physician assistants in remote practice sites.~~

~~(11)~~(10) A physician assistant authorized by a primary supervising physician to order controlled substances pursuant to this Code section is authorized to register with the federal Drug Enforcement Administration.

~~(12)~~(11) A physician assistant delegated the authority by the primary supervising physician to issue a prescription drug or device order shall be required to complete a minimum of three hours of continuing education biennially in practice specific pharmaceuticals in which the physician assistant has prescriptive order privileges.

(12) A managed care system, health plan, hospital, insurance company, or other similar entity shall not require a physician to be a party to a job description as a condition for participation in or reimbursement from such entity.

(e.2) A physician assistant ~~shall~~ may be allowed delegated the authority to request, receive, and sign for professional samples and may distribute professional samples to patients, ~~pursuant to authority delegated by the supervising physician of that physician assistant.~~ Delegation so long as delegation of such authority ~~shall be~~ is contained in ~~the~~ a job description ~~required by this Code section;~~ provided, however, the and the professional samples are within the specialty of the supervising physician. The office or facility at which the physician assistant is working must maintain a general list of professional samples approved by the supervising physician for request, receipt, and distribution by the physician assistant as well as a complete list of the specific number and dosage of each professional sample received and dispensed. Professional samples that are distributed by a physician assistant shall be so noted in the patient's medical record. In addition to the requirements of this Code section, all professional samples shall be maintained as required by applicable state and federal law and regulations. As used in this subsection, the term 'professional samples' means complimentary doses of a drug, medication vouchers, or medical devices provided by the manufacturer for use in patient care."

"(1) Except for death certificates and assigning a percentage of a disability rating, a physician assistant may be delegated the authority to sign, certify, and endorse all documents relating to health care provided to a patient within his or her scope of authorized practice, including, but not limited to, documents relating to physical examination forms of all state agencies and verification and evaluation forms of the

Department of Human Services, the State Board of Education, local boards of education, the Department of Community Health, and the Department of Corrections."

SECTION 4.

Said article is further amended by revising Code Section 43-34-109, relating to the requirement for a patient to see a physician periodically, as follows:

"43-34-109.

If ~~When~~ a patient receives medical services from a physician assistant, the supervising physician's involvement in the patient's care, including patient evaluation and follow-up care by the supervising physician, shall be appropriate to the nature of the practice and the acuity of the patient's medical issue, as determined by the supervising physician more than two times in a 12 month period, the primary or alternate supervising physician shall see such patient on no less than one following visit by the patient during the same 12 month period."

SECTION 5.

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 | Mosby | Y Smith, T |
| Y Bearden | Y Dukes | Y Huckaby | Y Murphy | Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | E Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Fludd | E Johnson | Y Parent | N Taylor, R |
| Y Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | 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 | N Kendrick | Y Powell, J | E 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 | N Long | Y Reece | Y Wilkinson |
| Y Clark, V | Y Harbin | Lucas | Rice | Y Willard |
| Y Coleman | Y Harden, B | 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 | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | Y Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 162, nays 3.

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

HB 261. By Representatives Atwood of the 179th, Wilkinson of the 52nd, Lindsey of the 54th, Jerguson of the 22nd, Brockway of the 101st and others:

A BILL to be entitled an Act to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required and disclosure of exempting legal authority, so as to provide an exemption for certain public records from disclosure; 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 Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required and disclosure of exempting legal authority, so as to provide an exemption for certain public records from disclosure; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required and disclosure of exempting legal authority, is amended by revising subparagraph (A) of paragraph (15) of subsection (a) as follows:

"(A) Records, the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

- (i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;
- (ii) Any plan for protection against terrorist or other attacks, which plan depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;
- (iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks, which devices depend for their effectiveness in whole or in part upon a lack of general public knowledge; ~~and~~
- (iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts; and
- (v) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (iv) of this subparagraph."

SECTION 2.

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 | 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 | 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 | Dukes | Y Huckaby | Y Murphy | Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | E Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |

| | | | | |
|------------|-------------|-------------|-------------|------------------|
| Y Brooks | Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | 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 | E Walker |
| Y Carter | Y Golick | Kidd | Y Pruett | Y Watson |
| Y Casas | Y Gordon | Y Knight | Y Purcell | Y Welch |
| 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 | Lucas | Y Rice | Y Willard |
| Y Coleman | Y Harden, B | Maddox, B | Y Riley | Y Williams, A |
| Y Collins | Y Harden, M | Y Maddox, G | Y Roberts | Y Williams, E |
| Y Cooke | Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| 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 157, nays 1.

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

Representative Dukes of the 150th 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.

The following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 232. By Representatives Lindsey of the 54th, Smyre of the 132nd, Wilkinson of the 52nd, Stephens of the 164th, Williams of the 4th and others:

A BILL to be entitled an Act to amend Code Section 28-7-3 of the Official Code of Georgia Annotated, relating to the prohibition of contingency compensation of lobbyists, so as to provide that such prohibition shall not apply to bona fide commission salespersons and that such salespersons shall not be required to register as lobbyists or otherwise be considered to be lobbyists; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," so as to authorize the waiver of certain penalties and fees; to provide for the method by which the Georgia Government Transparency and Campaign Finance Commission shall deliver certain notices to certain officials; to provide an exception to the requirement that filers provide e-mail addresses; to provide that campaign finance disclosure statements and financial disclosure statements of certain local officials may be filed by certified mail or statutory overnight delivery; to redefine the term "lobbyist" and thereby provide that certain persons who engage only incidentally in certain activities shall not be regulated as lobbyists; to provide that persons who are bona fide employed as salespersons shall not be subject to regulation as vendor lobbyists; to change certain expenditure triggers for lobbyist registration; to provide for a grace period for the filing of lobbyist disclosure reports; to provide for other 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.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, the "Ethics in Government Act," is amended in Code Section 21-5-6, relating to powers of the Georgia Government Transparency and Campaign Finance Commission, by revising division (b)(14)(C)(i) as follows:

"(C)(i) Except as provided in paragraph (2) of Code Section 21-5-7.1, to pay a civil penalty not to exceed \$1,000.00 for each violation contained in any report required by this chapter or for each failure to comply with any other provision of this chapter or of any rule or regulation promulgated under this chapter; provided, however, that a civil penalty not to exceed \$10,000.00 may be imposed for a second occurrence of a violation of the same provision and a civil penalty not to exceed \$25,000.00 may be imposed for each third or subsequent occurrence of a violation of the same provision. In imposing a penalty or late filing fee under this chapter, the commission may waive or suspend such penalty or fee if the imposition of such penalty or fee would impose an undue hardship on the person required to pay such penalty or fee. The commission may also waive or suspend a penalty or fee in the case of failure to file or late filing of a report if there are no items to be included in the report. For the purposes of the penalties imposed by this division, the same error, act, omission, or inaccurate entry shall be considered a single violation if the error, act, omission, or inaccurate entry appears multiple times on the same report or causes further errors, omissions, or inaccurate entries in that report or in any future reports or further violations in that report or in any future reports."

SECTION 2.

Said chapter is further amended by revising Code Section 21-5-14, relating to filers' provision of e-mail addresses to the commission, as follows:

"21-5-14.

(a) ~~Each~~ Except as provided in subsection (b) of this Code section, each individual required by this chapter to file a report or disclosure statement with the commission shall provide the commission, in writing, with a current e-mail address and shall advise the commission, in writing, of any change to such address within ten days of any change to such address. Such information shall be provided to the commission prior to January 31 each year.

(b) City, county, and school board officials are not required to provide an e-mail address to the commission."

SECTION 3.

Said chapter is further amended by adding a new Code Section 21-5-15 to read as follows:

"21-5-15.

When the commission gives notice to a local official referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 of any of the actions listed in this Code section, such notice shall be given by certified mail or statutory overnight delivery. This Code section shall apply with respect to any notice of: the filing of a complaint; a technical defect in a filing; a failure to make a timely filing; or a late fee or other penalty."

SECTION 4.

Said chapter is further amended in Code Section 21-5-34, relating to campaign contribution disclosure reports, by revising paragraph (1) of subsection (k) as follows:

"(k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee by registered or certified mail or statutory overnight delivery, return receipt requested, and shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed by such date; provided, however, that a 15 day extension period shall be granted on the final report. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if such report has not been filed. Campaign committee funds shall not be used to pay such penalty. Notice by electronic means does not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph."

SECTION 5.

Said chapter is further amended in Code Section 21-5-34.1, relating to electronic filing of campaign contribution disclosure reports, by revising subsection (c) as follows:

"(c) Candidates seeking election to county or municipal offices ~~shall~~ may use electronic means to file their campaign contribution disclosure reports with the

~~commission upon having raised or spent a minimum of \$20,000.00 in an election cycle, but contributions and expenditures received or made prior to reaching such threshold need not be electronically filed if previously reported, except as cumulative totals. Under that threshold, electronic filing is permitted and encouraged but not required or may file by certified mail or statutory overnight delivery."~~

SECTION 6.

Said chapter is further amended in Code Section 21-5-50, relating to filing of financial disclosure statements, by revising subsection (d) and paragraph (1) of subsection (f) as follows:

"(d) All state-wide elected officials and members of the General Assembly shall file financial disclosure statements electronically with the commission. Local officials referred to in subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3 may file electronically or may file by certified mail or statutory overnight delivery."

"(f) (1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall be imposed for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the board member, candidate, and the candidate's committee by registered or certified mail or statutory overnight delivery, return receipt requested, and shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such statement if such statement has not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed. Campaign committee funds shall not be used to pay such penalty. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph."

SECTION 7.

Said chapter is further amended in Code Section 21-5-70, relating to terms applicable to Article 4, by revising paragraph (5) as follows:

"(5) 'Lobbyist' means, subject to the qualifications at the end of this paragraph:

(A) Any natural person who, ~~for compensation,~~ either individually or as an employee of another person, ~~undertakes~~ is compensated specifically for undertaking to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(B) Any natural person who makes a total expenditure of more than ~~\$250.00~~ \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the passage of any legislation by the General Assembly, or any committee thereof, or the approval or veto of legislation by the Governor;

(C) Any natural person who as an employee of the executive branch or judicial branch of state government engages in any activity covered under subparagraph (A) of this paragraph;

(D) Any natural person who, ~~for compensation,~~ either individually or as an employee of another person, ~~undertakes~~ is compensated specifically for undertaking to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(E) Any natural person who makes a total expenditure of more than ~~\$250.00~~ \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose the passage of any ordinance or resolution by a public officer specified under subparagraph (F) or (G) of paragraph (22) of Code Section 21-5-3, or any committee of such public officers, or the approval or veto of any such ordinance or resolution;

(F) Any natural person who as an employee of the executive branch or judicial branch of local government engages in any activity covered under subparagraph (D) of this paragraph;

(G) Any natural person who, for compensation, either individually or as an employee of another person, is hired specifically to undertake influencing a public officer or state agency in the selection of a vendor to supply any goods or services to any state agency but does not include any employee or independent contractor of the vendor solely on the basis that such employee or independent contractor participates in soliciting a bid or in preparing a written bid, written proposal, or other document relating to a potential sale to a state agency and shall not include a bona fide salesperson who sells to or contracts with a state agency for goods or services and who does not otherwise engage in activities described in subparagraphs (A) through (F) or (H) through (J) of this paragraph;

(H) Any natural person who, ~~for compensation,~~ either individually or as an employee of another person, ~~is hired specifically to undertake~~ is compensated specifically for undertaking to promote or oppose the passage of any rule or regulation of any state agency;

(I) Any natural person who, ~~for compensation,~~ either individually or as an employee of another person, ~~undertakes~~ is compensated specifically for undertaking to promote or oppose any matter before the State Transportation Board; or

(J) Any natural person who makes a total expenditure of more than ~~\$250.00~~ \$1,000.00 in a calendar year, not including the person's own travel, food, lodging expenses, or informational material, to promote or oppose any matter before the State Transportation Board.

The provisions of subparagraphs (A), (C), (D), (F), (G), (H), and (I) of this paragraph shall apply only where the person in question spends more than 10 percent of his or her working hours engaged in the activities described in one or more of those subparagraphs. In the case of a person who is employed by a single employer, the 10

percent test shall be applied to all time worked for that employer. In the case of a person who is employed by more than one employer or retained by more than one client, the 10 percent test shall be applied separately with respect to time spent working for each employer and each client. A person who spends less than 10 percent of his or her time working for an employer or client engaged in such activities shall not be required to register as or be subject to regulation as a lobbyist for that employer or client. In applying the 10 percent test, time spent in planning, researching, or preparing for activities described in subparagraphs (A), (C), (D), (F), (G), (H), and (I) of this paragraph shall be counted as time engaged in such activities. When registration is required, the time of registration shall be as provided in Code Section 21-5-71."

SECTION 8.

Said chapter is further amended in Code Section 21-5-71, relating to registration of lobbyists, by revising subsection (a) as follows:

"(a)(1) No Subject to paragraphs (2) and (3) of this subsection, no person shall engage in lobbying as defined by this article unless such person is registered with the commission as a lobbyist. The commission shall not allow a person who has been convicted of a felony involving moral turpitude in the courts of this state or an offense that, had it occurred in this state, would constitute a felony involving moral turpitude under the laws of this state to become a registered lobbyist unless ten years or more have elapsed since the completion of the person's sentence. The administration of this article is vested in the commission.

(2) When a person is hired or retained as an employee or agent or independent contractor and under the agreement of the parties the primary duties, or a substantial part of the duties, of the person will involve lobbying activities, the person shall register as a lobbyist before commencing lobbying activities.

(3) When paragraph (2) does not apply there shall be a lookback period of each calendar month for determining whether the 10 percent test of paragraph (5) of Code Section 21-5-70 has been met. If at the end of any month the 10 percent test has been met during that month, the person shall register as a lobbyist within five days after the last day of that month and shall in his or her initial disclosure report include all prior lobbying expenditures in that calendar year."

SECTION 9.

Said chapter is further amended in Code Section 21-5-73, relating to lobbyist disclosure reports, by adding a new subsection (i) to read as follows:

"(i) All lobbyists shall have a grace period of three business days in filing all disclosure reports."

SECTION 10.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. It is the express intention of the General Assembly that this Act be applied retroactively to January 10, 2011, as well as prospectively.

SECTION 11.

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

Representative Lindsey of the 54th moved that the House agree to the Senate substitute to HB 232.

On the motion, 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 | 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 |
| Bearden | Y Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| N Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | E Jacobs | Y Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | 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 | E 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 | 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 | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | Y Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the motion, the ayes were 167, nays 2.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Sims of the 169th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

March 14, 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 232 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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 373. By Representatives Pak of the 102nd, Neal of the 1st, Willard of the 49th, Abrams of the 84th, Teasley of the 38th and others:

A BILL to be entitled an Act to amend Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated felony acts, so as to clarify provisions relating to modifying an order for restrictive custody for designated felony acts under certain circumstances; to provide for procedure; 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 | 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 | 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 |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E 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 | Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | Y Tinubu |
| Y Byrd | Y Geisinger | Y Kendrick | Y Powell, J | E 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 | 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 | Y Williams, R |
| Y Coomer | Y Hatchett | Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | Y Martin | Y Scott, M | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, the ayes were 169, nays 1.

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

HB 33. By Representatives Allison of the 8th, Harden of the 28th, Jerguson of the 22nd, Brockway of the 101st, Hatfield of the 177th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; 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 Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for automatic repeal; to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to authorize the creation of the Joint Legislative Budget Office as a successor to the Senate Budget Office and the House Budget Office; to make conforming amendments in numerous Code sections referring to legislative budget offices and, in particular, to amend Title 8 of the Official Code of Georgia Annotated, relating to buildings; Title 15 of the Official Code of Georgia Annotated, relating to courts; Title 20 of the Official Code of Georgia Annotated, relating to education; Title 35 of the Official Code of Georgia Annotated, relating to law enforcement; Title 45 of the Official Code of Georgia Annotated, relating to public officers; and Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for and reflect the foregoing; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," is amended by adding a new Code section to read as follows:
"45-12-75.1.

(a) The Governor in preparing his or her budget report under Code Section 45-12-75, and budget units in preparing their budget estimates under Code Section 45-12-78, shall make use of zero-base budgeting as provided in this Code section. The requirements of this Code section shall apply with respect to the budget report presented to the General Assembly in January of 2012 and each year thereafter.

(b) It is the intent of this Code section that in any given year the Governor's budget report shall include zero-base budgeting for the agencies and programs as identified by the Joint Fiscal Affairs Subcommittee composed of the Fiscal Affairs Subcommittee of the Senate and the Fiscal Affairs Subcommittee of the House of Representatives as created in Code Section 28-5-20. The Joint Fiscal Affairs Subcommittee shall require each agency to use zero-base budgeting at least once every six years and shall not require any agency or program to use zero-base budgeting more often than once every four years. The Joint Fiscal Affairs Subcommittee shall balance the number of agencies

and programs submitting zero-base budgets with staff available for preparing a budget and staff available for conducting review and analysis of the budget submission. The Governor and the Office of Planning and Budget shall prescribe the forms and format for zero-base budgets and serve as the entity designated for coordinating the preparation of zero-base budgets by the executive branch.

(c) In the years in which zero-base budgeting applies, each budget unit shall include in its budget estimate an analysis summarizing the prior two fiscal years and proposed spending plans by program, object class, and revenue source. Information presented shall include the following:

(1) A statement of the budget unit's departmental and program purposes; effectiveness, efficiency, and equity measures; and program size indicators; and

(2) A priority listing encompassing all alternative funding levels for all programs.

(d) In the years in which an agency or program submits a zero-base budget, the Governor shall include in the budget report relevant materials related to each budget unit's submission under subsection (c) of this Code section and such other relevant material as deemed appropriate by the Governor.

(e) Without in any way limiting the generality of the other provisions of this Code section, it is specifically provided that the Board of Regents of the University System of Georgia shall be a budget unit subject to this Code section and the programs of the board of regents shall be periodically subject to zero-base budgeting as provided for in this Code section and in keeping with the Constitution.

(f) Without in any way limiting the generality of the other provisions of this Code section, it is specifically provided that in the budget report presented to the General Assembly in January of 2012 the Department of Education's budget shall be submitted as a zero-base budget according to the guidelines contained in this Code section.

(g) The judicial branch is encouraged to participate in the zero-base budgeting process.

(h) The Joint Fiscal Affairs Subcommittee, as authorized under Code Section 28-5-23, may review all information and materials related to any zero-base budget request to include hearings as necessary.

(i) The Office of Planning and Budget and the Joint Fiscal Affairs Subcommittee shall maintain effectiveness, efficiency, and equity measures related to zero-base budgeting.

(j) This Code section shall be automatically repealed on June 30, 2019, unless reauthorized by the General Assembly."

PART II

SECTION 2-1.

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by revising Code Section 28-5-6, relating to the Senate Budget Office and the House Budget Office, as follows:

"28-5-6.

(a) ~~The Senate is authorized to establish and provide for a Senate Budget Office. The House of Representatives is authorized to establish and provide for a House Budget Office.~~ President of the Senate and the Speaker of the House of Representatives are

authorized by mutual agreement to provide for the establishment of a Joint Legislative Budget Office and employ a director and other staff for that office.

(b) The director of the ~~Senate~~ Joint Legislative Budget Office is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his or her duties; and all such departments, boards, bureaus, commissions, committees, authorities, and agencies are directed to furnish such information and material as the director shall request.

~~(c) The director of the House Budget Office is authorized to request information and material from all state departments, boards, bureaus, commissions, committees, authorities, and agencies in connection with his or her duties; and all such departments, boards, bureaus, commissions, committees, authorities, and agencies are directed to furnish such information and material as the director shall request. All information and material received by the House Budget Office under this subsection shall be made available to the chairpersons of the House Appropriations Committee, the House Budget and Fiscal Affairs Oversight Committee, and other officers of the House of Representatives as may be designated by the Speaker of the House; and upon direction by such chairpersons and such other officers of the House as may be designated by the Speaker of the House, the House Budget Office shall request any needed information and material from any state department, board, bureau, commission, committee, authority, or agency."~~

SECTION 2-2.

Said Title 28 is further amended in Code Section 28-4-2, relating to powers and duties of the Legislative Services Committee, by revising subsection (e) as follows:

"(e) The committee shall contract with a licensed certified public accountant or certified public accounting firm to conduct annually in accordance with accepted accounting principles a financial audit of legislative funds and expenditures. Such audit shall detail the expenditures of the following offices of the legislative branch: Lieutenant Governor, Secretary of the Senate, Senate, Speaker of the House of Representatives, Clerk of the House of Representatives, House of Representatives, Office of Legislative Counsel, ~~Office of Legislative Budget Analyst~~, and Office of Legislative Fiscal Officer."

SECTION 2-3.

Said Title 28 is further amended by revising paragraph (1) of subsection (c) of Code Section 28-5-42, relating to fiscal note requirements, as follows:

"(c)(1) In the event a bill having a significant impact as described in paragraph (1) of subsection (a) of this Code section is introduced not later than the twentieth day of any session, the chairperson of the committee to which such bill is referred shall request the director of the Office of Planning and Budget and the state auditor to submit any such fiscal note as to the fiscal effect of any such bill and to file a copy of such fiscal note with the ~~Senate~~ Joint Legislative Budget Office ~~and the House Budget~~

Office. The chairperson shall make such request after the bill is referred to the committee."

PART III
SECTION 3-1.

Title 8 of the Official Code of Georgia Annotated, relating to buildings, is amended by revising Code Section 8-2-144, relating to accounting of certain fees by the Commissioner of Insurance, as follows:

"8-2-144.

The Commissioner of Insurance shall file a report on or before December 15 of each year accounting for all fees received by the Commissioner under this part and Part 3 of this article for the preceding 12 month period and for the actual costs of the inspection programs under this part and Part 3 of this article for the preceding 12 month period. Such report shall be provided to the chairpersons of the House Appropriations Committee, the Senate Appropriations Committee, the House Governmental Affairs Committee, and the Senate Regulated Industries and Utilities Committee, the director of the Office of Planning and Budget, ~~the director of the Senate Budget Office,~~ and the director of the ~~House~~ Joint Legislative Budget Office."

SECTION 3-2.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (a) of Code Section 15-6-77.4, relating to certain additional divorce case filing fees, as follows:

"(a) In addition to any fees required in Code Sections 15-6-77, 15-6-77.2, 15-6-77.3, and 47-14-51, for filing each divorce case, the clerk of superior court shall charge an additional fee of \$5.00. Each clerk of the superior court shall collect the additional fees for divorce cases as provided in this Code section and shall pay such moneys over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office,~~ and the ~~Senate~~ Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-3.

Said Title 15 is further amended by revising Code Section 15-9-60.1, relating to certain additional marriage license fees, as follows:

"15-9-60.1.

In addition to any fees required in Code Section 15-9-60 for receiving marriage applications, issuing marriage licenses, and recording relative thereto, the judge of the probate court shall charge an additional fee of \$15.00 for issuing a marriage license. No amount of this additional fee shall be paid into the Judges of the Probate Courts Retirement Fund of Georgia provided for in Chapter 11 of Title 47 or be used for the

purpose of calculating retirement benefits for judges of the probate courts. Each judge of the probate court shall collect the additional fees for issuing marriage licenses as provided in this Code section and shall pay such moneys over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-4.

Said Title 15 is further amended by revising paragraph (3) of subsection (e) of Code Section 15-18-12, relating to judicial circuit travel expenses, as follows:

"(3) In determining the travel budget for each judicial circuit, the council shall consider the budget request submitted by the district attorney of each judicial circuit, the geographic size and the caseload of each circuit, and such other facts as may be relevant. The council is authorized to establish a contingency reserve of not more than 3 percent of the total amount appropriated by the General Assembly in order to meet any expenses which could not be reasonably anticipated. The council shall submit to each district attorney, the state auditor, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office a monthly report showing the budget amount of expenditures made under the travel budget. The council may periodically review and adjust said budget as may be necessary to carry out the purposes of this Code section."

SECTION 3-5.

Said Title 15 is further amended by revising Code Section 15-21-74, relating to payment of certain amounts of the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"15-21-74.

The sums provided for under paragraph (1) of subsection (a) of Code Section 15-21-73 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following, to be deposited by the authority into the general treasury. The sums provided for under paragraph (2) of subsection (a) of Code Section 15-21-73 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from forfeited bonds and shall be paid over to the Georgia Superior Court Clerks' Cooperative Authority by the last day of the month there following for remittance to the Office of the State Treasurer; provided, however, that if the local governing authority has an approved procedure to verify the applicant's income as set forth in Code Section 17-12-80, the court officer shall remit 50 percent of such funds to the Georgia Superior Court Clerks' Cooperative Authority, and the remaining 50 percent shall be remitted to the local governing

authority and reported to the Georgia Superior Court Clerks' Cooperative Authority. The authority shall, on a quarterly basis, make a report and accounting of all funds collected and disbursed pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-6.

Said Title 15 is further amended by revising Code Section 15-21-113, relating to payment of certain amounts to the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"15-21-113.

The sums provided for in Code Section 15-21-112 shall be assessed and collected by the court officer charged with the duty of collecting moneys arising from fines and shall be paid over by the last day of the following month to the Georgia Superior Court Clerks' Cooperative Authority for remittance to the Georgia Crime Victims Compensation Board, to be deposited into the Georgia Crime Victims Emergency Fund. The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this article and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-7.

Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-6.1, relating to the judicial operation fund fees in superior court, as follows:

"(c) The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-8.

Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-6.2, relating to the judicial operation fund fees in state court, as follows:

"(c) The authority shall, on a quarterly basis, make a report and accounting of all funds collected pursuant to this Code section and shall submit such report and accounting to the Office of Planning and Budget, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-9.

Said Title 15 is further amended by revising subsection (c) of Code Section 15-21A-7, relating to the reporting and accounting system of the Georgia Superior Court Clerks' Cooperative Authority, as follows:

"(c) The authority shall, on a quarterly basis, make a detailed report and accounting of all fines and fees collected and remitted by any court and shall submit such report and accounting to the Legislative Oversight Committee for the Georgia Public Defender Standards Council, the Office of Planning and Budget, the Chief Justice of the Supreme Court of Georgia, ~~the House Budget Office~~, and the Senate Joint Legislative Budget Office no later than 60 days after the last day of the preceding quarter."

SECTION 3-10.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising subsection (c) of Code Section 20-2-320, relating to the Education Information Steering Committee, as follows:

"(c) For the purpose of this article, authorized educational agencies shall be the Department of Education; the Department of Early Care and Learning; the Board of Regents of the University System of Georgia; the Technical College System of Georgia; the Education Coordinating Council; the Professional Standards Commission; the Office of Student Achievement; the education policy and research components of the office of the Governor; the Office of Planning and Budget; the Senate Joint Legislative Budget Office; ~~the House Budget Office~~; the House Research Office; and the Senate Research Office. Any information collected over the state-wide comprehensive educational information system, including individual student records and individual personnel records, shall be accessible by authorized educational agencies, provided that any information which is planned for collection over the system but which is temporarily being collected by other means shall also be accessible by authorized educational agencies and provided, further, that adequate security provisions are employed to protect the privacy of individuals. All data maintained for this system shall be used for educational purposes only. In no case shall information be released by an authorized educational agency which would violate the privacy rights of any individual student or employee. Information released by an authorized educational agency in violation of the privacy rights of any individual student or employee shall subject the authorized educational agency to all penalties under applicable state and federal law. Any information collected over the state-wide comprehensive educational information system which is not stored in an individual student or personnel record format shall be made available to the Governor and the House and Senate Appropriations, Education, Education and Youth, and Higher Education committees, except information otherwise prohibited by statute. Data which are included in an individual student record or individual personnel record format shall be extracted from such records and made available in nonindividual record format for use by the Governor, committees of the General Assembly, and agencies other than authorized educational agencies."

SECTION 3-11.

Said Title 20 is further amended by revising Code Section 20-3-133, relating to certain payments to local junior college operating authorities, as follows:

"20-3-133.

There shall be paid to every local operating authority which shall have established a junior college under this article, upon which construction had commenced prior to January 1, 1964, and which is not operated as a unit of the university system under the board of regents an amount which shall be determined on the basis of a budget for each fiscal year, developed pursuant to a formula agreed upon by the local operating authority, the director of the Senate Joint Legislative Budget Office, ~~the director of the House Budget Office~~, and the director of the Office of Planning and Budget. Budgets prepared pursuant to this authority shall be for expenses incurred by a junior college for educational and general expenditures as set forth in the latest edition of the publication entitled 'College and University Business Administration.' Such formula shall include financial participation from the local operating authority to include student matriculation fees and funds derived from not less than a one-half nor more than a three-fourths mill tax established by the local operating authority on the ad valorem tax digest of its political subdivision. No state funds shall be appropriated for capital construction. Expenditure under this article shall be audited annually by the Department of Audits and Accounts."

SECTION 3-12.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement, is amended by revising subsection (a) of Code Section 35-2-41.1, relating to donation or conveyance of property, equipment, or services to the Department of Public Safety, as follows:

"(a) Any offer to donate or convey by deed, gift, rent, lease, or other means any property, equipment, or services to the department shall be made in writing through command channels to the commissioner. If the commissioner approves the offer, he or she shall submit a written proposal of the offer to the board for its approval. A copy of the formal proposal shall be forwarded by the commissioner to the Office of Planning and Budget, ~~the Senate Budget Office~~, and the House Joint Legislative Budget Office, ~~any either~~ of which may comment on the proposal."

SECTION 3-13.

Title 45 of the Official Code of Georgia Annotated, relating to public officers, is amended by revising subsection (b) of Code Section 45-12-78, relating to budget estimates, as follows:

"(b) Except as otherwise provided in this subsection, the budget estimates for the General Assembly, including all the legislative agencies, shall be prepared by the Speaker of the House of Representatives and the President of the Senate and such other legislative officers as appropriate and shall be submitted to the director of the budget at the same time as other budget estimates are submitted. The Department of Audits and

Accounts, for the purpose of this part, is a legislative agency and shall be construed in all respects as such; and the budget estimate for said department shall be prepared by the state auditor and shall be included in the budget report without revision and shall not be subject to review or control by the Office of Planning and Budget. The state treasurer shall assist in the preparation of these budget estimates, if requested. Effective with the budget estimates for the fiscal year beginning July 1, 1985, the budget estimates for the Senate, the office of the Lieutenant Governor, and the office of the Secretary of the Senate shall be prepared by the Senate; the budget estimates for the House of Representatives, the office of the Speaker of the House of Representatives, and the office of the Clerk of the House of Representatives shall be prepared by the House of Representatives; and the budget estimates for the Office of Legislative Counsel, the Office of Legislative Fiscal Officer, and the ~~Office of Legislative Budget Analyst~~ Joint Legislative Budget Office shall be prepared by the Legislative Services Committee. All of such budget estimates shall include such object classes as the Legislative Services Committee shall determine, and transfers of funds may be made between such object classes. Funds may also be transferred between the Senate, the office of the Lieutenant Governor, and the office of the Secretary of the Senate. Funds may also be transferred between the House of Representatives, the office of the Speaker of the House of Representatives, and the office of the Clerk of the House of Representatives. Funds may also be transferred between the Office of Legislative Counsel, the Office of Legislative Fiscal Officer, and the ~~Office of Legislative Budget Analyst~~ Joint Legislative Budget Office."

SECTION 3-14.

Said Title 45 is further amended by revising Code Section 45-12-82, relating periodic work programs of state budget units, as follows:

"45-12-82.

The Governor, through the Office of Planning and Budget, shall require each budget unit, other than those of the legislative branch and the judicial branch, to file periodic work programs with the Office of Planning and Budget at such time as the Office of Planning and Budget shall direct. As provided in Code Section 45-12-83, no allotment of funds shall be approved for any budget unit until such budget unit has filed a periodic work program with the Office of Planning and Budget and the periodic work program has been approved by the Governor. The work program shall be presented on forms prescribed by the Office of Planning and Budget and shall contain such information as the Governor, through the Office of Planning and Budget, may require. The work program shall include the amount of the portion of the appropriation required for the period's expenditures based on the budget prepared as provided in this part. Periodic work programs may be amended from time to time in such manner as the Office of Planning and Budget may require. A duplicate copy of all of the periodic work programs and any amendments thereto shall be filed simultaneously with the Office of Planning and Budget, the state treasurer, the state auditor, ~~the Senate Budget Office~~, and the House Joint Legislative Budget Office."

SECTION 3-15.

Said Title 45 is further amended by revising subsection (b) of Code Section 45-12-85, relating to examination and investigation of periodic work programs, as follows:

"(b) The Governor through the Office of Planning and Budget shall seek to effect economy, efficiency, decentralization of state government, and sound fiscal management in reviewing budget allotment requests and may make such changes to the budget allotment requests to meet these goals and objectives and which are consistent with and subject to the method and provisions contained in the General Appropriations Act. Upon determination that the requested budget allotment conforms with the approved work program and meets the above-mentioned goals and objectives, the Governor shall execute his or her warrant on the treasury for the funds included in the approved budget allotment. Notwithstanding any authorization for expenditure included in an appropriations Act, all appropriations in excess of the approved budget allotments for the budget year, as determined by the Office of Planning and Budget, shall cease to be an obligation of the state. The Office of Planning and Budget shall notify the House Joint Legislative Budget Office and ~~the Senate Budget Office~~ of any such action with appropriate supporting information."

SECTION 3-16.

Said Title 45 is further amended by revising subsection (d) of Code Section 45-12-95, relating to certain duties of the Office of Planning and Budget, as follows:

"(d) The Office of Planning and Budget must review and approve all proposed cost-saving initiatives prior to their implementation for the implementing agency to be eligible for receipt of financial incentives. However, as part of this review, the Office of Planning and Budget must consult with a cross section of agencies and the House Joint Legislative Budget Office and ~~the Senate Budget Office~~."

SECTION 3-17.

Said Title 45 is further amended by revising Code Section 45-12-110, relating to federal assistance budgetary requirements, as follows:

"45-12-110.

(a) Any state department, board, bureau, commission, authority, or other state agency, except the Board of Regents of the University System of Georgia and its employees, intending to apply for any new program of federal assistance under any federal program shall notify the House Joint Legislative Budget Office, ~~the Senate Budget Office~~, and the director of the Office of Planning and Budget of its intention to apply for such federal assistance at least 30 days prior to filing the application for such assistance. Such notification shall include a summary description of the proposed federal assistance project, the amount of federal funds to be requested, the amount of state matching funds, if any, to be required in connection with obtaining federal assistance, and the period of time to be covered by the proposed federal assistance project.

(b) The House Joint Legislative Budget Office, ~~the Senate Budget Office~~, and the director of the Office of Planning and Budget, acting jointly or independently, are

authorized and directed to devise and distribute such forms as may be necessary to carry out subsection (a) of this Code section and, in connection therewith, to adopt and promulgate such rules and regulations as may be necessary to ensure compliance with said subsection."

SECTION 3-18.

Said Title 45 is further amended by revising Code Section 45-12-111, relating to analysis of impact federal assistance, as follows:

"45-12-111.

As soon as practicable after receiving a notification provided for in Code Section 45-12-110, it shall be the duty of the ~~legislative budget analyst~~ Joint Legislative Budget Office to analyze the short-term and long-term impact the proposed federal assistance project would have on state budgetary and fiscal matters if the application for federal assistance were approved. Upon completion of said analysis, the ~~legislative budget analyst~~ Legislative Joint Budget Office shall forward a copy of same to the President of the Senate, the Speaker of the House of Representatives, each member of the appropriations committees of the House of Representatives and Senate, and to any member of the General Assembly requesting a copy of said analysis."

SECTION 3-19.

Said Title 45 is further amended by revising paragraph (21) of subsection (c) of Code Section 45-13-22, relating to distribution of Georgia Laws and House and Senate journals, as follows:

"(21) ~~House~~ Joint Legislative Budget Office and ~~Senate Budget Office~~ — ~~one set~~ each two sets;"

SECTION 3-20.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising paragraph (5) of subsection (e) of Code Section 50-5A-11, relating to certain records not public records, as follows:

"(5) Given to the Governor, the Attorney General and the Department of Law, the Office of Planning and Budget, officers of the General Assembly, the ~~legislative budget offices~~ Joint Legislative Budget Office, the state accounting officer and the State Accounting Office, the state auditor and the Department of Audits and Accounts, or the State Depository Board for use and public disclosure in the ordinary performance of those officers' and offices' duties."

SECTION 3-21.

Said Title 50 is further amended by revising Code Section 50-25-7.1, relating to the technology empowerment fund to be administered by the Georgia Technology Authority, as follows:

"50-25-7.1.

(a) The authority is authorized and directed to establish a technology empowerment fund to be administered by the authority. The fund shall consist of such moneys appropriated or otherwise available to the authority as the board may determine from time to time to deposit therein. Subject to the appropriations process, the decision-making and priority-setting responsibilities for allocating these funds are vested in the chief information officer and the director of the Office of Planning and Budget.

(b) The chief information officer is authorized to identify and select individual projects, initiatives, and systems to improve service delivery to be funded through the technology empowerment fund. Such projects shall demonstrate, to the satisfaction of the chief information officer, reduced costs through the use of technology. In identification and selection of such projects, initiatives, and systems, the chief information officer shall give priority to those which provide demonstrable cost savings and improved service delivery on a recurring basis through the employment of technology and training. Eligible projects, initiatives, and systems to receive disbursements from the technology empowerment fund may be selected from agency budget requests. Quarterly reports of the operations of the technology empowerment fund shall be required to be made to the board, the Office of Planning and Budget, ~~the Senate Budget Office~~, and the House Joint Legislative Budget Office to ensure proper oversight and accountability.

(c) Each project or initiative developed and supported from the technology empowerment fund shall employ technology that is compatible with the architecture and standards established by the authority and shall be accounted for by a discrete account established for the individual project or initiative item in the operating budget and capital budget.

(d) A steering committee composed of the chairperson of the House Appropriations Committee or his or her designee from among the membership of the committee, the chairperson of the Senate Appropriations Committee or his or her designee from among the membership of the committee, the director of the Office of Planning and Budget, ~~the House Budget Office, the Senate Budget Office~~ the director of the Joint Legislative Budget Office, the state auditor, and a representative from the Governor's office shall advise and consult with the chief information officer regarding initiatives to receive funding from the technology empowerment fund and shall receive quarterly reports from the chief information officer as to the status of funded projects."

SECTION 3-22.

Said title is further amended by revising subsection (a) of Code Section 50-34-17, relating to the OneGeorgia Authority Overview Committee, as follows:

"(a) There is established the OneGeorgia Authority Overview Committee to be composed of one member of the House of Representatives to be appointed by the Speaker of the House of Representatives, one member of the Senate to be appointed by the President of the Senate, the director of the Senate Joint Legislative Budget Office or his or her designee, ~~the director of the House Budget Office or his or her designee~~, and two members of the General Assembly to be appointed by the Governor. The

legislative members shall serve for terms as members of the committee concurrent with their terms of office as members of the General Assembly. The first members of the committee shall be appointed by not later than July 1, 2000. Thereafter, their successors shall be appointed during the first 30 days of each regular legislative session which is held immediately following the election of members of the General Assembly."

PART IV
SECTION 4-1.

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

SECTION 4-2.

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 | N Heckstall | N Mayo | Y Setzler |
| N Abrams | 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 |
| Y Ashe | Y Dickson | Y Holmes | Y Mills | N Smith, E |
| Y Atwood | Y 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 | Y Hudson | E Neal, J | Y Spencer |
| N Bell | Y Ehrhart | N Hugley | N Neal, Y | N Stephens, M |
| N Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | N Epps, C | Y Jacobs | Y Nix | Stephenson |
| Y Black | Y Epps, J | N James | Y Oliver | Y Talton |
| Y Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | N Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| N Brooks | N Fludd | E Johnson | Y Parent | N Taylor, R |
| N Bruce | Y Franklin | Y Jones, J | Y Parrish | Y Taylor, T |
| Y Bryant | N Frazier | Y Jones, S | Y Parsons | Y Teasley |
| N Buckner | Y Fullerton | N Jordan | Y Peake | N Thomas |
| Y Burns | Y Gardner | N Kaiser | Y Powell, A | N Tinubu |
| Y Byrd | Y Geisinger | N Kendrick | Y Powell, J | E Walker |
| Y Carter | Y Golick | Y Kidd | Y Pruett | Y Watson |
| Y Casas | N Gordon | Y Knight | Y Purcell | Y Welch |
| Y Channell | Y Greene | Y Lane | Y Ramsey | Y 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 |
| Y Cooper | Y Hatfield | Y Martin | Y Scott, M | Y Yates |
| Y Crawford | N Heard | Y Maxwell | N Scott, S | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 126, nays 45.

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

Representatives Dawkins-Haigler of the 93rd, Lucas of the 139th, and Stephenson of the 92nd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Long of the 61st stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 269. By Representatives Rice of the 51st, Austin of the 10th, Powell of the 29th, Harden of the 28th and Yates of the 73rd:

A BILL to be entitled an Act to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for definitions; to provide that a driver granted a license due to an impairment of his or her parent or guardian must be accompanied while driving; to provide a definition of immediate family; to amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, so as to grant authority to the commissioner to conduct background checks for certain applicants; to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, so as to exempt certain transactions relating to ignition interlock devices from subject matter jurisdiction requirement; to repeal conflicting laws; to provide for related matters; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to provide for definitions; to provide that a driver granted a license due to an impairment of his or her parent or guardian must be accompanied while driving; to provide a definition of immediate family; to add an offense which mandates a

suspension of the offender's driver's license upon conviction; to change certain fees regarding reinstatement of licenses; to provide for issuance of limited driving permits in certain situations; to change the requirement that certain statements by law enforcement officers need to be sworn statements; to provide that defensive driving courses be certified and approved by the Department of Driver Services; to provide that certificates of completion from unlicensed courses shall not be recognized; to change certain provisions regarding issuance of identification cards; to change certain definitions regarding issuance of commercial drivers' licenses; to change certain requirements for issuance of an identification card for persons with disabilities; to amend Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, so as to grant authority to the commissioner to conduct background checks for certain applicants; to amend Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, so as to exempt certain transactions relating to ignition interlock devices from subject matter jurisdiction requirement; to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to increase fees related to driving training programs; to provide for an effective date; to repeal conflicting laws; to provide for related matters; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising paragraph (9) of Code Section 40-5-1, relating to definitions, as follows:

"(9) 'DUI Alcohol or Drug Use Risk Reduction Program' means a program certified by the Department of Driver Services which consists of two components: assessment and intervention. ~~In the case of a conviction or plea of nolo contendere to a violation of Code Section 40-6-391 or in any other instance in which a person may be referred to a DUI Alcohol or Drug Use Risk Reduction Program, the program administers the assessment component and refers such offender to the intervention component.~~"

SECTION 2.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 40-5-22, relating to minimum ages for licensees, as follows:

"(b)(1) Notwithstanding the provisions of subsection (a) of this Code section, any person 14 years of age or older who has a parent or guardian who is medically incapable of being licensed to operate a motor vehicle due to visual impairment may apply for and, subject to the approval of the commissioner, may be issued a restricted noncommercial Class P instruction permit for the operation of a noncommercial Class C vehicle. Any person permitted pursuant to this subsection shall be accompanied by such visually impaired parent or guardian ~~whenever operating a motor vehicle~~ whenever operating a motor vehicle by such physically

impaired parent or guardian or by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver. The department shall require satisfactory proof that the physically impaired parent or guardian previously held a valid driver's license in the State of Georgia, another state, or the District of Columbia before issuing an instructional permit pursuant to this paragraph."

SECTION 3.

Said chapter is further amended by revising paragraph (2) of subsection (b) of Code Section 40-5-24, relating to instruction permits and graduated licensing, as follows:

"(2) The department shall, after all applicable requirements have been met, issue to the applicant a Class D driver's license which shall entitle the applicant, while having such license in his or her immediate possession, to drive a Class C vehicle upon the public highways of this state under the following conditions:

(A) Any Class D license holder shall not drive a Class C motor vehicle on the public roads, streets, or highways of this state between the hours of 12:00 Midnight and 6:00 A.M. eastern standard time or eastern daylight time, whichever is applicable; and

(B)(i) Any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than three other passengers in the vehicle who are not members of the driver's immediate family are less than 21 years of age.

(ii) During the six-month period immediately following issuance of such license, any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when any other passenger in the vehicle is not a member of the driver's immediate family.

(iii) Notwithstanding the provisions of division (i) of this subparagraph, during the second six-month period immediately following issuance of such license, any Class D license holder shall not drive a Class C motor vehicle upon the public roads, streets, or highways of this state when more than one other passenger in the vehicle who is not a member of the driver's immediate family is less than 21 years of age;

provided, however, that a Class D license holder shall not be charged with a violation of this paragraph alone but may be charged with violating this paragraph in addition to any other traffic offense.

(C) For purposes of this paragraph, the term 'immediate family' shall include the license holder's parents and step-parents, siblings and step-siblings, children, and any other person who resides at the license holder's residence."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-54, relating to mandatory suspensions of drivers' licenses, as follows:

"(a) The department shall forthwith suspend, as provided in Code Section 40-5-63, the license of any driver upon receiving a record of such driver's conviction of the following offenses, whether charged as a violation of state law or of a local ordinance adopted pursuant to Article 14 of Chapter 6 of this title:

- (1) Homicide by vehicle, as defined by Code Section 40-6-393;
- (2) Any felony in the commission of which a motor vehicle is used;
- (3) Hit and run or leaving the scene of an accident in violation of Code Section 40-6-270;
- (4) Racing on highways and streets;
- (5) Using a motor vehicle in fleeing or attempting to elude an officer;
- (6) Fraudulent or fictitious use of or application for a license as provided in Code Section 40-5-120 or 40-5-125; or
- (7) Operating a motor vehicle with a revoked, canceled, or suspended registration in violation of Code Section 40-6-15; or
- (8) Any felony violation of Article 1 of Chapter 9 of Title 16 if such offense related to an identification document as defined in Code Section 16-9-4."

SECTION 5.

Said chapter is further amended by revising subsection (b) and subparagraph (e)(1)(B) of Code Section 40-5-58, relating to habitual violators, as follows:

~~"(b) When the records of the department disclose that any person has been arrested and convicted of a violation of Chapter 6 of this title, or of a valid local ordinance adopted pursuant thereto, of an offense occurring on or after January 1, 1976, which record of arrest and conviction, when taken with and added to previous arrests and convictions of such person as contained in the files of the department, reveals that such person is a habitual violator as defined in subsection (a) of this Code section, the department shall forthwith notify such person that upon the date of notification such person has been declared by the department to be a habitual violator, and that henceforth his or her driver's license has been revoked by operation of law and that it shall be unlawful for such habitual violator to operate a motor vehicle in this state unless otherwise provided in this Code section. Notice shall be given by certified mail or statutory overnight delivery, with return receipt requested; or, in lieu thereof, notice may be given by personal service upon such person. In the event that at the time of determination the habitual violator had been issued a driver's license, such license shall be revoked by such notice and shall be surrendered to the department within ten days of notification of such determination. For the purposes of this chapter, notice given by certified mail or statutory overnight delivery with return receipt requested mailed to the person's last known address shall be prima facie evidence that such person received the required notice. In addition to the procedure set forth in this subsection, the sentencing judge or prosecutor in a conviction which conviction classifies the defendant as a habitual violator may, at the time of sentencing, declare such defendant to be a habitual violator. The judge or prosecutor shall, when declaring a defendant to be a habitual violator, then give personal notice to such defendant on forms provided by the department that~~

~~henceforth it shall be unlawful for such habitual violator to operate a motor vehicle in this state unless otherwise provided in this Code section. The judge or prosecutor, as the case may be, shall within three days forward to the department the order declaring that the defendant is a habitual violator, the notice of service, with the defendant's driver's license or a sworn affidavit of the defendant declaring that the driver's license has been lost, and the department's copy of the uniform citation or the official notice of conviction attached thereto."~~

"(B) Such person has not been convicted, or pleaded nolo contendere to a charge, of a violation of any provision of this chapter or Chapter 6 of this title which resulted in the death or injury of any individual;"

SECTION 6.

Said chapter is further amended by revising Code Section 40-5-60, relating to effective dates of revocations and suspensions, as follows:

"40-5-60.

(a) All revocations and suspensions provided for in this chapter shall be effective on the day the driver receives actual knowledge or legal notice thereof, whichever occurs first. Notice of suspension by operation of law shall be considered legal notice. Any license suspension or revocation mandated in this chapter following a person's conviction for any offense, including suspensions due to the accumulation of points pursuant to Code Section 40-5-57, shall be by operation of law.

(b) Notwithstanding any other provision of this chapter to the contrary, for any suspension or revocation for which the department is required to send notice to the driver, the department shall be authorized to direct such notice to the driver's new address as reflected in the records of the United States Postal Service in lieu of or in addition to sending such notice to the address reflected in his or her driving record."

SECTION 7.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 40-5-63, relating to periods of suspension and conditions of return of drivers' licenses, as follows:

"(2) Upon the second conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, the period of suspension shall be for three years. At the end of 120 days, the person may apply to the department for reinstatement of said driver's license; except that if such license was suspended as a result of a second conviction of a violation of Code Section 40-6-391 within five years, the person shall not be eligible to apply for license reinstatement until the end of 18 months. Such license shall be reinstated if such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail unless such conviction was a recidivist conviction in which case the restoration fee shall be \$510.00 or \$500.00 when processed by mail, provided that, if such license

was suspended as a result of a conviction of an offense listed in Code Section 40-5-54, such license shall be reinstated if such person submits proof of completion of either a defensive driving program approved by the department or a DUI Alcohol or Drug Use Risk Reduction Program and pays the prescribed restoration fee. A driver's license suspended as a result of a conviction of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, provides proof of installation and maintenance of an ignition interlock device for a period of six months coinciding with the issuance of an ignition interlock device limited driving permit as provided in Code Section 40-5-64 unless waived due to financial hardship, and pays the prescribed restoration fee. For purposes of this paragraph, a plea of nolo contendere and all previous accepted pleas of nolo contendere to an offense listed in Code Section 40-5-54 within such five-year period of time shall constitute a conviction. For the purposes of this paragraph, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions; or"

SECTION 8.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-64, relating to limited driving permits, as follows:

"(a) **To whom issued.**

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 or over and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit.

(2) Any person whose driver's license has been suspended and who is subject to a court order for installation and use of an ignition interlock device as a condition of probation pursuant to the provisions Article 7 of Chapter 8 of Title 42 may apply for a limited driving permit.

(3) To the extent a person is subject to more than one suspension for which a permit may be issued, the department shall not issue such permit unless the suspensions are for a conviction for driving under the influence in violation of Code Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same incident."

SECTION 9.

Said chapter is further amended by revising subsections (c), (d), and (f) of Code Section 40-5-67.1, relating to testing for driving under the influence and administrative license suspensions, as follows:

"(c) If a person under arrest or a person who was involved in any traffic accident resulting in serious injuries or fatalities submits to a chemical test upon the request of a law enforcement officer and the test results indicate that a suspension or disqualification is required under this Code section, the results shall be reported to the department. Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a moving motor vehicle upon the highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that such person had been driving or was in actual physical control of a moving motor vehicle upon the highways or elsewhere throughout this state and was involved in a traffic accident involving serious injuries or fatalities and that the person submitted to a chemical test at the request of the law enforcement officer and the test results indicate either an alcohol concentration of 0.08 grams or more or, for a person under the age of 21, an alcohol concentration of 0.02 grams or more, the department shall suspend the person's driver's license, permit, or nonresident operating privilege pursuant to Code Section 40-5-67.2, subject to review as provided for in this chapter. Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the arrested person had been operating or was in actual physical control of a moving commercial motor vehicle and the test results indicate an alcohol concentration of 0.04 grams or more, the department shall disqualify the person from operating a motor vehicle for a minimum period of one year.

(d) If a person under arrest or a person who was involved in any traffic accident resulting in serious injuries or fatalities refuses, upon the request of a law enforcement officer, to submit to a chemical test designated by the law enforcement officer as provided in subsection (a) of this Code section, no test shall be given; but the law enforcement officer shall report the refusal to the department. Upon the receipt of a ~~sworn~~ report of the law enforcement officer that the officer had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a moving motor vehicle upon the highways or elsewhere throughout this state in violation of Code Section 40-6-391 or that such person had been driving or was in actual physical control of a moving motor vehicle upon the highways or elsewhere throughout this state and was involved in a traffic accident which resulted in serious injuries or fatalities and that the person had refused to submit to the test upon the request of the

law enforcement officer, the department shall suspend the person's driver's license, permit, or nonresident operating privilege for a period of one year or if the person was operating or in actual physical control of a commercial motor vehicle, the department shall disqualify the person from operating a commercial motor vehicle and shall suspend the person's driver's license, permit, or nonresident operating privilege, subject to review as provided for in this chapter."

"(f)(1) The law enforcement officer, acting on behalf of the department, shall personally serve the notice of intention to suspend or disqualify the license of the arrested person or other person refusing such test on such person at the time of the person's refusal to submit to a test or at the time at which such a test indicates that suspension or disqualification is required under this Code section. The law enforcement officer shall take possession of any driver's license or permit held by any person whose license is subject to suspension pursuant to subsection (c) or (d) of this Code section, if any, and shall issue a 30 day temporary permit. The officer shall forward the person's driver's license to the department along with the notice of intent to suspend or disqualify and the ~~sworn~~ report required by subsection (c) or (d) of this Code section within ten calendar days after the date of the arrest of such person. This paragraph shall not apply to any person issued a 180 day temporary permit pursuant to subsection (b) of Code Section 40-5-67. The failure of the officer to transmit the ~~sworn~~ report required by this Code section within ten calendar days shall not prevent the department from accepting such report and utilizing it in the suspension of a driver's license as provided in this Code section.

(2) If notice has not been given by the arresting officer, the department, upon receipt of the ~~sworn~~ report of such officer, shall suspend the person's driver's license, permit, or nonresident operating privilege or disqualify such person from operating a motor vehicle and, by regular mail, at the last known address, notify such person of such suspension or disqualification. The notice shall inform the person of the grounds of suspension or disqualification, the effective date of the suspension or disqualification, and the right to review. The notice shall be deemed received three days after mailing."

SECTION 10.

Said chapter is further amended by revising paragraph (3) of subsection (a) of Code Section 40-5-75, relating to suspensions of drivers' licenses for controlled substance convictions, as follows:

"(3) Upon the third or subsequent conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner.

At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the Department of Driver Services a restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction."

SECTION 11.

Said chapter is further amended by revising subsection (a) of Code Section 40-5-81, relating to optional driver improvement programs, as follows:

"(a) Any driver improvement program at which attendance is required by court order shall conform to the requirements of this article. When a defensive driving course is required by a court having jurisdiction over misdemeanor traffic law offenses or by any prosecuting attorney thereof, such course shall be certified and approved by the department under the provisions of Code Sections 40-5-82 and 40-5-83. Certificates of completion from unlicensed defensive driving courses shall not be recognized for any purposes under this article."

SECTION 12.

Said chapter is further amended by revising paragraph (1) of subsection (a) and subsections (c) and (e) of Code Section 40-5-83, relating to establishment and approval of driver improvement clinics, as follows:

"(a)(1) The commissioner shall establish criteria for the approval of driver improvement clinics. To be approved, a clinic shall provide and operate ~~either a defensive driving course, an advanced defensive driving course, or a professional defensive driving course or any combination thereof.~~ Clinics shall be composed of uniform education and training programs consisting of six hours of instruction designed for the rehabilitation of problem drivers. The commissioner shall establish standards and requirements concerning the contents of courses, qualifications of instructors, attendance requirements for students, and examinations. Approved clinics shall charge a fee of ~~\$75.00~~ \$95.00 for a defensive driving course, ~~an advanced defensive driving course, or a professional defensive driving course;~~ except that such clinics may charge different fees of their own choosing if the person is not enrolling in such course pursuant to court order or department requirement. No driver improvement clinic shall be approved unless such clinic agrees in writing to pay to the state, for the costs of administration, a fee of \$5.00 for each student or each offender who enrolls in the program that pays to the driver improvement clinic the aforementioned fee, provided that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution to be paid into the state treasury. No clinic shall be approved unless such clinic agrees in writing to allow the examination and audit of the books, records, and financial statements of such clinic. Clinics may be operated by any individual, partnership, or corporation; ~~association, civic group, club, county, municipality, board of education, school, or college.~~ Nothing in this paragraph shall be construed to affect in any way driving programs established for purposes of insurance premium reductions under the provisions of Code Section 33-9-42. "

"(c) The commissioner shall be authorized to issue a special license to the instructor of any driver improvement clinic who is qualified to teach the alcohol and drug course prescribed in subsection (b) of Code Section 20-2-142. A driver improvement clinic shall offer such alcohol and drug course only through a qualified instructor and shall not charge a fee for such course of more than ~~\$25.00~~ \$35.00. No driver improvement clinic shall be approved to offer such alcohol and drug course unless such clinic agrees in writing to pay to the state, for the costs of administration, a fee of \$5.00 for each student or each offender who enrolls in the program that pays to the driver improvement clinic the aforementioned fee, provided that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution to be paid into the state treasury. The commissioner shall be authorized to issue a special license to ~~the~~ a licensed instructor of any ~~commercial~~ driver training school to teach the alcohol and drug course prescribed in subsection (b) of Code Section 20-2-142 who is qualified to teach a teen-age driver education course, which course consists of a minimum of 30 hours of classroom and six hours of behind-the-

wheel training. The alcohol and drug program may be included in the 30 hours of classroom training as part of a curriculum approved by the department. Any fee authorized by law for such a drug and alcohol course may be included in the tuition charge for a teen-age driver education course. Any text or workbook provided or required by the Department of ~~Public Safety~~ Driver Services for such alcohol and drug course shall be provided by the department at the same fee as currently charged by the department to any public or private school, contractor, or appropriate representative currently teaching the program."

"(e) The department is designated as the agency responsible for establishing criteria for the approval of DUI Alcohol or Drug Use Risk Reduction Programs. An applicant shall meet the certification criteria promulgated by the department through its standards and shall provide the following services: (1) the assessment component and (2) the intervention component. The department is designated as the agency responsible for establishing rules and regulations concerning the contents and duration of the components of DUI Alcohol or Drug Use Risk Reduction Programs, qualifications of instructors, attendance requirements for students, examinations, and program evaluations. Qualified instructors shall be certified for periods of four years each, which may be renewed. Approved DUI Alcohol or Drug Use Risk Reduction Programs shall charge a fee of ~~\$82.00~~ \$87.00 for the assessment component and ~~\$190.00~~ \$205.00 for the intervention component. An additional fee for required student program materials shall be established by the department in such an amount as is reasonable and necessary to cover the cost of such materials. No DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing to submit reports as required in the rules and regulations of the department and to allow the examination and audit of the books, records, and financial statements of such DUI Alcohol or Drug Use Risk Reduction Program by the department or its authorized agent. DUI Alcohol or Drug Use Risk Reduction Programs may be operated by any public, private, or governmental entity; provided, however, that, except as otherwise provided in this subsection, in any political subdivision in which a DUI Alcohol or Drug Use Risk Reduction Program is operated by a private entity, whether for profit or nonprofit, neither the local county board of health nor any other governmental entity shall fund any new programs in that area. Programs currently in existence which are operated by local county boards of health or any other governmental entities shall be authorized to continue operation. New programs may be started in areas where no private DUI Alcohol or Drug Use Risk Reduction Programs have been made available to said community. The Department of Corrections is authorized to operate DUI Alcohol or Drug Use Risk Reduction Programs in its facilities where offenders are not authorized to participate in such programs in the community, provided that such programs meet the certification criteria promulgated by the Department of Driver Services. All such programs operated by the Department of Corrections shall be exempt from all fee provisions established in this subsection specifically including the rebate of any fee for the costs of administration. No DUI Alcohol or Drug Use Risk Reduction Program shall be approved unless such clinic agrees in writing to pay to the

state, for the costs of administration, a fee of ~~\$22.00~~ \$27.00, for each offender assessed or each offender attending for points reduction, provided that nothing in this Code section shall be construed so as to allow the department to retain any funds required by the Constitution of Georgia to be paid into the state treasury; and provided, further, that the department shall comply with all provisions of Part 1 of Article 4 of Chapter 12 of Title 45, the 'Budget Act,' except Code Section 45-12-92, prior to expending any such miscellaneous funds."

SECTION 13.

Said chapter is further amended by revising subsection (d) of Code Section 40-5-84, relating to reinstatement of suspended drivers' licenses for points, as follows:

"(d) The license of any person whose license is suspended for the second time within a five-year period as a result of the assessment of points pursuant to Code Section 40-5-57 shall be reinstated by the department immediately upon receipt by the department of a certificate of completion of an ~~advanced~~ approved defensive driving course and the payment of a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail."

SECTION 14.

Said chapter is further amended by revising subsections (c), (e), and (f) of Code Section 40-5-103, relating to identification cards, as follows:

"(c) The department shall not be authorized to collect a fee for an identification card from those persons who are entitled to a free veterans' or honorary driver's license under the provisions of Code Section 40-5-36."

"(e) The commissioner may by rule authorize incentive discounts where identification cards are renewed by Internet, telephone, or mail. Any person who has previously been issued a driver's license who transitions from such license or applies for an identification card in addition to such license shall be eligible for such incentive discounts.

(f)(1) Every identification card shall be renewed on or before its expiration upon application, payment of the required fee, and, if applicable, satisfactory completion of any other requirements imposed by law.

(2) An application for renewal of an identification card may be submitted by:

(A) Personal appearance before the department; or

(B) Subject to rules or regulations of the department consistent with considerations of public safety and efficiency of service to identification card holders, means other than personal appearance which may include, without limitation, by mail or electronically. The department may by such rules or regulations exempt persons renewing, obtaining, or transitioning to identification cards under this paragraph from any surrender requirement imposed under Georgia law.

(3) Notwithstanding any other provision of this Code section, there shall be no fee whatsoever for replacement of any identification card solely due to a change of the identification card holder's name or address, provided that such replacement

identification card shall be valid only for the remaining period of such original term; and provided, further, that only one such free replacement identification card may be obtained within the period for which the identification card was originally issued. Any application for the replacement of a lost identification card or due to a change in the identification card holder's name or address submitted within 150 days of the expiration of said identification card shall be treated as an application for renewal subject to the applicable fees as set forth in this Code section."

SECTION 15.

Said chapter is further amended by revising paragraph (22) of Code Section 40-5-142, relating to definitions applicable to commercial drivers' licenses, as follows:

"(22) 'Serious traffic violation' means conviction of any of the following offenses or a conviction of any law or ordinance equivalent thereto in this state, in any other state, or in any foreign jurisdiction, when operating either a commercial motor vehicle or, unless otherwise specified, a noncommercial motor vehicle:

- (A) Speeding 15 or more miles per hour above the posted speed limit;
- (B) Reckless driving;
- (C) Following another vehicle too closely;
- (D) Improper or erratic lane change, including failure to signal a lane change;
- (E) A violation, arising in connection with a fatal crash, of state law or a local ordinance, relating to motor vehicle traffic control, excluding parking, weight, length, height, and vehicle defect violations, and excluding homicide by vehicle as defined in Code Section 40-6-393;
- (F) A railroad grade crossing violation in a noncommercial motor vehicle;
- (G) Driving a commercial motor vehicle without obtaining a commercial driver's license;
- (H) Driving a commercial motor vehicle without a commercial driver's license in the driver's immediate possession, and excluding such violations when the person's commercial driver's license or commercial driving privilege is suspended, revoked, canceled, or disqualified; ~~or~~
- (I) Driving a commercial motor vehicle without a commercial driver's license of the proper class and endorsements for the specific vehicle being operated or for the passengers or type of cargo transported; or
- (J) Use of a wireless telecommunications device in violation of Code Section 40-6-241.2."

SECTION 16.

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

"40-5-148.3.

(a) Any person applying for issuance or renewal of a commercial driver's license shall submit a certification of his or her type of driving and a current medical examiner's certificate to the department as required by 49 C.F.R. Parts 383 and 391. Receipt of such current medical examiner's certificate shall be reflected upon such person's driving

record and posted to his or her CDLIS driver record as his or her medical certification status.

(b) Upon the expiration of the medical examiner's certificate submitted to the department pursuant to this Code section, the department shall update the medical certification status of such person on his or her driving record and his or her CDLIS driving record. The department shall notify such person of the change of his or her medical certification status and advise such person that he or she will be disqualified from operating a commercial motor vehicle indefinitely if such person does not submit a current medical examiner's certificate to the department within 60 days. Such notice shall be sent via certified mail or such other delivery service obtained by the department that results in delivery confirmation to the address reflected on its records as the driver's mailing address.

(c) A commercial driving disqualification imposed as the result of the expiration of a medical examiner's certificate shall be reinstated, and changes to a person's medical certification status shall be updated upon receipt of a current medical examiner's certificate.

(d) The department shall suspend the commercial driving privilege or commercial driver's license of any person who submits a medical examiner's certificate containing false information. The period of such suspension shall be 60 days."

SECTION 17.

Said chapter is further amended by revising Code Section 40-5-172, relating to identification cards for persons with disabilities, as follows:

"40-5-172.

(a) The identification card for persons with disabilities shall be issued to a person with a permanent disability for a period of ~~four~~ five years and shall be renewable on the applicant's birthday in the fourth year following such issuance. Such identification cards shall be issued to persons:

- (1) With obvious permanent disabilities without further verification of disability; and
- (2) With disabilities which are not obvious upon presentation of the current sworn affidavit of at least one medical doctor attesting to such permanent disability. A current affidavit shall be presented at each request for renewal.

(b) The identification card for persons with disabilities shall be issued to a person with a temporary disability upon presentation of a sworn affidavit of at least one medical doctor attesting to such disability and estimating the duration of such disability. Such identification cards shall be issued for periods of six months. A current affidavit of a medical doctor attesting to the continuance of such disability shall be presented at each request for renewal thereafter.

(c) The commissioner may by rule authorize renewal of an identification card issued to a person with a permanent disability by means other than personal appearance. No further documentation of such person's disability shall be required for such renewal."

SECTION 18.

Chapter 16 of Title 40 of the Official Code of Georgia Annotated, relating to the Department of Driver Services, is amended by adding a new subsection to Code Section 40-16-5, relating to the authority of the commissioner, as follows:

"(f) Notwithstanding any provision of law to the contrary, the commissioner is authorized to promulgate regulations allowing for background investigations of applicants for credentials in any of the industries regulated by the department by means other than classifiable electronically recorded fingerprints in instances in which an applicant attempts to comply with the applicable statutory language mandating such background investigation, but his or her fingerprints cannot be captured electronically for reasons that are beyond the applicant's control."

SECTION 19.

Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to probation, is amended by adding a new subsection to Code Section 42-8-111, relating to court ordered installation of ignition interlock devices, as follows:

"(f) Exemptions granted due to financial hardship pursuant to paragraph (1) of subsection (a) of this Code section shall be exempt from the subject-matter jurisdiction limitations imposed in Code Sections 40-13-32 and 40-13-33."

SECTION 20.

Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, is amended by revising paragraph (4) of Code Section 43-13-4, relating to qualifications of driver training school operators, as follows:

"(4) Provide a continuous surety company bond in the principal sum of ~~\$2,500.00~~ \$10,000.00 for the protection of the contractual rights of students in such form as will meet with the approval of the department and written by a company authorized to do business in this state; provided, however, that the aggregate liability of the surety for all breaches of the condition of the bond in no event shall exceed the principal sum of ~~\$2,500.00~~ \$10,000.00 per location, and a single bond at such rate for all schools operated by the same person may be provided in satisfaction of this paragraph. The surety on any such bond may cancel such bond on giving 30 days' notice thereof in writing to the department and shall be relieved of liability for any breach of any condition of the bond which occurs after the effective date of cancellation. If at any time said bond is not valid and in force, the license of the school or program shall be deemed suspended by operation of law until a valid surety company bond is again in force;"

SECTION 21.

Said chapter is further amended by revising subsection (a) of Code Section 43-13-6.1, relating to special licenses for driver training school instructors qualified to teach alcohol and drug courses, as follows:

"(a) The commissioner shall be authorized to issue a special license to the instructor of any driver training school who is qualified to teach the alcohol and drug course prescribed in subsection (b) of Code Section 20-2-142. A driver training school shall offer such alcohol and drug course only through a qualified instructor and shall not charge a fee for such course of more than ~~\$25.00~~ \$35.00."

SECTION 22.

Said chapter is further amended by revising Code Section 43-13-9, relating to disposition of money received from driver training programs, as follows:

"43-13-9.

(a) Every person completing a driver education program consisting of 30 hours of classroom or online theoretical training and six hours of in-car training and who is therefore entitled to a completion certificate issued by the department shall pay, for the costs of administration, a fee of \$5.00 to the department. The \$5.00 administrative fee may be included in the program tuition fee charged by a licensed clinic or school for their approved driver education program.

(b) All moneys received under this chapter shall be deposited with the Office of the State Treasurer."

SECTION 23.

This Act shall become effective on January 1, 2012.

SECTION 24.

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

Representative Jerguson of the 22nd moved that HB 269 be recommitted to the Committee on Rules

On the motion, the roll call was ordered and the vote was as follows:

| | | | | |
|------------------|-------------------|-------------|------------|---------------|
| E Abdul-Salaam | N Davis | Y Heckstall | Y Mayo | Y Setzler |
| Y Abrams | Y Dawkins-Haigler | N Hembree | N McBrayer | Y Shaw |
| Y Allison | N Dempsey | Y Henson | Y McCall | N Sheldon |
| N Amerson | Y Dickerson | Y Hill | N McKillip | Y Sims, B |
| Y Anderson | Y Dickey | Y Holcomb | Meadows | Y Sims, C |
| N Ashe | N Dickson | Y Holmes | Y Mills | Y Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| N Austin | Y Dollar | Y Horne | Y Morgan | Y Smith, L |
| Y Baker | Y Drenner | Y Houston | Y Morris | N Smith, R |
| Y Battles | Y Dudgeon | Y Howard | Y Mosby | Y Smith, T |
| Y Bearden | Y Dukes | Y Huckaby | Y Murphy | Y Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | N Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | N Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | N Oliver | N Talton |
| Y Braddock | Y Evans | E Jasperse | N O'Neal | N Tankersley |

| | | | | |
|------------|-------------|-------------|-------------|------------------|
| N Brockway | Y Floyd | Y Jerguson | N Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E Johnson | Y Parent | Y Taylor, R |
| Y Bruce | Y Franklin | N Jones, J | Parrish | Y Taylor, T |
| Y Bryant | Y Frazier | Y Jones, S | N Parsons | Y Teasley |
| Y Buckner | Y Fullerton | Y Jordan | N Peake | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | N Powell, A | Y Tinubu |
| Y Byrd | N Geisinger | Y Kendrick | Y Powell, J | E Walker |
| Y Carter | Y Golick | Y Kidd | Y Pruett | N Watson |
| Y Casas | Y Gordon | N Knight | N Purcell | Welch |
| Channell | Y Greene | Y Lane | N Ramsey | Y Weldon |
| Y Cheokas | N Hamilton | N Lindsey | Y Randall | Y Wilkerson |
| Y Clark, J | Y Hanner | Y Long | Y Reece | N Wilkinson |
| N Clark, V | Y Harbin | Y Lucas | N Rice | Y Willard |
| N Coleman | Y Harden, B | Y Maddox, B | N Riley | Y Williams, A |
| N Collins | N Harden, M | Y Maddox, G | Y Roberts | Y Williams, E |
| Y Cooke | N Harrell | N Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Marin | Y Rynders | Y Williamson |
| N Cooper | Y Hatfield | E Martin | Y Scott, M | N Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the motion, the ayes were 127, nays 41.

The motion prevailed.

HB 280. By Representatives Harbin of the 118th, Ehrhart of the 36th, Rice of the 51st, Anderson of the 117th, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to correct a cross-reference; to provide additional uses for Emergency Telephone System Fund moneys; to provide for the enhancement of dispatch and response activities and equipment of public safety personnel; to provide for related matters; 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 Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to correct a cross-reference; to provide additional uses for Emergency Telephone System Fund moneys; to provide for the enhancement of dispatch and response activities and equipment of public safety personnel; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," is amended by revising subparagraph (C) of paragraph (18) of Code Section 46-5-122, relating to definitions relative to the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," as follows:

"(C) Other costs which may be paid with money from the Emergency Telephone System Fund, pursuant to subsection ~~(e)~~ (f) of Code Section 46-5-134."

SECTION 2.

Said part is further amended by revising subsection (f) of Code Section 46-5-134, relating to the establishment of the Emergency Telephone System Fund, as follows:

"(f)(1) In addition to cost recovery as provided in subsection (e) of this Code section, money from the Emergency Telephone System Fund shall be used only to pay for:

(1)(A) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and nonrecurring costs of establishing a 9-1-1 system;

(2)(B) The rates associated with the service supplier's 9-1-1 service and other service supplier's recurring charges;

(3)(C) The actual cost, according to generally accepted accounting principles, of salaries, including benefits, of employees and employee benefits incurred by the local government for employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and the actual cost of training such of those employees who work as dispatchers or and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such employee benefits are purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this paragraph, the term 'employee benefits' means health benefits, disability benefits, death benefits, accidental death and dismemberment benefits, pension benefits, retirement benefits, workers' compensation, and such other benefits as the local government may provide. Said term shall also include any post-employment benefits the local government may provide;

(D) The actual cost, according to generally accepted accounting principles, of training employees hired by the local government solely for the operation and maintenance of emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2;

(4)(E) Office supplies of the public safety answering points used directly in providing emergency 9-1-1 system services;

(5)(F) The cost of leasing or purchasing a building used as a public safety answering point. Moneys from the fund ~~cannot~~ shall not be used for the

construction or lease of an emergency 9-1-1 system building until the local government has completed its street addressing plan;

~~(6)~~(G) The lease, purchase, or maintenance of computer hardware and software used at a public safety answering point, including computer-assisted dispatch systems and automatic vehicle location systems;

~~(7)~~(H) Supplies directly related to providing emergency 9-1-1 system services, including the cost of printing emergency 9-1-1 system public education materials; and

~~(8)~~(I) The lease, purchase, or maintenance of logging recorders used at a public safety answering point to record telephone and radio traffic.

(2)(A) In addition to cost recovery as provided in subsection (e) of this Code section, money from the Emergency Telephone System Fund may be used to pay for those purposes set forth in subparagraph (B) of this paragraph, if:

(i) The local government's 9-1-1 system provides enhanced 9-1-1 service;

(ii) The revenues from the 9-1-1 charges or wireless enhanced 9-1-1 charges in the local government's Emergency Telephone System Fund at the end of any fiscal year shall be projected to exceed the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection and the cost of providing enhanced 9-1-1 services as authorized in subparagraphs (A) through (I) of paragraph (1) of this subsection includes a reserve amount equal to at least 10 percent of the previous year's expenditures; and

(iii) Funds for such purposes are distributed pursuant to an intergovernmental agreement between the local governments whose citizens are served by the emergency 9-1-1 system proportionately by population as determined by the most recent decennial census published by the United States Bureau of the Census at the time such agreement is entered into.

(B) Pursuant to subparagraph (A) of this paragraph, the Emergency Telephone System Fund may be used to pay for:

(i) The actual cost, according to generally accepted accounting principles, of insurance purchased by the local government to insure against the risks and liability in the operation and maintenance of the emergency 9-1-1 system on behalf of the local government or on behalf of employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such insurance is purchased directly from a third-party insurance carrier, funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this division, the term 'cost of insurance' shall include, but shall not be limited to, any insurance premiums, unit fees, and broker fees paid for insurance obtained by the local government;

(ii) The lease, purchase, or maintenance of a mobile communications vehicle and equipment, if the primary purpose and designation of such vehicle is to function as a backup 9-1-1 system center;

(iii) The allocation of indirect costs associated with supporting the 9-1-1 system center and operations as identified and outlined in an indirect cost allocation plan approved by the local governing authority that is consistent with the costs allocated within the local government to both governmental and business-type activities;

(iv) The lease, purchase, or maintenance of mobile public safety voice and data equipment or towers necessary to carry out the function of 9-1-1 system operations; and

(v) The lease, purchase, or maintenance of public safety voice and data communications systems located in the 9-1-1 system facility that further the legislative intent of providing the highest level of emergency response service on a local, regional, and state-wide basis, including equipment and associated hardware and software that supports the use of public safety wireless voice and data communication systems."

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 | N 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 |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| N Braddock | Y Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | Y Taylor, D |
| Y Brooks | Y Fludd | E 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 | Y Thomas |
| Y Burns | Y Gardner | Y Kaiser | Y Powell, A | Y Tinubu |
| Y Byrd | Y Geisinger | Y Kendrick | Y Powell, J | E 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 | 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 | N Harrell | Y Manning | Y Rogers | Y Williams, R |
| Y Coomer | Y Hatchett | Y Marin | Y Rynders | Y Williamson |
| Y Cooper | Y Hatfield | E 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 168, nays 4.

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

Representative Lucas of the 139th 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 167. By Representatives Davis of the 109th, Maxwell of the 17th, Rogers of the 26th, Meadows of the 5th, Cooper of the 41st and others:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Insurance Delivery Enhancement Act of 2011."

SECTION 2.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising paragraphs (2) and (3) of subsection (a) of Code Section 33-30-1 as follows:

"(2) Under a policy issued to an association, including a labor union, which shall have a constitution and bylaws and which has been organized and is maintained in good faith for purposes other than that of obtaining insurance, insuring at least ~~25~~ ten members, employees, or employees of members of the association for the benefit of persons other than the association or its officers or trustees. As used in this paragraph, the term 'employees' may include retired employees;

(3) Under a policy issued to the trustees of a fund established by two or more employers in the same industry, by one or more labor unions, by one or more employers and one or more labor unions, or by an association, as defined in paragraph (2) of this Code section, which trustees shall be deemed the policyholder, to insure not less than ~~25~~ ten employees of the employers or members of the union or of such association or of members of such association for the benefit of persons other than the employers or other unions or such associations. As used in this paragraph, the term 'employees' includes the officers, managers, and employees of the employer and the individual proprietor or partners, if the employer is an individual proprietor or partnership. The term may include retired employees. The policy may provide that the term 'employees' shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship;"

SECTION 3.

Said title is further amended by revising subparagraph (a)(7)(A) of Code Section 33-30-1 as follows:

"(7)(A) Under a policy issued to a legal entity providing a multiple employer welfare arrangement, which means any employee benefit plan which is established or maintained for the purpose of offering or providing accident and sickness benefits to the employees of two or more employers, including self-employed individuals, individuals whose compensation is reported on federal Internal Revenue Service Form 1099, and their spouses or dependents. The term ~~does~~ shall not apply to any plan or arrangement which is established or maintained by a tax-exempt rural electric cooperative or a collective bargaining agreement."

SECTION 4.

Said title is further amended by revising Code Section 33-23-100, relating to the definition of administrator, as follows:

"33-23-100.

(a) As used in this article, the term:

(1) 'Administrator' means any business entity that, directly or indirectly, collects charges, fees, or premiums; adjusts or settles claims, including investigating or examining claims or receiving, disbursing, handling, or otherwise being responsible for claim funds; ~~and~~ or provides underwriting or precertification and preauthorization of hospitalizations or medical treatments for residents of this state for or on behalf of any insurer, including business entities that act on behalf of a single or multiple employer self-insurance health plans, and plan or a self-insured municipalities municipality or other political ~~subdivisions~~ subdivision. Licensure is also required for administrators who act on behalf of self-insured plans providing workers' compensation benefits pursuant to Chapter 9 of Title 34. For purposes of this article, each activity undertaken by the administrator on behalf of an insurer or the client of the administrator is considered a transaction and is subject to the provisions of this title.

(2) 'Business entity' means a corporation, association, partnership, sole proprietorship, limited liability company, limited liability partnership, or other legal entity.

(3) 'Standard financial quarter' means a three-month period ending on March 31, June 30, September 30, or December 31 of any calendar year.

(b) Notwithstanding the provisions of subsection (a) of this Code section, the following are exempt from licensure as so long as such entities are acting directly through their officers and employees:

(1) An employer on behalf of its employees or the employees of one or more subsidiary or affiliated corporations of such employer;

(2) A union on behalf of its members;

(3) An insurance company licensed in this state or its affiliate unless the affiliate administrator is placing business with a nonaffiliate insurer not licensed in this state;

(4) An insurer which is not authorized to transact insurance in this state if such insurer is administering a policy lawfully issued by it in and pursuant to the laws of a state in which it is authorized to transact insurance;

(5) A life or accident and sickness insurance agent or broker licensed in this state whose activities are limited exclusively to the sale of insurance;

(6) A creditor on behalf of its debtors with respect to insurance covering a debt between the creditor and its debtors;

(7) A trust established in conformity with 29 U.S.C. Section 186 and its trustees, agents, and employees acting thereunder;

(8) A trust exempt from taxation under Section 501(a) of the Internal Revenue Code and its trustees and employees acting thereunder or a custodian and its agents and employees acting pursuant to a custodian account which meets the requirements of Section 401(f) of the Internal Revenue Code;

(9) A bank, credit union, or other financial institution which is subject to supervision or examination by federal or state banking authorities;

(10) A credit card issuing company which advances for and collects premiums or charges from its credit card holders who have authorized it to do so, provided that such company does not adjust or settle claims;

(11) A person who adjusts or settles claims in the normal course of his or her practice or employment as an attorney and who does not collect charges or premiums in connection with life or accident and sickness insurance coverage or annuities;

(12) ~~A business entity that acts solely as an administrator of one or more bona fide employee benefit plans established by an employer or an employee organization, or both, for whom the insurance laws of this state are preempted pursuant to the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq.~~ An insurance company licensed in this state or its affiliate if such insurance company or its affiliate is solely administering limited benefit insurance. For the purpose of this paragraph, the term 'limited benefit insurance' means accident or sickness insurance designed, advertised, and marketed to supplement major medical insurance and specifically shall include accident only, CHAMPUS supplement, disability income, fixed indemnity, long-term care, or specified disease insurance; or

(13) An association that administers workers' compensation claims solely on behalf of its members.

(c) A business entity claiming an exemption shall submit an exemption notice on a form provided by the Commissioner. This form must be signed by an officer of the company and submitted to the department by December 31 of the year prior to the year for which an exemption is to be claimed. Such exemption notice shall be updated in writing within 30 days if the basis for such exemption changes. An administrator claiming an exemption pursuant to paragraphs (3) and (4) of subsection (b) of this Code section shall be subject to the provisions of Code Sections 33-24-59.5 and 33-24-59.14.

(d) Obtaining a license as an administrator does not exempt the applicant from other licensing requirements under this title.

(e) Obtaining a license as an administrator subjects the applicant to the provisions of Code Sections 33-24-59.5 and 33-24-59.14.

(f) An administrator shall be subject to Code Sections 33-24-59.5 and 33-24-59.14 unless the administrator provides sufficient evidence that the self-insured health plan failed to properly fund the plan to allow the administrator to pay any outside claim."

SECTION 5.

Said title is further amended by revising Code Section 33-24-59.5, relating to timely payment of health benefits, as follows:

"33-24-59.5.

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

(1) 'Benefits' means the coverages provided by a health benefit plan for financing or delivery of health care goods or services; but such term does not include capitated payment arrangements under managed care plans.

(2) 'Health benefit plan' means any hospital or medical insurance policy or certificate, health care plan contract or certificate, qualified higher deductible health plan, health

maintenance organization subscriber contract, any health benefit plan established pursuant to Article 1 of Chapter 18 of Title 45, or any dental or vision care plan or policy, or managed care plan or self-insured plan; but health benefit plan does not include policies issued in accordance with Chapter 31 of this title; disability income policies; or Chapter 9 of Title 34, relating to workers' compensation.

(3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, health care corporation, health maintenance organization, provider sponsored health care corporation, or any similar entity and any self-insured health benefit plan ~~not subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq.,~~ which entity provides for the financing or delivery of health care services through a health benefit plan, the plan administrator of any health plan, or the plan administrator of any health benefit plan established pursuant to Article 1 of Chapter 18 of Title 45 or any other administrator as defined in paragraph (1) of subsection (a) of Code Section 33-23-100.

(b)(1) All benefits under a health benefit plan will be payable by the insurer which is obligated to finance or deliver health care services under that plan upon such insurer's receipt of written or electronic proof of loss or claim for payment for health care goods or services provided. The insurer shall within 15 working days for electronic claims or 30 calendar days for paper claims after such receipt mail or send electronically to the insured or other person claiming payments under the plan payment for such benefits or a letter or electronic notice which states the reasons the insurer may have for failing to pay the claim, either in whole or in part, and which also gives the person so notified a written itemization of any documents or other information needed to process the claim or any portions thereof which are not being paid. Where the insurer disputes a portion of the claim, any undisputed portion of the claim shall be paid by the insurer in accordance with this chapter. When all of the listed documents or other information needed to process the claim has been received by the insurer, the insurer shall then have 15 working days for electronic claims or 30 calendar days for paper claims within which to process and either mail payment for the claim or a letter or notice denying it, in whole or in part, giving the insured or other person claiming payments under the plan the insurer's reasons for such denial.

(2) Receipt of any proof, claim, or documentation by an entity which administrates or processes claims on behalf of an insurer shall be deemed receipt of the same by the insurer for purposes of this Code section.

(c) Each insurer shall pay to the insured or other person claiming payments under the health benefit plan interest equal to ~~48~~ 12 percent per annum on the proceeds or benefits due under the terms of such plan for failure to comply with subsection (b) of this Code section.

(d) An insurer may only be subject to an administrative penalty by the Commissioner as authorized by the insurance laws of this state when such insurer processes less than 95 percent of all claims in a standard financial quarter in compliance with paragraph (1)

of subsection (b) of this Code section. Such penalty shall be assessed on data collected by the Commissioner.

(e) This Code section shall be applicable when an insurer is adjudicating claims for its fully insured business or its business as a third-party administrator."

SECTION 6.

Said title is further amended in Article 1 of Chapter 24, relating to general provisions concerning insurance, by adding a new Code section to read as follows:

"33-24-59.14.

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

(1) 'Administrator' shall have the same meaning as provided in Code Section 33-23-100.

(2) 'Benefits' shall have the same meaning as provided in Code Section 33-24-59.5.

(3) 'Facility' shall have the same meaning as provided in Code Section 33-20A-3.

(4) 'Health benefit plan' shall have the same meaning as provided in Code Section 33-24-59.5.

(5) 'Health care provider' shall have the same meaning as provided in Code Section 33-20A-3.

(6) 'Insurer' means an accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, health care corporation, health maintenance organization, provider sponsored health care corporation, or any similar entity, which entity provides for the financing or delivery of health care services through a health benefit plan, the plan administrator of any health plan, or the plan administrator of any health benefit plan established pursuant to Article 1 of Chapter 18 of Title 45.

(b)(1) All benefits under a health benefit plan will be payable by the insurer or administrator which is obligated to finance or deliver health care services or process claims under that plan upon such insurer's or administrator's receipt of written or electronic proof of loss or claim for payment for health care goods or services provided. The insurer or administrator shall within 15 working days for electronic claims or 30 calendar days for paper claims after such receipt mail or send electronically to the facility or health care provider claiming payments under the plan payment for such benefits or a letter or notice which states the reasons the insurer or administrator may have for failing to pay the claim, either in whole or in part, and which also gives the facility or health care provider so notified a written itemization of any documents or other information needed to process the claim or any portions thereof which are not being paid. Where the insurer or administrator disputes a portion of the claim, any undisputed portion of the claim shall be paid by the insurer or administrator in accordance with this chapter. When all of the listed documents or other information needed to process the claim have been received by the insurer or administrator, the insurer or administrator shall then have 15 working days for electronic claims or 30 calendar days for paper claims within which to process and either mail payment for the claim or a letter or notice denying it, in whole or in part,

giving the facility or health care provider claiming payments under the plan the insurer's or administrator's reasons for such denial.

(2) Receipt of any proof, claim, or documentation by an entity which administers or processes claims on behalf of an insurer shall be deemed receipt of the same by the insurer for purposes of this Code section.

(c) Each insurer or administrator shall pay to the facility or health care provider claiming payments under the health benefit plan interest equal to 12 percent per annum on the proceeds or benefits due under the terms of such plan for failure to comply with subsection (b) of this Code section.

(d) An insurer or administrator may only be subject to an administrative penalty by the Commissioner as authorized by the insurance laws of this state when such insurer or administrator processes less than 95 percent of all claims in a standard financial quarter in compliance with paragraph (1) of subsection (b) of this Code section. Such penalty shall be assessed on data collected by the Commissioner.

(e) This Code section shall be applicable when an insurer is adjudicating claims for its fully insured business or its business as a third-party administrator.

(f) This Code section shall not apply to limited benefit insurance policies. For the purpose of this subsection, the term 'limited benefit insurance' means accident or sickness insurance designed, advertised, and marketed to supplement major medical insurance and specifically shall include accident only, CHAMPUS supplement, disability income, fixed indemnity, long-term care, or specified disease insurance."

SECTION 7.

(a) Except as otherwise provided by subsection (b) of this section, this Act shall become effective on July 1, 2011.

(b) Sections 4, 5, and 6 of this Act shall become effective January 1, 2013.

SECTION 8.

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 | N Smith, E |
| Y Atwood | Y Dobbs | Y Holt | Y Mitchell | Y Smith, K |
| Y Austin | Y Dollar | 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 | N Smyre |
| Y Beasley-Teague | Y Dutton | Y Hudson | E Neal, J | Y Spencer |
| Y Bell | Y Ehrhart | Y Hugley | Y Neal, Y | Y Stephens, M |
| Y Benfield | Y England | Y Jackson | Y Nimmer | Y Stephens, R |
| Y Benton | Y Epps, C | Y Jacobs | Y Nix | Y Stephenson |
| Y Black | Y Epps, J | Y James | Y Oliver | Y Talton |
| Y Braddock | N Evans | E Jasperse | Y O'Neal | Y Tankersley |
| Y Brockway | Y Floyd | Y Jerguson | Y Pak | N Taylor, D |
| Y Brooks | Y Fludd | E Johnson | N Parent | Y Taylor, R |
| Y Bruce | N Franklin | Y Jones, J | Y Parrish | N Taylor, T |
| Y Bryant | Y Frazier | Y Jones, S | Y Parsons | 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 | E Walker |
| Y Carter | Y Glick | 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 | Long | Y Reece | Y Wilkinson |
| Y Clark, V | N Harbin | Y Lucas | Y Rice | Y Willard |
| Y Coleman | Y Harden, B | Y Maddox, B | Y Riley | N 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 | Y Yates |
| Y Crawford | Y Heard | Y Maxwell | Y Scott, S | Ralston, Speaker |

On the passage of the Bill, by substitute, the ayes were 162, nays 9.

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

Representative Long of the 61st 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.

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

March 14, 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 167 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

Representative Channell of the 116th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means 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 73 | Do Pass | HB 119 | Do Pass, by Substitute |
| HB 259 | Do Pass, by Substitute | HB 291 | Do Pass, by Substitute |
| HB 321 | Do Pass, by Substitute | HB 322 | Do Pass, by Substitute |
| HB 381 | Do Pass, by Substitute | HB 389 | Do Pass |
| HB 450 | Do Pass | HB 462 | Do Pass |

Respectfully submitted,
/s/ Channell of the 116th
Chairman

The following Resolutions of the House were read and adopted:

HR 596. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending Liberty Day on March 16th, 2011; and for other purposes.

HR 597. By Representatives Hill of the 21st and Byrd of the 20th:

A RESOLUTION recognizing and commending Colonel Tonya R. Boylan; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:30 o'clock, A.M., Wednesday, March 16, 2011, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 9:30 o'clock, A.M., Wednesday, March 16, 2011.