

Representative Hall, Atlanta, Georgia

Wednesday, March 16, 2011

Thirtieth Legislative Day

The House met pursuant to adjournment at 9:30 o'clock, A.M., this day and was called to order by the Speaker.

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

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

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

Representatives Austin of the 10th, Brooks of the 63rd, Bruce of the 64th, Byrd of the 20th, Clark of the 98th, Dawkins-Haigler of the 93rd, Dollar of the 45th, Dukes of the 150th, Epps of the 128th, Hatfield of the 177th, Hudson of the 124th, Jordan of the 77th, Knight of the 126th, Lucas of the 139th, Marin of the 96th, Martin of the 47th, Morgan of the 39th, Morris of the 155th, Pruett of the 144th, Rogers of the 26th, Smith of the 168th, Stephenson of the 92nd, Teasley of the 38th, Walker of the 107th, and Williamson of the 111th.

They wished to be recorded as present.

Prayer was offered by Reverend Ray Newman, Pastor, Macedonia Community Baptist Church, Braselton, Georgia.

The members pledged allegiance to the flag.

Representative Cheokas of the 134th Vice-Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

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

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

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

HB 538. By Representative Geisinger of the 48th:

A BILL to be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as to provide for legislative intent; to provide for definitions; to create the State Board of Locksmiths; to provide for the membership, duties, and powers of such board; to provide for fees; to provide for the licensing and registration of locksmiths and apprentices; to provide for qualifications for licensing and registration; to provide for continuing education; to provide for certain documentation and records; to provide for identification cards; to provide for the maintenance of

certain information; to prohibit certain acts; to provide for penalties and sanctions; to provide for exceptions; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 539. By Representatives Stephens of the 164th, Bryant of the 160th, Watson of the 163rd, Stephens of the 161st, Purcell of the 159th and others:

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 revise provisions relating to the term of office of the president of the board of education; 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.

HB 540. By Representative Allison of the 8th:

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

Referred to the Committee on Intragovernmental Coordination - Local.

HB 541. By Representatives Epps of the 140th, Benton of the 31st, Baker of the 78th, Allison of the 8th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of threatening or intimidating a law enforcement officer, public official, or other person relating to such person's involvement in a judicial proceeding; to provide for penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 542. By Representative Powell of the 171st:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement benefits under the Employees' Retirement System of Georgia, so as to provide for the transfer of service credit from the Georgia Judicial Retirement System to the Employees' Retirement System of Georgia; to provide for the transfer of funds; to provide for conditions and payment; 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 543. By Representatives Harrell of the 106th, Rice of the 51st, Clark of the 98th, Floyd of the 99th, Mitchell of the 88th and others:

A BILL to be entitled an Act to amend an Act creating the Recorder's Court of Gwinnett County approved March 27, 1972 (Ga. L. 1972, p. 3125), as amended, specifically by an Act approved September 18, 1991 (Ga. L. 1991, p. 432), and an Act approved May 5, 2005 (Ga. L. 2005, p. 3729), so as to revise certain provisions relating to the solicitor-general of Gwinnett County; to provide that the solicitor-general of Gwinnett County shall serve as the prosecuting attorney of the Recorder's Court of Gwinnett County; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 544. By Representatives Parent of the 81st, Henson of the 87th and Holcomb of the 82nd:

A BILL to be entitled an Act to amend an Act to reincorporate the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971 Ex. Sess., p. 2154), as amended, so as to provide that the office of mayor shall be a part-time position; to provide for a transition; to provide for a city manager and duties of such city manager; to provide for the calculation of qualifying fees; to provide for related matters; to provide for a referendum; to provide for an effective date and contingent repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 545. By Representatives Parent of the 81st, Henson of the 87th and Holcomb of the 82nd:

A BILL to be entitled an Act to provide for a homestead exemption from City of Doraville ad valorem taxes for municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to repeal a local constitutional amendment; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 546. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as extend for a limited period of time an exemption with respect to sales of tangible property used for and in the renovation or expansion of a zoological institution; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 547. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxes, so as to provide an exemption for the sale or use of fuel for use in the cooling of refrigerated shipping containers; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 548. By Representative Martin of the 47th:

A BILL to be entitled an Act to amend Code Section 34-9-1 of the Official Code of Georgia Annotated, relating to definitions relative to workers' compensation, so as to provide that individuals who are parties to a franchise agreement shall not be considered employees; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Industrial Relations.

HB 549. By Representative Ashe of the 56th:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in unincorporated Fulton County and within each municipality therein, approved April 3, 1987 (Ga. L. 1987, p. 5460), as amended, so as to provide for an additional power of each district and its board; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 550. By Representative Ashe of the 56th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Fulton County, approved December 3, 1880 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved March 29, 1973 (Ga. L. 1973, p. 2462), and by an Act approved April 12, 1982 (Ga. L. 1982, p. 4148), so as to provide for powers and duties of the chairperson; to provide for the submission of this Act to the United States Department of Justice; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 553. By Representative Austin of the 10th:

A BILL to be entitled an Act to create a board of elections and registration for Habersham County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for the qualification, terms, and removal of members; to provide for oaths and privileges; to provide for meetings, procedures, and vacancies; to relieve certain officers of powers and duties and to provide for the transfer of functions to the newly created board; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for submission for preclearance 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 554. By Representative Austin of the 10th:

A BILL to be entitled an Act to create and establish an airport authority for Habersham County; to declare the need for an airport authority; to designate the name of the authority; to declare the purposes and objectives of this Act; to define certain terms; to provide for the membership of the authority; to provide for the terms of office of the authority members; to provide for the election of officers, quorum, bylaws, procedures, and meetings; to provide for compensation of members; to provide for the filling of vacancies; to provide for removal of members; to provide for service of process; to provide for severability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 555. By Representatives Clark of the 104th and Brockway of the 101st:

A BILL to be entitled an Act to amend an Act to create a new charter for the City of Lawrenceville, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, so as to amend the duties of the mayor; to provide for the establishment of a position of city manager; to provide for the duties and responsibilities of the city manager; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 556. By Representative Wilkinson of the 52nd:

A BILL to be entitled an Act to provide a short title; to amend Article 3 of Chapter 82 of Title 36 of the Official Code of Georgia Annotated, relating to revenue bonds, so as to provide a definition; to amend Chapter 15 of Title 50 of the Official Code of Georgia Annotated, relating to public lawsuits, so as to make provisions for claims of opposing parties and intervenors that lack merit under laws relating to public lawsuits, and for the imposition of triple damages in certain cases; 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 557. By Representatives Holmes of the 125th and Dickey of the 136th:

A BILL to be entitled an Act to amend an Act to create a board of commissioners of roads and revenues for the county of Monroe, approved August 19, 1907 (Ga. L. 1907, p. 318), as amended, so as to reconstitute such

board; to provide for its composition, manner of election, and filling of vacancies; to provide for its officers and powers and duties; to provide for its personnel and compensation; to provide for disbursements, audits, and certain operations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 585. By Representatives Nix of the 69th, Benton of the 31st, Riley of the 50th, McCall of the 30th, Lindsey of the 54th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for creation and administration of a trust fund or funds for purposes of hazardous waste management, solid waste management, or both; to provide for appropriations and dedication of revenue to such funds; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 586. By Representatives Stephens of the 164th, Wilkinson of the 52nd, Evans of the 40th, Parrish of the 156th, Huckaby of the 113th and others:

A RESOLUTION urging the United States Congress to refrain from cuts to the F-35 Joint Strike Fighter program; and for other purposes.

Referred to the Committee on Defense & Veterans Affairs.

HR 598. By Representatives James of the 135th, Williams of the 165th, Powell of the 29th, Drenner of the 86th and Dickson of the 6th:

A RESOLUTION creating the Joint Study Committee on Renewable Energy Industries in Georgia; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

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

HB 530

HB 532

HB 534

HB 536

HB 531

HB 533

HB 535

HB 537

HB 551	HB 552
HR 584	SB 26
SB 76	SB 79
SB 129	SB 151
SB 200	SB 201
SB 202	SB 237

Representative Sims of the 169th District, Chairman of the Committee on Intra-Governmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intra-Governmental Coordination has had under consideration the following Bill of the Senate and has instructed me to report the same back to the House with the following recommendation:

SB 195 Do Pass

Respectfully submitted,
/s/ Sims of the 169th
Chairman

Representative Sims of the 169th District, Chairman of the Committee on Intragovernmental Coordination, submitted the following report:

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation 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 498	Do Pass	HB 508	Do Pass
HB 511	Do Pass	HB 517	Do Pass
HB 522	Do Pass	HB 523	Do Pass
HB 524	Do Pass		

Respectfully submitted,
/s/ Sims of the 169th
Chairman

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

Mr. Speaker:

Your Committee on Judiciary Non-Civil has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 299	Do Pass, by Substitute	HB 342	Do Pass, by Substitute
HB 402	Do Pass, by Substitute	HB 421	Do Pass, by Substitute

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

The following Resolution of the House, referred to the House Rules Subcommittee on Invites, was reported by the Committee on Rules with the following recommendation:

HR 430 Do Pass

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

HOUSE RULES CALENDAR
WEDNESDAY, MARCH 16, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

**Pursuant to Rule 33.3, debate shall be limited to no longer than one hour per Bill.
Time to be allocated at the discretion of the Speaker.**

Open Rule

None

Modified Open Rule

HB 203	Georgia Peace Officers Standards and Training Council; investigate or disciple peace officers; notify (Substitute) (PS&HS-Jackson-142nd)
HB 265	2011 Special Council on Criminal Justice Reform for Georgians; Joint Committee; create (Substitute) (JudyNC-Neal-1st)

- HB 477 Insurance; transition from annual to biennial license renewal; provide (Substitute) (Ins-Shaw-176th)
- HB 509 State Medical Education Board; abolish (Substitute) (H&HS-Huckaby-113th)

Modified Structured Rule

- HB 149 Magistrates; termination under certain circumstances; provide (Substitute) (Judy-Bearden-68th)
- HB 164 Revenue and tax; coin operated amusement machines; revise and add definitions (Substitute) (W&M-Ramsey-72nd)
- HB 197 Jails; certain inmate emergency medical care service charges; provide limitations (Substitute) (Judy-Sims-119th)
- HB 307 Georgia Trauma Care Network Commission; burn centers and patients; provide (Substitute) (H&HS-Harbin-118th)
- HB 325 Student scholarship organizations; requirements and definitions; revise (Substitute) (W&M-Ehrhart-36th)
- HB 332 Universal Access Fund; eliminate unnecessary regulation; revise provisions (Substitute) (EU&T-Parsons-42nd)
- HB 341 Insurers; limited purpose subsidiary life insurance companies; establish (Ins-Rogers-26th)
- HB 370 Risk-based capital levels; trend test property and casualty companies; require (Ins-Maxwell-17th)
- HB 413 Surplus line insurance; revise law (Substitute) (Ins-Golick-34th)
- HB 415 Jury Composition Reform Act of 2011; enact (Substitute) (Judy-Atwood-179th)
- HB 421 Criminal procedure; plea of mental incompetency; change provisions (Substitute) (JudyNC-Welch-110th)
- HB 454 Presidential preference primary; date and publishing of candidates list; provide (Substitute) (GAff-Hamilton-23rd)
- HB 457 Controlled substances; remote automated medication systems; pharmacists; authorize use (Substitute) (H&HS-Stephens-164th)
- HB 470 Registered professional nurse; requirements for preceptorship for applicants; revise (H&HS-Cooper-41st)
- HB 476 Georgia Health Exchange Authority; establish (Substitute) (Ins-Smith-131st) (AM# 33 1052) (AM# 33 1057) (AM# 33 1058)
- HB 485 Wildlife control permits; release trapped feral hog into unfenced area; prohibit (GF&P-McCall-30th)
- HB 500 Employment Readiness Program for Georgia's unemployed; establish (Substitute) (IndR-Pruett-144th)
- HB 503 Sexual offenses; fund certain medical examinations; provide (JudyNC-Carter-175th)

Structured Rule

- HB 168 Revenue and tax; incorporate certain federal provisions into Georgia Law; define terms (Substitute) (W&M-Knight-126th)
- HB 228 Sales and use tax; distribution of unidentifiable proceeds; limit commissioner's authority (W&M-Austin-10th)
- HB 234 Sales and use tax exemption; aircraft engines, parts, and equipment; eliminate sunset (Substitute) (W&M-Stephens-164th)
- HB 346 Income tax; taxable nonresident; change definition (Substitute) (W&M-Knight-126th)
- HB 389 Taxpayer refunds; interest; change certain provisions (W&M-Knight-126th)
- HB 396 Peachtree Corners, City of; provide new charter (Substitute) (IGC-Rice-51st)

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

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

By unanimous consent, the following Bills of the House were taken up for consideration and read the third time:

HB 498. By Representative Coomer of the 14th:

A BILL to be entitled an Act to provide a new charter for the City of Adairsville; 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 a city manager, mayor, and mayor pro tempore and certain duties, powers, and other matters relative thereto; 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.

HB 508. By Representatives Setzler of the 35th, Manning of the 32nd, Teasley of the 38th, Dollar of the 45th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, particularly by home rule amendment filed in the office of Secretary of State September 22, 2009 (Ga. L. 2010, p. 4239), so as to change the provisions relating to the corporate limits of the city; 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.

HB 511. By Representative Epps of the 128th:

A BILL to be entitled an Act to provide a new charter for the City of Greenville, Georgia; 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, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances and codes; 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.

HB 517. By Representative Jasperse of the 12th:

A BILL to be entitled an Act to amend an Act providing a new charter for the Town of Talking Rock, approved April 21, 1997 (Ga. L. 1997, p. 4222), as amended by an Act approved May 4, 2006 (Ga. L. 2006, p. 4130), so as to modify provisions relating to municipal elections and the terms of the mayor and councilmembers; 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.

HB 522. By Representative Holt of the 112th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Oxford ad valorem taxes for municipal purposes in the amount of

\$10,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 523. By Representative Holt of the 112th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Oxford, Georgia, approved April 13, 2001 (Ga. L. 2001, p. 4195), so as to change the form of government from a mayor-council form of government to a city manager-council form of government; 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.

HB 524. By Representative Allison of the 8th:

A BILL to be entitled an Act to provide a homestead exemption from Towns County school district ad valorem taxes for educational purposes in the amount of \$8,000.00 of the assessed value of the homestead for residents of that county; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

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

By unanimous consent, the following roll call vote was made applicable to the previously read Bills.

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

E Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Dawkins-Haigler	Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E 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
Ashe	Y Dickson	Y Holmes	E 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	Y Drenner	Y Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Beasley-Teague	Y Dutton	Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Jordan	Y Peake	Y Thomas
Y Burns	Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Knight	Y Purcell	Welch
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	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	Rogers	Y Williams, R
Y Coomer	Y Hatchett	Marin	Y Rynders	Y Williamson
Cooper	Hatfield	Y Martin	E Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bills, the ayes were 146, nays 0.

The Bills, having received the requisite constitutional majority, were passed.

Representatives Epps of the 128th and Hudson of the 124th 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.

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 39. By Senators Grant of the 25th, Crosby of the 13th, Cowsert of the 46th, Carter of the 42nd, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general court provisions, so as to create mental health court divisions; to provide for assignment of cases; to provide for planning groups and work plans; to provide for standards; to provide for staffing and expenses; to provide for completion of mental health court division programs; to provide for records, fees, grants, and donations; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 63. By Senators Albers of the 56th, Ligon, Jr. of the 3rd, Bethel of the 54th, Staton of the 18th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to enact the "Georgia Medical Assistance Fraud Prevention Program"; to provide for the adoption of a medical assistance fraud prevention program; to provide for definitions; to provide for implementation by the Department of Community Health; to provide for implementation of a pilot program; to provide for participation; to provide for cooperation by the Department of Human Services; to provide for statutory construction; to provide for certain matters to be referred to the Attorney General; to provide for a waiver; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 98. By Senators Loudermilk of the 52nd, Gooch of the 51st, Heath of the 31st, Seabaugh of the 28th, Mullis of the 53rd 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 provide an exemption from the application of certain laws regarding the carrying and possession of firearms for persons possessing valid weapons carry licenses; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 112. By Senators McKoon of the 29th, Harbison of the 15th, Rogers of the 21st, Carter of the 1st, Gooch of the 51st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Custody Intrastate Jurisdiction Act, so as to provide a short title; to provide procedures governing parental rights in the event one parent is subject to military deployment; to define certain terms; to provide that a court shall not enter a final order modifying parental rights of a deploying parent until 90 days after the deployment ends; to provide for a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or

mobilization; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 135. By Senators Shafer of the 48th, Henson of the 41st, Rogers of the 21st, Butler of the 55th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to provide that no person other than a doctor of chiropractic may render chiropractic services, adjustments, or manipulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 138. By Senators Tippins of the 37th, Williams of the 19th, Staton of the 18th, Loudermilk of the 52nd, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of license plates, payment and disposition of fees, compensation of tag agents, and required identification, so as to require a sworn statement by an applicant for a tag renewal; to amend Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to driver's license requirements, surrender of prior licenses, and prohibition of local licenses, so as to modify the defense for a violation of this Code section; to amend Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to driving while a license is suspended or revoked, so as to modify the penalties for a violation of driving without a license or driving with a suspended or revoked driver's license; and for other purposes.

- SB 140. By Senators Staton of the 18th, Cowsert of the 46th, Butterworth of the 50th, Chance of the 16th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 16 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Higher Education Facilities Authority, so as to increase the amount of bonding authority; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 150. By Senators Ramsey, Sr. of the 43rd, Jeffares of the 17th, Butler of the 55th and Henson of the 41st:

A BILL to be entitled an Act to amend Chapter 8 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages at

publicly owned facilities, so as to provide for the sale of distilled spirits at public golf courses; to repeal conflicting laws; and for other purposes.

- SB 156. By Senators Jeffares of the 17th, Rogers of the 21st, Williams of the 19th, Miller of the 49th, Albers of the 56th 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 emergency telephone number 9-1-1 system, so as to remove the requirements for certain audits; to require certain reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 161. By Senators Butterworth of the 50th, Grant of the 25th, McKoon of the 29th, Hill of the 4th and Sims of the 12th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to provide for college and career academies; to establish an Office of College and Career Transitions; to provide for partnerships with postsecondary institutions to establish college and career academies as charter schools; to provide for funding; to provide for certification; to provide for data collection; to provide for eligibility criteria, requirements, and procedures; to amend Part 16 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Building Resourceful Individuals to Develop Georgia's Economy Act," so as to revise definitions; to repeal conflicting laws; and for other purposes.

- SB 168. By Senators Seay of the 34th, Mullis of the 53rd, Stoner of the 6th, James of the 35th, Butler of the 55th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to dedicate the Georgia Move-Over law in memory of Spencer Pass, a HERO operator with the Georgia Department of Transportation who was tragically killed after being hit by a passing truck while he was helping a motorist on the side of Interstate Highway 85 in Atlanta, Georgia, on January 31, 2011; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 177. By Senators Bethel of the 54th, Mullis of the 53rd, Butterworth of the 50th, Gooch of the 51st, Albers of the 56th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to adopt the Health Care Compact; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 178. By Senators Grant of the 25th, Williams of the 19th, Hill of the 32nd, Murphy of the 27th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care facilities, so as to provide for the regulation and licensing of assisted living communities; to provide for procedures and criteria; to provide for requirements for medication aides; to revise provisions relating to personal care homes; to amend various provisions of the Official Code of Georgia Annotated, so as to provide changes for purposes of consistency and conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 181. By Senators Bethel of the 54th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 16 and Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions for crimes and offenses and the Attorney General, respectively, so as prohibit contingent compensation under certain circumstances; to change provisions relating to the Attorney General's authorization to employ private counsel; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 186. By Senators Mullis of the 53rd, Bulloch of the 11th, Grant of the 25th, Albers of the 56th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to establish the position of fire safety commissioner; to establish the Department of Fire Safety; to amend the Official Code of Georgia Annotated so as to conform provisions to and provide consistency with the transfer of certain functions from the Commissioner of Insurance to the fire safety commissioner; to amend Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for the Department of Public Safety, so as to designate the fire safety commissioner as a member of the Board of Public Safety; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 193. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to procedure for persons under sentence of state court of record, so as to update administrative provisions relating to the reimbursement to counties for habeas corpus costs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 245. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to governing and regulation of mental health, so as to revise the definition of "developmental disability"; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 41. By Representatives Smith of the 131st, Willard of the 49th, Lindsey of the 54th and Atwood of the 179th:

A BILL to be entitled an Act to amend Code Section 15-6-77 of the Official Code of Georgia Annotated, relating to fees to be charged by superior court clerks, so as to change the fee charged for the preparation of an appellate record and transcript; to amend Code Section 15-21A-6.1 of the Official Code of Georgia Annotated, relating to the judicial operations fund fee for superior courts, so as to exempt issuance of certificates of appointment of notaries public from the fee; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 218. By Representative Battles of the 15th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Emerson ad valorem taxes for municipal purposes in the amount of \$10,000.00 of the assessed value of the homestead for residents of that city who are 62 years of age or over and whose income, excluding certain retirement income, does not exceed \$10,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 219. By Representative Battles of the 15th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Emerson ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or over; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 220. By Representative Battles of the 15th:

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

HB 221. By Representative Battles of the 15th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Emerson ad valorem taxes for municipal purposes in the amount of \$28,000.00 of the assessed value of the homestead for residents of that city who are disabled and whose household income does not exceed \$20,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 358. By Representatives Frazier of the 123rd, Jackson of the 142nd and Burns of the 157th:

A BILL to be entitled an Act to amend an Act entitled "An Act creating the board of commissioners of Burke County," approved August 21, 1911 (Ga. L. 1911, p. 390), as amended, particularly by an Act approved March 14, 1983 (Ga. L. 1983, p. 3804), so as to provide for staggered terms for the members of such board of commissioners; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 391. By Representative Holmes of the 125th:

A BILL to be entitled an Act to amend an Act repealing an Act incorporating the City of Monticello and granting a new charter to the City of Monticello, approved March 10, 1959 (Ga. L. 1959, p. 2683), as amended, particularly by an Act approved March 12, 1984 (Ga. L. 1984, p. 3779), so as to provide for municipal elections; to provide for terms for the mayor and council; to provide for staggering of such terms; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 393. By Representative Allison of the 8th:

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

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

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

HB 466. By Representative Shaw of the 176th:

A BILL to be entitled an Act to amend an Act to incorporate the City of Hahira, approved August 19, 1912 (Ga. L. 1912, p. 951), as amended, particularly by a home rule amendment filed with the Office of the Secretary of State January 24, 2011, so as to provide that councilmembers shall reside in their respective districts for a period of at least 12 months immediately prior to election and shall continue to reside in such district during his or her period of service; to provide for the filling of vacancies; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

- SB 39. By Senators Grant of the 25th, Crosby of the 13th, Cowser of the 46th, Carter of the 42nd, Unterman of the 45th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 of the Official Code of Georgia Annotated, relating to general court provisions, so as to create mental health court divisions; to provide for assignment of cases; to provide for planning groups and work plans; to provide for standards; to provide for staffing and expenses; to provide for completion of mental health court division programs; to provide for records, fees, grants, and donations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 63. By Senators Albers of the 56th, Ligon, Jr. of the 3rd, Bethel of the 54th, Staton of the 18th, Miller of the 49th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance, so as to enact the "Georgia Medical Assistance Fraud Prevention Program"; to provide for the adoption of a medical assistance fraud prevention program; to provide for definitions; to provide for implementation by the Department of Community Health; to provide for implementation of a pilot program; to provide for participation; to provide for cooperation by the Department of Human Services; to provide for statutory construction; to provide for certain matters to be referred to the Attorney General; to provide for a waiver; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 98. By Senators Loudermilk of the 52nd, Gooch of the 51st, Heath of the 31st, Seabaugh of the 28th, Mullis of the 53rd 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 provide an exemption from the application of certain laws regarding the carrying and possession of firearms for persons possessing valid weapons carry licenses; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

- SB 112. By Senators McKoon of the 29th, Harbison of the 15th, Rogers of the 21st, Carter of the 1st, Gooch of the 51st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to the Child Custody Intrastate Jurisdiction Act, so as to provide a short title; to provide procedures governing parental rights in the event one parent is subject to military deployment; to define certain terms; to provide that a court shall not enter a final order modifying parental rights of a deploying parent until 90 days after the deployment ends; to provide for a temporary order modifying parental rights and responsibilities or parent-child contact during the period of deployment or mobilization; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 135. By Senators Shafer of the 48th, Henson of the 41st, Rogers of the 21st, Butler of the 55th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to provide that no person other than a doctor of chiropractic may render chiropractic services, adjustments, or manipulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 138. By Senators Tippins of the 37th, Williams of the 19th, Staton of the 18th, Loudermilk of the 52nd, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 40-2-33 of the Official Code of Georgia Annotated, relating to the issuance of license plates, payment and disposition of fees, compensation of tag agents, and required identification, so as to require a sworn statement by an applicant for a tag renewal; to amend Code Section 40-5-20 of the Official Code of Georgia Annotated, relating to driver's license requirements, surrender of prior licenses, and prohibition of local licenses, so as to modify the defense for a violation of this Code section; to amend Code Section 40-5-121 of the Official Code of Georgia Annotated, relating to driving while a license is suspended or revoked, so as to modify the penalties for a violation of driving without a license or driving with a suspended or revoked driver's license; and for other purposes.

Referred to the Committee on Motor Vehicles.

- SB 140. By Senators Staton of the 18th, Cowser of the 46th, Butterworth of the 50th, Chance of the 16th and Grant of the 25th:

A BILL to be entitled an Act to amend Chapter 16 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Higher Education Facilities Authority, so as to increase the amount of bonding authority; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Budget and Fiscal Affairs Oversight.

- SB 150. By Senators Ramsey, Sr. of the 43rd, Jeffares of the 17th, Butler of the 55th and Henson of the 41st:

A BILL to be entitled an Act to amend Chapter 8 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages at publicly owned facilities, so as to provide for the sale of distilled spirits at public golf courses; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

- SB 156. By Senators Jeffares of the 17th, Rogers of the 21st, Williams of the 19th, Miller of the 49th, Albers of the 56th 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 emergency telephone number 9-1-1 system, so as to remove the requirements for certain audits; to require certain reports; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

- SB 161. By Senators Butterworth of the 50th, Grant of the 25th, McKoon of the 29th, Hill of the 4th and Sims of the 12th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 20 of the Official Code of Georgia Annotated, relating to technical and adult education, so as to provide for college and career academies; to establish an Office of College and Career Transitions; to provide for partnerships with postsecondary institutions to establish college and career academies as charter schools; to provide for funding; to provide for certification; to provide for data collection; to provide for eligibility criteria, requirements, and procedures; to amend Part 16 of Article 6 of Chapter 2 of Title 20 of the

Official Code of Georgia Annotated, relating to the "Building Resourceful Individuals to Develop Georgia's Economy Act," so as to revise definitions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

SB 168. By Senators Seay of the 34th, Mullis of the 53rd, Stoner of the 6th, James of the 35th, Butler of the 55th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to general provisions relative to uniform rules of the road, so as to dedicate the Georgia Move-Over law in memory of Spencer Pass, a HERO operator with the Georgia Department of Transportation who was tragically killed after being hit by a passing truck while he was helping a motorist on the side of Interstate Highway 85 in Atlanta, Georgia, on January 31, 2011; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

SB 177. By Senators Bethel of the 54th, Mullis of the 53rd, Butterworth of the 50th, Gooch of the 51st, Albers of the 56th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to adopt the Health Care Compact; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 178. By Senators Grant of the 25th, Williams of the 19th, Hill of the 32nd, Murphy of the 27th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to health care facilities, so as to provide for the regulation and licensing of assisted living communities; to provide for procedures and criteria; to provide for requirements for medication aides; to revise provisions relating to personal care homes; to amend various provisions of the Official Code of Georgia Annotated, so as to provide changes for purposes of consistency and conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 181. By Senators Bethel of the 54th and Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 1 of Title 16 and Chapter 15 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions for crimes and offenses and the Attorney General, respectively, so as prohibit contingent compensation under certain circumstances; to change provisions relating to the Attorney General's authorization to employ private counsel; to provide for legislative findings; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 186. By Senators Mullis of the 53rd, Bulloch of the 11th, Grant of the 25th, Albers of the 56th, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, so as to establish the position of fire safety commissioner; to establish the Department of Fire Safety; to amend the Official Code of Georgia Annotated so as to conform provisions to and provide consistency with the transfer of certain functions from the Commissioner of Insurance to the fire safety commissioner; to amend Article 1 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to general provisions for the Department of Public Safety, so as to designate the fire safety commissioner as a member of the Board of Public Safety; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

SB 193. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend Article 2 of Chapter 14 of Title 9 of the Official Code of Georgia Annotated, relating to procedure for persons under sentence of state court of record, so as to update administrative provisions relating to the reimbursement to counties for habeas corpus costs; 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 245. By Senator Goggans of the 7th:

A BILL to be entitled an Act to amend Code Section 37-1-1 of the Official Code of Georgia Annotated, relating to definitions relative to governing and regulation of mental health, so as to revise the definition of "developmental disability"; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

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

Representatives Amerson of the 9th, Brockway of the 101st, Pak of the 102nd, Taylor of the 79th, Watson of the 163rd, Hill of the 21st, Morgan of the 39th, and Hembree of the 67th.

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

HR 430. By Representatives Williams of the 4th, Dickson of the 6th, Meadows of the 5th, Yates of the 73rd, Neal of the 1st and others:

A RESOLUTION recognizing and commending United States Marine Sergeant Joey Jones and inviting him to be recognized by the House of Representatives; and for other purposes.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

HB 313. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to amend an Act entitled "An Act providing a new charter for the City of Chatsworth, approved August 20, 1923 (Ga. L. 1923, p. 529), as amended, particularly by an Act approved March 4, 1977 (Ga. L. 1977, p. 2865), so as to provide for the annexation of certain territory into the boundaries of the city; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 50. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Code Section 15-6-95 of the Official Code of Georgia Annotated, relating to priorities of distribution of fines, forfeitures, surcharges, additional fees, and costs in cases of partial payments into the court, so as to add certain fees for funding of local victim assistance programs into the list of priorities; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 52. By Senators Butler of the 55th, Carter of the 42nd, Fort of the 39th, Orrock of the 36th, James of the 35th and others:

A BILL to be entitled an Act to amend Code Section 15-10-102 of the Official Code of Georgia Annotated, relating to the powers and duties of constables, so as to require marshals to notify protected persons upon the service of certain protective orders; to amend Code Section 15-16-17, relating to the service and execution of processes from justices' courts, so as to require sheriffs to notify protected persons upon the service of certain protective orders; to provide for related matters; to provide an effective date; 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 396. By Representatives Rice of the 51st, Marin of the 96th, Coleman of the 97th, Sheldon of the 105th, Casas of the 103rd and others:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To incorporate the City of Peachtree Corners; to provide a charter; to provide for boundaries and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for a mayor and mayor pro tempore and certain duties, powers, and other matters relative thereto; to provide for administrative affairs and responsibilities; to provide for boards, commissions, and authorities; to provide for a city attorney, a city clerk, and other personnel and matters relating thereto; to provide for rules and regulations; to provide for a municipal court and the judge or judges thereof and other matters relative to those judges; to provide for the court's jurisdiction, powers, practices, and procedures; to provide for the right of certiorari; to provide for elections; to provide for taxation, licenses, and fees; to provide for franchises, service charges, and assessments; to provide for bonded and other indebtedness; to provide for auditing, accounting, budgeting, and appropriations; to provide for city contracts and purchasing; to provide for the conveyance of property and interests therein; to provide for bonds for officials; to provide for prior ordinances and rules, pending matters, and existing personnel; to provide for penalties; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I
INCORPORATION AND POWERS
SECTION 1.10.

Name.

This Act shall constitute the charter of the City of Peachtree Corners. The city and the inhabitants thereof are constituted and declared a body politic and corporate under the name and style "City of Peachtree Corners, Georgia," and by that name shall have perpetual succession.

SECTION 1.11.
Corporate boundaries.

(a) The boundaries of this city shall be those set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The boundaries of this city at all times shall be shown on a map, a written description, or

any combination thereof, to be retained permanently in the office of the city clerk and to be designated, as the case may be: "Official Map (or Description) of the corporate limits of the City of Peachtree Corners, Georgia." Photographic, typed, or other copies of such map or description certified by the city clerk shall be admitted as evidence in all courts and shall have the same force and effect as with the original map or description.

(b) The city council may provide for the redrawing of any such map by ordinance to reflect lawful changes in the corporate boundaries. A redrawn map shall supersede for all purposes the entire map or maps which it is designated to replace.

SECTION 1.12.

Powers and construction.

(a) Except as provided in subsection (b) of this section, this city shall have the following powers:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at large of animals and fowl and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted under this charter;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air-conditioning codes; and to regulate all housing and building trades;

(4) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms, and corporations;

(5) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or outside the city and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health, or well-being of the citizens of the city;

(6) Environmental protection. To protect and preserve the natural resources, environment, and vital areas of the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(7) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with

general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(8) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards;

(9) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(10) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(11) Jail sentences. To provide that persons given jail sentences in the municipal court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city; to provide for commitment of such persons to any jail; or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

(12) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;

(13) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;

(14) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;

(15) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;

(16) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;

(17) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;

(18) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to ensure a safe, healthy, and esthetically pleasing community;

(19) Public hazards; removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;

(20) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of parks and playgrounds, public grounds, recreational facilities, public buildings, and charitable, cultural, educational, recreational,

conservation, and sport institutions, agencies, and facilities; and to regulate the use of public improvements;

(21) Public utilities and services. To grant franchises or make contracts for or impose taxes on public utilities and public service companies and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Georgia Public Service Commission;

(22) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(23) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(24) Roadways. To grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(25) Special areas of public regulation. To regulate or prohibit junk dealers, pawn shops, the manufacture, sale, or transportation of any intoxicating liquors, alcoholic beverages, and the use of firearms; to regulate the transportation, storage, and use of combustible, explosive, and inflammable materials, the use of lighting and heating equipment, and any other business or situation which may be dangerous to persons or property; to regulate and control the conduct of peddlers and itinerant traders, theatrical performances, exhibitions, and shows of any kind, by taxation or otherwise; and to license, tax, regulate, or prohibit professional fortunetelling, palmistry, adult bookstores, and massage parlors;

(26) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(27) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation subject to a maximum of 1 mill;

(28) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law; and

(29) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles.

(b) Except as provided in subsection (c) of this section, the city shall exercise the powers enumerated in subsection (a) of this section only for the purposes of planning and zoning, code adoption and enforcement, and solid waste management services and those items directly related to the provision of such services and for the general administration of the city in providing such services.

(c) In the event that the city desires to provide services in addition to those services enumerated in subsection (b) of this section, the city council shall pass a resolution specifically stating the services sought to be offered by the city and shall submit the approval of such resolution for ratification by the electors of the city in a referendum. If the electors of the city vote in favor of ratifying such resolution, then the city shall be authorized to exercise the powers enumerated in subsection (a) of this section for the purpose of providing such services stated in such resolution and those items directly related to the provision of such services and for the general administration of the city in providing such services. If the electors of the city disapprove such resolution, it shall immediately be null and void and of no force and effect.

SECTION 1.13.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this charter. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by pertinent laws of the State of Georgia.

ARTICLE II

GOVERNMENT STRUCTURE

SECTION 2.10.

City council creation; number; election.

The legislative authority of the government of this city, except as otherwise specifically provided in this charter, shall be vested in a city council to be composed of a mayor and six councilmembers. The mayor and councilmembers shall be elected in the manner provided by this charter.

SECTION 2.11.

City councilmembers;
terms and qualifications for office.

(a) Except as otherwise provided in Article VIII of this charter for the initial terms of office, the members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. The term of office of each member of the city council shall begin on the first day of January immediately following the election of such member unless general law authorizes or requires the term to begin at the first organizational meeting in January or upon some other date. No person shall be eligible to serve as mayor or councilmember unless that person shall have been a resident of the city for 12 months prior to the date of the election of mayor or members of the city council; each shall continue to reside therein during that person's period of service and to be registered and qualified to vote in municipal elections of this city.

(b) The city council seats shall be designated Post 1, Post 2, Post 3, Post 4, Post 5, and Post 6. Candidates shall designate the post for which they are offering for election when qualifying for election.

(c)(1) The members of the city council from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority vote.

(2) For the purposes of electing members of the city council from Post 1, Post 2, and Post 3, the city is divided into three districts. One member of the board shall be elected from each such district by only the electors of such district by majority vote. Post 1, Post 2, and Post 3 shall be and correspond to those three numbered districts as described in the districting plan attached to and made a part of this Act and further identified as Plan Name: peachprop1-3dist Plan Type: Local User: Shantee Administrator: H051.

(d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a tract description which are underneath a 'BG' heading shall mean and describe individual blocks within a block group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the city which is not included in Post 1, Post 2, or Post 3 as described in that attachment describing Post 1, Post 2, and Post 3 shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the city which is described in that attachment describing Post 1, Post 2, and Post 3 as being in Post 1, Post 2, or Post 3 shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within the post that is contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2000 for the State of Georgia. If any area included within the descriptions of Post 1, Post 2, or Post 3 is on the effective date of this Act within the municipal boundaries of another municipality or within a county other than Gwinnett County, such area shall not be included within the district descriptions of such posts.

SECTION 2.12.

Vacancy; filling of vacancies; suspensions.

(a) Vacancies. The office of mayor or councilmember shall become vacant upon such person's failing or ceasing to reside in the city or upon the occurrence of any event specified by the Constitution, Title 45 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted.

(b) Filling of vacancies. A vacancy in the office of mayor or councilmember shall be filled for the remainder of the unexpired term, if any, by appointment if less than 12 months remain in the unexpired term, otherwise by an election as provided for in Section 5.14 of this charter and Titles 21 and 45 of the O.C.G.A. or such other laws as are or may hereafter be enacted.

(c) Suspension. Upon the suspension from office of mayor or councilmember in any manner authorized by the general laws of the State of Georgia, the city council or those remaining shall appoint a successor for the duration of the suspension. If the suspension becomes permanent, then the office shall become vacant and shall be filled for the remainder of the unexpired term, if any, as provided for in this charter.

SECTION 2.13.

Compensation and expenses.

(a) The mayor shall receive an initial salary of \$9,000.00 per year, paid in equal monthly installments from the funds of the municipality. Each councilmember shall receive an initial salary of \$8,000.00 per year, paid in equal monthly installments from the funds of the municipality.

(b) The mayor and councilmembers may alter such compensation for their services as provided by law.

SECTION 2.14.

Conflicts of interest; holding other offices.

(a) Elected and appointed officers of the city are trustees and servants of the residents of the city and shall act in a fiduciary capacity for the benefit of such residents.

(b) Conflict of interest. No elected official, appointed officer, or employee of the city or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction or have a financial or other personal interest, direct or indirect, which is incompatible with the proper discharge of that person's official duties or which would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(2) Engage in or accept private employment or render services for private interests when such employment or service is incompatible with the proper discharge of that person's official duties or would tend to impair the independence of that person's judgment or action in the performance of that person's official duties;

(3) Disclose confidential information, including information obtained at meetings which are closed pursuant to Chapter 14 of Title 50 of the O.C.G.A., concerning the property, government, or affairs of the governmental body by which that person is engaged without proper legal authorization or use such information to advance the financial or other private interest of that person or others;

(4) Accept any valuable gift, whether in the form of service, loan, thing, or promise, from any person, firm, or corporation which to that person's knowledge is interested,

directly or indirectly, in any manner whatsoever, in business dealings with the governmental body by which that person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any such campaign;

(5) Represent other private interests in any action or proceeding against this city or any portion of its government; or

(6) Vote or otherwise participate in the negotiation or in the making of any contract with any business or entity in which that person has a financial interest.

(c) Disclosure. Any elected official, appointed officer, or employee who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within any department of the city shall disclose such interest to the city council. The mayor or any councilmember who has a financial interest in any matter pending before the city council shall disclose such interest and such disclosure shall be entered on the records of the city council, and that person shall disqualify himself or herself from participating in any decision or vote relating thereto. Any elected official, appointed officer, or employee of any agency or political entity to which this charter applies who shall have any financial interest, directly or indirectly, in any contract or matter pending before or within such entity shall disclose such interest to the governing body of such agency or entity.

(d) Use of public property. No elected official, appointed officer, or employee of the city or any agency or entity to which this charter applies shall use property owned by such governmental entity for personal benefit, convenience, or profit except in accordance with policies promulgated by the city council or the governing body of such agency or entity.

(e) Contracts voidable and rescindable. Any violation of this section which occurs with the knowledge, express or implied, of a party to a contract or sale shall render such contract or sale voidable at the option of the city council.

(f) Ineligibility of elected official. Except where authorized by law, neither the mayor nor any councilmember shall hold any other elective or compensated appointive office in the city or otherwise be employed by said government or any agency thereof during the term for which that person was elected. No former councilmember and no former mayor shall hold any compensated appointive office in the city until one year after the expiration of the term for which that person was elected.

(g) Political activities of certain officers and employees. No appointed officer and no employee of the city shall continue in such employment upon qualifying as a candidate for nomination or election to any public office. No employee of the city shall continue in such employment upon election to any public office in this city or any other public office which is inconsistent, incompatible, or in conflict with the duties of the city employee. Such determination shall be made by the mayor and city council either immediately upon election or at any time such conflict may arise.

(h) Penalties for violation.

(1) Any city officer or employee who knowingly conceals such financial interest or knowingly violates any of the requirements of this section shall be guilty of

malfeasance in office or position and shall be deemed to have forfeited that person's office or position.

(2) Any officer or employee of the city who shall forfeit that person's office or position as described in paragraph (1) of this subsection shall be ineligible for appointment or election to or employment in a position in the city government for a period of three years thereafter.

SECTION 2.15.

Inquiries and investigations.

Following the adoption of an authorizing resolution, the city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.16.

General power and authority of the city council.

Except as otherwise provided by law or this charter, the city council shall be vested with all the powers of government of this city.

SECTION 2.17.

Organizational meetings.

Unless otherwise provided by ordinance, the city council shall hold an organizational meeting on the first Tuesday in January of each even-numbered year. The meeting shall be called to order by the city clerk and the oath of office shall be administered to the newly elected members as follows:

"I do solemnly (swear) (affirm) that I will faithfully perform the duties of (mayor) (councilmember) of this city and that I will support and defend the charter thereof as well as the Constitution and laws of the State of Georgia and the United States of America."

SECTION 2.18.

Meetings.

(a) The city council shall hold regular meetings at such times and places as shall be prescribed by ordinance.

(b) Special meetings of the city council may be held on call of the mayor or three members of the city council. Notice of such special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the

meeting. Such notice to councilmembers shall not be required if the mayor and all councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by a councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice on any business transacted in such councilmember's presence. Only the business stated in the call may be transacted at the special meeting.

(c) All meetings of the city council shall be public to the extent required by law, and notice to the public of special meetings shall be made as fully as is reasonably possible as provided by Code Section 50-14-1 of the O.C.G.A. or other such applicable laws as are or may hereafter be enacted.

SECTION 2.19.

Rules of procedure.

(a) The city council shall adopt its rules of procedure and order of business consistent with the provisions of this charter and shall provide for keeping of a journal of its proceedings, which shall be a public record.

(b) All committees and committee chairpersons and officers of the city council shall be appointed by the mayor and shall serve at the pleasure of the mayor. The mayor shall have the power to appoint new members to any committee at any time.

SECTION 2.20.

Quorum; voting.

Four councilmembers shall constitute a quorum and shall be authorized to transact business of the city council. Voting on the adoption of ordinances shall be by voice vote and the vote shall be recorded in the journal, but any councilmember shall have the right to request a roll-call vote and such vote shall be recorded in the journal. Except as otherwise provided in this charter, the affirmative vote of four councilmembers shall be required for the adoption of any ordinance, resolution, or motion. An abstention shall be counted as an affirmative vote.

SECTION 2.21.

Ordinance form; procedures.

(a) Every proposed ordinance should be introduced in writing and in the form required for final adoption. No ordinance shall contain a subject which is not expressed in its title. The enacting clause shall be "It is hereby ordained by the governing authority of the City of Peachtree Corners..." and every ordinance shall so begin.

(b) An ordinance may be introduced by any councilmember and be read at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish; provided, however, an ordinance shall not be adopted the same day it is introduced,

except for emergency ordinances provided for in Section 2.23 of this charter. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the mayor and to each councilmember and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION 2.22.

Action requiring an ordinance.

Acts of the city council which have the force and effect of law shall be enacted by ordinance.

SECTION 2.23.

Emergencies.

(a) To meet a public emergency affecting life, health, property, or public peace, the city council may convene on call of the mayor or three councilmembers and may promptly adopt an emergency ordinance, but such ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing the emergency in clear and specific terms. An emergency ordinance may be adopted, with or without amendment, or rejected at the meeting at which it is introduced, but the affirmative vote of at least three councilmembers shall be required for adoption. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(b) Such meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 2.24.

Codes of technical regulations.

(a) The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such adopting ordinance shall be as prescribed for ordinances generally except that: (1) the requirements of subsection (b) of Section 2.21 of this charter for distribution and filing of

copies of the ordinance shall be construed to include copies of any code of technical regulations, as well as the adopting ordinance; and (2) a copy of each adopted code of technical regulations, as well as the adopting ordinance, shall be authenticated and recorded by the clerk pursuant to Section 2.25 of this charter.

(b) Copies of any adopted code of technical regulations shall be made available by the clerk for inspection by the public.

SECTION 2.25.

Signing; authenticating;
recording; codification; printing.

(a) The clerk shall authenticate by the clerk's signature and record in full in a properly indexed book kept for that purpose all ordinances adopted by the city council.

(b) The city council shall provide for the preparation of a general codification of all the ordinances of the city having the force and effect of law. The general codification shall be adopted by the city council by ordinance and shall be published promptly, together with all amendments thereto and such codes of technical regulations and other rules and regulations as the city council may specify. This compilation shall be known and cited officially as "The Code of the City of Peachtree Corners, Georgia." Copies of the code shall be furnished to all officers, departments, and agencies of the city and made available for purchase by the public at a reasonable price as fixed by the city council.

(c) The city council shall cause each ordinance and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances and charter amendments shall be made available for purchase by the public at reasonable prices to be fixed by the city council. Following publication of the first code under this charter and at all times thereafter, the ordinances and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for incorporation therein. The city council shall make such further arrangements as deemed desirable with reproduction and distribution of any current changes in or additions to codes of technical regulations and other rules and regulations included in the code.

SECTION 2.26.

Election of mayor; forfeiture; compensation.

The mayor shall be elected and shall serve for a term of four years and until the mayor's successor is elected and qualified. The mayor shall be elected at-large by majority vote. The mayor shall be a qualified elector of this city and shall have been a resident of the city for 12 months prior to the election. The mayor shall continue to reside in this city during the period of the mayor's service. The mayor shall forfeit the office of mayor on the same grounds and under the same procedure as for councilmembers. The compensation of the mayor shall be established in the same manner as for councilmembers.

SECTION 2.27.

Mayor pro tempore.

By a majority vote, the councilmembers shall elect a councilmember to serve as mayor pro tempore. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's physical or mental disability or absence. Any such disability or absence shall be declared by a majority vote of the councilmembers. The mayor pro tempore shall sign all contracts and ordinances in which the mayor has a disqualifying financial interest as provided in Section 2.14 of this charter.

SECTION 2.28.

Powers and duties of mayor.

The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the chief advocate of policy;
- (3) Have the power to administer oaths and to take affidavits;
- (4) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, and other instruments executed by the city which by law are required to be in writing;
- (5) Vote on matters before the city council and be counted toward a quorum as any other councilmember;
- (6) Prepare and submit to the city council a recommended annual operating budget and recommended capital budget; and
- (7) Fulfill such other executive and administrative duties as the city council shall by ordinance establish.

ARTICLE III**ADMINISTRATIVE AFFAIRS****SECTION 3.10.**

Administrative and service departments.

- (a) Except as otherwise provided in this charter, the city council by ordinance shall prescribe the functions or duties and establish, abolish, alter, consolidate, or leave vacant all nonelective offices, positions of employment, departments, and agencies of the city as necessary for the proper administration of the affairs and government of this city.
- (b) Except as otherwise provided by this charter or by law, the directors of departments and other appointed officers of the city shall be appointed solely on the basis of their respective administrative and professional qualifications.
- (c) All appointed officers and directors of departments shall receive such compensation as prescribed by ordinance.

(d) There shall be a director of each department or agency who shall be its principal officer. Each director shall, subject to the direction and supervision of the mayor, be responsible for the administration and direction of the affairs and operations of that director's department or agency.

(e) All appointed officers and directors under the supervision of the mayor shall be nominated by the mayor with confirmation of appointment by the city council. All appointed officers and directors shall be employees at will and subject to removal or suspension at any time by the mayor unless otherwise provided by law or ordinance.

SECTION 3.11.

Boards, commissions, and authorities.

(a) The city council shall create by ordinance such boards, commissions, and authorities to fulfill any investigative, quasi-judicial, or quasi-legislative function the city council deems necessary and shall by ordinance establish the composition, period of existence, duties, and powers thereof.

(b) All members of boards, commissions, and authorities of the city shall be appointed by the mayor and council for such terms of office and in such manner as shall be provided by ordinance, except where other appointing authority, terms of office, or manner of appointment is prescribed by this charter or by law.

(c) The city council by ordinance may provide for the compensation and reimbursement for actual and necessary expenses of the members of any board, commission, or authority.

(d) Except as otherwise provided by charter or by law, no member of any board, commission, or authority shall hold any elective office in the city.

(e) Any vacancy on a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed in this charter for original appointment, except as otherwise provided by this charter or by law.

(f) No member of a board, commission, or authority shall assume office until that person has executed and filed with the clerk of the city an oath obligating that person to perform faithfully and impartially the duties of that person's office, such oath shall be prescribed by ordinance and administered by the mayor.

(g) All members of boards, commissions, or authorities of the city serve at will and may be removed at any time by the mayor and council unless otherwise provided by law.

(h) Except as otherwise provided by this charter or by law, each board, commission, or authority of the city shall elect one of its members as chairperson and one member as vice chairperson and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations, not inconsistent with this charter, ordinances of the city, or law, as it deems appropriate and necessary for the fulfillment of its duties or the conduct of its affairs. Copies of such bylaws, rules, and regulations shall be filed with the clerk of the city.

SECTION 3.12.

City attorney.

The mayor and council shall appoint a city attorney, together with such assistant city attorneys as may be authorized, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for providing for the representation and defense of the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the mayor and council and other officers and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may be required by virtue of such person's position as city attorney.

SECTION 3.13.

City clerk.

The mayor and council shall appoint a city clerk who shall not be a councilmember. The city clerk shall be custodian of the official city seal and city records; maintain city council records required by this charter; and perform such other duties as may be required by the city council.

SECTION 3.14.

Position classification and pay plans.

The mayor shall be responsible for the preparation of a position classification and pay plan which shall be submitted to the city council for approval. Such plan may apply to all employees of the city and any of its agencies, departments, boards, commissions, or authorities. When a pay plan has been adopted, the city council shall not increase or decrease the salary range applicable to any position except by amendment of such pay plan. For purposes of this section, all elected and appointed city officials are not city employees.

SECTION 3.15.

Personnel policies.

All employees serve at will and may be removed from office at any time unless otherwise provided by ordinance.

**ARTICLE IV
JUDICIAL BRANCH****SECTION 4.10.**

Creation; name.

There shall be a court to be known as the Municipal Court of the City of Peachtree Corners.

SECTION 4.11.

Chief judge; associate judge.

- (a) The municipal court shall be presided over by a chief judge and such part-time, full-time, or stand-by judges as shall be provided by ordinance.
- (b) No person shall be qualified or eligible to serve as a judge on the municipal court unless that person shall have attained the age of 21 years and shall be a member of the State Bar of Georgia and shall possess all qualifications required by law. All judges shall be appointed by the city council and shall serve until a successor is appointed and qualified.
- (c) Compensation of the judges shall be fixed by ordinance.
- (d) Judges serve at will and may be removed from office at any time by the city council unless otherwise provided by ordinance.
- (e) Before assuming office, each judge shall take an oath, given by the mayor, that such judge will honestly and faithfully discharge the duties of the judge's office to the best of the judge's ability and without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council journal required in Section 2.19 of this charter.

SECTION 4.12.

Convening.

The municipal court shall be convened at regular intervals as provided by ordinance.

SECTION 4.13.

Jurisdiction; powers.

- (a) The municipal court shall try and punish violations of this charter, all city ordinances, and such other violations as provided by law.
- (b) The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or ten days in jail.
- (c) The municipal court may fix punishment for offenses within its jurisdiction not exceeding a fine of \$1,000.00 or imprisonment for 180 days or both such fine and imprisonment or may fix punishment by fine, imprisonment, or alternative sentencing, as now or hereafter provided by law.
- (d) The municipal court shall have authority to establish a schedule of fees to defray the cost of operation and shall be entitled to reimbursement of the cost of meals, transportation, and caretaking of prisoners bound over to superior courts for violations of state law.
- (e) The municipal court shall have authority to establish bail and recognizances to ensure the presence of those charged with violations before such court and shall have

discretionary authority to accept cash or personal or real property as surety for the appearance of persons charged with violations. Whenever any person shall give bail for that person's appearance and shall fail to appear at the time fixed for trial, that person's bond shall be forfeited by the judge presiding at such time and an execution issued thereon by serving the defendant and the defendant's sureties with a rule nisi at least two days before a hearing on the rule nisi. In the event that cash or property is accepted in lieu of bond for security for the appearance of a defendant at trial, and if such defendant fails to appear at the time and place fixed for trial, the cash so deposited shall be on order of the judge declared forfeited to the city, or the property so deposited shall have a lien against it for the value forfeited which lien shall be enforceable in the same manner and to the same extent as a lien for city property taxes.

(f) The municipal court shall have the same authority as superior courts to compel the production of evidence in the possession of any party; to enforce obedience to its orders, judgments, and sentences; and to administer such oaths as are necessary.

(g) The municipal court may compel the presence of all parties necessary to a proper disposal of each case by the issuance of summonses, subpoenas, and warrants which may be served as executed by any officer as authorized by this charter or by law.

(h) Each judge of the municipal court shall be authorized to issue warrants for the arrest of persons charged with offenses against any ordinance of the city, and each judge of the municipal court shall have the same authority as a magistrate of the state to issue warrants for offenses against state laws committed within the city.

SECTION 4.14.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Gwinnett County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.15.

Rules for court.

With the approval of the city council, the judge shall have full power and authority to make reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court; provided, however, that the city council may adopt in part or in toto the rules and regulations applicable to municipal courts. The rules and regulations made or adopted shall be filed with the city clerk, shall be available for public inspection, and, upon request, a copy shall be furnished to all defendants in municipal court proceedings at least 48 hours prior to such proceedings.

ARTICLE V
ELECTIONS AND REMOVAL
SECTION 5.10.

Applicability of general law.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.11.

Regular elections; time for holding.

Except as otherwise provided in Article VIII of this charter for the initial elections, there shall be a municipal general election biennially in odd-numbered years on the Tuesday next following the first Monday in November. There shall be elected the mayor and three councilmembers at one election and at every other election thereafter. The remaining councilmember seats shall be filled at the election alternating with the first election so that a continuing body is created.

SECTION 5.12.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designations.

SECTION 5.13.

Election by majority vote.

The councilmembers from Post 1, Post 2, and Post 3 shall be elected by a majority vote of the electors of their respective districts. The mayor and councilmembers from Post 4, Post 5, and Post 6 shall be elected by a majority vote of the votes cast for each position by the electors of the city at large.

SECTION 5.14.

Special elections; vacancies.

In the event that the office of mayor or councilmember shall become vacant as provided in Section 2.12 of this charter, the city council or those remaining shall order a special election to fill the balance of the unexpired term of such official; provided, however, that, if such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. In all other respects, the special election shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code," as now or hereafter amended.

SECTION 5.15.

Other provisions.

Except as otherwise provided by this charter, the city council shall, by ordinance, prescribe such rules and regulations as it deems appropriate to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the "Georgia Election Code."

SECTION 5.16.

Removal of officers.

(a) A councilmember, the mayor, or other appointed officers provided for in this charter shall be removed from office for any one or more of the causes provided in Title 45 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

(b) Removal of an officer pursuant to subsection (a) of this section shall be accomplished by one of the following methods:

(1) Following a hearing at which an impartial panel shall render a decision. In the event an elected officer is sought to be removed by the action of the city council, such officer shall be entitled to a written notice specifying the ground or grounds for removal and to a public hearing which shall be held not less than ten days after the service of such written notice. The city council shall provide by ordinance for the manner in which such hearings shall be held. Any elected officer sought to be removed from office as provided in this section shall have the right of appeal from the decision of the city council to the Superior Court of Gwinnett County. Such appeal shall be governed by the same rules as govern appeals to the superior court from the probate court; or

(2) By an order of the Superior Court of Gwinnett County following a hearing on a complaint seeking such removal brought by any resident of the City of Peachtree Corners.

ARTICLE VI**FINANCE****SECTION 6.10.**

Property tax.

The city council may assess, levy, and collect an ad valorem tax on all real and personal property within the corporate limits of the city that is subject to such taxation by the state and county. This tax is for the purpose of raising revenues to defray the costs of operating the city government, of providing governmental services, for the repayment of principal and interest on general obligations, and for any other public purpose as determined by the city council in its discretion.

SECTION 6.11.

Millage rate; due dates; payment methods.

The city council by ordinance shall establish a millage rate for the city property tax which shall not exceed 1 mill, a due date, and the time period within which these taxes must be paid. The city council by ordinance may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due.

SECTION 6.12.

Occupation and business taxes.

The city council by ordinance shall have the power to levy such occupation or business taxes as are not denied by law. The city council may classify businesses, occupations, or professions for the purpose of such taxation in any way which may be lawful and may compel the payment of such taxes as provided in Section 6.18 of this charter.

SECTION 6.13.

Licenses; permits; fees.

The city council by ordinance shall have the power to require businesses or practitioners doing business in this city to obtain a permit for such activity from the city and pay a regulatory fee for such permit as provided by general law. Such fees shall reflect the total cost to the city of regulating the activity and, if unpaid, shall be collected as provided in Section 6.18 of this charter.

SECTION 6.14.

Franchises.

(a) The city council shall have the power to grant franchises for the use of this city's streets and alleys for the purposes of railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations. The city council shall determine the duration, terms, whether the same shall be exclusive or nonexclusive, and the consideration for such franchises; provided, however, that no franchise shall be granted for a period in excess of 35 years and no franchise shall be granted unless the city receives just and adequate compensation therefor. The city council shall provide for the registration of all franchises with the city clerk in a registration book kept by the city clerk. The city council may provide by ordinance for the registration within a reasonable time of all franchises previously granted.

(b) If no franchise agreement is in effect, the city council has the authority to impose a tax on gross receipts for the use of this city's streets and alleys for the purposes of

railroads, street railways, telephone companies, electric companies, electric membership corporations, cable television and other telecommunications companies, gas companies, transportation companies, and other similar organizations.

SECTION 6.15.

Service charges.

The city council by ordinance shall have the power to assess and collect fees, charges, and tolls for services provided or made available within and outside the corporate limits of the city for the total cost to the city of providing or making available such services. If unpaid, such charges shall be collected as provided in Section 6.18 of this charter.

SECTION 6.16.

RESERVED.

SECTION 6.17.

Construction; other taxes.

This city shall be empowered to levy any other tax or fee allowed now or hereafter by law, and the specific mention of any right, power, or authority in this article shall not be construed as limiting in any way the general powers of this city to govern its local affairs.

SECTION 6.18.

Collection of delinquent taxes and fees.

The city council by ordinance may provide generally for the collection of delinquent taxes, fees, or other revenue due the city under Sections 6.10 through 6.17 of this charter by whatever reasonable means as are not precluded by law. This shall include providing for the dates when the taxes or fees are due; late penalties or interest; issuance and execution of fi. fas.; creation and priority of liens; making delinquent taxes and fees personal debts of the persons required to pay the taxes or fees imposed; revoking city permits for failure to pay any city taxes or fees; and providing for the assignment or transfer of tax executions.

SECTION 6.19.

RESERVED.

SECTION 6.20.

RESERVED.

SECTION 6.21.

Short-term loans.

The city may obtain short-term loans and must repay such loans not later than December 31 of each year, unless otherwise provided by law.

SECTION 6.22.

Lease-purchase contracts.

The city may enter into multiyear lease, purchase, or lease-purchase contracts for the acquisition of goods, materials, real and personal property, services, and supplies, provided the contract terminates without further obligation on the part of the municipality at the close of the calendar year in which it was executed and at the close of each succeeding calendar year for which it may be renewed. Contracts must be executed in accordance with the requirements of Code Section 36-60-13 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted.

SECTION 6.23.

Fiscal year.

The city council shall set the fiscal year by ordinance. This fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department, agency, and activity of the city government.

SECTION 6.24.

Budget ordinance.

The city council shall provide an ordinance on the procedures and requirements for the preparation and execution of an annual operating budget, a capital improvement plan, and a capital budget, including requirements as to the scope, content, and form of such budgets and plans. The city council shall also comply with the budgeting and auditing provisions of Chapter 81 of Title 36 of the O.C.G.A.

SECTION 6.25.

Operating budget.

On or before a date fixed by the city council but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed operating budget for the ensuing fiscal year. The budget shall be accompanied by a message from the mayor containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and other pertinent comments and information. The operating budget and the capital budget provided for in Section 6.29 of

this charter, the budget message, and all supporting documents shall be filed in the office of the city clerk and shall be open to public inspection.

SECTION 6.26.

Action by city council on budget.

(a) The councilmembers may amend the operating budget proposed by the mayor, except that the budget as finally amended and adopted must provide for all expenditures required by state law or by other provisions of this charter and for all debt service requirements for the ensuing fiscal year. The total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues.

(b) The city council by ordinance shall adopt the final operating budget for the ensuing fiscal year not later than December 15 of each year. If the city council fails to adopt the budget by said date, the amounts appropriated for operation for the then current fiscal year shall be deemed adopted for the ensuing fiscal year on a month-to-month basis, with all items prorated accordingly, until such time as the city council adopts a budget for the ensuing fiscal year. Adoption of the budget shall take the form of an appropriations ordinance setting out the estimated revenues in detail by sources and making appropriations according to fund and by organizational unit, purpose, or activity as set out in the budget preparation ordinance adopted pursuant to Section 6.24 of this charter.

(c) The amount set out in the adopted operating budget for each organizational unit shall constitute the annual appropriation for such, and no expenditure shall be made or encumbrance created in excess of the otherwise unencumbered balance of the appropriations or allotment thereof to which it is chargeable.

SECTION 6.27.

Levy of taxes.

The city council shall levy by ordinance such taxes as are necessary. The taxes and tax rates set by such ordinance shall be such that reasonable estimates of revenues from such levy shall at least be sufficient, together with other anticipated revenues, fund balances, and applicable reserves, to equal the total amount appropriated for each of the several funds set forth in the annual operating budget for defraying the expenses of the general government of this city.

SECTION 6.28.

Changes in appropriations.

The city council by ordinance may make changes in the appropriations contained in the current operating budget at any regular meeting or special or emergency meeting called for such purpose, but any additional appropriations may be made only from an existing unexpended surplus.

SECTION 6.29.

Capital improvements.

(a) On or before the date fixed by the city council, but not later than 60 days prior to the beginning of each fiscal year, the mayor shall submit to the city council a proposed capital improvements plan with a recommended capital budget containing the means of financing the improvements proposed for the ensuing fiscal year. The city council shall have power to accept, with or without amendments, or reject the proposed plan and budget. The city council shall not authorize an expenditure for the construction of any building, structure, work, or improvement unless the appropriations for such project are included in the capital budget, except to meet a public emergency as provided in Section 2.23 of this charter.

(b) The city council shall adopt by ordinance the final capital budget for the ensuing fiscal year not later than December 15 of each year. No appropriation provided for in a prior capital budget shall lapse until the purpose for which the appropriation was made shall have been accomplished or abandoned; provided, however, that the mayor may submit amendments to the capital budget at any time during the fiscal year, accompanied by recommendations. Any such amendments to the capital budget shall become effective only upon adoption by ordinance.

SECTION 6.30.

Audits.

There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted auditing principles. Any audit of any funds by the state or federal governments may be accepted as satisfying the requirements of this charter. Copies of annual audit reports shall be available at printing costs to the public.

SECTION 6.31.

Procurement and property management.

No contract with the city shall be binding on the city unless:

- (1) It is in writing;
- (2) It is drawn by or submitted and reviewed by the city attorney and, as a matter of course, is signed by the city attorney to indicate such drafting or review; and
- (3) It is made or authorized by the city council and such approval is entered in the city council journal of proceedings pursuant to Section 2.19 of this charter.

SECTION 6.32.

Purchasing.

The city council shall by ordinance prescribe procedures for a system of centralized purchasing for the city.

SECTION 6.33.

Sale and lease of property.

- (a) The city council may sell and convey or lease any real or personal property owned or held by the city for governmental or other purposes as now or hereafter provided by law.
- (b) The city council may quitclaim any rights it may have in property not needed for public purposes upon report by the mayor and adoption of a resolution, both finding that the property is not needed for public or other purposes and that the interest of the city has no readily ascertainable monetary value.
- (c) Whenever in opening, extending, or widening any street, avenue, alley, or public place of the city a small parcel or tract of land is cut off or separated by such work from a larger tract or boundary of land owned by the city, the city council may authorize the mayor to sell and convey said cut-off or separated parcel or tract of land to an abutting or adjoining property owner or owners where such sale and conveyance facilitates the highest and best use of the abutting owner's property. Included in the sales contract shall be a provision for the rights of way of said street, avenue, alley, or public place. Each abutting property owner shall be notified of the availability of the property and given the opportunity to purchase said property under such terms and conditions as set out by ordinance. All deeds and conveyances heretofore and hereafter so executed and delivered shall convey all title and interest the city has in such property, notwithstanding the fact that no public sale after advertisement was or is hereafter made.

SECTION 6.34.

Apportionment of revenue.

Except as otherwise agreed pursuant to Chapter 70 of Title 36 of the O.C.G.A., the city is authorized to pay all revenues collected by Gwinnett County on behalf of the city to the county in exchange for continuation of services during the transition period provided in Section 8.11 of this charter and beyond, with the exception of the following revenues, which shall stay with the city:

- (1) New revenues from utility franchise fees;
- (2) Fines collected in municipal court; and
- (3) Revenues generated from any additional millage of up to 1 mill above the millage rate imposed in the county special service district.

ARTICLE VII**GENERAL PROVISIONS****SECTION 7.10.**

Bonds for officials.

The officers and employees of this city, both elected and appointed, shall execute such surety or fidelity bonds in such amounts and upon such terms and conditions as the city council shall from time to time require by ordinance or as may be provided by law.

SECTION 7.11.

Construction and definitions.

- (a) Section captions in this charter are informative only and are not to be considered as a part thereof.
- (b) The word "shall" is mandatory and the word "may" is permissive.
- (c) The singular shall include the plural, the masculine shall include the feminine, and vice versa.

ARTICLE VIII

REFERENDUM AND INITIAL ELECTIONS

SECTION 8.10.

Referendum and initial election.

(a) Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Gwinnett County shall call a special election for the purpose of submitting this Act to the qualified voters of the proposed City of Peachtree Corners for approval or rejection. The superintendent shall set the date of such election for the Tuesday after the first Monday in November, 2011. The superintendent shall issue the call for such election at least 30 days prior to the date thereof. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Gwinnett County. The ballot shall have written or printed thereon the words:

"() YES Shall the Act incorporating the City of Peachtree Corners in Gwinnett
 () NO County according to the charter contained in the Act be approved?"

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect as provided in Section 8.11 of this charter, otherwise it shall be void and of no force and effect.

The initial expense of such election shall be borne by Gwinnett County. Within two years after the elections if the incorporation is approved, the City of Peachtree Corners shall reimburse Gwinnett County for the actual cost of printing and personnel services for such election and for the initial election of the mayor and councilmembers pursuant to this charter. It shall be the duty of the superintendent to hold and conduct such election. It shall be his or her further duty to certify the result thereof to the Secretary of State.

(b) For the purposes of the referendum election provided for in subsection (a) of this section and for the purposes of the special election of the City of Peachtree Corners to be held on the date of the 2012 presidential preference primary, the qualified electors of the City of Peachtree Corners shall be those qualified electors of Gwinnett County residing within the corporate limits of the City of Peachtree Corners as described by Appendix A of this charter. At subsequent municipal elections, the qualified electors of the City of

Peachtree Corners shall be determined pursuant to the authority of Chapter 2 of Title 21 of the O.C.G.A. known as the "Georgia Election Code."

(c) Only for the purposes of holding and conducting the referendum election provided for in subsection (a) of this section and holding and conducting the special election of the City of Peachtree Corners to be held on the date of the 2012 presidential preference primary, the election superintendent of Gwinnett County is vested with the powers and duties of the election superintendent of the City of Peachtree Corners and the powers and duties of the governing authority of the City of Peachtree Corners.

SECTION 8.11.

Effective dates and transition.

(a) The provisions of this Act necessary for the referendum election provided for in Section 8.10 of this charter shall become effective immediately upon this Act's approval by the Governor or upon its becoming law without such approval.

(b) Those provisions of this Act necessary for the special election provided for in Section 8.13 of this charter shall be effective upon the certification of the results of the referendum election provided for by Section 8.10 of this charter if this Act is approved at such referendum election.

(c) Except as provided in Section 8.10 of this charter, the remaining provisions of this Act shall become of full force and effect for all purposes at 12:00 Midnight on June 30, 2012, except that the initial mayor and councilmembers shall take office immediately following their election and by action of a quorum may prior to 12:00 Midnight on June 30, 2012, meet and take actions binding on the city.

(d) A period of time will be needed for an orderly transition of various government functions from Gwinnett County to the City of Peachtree Corners. Accordingly there shall be a transition period beginning on the date the initial mayor and councilmembers take office under this charter, and ending at 12:00 Midnight on December 31, 2013. During such transition period, all provisions of this charter shall be effective as law, but not all provisions of this charter shall be implemented.

(e) During such transition period, Gwinnett County shall continue to provide within the territorial limits of the city all government services and functions which Gwinnett County provided in that area during the years 2010 and 2011 and at the same actual cost, except to the extent otherwise provided in this section; provided, however, that upon at least 60 days' prior written notice to Gwinnett County by the City of Peachtree Corners, responsibility for any such service or function shall be transferred to the City of Peachtree Corners. During the transition period, the city shall remain within the Gwinnett County special services district, but shall be removed from such district at the conclusion of such period. Beginning December 1, 2012, the City of Peachtree Corners shall collect taxes, fees, assessments, fines and forfeitures, and other moneys within the territorial limits of the city in the same manner as authorized immediately prior to the effective date of this section; provided, however, that upon at least 60 days' prior written notice to Gwinnett County by the City of Peachtree Corners, the authority to collect any tax, fee, assessment,

fine or forfeiture, or other moneys shall remain with Gwinnett County after December 1, 2012, until such time as Gwinnett County receives subsequent notice from the City of Peachtree Corners that such authority shall be transferred to the City of Peachtree Corners.

- (f) During the transition period, the governing authority of the City of Peachtree Corners:
- (1) Shall hold regular meetings and may hold special meetings as provided in this charter;
 - (2) May enact ordinances and resolutions as provided in this charter;
 - (3) May amend this charter by home rule action as provided by general law;
 - (4) May accept gifts and grants;
 - (5) May borrow money and incur indebtedness to the extent authorized by this charter and general law;
 - (6) May levy and collect an ad valorem tax for calendar years 2012 and 2013;
 - (7) May establish a fiscal year and budget;
 - (8) May create, alter, or abolish departments, boards, offices, commissions, and agencies of the city; appoint and remove officers and employees; and exercise all necessary or appropriate personnel and management functions; and
 - (9) May generally exercise any power granted by this charter or general law, except to the extent that a power is specifically and integrally related to the provision of a governmental service, function, or responsibility not yet provided or carried out by the city.
- (g) Except as otherwise provided in this section, during the transition period, the Municipal Court of the City of Peachtree Corners shall not exercise its jurisdiction. During the transition period, all ordinances of Gwinnett County shall remain applicable within the territorial limits of the city and the appropriate court or courts of Gwinnett County shall retain jurisdiction to enforce such ordinances. However, by mutual agreement and concurrent resolutions and ordinances if needed Gwinnett County and the City of Peachtree Corners may during the transition period transfer all or part of such regulatory authority and the appropriate court jurisdiction to the City of Peachtree Corners. Any transfer of jurisdiction to the City of Peachtree Corners during or at the end of the transition period shall not in and of itself abate any judicial proceeding pending in Gwinnett County or the pending prosecution of any violation of any ordinance of Gwinnett County.
- (h) During the transition period, the governing authority of the City of Peachtree Corners may at any time, without the necessity of any agreement by Gwinnett County, commence to exercise its planning and zoning powers; provided, however, that the city shall give the county notice of the date on which the city will assume the exercise of such powers. Upon the governing authority of the City of Peachtree Corners commencing to exercise its planning and zoning powers, the Municipal Court of the City of Peachtree Corners shall immediately have jurisdiction to enforce the planning and zoning ordinances of the city. The provisions of this subsection shall control over any conflicting provisions of any other subsection of this section.

(i) Effective upon the termination of the transition period, subsections (b) through (h) of this section shall cease to apply except for the last sentence of subsection (g) which shall remain effective. Effective upon the termination of the transition period, the City of Peachtree Corners shall be a full functioning municipal corporation and subject to all general laws of this state.

SECTION 8.12.

Directory nature of dates.

It is the intention of the General Assembly that this Act be construed as directory rather than mandatory with respect to any date prescribed in this Act. If it is necessary to delay any action called for in this Act for providential cause, delay in securing approval under the federal Voting Rights Act, or any other reason, it is the intention of the General Assembly that the action be delayed rather than abandoned. Any delay in performing any action under this Act, whether for cause or otherwise, shall not operate to frustrate the overall intent of this Act. Without limiting the generality of the foregoing it is specifically provided that:

- (1) If it is not possible to hold the referendum election provided for in Section 8.10 of this charter on the date specified in that section, then such referendum shall be held as soon thereafter as is reasonably practicable; and
- (2) If it is not possible to hold the first election provided for in Section 8.13 of this charter on the date specified in that section, then there shall be a special election for the initial members of the governing authority to be held as soon thereafter as is reasonably practicable, and the commencement of the initial terms of office shall be delayed accordingly.

SECTION 8.13.

Special election.

(a) The first election for mayor and councilmembers shall be a special election held on the date of the 2012 presidential preference primary. At such election, the first mayor and councilmembers shall be elected to serve for the initial terms of office specified in subsections (b), (c), and (d) of this section. Thereafter, the time for holding regular municipal elections shall be on the Tuesday next following the first Monday in November of each odd-numbered year beginning in 2013. The successors to the first mayor and initial councilmembers and future successors shall take office at the first organizational meeting in January immediately following their election and shall serve for terms of four years and until their respective successors are elected and qualified.

(b) The members of the city council from Post 1, Post 2, and Post 3 shall be elected by majority vote of the electors of their respective districts. The members of the city council from Post 4, Post 5, and Post 6 shall be elected by the electors of the city at large by majority vote. The initial members elected from Post 2, Post 4, and Post 6 shall serve a term of office of two years and until their respective successors are elected and qualified.

The initial members elected from Post 1, Post 3, and Post 5 shall serve a term of office of four years and until their respective successors are elected and qualified. Thereafter, successors to such initial members shall serve four-year terms of office and until their respective successors are elected and qualified.

(c) The mayor of the City of Peachtree Corners shall be elected by a majority vote of the qualified electors of the city at large. The mayor shall serve a term of four years and until his or her successor is elected and qualified and successors to the mayor shall serve four-year terms of office and until their successors are elected and qualified.

ARTICLE IX
GENERAL REPEALER
SECTION 9.10.
General repealer.

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

APPENDIX A

Lying entirely within Gwinnett County, a political subdivision of the State of Georgia, and beginning at the point where the counties of Fulton, DeKalb and Gwinnett intersect, thence following the county line common between Fulton and Gwinnett counties in a generally northeasterly direction to the point where the Fulton/Gwinnett boundary line intersects the Chattahoochee River; thence running in a generally northeasterly direction following the Fulton/Gwinnett boundary line along the southern bank of the Chattahoochee River, following the meanderings thereof, to the point where the county boundary line intersects the southwestern boundary line of the City of Berkeley Lake; thence running in a generally southern direction following the municipal boundary line of the City of Berkeley Lake to a point where the said boundary line intersects with the City of Duluth municipal boundary; thence running along the municipal boundary of the City of Duluth until it intersects with the centerline of Buford Highway; thence running generally southwest along the centerline of Buford Highway to the point where said centerline intersects the municipal boundary line of the City of Norcross; thence following said municipal boundary in a generally southwesterly direction to the intersection of Buford Highway and Jimmy Carter Boulevard; thence continuing in a southwesterly direction along the centerline of Buford Highway to the point where said centerline intersects the boundary line common between DeKalb and Gwinnett counties; thence in a generally northwest direction along the DeKalb/Gwinnett boundary line to the point of beginning.

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	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	E 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	Y Mosby	E Smith, T
Y Bearden	Dukes	Y Huckaby	Y Murphy	Y Smyre
Beasley-Teague	Y Dutton	Hudson	Y Neal, J	Y Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	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	Lucas	Y Rice	Y Willard
Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Marin	Y Rynders	Y Williamson
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, by substitute, the ayes were 153, nays 1.

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

Representatives Byrd of the 20th and Heard of the 114th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Hudson of the 124th 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.

HB 485. By Representatives McCall of the 30th, Anderson of the 117th, England of the 108th, Hanner of the 148th and Roberts of the 154th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, and fishing licenses and permits, so as to change certain provisions relating to wildlife control permits; to prohibit releasing any trapped or transported feral hog into any area that is not fenced to prevent the escape of such feral hog onto the land of another; to provide penalties for violations; to repeal conflicting laws; and for other purposes.

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

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

E Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	E 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
Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E Smith, T
Y Bearden	Dukes	Y Huckaby	Y Murphy	Y Smyre
Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Pruett	Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	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	Lucas	Y Rice	Y Willard
Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	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 153, nays 1.

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

Due to a mechanical malfunction, the vote of Representative Epps of the 128th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Taylor of the 79th 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 500. By Representatives Pruett of the 144th, England of the 108th, Hembree of the 67th, Harden of the 28th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to unemployment compensation benefits, so as to establish the Employment Readiness Program for Georgia's unemployed; to provide for the administration of the program by the Department of Labor; to provide for participation in the Employment Readiness Program by persons receiving extended unemployment compensation benefits; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the Georgia Workforce Investment Board, so as to provide for the administration of the Georgia Work Ready program by the Governor's Office of Workforce Development; to provide for support of the Georgia Work Ready program by the Department of Labor and the Department of Economic Development; to provide for definitions; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the Georgia Workforce Investment Board, is amended by revising Code Section 34-14-1, relating to definitions, as follows:

"34-14-1.

As used in this chapter, the term:

- (1) 'Board' means the Georgia Workforce Investment Board.
- (2) 'Director' means the executive director of the Governor's Office of Workforce Development.
- (3) 'Federal law' means the Workforce Investment Act of 1998, Public Law 105-220.
- (4) 'Georgia Work Ready' or 'program' means the state's branded workforce development enterprise administered and implemented by the Governor's Office of Workforce Development that:
 - (A) Links links education and workforce development together and aligns to the economic development needs at the local, regional, and state levels; and
 - (B) Provides a system of educational and workforce development tools, skills gap training, job profiling, and skills assessments based on nationally recognized career and workforce readiness evaluations and standards.
- (5) 'Office' means the Governor's Office of Workforce Development."

SECTION 2.

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

"34-14-5.

(a) The Governor's Office of Workforce Development shall, with the approval of the board, institute the Georgia Work Ready program. The implementation and operation of the program shall be subject to available federal funding as provided for in Code Section 34-14-4. The program shall be made available to job seekers free of charge. As a part of the program, the office shall implement and administer a work readiness computer training course that will include an educational component for job seekers on accessing the program, skills gap training, and how to complete an on-line job application. The Technical College System of Georgia shall provide to the office such services and locations needed by the office for delivery of the program to the public.

(b) Under the Georgia Work Ready program the office shall:

- (1) Develop and make available information regarding the program's workforce development tools and educational materials available to job seekers in Georgia. The office shall also develop and make available information regarding the Georgia Work Ready program related to educating potential employers about the benefits of hiring individuals who have participated in the program or become work ready certified. The information described in this paragraph shall be distributed to both the Department of Labor and the Department of Economic Development; and
- (2) Collect and disseminate data for purposes of evaluating the effectiveness of the program. Beginning July 1, 2012, and annually thereafter, the Department of Labor shall collect and provide to the office data regarding the employment status of persons who have participated in the program. The Department of Labor shall provide such other information that may be reasonably obtained that is determined by the office to be necessary for the evaluation of the effectiveness of the program. The office shall disseminate its evaluation of the program to the Department of Labor and the

Department of Economic Development annually beginning January 1, 2013. The office, departments, and Technical College System of Georgia shall work cooperatively to provide support for the office's annual report.

(c) Provided that the program is operational, the Department of Labor shall make the information provided by the office pursuant to paragraph (1) of subsection (b) of this Code section available to persons receiving unemployment benefits. The information shall be made available electronically and through the department's career centers or at such other locations reasonably likely to make such information available to the greatest number of unemployed persons seeking jobs.

(d) Provided that the Georgia Work Ready program is operational, the Department of Economic Development shall make the information provided by the office pursuant to paragraph (1) of subsection (b) of this Code section available to businesses and industry. Such information shall be made available electronically and by such other means as the department shall determine reasonably likely to educate employers regarding the benefits of hiring persons who have participated in or become certified under the program.

(f) The board is authorized to promulgate rules and regulations for purposes of implementing the requirements of this Code section."

SECTION 3.

This Act shall become effective on July 1, 2011.

SECTION 4.

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

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

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

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

Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	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	N Hamilton	Y Lindsey	Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	N Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	N Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
N Coomer	Y Hatchett	Marin	N Rynders	Y Williamson
Y Cooper	N Hatfield	N 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 11.

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

HB 503. By Representatives Carter of the 175th and Golick of the 34th:

A BILL to be entitled an Act to amend Chapter 6 of Title 16 and Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to sexual offenses and victim compensation, respectively, so as to provide for funding of certain medical examinations involved in certain sexual offenses; to provide for a definition; 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	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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
Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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
E 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	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 168, nays 0.

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

HB 168. By Representatives Knight of the 126th, Channell of the 116th and Holt of the 112th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide that certain corporate income tax elections made for federal income tax purposes shall also apply for state income tax purposes; to provide an effective date; to provide applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to provide for the revision of sales and use tax provisions for streamlined sales tax purposes; to change and provide for definitions; to change and provide for exemptions; to change provisions related to deductions for bad debts; to change certain provisions relating to taxability burden of proof; to change certain provisions relating to reporting and accounting methods; to change certain provisions relating to dealer returns and estimated tax liability; to change certain provisions relating to sourcing; to provide for certification of review software; to provide for liability and relief from liability; to provide for an effective date; to provide applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-1-2, relating to definitions regarding revenue and taxation, by revising paragraph (14) as follows:

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2009~~ 2010, the provisions of the United States Internal Revenue Code of 1986, as amended, provided for in federal law enacted on or before January 1, ~~2010~~ 2011, except that Section 85(c), Section 108(i), Section 163(e)(5)(F), Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be treated as they were in effect before the 2008 enactment of federal Public Law 110-343, and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended, shall be treated as it was in effect before the 2009 enactment of federal Public Law 111-5, and except that Section 13(e)(4) of 2009 federal Public Law 111-92 shall be treated as if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall be \$250,000.00 for tax years beginning in 2010 and shall be \$250,000.00 for tax years beginning in 2011, and except that the limitations provided in Section 179(b)(2) shall be \$800,000.00 for tax years beginning in 2010 and shall be \$800,000.00 for tax years beginning in 2011. ~~For taxable years beginning on or after January 1, 2009, the terms 'Internal Revenue Code' or 'Internal~~

~~Revenue Code of 1986' shall also include the provisions of federal Public Law 111-126 as enacted on January 22, 2010.~~ In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to January 1, 2010 2011, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986, as amended. For taxable years beginning on or after January 1, ~~2009~~ 2010, provisions of the Internal Revenue Code of 1986, as amended, which were as of January 1, ~~2010~~ 2011, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

SECTION 2.

Said title is further amended in Code Section 48-8-2, relating to sales and use tax definitions, by adding new paragraphs to read as follows:

"(11.1) 'Dietary supplement' means any product, other than tobacco, intended to supplement the diet that:

(A) Contains one or more of the following dietary ingredients:

(i) A vitamin;

(ii) A mineral;

(iii) An herb or other botanical;

(iv) An amino acid;

(v) A dietary substance for use by humans to supplement the diet by increasing the total dietary intake; or

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in this subparagraph;

(B) Is intended for ingestion in tablet, capsule, powder, softgel, gelcap, or liquid form, or if not intended for ingestion in such a form, is not represented as conventional food and is not represented for use as a sole item of a meal or of the diet; and

(C) Is required to be labeled as a dietary supplement, identifiable by the 'Supplements Facts' box found on the label as required pursuant to 21 C.F.R. Section 101.36."

"(20.1) 'Over-the-counter drug' means a drug that contains a label that identifies the product as a drug as required by 21 C.F.R. Section 201.66. The 'over-the-counter drug' label includes:

(A) A 'Drug Facts' panel; or

(B) A statement of the 'active ingredient(s)' with a list of those ingredients contained in the compound, substance, or preparation."

"(39.1) 'Tobacco' means cigarettes, cigars, chewing or pipe tobacco, or any other item that includes tobacco."

SECTION 3.

Said title is further amended in said Code section by revising paragraphs (16), (29), and (34) to read as follows:

"(16) 'Food and food ingredients' means substances, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that are sold for ingestion or chewing by humans and are consumed for their taste or nutritional value. 'Food and food ingredients' shall not include alcoholic beverages, dietary supplements, or tobacco."

"(29) 'Prosthetic device' means a replacement, corrective, or supportive device including repair and replacement parts for the same worn on or in the body to:

- (A) Artificially replace a missing portion of the body;
- (B) Prevent or correct physical deformity or malfunction; or
- (C) Support a weak or deformed portion of the body.

'Prosthetic device' shall not include hearing aids."

"(34)(A) 'Sales price' applies to the measure subject to sales tax and means the total amount of consideration, including cash, credit, property, and services, for which personal property or services are sold, leased, or rented, valued in money, whether received in money or otherwise without any deduction for the following:

- (i) The seller's cost of the property sold;
- (ii) The cost of materials used, labor, or service cost, interest, losses, all costs of transportation to the seller, all taxes imposed on the seller, and any other expense of the seller;
- (iii) Charges by the seller for any services necessary to complete the sale, ~~other than delivery and installation charges; and~~ and
- (iv) Delivery charges;
- ~~(v) Installation charges; and~~
- ~~(vi) Credit for any trade-in, except as otherwise provided in division (vii) of subparagraph (B) of this paragraph.~~

(B) 'Sales price' shall not include:

- (i) Discounts, including cash, term, or coupons that are not reimbursed by a third party that are allowed by a seller and taken by a purchaser on a sale;
- (ii) Interest, financing, and carrying charges from credit extended on the sale of personal property or services, if the amount is separately stated on the invoice, bill of sale, or similar document given to the purchaser;
- (iii) Any taxes legally imposed directly on the consumer that are separately stated on the invoice, bill of sale, or similar document given to the purchaser;
- (iv) Installation charges if they are separately stated on the invoice, billing, or similar document given to the purchaser;
- ~~(v) Charges by the seller for any services necessary to complete the sale if they are separately stated on the invoice, billing, or similar document given to the purchaser;~~
- ~~(vi)~~ Telecommunications nonrecurring charges if they are separately stated on the invoice, billing, or similar document; and
- ~~(vii)~~(vi) Credit for any ~~motor vehicle~~ trade-in.

(C) 'Sales price' shall include consideration received by the seller from third parties if:

- (i) The seller actually receives consideration from a party other than the purchaser and the consideration is directly related to a price reduction or discount on the sale;
- (ii) The seller has an obligation to pass the price reduction or discount through to the purchaser;
- (iii) The amount of the consideration attributable to the sale is fixed and determinable by the seller at the time of the sale of the item to the purchaser; and
- (iv) One of the following criteria is met:
 - (I) The purchaser presents a coupon, certificate, or other documentation to the seller to claim a price reduction or discount where the coupon, certificate, or documentation is authorized, distributed, or granted by a third party with the understanding that the third party will reimburse any seller to whom the coupon, certificate, or documentation is presented;
 - (II) The purchaser identifies himself or herself to the seller as a member of a group or organization entitled to a price reduction or discount; provided, however, that a 'preferred customer' card that is available to any patron shall not constitute membership in such a group; or
 - (III) The price reduction or discount is identified as a ~~third-party~~ third-party price reduction or discount on the invoice received by the purchaser or on a coupon, certificate, or other documentation presented by the purchaser."

SECTION 4.

Said title is further amended in Code Section 48-8-3, relating to exemptions from sales and use tax, by revising paragraphs (12), (18), (47), (50), (52), (54), and (57) as follows:

"(12) ~~School lunches~~ Food and food ingredients and prepared food sold and served to pupils and employees of public schools as part of a school lunch program;"

"(18) Charges made for the transportation of tangible personal property except delivery charges by the seller associated with the sale of taxable tangible personal property, including, but not limited to, charges for accessorial services such as refrigeration, switching, storage, and demurrage made in connection with interstate and intrastate transportation of the property;"

"(47)(A)(i) The sale or use of ~~controlled substances and~~ drugs which are lawfully ~~dispensed~~ dispensable only by prescription for the treatment of natural persons, and ~~sales~~ the sale or use of prescription eyeglasses and contact lenses including, without limitation, prescription contact lenses distributed by the manufacturer to licensed dispensers as free samples not intended for resale and labeled as such; and

(ii) The sale or use of ~~those controlled substances and~~ drugs lawfully dispensable by prescription for the treatment of natural persons which are dispensed or distributed without charge to physicians, dentists, clinics, hospitals, or any other person or entity located in Georgia by a pharmaceutical manufacturer or

distributor; and the use of ~~controlled substances, drugs, new animal drugs, and medical devices~~ drugs and durable medical equipment lawfully dispensed or distributed without charge solely for the purposes of a clinical trial approved by either the United States Food and Drug Administration or by an institutional review board.

(B) For purposes of this paragraph, the term:

~~(i) 'Controlled substance' means the same as provided in Code Section 16-13-1.~~

~~(ii)(i) 'Drug' means the same as provided in Code Section 48-8-2 but shall not include over-the-counter drugs or tobacco.~~

~~(iii)(ii) 'Institutional review board' means an institutional review board as provided in 21 C.F.R. Section 56.~~

~~(iv) 'Medical device' means a device as defined in subsection (h) of 21 U.S.C. Section 321.~~

~~(v) 'New animal drug' means a new animal drug as defined in subsection (v) of 21 U.S.C. Section 321.~~

(C) The commissioner is authorized to prescribe forms and promulgate rules and regulations deemed necessary in order to administer and effectuate this paragraph;"

"(50) Sales of ~~blood measuring devices, other monitoring equipment, or insulin delivery systems used exclusively by diabetics and sales of insulin,~~ insulin syringes, and blood glucose level measuring strips dispensed without a prescription;"

"(52) ~~Reserved~~ The sale or use of hearing aids;"

"(54) The sale or use of any durable medical equipment that is sold or used pursuant to a prescription or prosthetic device that is sold or used pursuant to a prescription prescribed by a physician;"

"(57)(A) The sale of food and food ingredients to an individual consumer for off-premises human consumption, to the extent provided in ~~subparagraph (B) of this paragraph.~~

(B) For the purposes of this paragraph, the term 'food and food ingredients' as defined in Code Section 48-8-2 shall not include prepared food, alcoholic beverages, or tobacco as defined in Code Section 48-8-2 ~~drugs, or over-the-counter drugs.~~

(C) The exemption provided for in this paragraph shall not apply to the sale or use of food and food ingredients when purchased for any use in the operation of a business.

~~(C)(i)(D)(i)~~ (i) The exemption provided for in this paragraph shall not apply to any local sales and use tax levied or imposed at any time.

(ii) For the purposes of this subparagraph, the term 'local sales and use tax' shall mean any sales tax, use tax, or local sales and use tax which is levied and imposed in an area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to constitutional amendment; by or pursuant to Section 25 of an Act approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965'; by or pursuant to any article of this chapter.

~~(D)~~(E) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph;"

SECTION 5.

Said title is further amended by revising Code Section 48-8-38, relating to taxability burden of proof, as follows:

"48-8-38.

(a) All gross sales of a retailer are subject to the tax imposed by this article until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail is upon the person who makes the sale unless ~~he~~ such person takes from the purchaser a certificate stating that the property is purchased for resale or is otherwise exempt.

(b) The certificate relieves the seller from the burden of proof as provided in subsection (a) of this Code section if the seller acquires from the purchaser a properly completed certificate.

(c) The certificate shall include such information as is determined by the commissioner and is signed by the purchaser if it is a paper exemption certificate.

(d) A purchaser claiming an exemption electronically shall use the standard form as adopted by the Streamlined Sales Tax Governing Board.

(e) A seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred.

(f) The department shall relieve a seller of the tax otherwise applicable if the seller obtains a fully completed exemption certificate approved by the Streamlined Sales Tax Governing Board, the department, or the Multistate Tax Commission or captures the relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale. If the seller has not obtained a fully completed exemption certificate or all relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale, the department shall provide the seller with 120 days subsequent to a request for substantiation to either:

(1) Obtain a fully completed exemption certificate from the purchaser, taken in good faith which means that the seller obtain a certificate that claims an exemption that:

(A) Was statutorily available on the date of the transaction in the jurisdiction where the transaction is sourced;

(B) Could be applicable to the item being purchased; and

(C) Is reasonable for the purchaser's type of business; or

(2) Obtain other information establishing that the transaction was not subject to the tax.

(g) The department shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate from a purchaser with which the seller has a recurring business relationship."

SECTION 6.

Said title is further amended by revising Code Section 48-8-45, relating to reporting and accounting methods, as follows:

"48-8-45.

(a) Any ~~person~~ dealer taxable under this article having both cash and credit sales may report the sales on either the cash or accrual basis of accounting. Each election of a basis of accounting shall be made on the first return filed and, once made, the election shall be irrevocable unless the commissioner grants written permission for a change. Permission for a change in the basis of accounting shall be granted only upon written application and under rules and regulations promulgated by the commissioner.

(b) Any ~~person~~ dealer reporting on a cash basis of accounting shall include in each return all cash sales made during the period covered by the return and all collections made in any period on credit sales of prior periods and shall pay the tax on the sales at the time of filing the return.

(c) Any ~~person~~ dealer reporting on the accrual basis of accounting shall be allowed a deduction for bad debts under rules and regulations of the commissioner. Any deduction taken or refund claimed that is attributed to bad debts shall not accrue or include interest.

~~(d) An assignee of private label credit card debt purchased directly from a dealer without recourse or a credit card bank which extends such credit to customers under a private label credit card program shall be allowed a deduction for private label credit card bad debts under rules and regulations of the commissioner. An issuer or assignee of private label credit card debt may claim its deduction for private label credit card bad debts on a return filed by a member of an affiliated group as defined under 26 U.S.C. Section 1504. The bad debt may be deducted on the return for the period during which the bad debt is written off as uncollectable in the claimant's books and records and is eligible to be deducted for federal income tax purposes. Any such deduction for such bad debt shall be reported as a separate line item on the claimant's sales and use tax return. If such deduction is not reported as a line item, it shall be disallowed. A claimant who is not required to file federal income tax returns may deduct a bad debt on a return filed for the period in which the bad debt is written off as uncollectable in the claimant's books and records and the claimant would be eligible for a bad debt deduction for federal income tax purposes if the claimant was required to file a federal income tax return.~~

(e) If a deduction is taken for a bad debt and the debt is subsequently collected in whole or in part, the tax on the amount so collected must be paid and reported on the return filed for the period in which the collection is made. For the purposes of reporting a payment received on a previously claimed bad debt, any payments made on a debt or account are applied first proportionally to the taxable price of the property or service and the sales tax thereon, and, secondly, to interest, service charges, and any other charges.

(f)(1) As used in this subsection, 'assignee' includes but is not limited to:

(A) Assignees of promissory notes, accounts, or accounts receivable; or

- (B) Financial institutions that do not make taxable retail sales but that finance retail sales by making loans or issuing credit cards to purchasers.
- (2) The deduction and refund provided for in this Code section are not assignable. The deduction and refund provided for in this Code section are only available to a dealer that makes a taxable retail sale, remits tax on that sale, and subsequently incurs a bad debt with respect to that sale. Assignees may not take a deduction or claim a refund pursuant to this Code section.
- (g) For purposes of calculating the deduction taken or refund claimed, a 'bad debt' shall have the same meaning as defined in 26 U.S.C. Section 166. However, the amount calculated pursuant to 26 U.S.C. Section 166 shall be adjusted to exclude:
- (1) Financing charges or interest;
 - (2) Sales or use taxes charged on the purchase price;
 - (3) Uncollectable amounts on property that remain in the possession of the seller until the full purchase price is paid;
 - (4) Expenses incurred in attempting to collect any debt; and
 - (5) Repossessed property.
- (h) For bad debts incurred and written off after January 1, 2011, when the amount of bad debt exceeds the amount of taxable sales for the period during which the bad debt is written off, a refund claim may be filed. The statute of limitations for filing such claim shall be three years from the due date of the return on which the bad debt could first be claimed. Such refund shall be claimed on such form as shall be established by the commissioner.
- (i) Where filing responsibilities have been assumed by a certified service provider, the department allows the service provider to claim, on behalf of the seller, any bad debt allowance provided by this Code section. Such refund shall be claimed on such form as shall be established by the commissioner. The certified service provider must credit or refund the full amount of any bad debt allowance or refund received to the seller.
- (j) Where the books and records of the party claiming the bad debt allowance support an allocation of the bad debts among the Streamlined Sales Tax member states, such allocation is permitted."

SECTION 7.

Said title is further amended by revising subsections (b) and (c) of Code Section 48-8-49, relating to dealer returns and estimated tax liability, as follows:

"(b)(1) As used in this subsection, the term 'estimated tax liability' means a dealer's tax liability, adjusted to account for any subsequent change in the state sales and use tax rate, based on the dealer's average monthly payments for the last ~~five~~ calendar year.

(2) If the tax liability of a dealer in the preceding calendar year was greater than ~~\$30,000.00~~ \$60,000.00 excluding local sales taxes, the dealer shall file a return and remit to the commissioner not less than 50 percent of the estimated tax liability for the taxable period on or before the twentieth day of the period. The amount of the

payment of the estimated tax liability shall be credited against the amount to be due on the return required under subsection (a) of this Code section. This subsection shall not apply to any dealer whose primary business is the sale of motor fuels who is remitting prepaid state tax under paragraph (2) of subsection (b) of Code Section 48-9-14.

(c) ~~Gross proceeds from rentals~~ Rentals or leases of tangible personal property shall be reported and the tax shall be paid with respect to the ~~gross proceeds~~ sales price in accordance with the rules and regulations prescribed by the commissioner."

SECTION 8.

Said title is further amended by revising subparagraph (d)(2)(A) of Code Section 48-8-77, relating to sourcing, as follows:

"(A) Except as otherwise provided in this paragraph, sales of 'other direct mail' are sourced in accordance with subparagraph ~~(d)(1)(A)~~ (b)(1)(C) of this Code section;"

SECTION 9.

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

"48-8-77.1.

(a) For purposes of this Code section, the definitions as provided in Code Section 48-8-161 shall apply.

(b) The department shall review software submitted to the Streamlined Sales Tax Governing Board for certification as a Certified Automated System under Section 501 of the Streamlined Sales and Use Tax Agreement. Such review shall include a review to determine that the program accurately reflects the taxability of the product categories included in the program. Upon approval by the department, the state will certify its acceptance of the software to the Streamlined Sales Tax Governing Board.

(c) The department shall relieve certified service providers and model 2 sellers from liability to the state and local jurisdictions in the state for not collecting sales or use taxes resulting from the certified service provider or model 2 seller relying on the certification provided by the state.

(d) The department shall provide relief from liability to certified service providers for not collecting sales and use taxes in the same manner as provided to sellers under Code Section 48-8-38.

(e) If the department determines that an item or transaction is incorrectly classified as to the item or transaction's taxability, the department shall notify the certified service providers or model 2 sellers of the incorrect classification. The certified service provider or model 2 seller shall have ten days to revise the classification after receipt of notice from the department of the determination."

SECTION 10.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and Section 1 of this Act shall be applicable to all taxable years beginning on or after January 1, 2010.

SECTION 11.

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	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Y Smyre
Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
E 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	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, by substitute, the ayes were 166, nays 1.

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

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

March 16, 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 168 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The following 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 54. By Senators Mullis of the 53rd, Staton of the 18th, Gooch of the 51st, Miller of the 49th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to advertising on the state highway system, so as to add a definition of "on-premise" or "on-property" signs; to provide for related matters; to provide for an effective date; to repeal conflicting provisions; and for other purposes.

SB 62. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Bethel of the 54th, McKoon of the 29th, Loudermilk of the 52nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 50 of the Official Code of Georgia Annotated, relating to sovereignty and jurisdiction of the state, so as to provide that no private property shall be alienated to any other state, territory, or nation or to the federal government which would result

in an extinguishment or diminution of the exercise of state sovereignty or jurisdiction without the consent of the General Assembly; to provide that any act which results in the extinguishment or diminution of the state's right to exercise sovereignty or jurisdiction over property shall not be recognized by the state and shall be void and of no effect; to provide an effective date; 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 228. By Representatives Austin of the 10th, Allison of the 8th, Harden of the 28th, Tankersley of the 158th, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Code Section 48-8-67 of the Official Code of Georgia Annotated, relating to distribution of unidentifiable sales and use tax proceeds, so as to repeal certain provisions regarding limitations on the state revenue commissioner's authority to make certain distributions; 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:

E Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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
Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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	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 172, nays 0.

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

HB 234. By Representatives Stephens of the 164th, Smyre of the 132nd, Smith of the 131st, Bryant of the 160th, Purcell of the 159th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to eliminate the sunset from the exemption regarding the sale or use of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of certain aircraft; 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 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time the exemption regarding the sale or use of engines, parts, equipment, or other tangible personal property used in the maintenance or repair of certain aircraft; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by revising paragraph (86) as follows:

"(86) For the period commencing on July 1, 2007, and ending on June 30, ~~2011~~ 2013, the sale or use of engines, parts, equipment, and other tangible personal property used

in the maintenance or repair of aircraft when such engines, parts, equipment, and other tangible personal property are installed on such aircraft that is being repaired or maintained in this state so long as such aircraft is not registered in this state;"

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

On the passage of the Bill, by substitute, the ayes were 128, nays 42.

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

HB 346. By Representative Knight of the 126th:

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend 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 for income tax purposes; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-7-1 of the Official Code of Georgia Annotated, relating to definitions regarding income taxes, is amended by revising paragraph (11) as follows:

"(11) 'Taxable nonresident' means:

(A) Every individual who is not otherwise a resident of this state for income tax purposes and who regularly and not casually or intermittently engages within this state, by himself or herself or by means of employees, agents, or partners, in employment, trade, business, professional, or other activity for financial gain or profit, including, but not limited to, the rental of real or personal property located within this state or for use within this state. 'Taxable nonresident' does not include a legal resident of another state whose only activity for financial gain or profit in this state consists of performing services in this state for an employer as an employee when the remuneration for the services does not exceed the lesser of 5 percent of the income received by the person for performing services in all places during any taxable year or \$5,000.00;

(B) Every individual who is not otherwise a resident of this state for income tax purposes and who sells, exchanges, or otherwise disposes of tangible property which at the time of the sale, exchange, or other disposition has a taxable situs within this state or who sells, exchanges, or otherwise disposes of intangible

personal property which has acquired at the time of the sale, exchange, or other disposition a business or commercial situs within this state;

(C) Every individual who is not otherwise a resident of this state for income tax purposes and who receives the proceeds of any lottery prize awarded by the Georgia Lottery Corporation;

(D) Every individual who is not a resident of this state for income tax purposes and who makes a withdrawal as provided for in paragraph (10) of subsection (b) of Code Section 48-7-27; and

(E)(i) For purposes of this subparagraph, the term:

(I) 'Deferred compensation' means deferred compensation received from a nonqualified deferred compensation plan.

(II) 'Nonqualified deferred compensation plan' means the same as it is defined in Section 3121(v)(2) of the Internal Revenue Code.

(ii) Every individual who is not otherwise a resident of this state for income tax purposes and who regularly and not casually or intermittently engaged in a prior year within this state, by himself or herself, in activity for financial gain or profit and who receives income from such activity in the form of deferred compensation or income from the exercise of stock options and such income exceeds the lesser of 5 percent of the income received by the person in all places during the taxable year or \$5,000.00; provided, however, that this subparagraph shall not apply in the case of an individual who receives such income when the state is prohibited from taxing such income pursuant to federal law. For stock options granted and deferred compensation plans established before January 1, 2011, this subparagraph shall apply only to the portion earned on or after January 1, 2011. The commissioner shall by rule and regulation provide the method of determining the amount earned in Georgia using a 'days worked in Georgia' method. Such earned amount shall be included in the Georgia income of the taxable nonresident.

(iii) Employers shall withhold Georgia income tax as provided in Article 5 of this chapter on all deferred compensation and stock options which are required to be included in Georgia income of the taxable nonresident. For purposes of withholding only:

(I) The employer shall use records that are available to them. However, if the records are not available, the employer may reasonably rely upon a written representation, signed under penalties of perjury, from the employee of the number of days worked in Georgia. The employer shall only be held liable if the employer had actual or constructive knowledge that the employee's written representation was false or contained erroneous information; and

(II) The employer may elect to determine the number of days worked in Georgia by assuming the employee worked in Georgia only during the time the employee was a resident of Georgia.

(iv) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the tax provisions of this paragraph."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2011.

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	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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	Y 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, by substitute, the ayes were 170, nays 1.

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

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 bill of the Senate:

SB 57. By Senators Gooch of the 51st, Mullis of the 53rd, Miller of the 49th, Jackson of the 24th, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 5 of Title 40, relating to commercial drivers' licenses, so as to prohibit persons convicted of a criminal offense against a victim who is a minor from driving commercial motor vehicles designed to transport 16 or more persons; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

HB 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.

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

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

E Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	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	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	Y 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 170, nays 0.

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

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.

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 470. By Representative Cooper of the 41st:

A BILL to be entitled an Act to amend Code Section 43-26-7 of the Official Code of Georgia Annotated, relating to requirements for licensure as a

registered professional nurse, so as to revise requirements for preceptorships for certain applicants; to revise requirements relating to nontraditional nursing education programs; 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	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	E Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	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
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 171, nays 1.

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

Due to a mechanical malfunction, the vote of Representative Fullerton of the 151st was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 509. By Representatives Huckaby of the 113th, Carter of the 175th and Collins of the 27th:

A BILL to be entitled an Act to abolish the State Medical Education Board and provide that the Georgia Board for Physician Workforce shall succeed to the powers, rights, and duties of said abolished board; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To abolish the State Medical Education Board and provide that the Georgia Board for Physician Workforce shall succeed to the powers, rights, and duties of said abolished board; to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to change certain provisions relating to medical scholarships; to amend Chapter 34 of Title 31 of the Official Code of Georgia Annotated, relating to physicians for rural areas assistance, so as to change certain provisions relating to the purpose and intent of said chapter; to change certain provisions relating to administration of said chapter by the State Medical Education Board; to change certain provisions relating to service cancelable loans, repayment, and determination of physician underserved rural areas; to amend Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, so as to eliminate a reference to the State Medical Education Board; to amend Code Section 48-7-161 of the Official Code of Georgia Annotated, relating to definitions relative to setoff debt collection for the state, so as to provide that the Georgia Board for Physician Workforce shall be the claimant agency with respect to certain debt; to amend Chapter 10 of Title 49 of the Official Code of Georgia Annotated, relating to the Georgia Board for Physician Workforce, so as to change certain provisions relating to creation and composition of said board, expense allowances, staffing, and advisory committees; to change certain provisions relating to purpose of said board; to change certain provisions relating to powers, duties, and responsibilities of said board; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, is amended by revising Part 6, relating to medical scholarships, as follows:

"Part 6

20-3-510.

~~(a) The State Medical Education Board is created which shall consist of seven members appointed by the Governor who shall be qualified electors of the State of Georgia. The State Medical Education Board created by this Code section shall be the successor to and a continuation of the heretofore existing State Medical Education Board. The members of the State Medical Education Board in office on July 1, 1983, shall serve out the remainder of their respective terms. The Governor shall appoint two additional members to take office on July 1, 1983, for terms expiring on April 1, 1987. Thereafter, as the term of office of each member expires, the Governor shall appoint their successors for a term of four years and until their successors are appointed and qualified. Vacancies shall be filled by appointment by the Governor for the unexpired term.~~

~~(b) The State Medical Education Board shall elect annually a chairman and also a vice-chairman to serve in the absence or inability of the chairman. The State Medical Education Board shall maintain an office in Atlanta, Georgia, and shall meet at said office or elsewhere at least once each year at such time as may be fixed by the State Medical Education Board. Special meetings shall be held upon call of the chairman. Four members of the State Medical Education Board shall constitute a quorum for the transaction of business, and the State Medical Education Board shall keep full, complete, and permanent minutes and records of all its proceedings and actions.~~

~~(c) For attending meetings of the State Medical Education Board and for traveling in carrying out their official duties, the members of the State Medical Education Board shall receive the compensation and allowances specified by Code Section 45-7-21. As used in this part, the term 'board' means the Georgia Board for Physician Workforce created by Code Section 49-10-1.~~

20-3-511.

~~With the concurrence of the State Medical Education Board, the Department of Community Health shall employ and provide for the compensation of such administrative staff, including but not limited to an executive director, as is necessary to carry out the functions of the State Medical Education Board.~~

~~(a) In addition to those powers, rights, and duties provided by Chapter 10 of Title 49, Chapter 34 of Title 31, and elsewhere by law, the board shall succeed to the powers, rights, and duties of the former State Medical Education Board as provided by this part.~~

~~(b) The rights and obligations of parties to contracts, leases, agreements, and other transactions entered into before July 1, 2011, by the former State Medical Education~~

Board shall continue to exist; and none of such rights and obligations shall be impaired or diminished by reason of the transfer of the functions to the board. In all such instances, the board shall be substituted for the former State Medical Education Board, and the board shall succeed to the rights and obligations under such contracts, leases, agreements, and other transactions.

(c) The board shall succeed to all rules, regulations, policies, procedures, and administrative orders of the State Medical Education Board that were in effect on June 30, 2011, or scheduled to go into effect on or after July 1, 2011, and which relate to the functions transferred to the board pursuant to this part. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect unless and until amended, repealed, superseded, or nullified by the board by proper authority or as otherwise provided by law.

20-3-512.

(a) It shall be the duty of the ~~State Medical Education Board~~ board to receive and pass upon, allow or disallow all applications for loans made to or scholarships given students who are bona fide citizens and residents of the State of Georgia and who desire to become doctors of medicine and who are acceptable for enrollment in an accredited four-year medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education of the American Medical Association or the Bureau of Professional Education of the American Osteopathic Association for a program in medical education designed to qualify the graduate for licensure by the Georgia Composite Medical Board. The purpose of such loans shall be to enable such applicants to obtain a standard four-year medical education which will qualify them to become licensed to practice medicine in the State of Georgia. It shall be the duty of the ~~State Medical Education Board~~ board to make a careful and full investigation of the ability, character, and qualifications of each applicant and determine the applicant's fitness to become the recipient of such loan or scholarship, and for that purpose the ~~State Medical Education Board~~ board may propound such examination to each applicant which it deems proper. The ~~said State Medical Education Board~~ board may also prescribe such rules and regulations as it deems necessary and proper to carry out the purpose and intention of this part. The investigation of the applicant shall include an investigation of the ability of the applicant, and of the parents of such applicant, to pay his or her own tuition at such medical school, and the ~~State Medical Education Board~~ board in granting such loans and scholarships shall give preference to qualified applicants who, and whose parents, are unable to pay the applicant's tuition at such a medical school.

(b) The ~~State Medical Education Board~~ board shall have authority to grant to each applicant deemed by the ~~State Medical Education Board~~ board to be qualified to receive the same a loan or scholarship on a one-year renewable basis for the purpose of acquiring a standard four-year medical education, upon such terms and conditions as in the judgment of the ~~State Medical Education Board~~ board may be necessary or desirable. The ~~State Medical Education Board~~ board is authorized to consider, among

other criteria, the home area of the student and the likelihood, if determinable, that the student will practice medicine in an area of this state which may entitle the student to repay the loan through services rendered as provided in this part.

20-3-513.

Students whose applications are approved shall receive a loan or scholarship in an amount to be determined by the ~~State Medical Education Board~~ board to defray the tuition and other expenses of the applicant in an accredited four-year medical school in the United States which has received accreditation or provisional accreditation by the Liaison Committee on Medical Education of the American Medical Association or the Bureau of Professional Education of the American Osteopathic Association for a program in medical education designed to qualify the graduate for licensure by the Georgia Composite Medical Board. The loans and scholarships shall be paid in such manner as the ~~State Medical Education Board~~ Georgia Board for Physician Workforce shall determine and may be prorated so as to pay to the medical college or school to which any applicant is admitted such funds as are required by that college or school with the balance being paid directly to the applicant; all of which shall be under such terms and conditions as may be provided under rules and regulations of the ~~State Medical Education Board~~ board. The loans or scholarships to be granted to each applicant shall be based upon the condition that the full amount of the loans or scholarships shall be repaid to the State of Georgia in services to be rendered by the applicant by practicing his or her profession in a ~~State Medical Education Board~~ board approved rural county in Georgia of 35,000 population or less according to the United States decennial census of 1990 or any future such census or at any hospital or facility operated by or under the jurisdiction of the Department of Community Health, ~~or the Department of Behavioral Health and Developmental Disabilities, or at any facility operated by or under the jurisdiction of the Department of Corrections, or at any facility operated by or under the jurisdiction of the Department of Juvenile Justice.~~ For each year of practicing his or her profession in such ~~State Medical Education Board~~ board approved location, the applicant shall receive credit for the amount of the scholarship received during any one year in medical school, with the interest due on such amount.

20-3-514.

(a) Each applicant before being granted a loan or scholarship shall enter into a contract with the State of Georgia agreeing to the terms and conditions upon which the loan or scholarship is granted, ~~which contract shall include~~ including such terms and provisions as will carry out the full purpose and intent of this part. The form of such contract shall be prepared and approved by the Attorney General, and each contract shall be signed by the ~~chairman~~ chairperson of the ~~State Medical Education Board~~ board, countersigned by the executive director of the ~~State Medical Education Board~~ board, and shall be signed by the applicant. For the purposes of this part the disabilities of minority of all applicants granted loans or scholarships pursuant to this part are removed, and the said applicants are declared to be of full lawful age for the purpose of entering into the

contract provided for in this Code section; and such contract so executed by an applicant is declared to be a valid and binding contract the same as though the said applicant were of the full age of majority. The ~~State Medical Education Board~~ board is vested with full and complete authority to bring an action in its own name against any applicant for any balance due the ~~State Medical Education Board~~ board on any such contract.

(b) An applicant who has entered into a loan or scholarship contract with the ~~State Medical Education Board~~ board and who:

(1) Is dismissed for either academic or disciplinary reasons from the college or school of medicine he or she is attending; or

(2) Voluntarily terminates his or her training and education in that institution for any reason prior to completion of training

shall be immediately liable to the ~~State Medical Education Board~~ board for all sums advanced with interest at the minimum rate of 12 percent per annum from the date of each payment by the ~~State Medical Education Board~~ board and compounded annually to the date the scholarship or loan is paid in full. The ~~State Medical Education Board~~ board is authorized to increase annually said rate of interest due on loans granted to new recipients; provided, however, that the increased rate of interest shall not exceed by more than 2 percent the prime rate published by the Board of Governors of the Federal Reserve System and in effect at the time of the increase.

(c) An applicant who has entered into a loan or scholarship contract with the ~~State Medical Education Board~~ board and who breaches that contract by either failing to begin or failing to complete his or her service obligation under such loan or scholarship contract shall be immediately liable to the ~~State Medical Education Board~~ board for three times the total uncredited amount of all such scholarship or loan payments paid to the applicant, such uncredited sums to be prorated on a monthly basis respecting the applicant's actual service and total service obligation. The ~~State Medical Education Board~~ board may consent or agree to a lesser measure of damages for compelling reasons.

(d) The ~~State Medical Education Board~~ board shall have the authority to cancel the loan or scholarship contract of any applicant at any time for any cause deemed sufficient by the ~~State Medical Education Board~~ board, provided that such authority may not be arbitrarily or unreasonably exercised. Upon such cancellation by the ~~State Medical Education Board~~ board, the total uncredited amount of the scholarship paid to the applicant shall at once become due and payable to the ~~State Medical Education Board~~ board in cash with interest at the minimum rate of 12 percent per annum from the date of each payment by the ~~State Medical Education Board~~ board and compounded annually to the date the scholarship or loan is paid in full. The ~~State Medical Education Board~~ board is authorized to increase annually such rate of interest, subject to the limitations set forth in subsection (b) of this Code section.

20-3-515.

It shall be the duty of the ~~State Medical Education Board~~ board to make inquiry of such four-year medical schools as it deems proper and make arrangements, within the limitations as to cost as provided for in Code Section 20-3-513, for the payment of tuition or matriculation fees of enrolled students granted loans or scholarships by the ~~State Medical Education Board~~ board.

20-3-516.

The funds necessary for the loans or scholarships provided for by this part and to administer the terms of this part shall come from funds made available to the ~~State Medical Education Board~~ board from appropriations to the Department of Community Health for medical scholarships or other purposes. ~~The State Medical Education Board shall be assigned to the Department of Community Health for administrative purposes only, except that such department shall prepare and submit the budget for that board in concurrence with that board.~~

20-3-517.

The ~~State Medical Education Board~~ board shall make a biennial report to the General Assembly of its activities, loans or scholarships granted, names of persons to whom granted and the institutions attended by those receiving the same, the location of the applicants who have received their education and become licensed to practice medicine within this state, and where they are practicing, and shall make a full report of all its expenditures for loans or scholarships and expenses incurred pursuant to this part.

20-3-518.

It is the purpose and intent of this part to bring about an adequate supply of persons licensed to practice medicine in the more sparsely populated areas of the State of Georgia by increasing the number of medical students from Georgia in the various medical schools and inducing a sufficient number of the graduates from medical schools to return to Georgia and practice their profession, thus affording adequate medical care to the people of Georgia."

SECTION 2.

Chapter 34 of Title 31 of the Official Code of Georgia Annotated, relating to physicians for rural areas assistance, is amended by revising Code Section 31-34-2, relating to the purpose and intent of said chapter, and Code Section 31-34-3, relating to administration of said chapter by the State Medical Education Board, as follows:

"31-34-2.

It is the purpose of this chapter to increase the number of physicians in physician underserved rural areas of Georgia by making loans to physicians who have completed their medical education and allowing such loans to be repaid by such physicians agreeing to practice medicine in such rural areas and by making grants to hospitals and, as determined by the ~~State Medical Education Board~~ Georgia Board for Physician

Workforce, other health care entities, local governments, and civic organizations in physician underserved rural areas of Georgia that agree to provide matching funds to the grant, with the intent to enhance recruitment efforts in bringing physicians to such areas. It is the intent of the General Assembly that if funds are available to the ~~State Medical Education Board~~ Georgia Board for Physician Workforce to make loans, grants, or scholarships under this chapter or under other applicable state law, the ~~State Medical Education Board~~ Georgia Board for Physician Workforce shall give priority to loans and scholarships under Part 6 of Article 7 of Chapter 3 of Title 20 and to loans under Code Section 31-34-4.

31-34-3.

This chapter shall be administered by the ~~State Medical Education Board~~ Georgia Board for Physician Workforce, and, as used in this chapter, the word 'board' means the ~~State Medical Education Board~~ Georgia Board for Physician Workforce created in Code Section ~~20-3-510~~ 49-10-1."

SECTION 3.

Said chapter is further amended in Code Section 31-34-5, relating to service cancelable loans, repayment, and determination of physician underserved rural areas, by revising subsection (c) as follows:

"(c) In making a determination of physician underserved rural areas of Georgia, the board shall seek the advice and assistance of the Department of Community Health, ~~the Georgia Board for Physician Workforce~~, the University of Georgia Cooperative Extension Service, the Department of Community Affairs, and such other public or private associations or organizations as the board determines to be of assistance in making such determinations. Criteria to determine physician underserved rural areas shall include, but shall not be limited to, relevant statistical data related to the following:

- (1) The ratio of physicians to population in the area;
- (2) Indications of the health status of the population in the area;
- (3) The poverty level and dependent age groups of the population in the area;
- (4) Indications of community support for more physicians in the area; and
- (5) Indications that access to the physician's services is available to every person in the underserved area regardless of ability to pay."

SECTION 4.

Code Section 45-7-21 of the Official Code of Georgia Annotated, relating to expense allowance and travel cost reimbursement for members of certain boards and commissions, is amended by revising subsection (a) as follows:

"(a) Each member of the boards and commissions enumerated in this Code section shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of a board or commission is in attendance at a meeting of such board or commission, plus reimbursement for actual transportation

costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance. The expense allowance and reimbursement provided for in this Code section shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. The existing law relative to any limitation on the number of meeting days and remuneration for service on committees or subcommittees of any such board or commission shall remain in effect. The boards and commissions to which this Code section shall be applicable are as follows:

- (1) State Board of Education;
- ~~(2) State Medical Education Board;~~
- ~~(3)~~(2) Board of Regents of the University System of Georgia;
- ~~(4)~~(3) Board of Corrections;
- ~~(5)~~(4) Board of Economic Development;
- ~~(6)~~(5) Board of Natural Resources;
- ~~(7)~~(6) State Transportation Board;
- ~~(8)~~(7) Dental Education Board;
- ~~(9)~~(8) Georgia Student Finance Commission;
- ~~(10)~~(9) Veterans Service Board;
- ~~(11)~~(10) Georgia Agricultural Exposition Authority;
- ~~(12)~~(11) Georgia Board for Physician Workforce;
- ~~(13)~~(12) Georgia Music Hall of Fame Authority;
- ~~(14)~~(13) Georgia Sports Hall of Fame Authority;
- ~~(15)~~(14) Georgia Rail Passenger Authority;
- ~~(16)~~(15) Georgia Tobacco Community Development Board;
- ~~(17)~~(16) State Board of Technical and Adult Education;
- ~~(18)~~(17) Civil War Commission; and
- ~~(19)~~(18) The delegation from the State of Georgia to the Southern Dairy Compact Commission."

SECTION 5.

Code Section 48-7-161 of the Official Code of Georgia Annotated, relating to definitions relative to setoff debt collection for the state, is amended by revising paragraph (1) as follows:

- "(1) 'Claimant agency' means and includes, in the order of priority set forth below:
- (A) The Department of Human Services and the Department of Behavioral Health and Developmental Disabilities with respect to collection of debts under Article 1 of Chapter 11 of Title 19, Code Section 49-4-15, and Chapter 9 of Title 37;
 - (B) The Georgia Student Finance Authority with respect to the collection of debts arising under Part 3 of Article 7 of Chapter 3 of Title 20;
 - (C) The Georgia Higher Education Assistance Corporation with respect to the collection of debts arising under Part 2 of Article 7 of Chapter 3 of Title 20;

- (D) ~~The State Medical Education Board~~ Georgia Board for Physician Workforce with respect to the collection of debts arising under Part 6 of Article 7 of Chapter 3 of Title 20;
- (E) The Department of Labor with respect to the collection of debts arising under Code Sections 34-8-254 and 34-8-255 and Article 5 of Chapter 8 of Title 34, with the exception of Code Sections 34-8-158 through 34-8-161; provided, however, that the Department of Labor establishes that the debtor has been afforded required due process rights by such Department of Labor with respect to the debt and all reasonable collection efforts have been exhausted;
- (F) The Department of Corrections with respect to probation fees arising under Code Section 42-8-34 and restitution or reparation ordered by a court as a part of the sentence imposed on a person convicted of a crime who is in the legal custody of the department;
- (G) The State Board of Pardons and Paroles with respect to restitution imposed on a person convicted of a crime and subject to the jurisdiction of the board; and
- (H) The Department of Juvenile Justice with respect to restitution imposed on a juvenile for a delinquent act which would constitute a crime if committed by an adult."

SECTION 6.

Chapter 10 of Title 49 of the Official Code of Georgia Annotated, relating to the Georgia Board for Physician Workforce, is amended in Code Section 49-10-1, relating to creation and composition of said board, expense allowances, staffing, and advisory committees, by revising paragraph (2) of subsection (a) as follows:

"(2) The Georgia Board for Physician Workforce shall be composed of 15 members, all of whom are residents of this state, as follows:

- (A) Five members shall be primary care physicians, at least three of whom shall be from rural areas;
- (B) Five members shall be physicians who are not primary care physicians, at least three of whom shall be from rural areas;
- (C) Three members shall be representatives of hospitals which are not teaching hospitals, with at least ~~one~~ two of those three members being ~~a representative of a representatives of rural, nonprofit hospital hospitals;~~
- (D) One member shall be a representative from the business community;
- (E) One member shall have no connection with the practice of medicine or the provision of health care; and
- (F) The physicians on the board shall represent a diversity of medical disciplines, including, but not limited to, women's health, geriatrics, and children's health. The board shall represent the gender, racial, and geographical diversity of the state."

SECTION 7.

Said chapter is further amended by revising Code Section 49-10-2, relating to purpose of said board, and Code Section 49-10-3, relating to powers, duties, and responsibilities of said board, as follows:

"49-10-2.

The purpose of the board shall be to address the physician workforce needs of Georgia communities through the support and development of medical education programs and to increase the number of physicians practicing in underserved rural areas.

49-10-3.

The board shall have the following powers, duties, and responsibilities:

(1) To locate and determine specific underserved areas of the state in which unmet priority needs exist for physicians by monitoring and evaluating the supply and distribution of physicians by specialty and geographical location;

(2) Award service cancelable loans and scholarships pursuant to Part 6 of Article 7 of Chapter 3 of Title 20, Chapter 34 of Title 31, or as otherwise provided by law;

~~(2)~~(3) To approve and allocate state appropriations for family practice training programs, including but not limited to fellowships in geriatrics and other areas of need as may be identified by the board;

~~(3)~~(4) To approve and allocate state appropriations for designated pediatric training programs;

~~(4)~~(5) To approve and allocate any other state funds appropriated to the Georgia Board for Physician Workforce to carry out its purposes;

~~(5)~~(6) To coordinate and conduct with other state, federal, and private entities, as appropriate, activities to increase the number of graduating physicians who remain in Georgia to practice with an emphasis on medically underserved areas of the state;

~~(6)~~(7) To apply for grants and to solicit and accept donations, gifts, and contributions from any source for the purposes of studying or engaging one or more contractors to study issues relevant to medical education or implementing initiatives designed to enhance the medical education infrastructure of this state and to meet the physician workforce needs of Georgia communities; and

~~(7)~~(8) To carry out any other functions assigned to the board by general law."

SECTION 8.

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

The following amendment was read and adopted:

Representatives Huckaby of the 113th and Carter of the 175th offer the following amendment:

Amend the House Committee on Health and Human Services substitute to HB 509 (LC 33 4180S) by replacing line 324 with the following:

three of whom shall practice in rural areas;

By replacing lines 338 through 364 with the following:

"49-10-2.

The purpose of the board shall be to address the ~~physician~~ health care workforce needs of Georgia communities through the support and development of medical education programs and to increase the number of physicians and health care practitioners practicing in underserved rural areas.

49-10-3.

The board shall have the following powers, duties, and responsibilities:

(1) To locate and determine specific underserved areas of the state in which unmet priority needs exist for physicians and health care practitioners by monitoring and evaluating the supply and distribution of physicians and health care practitioners by specialty and geographical location;

(2) Award service cancelable loans and scholarships pursuant to Part 6 of Article 7 of Chapter 3 of Title 20, Chapter 34 of Title 31, or as otherwise provided by law;

~~(2)~~(3) To approve and allocate state appropriations for family practice training programs, including but not limited to fellowships in geriatrics and other areas of need as may be identified by the board;

~~(3)~~(4) To approve and allocate state appropriations for designated pediatric training programs;

~~(4)~~(5) To approve and allocate any other state funds appropriated to the Georgia Board for Physician Workforce to carry out its purposes;

~~(5)~~(6) To coordinate and conduct with other state, federal, and private entities, as appropriate, activities to increase the number of graduating physicians and health care practitioners who remain in Georgia to practice with an emphasis on medically underserved areas of the state;

~~(6)~~(7) To apply for grants and to solicit and accept donations, gifts, and contributions from any source for the purposes of studying or engaging one or more contractors to study issues relevant to medical education or implementing initiatives designed to enhance the medical education infrastructure of this state and to meet the physician and other health care practitioners workforce needs of Georgia communities; and

~~(7)~~(8) To carry out any other functions assigned to the board by general law."

The Committee substitute, as amended, was adopted.

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	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	Smyre
Y Beasley-Teague	Y Dutton	N Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Stephens, R
Y Benton	Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Knight	Y Purcell	Y 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	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	Y 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, by substitute, as amended, the ayes were 162, nays 1.

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

Representatives Mayo of the 91st and Parrish of the 156th 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.

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 bill of the Senate:

SB 40. By Senators Murphy of the 27th, Rogers of the 21st, Mullis of the 53rd, Gooch of the 51st, Miller of the 49th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 10 of Title 13 of the O.C.G.A., relating to security and immigration compliance, so as to provide penalties for the failure of a public employer to utilize the federal work authorization program; to provide for definitions; to amend Article 2 of Chapter 10 of Title 16 of the O.C.G.A., relating to obstruction of public administration and related offenses, so as to provide for the state offense for failure of an alien to carry a certificate of registration as required by federal law; to amend Chapter 5 of Title 17 of the O.C.G.A., relating to searches and seizures, so as to provide for the arrest of illegal aliens; to amend Code Section 50-36-1 of the O.C.G.A., relating to verification of lawful presence within the United States for receipt of certain government benefits, so as to provide penalties for the failure of an agency head to verify the lawful immigration status of certain applicants for public benefits; 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 164. By Representatives Ramsey of the 72nd, Lindsey of the 54th, Lucas of the 139th, Oliver of the 83rd, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise and add definitions relating to coin operated amusement machines; to provide for fees; to authorize the commissioner of revenue to retain a portion of certain fees as administrative costs; to provide that the commissioner is not authorized to impose any additional fee; to provide for noncash redemption by gift card; to prohibit local governments from prohibiting bona fide coin operated amusement machines or establishing the number of such machines in certain circumstances; 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 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise and add definitions relating to coin operated amusement machines; to provide for fees; to authorize the commissioner of revenue to retain a portion of certain fees as administrative costs; to provide that the commissioner is not authorized to impose any additional fee; to provide for noncash redemption by gift card; to prohibit local governments from prohibiting bona fide coin operated amusement machines or establishing the number of such machines in certain circumstances; to authorize local governments to adopt any combination of a list of ordinance provisions relating to bona fide coin operated amusement machines; to provide for public inspection of certain information; to provide that certain information shall be deemed trade secrets; to provide for certain promotions and contests and the use of certain devices in promotions; to provide conditions, licensing, license fees, and restrictions for such promotions and contests; to authorize the commissioner of revenue to retain a portion of such fees as administrative costs; to authorize rules and regulations; to provide for the authority of the commissioner regarding such promotions and contests and for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraphs (2.2) and (2.3) of Code Section 48-17-1, relating to definitions relative to coin operated amusement machines, and adding new paragraphs to read as follows:

"(2.2) 'Class A machine' means a bona fide coin operated amusement machine that is not a Class B machine, does not allow a successful player to carry over points won on one play to a subsequent play or plays, and:

(A) Provides no reward to a successful player; ~~or~~

(B) Rewards a successful player only with free replays or additional time to play;

(C) Rewards a successful player with noncash merchandise, prizes, toys, gift certificates, or novelties in compliance with the provisions of subsection (c) or paragraph (1) of subsection (d) of Code Section 16-12-35, and does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35;

(D) Rewards a successful player with points, tokens, tickets, or other evidence of winnings that may be exchanged only for items listed in subparagraph (C) of this paragraph; or

(E) Rewards a successful player with any combination of items listed in subparagraphs (B), (C), or (D) of this paragraph.

(2.3) 'Class B machine' means a bona fide coin operated amusement machine that ~~rewards a successful player with any combination of items listed in subparagraphs~~

(d)(1)(B) and (d)(1)(C) of Code Section 16-12-35 allows a successful player to accrue points on the machine and carry over points won on one play to a subsequent play or plays in accordance with paragraph (2) of subsection (d) of Code Section 16-12-35 and:

(A) Rewards a successful player in compliance with the provisions of paragraphs (1) and (2) of subsection (d) of Code Section 16-12-35; and

(B) Does not reward a successful player with any item prohibited as a reward in subsection (i) of Code Section 16-12-35 or any reward redeemable as an item prohibited as a reward in subsection (i) of Code Section 16-12-35."

"(3.05) 'Gift card' means a plastic card given as a reward to a successful player of a bona fide coin operated amusement machine:

(A) That has a magnetic strip or computer chip allowing only noncash redemption;

(B) Is configured to subtract automatically the applicable sales or use tax in addition to the dollar value of the noncash redemption;

(C) May not lawfully be redeemed for cash, a firearm, alcohol, tobacco, a lottery ticket, or any item enabling participation in a lottery; and

(D) That contains the following disclaimer printed on the face of the card:

'This card cannot be redeemed for cash, firearms, alcohol, tobacco, or lottery tickets or participation items.'

(3.06) 'Gift certificate' is a document, electronic transmission, coupon, or other medium of exchange, other than currency or a gift card. A gift certificate can be exchanged for noncash merchandise, prizes, toys, or novelties for which applicable sales or use tax may or may not be subtracted."

SECTION 2.

Said title is further amended by revising subsection (a) of Code Section 48-17-2, relating to license fees regarding coin operated amusement machines, as follows:

"(a) Every owner, except an owner holding a bona fide coin operated amusement machine solely for personal use or resale, who offers others the opportunity to play for a charge, whether directly or indirectly, any bona fide coin operated amusement machine shall pay annual master license fees as follows:

(1) For Class A machines:

(A) For five or fewer machines, the owner shall pay a master license fee of \$500.00.

In the event such owner acquires a sixth or greater number of machines during a calendar year which require a certificate for lawful operation under this chapter so that the total number of machines owned does not exceed 60 machines or more, such owner shall pay an additional master license fee of \$1,500.00;

(B) For six or more machines but not more than 60 machines, the owner shall pay a master license fee of \$2,000.00. In the event such owner acquires a sixty-first or greater number of machines during a calendar year which require a certificate for lawful operation under this chapter, such owner shall pay an additional master license fee of \$1,500.00; or

(C) For 61 or more machines, the owner shall pay a master license fee of \$3,500.00; and

(2) For any number of Class B machines, the owner shall pay a master license fee of \$5,000.00.

The cost of the license shall be paid to the commissioner by company check, cash, cashier's check, or money order, and the commissioner shall be authorized to retain as the cost of administration an amount not to exceed \$75.00. Upon said payment, the commissioner shall issue a master license certificate to the owner. The master license fee levied by this Code section shall be collected by the commissioner on an annual basis for the period from July 1 to June 30. The commissioner may establish procedures for master license collection and set due dates for these license payments. No refund or credit of the master license charge levied by this Code section may be allowed to any owner who ceases the operation of bona fide coin operated amusement machines prior to the end of any license or permit period."

SECTION 3.

Said title is further amended by revising subsection (a.1) of Code Section 48-17-2, relating to license fees regarding coin operated amusement machines, and adding a new subsection to read as follows:

"(a.1) Every business owner or business operator shall pay an annual location license fee for each bona fide coin operated amusement machine offered to the public for play. The annual location license fee shall be \$25.00 for each Class A machine and \$125.00 for each Class B machine. The annual location license fee levied by this Code section shall be collected by the commissioner on an annual basis from July 1 to June 30. The location license fee shall be paid to the commissioner by company check, cash, cashier's check, or money order, and the commissioner shall be authorized to retain from such fees as the cost of administration an amount not to exceed 12 percent of such fees. Upon payment, the commissioner shall issue a location license certificate that shall state the number of bona fide coin operated amusement machines permitted for each class without further description or identification of specific machines. The commissioner may establish procedures for location license fee collection and set due dates for payment of such fees. No refund or credit of the location license fee shall be allowed to any business owner or business operator who ceases to offer bona fide coin operated amusement machines to the public for commercial use prior the end of any license period.

(a.2) The commissioner shall not be authorized to impose any fee in addition to those fees set forth in this chapter."

SECTION 4.

Said title is further amended by revising subsection (j) of Code Section 48-17-2, relating to license fees regarding coin operated amusement machines, as follows:

"(j) ~~An application is~~ The name and address of each entity applying for a master license as well as the name and address and license number of each entity issued a

master license shall be subject to public inspection. However, all other information, including the locations where machines are installed or located as well as information contained in location license applications and licenses, shall not be subject to public inspection and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50."

SECTION 5.

Said title is further amended by revising subsection (a) of Code Section 48-17-9, relating to payment and collection of annual permit fee, as follows:

"(a) Every owner, except an owner holding a coin operated amusement machine solely for personal use or resale, who offers others the opportunity to play for a charge, whether direct or indirect, any bona fide coin operated amusement machine shall pay an annual permit fee for each bona fide coin operated amusement machine in the amount of \$25.00 for each Class A machine and \$125.00 for each Class B machine. The fee shall be paid to the commissioner by company check, cash, cashier's check, or money order, and the commissioner shall be authorized to retain from such fees as the cost of administration an amount not to exceed 12 percent of such fees. Upon payment, the commissioner shall issue a sticker for each bona fide coin operated amusement machine. The annual fees levied by this chapter shall be collected by the commissioner on an annual basis for the period from July 1 to June 30. The commissioner may establish procedures for annual collection and set due dates for the fee payments. No refund or credit of the annual fee levied by this chapter shall be allowed to any owner who ceases the exhibition or display of any bona fide coin operated amusement machine prior to the end of any license or permit period."

SECTION 6.

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

"48-17-17.

(a) It shall be lawful to give rewards to a successful player of a bona fide coin operated amusement machine in the form of a gift card, provided that the gift card does not exceed \$5.00 in value per play of the bona fide coin operated amusement machine.

(b) Giving a successful player cash for a gift card or change in cash for the remaining value of a gift card shall be a misdemeanor of a high and aggravated nature. Receipt of cash for all or part of the value of a gift card by a successful player shall be a misdemeanor of a high and aggravated nature.

(c) Redemption of a gift card by a successful player for a firearm, alcohol, tobacco, a lottery ticket, or any item enabling participation in a lottery shall be a misdemeanor of a high and aggravated nature by the person who receives the prohibited item or items.

(d) Knowingly giving or providing a successful player a gift card which is capable of being redeemed for a firearm, alcohol, tobacco, a lottery ticket, or any item enabling participation in a lottery shall be a misdemeanor of a high and aggravated nature.

48-17-18.

(a) Provided that the business owner or business operator and the owner or operator of a bona fide coin operated amusement machine have complied with the provisions of Code Section 16-12-35 and of this chapter, the governing authority of the county or municipal corporation where such bona fide coin operated amusement machine is located shall not be authorized to:

(1) Prohibit the possession, use, or offering to the public of a bona fide coin operated amusement machine in any lawful business; or

(2) Establish the number of bona fide coin operated amusement machines in any lawful business except as otherwise provided in paragraph (1) of subsection (b) of this Code section.

(b) The governing authority of any county or municipal corporation shall be authorized to enact and enforce an ordinance which includes any combination of the following provisions:

(1) Permitting the offering to the public of more than nine bona fide coin operated amusement machines that reward the player exclusively with noncash merchandise, prizes, toys, gift certificates, or novelties at the same business location;

(2) Requiring the owner or operator of a business location which offers to the public any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform all employees of the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(3) Requiring the owner or possessor of any bona fide coin operated amusement machine that rewards the player exclusively as described in subsection (d) of Code Section 16-12-35 to inform each business owner or business operator of the business location where such machine is located of the prohibitions and penalties set out in subsections (e), (f), and (g) of Code Section 16-12-35;

(4) Providing for the suspension or revocation of a license granted by such local governing authority to manufacture, distribute, or sell alcoholic beverages or for the suspension or revocation of any other license granted by such local governing authority as a penalty for conviction of the business owner or business operator of a violation of subsection (e), (f), or (g) of Code Section 16-12-35, or both. An ordinance providing for the suspension or revocation of a license shall conform to the due process guidelines for granting, refusal, suspension, or revocation of a license for the manufacture, distribution, or sale of alcoholic beverages set out in subsection (b) of Code Section 3-3-2;

(5) Providing for penalties, including fines or suspension or revocation of a license as provided in paragraph (4) of this subsection, or both, for a violation of any ordinance enacted pursuant to this subsection; provided, however, that a municipal corporation shall not be authorized to impose any penalty greater than the maximum penalty authorized by such municipal corporation's charter;

(6) Requiring any business owner or business operator subject to paragraph (1) of subsection (b) of Code Section 48-17-15 to provide to the local governing authority a

copy of each verified monthly report prepared in accordance with such Code section, incorporating the provisions of such Code section in the ordinance, and providing for any and all of the penalties authorized by subsection (d) of Code Section 48-17-15;

(7) Requiring the business owner or business operator of any business location which offers to the public one or more bona fide coin operated amusement machines to post prominently a notice including the following or substantially similar language:

'GEORGIA LAW PROHIBITS PAYMENT OR RECEIPT OF MONEY FOR WINNING A GAME OR GAMES ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR FREE REPLAYS WON ON THIS AMUSEMENT MACHINE; PAYMENT OR RECEIPT OF MONEY FOR ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY WON ON THIS AMUSEMENT MACHINE; OR AWARDING ANY MERCHANDISE, PRIZE, TOY, GIFT CERTIFICATE, OR NOVELTY OF A VALUE EXCEEDING \$5.00 FOR A SINGLE PLAY OF THIS MACHINE.';

(8) Providing for restrictions relating to distance from specified structures or uses so long as those distance requirements are no more restrictive than such requirements applicable to the sale of alcoholic beverages;

(9) Requiring as a condition for doing business in the jurisdiction disclosure by the business owner or business operator of the name and address of the owner of the bona fide coin operated amusement machine or machines;

(10) Requiring that all bona fide coin operated amusement machines are placed and kept in plain view and accessible to any person who is at the business location; and

(11) Requiring a business that offers one or more bona fide coin operated amusement machines to the public for play to post its business license or occupation tax certificate."

SECTION 7.

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

"CHAPTER 18

48-18-1.

A promotion, contest, or sweepstakes whereby a business or a nonprofit organization qualified under Section 501(c) of the federal Internal Revenue Code, as amended, gives away noncash prizes that cannot be exchanged or redeemed for cash to persons selected by lot shall not be a lottery as defined in Code Section 16-12-20 and shall not be an unfair or deceptive practice under Article 15 of Title 10, the 'Fair Business Practices Act of 1975,' if such prizes are awarded in compliance with the following conditions:

(1) Such promotions, contests, or sweepstakes are conducted as advertising and promotional undertakings in good faith for the purpose of advertising the goods, wares, and merchandise of such business or to advance the purposes of such nonprofit organization; provided, however, that a business may participate in a promotion, contest, or sweepstakes to advance the purposes of a nonprofit organization;

(2) To be eligible to receive a prize or prizes a person may, but shall not be required to:

(A) Pay any tangible consideration to the operator of such business or to such nonprofit organization in the form of money or other property or thing of value;

(B) Purchase any goods, wares, merchandise, or anything of value from such business or such nonprofit organization; or

(C) Be present or be asked to participate in a seminar, sales presentation, or any other presentation, by whatever name denominated;

(3) The rules or procedures for eligibility for a prize or prizes shall be posted or made available to those persons considering participation in a promotion, contest, or sweepstakes. Such rules or procedures shall clearly and conspicuously allow a person to become eligible without paying any tangible consideration to the operator of such business or to such nonprofit organization in the form of money or other property or thing of value; without purchasing any goods, wares, merchandise, or anything of value from such business or nonprofit organization; and without being present or participating in a seminar, sales presentation, or any other presentation, by whatever name denominated;

(4) The method actually used to select winners of a prize or prizes shall not discriminate against persons who have entered without paying any tangible consideration, without purchasing any item, and without being present for or participating in a seminar, sales presentation, or other presentation, by whatever name denominated; and

(5) Prizes shall not include or be redeemable for any item prohibited as a reward to a successful player of bona fide coin operated amusement machines in subsection (i) of Code Section 16-12-35.

48-18-2.

A promotion, contest, or sweepstakes whereby a business or a nonprofit organization qualified under Section 501(c) of the federal Internal Revenue Code, as amended, gives away noncash prizes that cannot be exchanged or redeemed for cash to a successful player of a mechanical or electronic device or devices shall not be an unfair or deceptive practice under Article 15 of Title 10, the 'Fair Business Practices Act of 1975,' and the mechanical or electronic device or devices used in such promotion, contest, or sweepstakes shall not be gambling devices, as defined in Code Section 16-12-20, if such prizes are awarded in compliance with the following conditions:

(1) Such promotions, contests, or sweepstakes are conducted as advertising and promotional undertakings in good faith for the purpose of advertising the goods, wares, and merchandise of such business or to advance the purposes of such nonprofit organization; provided, however, that a business may participate in a promotion, contest, or sweepstakes to advance the purposes of a nonprofit organization;

(2) To be eligible to play the mechanical or electronic device or devices and win a prize or prizes a person may, but shall not be required to:

- (A) Pay any tangible consideration to the operator of such business or to such nonprofit organization in the form of money or other property or thing of value;
 - (B) Purchase any goods, wares, merchandise, or anything of value from such business or such nonprofit organization; or
 - (C) Be present or be asked to participate in a seminar, sales presentation, or any other presentation, by whatever name denominated;
- (3) The rules or procedures for the promotion, contest, or sweepstakes shall be posted or made available to those persons considering participation in a promotion, contest, or sweepstakes. Such rules or procedures shall clearly and conspicuously allow a person to become eligible to play the mechanical or electronic device or devices and win a prize or prizes without paying any tangible consideration to the operator of such business or to such nonprofit organization in the form of money or other property or thing of value; without purchasing any goods, wares, merchandise, or anything of value from such business or nonprofit organization; and without being present or participating in a seminar, sales presentation, or any other presentation, by whatever name denominated;
- (4) A successful player of a mechanical or electronic device shall be eligible for a noncash prize whether or not such successful player paid any tangible consideration to the operator of such business or to such nonprofit organization in the form of money or other property or thing of value; purchased any goods, wares, merchandise, or anything of value from such business or nonprofit organization; and was present or participated in a seminar, sales presentation, or any other presentation, by whatever name denominated;
- (5) In offering promotional, contest, or sweepstakes prizes to the public by means of a mechanical or electronic device or devices, a business or nonprofit organization shall:
- (A) Not offer more than two such promotions, contests, or sweepstakes using such devices in a location at the same time;
 - (B) Not offer more than two mechanical or electronic devices in a location at the same time;
 - (C) Use only mechanical or electronic devices that require the exercise of 'some skill' as such term is defined in Code Section 16-12-35;
 - (D) Use only mechanical or electronic devices that serve only one participant at a time;
 - (E) Allow a total of no more than two natural persons to participate in promotions, contests, or sweepstakes in a location at the same time; and
 - (F) Comply with the noncash redemption provisions of subsection (c) or (d) of Code Section 16-12-35 with respect to the limitation on the value of prizes to \$5.00 per play; and
- (6) Prizes may include gift cards as defined in paragraph (3.05) of Code Section 48-17-1 but shall not include or be redeemable for any item prohibited as a reward to a successful player of bona fide coin operated amusement machines by subsection (i) of Code Section 16-12-35.

48-18-3.

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

(1) 'Business location' means any structure, vehicle, or establishment where a business is conducted.

(2) 'Gross retail receipts' means the total revenue derived by a business at any one business location from the sale of goods and services and the commission earned at any one business location on the sale of goods and services but shall not include revenue from the sale of goods and services for which the business will receive only a commission. Revenue from the sale of goods and services at wholesale shall not be included.

(b) No business conducting a promotion, contest, or sweepstakes using a mechanical or electronic device or devices, as described in Code Section 48-18-2, shall derive more than 50 percent of its monthly gross retail receipts for the business location from the total of the following:

(1) Receipts from mechanical or electronic devices used in a promotion or promotions, contest or contests, or sweepstakes; and

(2) Receipts from Class B bona fide coin operated amusement devices.

(c) For each business location which offers to the public one or more promotions, contests, or sweepstakes using one or more mechanical or electronic devices, the owner or operator of such business shall prepare a monthly verified report setting out separately the gross retail receipts from the promotion or promotions, contest or contests, or sweepstakes and the gross retail receipts for the business location.

(d) The owner or operator of a business offering one or more promotions, contests, or sweepstakes by using one or more mechanical or electronic devices shall report the information required by subsection (c) of this Code section to the commissioner of revenue in the form and electronic format required by the commissioner. The commissioner is authorized to audit any records for a business subject to this Code section.

48-18-4.

(a) The commissioner of revenue shall license promotions, contests, and sweepstakes for giving away noncash prizes by lot described in Code Section 48-18-1 and promotions, contests, and sweepstakes for giving away noncash prizes to successful players of mechanical or electronic devices described in Code Section 48-18-2. Each license shall be for a period of 12 months, beginning July 1 and ending June 30 of the following calendar year. It shall be a violation of this Code section to conduct an unlicensed promotion, contest, or sweepstakes, and a person who conducts an unlicensed promotion, contest, or sweepstakes shall be required to pay the fee for a license in addition to the penalties set out in subsection (c) of this Code Section.

(b) The commissioner is authorized to promulgate rules and regulations necessary to administer such licenses.

(c) The commissioner shall have the authority to:

- (1) Inspect a mechanical or electronic device used in a promotion, contest, or sweepstakes and the records pertaining to a promotion, contest, or sweepstakes;
- (2) Impose a civil fine not exceed \$10,000.00 and revoke or refuse to renew a license as penalties for using in a promotion or promotions, contest or contests, or sweepstakes a mechanical or electronic device or devices that do not require some skill; and
- (3)(A) Impose a civil fine not to exceed \$1,000.00 for each violation of this chapter or the regulations issued pursuant to this chapter by the commissioner other than using a no-skill device or devices;
- (B) Revoke or refuse to renew a license if the licensee has violated the provisions of this chapter or the regulations issued pursuant to this chapter by the commissioner other than using a no-skill device or devices; or
- (C) Impose a civil fine and revoke or refuse to renew a license for such violations.
- (d) The commissioner is authorized to provide by rule or regulation for annual license fees not to exceed:
- (1) One hundred dollars for a promotion, contest, or sweepstakes described in Code Section 48-18-1;
- (2) Five thousand dollars for an annual master license and a \$125.00 sticker license fee for each mechanical or electronic device to be paid by the owner of the device for promotions, contests, or sweepstakes described in Section 48-18-2; and
- (3) One hundred twenty-five dollars for an annual location license fee for each mechanical or electronic device at a location to be paid by the owner or operator of the location.
- The commissioner is authorized to retain an amount not to exceed \$75.00 of the annual master license fee as administrative costs. The commissioner is authorized to retain as administrative costs an amount not to exceed 12 percent of other fees authorized in this Code section. The commissioner is not authorized to impose any fee in addition to those authorized in this Code section.
- (e) The name and address of each entity applying for a master license as well as the name and address and license number of each entity issued a master license shall be subject to public inspection. However, the locations where mechanical or electronic devices are installed or located shall not be subject to inspection and shall not be subject to disclosure under Article 4 of Chapter 18 of Title 50."

SECTION 8.

This Act shall become effective on July 1, 2011, and apply to conduct that occurs on and after such date. It is not the intention of this Act to abate any prosecution undertaken for conduct occurring under the law in effect prior to such date, and any offense committed before July 1, 2011, shall be prosecuted and punished under the statutes in effect at the time the offense was committed.

SECTION 9.

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	Hekstall	Y Mayo	Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	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
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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	N 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	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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	E Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 2.

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

Representative Neal of the 75th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the vote of Representative Baker of the 78th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 325. By Representatives Ehrhart of the 36th, Casas of the 103rd and Dutton of the 166th:

A BILL to be entitled an Act to amend Titles 20 and 48 of the Official Code of Georgia Annotated, relating, respectively, to education and revenue and taxation, so as to revise provisions relating to student scholarship organizations; to revise definitions; to revise requirements on student scholarship organizations; to provide for penalties; to revise and change certain provisions regarding the qualified education income tax credit; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 20 and 48 of the Official Code of Georgia Annotated, relating, respectively, to education and revenue and taxation, so as to revise provisions relating to student scholarship organizations; to revise definitions; to revise requirements on student scholarship organizations; to provide for penalties; to revise and change certain provisions regarding the qualified education income tax credit; to provide for related matters; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Chapter 2A, relating to student scholarship organizations, as follows:

"CHAPTER 2A

20-2A-1.

As used in this chapter, the term:

(1) 'Eligible student' means a student who is a Georgia resident enrolled in a Georgia secondary or primary public school or eligible to enroll in a qualified kindergarten program or a pre-kindergarten program; provided, however, that if a student is deemed an eligible student pursuant to this paragraph, he or she shall continue to

qualify as such until he or she graduates, reaches the age of 20, or returns to a public school, whichever occurs first.

(2) 'Qualified school or program' means a nonpublic pre-kindergarten program, primary school, or secondary school that:

(A) Is accredited or in the process of becoming accredited by one or more entities listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519; and

(B) Is located in this state, adheres to the provisions of the federal Civil Rights Act of 1964, and satisfies the requirements prescribed by law for private schools in this state.

(3) 'Student scholarship organization' means a charitable organization in this state that:

(A) Is exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue Code and ~~allocates~~ obligates for scholarships or tuition grants at least 90 percent of its annual revenue received from donations for scholarships or tuition grants to allow students to attend any qualified school of their parents' choice; and

(B) Provides educational scholarships or tuition grants to eligible students without limiting availability to only students of one school.

20-2A-2.

Each student scholarship organization:

(1) Must obligate for scholarships or tuition grants at least 90 percent of its annual revenue received from donations for scholarships or tuition grants; however, up to 25 percent of this amount may be carried forward for the next fiscal year;

(2) Must maintain separate accounts for scholarship funds and operating funds;

(3) May transfer funds to another student scholarship organization;

(4) Must conduct an audit of its accounts by an independent certified public accountant within 120 days after the completion of the student scholarship organization's fiscal year verifying that it obligated for scholarships or tuition grants at least 90 percent of its annual revenue received from donations for scholarships or tuition grants and provide such audit to the Department of Revenue in accordance with Code Section 20-2A-3; and

(5) Must annually submit notice to the Department of Education in accordance with department guidelines of its participation as a student scholarship organization under this chapter.

20-2A-3.

(a) Each student scholarship organization must report to the Department of Revenue, on a form provided by the Department of Revenue, by January 12 of each tax year the following:

(1) The total number and dollar value of individual contributions and tax credits approved. Individual contributions shall include contributions made by those filing income tax returns as a single individual or head of household and those filing joint returns; and

(2) The total number and dollar value of corporate contributions and tax credits approved;

(3) The total number and dollar value of scholarships awarded to eligible students;

(4) Of the scholarships awarded, the number of eligible students whose family income is at or below the federal poverty level and the number of eligible students whose family income does not exceed 200 percent of the federal poverty level; and

(2)(5) A list of donors, including the dollar value of each donation and the dollar value of each approved tax credit.

Such report shall also include a copy of the audit conducted pursuant to paragraph (4) of Code Section 20-2A-2. The Department of Revenue shall post on its website the information received by each student scholarship organization pursuant to paragraphs (1) through (4) of this subsection.

(b) The Department of Revenue shall not require any other information from student scholarship organizations, except as expressly authorized in this chapter. All information or reports provided by student scholarship organizations to the Department of Revenue shall be confidential taxpayer information, governed by Code Sections 48-2-15, 48-7-60, and 48-7-61, whether it relates to the donor or the student scholarship organization.

20-2A-4.

The Department of Revenue shall provide a list of all student scholarship organizations receiving contributions from businesses and individuals granted a tax credit under Code Section 48-7-29.16 to the General Assembly by January 30 of each year.

20-2A-5.

The parent or guardian to whom a scholarship award is granted must restrictively endorse the scholarship award to the private school for deposit into the account of the private school. The parent or guardian may not designate any entity or individual associated with the participating private school as the parent's attorney in fact to endorse a scholarship ~~warrant~~ award. A participant who fails to comply with this Code section forfeits the scholarship.

20-2A-6.

The Department of Education shall maintain on its website a current list of all student scholarship organizations which have provided notice pursuant to paragraph (5) of Code Section 20-2A-2.

20-2A-7.

(a)(1) Any student scholarship organization that fails to comply with any requirements under this chapter shall be given written notice by the Department of Revenue of such failure to comply by certified mail and shall have 90 days from the receipt of such notice to correct all deficiencies.

(2) Upon failure to correct all deficiencies within 90 days, such student scholarship organization shall:

(A) Be immediately removed from the Department of Education list provided for in Code Section 20-2A-6;

(B) Be required to cease all operations as a student scholarship organization and transfer all scholarship account funds to a properly operating student scholarship organization within 30 calendar days of receipt of notice from the Department of Revenue of removal from the approved list; and

(C) Have all applications for preapproval of tax credits under Code Section 48-7-29.16 rejected by the Department of Revenue on or after the date the Department of Education removes the student scholarship organization from its list provided for in Code Section 20-2A-6.

(b) Any student scholarship organization that:

(1) Awards or restricts the award of a scholarship to a specific eligible student at the request of a donor; or

(2) Encourages or facilitates taxpayers to engage in actions that are prohibited by law shall be subject to paragraph (2) of subsection (a) of this Code section.

(c) Any officer or director of a student scholarship organization found to have actively participated in a student scholarship organization's intentional violation of its obligations under this chapter shall be guilty of a misdemeanor."

SECTION 2.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, is amended by revising Code Section 48-7-29.16, relating to qualified education tax credits, as follows:

"48-7-29.16.

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

(1) 'Qualified education expense' means the expenditure of funds by the taxpayer during the tax year for which a credit under this Code section is claimed and allowed to a student scholarship organization operating pursuant to Chapter 2A of Title 20 which are used for tuition and fees for a qualified school or program.

(2) 'Qualified school or program' shall have the same meaning as in paragraph (2) of Code Section 20-2A-1.

(3) 'Student scholarship organization' shall have the same meaning as in paragraph (3) of Code Section 20-2A-1.

(b) An individual taxpayer shall be allowed a credit against the tax imposed by this chapter for qualified education expenses as follows:

(1) In the case of a single individual or a head of household, the actual amount expended or \$1,000.00 per tax year, whichever is less; or

(2) In the case of a married couple filing a joint return, the actual amount expended or \$2,500.00 per tax year, whichever is less.

(c) A corporation or other entity shall be allowed a credit against the tax imposed by this chapter for qualified education expenses in an amount not to exceed the actual

amount expended or 75 percent of the corporation's income tax liability, whichever is less.

(d) The tax credit shall not be allowed if the taxpayer designates the taxpayer's qualified education expense for the direct benefit of any dependent of the taxpayer.

(e) In no event shall the total amount of the tax credit under this Code section for a taxable year exceed the taxpayer's income tax liability. Any unused tax credit shall be allowed the taxpayer against the succeeding five years' tax liability. No such credit shall be allowed the taxpayer against prior years' tax liability.

(f)(1) In no event shall the aggregate amount of tax credits allowed under this Code section exceed \$50 million per tax year.

(2) The commissioner shall allow the tax credits on a first come, first served basis.

(3) For the purposes of paragraph (1) of this subsection, a student scholarship organization shall notify a potential donor of the requirements of this Code section. Before making a contribution to a student scholarship organization, the taxpayer shall notify the department of the total amount of contributions that the taxpayer intends to make to the student scholarship organization. The commissioner shall preapprove or deny the requested amount within ~~30~~ 15 days after receiving the request from the taxpayer and shall provide written notice to the taxpayer and the student scholarship organization of such preapproval or denial which shall not require any signed release or notarized approval by the taxpayer. In order to receive a tax credit under this Code section, the taxpayer shall make the contribution to the student scholarship organization within ~~30~~ 120 days after receiving notice from the department that the requested amount was preapproved. If the taxpayer does not comply with this paragraph, the commissioner shall not include this preapproved contribution amount when calculating the limit prescribed in paragraph (1) of this subsection. The department shall establish a web-based donation approval process to implement this subsection.

(4) Preapproval of contributions by the commissioner shall be based solely on the availability of tax credits subject to the aggregate total limit established under paragraph (1) of this subsection. The department shall maintain an ongoing, current list on its website of the amount of tax credits available under this Code section.

(5) Notwithstanding any laws to the contrary, the department shall not take any adverse action against donors to student scholarship organizations if the commissioner preapproved a donation for a tax credit prior to the date the student scholarship organization is removed from the Department of Education list pursuant to Code Section 20-2A-7, and all such donations shall remain as preapproved tax credits subject only to the donor's compliance with paragraph (3) of this subsection.

(g) In order for the taxpayer to claim the student scholarship organization tax credit under this Code section, a letter of confirmation of donation issued by the student scholarship organization to which the contribution was made shall be attached to the taxpayer's tax return. However, in the event the taxpayer files an electronic return, such confirmation shall only be required to be electronically attached to the return if the Internal Revenue Service allows such attachments when the data is transmitted to the

department. In the event the taxpayer files an electronic return and such confirmation is not attached because the Internal Revenue Service does not, at the time of such electronic filing, allow electronic attachments to the Georgia return, such confirmation shall be maintained by the taxpayer and made available upon request by the commissioner. The letter of confirmation of donation shall contain the taxpayer's name, address, tax identification number, the amount of the contribution, the date of the contribution, and the amount of the credit.

(h)(1) No credit shall be allowed under this Code section with respect to any amount deducted from taxable net income by the taxpayer as a charitable contribution to a bona fide charitable organization qualified under Section 501(c)(3) of the Internal Revenue Code.

(2) The amount of any scholarship received by an eligible student or eligible pre-kindergarten student shall be excluded from taxable net income for Georgia income tax purposes.

(i) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the tax provisions of this Code section."

SECTION 3.

This Act shall be applicable to all taxable years beginning on or after January 1, 2011.

SECTION 4.

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

Pursuant to Rule 133, Representative Williamson of the 111th was excused from voting on HB 325.

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

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

On the passage of the Bill, by substitute, the ayes were 110, nays 56.

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

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representatives Dukes of the 150th and Randall of the 138th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Due to a mechanical malfunction, the vote of Representative Greene of the 149th was not recorded on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 332. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, so as to eliminate unnecessary regulation by revising certain provisions related to such fund; to provide for an effective date, to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, so as to eliminate unnecessary regulation by revising certain provisions related to such fund; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 46-5-167 of the Official Code of Georgia Annotated, relating to the Universal Access Fund, is amended by revising subsection (g) as follows:

"(g) A local exchange company or other company shall not establish a surcharge on customers' bills to collect from customers' contributions required under this Code section without first submitting to the Public Service Commission the methodology and data used by such company for approval by the commission and upon a showing that the surcharge does not result in a net rate increase; provided, however, that such company shall not be required to submit for approval separate line items or surcharges that are specifically authorized or required by federal or state law."

SECTION 2.

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

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:

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Dempsey	E 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	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	Y Neal, J	Y Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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 Glick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	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	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	N 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 168, nays 2.

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

Representative Byrd of the 20th stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representatives Dempsey of the 13th and Sheldon of the 105th 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 457. By Representatives Stephens of the 164th, Cooper of the 41st, Channell of the 116th, Parrish of the 156th and Randall of the 138th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to authorize the use of remote automated medication systems; to provide for legislative findings; to provide for definitions; to provide for requirements; to provide for the establishment of rules and regulations by the State Board of Pharmacy; to amend Chapter 4 of Title 26 of the Official Code of Georgia

Annotated, relating to pharmacists and pharmacies, so as to authorize pharmacists to dispense prescriptions through a remote automated medication system; 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 13 of Title 16 and Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to controlled substances and pharmacists and pharmacies, respectively, so as to authorize the use of remote automated medication systems; to provide for a definition; to provide for the establishment of regulations and minimum standards by the State Board of Pharmacy; to authorize pharmacists to dispense prescriptions through a remote automated medication system; to provide that a remote automated medication system shall not be considered a vending machine for certain purposes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended in Code Section 16-13-41, relating to prescriptions, by adding a new subsection to read as follows:

"(i)(1) Pharmacists may dispense prescriptions from a remote location for the benefit of an institution that uses a remote automated medication system in accordance with the requirements set forth in the rules and regulations adopted by the State Board of Pharmacy pursuant to paragraph (12.1) of subsection (a) of Code Section 26-4-28."

SECTION 2.

Said chapter is further amended in Code Section 16-13-75, relating to drugs to be kept in the original container, as follows:

"16-13-75.

(a) Possession and control of controlled substances or dangerous drugs by anyone other than the individuals specified in Code Section 16-13-35 or 16-13-72 shall be legal only if such drugs are in the original container in which they were dispensed by the pharmacist or the practitioner of the healing arts and are labeled according to Code Section 26-3-8.

(b) The possession, filling, and use of canisters for remote automated medication systems pursuant to subsection (i) of Code Section 16-13-41 shall not be considered a violation of this Code section."

SECTION 3.

Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, is amended in Code Section 26-4-5, relating to definitions, by adding a new paragraph to read as follows:

"(37.1) 'Remote automated medication system' means an automated mechanical system that is located in an institution that does not have an on-site pharmacy and in which medication may be dispensed in a manner that may be specific to a patient."

SECTION 4.

Said chapter is further amended in Code Section 26-4-28, relating to the powers, duties, and authority of the State Board of Pharmacy, by adding a new paragraph to subsection (a) to read as follows:

"(12.1) The licensure for the use of remote automated medication systems and the regulation and establishment of minimum standards for the use and operation of remote automated medication systems to ensure safe and efficient dispensing, including, but not limited to, appropriate security measures, requirements for institutions that utilize such systems, training requirements, accuracy and quality assurance measures, recordkeeping requirements, and such other appropriate requirements as determined by the board. The board shall establish rules and regulations to implement the requirements of this paragraph no later than December 31, 2011;"

SECTION 5.

Said chapter is further amended in Code Section 26-4-80, relating to dispensing prescription drugs, by adding a new subsection to read as follows:

"(p) Pharmacists dispensing prescriptions pursuant to a remote automated medication system in accordance with the rules and regulations adopted by the State Board of Pharmacy pursuant to paragraph (12.1) of subsection (a) of Code Section 26-4-28 shall be considered in compliance with this Code section."

SECTION 6.

Said chapter is further amended in Code Section 26-4-89, relating to the prohibition on selling drugs in vending machines, as follows:

"26-4-89.

(a) Any person who shall sell or dispense drugs by the use of vending machines shall be guilty of a misdemeanor.

(b) A remote automated medication system shall not be considered a vending machine for purposes of this Code section."

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	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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	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	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, by substitute, the ayes were 171, nays 2.

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

HB 341. By Representatives Rogers of the 26th, Heard of the 114th and Harbin of the 118th:

A BILL to be entitled an Act to amend Chapter 14 of Title 33 of the Official Code of Georgia Annotated, relating to domestic stock and mutual insurers, so as to provide for the establishment of limited purpose subsidiary life insurance companies; to provide for definitions; to provide for requirements; to provide for investment of funds; to provide for organization; to provide for reinsurance; to provide for applicability; to provide for promulgation of rules; 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	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	Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	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 Pruet	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	N 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	Y Marin	Y Rynders	Y Williamson

Y Cooper	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 167, nays 2.

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

Representative Parent of the 81st 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.

HB 454. By Representatives Hamilton of the 23rd, Meadows of the 5th, Lindsey of the 54th, Oliver of the 83rd, Brooks of the 63rd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating presidential preference primary, so as to provide for the date of the presidential preference primary; to provide for the submission of the names of candidates and the publishing of such list; 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 5 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating presidential preference primary, so as to provide for the date of the presidential preference primary; to provide for the submission of the names of candidates and the publishing of such list; 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 5 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating presidential preference primary, is amended by revising Code Section 21-2-191, relating to parties entitled to hold primaries, dates, decision to elect delegates to presidential nominating convention in primary, and qualifying periods for candidates for delegate, as follows:

"21-2-191.

As provided in this article, a presidential preference primary shall be held in ~~2008~~ 2012 and every four years thereafter for each political party or body which has cast for its candidates for President and Vice President in the last presidential election more than

20 percent of the total vote cast for President and Vice President in ~~the~~ this state, so that the electors may express their preference for one person to be the candidate for nomination by such person's party or body for the office of President of the United States; provided, however, that no elector shall vote in the primary of more than one political party or body in the same presidential preference primary. Such primary shall be held ~~on February 5, 2008, and on the first Tuesday in February every four years thereafter~~ in each year in which a presidential election is to be conducted on a date selected by the Secretary of State which shall not be later than the second Tuesday in June in such year. The Secretary of State shall select such date no later than December 1 of the year immediately preceding such primary. A state political party or body may by rule choose to elect any portion of its delegates to that party's or body's presidential nominating convention in the primary; and, if a state political party or body chooses to elect any portion of its delegates, such state political party or body shall establish the qualifying period for those candidates for delegate and delegate alternate positions which are to be elected in the primary and for any party officials to be elected in the primary and shall also establish the date on which state and county party executive committees shall certify to the Secretary of State or the superintendent, as the case may be, the names of any such candidates who are to be elected in the primary; provided, however, that such dates shall not be later than ~~November 1 of the year preceding the year in which~~ 60 days preceding the date on which the presidential preference primary is to be held."

SECTION 2.

Said article is further amended by revising Code Section 21-2-193, relating to list of names of candidates to appear on ballot and publication of list, as follows:

"21-2-193.

~~Not~~ On a date set by the Secretary of State, but not later than November 1 of the year preceding the year in which 60 days preceding the date on which a presidential preference primary is to be held, the state executive committee of each party which is to conduct a presidential preference primary shall submit to the Secretary of State a list of the names of the candidates of such party to appear on the presidential preference primary ballot. Such lists shall be published by on the website of the Secretary of State ~~in a newspaper of general circulation in the state during the first fourth week of December in the year~~ immediately preceding the year in date on which the presidential preference primary is to be held."

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	N Heckstall	N Mayo	Y Setzler
Y Abrams	Y 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	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
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
N Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	N Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
N Brooks	Y Fludd	Y Johnson	Y Parent	N Taylor, R
N Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
N Buckner	Y Fullerton	Y Jordan	Y Peake	N Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	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	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	N 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	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	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 153, nays 21.

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

Representative Dickerson of the 95th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Abdul-Salaam of the 74th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

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

March 16, ad 2011

Dear Mr. Clerk,

Article III, Section I, Paragraph I, of the Constitution of the State of Georgia, provides that "The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives." 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 454 unconstitutionally delegates that legislative power to the executive branch. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 421. By Representatives Welch of the 110th, Willard of the 49th, Manning of the 32nd and Atwood of the 179th:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to the proceedings upon a plea of mental incompetency to stand trial; to provide for definitions and the use of consistent terminology; to provide for a bench trial for competency proceedings; to provide for maximum commitment to the Department of Behavioral Health and Developmental Disabilities under certain circumstances; to amend the "Crime Victims' Bill of Rights" so as to change provisions relating to victim notification from the Department of Behavioral Health and Developmental Disabilities; 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 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to the proceedings upon a plea of mental incompetency to stand trial; to provide for definitions and the use of consistent terminology; to provide for a bench or jury trial for competency proceedings; to clarify

procedures for competency evaluations; to provide that an accused determined to be mentally competent to stand trial may be housed by the Department of Behavioral Health and Developmental Disabilities under certain circumstances; to provide for maximum commitment to the Department of Behavioral Health and Developmental Disabilities under certain circumstances; to reorganize the Code relative to competency evaluations and procedures; to provide for a court to request a competency evaluation under certain circumstances; to change provisions relating to demands for speedy trial; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended in Part 2 of Article 6 of Chapter 7, relating to insanity and mental incompetency, by adding a new Code section to read as follows:

"17-7-129.

(a) When information becomes known to the court sufficient to raise a bona fide doubt regarding the accused's mental competency to stand trial, the court has a duty, sua sponte, to inquire into and determine the accused's mental competency to stand trial. The court may order the Department of Behavioral Health and Developmental Disabilities to conduct an evaluation of the accused's competency. If the court determines that it is necessary to have a trial on the issue of competency, the court shall follow the procedures set forth in Code Section 17-7-130. The court's order shall set forth those facts which give rise to its bona fide doubt as to the accused's mental competency to stand trial. The evaluation of the Department of Behavioral Health and Developmental Disabilities shall be submitted to the court, and the court shall submit such evaluation to the attorney for the accused or, if pro se, to the accused, but otherwise, the report shall remain under seal.

(b) If the court orders a competency evaluation and the accused serves notice of a special plea of mental incompetency to stand trial or raises the issue of insanity, the court shall release the competency evaluation to the prosecuting attorney. Such evaluation shall not be released to any other person absent a court order."

SECTION 2.

Said title is further amended by revising Code Section 17-7-130, relating to the proceedings upon a plea of mental incompetency to stand trial, as follows:

"17-7-130.

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

(1) 'Child' means a an accused person under the jurisdiction of the superior court pursuant to Code Section 15-11-28.

(2) 'Civil commitment' means the accused's involuntary inpatient or outpatient commitment pursuant to Chapter 3 or 4 of Title 37, as appropriate.

~~(2)~~(3) 'Court' ~~'Committing court'~~ means the court which has jurisdiction over the criminal charges against the ~~defendant~~ accused.

~~(3)~~(4) 'Department' means the Department of Behavioral Health and Developmental Disabilities.

(5) 'Developmental disability' shall have the same meaning as set forth in paragraph (8) of Code Section 37-1-1.

~~(4)~~(6) 'Inpatient' shall have the same meaning as in paragraph (9.1) of Code Section 37-3-1; provided, however, that as applied to a child for purposes of this Code section, the term shall mean a child who is mentally ill or has a developmental disability and is in need of involuntary placement.

~~(5)~~(7) 'Nonviolent offense' means any offense other than: a violent offense.

~~(A)(i) Murder;~~

~~(ii) Rape;~~

~~(iii) Aggravated sodomy;~~

~~(iv) Armed robbery;~~

~~(v) Aggravated assault;~~

~~(vi) Hijacking of a motor vehicle or an aircraft;~~

~~(vii) Aggravated battery;~~

~~(viii) Aggravated sexual battery;~~

~~(ix) Aggravated child molestation;~~

~~(x) Aggravated stalking;~~

~~(xi) Arson in the first degree and in the second degree;~~

~~(xii) Stalking;~~

~~(xiii) Fleeing and attempting to elude a police officer;~~

~~(xiv) Any sexual offense against a minor; or~~

~~(xv) Any offense which involves the use of a deadly weapon or destructive device; and~~

~~(B) Those felony offenses deemed by the committing court to involve an allegation of actual or potential physical harm to another person.~~

~~(6)~~(8) 'Outpatient' shall have the same meaning as in paragraph (12.1) of Code Section 37-3-1, provided that:

(A) As applied to a child for purposes of this Code section, the term shall mean a child who is mentally ill or has a developmental disability and is in need of involuntary placement; and

(B) The court determines that the ~~defendant~~ accused meets the criteria for release on bail or other pre-trial release pursuant to Code Section 17-6-1.

(9) 'Serious violent felony' shall have the same meaning as set forth in Code Section 17-10-6.1.

(10) 'Sexual offense' shall have the same meaning as set forth in Code Section 17-10-6.2.

(11) 'Violent offense' means:

(A)(i) A serious violent felony;

(ii) A sexual offense;

- (iii) Criminal attempt to commit a serious violent felony;
- (iv) Criminal attempt to commit a sexual offense;
- (v) Aggravated assault;
- (vi) Hijacking of a motor vehicle or an aircraft;
- (vii) Aggravated battery;
- (viii) Aggravated stalking;
- (ix) Arson in the first degree or in the second degree;
- (x) Stalking;
- (xi) Fleeing and attempting to elude a police officer;
- (xii) Any offense which involves the use of a deadly weapon or destructive device; and

(B) Those felony offenses deemed by the court to involve an allegation of actual or potential physical harm to another person.

~~(b) Whenever a plea is filed that a defendant in a criminal case is mentally incompetent to stand trial, it shall be the duty of the court to cause the issue of the defendant's mental competency to stand trial to be tried first by a special jury. If the special jury finds the defendant mentally incompetent to stand trial, the court shall retain jurisdiction over the defendant but shall transfer the defendant to the Department of Behavioral Health and Developmental Disabilities and if the defendant is a child, the department shall be authorized to place such defendant in a secure hospital or secure community facility designated by the department; provided, however, that if the defendant is charged with a misdemeanor offense other than as included in subparagraph (a)(5)(A) of this Code section or a nonviolent offense, the court may, in its discretion, retain jurisdiction over the defendant, and may allow evaluation to be done on an outpatient basis by the Department of Behavioral Health and Developmental Disabilities. If the court allows outpatient evaluation and the defendant is in custody, the court may release the defendant in accordance with the provisions of Code Section 17-6-1, et seq.~~

~~(c) Within 90 days after the Department of Behavioral Health and Developmental Disabilities has received actual custody of a defendant or, in the case of an outpatient, a court order requiring evaluation of a defendant pursuant to subsection (b) of this Code section, the defendant shall be evaluated and a diagnosis made as to whether the defendant is presently mentally incompetent to stand trial and, if so, whether there is a substantial probability that the defendant will attain mental competency to stand trial in the foreseeable future. If the defendant is found to be mentally competent to stand trial, the department shall immediately report that finding and the reasons therefor to the committing court; and the defendant shall be returned to the court as provided for in subsection (f) of this Code section.~~

~~(d) If the defendant is found to be mentally incompetent to stand trial by the Department of Behavioral Health and Developmental Disabilities and there is not a substantial probability that the person will attain competency in the foreseeable future, the department shall return the physical custody of the defendant to a law enforcement officer of the jurisdiction of the court which committed the defendant unless in the opinion of the department's attending physician, and with concurrence of the court, such~~

~~detention by law enforcement would be detrimental to the well being of the defendant, in which case the defendant may be held by the department until the date of the defendant's hearing. The department shall report to the committing court the finding regarding competency, the reasons therefor, and its opinion as to whether the defendant currently meets criteria for commitment as an inpatient or as an outpatient pursuant to Chapter 3 or 4 of Title 37. The law enforcement officer of the jurisdiction of the court which committed the defendant shall retain custody of the defendant and the committing court may order an independent evaluation of the defendant by a court appointed licensed clinical psychologist or psychiatrist, who shall report to the court in writing as to the current mental and emotional condition of the defendant. Based on consideration of all evidence and all reports, the committing court may:~~

~~(1) If the defendant is not a child, refer the case to the probate court for commitment proceedings pursuant to Chapter 3 or 4 of Title 37, if appropriate and if the charges are dismissed for any reason; or~~

~~(2) Retain jurisdiction of the defendant and conduct a hearing at which it shall hear evidence and consider all psychiatric and psychological reports submitted to the court and determine whether the state has proved by clear and convincing evidence that the defendant meets the criteria for involuntary civil commitment as an inpatient or as an outpatient pursuant to Chapter 3 or 4 of Title 37, whichever is applicable. The burden of proof in such hearings shall be upon the state.~~

~~(A) If the defendant does not meet the criteria for inpatient or outpatient civil commitment, the defendant shall be released in accordance with the provisions of Code Section 17-6-1 et seq.~~

~~(B) If the defendant is found to meet the criteria for involuntary civil commitment as an inpatient or outpatient, the judge may issue an order committing the defendant; provided, however, that if the defendant is a child, the Department of Behavioral Health and Developmental Disabilities shall be authorized to place such defendant in a secure hospital or secure community facility designated by the department.~~

~~(i) If the defendant so committed is charged with a misdemeanor offense, the committing court may civilly commit the defendant for a period not to exceed one year. Following the commitment period, the charges against the defendant shall be dismissed by operation of law.~~

~~(ii) A defendant who is so committed and is charged with a felony may only be released from that inpatient or outpatient commitment by order of the committing court in accordance with the procedures specified in paragraphs (1) through (3) of subsection (f) of Code Section 17-7-131 except that the burden of proof in such release hearing shall be on the state and if the committed person cannot afford a physician or licensed clinical psychologist of the defendant's choice, the person may petition the court and the court may order such cost to be paid by the county.~~

~~The Department of Behavioral Health and Developmental Disabilities shall report annually to the committing court on whether the civilly committed defendant continues to meet criteria for involuntary commitment as an inpatient or an outpatient pursuant to Chapter 3 or 4 of Title 37. The committing court shall review the case~~

~~and enter an appropriate order, either to renew the inpatient or outpatient civil commitment, to change the commitment either from inpatient to outpatient or from outpatient to inpatient, or in the event charges are dismissed, transfer the jurisdiction of the case to the probate court for further proceedings pursuant to Title 37, if appropriate.~~

~~(e) If the defendant is found to be mentally incompetent to stand trial but there is a substantial probability that the person will attain competency in the foreseeable future, by the end of the 90 day period, or at any prior time, the department shall report that finding and the reasons therefor to the committing court and shall retain custody over the defendant for the purpose of continued treatment for an additional period not to exceed nine months; provided, however, that if the defendant is charged with a misdemeanor offense or a nonviolent offense, the court shall retain jurisdiction over the defendant, but may, in its discretion, allow continued treatment to be done on an outpatient basis by the Department of Behavioral Health and Developmental Disabilities. The department shall monitor the defendant's outpatient treatment for an additional period not to exceed nine months. If, by the end of the nine month period or at any prior time if the defendant's condition warrants, the defendant is still found not to be competent to stand trial, irrespective of the probability of recovery in the foreseeable future, the department shall report that finding and the reasons therefor to the committing court. The committing court shall then follow the procedures in subsection (d) of this Code section for further commitment or release.~~

~~(f)(1) If the defendant found to be mentally incompetent to stand trial is at any time found by the Department of Behavioral Health and Developmental Disabilities to be mentally competent to stand trial, the committing court shall be notified. A defendant who is an inpatient and is found by the Department of Behavioral Health and Developmental Disabilities to be mentally competent to stand trial shall be discharged into the custody of a law enforcement officer of the jurisdiction of the court which committed the defendant to the department unless the charges which led to the commitment have been dismissed, in which case the defendant shall be discharged. In the event a law enforcement officer does not appear and take custody of the defendant within 20 days after notice to the appropriate law enforcement official in the jurisdiction of the committing court, the presiding judge of the committing court, and the prosecuting attorney for the court, the department shall itself return the defendant to one of the committing court's detention facilities; and the cost of returning the defendant shall be paid by the county in which the committing court is located. All notifications shall be sent by certified mail or statutory overnight delivery, return receipt requested. With the concurrence of the appropriate court and upon the recommendation of the department's attending physician, any defendant discharged as competent to stand trial may be held by the department instead of at the court's detention facilities whenever, in the attending physician's opinion, such detention in the court's facilities would be detrimental to the well-being of the defendant so committed. Such alternative detention shall continue only until the date of the defendant's trial.~~

~~(2) A defendant who is an outpatient and is found by the Department of Behavioral Health and Developmental Disabilities to be mentally competent to stand trial may remain in the community under conditions of bond or other conditions ordered by the committing court, if any, until the date of the person's trial.~~

~~(g) Any person found by the Department of Behavioral Health and Developmental Disabilities to be mentally competent to stand trial returned to the court as provided in subsection (f) of this Code section shall again be entitled to file a special plea as provided for in this Code section.~~

~~(h) If a defendant is found to be mentally incompetent to stand trial, whether or not committed pursuant to this Code section, the state may file at any time a motion for rehearing on the issue of the defendant's mental competency. The court shall grant said motion upon a showing by the state that there are reasonable grounds to believe that the defendant's mental condition has changed. If this motion is granted, the case shall proceed as provided in subsection (b) of this Code section.~~

(b)(1) If an accused files a motion requesting a competency evaluation, the court may order the department to conduct an evaluation by a physician or licensed psychologist to determine the accused's mental competency to stand trial and, if such physician or licensed psychologist determines the accused to be mentally incompetent to stand trial, to make recommendations as to restoring the accused to competency. If the accused is a child, the department shall be authorized to place such child in a secure facility designated by the department. The department's evaluation shall be submitted to the court, and the court shall submit such evaluation to the attorney for the accused or if pro se, to the accused, but otherwise, the evaluation shall be under seal and shall not be released to any other person absent a court order.

(2) If the accused files a special plea alleging that the accused is mentally incompetent to stand trial, it shall be the duty of the court to have a bench trial, unless the accused demands a jury trial, to determine the accused's competency to stand trial. Once a special plea has been filed, the court shall submit the department's evaluation to the prosecuting attorney.

(c) If the court finds the accused is mentally incompetent to stand trial, the court may order a department physician or licensed psychologist to evaluate and diagnose the accused as to whether there is a substantial probability that the accused will attain mental competency to stand trial in the foreseeable future. The court shall retain jurisdiction over the accused and shall transfer the accused to the physical custody of the department. At its discretion, the court may allow the evaluation to be performed on the accused as an outpatient if the accused is charged with a nonviolent offense. Such evaluation shall be performed within 90 days after the department has received actual custody of an accused or, in the case of an outpatient, a court order requiring evaluation of an accused. If the accused is a child, the department shall be authorized to place such child in a secure facility designated by the department. If the evaluation shows:

(1) That the accused is mentally competent to stand trial, the department shall immediately report that determination and the reasons therefor to the court, and the

court shall submit such determination to the attorney for the accused or, if pro se, to the accused and to the prosecuting attorney. The accused shall be returned to the court as provided for in subsection (d) of this Code section;

(2) That the accused is mentally incompetent to stand trial and that there is not a substantial probability that the accused will attain competency in the foreseeable future, the court shall follow the procedures set forth in subsection (e) of this Code section for civil commitment or release; or

(3) That the accused is mentally incompetent to stand trial but there is a substantial probability that the accused will attain competency in the foreseeable future, by the end of the 90 day period, or at any prior time, the department shall report that finding and the reasons therefor to the court and shall retain custody over the accused for the purpose of continued treatment for an additional period not to exceed nine months; provided, however, that if the accused is charged with a misdemeanor offense or a nonviolent offense, the court shall retain jurisdiction over the accused but may, in its discretion, allow continued treatment to be done on an outpatient basis by the department. The department shall monitor the accused's outpatient treatment for the additional period not to exceed nine months. If, by the end of the nine-month period or at any prior time the accused's condition warrants, the accused is still determined by the department physician or licensed psychologist to be mentally incompetent to stand trial, irrespective of the probability of recovery in the foreseeable future, the department shall report that finding and the reasons therefor to the court. The court shall then follow the procedures in subsection (e) of this Code section for civil commitment or release.

(d)(1) If the department's physician or licensed psychologist determines at any time that the accused is mentally competent to stand trial, the department shall notify the court, and the accused shall be discharged into the custody of a sheriff of the jurisdiction of the court unless the charges which led to the evaluation or civil commitment have been dismissed, in which case, the accused shall be discharged from the department. In the event a sheriff does not appear and take custody of the accused within 20 days after notice to the appropriate sheriff of the jurisdiction of the court, the presiding judge of the court, and the prosecuting attorney for the court, the department shall itself return the accused to one of the court's detention facilities, and the cost of returning the accused shall be paid by the county in which the court is located. All notifications under this paragraph shall be sent by certified mail or statutory overnight delivery, return receipt requested. As an alternative to returning the accused to the sheriff of the jurisdiction of the court, the department may hold the accused at the department's secure facility instead of at the court's detention facilities whenever a department physician or licensed psychologist provides written notice to the court that such detention in the court's facilities would be detrimental to the well-being of the accused. Such alternative detention shall continue only until the date of the accused's trial. Regardless of where the accused is held, the court shall hold a bench trial to determine the accused's mental competency to stand trial within 45 days

of receiving the department's evaluation or, if demanded by the accused, shall conduct a jury trial within six months of receiving the department's evaluation.

(2) If the accused is an outpatient and the department's physician or licensed psychologist determines at any time that the accused is mentally competent to stand trial, the accused may remain in the community under conditions of bond or other conditions ordered by the court, if any, until the date of the accused's trial, which shall be within 45 days of the court receiving the department's evaluation if tried by the court or within six months of receiving the department's evaluation if a jury trial is demanded.

(e) If the evaluation performed pursuant to subsection (c) of this Code section shows that the accused is mentally incompetent to stand trial and that there is not a substantial probability that the accused will attain competency in the foreseeable future:

(1) If the accused is charged with a misdemeanor, the department shall return the physical custody of the accused to a sheriff of the jurisdiction of the court; provided, however, that as an alternative to returning the accused to the sheriff of the jurisdiction of the court, the department may hold the accused at the department's secure facility instead of at the court's detention facilities whenever a department physician or licensed psychologist provides written notice to the court that such detention in the court's facilities would be detrimental to the well-being of the accused. Such alternative detention shall continue only until the date of the accused's trial. Regardless of where the accused is held, the court shall, within 45 days of receiving the department's evaluation:

(A) Dismiss the charges without prejudice and, if the accused is not a child, request that the department petition the probate court of the jurisdiction of the accused's residence for civil commitment of the accused; or

(B) If the court finds that the accused does not meet the criteria for civil commitment, the accused shall be released in accordance with the provisions of Chapter 6 of this title; or

(2) If the accused is charged with a felony, the department shall return the physical custody of the accused to a sheriff of the jurisdiction of the court; provided, however, that as an alternative to returning the accused to the sheriff of the jurisdiction of the court, the department may hold the accused at the department's secure facility instead of at the court's detention facilities whenever a department physician or licensed psychologist provides written notice to the court that such detention in the court's facilities would be detrimental to the well-being of the accused. Such alternative detention shall continue only until the date of the accused's trial. The department shall report to the court its finding regarding the accused's mental competency to stand trial, the reasons therefor, and its opinion as to whether the accused currently meets the criteria for civil commitment. The court may order an independent evaluation of the accused by a court appointed licensed clinical psychologist or psychiatrist, who shall report to the court in writing as to the current mental and emotional condition of the accused. Regardless of where the accused is held, the court shall, within 45 days of receiving the department's evaluation:

(A) Dismiss the charges without prejudice and, if the accused is not a child, request that the department petition the probate court of the jurisdiction of the accused's residence for civil commitment of the accused; or

(B) Retain jurisdiction of the accused and conduct a trial at which the court shall hear evidence and consider all psychiatric and psychological evaluations submitted to the court and determine whether the state has proved by clear and convincing evidence that the accused meets the criteria for civil commitment. The burden of proof in such trials shall be upon the state. Following the trial:

(i) If the court finds that the accused does not meet the criteria for civil commitment, the accused shall be released in accordance with the provisions of Chapter 6 of this title;

(ii) If the court finds that the accused meets the criteria for civil commitment, the judge may issue an order civilly committing the accused to the department for appropriate placement; provided, however, that if the accused is a child, the department shall be authorized to place such child in a secure facility designated by the department;

(iii) If the accused is civilly committed pursuant to division (ii) of this subparagraph and was charged with a nonviolent offense, the court may order civil commitment for a period not to exceed the maximum period for which the accused could have been sentenced on the most serious nonviolent offense charged or a period not to exceed five years, whichever is less, provided that civil commitment shall be reevaluated by a department physician or licensed psychologist on an annual basis;

(iv) If the accused is civilly committed pursuant to division (ii) of this subparagraph and was charged with a violent offense, the court may order civil commitment for a period not to exceed the maximum period for which the accused could have been sentenced on the most serious violent offense charged, provided that civil commitment shall be reevaluated by a department physician or licensed psychologist on an annual basis;

(v) An accused who is civilly committed pursuant to division (ii) of this subparagraph may make an application for release from civil commitment but shall only be released from that civil commitment by order of the court in accordance with the procedures specified in paragraphs (1) through (3) of subsection (f) of Code Section 17-7-131, except that the burden of proof in such release hearing shall be on the state, and if the civilly committed accused is indigent, the accused may petition the court to have an evaluation performed by a physician or licensed psychologist of the accused's choice, and the court shall order the cost of such evaluation be paid for by the county; and

(vi) Following the civil commitment pursuant to division (ii) of this subparagraph, a department physician or licensed psychologist shall submit to the court his or her annual evaluation as to whether the civilly committed accused continues to meet the criteria for civil commitment. The court shall mail the annual evaluation to the attorney for the accused or, if pro se, to the accused and to the prosecuting

attorney. The court shall review the case and enter the appropriate order to renew the civil commitment, to change the civil commitment status, or, in the event the charges are dismissed, to transfer the jurisdiction of the case to the probate court of the jurisdiction of the accused's residence for further civil commitment.

(f) If, at any time, the department's physician or licensed psychologist determines that the accused is mentally incompetent to stand trial but later determines that the accused is mentally competent to stand trial, the court shall be so notified and shall order the accused detained or discharged in accordance with paragraph (1) of subsection (d) of this Code section. Any accused determined by a department physician or licensed psychologist to be mentally competent to stand trial and returned to the court as provided in subsection (d) of this Code section shall again be entitled to file a special plea as provided for in this Code section.

(g) If an accused is determined by a department physician or licensed psychologist to be mentally incompetent to stand trial, whether or not civilly committed pursuant to this Code section, the state may file at any time a motion for rehearing on the issue of the accused's mental competency to stand trial. If the state's motion is granted, the case shall proceed as provided in this Code section."

SECTION 3.

Said title is further amended in Code Section 17-7-170, relating to demands for speedy trials, by adding a new subsection to read as follows:

"(f) If a defendant files a special plea of incompetency to stand trial pursuant to Code Section 17-7-130 or if the court, pursuant to Code Section 17-7-129, conducts a trial on the competency of the defendant, the period of time during which such matter is pending shall not be included in the computation of determining whether a demand for speedy trial has been satisfied."

SECTION 4.

Said title is further amended in Code Section 17-7-171, relating to the time for demand for speedy trial in capital cases, by adding a new subsection to read as follows:

"(d) If a defendant files a special plea of incompetency to stand trial pursuant to Code Section 17-7-130 or if the court, pursuant to Code Section 17-7-129, conducts a trial on the competency of the defendant, the period of time during which such matter is pending shall not be included in the computation of determining whether a demand for speedy trial has been satisfied."

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	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
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	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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 Pruet	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
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	Y 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, by substitute, the ayes were 170, nays 1.

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

Representative Clark of the 98th 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 370. By Representative Maxwell of the 17th:

A BILL to be entitled an Act to amend Chapter 56 of Title 33 of the Official Code of Georgia Annotated, relating to risk-based capital levels, so as to require a trend test for property and casualty companies; to revise the definition of a company action level event; to change the definition of negative trend; 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	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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
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	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	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	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 170, nays 1.

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

Representatives Clark of the 98th and Dempsey of the 13th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Titles 15, 16, 21, 40, 45, and 50 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, elections, motor vehicles and traffic, public officers and employees, and state government, respectively, so as to provide for a modernized and uniform system of compiling, creating, maintaining, and updating jury lists in this state; to provide for a short title; to provide for state-wide compilation and distribution of the state-wide master jury list by the Council of Superior Court Clerks of Georgia; to eliminate forced balancing of county jury pools by race, gender, and ethnicity for the purpose of complying with the United States and Georgia Constitutions and the Unified Appeal process; to modernize terminology in Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries; to remove nonmechanical procedures relative to selecting persons for jury service; to change eligibility

requirements for grand jurors; to provide that the Council of Superior Court Clerks of Georgia assist county boards of jury commissioners with jury matters; to provide for the methodology for county boards of jury commissioners to obtain county master jury lists; to prohibit public disclosure of jury source lists except under certain circumstances; to amend the Official Code of Georgia Annotated so as to conform provisions to the new Chapter 12 of Title 15 and correct cross-references; to provide for related matters; to provide for a contingent effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Jury Composition Reform Act of 2011."

SECTION 2.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (d) of Code Section 15-6-50.2, relating to the Council of Superior Court Clerks of Georgia, as follows:

"(d) The Council of Superior Court Clerks of Georgia shall be a legal entity and an agency of the State of Georgia; shall have perpetual existence; may contract; may own property; may accept funds, grants, and gifts from any public or private source for use in defraying the expenses of the council; may adopt and use an official seal; may establish a principal office; may employ such administrative or clerical personnel as may be necessary and appropriate to fulfill its necessary duties; shall establish, maintain, and revise the state-wide master jury list as provided in Chapter 12 of this title; shall distribute to the board of jury commissioners of each county the county master jury list as provided in Chapter 12 of this title; and shall have other powers, privileges, and duties as may be reasonable and necessary for the proper fulfillment of its purposes and duties."

SECTION 3.

Said title is further amended by revising subsection (a) of Code Section 15-6-61, relating to duties of clerks generally, by striking "and" at the end of paragraph (18), by striking the period and inserting "; and" at the end of paragraph (19), and by adding a new paragraph to read as follows:

"(20) To keep an automated, computer based jury management system that facilitates the maintenance of the county master jury list pursuant to the provisions of Chapter 12 of this title unless this duty is delegated to a jury clerk as provided in subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section 15-12-23."

SECTION 4.

Said title is further amended by revising Code Section 15-6-89, relating to additional remuneration for certain services, as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of the superior court of any county who also serves as clerk of a state court, city court, juvenile court, or civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section ~~15-12-1~~ 15-12-1.1 shall receive for his or her services in such other court a salary of not less than \$323.59 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the superior court shall not be entitled to any salary heretofore received for service in such court."

SECTION 5.

Said title is further amended by revising Code Section 15-12-1, relating to exemptions from jury duty, and by adding a new Code section to read as follows:

"15-12-1.

As used in this chapter, the term:

(1) 'Array' means the body of persons subject to voir dire from which the final jury and alternate jurors are selected.

(2) 'Choose' or 'chosen' means the act of randomly selecting potential jurors from the county master jury list in a manner that does not deliberately or systematically exclude identifiable and distinct groups from the venire.

(3) 'Clerk' means the clerk of the superior court or a jury clerk if one is appointed pursuant to subsection (a) of Code Section 15-12-11 or subsection (b) of Code Section 15-12-23.

(4) 'Council' means the Council of Superior Court Clerks of Georgia.

(5) 'County master jury list' means a list compiled by the council of names of persons, including their addresses, city of residence, dates of birth, and gender, eligible for jury service.

(6) 'Defer' means a postponement of a person's jury service until a later date.

(7) 'Excuse' means the grant of a person's request for temporary exemption from jury service.

(8) 'Inactivate' means removing a person's name and identifying information who has been identified on the county master jury list as a person who is permanently prevented from being chosen as a trial or grand juror because such person is statutorily ineligible or incompetent to serve as a juror.

(9) 'Jury commissioner' means a member of a county board of jury commissioners.

(10) 'State-wide master jury list' means a comprehensive master list that identifies every person of this state who can be determined to be prima facie qualified to serve as a juror.

(11) 'Venire' means the list of persons summoned to serve as jurors for a particular term of court.

15-12-1.1.

(a)(1) Any person who shows that he or she will be engaged during his or her term of jury duty in work necessary to the public health, safety, or good order or who shows other good cause why he or she should be exempt from jury duty may ~~be~~ have his or her jury service deferred or excused by the judge of the court to which he or she has been summoned or by some other person who has been duly appointed by order of the chief judge to excuse jurors. Such a person may exercise such authority only after the establishment by court order of guidelines governing excuses. Any order of appointment shall provide that, except for permanently mentally or physically disabled persons, all excuses shall be deferred to a date and time certain within that term or the next succeeding term or shall be deferred as set forth in the court order. It shall be the duty of the court to provide affidavits for the purpose of requesting a deferral of or excusal from jury service pursuant to this subsection.

(2) Notwithstanding paragraph (1) of this subsection, any person who is a full-time student at a college, university, vocational school, or other postsecondary school who, during the period of time the student is enrolled and taking classes or exams, requests to be excused or deferred from jury duty shall be excused or deferred from jury duty.

(3) Notwithstanding paragraph (1) of this subsection, any person who is the primary caregiver having active care and custody of a child six years of age or younger, who executes an affidavit on a form provided by the court stating that such person is the primary caregiver having active care and custody of a child six years of age or younger and stating that such person has no reasonably available alternative child care, and who requests to be excused or deferred shall be excused or deferred from jury duty. ~~It shall be the duty of the court to provide affidavits for the purpose of this paragraph and paragraph (4) of this subsection.~~

(4) Notwithstanding paragraph (1) of this subsection, any person who is a primary teacher in a home study program as defined in subsection (c) of Code Section 20-2-690 who, during the period of time the person is teaching, requests to be excused or deferred from jury duty and executes an affidavit on a form provided by the court stating that such person is the primary teacher in a home study program and stating that such person has no reasonably available alternative for the child or children in the home study program shall be excused or deferred from jury duty.

(5) Notwithstanding paragraph (1) of this subsection, any person who is the primary unpaid caregiver for a person over the age of six; who executes an affidavit on a form provided by the court stating that such primary caregiver is responsible for the care of a person with such physical or cognitive limitations that he or she is unable to care for himself or herself and cannot be left unattended and that the primary caregiver has no reasonably available alternative to provide for the care; and who requests to be excused or deferred shall be excused or deferred from jury duty. Any person seeking the exemption shall furnish to the court, in addition to the aforementioned affidavit, a

statement of a physician, or other medical provider, supporting the affidavit's statements related to the medical condition of the person with physical or cognitive limitations. ~~It shall be the duty of the court to provide affidavits for the purpose of this paragraph.~~

(b) Any person who is 70 years of age or older shall be entitled to request that the board of jury commissioners to remove such person's name from the jury list of clerk excuse such person from jury service in the county. Upon such request, the board of jury commissioners shall ~~be authorized and directed to remove the person's name from the jury list~~ inactivate such person. The request for excusal shall be made to the board or ~~its~~ clerk in writing and shall be accompanied by an affidavit ~~giving~~ providing the person's name, age, and such other information as the board may require. The board of jury commissioners of each county shall make available affidavit forms for the purposes of this subsection.

(c)(1) As used in this subsection, the term:

(A) 'Ordered military duty' means any military duty performed in the service of the state or of the United States, including, but not limited to, attendance at any service school or schools conducted by the armed forces of the United States which requires a service member to be at least 50 miles from his or her home.

(B) 'Service member' means an active duty member of the regular or reserve component of the United States ~~Armed~~ armed forces, the United States Coast Guard, the Georgia National Guard, or the Georgia Air National Guard who was on ordered federal duty for a period of 90 days or longer.

(2) Any service member on ordered military duty ~~and~~ or the spouse of any such service member who requests to be excused or deferred shall be excused or deferred from jury duty upon presentation of either a copy of the official military orders or a written verification signed by the service member's commanding officer of such duty a valid military identification card and execution of an affidavit in the form required by the court for deferral or excusal under this paragraph.

(d) The court shall notify the clerk of its excuse or deferment of a person's jury service."

SECTION 6.

Said title is further amended by revising Code Section 15-12-3, relating to terms of service on jury, as follows:

"15-12-3.

No person shall be compellable to serve on the grand or trial jury of the superior court or on any jury in other courts for more than four weeks in any year. No person shall be allowed to serve on the trial jury of the superior court ~~or as tales juror in any criminal case~~ or on any jury in other courts for more than four weeks in any one year unless he or she is actually engaged in the trial of a case when the four weeks expire, in which case he or she shall be discharged as soon as the case is decided."

SECTION 7.

Said title is further amended by revising Code Section 15-12-4, relating to ineligibility of juror to serve at next succeeding term of court, as follows:

"15-12-4.

(a) Any ~~juror~~ person who has served as a ~~grand or trial~~ juror at any session of the superior ~~or state~~ courts, ~~state courts, or city courts~~ shall be ineligible for duty as a juror at the next succeeding term of the court in which ~~he~~ such person has previously served but shall be eligible to serve at the next succeeding term of court for a different level of court. ~~Nothing contained in this subsection shall prevent any trial juror from serving as a grand juror at the next term of the superior court of his county. This subsection shall not apply to any court in any county wherein the grand jury box contains not exceeding 100 names and the trial jury box contains not exceeding 350 names.~~

(b) In addition to any other qualifications provided under this chapter, no person shall be qualified to serve as a juror under this chapter unless that person is a citizen of the United States. ~~When the name of any juror who is disqualified by subsection (a) of this Code section is drawn, the same shall not be recorded as a juror but shall be returned to the box from which it was drawn; and the drawing shall be continued until the jury is secured."~~

SECTION 8.

Said title is further amended by revising paragraph (2) of subsection (a) of Code Section 15-12-7, relating to compensation of court bailiffs and expense allowance for jurors to be fixed by the grand jury, as follows:

"(2) An expense allowance for jurors in the superior courts of such counties for the next succeeding year, ~~such expense allowance~~ not to be less than \$5.00 nor to exceed \$50.00 per diem. The same expense allowance shall be allowed to jurors of the several state courts and special courts as is allowed jurors in the superior court of the county in which the state or special court is located. ~~The expense allowance of tales jurors shall be the same as that of a regularly drawn trial juror; and"~~

SECTION 9.

Said title is further amended by revising Code Section 15-12-9, relating to expense allowance of jurors who appear but are not sworn, as follows:

"15-12-9.

~~The grand and trial jurors who are drawn for service and~~ persons who appear in answer to the summons for trial or grand jury service shall receive the expense allowance for the day of their appearance even if they are not sworn as jurors."

SECTION 10.

Said title is further amended by revising Code Section 15-12-10, relating to juror's failure to appear, as follows:

"15-12-10.

If any person is ~~drawn as a juror and~~ duly summoned to appear as ~~such a juror~~ at court, ~~or summoned as a tales juror,~~ and neglects or refuses to appear, or if any juror absents himself or herself without leave of the court, said neglect, refusal, or absence may, after notice and hearing, be punished as contempt of court."

SECTION 11.

Said title is further amended by revising Code Section 15-12-11, relating to appointment of court personnel in certain counties, as follows:

"15-12-11.

(a) In all counties having a population of 600,000 or more according to the United States decennial census of 1990 or any future such census, the judges of the superior court of such counties, by a majority vote of all of them, shall have the power to appoint a jury clerk and such other personnel as may be deemed necessary or advisable to dispatch the work of the court. The appointments to such positions and the compensation therefor shall be determined by the judges without regard to any other system or rules, such personnel to serve at the pleasure of the judges. The salaries and expenses of the personnel and any attendant expense of administration of the courts are determined to be contingent expense of court and shall be paid as provided by law for the payment of contingent expenses. The duties of the personnel shall be as prescribed by the judges.

(b) ~~All prospective~~ Prospective jurors in all counties may be required to answer written questionnaires, as may be determined and submitted by the judges of such counties, concerning their qualifications as jurors. In propounding the court's questions, the ~~judges court~~ may consider the suggestions of counsel. In the court's questionnaire and during voir dire examination, judges should ensure that the privacy of prospective jurors is reasonably protected and that the questioning by counsel is consistent with the purpose of the voir dire process.

(c) Juror questionnaires shall be confidential and shall be exempt from public disclosure pursuant to Code Section 50-18-70; provided, however, that jury questionnaires shall be provided to the court and to the parties at any stage of the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The information disclosed to a party pursuant to this subsection shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case.

~~(e)~~(d) In the event any prospective juror fails or refuses to answer the questionnaire, the ~~jury~~ clerk shall report the failure or refusal to the court together with the facts concerning the same, and the court shall have such jurisdiction as is provided by law for subpoena, attachment, and contempt powers.

~~(d)~~(e) This Code section shall be supplemental to other provisions of law, with a view toward efficient and orderly handling of jury selection and the administration of justice."

SECTION 12.

Said title is further amended by revising Code Section 15-12-20, relating to the board of jury commissioners, as follows:

"15-12-20.

(a) In each county, there shall be a six-member board of jury commissioners, ~~whose appointed by the chief judge of the superior court. The members of such board shall be~~ discreet persons who are not practicing attorneys at law ~~nor or~~ county officers, ~~who shall be appointed by the chief judge of the superior court.~~

(b) ~~Absent promulgation of a court rule pursuant to subsection (c) of this Code section specifying a lesser number, the board of jury commissioners shall be composed of six members. When the board is composed of six members, on the first appointment two shall be appointed for two years, two for four years, and two for six years. Their successors shall be appointed for a term of six years. The first appointments to the board shall be fixed in such a manner that not more than two members' terms shall expire during any calendar year. The chief judge shall adjust the composition and terms of members of the board in office if more than two members' terms expire during any calendar year. Successors to members of the board originally appointed shall be appointed for a term of six years. No person who has served for more than three years as a jury commissioner shall be eligible or shall be appointed to succeed himself or herself as a member of the board of jury commissioners.~~

(c) ~~In any county the chief judge of the superior court may establish by court rule duly published and filed a board of jury commissioners composed of not less than three nor more than five members. In counties in which the numerical composition of the board has been established by court rule, the first appointments to the board shall be fixed in such a manner that not more than one member's term shall expire during any calendar year. The chief judge shall adjust the composition and terms of members of the board in office at the time of the publication of the court rule. Successors to members of the board originally appointed under the provisions of a court rule shall be appointed for a term of six years.~~

(d) ~~In all cases, the~~ The chief judge shall have the right authority to remove the jury commissioners at any time, ~~in his discretion, for cause and~~ appoint successors. ~~However, no person who has served for more than three years as a jury commissioner shall be eligible or shall be appointed to succeed himself as a member of the board of jury commissioners."~~

SECTION 13.

Said title is further amended by revising paragraph (3) of subsection (b) of Code Section 15-12-23, relating to the clerk of board of jury commissioners, as follows:

"(3) In the event any such person fails or refuses to answer such questionnaire, the ~~aforesaid jury~~ clerk shall report such failure or refusal to the court, together with the facts concerning the same, and the court shall have such jurisdiction as is now provided by law for subpoena, attachment, and contempt powers."

SECTION 14.

Said title is further amended by revising Code Section 15-12-24, relating to compensation of jury commissioners and clerk, as follows:

"15-12-24.

Jury commissioners shall receive \$50.00 ~~for each day's service in~~ per diem for revising the county master jury lists, to be paid from funds from the county treasury. The clerk ~~of the board~~ shall receive \$50.00 to be paid in like manner. The chief judge of the superior court of the judicial circuit in which the county lies shall have the right, subject to the approval of the governing authority of the county, to increase the compensation provided by this Code section for the jury commissioners and clerk in an amount not exceeding \$100.00 ~~for each day's service~~ per diem, to be paid in like manner."

SECTION 15.

Said title is further amended by revising Code Section 15-12-40, relating to compilation, maintenance, and revision of jury list, as follows:

"15-12-40.

(a) **Nonmechanical procedure.**

(1) At least biennially, unless otherwise directed by the chief judge of the superior court, the board of jury commissioners shall compile, maintain, and revise a trial jury list of upright and intelligent citizens of the county to serve as trial jurors and a grand jury list of the most experienced, intelligent, and upright citizens of the county to serve as grand jurors. In composing the trial jury list, the board of jury commissioners shall select a fairly representative cross section of the intelligent and upright citizens of the county. In composing the grand jury list, the board of jury commissioners shall select a fairly representative cross section of the most experienced, intelligent, and upright citizens of the county. In carrying out revisions of the trial jury list and grand jury list on or after July 1, 2002, the board of jury commissioners shall make use of all of the following:

(A) A list of all residents of the county who are the holders of drivers' licenses or personal identification cards issued by the Department of Driver Services pursuant to the provisions of Chapter 5 of Title 40; and the Department of Driver Services shall periodically make such a list available to the board of jury commissioners of each county;

(B) The registered voters list in the county; and

(C) Any other list of persons resident in the county as may be deemed appropriate by the board of jury commissioners.

The Department of Driver Services shall provide a list, which includes the name, address, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial and ethnic information, to the board of jury commissioners of each county. No jury list compiled prior to July 1, 2002, shall be rendered invalid by the use of or a failure to make use of the sources

specified in this Code section; but each revision of the jury list on or after that date shall make use of all such sources to the extent actually available to the board of jury commissioners.

(2) The grand jury list shall not exceed two-fifths of the number of citizens on the county's most recent trial jury list.

(3) Once filed, the lists so created shall constitute the body of trial and grand jurors for the county, respectively. Except as otherwise provided in this article, no new names shall be added to either list until those names originally selected have been completely exhausted or until a revised list has been properly created.

(b) Mechanical or electronic procedure.

(1) In any county using a plan for the selection of persons to serve as jurors by mechanical or electronic means in conformance with paragraphs (1) and (2) of subsection (b) of Code Section 15-12-42, the board of jury commissioners shall compile and maintain a trial jury list and a grand jury list in conformance with paragraph (1) of subsection (a) of this Code section.

(2) Once the trial or grand jury lists, or both, are established, the board of jury commissioners may revise such lists from time to time by adding new names to the lists, correcting names and other data on the lists, and deleting names from the lists by reason of death or other legal cause.

(3) The trial jury box for the county shall be taken from the trial jury list established by the board of jury commissioners, and the grand jury box for the county shall be taken from the grand jury list established by the board of jury commissioners. The information contained in the trial and grand jury boxes shall be stored in a security data processing storage bank from which all trial or grand juries in the county shall be selected as provided in the plan adopted pursuant to Code Section 15-12-42.

(4) The number of citizens in the grand jury box shall be established by the board of jury commissioners but shall contain, as a minimum, a number equal to four times the number of grand jurors required to be drawn in the county annually, but not to exceed 5,000 grand jurors.

(5) At each selection of trial or grand jurors, the computer shall be programmed to scan the entire appropriate jury box under the formula and plan adopted by the court pursuant to Code Section 15-12-42.

(6) In any county utilizing a plan for the selection of persons for the trial and grand jury boxes by mechanical or electronic means in conformance with paragraph (4) of subsection (b) of Code Section 15-12-42, the trial or grand jury box for the county may be compiled from the trial or grand jury list of the county by mechanical or electronic means as provided for in the plan.

(c) Other disposition or transfer. In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1980 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for the purpose of this Code section shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government

other than persons who reside on property of the United States government within such county who are registered voters according to the official registered voters list of the county as most recently revised by the county board of registrars or other county election officials and any persons who reside on property of the United States government within such county who are not registered voters and who have requested in writing to the board of jury commissioners that their names be included on the list from which citizens are selected to serve as jurors and grand jurors by the board of jury commissioners.

(d) Assistance of the Administrative Office of the Courts.

(1) The Administrative Office of the Courts may assist the clerk ~~of the superior court or the jury clerk, whichever is applicable,~~ by providing a list of county citizens who the Administrative Office of the Courts certifies are prima facie eligible persons for consideration as jurors on the traverse and grand jury pools.

(2) The Department of Driver Services shall provide the Administrative Office of the Courts the list required by subparagraph (a)(1)(A) of this Code section and the information set forth in the undesignated text of paragraph (1) of subsection (a) of this Code section.

(3) The Secretary of State shall provide the Administrative Office of the Courts the list of registered voters and list of convicted felons.

(e) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 16.

Said title is further amended by revising Code Section 15-12-40.1, relating to the requirement of United States citizenship, as follows:

"15-12-40.1.

~~In addition to any other qualifications provided under this article, no person shall be qualified to serve as a juror under this article unless that person is a citizen of the United States.~~

(a) Beginning on and after the effective date of this Act, the council shall compile a state-wide master jury list. The council shall facilitate updating of all information relative to jurors on the state-wide master jury list and county master jury lists.

(b) Beginning on and after the effective date of this Act, upon the council's request, the Department of Driver Services shall provide the council and the Administrative Office of the Courts a list, which includes the name, address, city of residence, date of birth, gender, driver's license or personal identification card number issued pursuant to the provisions of Chapter 5 of Title 40, and, whenever racial and ethnic information is collected by the Department of Driver Services for purposes of voter registration pursuant to Code Section 21-2-221, racial and ethnic information. The Department of Driver Services shall also provide the address, effective date, document issue date, and document expiration date; shall indicate whether the document is a driver's license or a personal identification card; and shall exclude persons whose driver's license has been

suspended or revoked due to a felony conviction. Such lists shall be in electronic format as required by the council.

(c) Beginning on and after the effective date of this Act, upon request by the council, the Secretary of State shall provide to the council and the Administrative Office of the Courts, without cost, the list of registered voters, including the voter's date of birth, gender, race, and when it is available, the voter's ethnicity. It shall also be the duty of the Secretary of State to provide the council and the Administrative Office of the Courts, in electronic format, with a copy of the lists of persons:

(1) Who have been convicted of felonies in state or federal courts who have not had their civil rights restored or who have been declared mentally incompetent; and

(2) Whose voting rights have been removed

which are provided to the county board of registrars by the Secretary of State pursuant to Code Section 21-2-231.

(d) Each county's board of jury commissioners shall obtain its county master jury list from the council. The council shall disseminate, in electronic format, a county master jury list to the respective counties' boards of jury commissioners once each calendar year. The council shall determine the fee to be assessed each county board of jury commissioners for such list, provided that such fee shall not exceed 3¢ per name on the list. The council shall invoice each county board of jury commissioners upon the delivery of the county master jury list, and the county board of jury commissioners shall remit payment within 30 days of the invoice.

(e) In each county, upon court order, the clerk shall choose a random list of persons from the county master jury list to comprise the venire."

SECTION 17.

Said title is further amended by revising Code Section 15-12-40.2, relating to the list of convicted felons and mentally ill provided to the board of jury commissioners, as follows:
"15-12-40.2.

It shall be the duty of the county board of registrars to provide the board of jury commissioners with a copy of the lists of persons who have been convicted of felonies in state or federal courts or who have been declared mentally incompetent and whose voting rights have been removed, which lists are provided to the county board of registrars by the Secretary of State pursuant to Code Section 21-2-231. Upon receipt of such list, it shall be the duty of the board of jury commissioners to remove such names from the trial and grand jury lists and to mail a notice of such action and the reason therefor to the last known address of such persons by first-class mail. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 18.

Said title is further amended by revising Code Section 15-12-41, relating to order of revision of jury list, as follows:

"15-12-41.

On failure of the commissioners of any county to revise the jury list as provided in Code Section 15-12-40, the judge of the superior court of the county shall order the revision made at such time as he or she may direct. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 19.

Said title is further amended by revising Code Section 15-12-42, relating to selection of jurors, as follows:

"15-12-42.

(a) **Nonmechanical procedure.**

(1) The jury commissioners shall place tickets containing all the names of grand jurors in a box to be provided at public expense, which box shall contain compartments marked number 'one' and number 'two,' from which grand jurors shall be drawn; the commissioners shall place the tickets containing all the names of trial jurors in a separate box from which trial jurors shall be drawn, the box having two separate compartments similar in design to the grand jurors' box. The tickets with the jurors' names shall be placed in compartment number 'one.' When each ticket is drawn and the name thereon is recorded on the proper form or list, the ticket so drawn shall be placed in compartment number 'two.' Only when all the tickets have been drawn from compartment number 'one' may the process of drawing jurors' names from compartment number 'two' begin, and then only when all the tickets have been drawn from compartment number 'two' may the process of drawing jurors' names from compartment number 'one' begin again.

(2) There shall only be one trial jury box for each county, that being the trial jury box prepared for the use of the superior court of each county.

(3) All trial jurors' names for use in any court in the county shall be drawn from the one trial jury box. The judge of any court shall draw the jurors' names as the need for the services of jurors shall arise in his or her court. The judge of any court held outside of the county courthouse using the trial jury box shall draw his or her juries in the courthouse and in the presence of the clerk or a deputy clerk of the superior court.

(b) **Mechanical or electronic procedure.**

(1) In lieu of the procedure set forth in subsection (a) of this Code section, the chief judge of the superior court in any county having facilities available for the implementation of this subsection, with the concurrence of the other judge or judges of the superior court, may establish a plan for the selection of persons to serve as jurors in such county by mechanical or electronic means. The plan shall be established by a duly published and filed rule of the court. ~~The clerk of the superior court, as clerk of the board of jury commissioners,~~ shall implement and maintain the jury selection process established by the plan.

(2) The plan:

- (A) Shall provide for a fair, impartial, and objective method of selecting persons for jury service with the aid of mechanical or electronic equipment, using the jury boxes compiled in accordance with Code Section 15-12-40;
 - (B) Shall contain adequate safeguards relative to the creation, handling, maintenance, processing, and storage of magnetic tapes, data banks, and other materials and records used in the selection process;
 - (C) Shall contain such other regulations and guidelines as are necessary to fully implement this subsection and to facilitate the use of the plan for the selection of persons for jury service by all of the courts in such county; and
 - (D) May be amended from time to time as necessary to keep the entire jury selection process updated.
- (3) In any county in which a plan has been established under this subsection such plan shall conform as nearly as practicable to paragraphs (2) and (3) of subsection (a) of this Code section. However, where the computer data storage cell is used as the jury box, the provisions contained in such paragraphs shall not apply.
- (4) In any county having facilities available for the implementation of this subsection, the chief judge of the superior court, with the concurrence of the other judge or judges of the superior court, may establish a plan by a duly published and filed rule of court for the trial and grand jury boxes for the county to be taken from the trial or grand jury lists established by the board of jury commissioners by mechanical or electronic procedures. Such plan:
- (A) Shall provide for a fair, impartial, and objective method of selecting persons for inclusion in the trial or grand jury box with the aid of mechanical or electronic equipment and for a system of allowing jurors the greatest opportunity to serve, using the jury lists compiled by the board of jury commissioners in accordance with Code Section 15-12-40;
 - (B) Shall contain adequate safeguards relative to the creation, handling, maintenance, processing, and storage of magnetic tapes, data banks, and other materials and records used in the process of composing and maintaining the trial and grand jury boxes;
 - (C) Shall contain such other regulations and guidelines as are necessary to fully implement this subsection; and
 - (D) May be amended from time to time as necessary to keep the trial and grand jury box composition process updated.
- (c) **Contract for mechanical or electronic juror selection.** A county utilizing mechanical or electronic means for the selection of jurors may, under proper court rule, contract for the drawing of their respective trial and grand jurors with any entity with which a county may contract under Article IX, Section III, Paragraph I, subparagraph (a) of the Constitution and with any private business or entity within this state, but any such contract shall ensure that proper safeguards are maintained as provided in paragraph (2) of subsection (b) of this Code section. The drawing may be held outside of the county so contracting by a judge of the circuit or his or her designee upon proper

posting and advertising in the county legal organ of the rule of court allowing this service to be performed for the county.

(d) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 20.

Said title is further amended by revising Code Section 15-12-43, relating to jury list book or computer printout, as follows:

"15-12-43.

(a) The clerk ~~of the superior court~~ shall make out, in a book, lists of the names contained in the grand jury box and in the trial jury box, respectively, alphabetically arranged, and shall place the book in his or her office after the lists therein have been certified by the clerk and commissioners to contain, respectively, all the names placed in the jury boxes.

(b) In counties utilizing mechanical or electronic means for the selection of trial and grand jurors, a computer printout, alphabetically arranged, shall constitute the official jury list. The clerk ~~of the superior court~~ shall bind such list after it has been certified by the clerk and the jury commissioners to contain, respectively, all of the names in the electronic data cell comprising the jury boxes.

(c) Each time the jury box is updated by the board of jury commissioners, an amended list shall be made out by the clerk showing all changes contained in the subsequent list.

(d) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 21.

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

"15-12-43.1.

On and after 12 months after the effective date of this Act, upon the request of a party or his or her attorney, the clerk shall make available for review by such persons the county master jury list."

SECTION 22.

Said title is further amended by revising Code Section 15-12-44, relating to procedures on loss or destruction of jury box or jury list, as follows:

"15-12-44.

(a) **Nonmechanical procedure.** When the jury list and jury box, or either, are lost or destroyed between the time of drawing juries and the beginning of the term for which the drawing was made, or before the service of the precepts on the persons named therein, the chief judge of the circuit in which such loss or destruction occurs, immediately on being informed thereof, shall issue an order to the jury commissioners of the county to meet at the county site and prepare a list of citizens eligible to serve as jurors under the Constitution of the state, which list shall contain the names of not less than two-thirds of the upright and intelligent citizens of the county. From this list the

commissioners shall select a sufficient number, not exceeding two-fifths of the whole, taking for this purpose the names of the most experienced, intelligent, and upright citizens, and, from the list so selected, shall at once proceed to draw 30 names of persons to serve as grand jurors at the next term of the court. From the remaining three-fifths of the names on the list, the commissioners shall then proceed to draw, in the same manner, not less than 36 to serve as trial jurors at the next term of the court. When the drawings have been completed, the commissioners shall immediately make out and deliver to the clerk ~~of the superior court~~ correct lists of the grand and trial jurors so drawn, and the clerk shall at once deliver to the sheriff, or to the coroner in case the sheriff shall be disqualified, proper precepts containing the names of the persons drawn to serve as grand and trial jurors, respectively, to be served personally, as required by law. The persons so drawn and served, if otherwise eligible, shall be competent to serve as jurors during the term for which they were drawn, without regard to the time of the preparation of the list, the drawing of the jurors, or the date of the service of the venire on the persons whose names are contained therein.

(b) **Mechanical or electronic procedure.** In counties utilizing mechanical or electronic means for the selection of jurors, all the information contained on the jury lists and in the jury box shall be recorded on microfilm and stored in the vault by the ~~superior court~~ clerk. In the event the information in the storage cell is destroyed or otherwise lost, the microfilm shall be used to reprogram the computer and to create a new storage cell.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 23.

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

"15-12-44.1.

The state-wide master jury lists and county master jury lists shall be safeguarded against catastrophic, routine, or any other form of loss or destruction, and on and after 12 months after the effective date of this Act, the council shall develop, implement, and provide a state-wide system to ensure that jury data for all counties of this state shall be systematically preserved in perpetuity and that all jury list data can be restored in the event of loss."

SECTION 24.

Said title is further amended by revising Code Section 15-12-45, relating to loss or destruction of precepts, as follows:

"15-12-45.

(a) In case the precepts containing the names of grand and trial jurors drawn for any term of the court, or either of such precepts, are lost or destroyed before the persons named in them, or in either of them, have been served and there is no record or official list of the names contained in the original precepts so lost or destroyed, the jury commissioners of the county shall meet immediately on being informed of such loss or

destruction and shall draw and deliver to the clerk ~~of the court~~ lists of the jurors so drawn. The clerk shall forthwith prepare and deliver to the proper officer new precepts to be served personally. The persons so drawn, listed, and served, if otherwise competent under the Constitution of this state, shall be competent and compellable to serve as jurors for the term for which they were drawn, without regard to the date of the drawing and delivering of the lists to the clerk or the date of the issuing or service of the precepts.

(b) In counties utilizing mechanical or electronic means for the selection of jurors, subsection (b) of Code Section 15-12-44 shall be applied in the event the precepts described in subsection (a) of this Code section are lost or destroyed prior to service on the persons named therein.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 25.

Said title is further amended by revising Code Section 15-12-46, relating to adjournment of term pending drawing of jurors, as follows:

"15-12-46.

If juries have not been ~~drawn~~ chosen for any regular term of the superior court and there is not sufficient time for ~~drawing~~ choosing and summoning prospective jurors to serve at the regular term, the judge of the superior court for the county in which the failure has occurred, by order passed at chambers, may adjourn the court to another day, may require the requisite number of prospective grand and trial jurors to be summoned, and may enforce their attendance at the term so called."

SECTION 26.

Said title is further amended by revising Code Section 15-12-60, relating to qualifications of grand jurors, as follows:

"15-12-60.

(a) Except as provided in subsection (b) of this Code section, all citizens of this state 18 years of age or older who are not incompetent because of mental illness or mental retardation, and who have resided in the county for at least six months preceding the time of service, ~~and who are the most experienced, upright, and intelligent persons are~~ shall be qualified and liable to serve as grand jurors unless otherwise exempted by law.

(b) The following persons ~~are incompetent~~ shall not be eligible to serve as grand jurors:

- (1) Any person who holds any elective office in state or local government or who has held any such office within a period of two years preceding the time of service as a grand juror; and
- (2) Any person who has been convicted of a felony and who has not been pardoned or had his or her civil rights restored."

SECTION 27.

Said title is further amended by revising subsection (b) of Code Section 15-12-61, relating to number of grand jurors, as follows:

"(b) The grand jury shall be authorized to request the ~~foreman or clerk~~ foreperson of the previous grand jury to appear before it for the purpose of reviewing and reporting the actions of the immediately preceding grand jury if the succeeding grand jury determines that such service would be beneficial. While serving a succeeding grand jury, the ~~foreman or clerk~~ foreperson of the immediately preceding grand jury shall receive the same compensation as ~~de~~ other members of the grand jury. Any person serving as ~~foreman or clerk~~ foreperson of a grand jury and then ~~being~~ requested to report to an immediately succeeding grand jury shall not be eligible to again serve as a grand juror ~~during for~~ for one year following the conclusion of such earlier service."

SECTION 28.

Said title is further amended by revising Code Section 15-12-62, relating to selection of grand jurors, as follows:

"15-12-62.

(a) The judges of the superior courts, at the close of each term, in open court, shall unlock the box and break the seal and shall cause to be drawn from compartment number 'one' not less than 18 nor more than 75 names to serve as grand jurors at the next term of the court, all of which names shall be deposited in compartment number 'two.' When all the names have been drawn out of compartment number 'one,' then the drawing shall commence from compartment number 'two,' and the tickets shall be returned to number 'one,' and so on alternately. No name so deposited in the box shall, on any pretense whatever, be thrown out of it or destroyed except when it is satisfactorily shown to the judge that the juror is dead, removed out of the county, or otherwise disqualified by law.

(b) In those counties utilizing mechanical or electronic means for the selection of jurors, subsection (a) of this Code section shall not apply. Rather, the judges of the superior court shall draw a grand jury from the 'electronic jury box' in the same manner and under the same plan that trial juries are drawn. They shall draw not less than 18 nor more than 75 names to serve as grand jurors at the next term of court.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 29.

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

"15-12-62.1.

On and after 12 months after the effective date of this Act, the clerk shall choose a sufficient number of persons to serve as grand jurors. The clerk, not less than 20 days before the commencement of each term of court at which a regular grand jury is impaneled, shall issue summonses by mail to the persons chosen for grand jury service.

The clerk shall choose grand jurors in the manner specified by and in accordance with the rules adopted by the Supreme Court."

SECTION 30.

Said title is further amended by revising Code Section 15-12-63, relating to separate drawings for each week authorized, as follows:

"15-12-63.

When the superior court is held for longer than one week, the presiding judge may ~~draw separate panels of grand jurors~~ direct the clerk to choose separate grand juries for each week ~~if, in his opinion, the public interest requires it."~~

SECTION 31.

Said title is further amended by revising Code Section 15-12-64, relating to procedure where judge has failed to draw grand jury, as follows:

"15-12-64.

Whenever from any cause the judge fails to draw a grand jury as provided in Code Section 15-12-62, the judge of the probate court of the county in which such failure occurred, together with the jury commissioners and the clerk ~~of the superior court~~, shall meet at the courthouse at least 20 days prior to the next ensuing term of the court, whether such term is a regular or special term, and then and there shall draw grand jurors to serve at that term, which proceedings shall be duly entered by the clerk on the minutes of the court and shall be signed by the judge of the probate court. This Code section shall stand repealed reserved 12 months after the effective date of this Act."

SECTION 32.

Said title is further amended by revising Code Section 15-12-65, relating to service of summons, as follows:

"15-12-65.

(a) **Counties utilizing nonmechanical selection procedures.** Within 30 days after the grand jurors have been drawn by a judge of the superior court or within five days after they have been drawn by the judge of the probate court and the commissioners as provided in Code Section 15-12-64, the clerk ~~of the superior court~~ shall issue and deliver to the sheriff or his or her deputy a precept containing the names of the persons drawn as grand jurors. Upon the receipt of the precept, the sheriff or his or her deputy shall cause the persons whose names are therein written to be served personally or by leaving the summons at their most notorious places of residence at least ten days prior to the term of the court the jurors were drawn to attend; provided, however, the sheriff may, in his or her discretion, serve the persons whose names appear on the precept by sending the summons by certified United States mail or statutory overnight delivery, return receipt requested, addressed to their most notorious places of abode at least 15 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to a contempt citation.

(b) **Counties utilizing mechanical or electronic selection procedures.** In those counties utilizing mechanical or electronic means for the selection of jurors, the sheriff of the county may authorize the clerk in writing to mail all summonses by first-class mail addressed to the jurors' most notorious places of abode at least 25 days prior to the term of the court the jurors were drawn to attend. Failure to receive the notice personally shall be a defense to a contempt citation. This subsection shall in no way affect the provisions for drawing jurors and the service upon jurors by other courts in the county.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 33.

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

"15-12-65.1.

On and after 12 months after the effective date of this Act, the clerk shall be authorized to mail all summonses by first-class mail addressed to the prospective jurors' most notorious places of abode at least 25 days prior to the date of the court the prospective jurors shall attend. Failure to receive the notice personally shall be a defense to a contempt citation."

SECTION 34.

Said title is further amended by revising Code Section 15-12-66, relating to tales jurors, as follows:

"15-12-66.

When from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the judge shall draw tales jurors from the jury boxes of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such other person as the judge may appoint. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 35.

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

"15-12-66.1.

On and after 12 months after the effective date of this Act, when from challenge or from any other cause there are not a sufficient number of persons in attendance to complete the panel of jurors, the clerk shall choose prospective trial jurors from the county master jury list and summon the jurors so chosen."

SECTION 36.

Said title is further amended by revising subsections (a) and (d) of Code Section 15-12-82, relating to change of venue in criminal grand jury investigation, as follows:

"(a) The judges of the superior courts are authorized and empowered to transfer the investigation by a grand jury from the county where the crime was committed to the grand jury in any other county in ~~the~~ this state when it appears that a qualified grand jury cannot be had for the purpose of such investigation in the county where the crime was committed. The ~~grand jury box~~ county master jury list shall be exhausted in trying to secure a qualified jury before a transfer of the investigation shall be made, unless the accused consents to a transfer."

"(d) The sheriff and the clerk ~~of the superior court~~ of the county in which the crime was committed shall be qualified and authorized to perform the duties of such officers in the same manner as if there had been no change of venue. Any order or summons issued in connection with the investigation or trial shall be as binding as if no change of venue had been made."

SECTION 37.

Said title is further amended by revising subsection (b) of Code Section 15-12-100, relating to the procedure for impaneling special grand jury, as follows:

"(b) Until 12 months after the effective date of this Act, the ~~The~~ chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be drawn in the manner prescribed by Code Section 15-12-62. On and after 12 months after the effective date of this Act, the chief judge of the superior court of the county shall submit the question of impaneling a special grand jury to the judges of the superior court of the county and, if a majority of the total number of the judges vote in favor of impaneling a special grand jury, the members of a special grand jury shall be chosen in the manner prescribed by Code Section 15-12-62.1. Any special grand jury shall consist of not less than 16 nor more than 23 persons. ~~The foreman~~ foreperson of any special grand jury shall be selected in the manner prescribed by Code Section 15-12-67."

SECTION 38.

Said title is further amended by revising Code Section 15-12-120, relating to selection and summoning of trial jurors, as follows:

"15-12-120.

Trial juries shall be selected as provided in Code Sections 15-12-40 and 15-12-42. At the same time and in the same manner that grand juries are drawn, the judge of the superior court shall draw names to serve as trial jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be summoned in the same manner as is provided in Code Section 15-12-65 ~~for summoning grand jurors~~. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 39.

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

"15-12-120.1.

On and after 12 months after the effective date of this Act, trial juries shall be chosen from a county master jury list. The presiding judge shall order the clerk to choose the number of jurors necessary to conduct the business of the court. The clerk shall choose the names of persons to serve as trial jurors for the trial of civil and criminal cases in the court. Such trial jurors shall be summoned in the same manner as provided in Code Section 15-12-65.1."

SECTION 40.

Said title is further amended by revising Code Section 15-12-121, relating to procedure where judge fails to draw jurors, as follows:

"15-12-121.

Whenever the presiding judge of the superior court fails to draw juries at any regular term of the court, the jury commissioners may draw trial jurors at the same time and in the same manner as grand jurors are drawn in such cases. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 41.

Said title is further amended by revising Code Section 15-12-124, relating to tales jurors in civil actions, as follows:

"15-12-124.

When from challenge or from any other cause there is not a sufficient number of persons in attendance to complete a panel of trial jurors, the judge shall draw tales jurors from the jury box of the county and shall order the sheriff to summon the jurors so drawn. When the sheriff or his or her deputy is disqualified to summon tales jurors, they may be summoned by the coroner or such other person as the judge may appoint after their names have first been drawn from the jury box by the judge as above provided. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 42.

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

"15-12-124.1.

On and after 12 months after the effective date of this Act, when from challenge or from any other cause there is not a sufficient number of persons in attendance to complete a panel of trial jurors, the clerk shall choose and cause to be summoned additional prospective trial jurors."

SECTION 43.

Said title is further amended by revising Code Section 15-12-125, relating to demand of jury panels for misdemeanor trials, as follows:

"15-12-125.

For the trial of misdemeanors in all courts, each party may demand a full panel of 12 competent and impartial jurors from which to select a jury. When one or more of the regular panel of trial jurors is absent or for any reason disqualified, the judge, at the request of counsel for either party, shall cause the panel to be filled by additional competent and impartial jurors to the number of 12 before requiring the parties or their counsel to strike a jury. From this panel, the ~~defendant~~ accused and the state shall each have the right to challenge three jurors peremptorily. The ~~defendant~~ accused and the state shall exercise their challenges as provided in Code Section 15-12-166. The remaining six jurors shall constitute the jury."

SECTION 44.

Said title is further amended by revising Code Section 15-12-126, relating to additional jurors in misdemeanor cases, as follows:

"15-12-126.

When the regular panels of trial jurors cannot be furnished to make up panels of the correct number from which to take juries in misdemeanor cases because of the absence of any of such panels, where they, or any part of them, are engaged in the consideration of a case, the presiding judge may cause the panels to be filled by summoning such numbers of persons who are competent jurors as may be necessary to fill the panels. Such panels shall be used as the regular panels are used. The presiding judge shall draw the additional competent and impartial jurors from the jury box of the county and shall order the sheriff to summon them in the event that there are not sufficient jurors. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 45.

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

"15-12-126.1.

On and after 12 months after the effective date of this Act, when the regular panels of trial jurors cannot be furnished to make up panels of the correct number from which to take juries in misdemeanor cases because of the absence of any of such panels, where jurors, or any part of a panel, are engaged in the consideration of a case, the presiding judge may cause the panels to be filled by summoning such numbers of persons who are competent jurors as may be necessary to fill the panels. Such panels shall be used as the regular panels are used. The clerk shall choose and cause to be summoned additional prospective trial jurors."

SECTION 46.

Said title is further amended by revising Code Section 15-12-127, relating to separate panels to be drawn for each week, as follows:

"15-12-127.

When the court is held for longer than one week, the presiding judge shall draw separate panels of trial jurors for each week of the court. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 47.

Said title is further amended by revising Code Section 15-12-128, relating to term of service as tales juror, as follows:

"15-12-128.

No person shall be competent or compellable to serve ~~as a tales juror~~ upon the trial jury in a court for more than two weeks at any one term. However, this Code section shall not apply to any person regularly drawn for jury duty nor to jurors actually engaged in the trial of a case at the expiration of the two weeks. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 48.

Said title is further amended by revising Code Section 15-12-129, relating to drawing of juries where necessary, as follows:

"15-12-129.

Whenever the session of any court of record is prolonged beyond the week or period for which juries were drawn at the close of the preceding term, or where the judge anticipates that the same is about to be so prolonged, or where from any other cause the court has convened or is about to convene and there have been no juries drawn for the same, the judge, in the manner prescribed for drawing juries at the close of the regular term, shall draw such juries as may be necessary and shall cause them to be summoned. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 49.

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

"15-12-129.1.

On and after 12 months after the effective date of this Act, whenever the session of any court of record is prolonged beyond the week or period for which jurors were electronically selected at the close of the preceding term, or where the judge anticipates that the same is about to be so prolonged, or where from any other cause the court has convened or is about to convene and there have been no jurors chosen for the same, the clerk, in the same manner prescribed for choosing prospective jurors at the close of the regular term, shall choose the names of prospective jurors and shall cause them to be summoned."

SECTION 50.

Said title is further amended by revising Code Section 15-12-130, relating to when jurors selected for service in superior court may serve other courts with concurrent jurisdiction, as follows:

"15-12-130.

(a) In any county of this state where there is located any court or courts having county-wide jurisdiction concurrent with the superior courts of this state to try any, all, or any type of case not within the exclusive jurisdiction of the superior courts of this state, any prospective trial juror drawn, selected, and summoned for service in the trial of civil and criminal cases in the superior court of such county shall be legally competent and qualified to serve as a prospective juror in any such other court or courts located in the county for the same period of time as he or she is competent and qualified to serve as a prospective trial juror in the superior court of the county.

(b) Subsection (a) of this Code section shall be applicable only if:

(1) At the time the names of trial jurors are drawn by the judge of the superior court in accordance with Code Section 15-12-120, the judge who draws the jurors shall announce in open court the name or names of the court or courts other than the superior court wherein the jurors shall be competent and qualified to serve by virtue of this Code section;

(2) The precept issued by the clerk ~~of the superior court~~ in accordance with Code Section 15-12-65 shows that the jurors listed thereon are qualified and competent to serve as jurors in courts other than the superior court and shows the name of such court or courts; and

(3) The summons served upon or sent to each of the jurors pursuant to Code Section 15-12-65 affirmatively shows the name of all the courts wherein the juror is eligible to serve.

(c) This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 51.

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

"15-12-130.1.

(a) On and after 12 months after the effective date of this Act, in any county of this state where there is located any court or courts having county-wide jurisdiction concurrent with the superior courts of this state to try any, all, or any type of case not within the exclusive jurisdiction of the superior courts of this state, any prospective trial juror chosen and summoned for service in the trial of civil and criminal cases in the superior court of such county shall be legally competent and qualified to serve as a prospective juror in any such other court or courts located in the county for the same period of time as he or she is competent and qualified to serve as a prospective trial juror in the superior court of the county.

(b) Subsection (a) of this Code section shall be applicable only if an order is entered by the judges of the affected courts identifying the courts in which prospective jurors may serve."

SECTION 52.

Said title is further amended by revising Code Section 15-12-132, relating to oath of jury on voir dire, as follows:

"15-12-132.

Each panel, prior to commencing voir dire, shall take the following oath:

'You shall give true answers to all questions as may be asked by the court or its authority, including all questions asked by the parties or their attorneys, concerning your qualifications as jurors in the case of _____ (herein state the case). So help you God.'

This oath shall be administered by the trial judge or the clerk of court."

SECTION 53.

Said title is further amended by revising Code Section 15-12-133, relating to right to individual examination of panel, as follows:

"15-12-133.

In all civil cases, the parties thereto shall have the right to an individual examination of the panel of prospective jurors from which the jury is to be selected, without interposing any challenge. In all criminal cases, both the state and the ~~defendant~~ accused shall have the right to an individual examination of each prospective juror from which the jury is to be selected prior to interposing a challenge. The examination shall be conducted after the administration of a preliminary oath to the panel or in criminal cases after the usual voir dire questions have been put by the court. In the examination, the counsel for either party shall have the right to inquire of the individual prospective jurors examined touching any matter or thing which would illustrate any interest of the prospective juror in the case, including any opinion as to which party ought to prevail, the relationship or acquaintance of the prospective juror with the parties or counsel therefor, any fact or circumstance indicating any inclination, leaning, or bias which the prospective juror might have respecting the subject matter of the action or the counsel or parties thereto, and the religious, social, and fraternal connections of the prospective juror."

SECTION 54.

Said title is further amended by revising Code Section 15-12-139, relating to oath in criminal case, as follows:

"15-12-139.

In all criminal cases, the following oath shall be administered to the trial jury:

'You shall well and truly try the issue formed upon this bill of indictment (or accusation) between the State of Georgia and (name of accused), who is charged with

(here state the crime or offense), and a true verdict give according to the evidence. So help you God.'

The judge or clerk of the court shall administer the oath to the jurors."

SECTION 55.

Said title is further amended by revising Code Section 15-12-160, relating to required panel of jurors in felony trials, as follows:

"15-12-160.

When any person stands indicted for a felony, the court shall have impaneled 30 jurors from which the defense and prosecution may strike jurors; provided, however, that in any case in which the state announces its intention to seek the death penalty, the court shall have impaneled 42 jurors from which the defense and state may strike jurors. If, for any reason, after striking from the panel there remain less than 12 qualified jurors to try the case, the presiding judge shall summon such numbers of persons who are competent prospective jurors as may be necessary to provide a full panel or successive panels. In making up the panel or successive panels, the presiding judge shall draw the tales jurors from the jury box of the county and shall order the sheriff to summon them. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 56.

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

"15-12-160.1.

On and after 12 months after the effective date of this Act, when any person stands indicted for a felony, the court shall have impaneled 30 jurors from which the defense and prosecution may strike jurors; provided, however, that in any case in which the state announces its intention to seek the death penalty, the court shall have impaneled 42 jurors from which the defense and state may strike jurors. If, for any reason, after striking from the panel there remain fewer than 12 qualified jurors to try the case, the clerk shall choose and cause to be summoned such numbers of persons who are competent prospective jurors as may be necessary to provide a full panel or successive panels. In making up the panel or successive panels, the clerk shall choose the names of prospective trial jurors in the same manner as prospective trial jurors are chosen and cause such persons to be summoned."

SECTION 57.

Said title is further amended by revising Code Section 15-12-161, relating to assigning panel to defendant, as follows:

"15-12-161.

The clerk shall ~~make out three lists of each panel and shall furnish one to the prosecuting counsel and one to the counsel for the defense. The clerk shall then call over the panel and it shall be immediately put upon the accused~~ provide the prosecuting

attorney and the accused with the names and identifying information relative to prospective jurors for the case being tried."

SECTION 58.

Said title is further amended by revising subsection (b) of Code Section 15-12-164, relating to questions on voir dire, as follows:

"(b) Either the state or the ~~defendant~~ accused shall have the right to introduce evidence before the judge to show that a juror's answers, or any of them, are untrue. It shall be the duty of the judge to determine the truth of such answers as may be thus questioned before the court."

SECTION 59.

Said title is further amended by revising Code Section 15-12-165, relating to number of peremptory challenges, as follows:

"15-12-165.

Every person accused of a felony may peremptorily challenge nine of the jurors impaneled to try him or her. The state shall be allowed the same number of peremptory challenges allowed to the ~~defendant~~ accused; provided, however, that in any case in which the state announces its intention to seek the death penalty, the ~~defendant~~ accused may peremptorily challenge 15 jurors and the state shall be allowed the same number of peremptory challenges."

SECTION 60.

Said title is further amended by revising Code Section 15-12-169, relating to the manner of selecting alternative jurors, as follows:

"15-12-169.

Alternate jurors ~~must~~ shall be drawn from the same source and in the same manner and have the same qualifications as the jurors already sworn. They shall be subject to the same examination and challenges. The number of alternate jurors shall be determined by the court. The state and the ~~defendant~~ accused shall be entitled to as many peremptory challenges to alternate jurors as there are alternate jurors called. The peremptory challenges allowed to the state and to the ~~defendant~~ accused in such event shall be in addition to the regular number of peremptory challenges allowed in criminal cases to the ~~defendant~~ accused and to the state as provided by law. When two or more ~~defendants~~ accused are tried jointly, the number and manner of exercising peremptory challenges shall be determined as provided in Code Section 17-8-4. This Code section shall stand repealed and reserved 12 months after the effective date of this Act."

SECTION 61.

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

"15-12-169.1.

On and after 12 months after the effective date of this Act, alternate jurors shall be chosen from the same county master jury list and in the same manner and have the

same qualifications as the jurors already sworn. They shall be subject to the same examination and challenges. The number of alternate jurors shall be determined by the court. The state and the accused shall be entitled to as many peremptory challenges to alternate jurors as there are alternate jurors called. The peremptory challenges allowed to the state and to the accused in such event shall be in addition to the regular number of peremptory challenges allowed in criminal cases to the accused and to the state as provided by law. When two or more accused are tried jointly, the number and manner of exercising peremptory challenges shall be determined as provided in Code Section 17-8-4."

SECTION 62.

Said title is further amended by revising subsection (a) of Code Section 15-16-21, relating to fees for sheriff's services, as follows:

"(a) For summoning each prospective juror, grand or trial, drawn to serve at any regular term of any ~~city~~, state, or superior court or any ~~tales juror~~, grand or trial juror, drawn during any term of any city, state, or superior court, the sheriff shall receive the sum of \$1.00. In all counties in this state where the sheriff is paid a salary only, this Code section shall apply as far as fees to be charged, but all such fees shall be turned over to the county treasurer or fiscal officer of the county. This subsection shall stand reserved 12 months after the effective date of this Act."

SECTION 63.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising paragraphs (1) and (2) of subsection (a) of Code Section 16-10-97, relating to intimidation or injury of grand or petit juror or court officer, as follows:

- "(1) Endeavors to intimidate or impede any grand juror or ~~petit~~ trial juror or any officer in or of any court of this state or any court of any county or municipality of this state or any officer who may be serving at any proceeding in any such court while in the discharge of such juror's or officer's duties;
- (2) Injures any grand juror or ~~petit~~ trial juror in his or her person or property on account of any indictment or verdict assented to by him or her or on account of his or her being or having been such juror; or"

SECTION 64.

Said title is further amended by revising division (9)(A)(xxxiv) of Code Section 16-14-3, relating to definitions for RICO, as follows:

"(xxxiv) Code Section 16-10-97, relating to intimidation of grand or ~~petit~~ trial juror or court officer;"

SECTION 65.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by revising paragraph (2) of subsection (b) of Code Section 21-2-211, relating to list of registered electors, as follows:

"(2) The Secretary of State is authorized to procure and provide all of the necessary equipment to permit the county boards of registrars and the Council of Superior Court Clerks of Georgia to access and utilize the official list of electors maintained by the Secretary of State pursuant to this Code section, provided that funds are specifically appropriated by the General Assembly for that purpose."

SECTION 66.

Said title is further amended by revising Code Section 21-2-225, relating to confidentiality of original registration applications, as follows:

"21-2-225.

(a) Neither the original applications for voter registration nor any copies thereof shall be open for public inspection except upon order of a court of competent jurisdiction.

(b) Except as provided in Code Section 21-2-225.1, all data collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article shall be available for public inspection with the exception of bank statements submitted pursuant to subsection (c) of Code Section 21-2-220 and subsection (c) of Code Section 21-2-417, the month and day of birth, the social security numbers, and driver's license numbers of the electors, and the locations at which the electors applied to register to vote, which shall remain confidential and shall be used only for voter registration purposes; provided, however, that any and all information relating to the dates of birth, social security numbers, and driver's license numbers of electors may be made available to other agencies of this state, agencies of other states and territories of the United States, and to agencies of the federal government if the agency is authorized to maintain such information and the information is used only to identify the elector on the receiving agency's data base and is not disseminated further and remains confidential. Information regarding an elector's year of birth shall be available for public inspection. All information relating to dates of birth and driver's license numbers of electors shall be made available to the Council of Superior Court Clerks of Georgia and any vendor selected by the council for use in compiling state-wide master jury lists and county master jury lists. The council shall be authorized to provide such data to county boards of jury commissioners for use in compiling and maintaining county master jury lists as provided in Chapter 12 of Title 15.

(c) It shall be the duty of the Secretary of State to furnish copies of such data as may be collected and maintained on electors whose names appear on the list of electors maintained by the Secretary of State pursuant to this article, within the limitations provided in this article, on electronic media or computer run list or both. Notwithstanding any other provision of law to the contrary, the Secretary of State shall establish the cost to be charged for such data but shall not charge the Council of Superior Court Clerks of Georgia for such data. The Secretary of State may contract with private vendors to make such data available in accordance with this subsection. Such data ~~may~~ shall not be used by any person for commercial purposes. The Secretary of State shall provide such data to the Council of Superior Court Clerks of Georgia in the electronic media format required by the council."

SECTION 67.

Said title is further amended by revising Code Section 21-2-231, relating to monthly transmittal of information to the Secretary of State and removal of persons from the list of electors, as follows:

"(a) Unless otherwise notified by the Secretary of State, the ~~clerk of the superior court of each county~~ Georgia Crime Information Center shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, ~~in a format as prescribed by the Secretary of State,~~ a complete list of all persons, including ~~addresses, ages, and other identifying~~ dates of birth, social security numbers, and other information as prescribed by the Secretary of State, who were convicted of a felony ~~involving moral turpitude in this state since during~~ the preceding ~~calendar month in that county reporting period~~. The Secretary of State may, by agreement with the commissioner of ~~the Department of Corrections~~ corrections, obtain criminal information relating to the conviction, sentencing, and completion of sentencing requirements of felonies ~~involving moral turpitude~~. Additionally, the Secretary of State shall be authorized to obtain such criminal information relating to Georgia electors convicted of ~~felonies involving moral turpitude, if possible, from other states~~ a felony in another state, if such information is available.

(a.1) The clerk of the superior court of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who identify themselves as not being citizens of the United States during their qualification to serve as a juror during the preceding calendar month in that county.

(b) The judge of the probate court of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who were declared mentally incompetent during the preceding calendar month in the county and whose voting rights were removed.

(c) Upon receipt of the lists described in subsections (a), (a.1), and (b) of this Code section and the lists of persons convicted of felonies in federal courts received pursuant to 42 U.S.C. Section 1973gg-6(g), the Secretary of State shall transmit the names of such persons whose names appear on the list of electors to the appropriate county board of registrars who shall remove all such names from the list of electors and shall mail a notice of such action and the reason therefor to the last known address of such persons by first-class mail.

(d) Unless otherwise notified by the Secretary of State, the local registrar of vital statistics of each county shall, on or before the tenth day of each month, prepare and transmit to the Secretary of State, in a format as prescribed by the Secretary of State, a complete list of all persons, including addresses, ages, and other identifying information as prescribed by the Secretary of State, who died during the preceding calendar month in the county. The Secretary of State may, by agreement with the commissioner of

community health, obtain such information from the state registrar of vital statistics. Additionally, the Secretary of State is authorized to obtain such lists of deceased Georgia electors, if possible, from other states.

(e) Upon receipt of the lists described in subsection (d) of this Code section, the Secretary of State or his or her designated agent shall remove all such names of deceased persons from the list of electors and shall notify the registrar in the county where the deceased person was domiciled at the time of his or her death.

(f) County registrars shall initiate appropriate action regarding the right of an elector to remain on the list of qualified registered voters within 60 days after receipt of the information described in this Code section. Failure to take such action may subject the registrars or the county governing authority for whom the registrars are acting to a fine by the State Election Board.

(g) The Secretary of State shall provide to the Council of Superior Court Clerks of Georgia not later than the last day of each month all information enumerated in subsections (a) through (d) of this Code section and Code Section 21-2-232 and a list of voters who have failed to vote and inactive voters, as identified pursuant to Code Sections 21-2-234 and 21-2-235. Such data shall only be used by the council, the council's vendors, and county boards of jury commissioners for maintenance of state-wide master jury lists and county master jury lists. Such data shall be provided to the council or its vendors in the electronic format required by the council for such purposes."

SECTION 68.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising paragraph (7) of subsection (f) of Code Section 40-5-2, relating to keeping and furnishing of information on licensees, as follows:

"(7) The lists required to be made available to boards of jury commissioners, the Council of Superior Court Clerks of Georgia, and the Administrative Office of the Courts pursuant to Code Section 15-12-40 or 15-12-40.1 regarding county residents who are the holders of drivers' licenses or personal identification cards issued pursuant to this chapter. Such lists shall identify each such person by name, address, date of birth, and gender, and, whenever racial and ethnic information is collected by the department for purposes of voter registration pursuant to Code Section 21-2-221, the department shall also provide such information. The department shall also provide the address, effective date, document issue date, and document expiration date and shall indicate whether the document is a driver's license or a personal identification card. Such information shall be provided to the Council of Superior Court Clerks of Georgia and the Administrative Office of the Courts upon request in the electronic format required by the council for such purposes and without any charge for such data."

SECTION 69.

Title 45 of the Official Code of Georgia Annotated, relating to public officers and employees, is amended by revising subsection (i) of Code Section 45-11-4, relating to unprofessional conduct, as follows:

"(i) If a true bill is returned by the grand jury, the indictment shall, as in other cases, be published in open court and shall be placed on the superior court criminal docket of cases to be tried by a ~~petit~~ trial jury."

SECTION 70.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising subsection (a) of Code Section 50-18-72, relating to when public disclosure of certain records is not required and the disclosure of exempting legal authority, by adding a new paragraph to read as follows:

"(4.2) Jury list data, including, but not limited to, persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, social security numbers, and when it is available, the person's ethnicity, and other confidential identifying information that is collected and used by the Council of Superior Court Clerks of Georgia for creating, compiling, and maintaining state-wide master jury lists and county master jury lists for the purpose of establishing and maintaining county jury source lists pursuant to the provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a court having jurisdiction over a case in which a challenge to the array of the grand or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk of the county board of jury commissioners of any county shall provide data within the time limit established by the court for the limited purpose of such challenge. Neither the Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury commissioners shall be liable for any use or misuse of such data;"

SECTION 71.

This Act shall become effective only if funds are specifically appropriated for purposes of this Act in an appropriations Act making specific reference to this Act and shall become effective when funds so appropriated become available for expenditure.

SECTION 72.

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	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	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	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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
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
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, by substitute, the ayes were 171, nays 1.

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

Representatives Byrd of the 20th and Meadows of the 5th 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 16, 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 415 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 33 of the Official Code of Georgia Annotated, relating to the regulation of surplus line insurance, so as to revise the surplus line insurance law in Georgia; to provide for definitions; to change provisions of the authorization of procurement of surplus line insurance; to change certain provisions related to the duties of the broker prior to placing insurance; to revise licensing provisions for resident and nonresident surplus line producers; to change applicability provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 5 of Title 33 of the Official Code of Georgia Annotated, relating to the regulation of surplus line insurance, so as to revise the surplus line insurance law in Georgia; to provide for definitions; to change provisions of the authorization of procurement of surplus line insurance; to change certain provisions related to the duties of the broker prior to placing insurance; to change certain provisions related to payment of the broker of privilege tax; to provide for legislative intent; to provide that the Governor under advisement of the Commissioner shall weigh and select such cooperative agreement, compact, or reciprocal agreement that best meets all the financial needs of the state for the purpose of collecting and disbursing to reciprocal states premium taxes; to provide for penalties for failure to file certain affidavits or remit certain taxes; to revise licensing provisions for resident and nonresident surplus line

producers; to change applicability provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 5 of Title 33 of the Official Code of Georgia Annotated, relating to surplus line insurance, is amended by adding a new Code section to read as follows:

"33-5-20.1.

As used in this article, the term:

(1) 'Exempt commercial purchaser' means any person purchasing commercial insurance that, at the time of placement, meets the following requirements:

(A) The person employs or retains a qualified risk manager to negotiate insurance coverage;

(B) The person has paid aggregate nation-wide commercial property and casualty insurance premiums in excess of \$100,000.00 in the immediately preceding 12 months; and

(C)(i) The person meets at least one of the following criteria:

(I) The person possesses a net worth in excess of \$20 million as such amount is adjusted pursuant to division (ii) of this subparagraph; or

(II) The person generates annual revenues in excess of \$50 million as such amount is adjusted pursuant to division (ii) of this subparagraph; or

(III) The person employs more than 500 full-time or full-time equivalent employees per individual insured or is a member of an affiliated group employing more than 1,000 employees in the aggregate;

(IV) The person is a not for profit organization or public entity generating annual budgeted expenditures of at least \$30 million as such amount is adjusted pursuant to division (ii) of this subparagraph; or

(V) The person is a municipality with a population in excess of 50,000.

(ii) Effective on January 1, 2016, and every five years on January 1 thereafter, the amounts in subdivisions (I), (II), and (IV) of division (i) of this subparagraph shall be adjusted to reflect the percentage change for such five-year period in the Consumer Price Index for All Urban Consumers as reported by the Bureau of Labor Statistics of the United States Department of Labor.

(2) 'Home state' means:

(A) The state in which an insured maintains its principal place of business or, in the case of an individual, the individual's principal residence; or

(B) If 100 percent of the insured risk is located outside the state referred to in subparagraph (A) of this paragraph, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

If more than one insured from an affiliated group are named insureds on a single nonadmitted insurance contract, the term 'home state' means the home state, as determined according to subparagraph (A) of this paragraph, of the member of the

affiliated group that has the largest percentage of premium attributed to it under such insurance contract.

(3) 'Nonadmitted insurance' means any property and casualty insurance permitted in a state to be placed directly or through a surplus line broker with a nonadmitted insurer eligible to accept such insurance.

(4) 'Principal place of business' means the state where the insured maintains its headquarters and where the insured's high-level officers direct, control, and coordinate the business's activities.

(5) 'Principal residence' means the state where the individual resides for the greatest number of days during a calendar year.

(6) 'Qualified risk manager' means, with respect to a policyholder of commercial insurance, a person who meets all of the following requirements:

(A) The person is an employee of, or third-party consultant retained by, the commercial policyholder;

(B) The person provides skilled services in purchase of insurance and in loss prevention, loss reduction, or risk and insurance coverage analysis;

(C) The person has a bachelor's degree or higher from an accredited college or university in risk management, business administration, finance, economics, or any other field determined by a state insurance commissioner or other state regulatory official or entity to demonstrate minimum competence in risk management and:

(i) Has three years of experience in risk financing, claims administration, loss prevention, risk and insurance analysis, or purchasing commercial lines of insurance;

(ii) Has a designation as a chartered property and casualty underwriter issued by the American Institute for CPCU/Insurance Institute of America;

(iii) Has a designation as an associate in risk management issued by the American Institute for CPCU/Insurance Institute of America;

(iv) Has a designation as certified risk manager issued by the National Alliance for Insurance Education & Research;

(v) Has a designation as a RIMS Fellow issued by the Global Risk Management Institute; or

(vi) Has any other designation, certification, or license determined by the Commissioner to demonstrate minimum competency in risk management; and

(D) The person has:

(i) At least seven years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance;

(ii) Any one of the designations specified in subparagraph (C) of this paragraph;

(iii) At least ten years of experience in risk financing, claims administration, loss prevention, risk and insurance coverage analysis, or purchasing commercial lines of insurance; or

(iv) A graduate degree from an accredited college or university in risk management, business administration, finance, economics, or any other field

determined by a state insurance commissioner or other state regulatory official or entity to demonstrate minimum competence in risk management.

(7) 'Surplus line insurance' means any property and casualty insurance permitted in a state to be placed through a surplus line broker with a nonadmitted insurer eligible to accept such insurance.

(8) 'Surplus line broker' or 'broker' means an individual who is licensed in this state to sell, solicit, or negotiate insurance on properties, risks, or exposures located or to be performed in this state with nonadmitted insurers."

SECTION 2.

Said article is further amended by revising Code Section 33-5-21, relating to conditions of authorization of procurement of surplus line insurance, as follows:

"33-5-21.

(a) Surplus line insurance may be procured from unauthorized insurers subject to the following conditions:

- (1) The insurance must be procured through a licensed surplus line broker;
- (2) The insurance may only be procured from insurers which meet the financial condition requirements of Code Section 33-5-25;
- (3) The insured or the insured's agent has made an effort to procure the desired insurance coverage or benefits from authorized insurers, but such effort has been unsuccessful in obtaining insurance coverage or benefits which are satisfactory to the insured except as provided under subsection (b) of this Code section; and
- (4) The insurance shall not be procured under this chapter for personal passenger motor vehicle coverage or residential dwelling property coverage unless such insurance cannot be obtained from an authorized insurer.

(b) The broker shall not be required to make a due diligence search to determine whether the full amount or type of insurance can be obtained from authorized insurers when the surplus line broker is seeking to procure or place nonadmitted insurance for an exempt commercial purchaser, provided:

- (1) The broker procuring or placing the surplus line insurance has disclosed to the exempt commercial purchaser that such insurance may be available from the admitted market that may provide greater protection with more regulatory oversight; and
- (2) The exempt commercial purchaser has subsequently requested in writing for the broker to procure or place such insurance from a nonadmitted insurer."

SECTION 3.

Said article is further amended by revising Code Section 33-5-25, relating to the broker requirements prior to the placement of insurance, as follows:

"33-5-25.

(a) The broker shall ascertain the financial condition of the unauthorized insurer before placing insurance with the unauthorized insurer and shall not place surplus line insurance with any insurer who does not meet, according to current available reliable financial information, the requirements provided in subsection (b) of this Code section.

(b)(1) The broker shall so insure only:

(A) ~~With an insurance company licensed and domiciled in a state or United States territory which at all times maintains capital and surplus amounting to at least \$3 million~~ domiciled in a United States jurisdiction that is authorized to write the type of insurance in its domiciliary jurisdiction and has a capital and surplus or its equivalent under the laws of its domiciliary jurisdiction which equals the greater of:

(i) The minimum capital and surplus requirements of this title; or

(ii) Fifteen million dollars;

The requirements of this subparagraph may be satisfied by an insurer that possesses less than the minimum capital and surplus upon an affirmative finding of acceptability by the Commissioner. The finding shall be based upon such factors as quality of management, capital and surplus of any parent company, company underwriting profit and investment income trends, market availability, and company record and reputation within the industry. In no event shall the Commissioner make an affirmative finding of acceptability when the unauthorized insurer's capital and surplus is less than \$4,500,000.00;

(B) With any group of foreign individual underwriters licensed and domiciled in a state or United States territory if such group maintains a trust or security fund of at least \$10 million as security to the full amount thereof for all policyholders and creditors in the United States of each member of the group. If the group includes incorporated and unincorporated underwriters, the incorporated members shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the level of solvency regulation and control by the group's domiciliary regulatory as are the unincorporated members; or

(C) ~~With any an alien insurer or group of alien underwriters~~ domiciled outside of the United States, including, but not limited to, any Lloyd's group, that is on an approved list maintained by the Commissioner that is listed in the Quarterly Listing of Alien Insurers maintained by the International Insurers Department of the National Association of Insurance Commissioners.

(2) An insurer or group of foreign individual underwriters described in subparagraph (A) or (B) of paragraph (1) of this subsection shall annually furnish to the broker a copy of its current annual financial statement and, in the case of a group of foreign individual underwriters, evidence of compliance with required trust or security fund deposits.

(c) For any violation of this Code section, a broker's license may be suspended or revoked as provided in Code Section 33-5-23."

SECTION 4.

Said article is further amended by revising subsection Code Section 33-5-31, relating to payment by a broker of tax for the privilege of doing business, as follows:

"33-5-31.

(a) The surplus line broker shall remit to the Commissioner, on or before the fifteenth day of April, July, October, and January, at the time his or her quarterly affidavit is

submitted, as a tax imposed for the privilege of doing business as a surplus line broker in this state, a tax of 4 percent on all premiums paid to the surplus line broker during the preceding quarter, less return premiums and exclusive of sums collected to cover state or federal taxes, on surplus line insurance subject to tax transacted by him or her during the preceding quarter as shown by his or her affidavit filed with the Commissioner.

(b) If a surplus line policy covers risks or exposures ~~only partially in this state, the tax so payable shall be computed on the proportion of the premium which is properly allocable to the risks or exposures located in~~ located or to be performed both in and out of this state, the sum payable shall be computed based on an amount equal to 4 percent of that portion of the gross premiums allocated to this state plus an amount equal to the portion of premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks, or exposures located or to be performed outside this state."

SECTION 5.

Said article is further amended by revising Code Section 33-5-32, relating to the penalty for failure to file a quarterly affidavit or remit the tax as prescribed, as follows:

"33-5-32.

If any surplus line broker fails to file his or her quarterly affidavit or fails to remit the tax as provided by law within 30 days after the tax is due, he or she shall be liable for a penalty of either \$25.00 for each day of delinquency commencing after the expiration of the 30 day period or an amount equal to 100 percent of the tax, whichever is less, except that for good cause shown, the Commissioner may grant a reasonable extension of time within which the affidavit may be filed and the tax may be paid. The tax may be recovered by distraint and the penalty and tax may be recovered by an action instituted by the Commissioner in any court of competent jurisdiction. The Commissioner shall pay to the Office of the State Treasurer any penalty so collected."

SECTION 6.

Said article is further amended by revising subsection (a) of Code Section 33-5-33, relating to the filing of a report by persons procuring insurance with unauthorized insurers, as follows:

"(a) Every insured who in this state procures or causes to be procured or continues or renews insurance with an unauthorized insurer upon a subject of insurance resident, located, or to be performed both within and outside this state, other than insurance procured through a surplus line broker pursuant to this article or exempted from this article under Code Section 33-5-35, shall within 30 days after the date such insurance was so procured, continued, or renewed file a report of the same with the Commissioner in writing and upon forms designated by the Commissioner and furnished to such an insured upon request. The report shall state the name and address of the insured or insureds, name and address of the insurer, the subject of the insurance, a general

description of the coverage, the amount of premium currently paid thereon, and such additional information as reasonably requested by the Commissioner."

SECTION 7.

Said article is further amended by revising Code Section 33-5-35, relating to applicability of the article, as follows:

"33-5-35.

This article controlling the placing of insurance with unauthorized insurers shall not apply to reinsurance or to the following insurances when so placed by licensed agents or brokers of this state:

- (1) ~~Insurance on subjects located, resident, or to be performed wholly outside of this state or on vehicles or aircraft owned and principally garaged outside this state;~~
- (2) Insurance on property or operation of railroads engaged in interstate commerce; or
- (3)(2) Insurance of aircraft owned or operated by manufacturers of aircraft or operated in scheduled interstate flight, or cargo of the aircraft, or against liability, other than workers' compensation and employer's liability, arising out of the ownership, maintenance, or use of the aircraft."

SECTION 8.

Said article is further amended by designating Code Sections 33-5-20 through 33-5-35 as Part 1 of said article and by adding a new part to read as follows:

"Part 2

33-5-40.

The General Assembly finds the federal Nonadmitted and Reinsurance Reform Act of 2010, which was incorporated into the federal Dodd-Frank Wall Street Reform and Consumer Protection Act, P.L. 111-203, provides that only an insured's home state may require premium tax payment for nonadmitted insurance and authorizes states to enter into a compact or otherwise establish procedures to allocate among the states the nonadmitted insurance premium taxes. The General Assembly further finds that as the states are still in flux as to which proposed plan is best for them to enter, or if any agreement should be entered into by the state, the Commissioner of Insurance is in a unique position to weigh these options and to determine what is in the best interest of the state financially. Therefore, the General Assembly acknowledges that some flexibility is necessary to determine that the best financial interests of the state are met.

33-5-41.

The Governor, on behalf of the state, advised by and in consultation with the Commissioner of Insurance, is authorized to enter into a cooperative agreement, compact, or reciprocal agreement with another state or states for the purpose of the collection of insurance premium taxes imposed by Code Section 33-5-31. In the event

the Governor enters into a cooperative agreement, compact, or reciprocal agreement with another state or states as authorized under this part, notice of such action shall be communicated to the chairperson of the House Committee on Insurance and the chairperson of the Senate Insurance and Labor Committee.

33-5-42.

The cooperative agreement, compact, or reciprocal agreement for the purpose of the collection of insurance premiums imposed by Code Section 33-5-31 shall substantially follow the form of the model Surplus Lines Insurance Multi-State Compliance Compact, also known as SLIMPACT-lite, created by the National Conference of Insurance Legislators or the model Nonadmitted Insurance Multi-State Agreement, also known as NIMA, created by the National Association of Insurance Commissioners, as such documents exist on July 1, 2011.

33-5-43.

The Governor with the consultation and advice of the Commissioner shall select the agreement, if any, that provides the best financial advantage to the state."

SECTION 9.

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	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	Horne	Y Morgan	E 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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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	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	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	E Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 171, nays 1.

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

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

March 16, ad 2011

Dear Mr. Clerk,

Article III, Section I, Paragraph I, of the Constitution of the State of Georgia, provides that "The legislative power of the state shall be vested in a General Assembly which shall consist of a Senate and a House of Representatives." 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 413 unconstitutionally delegates that legislative power to the executive branch. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 149. By Representatives Bearden of the 68th, Powell of the 171st, Willard of the 49th, Cheokas of the 134th and Weldon of the 3rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrates, so as to

provide for the termination of magistrates under certain circumstances; 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 Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrates, so as to change provisions relating to magistrates under certain circumstances; 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.

Article 2 of Chapter 10 of Title 15 of the Official Code of Georgia Annotated, relating to magistrates, is amended by revising Code Section 15-10-20, relating to the number and selection of magistrates, as follows:

"15-10-20.

(a) Each magistrate court shall have a chief magistrate and may have one or more other magistrates. Such magistrates shall be the judges of the magistrate court and shall be known as magistrates of the county. Unless otherwise provided by local law, the number of magistrates in each county shall be fixed from time to time by majority vote of the judges of the superior court of the county, but no magistrate shall be removed from office during a term of office except for cause as provided by Code Sections 15-10-24 and 15-10-25. The number of magistrates authorized for the county shall be one magistrate until increased by the judges of superior court or by local law; ~~but this subsection shall not operate to remove a magistrate from office during his term of office.~~

(b) ~~The term of office of any magistrate taking office prior to January 1, 1985, shall expire on December 31, 1984, except that this subsection shall not operate to shorten any term of office in violation of Article VI, Section X, Paragraph II of the Constitution.~~ The term of office of any magistrate taking office on or after January 1, 1985, shall be for four years beginning on the first day of an odd-numbered year, except that in selecting magistrates to fill newly created positions or if otherwise necessary, a magistrate may be selected for a term of less than four years to expire on the last day of an even-numbered year.

(c)(1) Unless otherwise provided by local law, all magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, who are selected to take office prior to January 1, 1985, shall be selected as provided in this subsection. The judges of the superior court of the county shall by majority vote appoint as chief

magistrate either an officer becoming a magistrate pursuant to Code Section 15-10-120 or some other person meeting the qualifications specified in subsection (a) of Code Section 15-10-22. Any other magistrates, other than the officers becoming magistrates pursuant to Code Section 15-10-120, shall be appointed by the chief magistrate with the consent of the judges of superior court.

(2)(A) If the chief magistrate so selected is an officer becoming a magistrate pursuant to Code Section 15-10-120, then his or her term as chief magistrate will be as provided by this paragraph.

~~(B) If the term which he was serving on June 30, 1983, will expire on the last day of 1984 or 1986, then his term as chief magistrate will likewise expire on the last day of 1984 or 1986.~~

~~(C)~~ If the term which he or she was serving on June 30, 1983, will expire other than on the last day of 1984 or 1986, then his or her term as chief magistrate shall expire on December 31, 1984, even though he or she is granted a longer term as magistrate by Article VI, Section X, Paragraph II of the Constitution; but his or her term as magistrate shall not be shortened in violation of said Paragraph of the Constitution. In any case covered by this subparagraph, the person whose term as chief magistrate expires December 31, 1984, but who is granted by the Constitution a longer term as magistrate shall be eligible to succeed himself or herself for a four-year term as chief magistrate beginning January 1, 1985, if he or she resigns his or her current term as magistrate prior to beginning such four-year term as chief magistrate.

(d)(1) Unless otherwise provided by local law, all magistrates taking office on or after January 1, 1985, shall be selected as provided in this subsection. The chief magistrate shall be elected by the voters of the county at the general election next preceding the expiration of the term of the incumbent chief magistrate, in a partisan election in the same manner as county officers are elected, for a term beginning on the first day of January following his or her election. His or her successors shall likewise be elected quadrennially thereafter for terms beginning on the first day of January following their election.

(2) Magistrates other than the chief magistrate shall be appointed by the chief magistrate with the consent of the judges of the superior court. ~~The term of a magistrate so appointed shall run concurrently with the term of the chief magistrate by whom he was appointed~~ Upon the expiration of the term of office of a magistrate who is serving on July 1, 2011, and who was appointed pursuant to this paragraph, such magistrate shall no longer have a set term and shall serve at the pleasure of the chief magistrate.

(e) Unless otherwise provided by local law, a vacancy in the office of chief magistrate shall be filled by an appointment by majority vote of the judges of superior court for the remainder of the unexpired term; and a vacancy in the office of any other magistrate shall be filled by an appointment by the chief magistrate with the consent of the judges of superior court for the remainder of the unexpired term. If, however, a vacancy occurs which does not reduce the number of magistrates for the county below the number of magistrates authorized for the county, then such vacancy shall not be filled.

(f) The General Assembly may by local law provide for the number of magistrates of a county, provide for a different method of selecting magistrates than that specified in subsections (c) and (d) of this Code section, and provide for a different method of filling vacancies than that specified in subsection (e) of this Code section.

(g) The General Assembly may at any time provide by local law that the probate judge shall serve as chief magistrate or magistrate and provide for compensation of the probate judge in his or her capacity as chief magistrate or magistrate; and in such a case the chief magistrate or magistrate shall not be separately elected but shall be the probate judge.

(h) Each magistrate taking office after July 1, 1985, shall before entering on the performance of his or her duties execute bond in the amount of \$25,000.00 for the faithful performance of his or her duties. Each magistrate in office on July 1, 1985, shall execute such a bond not later than September 1, 1985. The amount of bond required of the magistrate or magistrates of any county may be increased by local law. Such bonds shall be subject to all provisions of Chapter 4 of Title 45 in the same manner as bonds of other county officials. The premiums due on such bonds shall be paid by the fiscal authority of the county out of county funds.

~~(i)(1) Any person who is holding office on January 1, 1994, as a judge of the superior courts of this state, whether within the term for which elected or appointed or otherwise, and who subsequent to such date and prior to December 31, 1996, is effectively removed from such office by federal court order shall upon such removal become a special judge of the magistrate court as provided for in this subsection. As used in this subsection, the term 'federal court order' shall mean only an order of a federal court which is entered in a civil action challenging under federal law or federal constitutional provisions (or both) the validity of the manner of selection of superior court judges in this state. A person shall be considered as effectively removed from office by such an order if the order by its terms prohibits such person's continued service as a judge of the superior courts without by the terms of the order allowing such person a meaningful opportunity to seek an appointment or election as a judge of the superior courts which would take effect within 30 days following such removal. Nothing in this subsection shall apply with respect to any removal from office resulting from criminal conduct or other malfeasance on the part of the person removed from office.~~

~~(2) Any person becoming a special judge of the magistrate court pursuant to this subsection shall become a special judge of the magistrate court of the county in which such person resides. Any such special judge of the magistrate court shall serve for a term of office expiring December 31, 1996. The Governor shall issue to each such special judge of the magistrate court a commission stating the date of commencement and expiration of such term of office.~~

~~(3) Any special judge of the magistrate court serving pursuant to this subsection shall have all the same powers and duties as any other judge of such magistrate court.~~

~~(4) Any special judge of the magistrate court serving pursuant to this subsection shall be compensated and reimbursed for expenses in such amount or amounts as are now~~

~~or hereafter provided by law for a judge of the superior courts, such compensation to be payable from state funds in the same manner as now or hereafter provided by law for a judge of the superior courts.~~

~~(5) The provisions of this subsection shall control over any other conflicting provisions of this chapter."~~

SECTION 2.

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

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:

N Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Y Setzler
N Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	N Holcomb	Y Meadows	Y Sims, C
N Ashe	N 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	E Smith, L
Y Baker	N Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	N Howard	N Mosby	Y Smith, T
Y Bearden	N Dukes	Y Huckaby	Murphy	N Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Neal, J	N 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	N Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	N James	N Oliver	Y Talton
Y Braddock	N Evans	N Jasperse	Y O'Neal	Y Tankersley
Y Brockway	N Floyd	Y Jerguson	E Pak	Y Taylor, D
N Brooks	N Fludd	N Johnson	N Parent	N Taylor, R
N Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
N Bryant	N Frazier	E 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	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	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	N 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	Harrell	Y Manning	Y Rogers	N Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	E 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 115, nays 57.

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

Pursuant to HR 596, the House recognized and commended Liberty Day on March 16th, 2011.

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 599. By Representatives Abdul-Salaam of the 74th, Brooks of the 63rd, Bryant of the 160th, Morgan of the 39th, Gordon of the 162nd and others:

A RESOLUTION recognizing Georgia's Artist of the Year, Mr. Gilbert Young, and inviting him and Dr. Amelia Platts Boynton to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 600. By Representatives Frazier of the 123rd, Jackson of the 142nd, Burns of the 157th, Murphy of the 120th, Howard of the 121st and others:

A RESOLUTION honoring the life and memory of Mr. Alphonso Andrews; and for other purposes.

HR 601. By Representatives Abdul-Salaam of the 74th, Brooks of the 63rd, Bryant of the 160th, Morgan of the 39th, Gordon of the 162nd and others:

A RESOLUTION commending Dr. Amelia Platts Boynton Robinson on the occasion of her 100th birthday and recognizing her impact on Civil Rights in America; and for other purposes.

HR 602. By Representatives Brooks of the 63rd and Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending the National Association for the Advancement of Colored People Youth & College Division on its 75th anniversary; and for other purposes.

HR 603. By Representatives Brockway of the 101st, Harrell of the 106th, Lindsey of the 54th and Pak of the 102nd:

A RESOLUTION commending Georgia's political bloggers for their continued role in promoting openness and transparency in government at every level and recognizing March 16, 2011, as Blogger Day at the state capitol; and for other purposes.

HR 604. By Representatives Pak of the 102nd, Harrell of the 106th, Rice of the 51st, Sheldon of the 105th, Clark of the 98th and others:

A RESOLUTION recognizing and commending the Lilburn Woman's Club; and for other purposes.

HR 605. By Representative Purcell of the 159th:

A RESOLUTION recognizing and commending the Evangelical Lutheran Church of the Ascension in Savannah, Georgia, on the occasion of its 270th anniversary; and for other purposes.

HR 606. By Representatives Austin of the 10th, Allison of the 8th and Collins of the 27th:

A RESOLUTION recognizing and commending Caleb Morris on his second consecutive state title in wrestling; and for other purposes.

HR 607. By Representatives Mayo of the 91st and Heard of the 114th:

A RESOLUTION recognizing and commending Kappa Alpha Psi Fraternity, Inc., on the occasion of its centennial anniversary; and for other purposes.

HR 608. By Representatives Harbin of the 118th, Rogers of the 26th, Roberts of the 154th, Channell of the 116th and Abrams of the 84th:

A RESOLUTION recognizing the week of October 17, 2011, as Careers in Energy Week; and for other purposes.

HR 609. By Representatives Jordan of the 77th, Scott of the 76th and Abdul-Salaam of the 74th:

A RESOLUTION recognizing and commending Mr. Daniel D. "Dink" Trotter, Sr.; 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 307. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Article 5 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to the Georgia Trauma Care Network Commission, so as to provide for burn centers and burn patients as

part of the trauma network; to revise 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 Article 5 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to the Georgia Trauma Care Network Commission, so as to provide for burn centers and burn patients as part of the trauma network; to revise 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.

Article 5 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to the Georgia Trauma Care Network Commission, is amended in Code Section 31-11-100, relating to definitions, as follows:

"31-11-100.

As used in this article, the term:

(1) 'Burn trauma center' means a facility that has been designated by the Department of Community Health as a burn center and that admits at least 300 patients annually with the burn specific principal diagnosis codes as published by the International Classification of Diseases.

(2) 'Trauma burn patient' means a patient admitted to a burn trauma center with a burn specific principal diagnosis code as published by the International Classification of Diseases who has at least one of the following injuries or complications based on criteria developed by the American Burn Association:

(A) Partial-thickness burns over at least 10 percent of the total body surface area;

(B) Burns that involve the face, hands, feet, genitalia, perineum, or major joints;

(C) Third-degree burns in any age group;

(D) Chemical burns;

(E) An inhalation injury;

(F) A burn injury and preexisting medical disorder that could complicate management, prolong recovery, or affect mortality;

(G) Burns and concomitant trauma, such as fractures, in which the burn injury poses the greatest risk of morbidity or mortality; or

(H) Burn injury patients who require special social, emotional, or rehabilitative intervention.

~~(4)~~(3) 'Trauma center' means a facility designated by the Department of Community Health as a Level I, II, III, or IV or burn trauma center.

~~(2)~~(4) 'Trauma patient' means a patient who is on the State Trauma Registry or the National Trauma Registry of the American College of Surgeons or who is a trauma burn patient.

~~(3)~~(5) 'Trauma service codes' means the ~~ICDA-9-CM~~ International Classification of Diseases discharge codes designated as trauma service codes by the American College of Surgeons, Committee on Trauma.

~~(4)~~(6) 'Uncompensated' means care provided by a designated trauma center, emergency medical services provider, or physician to a trauma patient as defined by the Georgia Trauma Care Network Commission who:

(A) Has no medical insurance, including federal Medicare Part B coverage;

(B) Is not eligible for medical assistance coverage;

(C) Has no medical coverage for trauma care through workers' compensation, automobile insurance, or any other third party, including any settlement or judgment resulting from such coverage; and

(D) Has not paid for the trauma care provided by the trauma provider after documented attempts by the trauma care services provider to collect payment."

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	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	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	N 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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas

Y Burns	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 Pruet	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
Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 165, nays 2.

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

Representative Houston of the 170th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 477. By Representatives Shaw of the 176th, Meadows of the 5th, Maxwell of the 17th, Hembree of the 67th, James of the 135th 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 the transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters; to provide for adjustment of licensing fees as necessary to accommodate biennial licensing; to provide for promulgation of rules and regulations by the Commissioner; 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 the transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters; to provide for adjustment of licensing fees as necessary to accommodate biennial licensing; to provide for promulgation of rules and regulations by the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Code Section 33-8-1, relating to fees and taxes, as follows:

"33-8-1.

The Commissioner is authorized to assess and collect in advance, and persons so assessed shall pay in advance to the Commissioner, fees and charges under this title as follows:

(1) Unless specifically provided otherwise, for each certificate of authority, original license, renewal of a certificate of authority, or renewal of a license:

(A) Agent, subagent, counselor, adjuster, or principal office of an insurance agency (new license).....	\$ 50.00
	<u>100.00</u>
(B) Agent, subagent, counselor, adjuster, or principal office of an insurance agency (<u>biennial</u> license renewal)	50.00
	<u>100.00</u>
(B.1) Each branch office of an insurance agency other than the principal office (new license)	10.00
	<u>20.00</u>
(B.2) Each branch office of an insurance agency other than the principal office (<u>biennial</u> license renewal)	10.00
	<u>20.00</u>
(C) Agent certificate of authority for subagent.....	5.00
(D) Automobile self-insurance.....	100.00
(E) Captive insurance company:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(F) Continuing care provider.....	75.00
(G) Duplicate certificate of authority, license, or permit.....	25.00
(H) Farmers mutual fire insurance company:	
Original license or certificate	500.00

Renewal license or certificate	25.00
(I) Fraternal benefit society:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(I.1) Health care corporations:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(J) Health maintenance organization:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(K) Insurer certificate of authority for agent.....	10.00
(L) Life, accident, and sickness insurance company:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(M) Managing general agent:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(N) Multiple employer self-insurance plan.....	400.00
(O) Premium finance company (full power).....	500.00
(P) Premium finance company (limited power).....	300.00
(Q) Reserved	
(R) Prepaid legal services plans	500.00
(S) Private review agents:	
Original license or certificate	1,000.00
Renewal license or certificate	500.00
(T) Property and casualty insurance company:	
Original license or certificate	600.00

Renewal license or certificate	500.00
(U) Nonprofit organizations (medical service or hospital service corporation):	
Original license or certificate	600.00
Renewal license or certificate	500.00
(V) Rating or advisory organization	100.00
(W) Reinsurance intermediary	50.00
(X) Surplus lines broker	300.00 <u>600.00</u>
(Y) Third-party administrators:	
Original license or certificate	500.00
Renewal license or certificate	400.00
(Z) Title insurance company:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(AA) Utilization review agent.....	200.00
(BB) Each vending machine licensed under Chapter 23 of this title.....	25.00
(CC) Workers' compensation group self-insurance fund:	
Original license or certificate	600.00
Renewal license or certificate	500.00
(2) Bond or security deposits:	
(A) Not over \$5,000.00	4.00
(B) Not over \$10,000.00	8.00
(C) Not over \$25,000.00	15.00
(D) Not over \$50,000.00	25.00
(E) Over \$50,000.00 but less than \$100,000.00	40.00
(F) \$100,000.00 or more	50.00

(3) Examination fee for agent's, subagent's, counselor's, or adjuster's license.....	25.00
(4) Application fee for agent's, subagent's, adjuster's, or counselor's license.....	15.00
(5) Status letter for agent, subagent, counselor, or adjuster.....	10.00
(6) For the following filings:	
(A) Bylaws amendments.....	25.00
(B) Certification of annual statement.....	10.00
(C) Certification of examination report.....	10.00
(D) Certification of other documents.....	5.00
(E) Charter amendments.....	25.00
(F) Education course provider (original filing).....	100.00
(G) Education course provider (renewal filing).....	50.00
(H) Education course or program.....	10.00
(I) Education course instructor.....	10.00
(J) Financial statement.....	50.00
(K) Form A.....	5,000.00
(L) Form A exemption.....	1,000.00
(M) Form B.....	500.00
(N) Form B exemption.....	100.00
(O) Individual risk rate or form.....	10.00
(P) Insurance policy form.....	25.00
(Q) Insurance rate filing.....	75.00
(R) Listing of licensed agents, subagents, counselors, or adjusters.....	1,000.00
(S) Listing of insurer's certificates of authority filed for agents.....	5.00
(T) Listing of agent's certificates of authority filed for subagents.....	5.00
(U) List of licensees or permit or certificate holders other than agents, subagents, counselors, or adjusters.....	40.00

(V) License, permit, or certificate of authority amendment	25.00
(W) Late fee for filings	15.00
(X) Registration of risk retention groups	100.00
(Y) Registration of purchasing groups.....	100.00
(Z) Filing of other documents	50.00
(AA) Amendment of filings	25.00
<p>Provided, however, that the Commissioner, in his or her discretion, may exempt from such fee change of address filings done off line by agents, subagents, counselors, and adjusters.</p>	
(AA.1) Change of address filings done on line by agents, subagents, counselors, and adjusters.....	No charge
(BB) Service of process	15.00
(7) For refiling of corrected documents under this Code section, provided that fees were paid with original filing	No charge"

SECTION 2.

Said title is further amended by revising Code Section 33-23-3, relating to agency licensing and annual renewals, as follows:

"33-23-3.

(a) Each principal office and each branch office of an agency as defined in paragraph (2) of subsection (a) of Code Section 33-23-1 must obtain an agency license prior to commencement of operations and renew such license annually by filing application forms prescribed by the Commissioner, except as provided by subsection (a.1) of this Code section.

(a.1) The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one-half the biennial fee provided in Code Section 33-8-1.

(b) An agency shall be subject to all penalties, fines, criminal sanctions, and other actions authorized for agents under this chapter.

(c) No person shall be an owner of an agency or, if the agency is a corporation, no person shall be an officer or director of such corporation or own 10 percent or more of the corporation if such person has had his or her license under this chapter refused, revoked, or suspended."

SECTION 3.

Said title is further amended by revising Code Section 33-23-18, relating to issuance of a license on a continuous basis, filing for continuation, and continuing education requirements, as follows:

"33-23-18.

(a) All resident agent, limited subagent, adjuster, and counselor licenses, with the exception of temporary or probationary licenses, shall be issued on a continuous basis.

(b) Such resident agent, limited subagent, adjuster, and counselor licenses may be continued upon receipt by the Commissioner of evidence of such continuing education as the Commissioner may establish by rule or regulation and payment of such fees as are provided by law.

(c) Filings for continuation of the license on forms prescribed by rule or regulation must be made prior to the first December 31 following the initial issuance of the license and every December 31 thereafter, except as provided in subsection (h) of this Code section.

(d) Continuing education requirements imposed by the Commissioner pursuant to this Code section shall not exceed 15 classroom hours for each licensed individual who has held a license for less than 20 years during the calendar year. For those individuals who have held a license for 20 years or more, the requirement shall be no more than ten classroom hours during the calendar year. However, the Commissioner may provide by rule or regulation for continuing education requirements on a biennial basis.

(e) Any individual who has been licensed as an agent for ten consecutive years or more and who does not perform any of the functions specified in paragraph (3) of subsection (a) of Code Section 33-23-1 other than receipt of renewal or deferred commissions shall be exempt from continuing education requirements; provided, however, that if such individual wishes to again perform any of the other functions specified in said paragraph, such individual must obtain approval from the Commissioner and comply with the requirements of this chapter, including without limitation the requirements for continuing education. The Commissioner may provide, by rule or regulation, for any other exemption to or reduction in continuing education required under this Code section.

(f) Every individual required to participate in a continuing education program pursuant to this Code section shall furnish or such individual's insurer shall furnish the Commissioner such information as the Commissioner deems necessary to verify compliance with the continuing education requirements.

(g) The Commissioner by rule or regulation may establish the following:

(1) Staggered deadlines for the filing of forms for continuation of licenses and the corresponding required fees; and

(2) Penalties and procedures for licensees who fail to comply with subsection (c) of this Code section.

(h) The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the

renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one-half the biennial fee provided in Code Section 33-8-1."

SECTION 4.

Said title is further amended by revising subsection (b) of Code Section 33-23-37, relating to licensing of a surplus lines broker, as follows:

"(b) Any person, while licensed as a resident agent as to property, casualty, and surety insurance and who is deemed by the Commissioner to be competent and trustworthy, may be licensed as a surplus lines broker as follows:

(1) Application to the Commissioner for the license shall be on forms furnished by the Commissioner;

(2) The license fee shall be in an amount as provided in Code Section 33-8-1;

(3) Each license shall be issued for a term expiring on December 31 next following the date of issuance and may be renewed annually by filing an application and paying the prescribed fee in accordance with this Code section except as provided in paragraph (3.1) of this subsection;

(3.1) The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one-half the biennial fee provided in Code Section 33-8-1;

(4) Prior to the issuance of the license or any renewal of the license, the applicant shall file a bond with the Commissioner or his or her successor in office, for the benefit of any person injured by the violation of the conditions provided in this paragraph. The bond shall be executed by the applicant as principal and by a corporate surety authorized to do business in this state and shall be in the penal sum of \$50,000.00, conditioned that the applicant will comply with the following:

(A) Place insurance only in compliance with Code Section 33-5-25;

(B) Remit promptly the taxes provided in Code Section 33-5-31;

(C) Account to any person requesting him or her to obtain insurance for funds or premiums collected in connection with such insurance; and

(D) Otherwise conduct business in accordance with this title.

The bond shall not be terminated unless prior to such termination 30 days' written notice is filed with the Commissioner; and

(5) Each applicant for a license to act as a surplus lines broker shall submit to a personal written examination to determine his or her competence, unless the applicant is licensed as a surplus lines broker in his or her home state."

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	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	N Horne	Y Morgan	E Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Howard	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	E 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
N Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruet	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	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	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 2.

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

Representative Howard of the 121st 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.

Representative Horne of the 71st stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 197. By Representatives Sims of the 119th, Pruett of the 144th, Mitchell of the 88th, Horne of the 71st and Hembree of the 67th:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for jails, so as to provide limitations on certain medical charges by hospitals for providing emergency medical care services to inmates confined in a municipal or county detention facility; 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 Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for jails, so as to provide limitations on certain medical charges by hospitals for providing emergency medical care services to inmates confined in a municipal or county detention facility; 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.

Article 1 of Chapter 4 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions for jails, is amended by adding a new Code section to read as follows:

"42-4-15.

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

(1) 'Detention facility' means any municipal or county jail or other facility used for the detention of persons charged with or convicted of a criminal offense or charged with or adjudicated for a delinquent act.

(2) 'Emergency health care' means bona fide emergency services provided after the onset of a medical or traumatic condition manifesting itself by acute symptoms of sufficient severity such that the absence of immediate medical attention could reasonably be expected to result in placing the inmate's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The term includes any form of medical, dental, optical, psychological, or other emergency treatment and the medication administered in conjunction with such treatment.

(3) 'Governing authority' means the governing authority of the county or municipality in which the detention facility is located.

(4) 'Inmate' means a person who is detained in a detention facility.

(5) 'Sheriff' means the elected sheriff of the county.

(b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of Title 31 that provides emergency health care services to inmates and which is not a party to a contract governing such services with the governing authority or its agent on or after the effective date of this Code section shall:

(1) Charge an amount not to exceed the applicable Georgia Medicaid rate for any emergency health care service provided;

(2) Provide emergency health care service in accordance with acceptable medical standards, ensuring that any reasonably apparent injuries associated with the condition are treated; and

(3) Not discharge an inmate with an emergency health care condition so as to require an immediate transfer to another medical provider for the same condition unless the reasonable standard of care requires such a transfer."

SECTION 2.

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

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:

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

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

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

HB 203. By Representatives Jackson of the 142nd, Bearden of the 68th, Frazier of the 123rd, Harden of the 28th, Abrams of the 84th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, so as to provide that the Georgia Peace Officers Standards and Training Council shall make certain notifications when undertaking to investigate or discipline peace officers; 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 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, so as to provide that the Georgia Peace Officers Standards and Training Council shall make certain notifications when undertaking to investigate or discipline peace officers; 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 8 of Title 35 of the Official Code of Georgia Annotated, relating to the employment and training of peace officers, is amended by revising Code Section 35-8-

7.1, relating to the authority of the council to refuse certificate to applicant or to discipline certified peace officer or exempt peace officer, by adding two new subsections to read as follows:

"(e) Upon initiating an investigation of a peace officer for possible disciplinary action or upon disciplining a peace officer pursuant to this Code section, the council shall notify the head of the law enforcement agency that employs such peace officer of the investigation or disciplinary action. In the case of an investigation, it shall be sufficient to identify the peace officer and state that a disciplinary investigation has been opened. Notice of the initiation of an investigation shall be sent by priority mail. If the investigation is completed without any further action, notice of the termination of such investigation shall also be provided to the head of the employing agency. In the case of disciplinary action, the notice shall identify the officer and state the nature of the disciplinary action taken. The notice of disposition shall be sent only after the action of the council is deemed final. Such notice shall be sent by priority mail.

(f) If the certification of a peace officer is suspended or revoked by either the executive director or council, then the council shall notify the head of the law enforcement agency that employs the peace officer; the district attorney of the judicial circuit in which such law enforcement agency is located; and the solicitor of the state court, if any, of the county in which such law enforcement agency is located. It shall be sufficient for this notice to identify the officer and state the length of time, if known, that the officer will not have powers of arrest. Such notice shall be sent by priority mail."

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	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 Dobb	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	E 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
Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton

Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	E Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	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	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 173, nays 0.

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

HB 265. By Representatives Neal of the 1st, Ralston of the 7th, Abrams of the 84th, Willard of the 49th, Golick of the 34th and others:

A BILL to be entitled an Act to amend Title 28 of the Official Code of Georgia Annotated, relating to the Georgia General Assembly, so as to create the 2011 Special Council on Criminal Justice Reform for Georgians and the Special Joint Committee on Georgia Criminal Justice Reform; to provide for related matters; to provide for legislative intent; to provide for an automatic repeal; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 28 of the Official Code of Georgia Annotated, relating to the Georgia General Assembly, so as to create the 2011 Special Council on Criminal Justice Reform for Georgians and the Special Joint Committee on Georgia Criminal Justice Reform; to provide for related matters; to provide for legislative intent; to provide for an automatic repeal; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, is amended by adding a new chapter to read as follows:

"CHAPTER 13

28-13-1.

The General Assembly finds and determines that:

- (1) It has been many years since there has been a systematic study of the State of Georgia's correctional system and criminal justice structure and there exists a need for such study today;
- (2) A study of Georgia's criminal justice and correctional system is necessary to enhance public safety, reduce victimization, hold offenders more accountable, enhance probation and parole supervision, and better manage a growing prison population through increasing public safety, improving rehabilitation, and lowering state expense;
- (3) Such a study and the formulation of recommendations for criminal justice structural changes can best be carried out through an established council; and
- (4) Enactment of council recommendations, if deemed appropriate at the 2012 session of the General Assembly, is best carried out through a deliberative and specific legislative process.

28-13-2.

(a) There is created the 2011 Special Council on Criminal Justice Reform for Georgians (hereinafter 'council') which shall consist of 11 members as follows:

- (1) The Governor or his or her designee;
- (2) One member appointed by the Governor;
- (3) Three members appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party;
- (4) Three members appointed by the Lieutenant Governor, one of whom shall be a member of the minority party;
- (5) The Chief Justice of the Supreme Court of Georgia or his or her designee; and
- (6) Two members of the judicial branch, to be appointed by the Chief Justice of the Supreme Court of Georgia.

(b) A chairperson shall be selected by a majority vote of the members of the council. A quorum of the council shall consist of seven members. Any member of the council unable to serve shall be replaced in the same manner in which the original appointment was made.

(c) All departments and agencies of the state, including the Department of Corrections and State Board of Pardons and Paroles, shall, upon request of the council or the

Governor, provide requested services, information, and technical support, notwithstanding any other law to the contrary.

(d) Members of the council shall receive no compensation for their services, except that any member may be reimbursed for actual expenses incurred in the performance of their duties by the agency or department in which they serve as an official or employee.

(e) The council shall conduct a thorough study of the state's current criminal justice structure and make a report of its findings and recommendations for legislation to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and Chief Justice of the Supreme Court no later than November 1, 2011.

28-13-3.

(a) There is created the Special Joint Committee on Georgia Criminal Justice Reform (hereinafter 'joint committee') which shall consist of 17 members as follows:

(1) The President Pro Tempore of the Senate and Speaker Pro Tempore of the House of Representatives;

(2) The majority leader of the Senate and the majority leader of the House of Representatives;

(3) The minority leader of the Senate and the minority leader of the House of Representatives;

(4) The chairpersons of the Senate Judiciary Committee, the House Committee on Judiciary, and the House Committee on Judiciary, Non-civil;

(5) The chairpersons of the Senate State Institutions and Property Committee and the House Committee on State Institutions and Property;

(6) Three members of the Senate to be appointed by the Lieutenant Governor, one of whom shall be a member of the minority party; and

(7) Three members of the House of Representatives to be appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party.

(b)(1) The chairpersons of the Senate Judiciary Committee and the House Committee on Judiciary, Non-civil shall serve as cochairpersons of the joint committee. A quorum of the joint committee shall consist of nine members.

(2) During the 2012 session of the General Assembly, the chairperson of the joint committee who is a member of the House of Representatives shall cause to be introduced in the House of Representatives one or more bills or resolutions incorporating the recommendations of the council, and such legislation shall, after its introduction, be referred by the Speaker of the House of Representatives only to the joint committee and no other committee of the House of Representatives.

(3) If one or more bills or resolutions referred by the joint committee are passed by the House of Representatives, the measure or measures shall then be in order for consideration by the Senate at any time fixed by the President of the Senate, and such legislation shall, after its introduction, be referred by the President of the Senate only to the joint committee and no other committee of the Senate.

(4) The rules of the Senate and the House of Representatives for the 2012 legislative session may contain provisions necessary or appropriate to comply with the legislative process specified by this Code section.

28-13-4.

This chapter shall stand repealed by operation of law on July 1, 2012."

SECTION 2.

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

SECTION 3.

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

The following amendment was read and adopted:

Representatives Neal of the 1st and Golick of the 34th offer the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to HB 265 (LC 29 4629S) by replacing lines 77 through 83 as follows:

(3) If one or more bills or resolutions referred by the joint committee are passed by the House of Representatives, the measure or measures shall then be in order for consideration by the Senate and shall be voted upon by the Senate.

(4) The rules of the Senate and the House of Representatives for the 2012 legislative session shall contain provisions necessary or appropriate to comply with the legislative

The Committee substitute, as amended, was adopted.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Y 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	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	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	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	Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
E 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	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
E 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 passage of the Bill, by substitute, as amended, the ayes were 169, nays 1.

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

Representative Smith of the 131st moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 476. By Representatives Smith of the 131st and Meadows of the 5th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to establish the Georgia Health Exchange Authority; to provide for legislative intent; to provide for definitions; to provide for a board of directors; to provide for composition, terms, and officers; to provide for powers and duties of the authority; to provide for the Georgia Health Exchange and the Small Business Health Options Program (SHOP) Exchange; to provide for automatic repeal under certain conditions; to provide for a trust fund; to provide for an advisory committee; to provide for limited liability; to provide for rules and regulations; to provide for accounts and audits; to provide for related matters;

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

The motion prevailed.

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

HB 389. By Representative Knight of the 126th:

A BILL to be entitled an Act to amend Code Section 48-2-35 of the Official Code of Georgia Annotated, relating to taxpayer refunds, so as to change certain provisions regarding interest; 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:

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

E Coleman	Y Harden, B	Y Maddox, B	Y Riley	N Williams, A
Y Collins	Y Harden, M	N Maddox, G	Y Roberts	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	N Williams, R
Y Coomer	Y Hatchett	N Marin	Y Rynders	Y Williamson
N Cooper	N Hatfield	N Martin	N Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 82, nays 92.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Knight of the 126th moved that the House reconsider its action in failing to give the requisite constitutional majority to HB 389.

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

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

On the motion, the ayes were 91, nays 81.

The motion prevailed.

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

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

On the passage of the Bill, the ayes were 83, nays 89.

The Bill, having failed to receive the requisite constitutional majority, was lost.

The Speaker announced the House in recess until 3:15 o'clock, this afternoon.

The Speaker called the House to order.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

SB 10. By Senators Bulloch of the 11th, Rogers of the 21st, Balfour of the 9th, Stoner of the 6th, Sims of the 12th and others:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to the local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that in each county or municipality in which package sales of only malt beverages and wine by retailers is lawful, the governing authority of the county or municipality, as appropriate, may authorize package sales by a retailer of malt beverages and wine on Sundays from 12:30 P.M. until 11:30 P.M., if approved by referendum; to provide procedures; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 101. By Senators Stone of the 23rd, Jackson of the 24th, Cowser of the 46th, Davis of the 22nd, Miller of the 49th and others:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to poll officers, so as to provide for the Student Teen Election Participant program; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 611. By Representative Hembree of the 67th:

A RESOLUTION recognizing and commending Alexander High School; and for other purposes.

HR 612. By Representatives Williams of the 89th, Hanner of the 148th, Dukes of the 150th, Greene of the 149th, Jackson of the 142nd and others:

A RESOLUTION recognizing and commending Mr. Glennly Donald "G.D." Burroughs II; and for other purposes.

HR 613. By Representatives Williams of the 165th, Stephens of the 164th, Dutton of the 166th, Talton of the 145th and Hugley of the 133rd:

A RESOLUTION commending Mrs. Alberta Cummings; and for other purposes.

HR 614. By Representatives Williams of the 89th, Hanner of the 148th, Dukes of the 150th, Greene of the 149th, Jackson of the 142nd and others:

A RESOLUTION recognizing and commending Mrs. Edna Wright Burroughs; and for other purposes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
WEDNESDAY, MARCH 16, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 30th Legislative Day as enumerated below:

DEBATE CALENDAR

Pursuant to Rule 33.3, debate shall be limited to no longer than one hour per Bill or Resolution. Time to be allocated at the discretion of the Speaker

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

HB 262 Elections; add 1 percent judicial qualifying fee to fund the Commission; provide (GAff-Bearden-68th) (AM# 28 1064)

HB 269 Drivers' licenses; provide definitions; background checks; provisions (Substitute) (MotV-Rice-51st) (AM# 34 0497)

- HB 274 Solid waste management; permits; number of facilities within an area; change provisions (Substitute) (NR&E-Nix-69th) (AM# 25 1237)
- HB 277 Hunting; baiting and hunting of deer and feral hogs; regulate; change provisions (Substitute) (GF&P-Shaw-176th) (AM# 25 1245)
- HB 324 Developmentally disabled; revise definitions; amend various titles (H&HS-Neal-1st)
- HB 461 Health Care Compact; adopt (Ins-Jasperse-12th) (AM# 28 1078)
- HB 462 Coin operated amusement machines; limit on number allowed at location; exception (W&M-Dollar-45th)
- HB 489 Medicaid audits; contingency fee audits; prohibit (Substitute) (H&HS-Cooper-41st)

Structured Rule

- HB 133 Income tax payment; de minimis overpayments and insufficiencies; provisions (W&M-Black-174th)
- HB 240 County sales and use tax; modify infeasible projects; establish procedure (Substitute) (W&M-Knight-126th)
- HB 322 Sales and use tax exemptions; certain jet fuel sales; continue (Substitute) (W&M-Roberts-154th)
- HB 382 Public accommodations; municipal levies; certain additional levies; authorize (Substitute) (W&M-Lindsey-54th)
- HR 507 Carl Hamrick Memorial Highway; City of Gray; dedicate (Substitute) (Trans-Holmes-125th)

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

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

HR 507. By Representative Holmes of the 125th:

A RESOLUTION honoring the life of Carl Hamrick and dedicating a road in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, Carlton Grady "Carl" Hamrick was highly regarded by the citizens of Jones County and by local government officials as a person of unquestioned integrity; and

WHEREAS, few people have touched as many lives as Carl Hamrick, a gentleman who attained excellence both as a human being and in service to his community; and

WHEREAS, he graduated from Jones County High School in Gray, Georgia, in 1972; and

WHEREAS, he graduated from the University of Georgia in 1976, where he was a member and officer of Phi Delta Theta; and

WHEREAS, Carl was the co-owner of Hamrick Building Supply and Company, Inc., along with his brother John Williams Hamrick, a company which opened in 1976; and

WHEREAS, he was a member of the Gray United Methodist Church and served several years on the board of trustees; and

WHEREAS, Carl had developed a true appreciation of Jones County's history which was instilled in him at an early age by his parents, Mary Ann Williams and Edward S. Hamrick, and especially by his grandmother, Mrs. Carrie Williams, a Jones County historian and the author of *History of Jones County, Georgia 1807 — 1907 Bicentennial Edition*; and

WHEREAS, it is abundantly fitting and proper that the members of this body show their gratitude for the unique and often unheralded contributions to the community he loved and served by dedicating a road in his memory.

PART II

WHEREAS, SGT Rodney Maxwell Davis, a native of Bibb County, Georgia, and a Platoon Guide with Company B, First Battalion, Fifth Marines, First Marine Division of the United States Marine Corps, was killed in action on September 6, 1967, during a search and clear mission in the Quang Nam Province of the Republic of Vietnam; and

WHEREAS, he stood amid heavy arms and mortar fire to verbally encourage each man in his platoon, though they were entrenched and facing a numerically superior force of attacking enemy combatants; and

WHEREAS, SGT Rodney Maxwell Davis committed the ultimate act of self-sacrifice by throwing himself upon an enemy grenade, thereby absorbing the force of the explosion and protecting his comrades from injury or death; and

WHEREAS, for his gallantry and valor, and his upholding of the highest traditions of the United States Marine Corps and the United States Naval Service, SGT Rodney Maxwell Davis was posthumously awarded the nation's highest military decoration, the Congressional Medal of Honor; and

WHEREAS, he also received the Purple Heart, the National Defense Service Medal, the Vietnam Service Medal, the Marine Corps Good Conduct Medal, the Armed Forces Expeditionary Medal, the Military Merit Medal, the Republic of Vietnam Campaign Medal, and the Vietnam Gallantry Cross; and

WHEREAS, it is only proper and fitting that SGT Rodney Maxwell Davis be honored as a true American hero by a permanent memorial to his contributions to our country.

PART III

WHEREAS, Anne O. Mueller has long been recognized by the citizens of this state for the vital role that she has played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, she has diligently and conscientiously devoted innumerable hours of her time, talents, and energy toward the betterment of her community and state as evidenced dramatically by her superlative service with the Georgia House of Representatives, 1983-2002, and as a member of the board of the Department of Human Resources, 2003-2008; and

WHEREAS, she served as Dean of the Chatham County Legislative Delegation; and

WHEREAS, a 1951 graduate of the University of Georgia with a Bachelor of Science degree in zoology and a registered medical technologist, Mrs. Mueller has also served on several boards and committees, including those for the Summer Therapeutic Environment Program for Severely and Profoundly Retarded Citizens, Savannah-Chatham County Humane Society, Goodwill Industries, Cultural Affairs Commission of Savannah, Windsor Forest Educational Foundation, Bamboo Farms and Coastal Gardens, and Matthew Reardon Center; and

WHEREAS, this extraordinary leader further served her community with the Benevolent and Protective Order of Elks Lodge #183, Windsor Forest Baptist Church, Savannah Area Republican Women, Chatham County Republican Committee, and Georgia Federation of Republican Women; and

WHEREAS, honors and awards bestowed upon Anne O. Mueller include Republican of the Year, Chatham County; Service Award, Georgia Republican Party; Leadership Award, Women in Sports; Recognition Award, Foster Parents Association; Legislator of the Year, National Association of the Blind; Volunteer of the Year, Windsor Forest High School and Windsor Forest Elementary School; and Key to the City, Pooler, Georgia; and

WHEREAS, all of these things, which are just a portion of this woman's contributions and accomplishments, are evidence of Mrs. Mueller's interest in and dedication to management of water resources; mental health and issues involving developmentally disabled persons, substance abuse, homelessness, and human resources; foster care and grandparents raising grandchildren; and elementary and secondary education and extracurricular activities; and

WHEREAS, the richness of her public and professional lives in no way overshadows the joy and pleasure she has experienced in her personal life as the wife of the late Hans K. (Whitey) Mueller and as the mother of three, grandmother of nine, and great-grandmother of eight; and

WHEREAS, Anne O. Mueller's significant organizational and leadership talents, her remarkable patience and diplomacy, her keen sense of vision, and her sensitivity to the needs of the citizens of this state have earned her the respect and admiration of her colleagues and associates; and

WHEREAS, she is a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, Mrs. Mueller has served the citizens of this state with honor and distinction, and her vision and unyielding commitment have set the standard for public service; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized and that a bridge be dedicated in her honor.

PART IV

WHEREAS, Rosa T. Beard was born in Blythe, Georgia, on November 22, 1919, the oldest child to the union of Mr. and Mrs. Gartrell (Ollie Brown) Tarver; and

WHEREAS, before settling in the Turpin Hill neighborhood of Augusta, Georgia, the family resided in Cairo, Georgia, and Thomasville, Georgia; and

WHEREAS, on June 27, 1948, she married the love of her life, Ernest Beard, and the marriage was blessed by four loving children, Rosa Ann, Kathryn Lorraine, Ernest Eric, and Cheryl Juanita; and

WHEREAS, after graduating from Paine High School in 1938, she obtained a bachelor's degree in home economics and natural science from Paine College in 1942 and earned a master's degree in education and chemistry from Columbia University Teachers College in New York in 1951; and

WHEREAS, she was a dedicated educator for 41 years; her professional career began in 1942 at Bettis Academy and Junior College in Trenton College, South Carolina, and continued at the Charles T. Walker Elementary School, the Augustus R. Johnson Junior High School, and T.W. Josey High School, all in Augusta, Georgia; and

WHEREAS, she was committed to the academic, social, and cultural development of young people, so she started the Rosa T. Beard Debutante Club, and for nearly five decades she helped groom thousands of young women for adult society; and

WHEREAS, she diligently served at Antioch Baptist Church for some 50 years, participating in choirs, as a Sunday school teacher, missionary, and trustee; and

WHEREAS, it is only fitting and proper that a lasting memorial to the life well lived of this elegant and courageous woman be established.

PART V

WHEREAS, Hugh Carroll Butler was born on September 1, 1934, in Ramhurst, Georgia, and passed away on December 22, 2010; and

WHEREAS, he lived in Port Wentworth, Georgia, for 48 years after moving to the area with his wife while serving in the United States Air Force; and

WHEREAS, he was a member of the city council of Port Wentworth for 20 years; and

WHEREAS, he served for many years as the chairman of the Good Samaritan Committee of Port Wentworth, which was formed to help travelers in need of assistance and to deliver baskets of food to needy families during the Christmas season; and

WHEREAS, Carroll was a member of the Lions Club for over 25 years and served as its president on several occasions; and

WHEREAS, he was an active member of the First Baptist Church of Port Wentworth for 45 years, serving as a deacon and Sunday school director; and

WHEREAS, he and his wife of nearly 55 years, Carolyn Scott Butler, were blessed with two children, four grandchildren, and two great-grandchildren; and

WHEREAS, it is only fitting and proper that the life well lived of Hugh Carroll Butler, with his devotion to his family, his church, his community, and his country, be memorialized with a lasting monument.

PART VI

WHEREAS, Sergeant Jerry Bagley was born on April 19, 1946, to the late Dave and Jewel Bagley in the Telmore Community in Ware County, Georgia, and attended Waresboro Elementary School and graduated from Ware County High School; and

WHEREAS, he entered the service on March 21, 1966, and was killed by a sniper in the line of fire on April 26, 1967, while proudly serving our country in Company C., 39th Infantry, 9th Infantry Division, deployed in Vietnam; and

WHEREAS, Sergeant Bagley served his county with honor and distinction and received a Bronze Star with "V" for Valor, a Purple Heart, and a Combat Infantryman badge; and

WHEREAS, his two surviving brothers and their wives, Roy and Susie Bagley of Odum, Georgia, and Jimmy and Willodene Bagley of Telmore, Georgia, wish to honor the memory of their fallen brother; and

WHEREAS, the citizens of Ware County owe a deep debt of gratitude to Sergeant Bagley for his ultimate sacrifice and wish to honor him for the same; and

WHEREAS, it is only fitting and proper that a lasting memorial to this American hero be established.

PART VII

WHEREAS, Coach Billy Henderson is an outstanding citizen of Bibb County, Georgia, and was a star athlete in four sports during his matriculation at Macon's Lanier High School for Boys, a prep All-American in both football and baseball during his junior and senior years; and

WHEREAS, Coach Henderson was known as the "Macon Meteor" after being named as a four-year letterman in both football and baseball at the University of Georgia from 1946 to 1949; and

WHEREAS, Coach Henderson served as athletic director and head football coach at A.R. Willingham High School for Boys, and he led the football team to a career record of 64-42-14; and

WHEREAS, in his role as head baseball coach, Coach Henderson led his team to victory in the state championship in 1969; and

WHEREAS, Coach Henderson also served as head baseball coach and assistant football coach at Mt. deSales Academy and as athletic director and head football coach at Clarke Central High School in Athens, Georgia, until the time of his retirement; and

WHEREAS, Coach Billy Henderson was the face and voice of Willingham High School from its inception to its closure and is to this day a positive influence and an inspiring role model to the boys who attended Willingham High School and to the former female students of Willingham's sister school, McEvoy High School for Girls; and

WHEREAS, it is only fitting and proper that Coach Billy Henderson be honored as an outstanding citizen of Bibb County with a permanent reminder of his leadership and example to this community.

PART VIII

WHEREAS, Claude A. Bray, Jr., was born on July 14, 1931, at the home of his maternal grandparents, Otis E. and Fannie Smith, in Grantville, Georgia; and

WHEREAS, he graduated from Manchester High School in 1949 where he was president of his senior class, co-captain of the football team, and a member of the tennis team; and

WHEREAS, in 1954, he earned his law degree from the University of Georgia Law School, where he served as Chief Justice of the Honor Court, President of the Law Student Advisory Council, and President of the Law School Student Bar Association; and

WHEREAS, after graduation, Claude entered the United States Air Force with a commission as a 2nd Lieutenant and served on active duty in the office of the Judge Advocate General; and

WHEREAS, after his discharge, he established law offices in Meriwether County, in Greenville and Manchester; and

WHEREAS, he was elected to the Georgia House of Representatives in 1967 and served through 1987; he was a member of the Ways and Means Committee, vice chairman of the Judiciary Committee, and chairman of the Governmental Affairs Committee; and

WHEREAS, in 1987, Claude was appointed as a director of the State Workers' Compensation Board; and

WHEREAS, he has served in many civic organizations and as a Deacon and member of the First Baptist Church, as well as a Sunday school teacher; and

WHEREAS, he is the widower of Carolyn Ann Irwin, and they had three children, Charles Bradly Bray, Claudia Allison Bray, and Carolyn Ann Irwin Bray Linn; and

WHEREAS, it is only fitting and proper that Claude A. Bray, Jr., be honored for his life of achievement and service to the people of Georgia and Meriwether County, and that a lasting reminder of his work be established.

PART IX

WHEREAS, Michael J. Buras was born in Tifton, Georgia, on July 28, 1987, to John E. Buras and Joy Ann Butrica Buras and he grew up in Fitzgerald, Georgia, graduating from Fitzgerald High School in 2005; and

WHEREAS, he was very active in the DLS sports programs and an avid Purple Hurricane soccer team member for four years, having been named to the Who's Who of Georgia Soccer; and

WHEREAS, he enlisted in the Air Force in April 2006, and after completing basic military training at Lackland AFB, Texas, he graduated the Naval EOD technical training in March 2007 at Eglin AFB, Florida, and he arrived at his first, and only, duty station at Nellis AFB where he immediately began his journeyman skill-level upgrade; and

WHEREAS, SrA Buras was no stranger to Afghanistan, he deployed three times in his short career, twice to Bagram Airfield where he was assigned to the 755th Air Expeditionary Squadron, Explosive Ordnance Disposal Flight, Operating Location Alpha; during his second deployment in May 2009, he received the Purple Heart for injuries sustained during an improvised explosive device (IED) explosion on his armored vehicle; and

WHEREAS, he deployed on August 25, 2010, with the 755th Air Expeditionary Squadron EOD Flight, to Operating Location Bravo, Kandahar Airfield, Afghanistan, and he and his Air Force team cleared lines of communication; enabled freedom of maneuver; and ensured coalition and local national safety by engaging and defeating the enemy's weapon of choice, the IED; and

WHEREAS, on September 21, 2010, his team dismounted in the vicinity of Hendu Kalachen, Kandahar Province, Dand District and proceeded to prosecute two victim-operated IEDs; and

WHEREAS, unknown to his team, a device was insidiously camouflaged next to their safe area and SrA Buras was mortally wounded and his team members seriously injured when the device detonated; and

WHEREAS, SrA Buras has earned the Bronze Star with Valor device, Purple Heart with one oak leaf cluster, Joint Service Commendation Medal, Air Force Commendation Medal, Army Commendation Medal with Valor device and one oak leaf cluster, Air

Force Combat Action Medal with Gold Star device, Afghanistan Campaign Medal with one bronze star, the ISAF NATO Medal, and the Army Combat Action Badge; and

WHEREAS, he was vivacious and tenacious, and an exceptional and experienced EOD team member, a devoted husband, father, and friend, and his greatest joy was his daughter, Maddison; he will forever be missed and is survived by his wife Emily, daughter Maddison, father John, mother Joy, and sisters Samantha and Michele; and

WHEREAS, by his heroic actions and unselfish dedication to duty in the service to his country, Senior Airman Buras has reflected great credit upon himself and the country and it is only fitting and proper that a lasting memorial be dedicated in his honor.

PART X

WHEREAS, on January 24, 2002, the State of Georgia lost one of its finest and most distinguished citizens with the tragic and untimely passing of C. Lloyd Smith; and

WHEREAS, he was born in 1921 in Fannin County to Dan and Lola Smith of the Morganton and Hemp Community; and

WHEREAS, he served during World War II in the 112th Calvary, the last horse mounted unit in the army; and

WHEREAS, he was awarded two Bronze Stars and two Purple Hearts for his heroic service to his country; and

WHEREAS, in 1952, C. Lloyd Smith graduated from the University of Georgia with a degree in agricultural science and went to work as a county extension agent for Towns, Gordon, Gilmer, and Baker counties until health problems forced him to retire in 1978; and

WHEREAS, in 1978, he was named the extension agent of the year by the United States Department of Agriculture; and

WHEREAS, he joined Lions Club while in Towns County and was honored as a lifetime member in 1998 at the Ellijay Lions Club; and

WHEREAS, in 1972, he was instrumental in starting the Georgia Apple Festival as a local craft fair to promote the apples of Gilmer County; and

WHEREAS, in 1991, C. Lloyd Smith was honored as Citizen of the Year by the Gilmer County Chamber of Commerce for being a walking, traveling billboard for Gilmer County and the North Georgia region; and

WHEREAS, he took the lead in Better Hometown Georgia, an initiative to help the street landscapes on the city square and North Main Street and River Street in Ellijay; and

WHEREAS, he was an honest and dedicated public servant who strived for excellence in all his endeavors and whose primary concern was the welfare and safety of the citizens of the City of Ellijay and Gilmer County; and

WHEREAS, this exceptional individual exhibited outstanding leadership and meticulous attention to detail in all his duties throughout his lengthy career of public service as a county extension agent, followed by his years of service as mayor of Ellijay, and it is only fitting and proper that a lasting memorial to his life of service be established.

PART XI

WHEREAS, Miss Ida Ware Scott, 23, of Lincolnton, Georgia, passed away on April 13, 2009; and

WHEREAS, she was born on December 2, 1985, to her loving parents, Bonnie Sue Holloway Scott and Fred Thomas Scott; and

WHEREAS, Ida was a beloved daughter and sister, a dear friend to many, and a great scholar; and

WHEREAS, she was a 2004 honor graduate of Lincoln County High School where she was a member of the Senior Homecoming Court and earned the senior superlative for Best Sense of Style and Best All-Around; and

WHEREAS, she was known for her dramatic talent and her performances possessed a depth rarely seen in someone so young; and

WHEREAS, her love of learning and her love of children with special needs inspired her to earn a Bachelor of Science degree in education with honors from Georgia Southern University in 2008; and

WHEREAS, Ida used her talents to help children with special needs reach their potential at Groveton Middle School; and

WHEREAS, she leaves behind her parents; her fiancé, Justin Rickerson; her sister and brother-in-law, Audra S. and Lex Aycock; and her nieces, Ali and Lexi Aycock; and

WHEREAS, her dedication to her students, her love for her family, fiancé and friends, and her infectious laugh and dry wit will be sorely missed, and it is only fitting and proper that a lasting memorial to her life be established.

PART XII

WHEREAS, Officer Kathy Cox served 30 years of her life in law enforcement and was dedicated to her job as Gordon County's Ordinance Enforcement Officer; and

WHEREAS, she was a volunteer member of the Gordon County Fire Department in Nickelsville, Georgia; and

WHEREAS, she was committed to training and continuous learning in order to better serve the citizens of Gordon County, the State of Georgia, and the United States of America; and

WHEREAS, over the years, she obtained her instructor's rating from the state and taught at the Northwest Georgia Regional Police Academy; she specialized in firearms training and was a member of the Georgia Association of Code Enforcement; and

WHEREAS, early in her career, Officer Cox was a K-9 handler for Paulding County and she and her dog, SGT Babe, conducted many searches for narcotics and cadavers; and

WHEREAS, on August 21, 2008, Officer Cox lost her life in an automobile accident while on duty serving the citizens of Gordon County; and

WHEREAS, Officer Cox served her community with great integrity and pride, and it is only proper and fitting to establish a permanent memorial to her life of service.

PART XIII

WHEREAS, Harold Wiggins was born in 1932 in Coffee County, Georgia, and was killed in action on July 7, 1953, in Korea; and

WHEREAS, SGT Wiggins was a member of the 180th Infantry Regiment, 45th Infantry Division of the United States Army; and

WHEREAS, he was awarded the Purple Heart, the Combat Infantryman's Badge, the Korean Service Medal, the United Nations Service Medal, the National Defense Service Medal, the Korean Presidential Unit Citation, and the Republic of Korea War Service Medal; and

WHEREAS, members of his family, including his brother, Rufus Wiggins, his sister, Evelyn Wiggins Banks, and his niece, Linda Wright, still reside in Coffee County and often share memories of their childhood spent swimming and playing in the river; and

WHEREAS, in honor of his life and dedicated service and supreme sacrifice for our nation, it is only fitting and proper that a lasting memorial be established.

PART XIV

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the members of this body commend the selfless dedication exhibited by Carlton Grady "Carl" Hamrick as he served his community and extend to his family utmost appreciation by dedicating that portion of SR 11 from the intersection of SR 22 to the Jones/Jasper County line as the Carl Hamrick Memorial Highway.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding heroism and bravery of SGT Rodney Maxwell Davis and dedicate the interchange at I-75 and I-475 in south Bibb County as the SGT Rodney Maxwell Davis Memorial Interchange.

BE IT FURTHER RESOLVED that the members of this body commend Anne O. Mueller for her efficient, effective, unselfish, and dedicated public service to the State of Georgia, extend to her their most sincere best wishes for continued health and happiness, and dedicate the bridge on SR 204 crossing the Forest River as the Anne O. Mueller Bridge.

BE IT FURTHER RESOLVED that the members of this body celebrate the life of service of Mrs. Rosa Tarver Beard and dedicate the bridge on SR 4 over 15th Street and the railroad tracks near Wrightsboro Road in Augusta, Georgia, and Richmond County as the Rosa T. Beard Memorial Bridge.

BE IT FURTHER RESOLVED that the members of this body honor the life of Hugh Carroll Butler by dedicating the bridge on SR 25 over the CSX railroad tracks in the city limits of Port Wentworth in Chatham County as the Hugh Carroll Butler Memorial Bridge.

BE IT FURTHER RESOLVED that the members of this body join in recognizing and honoring Sergeant Jerry Bagley for his heroic actions and unselfish dedication to duty in the service of his country and dedicate the Satilla River Bridge on SR 158 as the Sergeant Jerry Bagley Memorial Bridge.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding accomplishments of Coach Billy Henderson and dedicate the interchange at I-75 and Sardis Church Road in south Bibb County as the Coach Billy Henderson Interchange.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding accomplishments of Claude A. Bray, Jr., and dedicate the Pigeon Creek Bridge on SR 41 as the Claude A. Bray, Jr. Bridge.

BE IT FURTHER RESOLVED that the members of this body join in recognizing and honoring Senior Airman Buras for his heroic actions and unselfish dedication to duty in

the service of his country and dedicate the portion of SR 129S from the intersection at SR 107 to the Irwin County line as the Senior Airman Michael J. Buras Memorial Highway.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding accomplishments of C. Lloyd Smith and dedicate the portion of SR 52 in Ellijay, Georgia, in Gilmer County, from the Ellijay River Bridge to South Main Street at the Ellijay roundabout as the C. Lloyd Smith Memorial Parkway.

BE IT FURTHER RESOLVED that this body hereby joins in honoring the life and memory of Miss Ida Ware Scott, and dedicates the portion of Goshen Street from the intersection of SR 378 (North Washington Street) to the city limits of Lincolnton on Goshen Street as the Ida Ware Scott Memorial Road.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding accomplishments of Officer Kathy A. Cox and dedicate the portion of SR 136 between the I-75 bridge and the railroad tracks in Hill City as the Officer Kathy Cox Memorial Highway.

BE IT FURTHER RESOLVED that this body joins in honoring the service of SGT Harold Wiggins and dedicates the bridge on US 441 South, past Memorial Gardens, as the SGT Harold Wiggins Memorial Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, to the family of Carl Hamrick, to the family of SGT Rodney Maxwell Davis, to Anne O. Mueller, to the family of Mrs. Rosa T. Beard, to the family of Hugh Carroll Butler, to the family of Sergeant Jerry Bagley, to Coach Billy Henderson, to Claude A. Bray, Jr., to the family of Senior Airman Michael J. Buras, to the family of C. Lloyd Smith, to the family of Ida Ware Scott, to the family of Officer Kathy Cox, and to the family of SGT Harold Wiggins.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	E 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	Drenner	Y Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	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
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	Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 170, nays 1.

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

HB 462. By Representatives Dollar of the 45th, McKillip of the 115th, Pak of the 102nd, Gordon of the 162nd, Peake of the 137th and others:

A BILL to be entitled an Act to amend Code Section 48-17-15 of the Official Code of Georgia Annotated, relating to limitations on percent of monthly gross retail receipts derived from certain coin operated amusement machines, monthly verified reports, issuance of fine or revocation or suspension of license for violations, and submission of electronic reports, so as to provide an exception from a limitation on the allowable number of such machines at the same location; 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:

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

On the passage of the Bill, the ayes were 140, nays 31.

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

HB 324. By Representatives Neal of the 1st, Collins of the 27th, Cooper of the 41st, Gardner of the 57th and Murphy of the 120th:

A BILL to be entitled an Act to amend Chapter 4 of Title 37 of the Official Code of Georgia Annotated, relating to the habilitation of the

developmentally disabled generally, so as to revise definitions; to repeal various obsolete provisions relating to procedures for obtaining services from the Department of Behavioral Health and Developmental Disabilities relative to developmentally disabled persons; to provide for hearings by administrative law judges; to eliminate hearing examiners; to amend various other titles of the Official Code of Georgia Annotated, so as to revise provisions for purposes of conformity; 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	Henson	Y McCall	E Sheldon
Y Amerson	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	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	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
E 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, the ayes were 172, nays 1.

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

Representative Collins of the 27th was excused 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 16, 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 324 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 262. By Representatives Bearden of the 68th, Willard of the 49th and Powell of the 171st:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to add an additional 1 percent qualifying fee for judicial candidates for the purpose of funding the Judicial Qualifications Commission; to provide for the establishment, collection, and remitting of such fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representatives Bearden of the 68th and Lindsey of the 54th offer the following amendment:

Amend HB 262 (LC 28 5530) by inserting after "matters;" on line 5 "to provide for effective dates and automatic repeal;".

By inserting after line 6 "PART I" and redesignating Section 1 as Section 1-1 and Section 2 as Section 3-2.

By inserting after line 134 the following:

PART II
SECTION 2-1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising Code Section 21-2-131, relating to fixing and publishing of qualification fees, manner of payment, and distribution of fees paid, as follows:

"21-2-131.

(a) Qualification fees for party and public offices shall be fixed and published as follows:

(1)(A) The governing authority of any county or municipality, not later than February 1 of any year in which a general primary, nonpartisan election, or general election is to be held, and at least 35 days prior to the special primary or election in the case of a special primary or special election, shall fix and publish a qualifying fee for each county or municipal office to be filled in the upcoming primary or election. Except as otherwise provided in subparagraph (B) of this paragraph, such fee shall be 3 percent of the total gross salary of the office paid in the preceding calendar year including all supplements authorized by law if a salaried office.

(B) For the offices of clerk of the superior court, judge of the probate court, sheriff, ~~and~~ tax commissioner, and magistrate, the qualifying fee shall be 3 percent of the minimum salary specified in subsection (a) of Code Section 15-6-88, paragraph (1) of subsection (a) of Code Section 15-9-63, subsection (a) of Code Section 15-10-23, paragraph (1) of subsection (a) of Code Section 15-16-20, and paragraph (1) of subsection (b) of Code Section 48-5-183, exclusive of supplements, cost-of-living increases, and longevity increases. For the office of members of the county governing authority, the qualifying fee shall be 3 percent of the base salary established by local Act of the General Assembly or by Code Section 36-5-25 as adjusted pursuant to Code Section 36-5-24, if applicable, exclusive of compensation supplements for training provided for in Code Section 36-5-27 and cost-of-living adjustments pursuant to Code Section 36-5-28. ~~For the offices of judge of the probate court and chief magistrate, the qualifying fee shall be 4 percent of the minimum salary specified in paragraph (1) of subsection (a) of Code Section 15-9-63 and subsection (a) of Code Section 15-10-23, exclusive of supplements, cost-of-living increases, and longevity increases. For the office of judge of the state court, the qualifying fee shall be 4 percent of the base salary of such office.~~ If not a salaried office, a reasonable fee shall be set by the governing authority of such county or municipality, such fee not to exceed 3 percent of the income derived from such county office by the person holding the office for the preceding year or more than \$35.00 for a municipal office;

(2) Within the same time limitation as provided in subparagraph (A) of paragraph (1) of this subsection, the Secretary of State shall fix and publish a qualifying fee for any candidate qualifying by this method with a state political party and for any candidate qualifying with the Secretary of State for a nonpartisan election and for any candidate filing with the Secretary of State his or her notice of candidacy for a general or special election. Such fee shall be 3 percent of the annual salary of the office if a salaried office, except that the fee for members of the General Assembly shall be \$400.00 ~~and the fees for the offices of justice of the Supreme Court, judge of the Court of Appeals, and judge of superior court shall be 4 percent of the annual salary of the office.~~ If not a salaried office, a reasonable fee shall be set by the Secretary of State, such fee not to exceed 3 percent of the income derived from such office by the person holding the office for the preceding year;

(3) A reasonable qualifying fee may be set according to party rule for each political party office to be filled in a primary. Such fees shall be set and published by the county or state political party not later than February 1 of the year in which the primary is to be held for the filling of such party office.

(b) Qualifying fees shall be paid as follows:

(1) The qualifying fee for a candidate in a primary shall be paid to the county or state political party at the time the candidate qualifies;

(2) The qualifying fee for all other candidates shall be paid to the superintendent or Secretary of State at the time the notice of candidacy is filed by the candidate.

(c) Qualifying fees shall be prorated and distributed as follows:

(1) Fees paid to the county political party: 50 percent to be retained by the county political party with which the candidate qualified; 50 percent to be transmitted to the superintendent of the county with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of the primary and election;

(2) Fees paid to the state political party: 75 percent to be retained by the state political party; 25 percent to be transmitted to the Secretary of State with the party's certified list of candidates not later than 12:00 Noon of the third day after the deadline for qualifying in the case of a general primary and by 12:00 Noon of the day following the closing of qualifications in the case of a special primary. Such fees shall be transmitted as soon as practicable by the Secretary of State as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in the candidate's district in proportion to the population of each such county according to the last United States decennial census, such fees to be applied to the cost of holding the election;

(3) Qualification fees paid to the superintendent of the county:

(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the county;

(B) If the person qualifies directly with the election superintendent as a candidate of a political party in accordance with subsection (c) of Code Section 21-2-153, 25 percent shall be transmitted to the state executive committee of the appropriate political party and 75 percent shall be retained by the superintendent of the county; and

(C) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the county shall retain the entire amount of the fees ~~except for the fees from candidates for the office of judge of state court, judge of probate court, and chief magistrate. The superintendent shall retain 75 percent of the fees from candidates for the office of judge of state court, judge of probate court, and chief magistrate and remit 25 percent of the fees to the Secretary of State.~~

~~Such fees, except for the portion of the fees from candidates for the office of judge of state court, judge of probate court, and chief magistrate that is to be remitted to the Secretary of State, shall be transmitted as soon as practicable by the superintendent to the governing authority of the county, to be applied toward the cost of holding the election. The portion of the fees from candidates for the office of judge of state court, judge of probate court, and chief magistrate that is to be remitted to the Secretary of State shall be transmitted as soon as practicable to the Secretary of State;~~

(4) Qualification fees paid to the Secretary of State shall be prorated and distributed as follows:

(A) If the person qualifies as the candidate of a political body, 75 percent shall be transmitted to the appropriate political body and 25 percent shall be retained by the Secretary of State; and

(B) If the person qualifies as an independent or nonpartisan candidate, the Secretary of State shall retain the entire amount of the fees.

~~Such fees, except for 25 percent of the fees received from candidates for the offices of justice of the Supreme Court, judge of the Court of Appeals, and judge of superior court, shall be transmitted as soon as practicable by the Secretary of State as follows: one-third to the state treasury and two-thirds divided among the governing authorities of the counties in proportion to the population of each county according to the last United States decennial census, such fees to be applied to the cost of holding the election. The 25 percent of the fees received from candidates for the offices of justice of the Supreme Court, judge of the Court of Appeals, and judge of superior court and the portion of the fees from the county election superintendents from candidates for the offices of judge of state court, judge of probate court, and chief magistrate shall be transmitted by the Secretary of State to state treasury as a separate item designated as additional judicial qualifying fees. As soon as practicable after the end of each fiscal year, the Office of the State Treasurer shall report the amount of additional judicial qualifying fees received from the Secretary of State pursuant to this Code section to the Office of Planning and Budget and the Judicial Qualifications Commission. It is~~

~~the intent of the General Assembly that, subject to appropriation, an amount equal to such proceeds received from such additional judicial qualifying fees shall be made available during the following two fiscal years to the Judicial Qualifications Commission for its operations;~~

(5) Qualification fees paid to the superintendent of a municipality:

(A) If the person qualifies as a candidate of a political body, 50 percent shall be transmitted to the state executive committee of the appropriate political body and 50 percent shall be retained by the superintendent of the municipality; and

(B) If the person qualifies as an independent or nonpartisan candidate, the superintendent of the municipality shall retain the entire amount of the fees.

Such fees shall be transmitted as soon as practicable by the superintendent to the governing authority of the municipality, to be applied toward the cost of holding the election."

PART III SECTION 3-1.

Part I of this Act shall become effective on July 1, 2011. Part II of this Act shall become effective on January 1, 2015. The remainder of this Act shall become effective upon its approval by the Governor or its becoming law without such approval.

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

On the passage of the Bill, as amended, the ayes were 134, nays 36.

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

Representative Collins of the 27th was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 133. By Representatives Black of the 174th, Rogers of the 26th, Rynders of the 152nd, Weldon of the 3rd, Knight of the 126th and others:

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, so as to provide for conditions of refunding de minimis overpayments; to provide for waiver of de minimis insufficiencies; to provide an effective date; to provide for applicability; 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
N Allison	Y Dempsey	Henson	Y McCall	E 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
N Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
N Austin	Y Dollar	Y Horne	Y Morgan	E Smith, L
Y Baker	Y Drenner	Y Houston	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

Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	Y Hugley	Y Neal, Y	N 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
Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	N Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	N Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
E Collins	N 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, the ayes were 165, nays 7.

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

Representative Collins of the 27th was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

The following Bill of the House, having previously been read, was again taken up for consideration:

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.

By unanimous consent, an amendment by Representative Rice of the 51st was withdrawn.

The following amendment was read and adopted:

Representative Rice of the 51st offers the following amendment:

Amend the substitute to HB 269 (LC 34 2957S) by deleting lines 18 through 20 and substituting in lieu thereof the following:

requirement; to provide for an effective date; to repeal

By deleting Section 12 in its entirety and renumbering Sections 13 through 20 as Sections 12 through 19, respectively.

By deleting line 474 and substituting in lieu thereof the following:

40-6-241.2 while driving a commercial motor vehicle."

By deleting Sections 21 and 22 in their entirety and renumbering Sections 23 and 24 as Sections 20 and 21, respectively.

The Committee substitute, as amended, was adopted.

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

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

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	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	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	Y Neal, J	Y Spencer
Y Bell	Y Ehrhart	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	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	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	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 passage of the Bill, by substitute, as amended, the ayes were 171, nays 4.

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

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

March 16, 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 269 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 Bill of the House was taken up for consideration and read the third time:

HB 489. By Representative Cooper of the 41st:

A BILL to be entitled an Act to amend Code Section 49-4-151 of the Official Code of Georgia Annotated, relating to obtaining information for investigations and audits relative to Medicaid, so as to prohibit contingency fee contracts for purposes of conducting investigations and audits; 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 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, so as to prohibit contingency fee contracts for purposes of conducting investigations and audits for Medicaid recovery; 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 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally, is amended by adding a new Code section to read as follows:

"49-4-151.1.

On and after July 1, 2011, the department shall not enter into any contingency fee contract with a Medicaid recovery audit contractor, as identified in 19 U.S.C. 1902 (a) (42)(B), for the purpose of identifying underpayments and overpayments and recovering overpayments under the state plan or any waiver of the state plan. This Code section shall not apply to any contingency fee contract entered into prior to July 1, 2011. Additionally, this Code section shall apply only to such Medicaid recovery audit contracts and shall not apply to any other contract, including, but not limited to, any contingency fee third-party liability recovery contract, estate recovery contract, state program integrity contract, or any other agency contract, lease, agreement, or other transaction entered into for the purposes of conducting investigations, utilization reviews, or audits. Pursuant to Title XIX of the federal Social Security Act, as amended by the federal Patient Protection and Affordable Care Act, the Centers for Medicaid & Medicare Services may issue a waiver that exempts a state from the federal requirement to pay Medicaid recovery audit contractors on a contingent fee basis when state law expressly prohibits such contingency fee contracting. The department shall seek such a waiver through the submission of a state plan amendment."

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	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
N Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	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	Y Neal, J	N Spencer
Y Bell	Y Ehrhart	Y Hugley	Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	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
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	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
N 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 171, nays 6.

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

The following messages were 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 80. By Senators McKoon of the 29th, Bethel of the 54th, Cowsert of the 46th, Gooch of the 51st, Albers of the 56th and others:

A BILL to be entitled an Act to amend Code Section 24-4-60 of the Official Code of Georgia Annotated, relating to requirement for DNA analysis of blood of persons convicted of certain sex offenses or convicted of a felony and incarcerated in a state correctional facility, so as to provide for DNA analysis of persons arrested for felony offenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 82. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Crosby of the 13th, Williams of the 19th and Rogers of the 21st:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for oaths of election superintendents and election supervisors and designees of boards of election; to provide that appointments of poll officers shall be made available to the public; to clarify who may vote in runoff primaries; to provide that the list of persons who have qualified with the state executive committee of a political party shall be provided to the office of the Secretary of State; to clarify the manner of appointment of registrars; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

- SB 93. By Senators Carter of the 1st, Goggans of the 7th and Bethel of the 54th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I, III, IV, and V controlled substances; to change certain provisions relating to the definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 109. By Senators McKoon of the 29th, Williams of the 19th, Cowsert of the 46th and Staton of the 18th:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to adjust the dates for certain elections to be held in 2012 and the dates for

qualifying for such elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 114. By Senators Grant of the 25th, Staton of the 18th, Hooks of the 14th and Shafer of the 48th:

A BILL to be entitled an Act to amend Article 2 of Chapter 4 of Title 3 of the Official Code of Georgia Annotated, relating to state license requirements and regulations for manufacture, distribution, and package sales, so as to provide for the issuance of a manufacturer's or distiller's license to a fruit grower for the manufacture of distilled spirits under certain circumstances; to provide for the issuance of a manufacturer's or distiller's license authorizing the manufacture of distilled spirits from agricultural products other than perishable fruits grown in this state under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 139. By Senators Stone of the 23rd, Davis of the 22nd, Bethel of the 54th and Jackson of the 24th:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to provide for appeals involving nonmonetary judgments in child custody cases; to change provisions relating to judgments and ruling deemed directly appealable; to change provisions relating to cases requiring application for appeal; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

- HB 322. By Representatives Roberts of the 154th, Powell of the 171st, Smyre of the 132nd, Dollar of the 45th, England of the 108th and others:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxation, so as to continue for a limited period of time the partial exemption from the state sales and use tax on certain sales or uses of jet fuel; to continue for a limited period of time the exemption from a certain local sales and use tax on certain sales or uses of jet fuel; 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 Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxation, so as to change provisions relating to the exemption for the sale or use of jet fuel by certain qualifying airlines at a qualifying airport; to provide for limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use taxation, is amended by revising paragraph (33.1) as follows:

"(33.1)(A) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport, to the extent provided in subparagraphs ~~(B), (C), and (D)~~ (B) and (C) of this paragraph.

(B)(i) ~~The~~ For the period of time beginning July 1, 2011, and ending June 30, 2012, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from the first 1.80 percent of the 4 percent state sales and use tax imposed by this chapter and shall be subject to the remaining 2.20 percent of the 4 percent state sales and use tax imposed by this chapter state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds \$20 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the exemption provided by this division shall not apply to the sale or use of jet fuel to or by the qualifying airline.

(ii) For the period of time beginning July 1, 2012, and ending June 30, 2013, the sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall be exempt from state sales and use tax until the aggregate state sales and use tax liability of the taxpayer during such period with respect to jet fuel exceeds \$10 million, computed as if the exemption provided in this division was not in effect during such period. Thereafter during such period, the sale or use of jet fuel to or by the qualifying airline shall be subject to state sales and use tax.

(iii) The exemptions provided in divisions (i) and (ii) of this subparagraph shall not apply to any purchases of jet fuel occurring on or after July 1, 2013.

(C) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport shall ~~also~~ be exempt at all times from the sales or use tax levied and imposed as authorized pursuant to Part 1 of Article 3 of this chapter.

(D) Except as provided for in subparagraph (C) of this paragraph, this exemption shall not apply to any other local sales and use tax levied or imposed at anytime in any area consisting of less than the entire state, however authorized, including, but not limited to, such taxes authorized by or pursuant to Section 25 of an Act

approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, the 'Metropolitan Atlanta Rapid Transit Authority Act of 1965,' or such taxes as authorized by or pursuant to Part 2 of Article 3 or Article 2, 2A, or 4 of this chapter.

(E) For purposes of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airline' shall mean any person which:

(i) Is is authorized by the Federal Aviation Administration or appropriate agency of the United States to operate as an air carrier under an air carrier operating certificate and which provides regularly scheduled flights for the transportation of passengers or cargo for hire; and

(ii) For the 12 month period immediately preceding the applicable period specified in division (i) or (ii) of subparagraph (B) of this paragraph had, or would have had in the absence of any exemption during such 12 month period, state sales and use tax liability on jet fuel of more than \$15 million.

(F) For purposes of this paragraph and paragraph (2) of subsection (d) of Code Section 48-8-241, a 'qualifying airport' shall mean any airport in the state that has had more than 750,000 takeoffs and landings during a calendar year.

(G) The commissioner shall adopt rules and regulations to carry out the provisions of this paragraph.

~~(H) The exemption provided for in this paragraph shall apply only as to transactions occurring on or after July 1, 2009, and prior to July 1, 2011;"~~

SECTION 2.

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

Pursuant to Rule 133, Representative Dickerson of the 95th was excused from voting on HB 322.

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:

N Abdul-Salaam	Y Davis	Y Heckstall	N Mayo	N Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	Y McBrayer	Shaw
Y Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	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	N Holt	N Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	N Morgan	Y Smith, L
Y Baker	N Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	N Dudgeon	N Howard	N Mosby	Y Smith, T
Y Bearden	N Dukes	Y Huckaby	N Murphy	Y Smyre
N Beasley-Teague	Y Dutton	N Hudson	Y Neal, J	Y Spencer
N Bell	Y Ehrhart	N Hugley	N Neal, Y	N Stephens, M

N Benfield	Y England	Y Jackson	Nimmer	Y Stephens, R
Y Benton	N Epps, C	Y Jacobs	Y Nix	N Stephenson
Y Black	Y Epps, J	N James	N Oliver	Y Talton
Y Braddock	N Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	N Pak	Y Taylor, D
N Brooks	N Fludd	N Johnson	N Parent	N Taylor, R
N Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Bryant	N Frazier	N Jones, S	Y Parsons	N Teasley
N Buckner	Y Fullerton	N Jordan	Y Peake	N Thomas
Y Burns	N Gardner	N Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	N Kendrick	Y Powell, J	Y Walker
Y Carter	N Golick	N 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	N Reece	Y Wilkinson
Y Clark, V	Y Harbin	N Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	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	N Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 113, nays 61.

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

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

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 119. By Senators James of the 35th, Williams of the 19th, Jones of the 10th, Seay of the 34th, Davenport of the 44th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to scholarships, loans, and grants, so as to revise certain definitions relating to tuition equalization grants and HOPE scholarships and grants; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 155. By Senators Albers of the 56th, Mullis of the 53rd, Goggans of the 7th and Murphy of the 27th:

A BILL to be entitled an Act to amend Part 1 of Article 5 of Chapter 9 of Title 45 of the Official Code of Georgia Annotated, relating to Georgia State Indemnification Fund, so as to provide a short title; to provide that, in the case of death or organic brain damage suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management specialist, or prison guard, if such person does not have an unremarried spouse or dependents, the indemnification payment shall be made to the parents or siblings of such person; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Speaker Pro Tem assumed the Chair.

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

HB 240. By Representatives Knight of the 126th and Powell of the 171st:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, so as to establish a procedure for modifying projects approved in a referendum that have become infeasible in connection with the county special purpose local option sales and use tax and the sales tax for educational purposes; to provide for procedures, conditions, and limitations; 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 Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, so as to establish a procedure for modifying projects approved in a referendum that have become infeasible in connection with the county special purpose local option sales and use tax; to provide for procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use taxes, is amended by adding a new Code section to read as follows:

"48-8-123.

(a) For purposes of this Code section, the term 'infeasible' means that the project has, in the judgment of the governing authority as expressed in the resolution or ordinance required by subsection (b) of this Code section, become impracticable, unserviceable, unrealistic, or otherwise not in the best interests of the citizens of the special district or the municipality.

(b)(1) Notwithstanding any other provision of this part to the contrary, if the tax authorized by this part has been imposed within a special district for a purpose or purposes authorized by subsection (a) of Code Section 48-8-111 and one or more projects authorized therein become or are determined to be infeasible, then the provisions of this Code section shall apply. However, this Code section shall not apply until and unless the governing authority or governing authorities specified under paragraph (2) of this subsection adopt a resolution or ordinance determining that such project or projects for which the levy has been approved have become infeasible in accordance with paragraph (2) of this subsection.

(2)(A) If a project that has become infeasible is a project for which the county is responsible, an ordinance or resolution of the county shall be required determining that the project has become infeasible.

(B) If a project that has become infeasible is a municipal project, an ordinance or resolution of the municipality responsible for the project shall be required determining that the project has become infeasible. Upon its approval by the municipality, such ordinance or resolution shall be transmitted to the governing authority of the county. The county governing authority shall rely on the determination by the municipality that the municipal project has become infeasible.

(C) If a project that has become infeasible is a joint project of the county or a county authority and one or more municipalities or a joint project of two or more municipalities, an ordinance or resolution of all of the jurisdictions involved in the joint project shall be required determining that the project has become infeasible.

(3) If the governing authority desiring to determine that a project is infeasible has incurred or entered into financing for such project, whether through an intergovernmental contract, a multiyear lease or purchase contract under Code Section 36-60-13, or other form of indebtedness, no such ordinance or resolution shall be adopted until the governing authority discharges in full the obligation incurred or provides for the defeasance of such obligation.

(c) Upon the adoption of the resolution or ordinance required by subsection (b) of this Code section, the tax shall continue to be imposed for the same period of time and for the raising of the same amount of revenue as originally authorized. Subject to approval in a referendum required by subsection (d) of this Code section, the county, or any

municipality if the infeasible project is a project owned or operated by the municipality, or those entities that are part of a joint project, may expend the previously collected and future proceeds of the tax, or such portion thereof as was intended for the purpose that has been determined to be infeasible if the tax were imposed for more than one purpose, to reduce any general obligation indebtedness of the affected jurisdiction within the special district other than indebtedness incurred pursuant to this part, or by paying such proceeds into the general fund of the county or municipality to be used for the purpose of reducing ad valorem taxes, or both. In the event of a joint project in which there is an intergovernmental agreement apportioning the project, the proceeds shall be divided among the entities to such joint agreement according to such apportionment. In the event of a joint project in which there is no agreement apportioning the project, the proceeds shall be divided equally among the entities to the joint project.

(d)(1) Upon the adoption of the resolution or ordinance required by subsection (b) of this Code section, the governing authority of the county shall notify the county election superintendent by forwarding to the superintendent a copy of a resolution or ordinance calling for the modification of the purpose for which proceeds of the tax authorized by this part may be expended. Such ordinance or resolution shall specify the modified purpose for which the balance of proceeds of the tax are to be used and an estimate of the amount of the proceeds available to be used for the modified purpose.

(2) Upon receipt of the resolution or ordinance required by this subsection, the election superintendent shall issue the call for an election for the purpose of submitting to the voters of the county within the special district the question of modifying the project or projects for which the proceeds of the levy may be expended. The election superintendent shall issue the call and shall conduct the election, in conjunction with the next election held, to submit to the electors of the special district the imposition of a tax under this part and shall conduct the election in the manner specified in subsection (b) of Code Section 48-8-111.

(3) The ballot submitting a question of the approval of the modified purpose for a levy previously approved by the electors of the county within the special district as authorized by this Code section shall have written or printed thereon the following:

' () YES Shall the capital outlay project consisting of _____ approved for use of proceeds of the special 1 percent sales and use tax imposed in the special district of _____ County in a referendum on _____ be modified so as to authorize use of such proceeds for the purpose of (reducing debt, reducing ad valorem taxes, or reducing debt and ad valorem taxes) of the (county) (municipality)?'

(4) If there are multiple projects to be submitted to the electors for approval of modified purpose, there shall be one question for all projects of the county or its authorities, one question for all projects of municipalities, and one question for joint projects.

(5) All persons desiring to vote in favor of modifying the project or projects shall vote 'Yes,' and all persons opposed to modifying the project or projects shall vote 'No.' If more than one-half of the votes cast are in favor of modifying the project or projects, then the proceeds of the tax imposed as provided in this part shall be used for such modified purpose; otherwise, the proceeds of the tax shall not be used for such modified purpose. The election superintendent shall hold and conduct the election under the same rules and regulations as govern special elections. The superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State and to the commissioner. The expense of the election shall be paid from county funds.

(e) This Code section shall not apply to a board of education which levies the sales tax for educational purposes pursuant to Part 2 of this article and Article VIII, Section VI, Paragraph IV of the Constitution."

SECTION 2.

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

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	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	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	Y Neal, J	Y Spencer
Y Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
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	N 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	Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 3.

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

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 166. By Senators Stone of the 23rd, Mullis of the 53rd and Jeffares of the 17th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to extensively revise the requirements for continuing care providers and facilities; to revise definitions; to provide for enforcement powers of the Commissioner of Insurance; to revise provisions relating to annual disclosure statements; to revise requirements for continuing care agreements; to provide extensive requirements for disclosure statements; to provide for specific financial requirements; to provide for supervision, rehabilitation, and liquidation of a continuing care provider facility; to revise provisions relating to penalties for violations; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 183. By Senators Goggans of the 7th, Unterman of the 45th and Cowsert of the 46th:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to revise provisions relating to school health nurse programs; 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 Bill of the House was taken up for consideration and read the third time:

HB 461. By Representatives Jasperse of the 12th, Meadows of the 5th, Bearden of the 68th, England of the 108th, Williams of the 4th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to adopt the Health Care Compact; to provide for related matters; to repeal conflicting laws; and for other purposes.

By unanimous consent, further consideration of HB 461 was suspended until later in the legislative day.

The Speaker Pro Tem announced the House in recess until 6:30 o'clock, this evening.

The Speaker Pro Tem called the House to order.

The following messages were 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 141. By Senators Jones of the 10th, Butler of the 55th, Jackson of the 2nd, Carter of the 42nd, Davenport of the 44th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to the Department of Community Affairs, so as to create the Martin Luther King, Jr. Advisory Council; to provide for membership on the commission; to provide for terms and duties of members; to provide for an annual report; to provide for the establishment of a not for profit corporation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 163. By Senators Butterworth of the 50th, Rogers of the 21st, Gooch of the 51st, Heath of the 31st, Cowsert of the 46th and others:

A BILL to be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide certain requirements for the identification of campaign communications, advertising, and literature; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 184. By Senators Williams of the 19th, Rogers of the 21st and Albers of the 56th:

A BILL to be entitled an Act to amend Part 7 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to termination, suspension, nonrenewal, demotion, or reprimand of teachers and other school personnel, so as to provide requirements for reduction in force policies; to provide for sanctions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 157. By Senators Jeffares of the 17th, Rogers of the 21st, Williams of the 19th, Gooch of the 51st, Ginn of the 47th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to waste management, so as to provide that local solid waste management and reporting shall be optional; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

- SB 190. By Senators Hooks of the 14th, Cowsert of the 46th, Butterworth of the 50th and Staton of the 18th:

A BILL to be entitled an Act to amend Chapter 3 of Title 50 of the O.C.G.A., relating to the state flag, seal, symbols, and language, so as to add provisions relating to the Georgia Capitol Museum; to provide for the transfer of the operation of the Georgia Capitol Museum from the Secretary of State to the board of regents; to provide for powers and duties of the board of regents with respect to the museum; to amend Article 4 of Chapter 13 of Title 45 of the O.C.G.A., relating to the Georgia Capitol Museum and the Capitol Art Standards Commission, so as to repeal and reserve Part 1, relating to operation of the Georgia Capitol Museum by the Secretary of State and so as to change

the membership of the Capitol Art Standards Commission; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 199. By Senators Shafer of the 48th, Goggans of the 7th, Rogers of the 21st, Ginn of the 47th and Golden of the 8th:

A BILL to be entitled an Act to amend Chapter 2 of Title 33 of the Official Code of Georgia Annotated, relating to the Department and Commissioner of Insurance, so as to provide that the Commissioner shall have the authority to impose penalties on persons who are or should have been licensed under Title 33 for certain violations; to provide for orders of restitution; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 461. By Representatives Jasperse of the 12th, Meadows of the 5th, Bearden of the 68th, England of the 108th, Williams of the 4th and others:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to adopt the Health Care Compact; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following amendment was read:

Representative Jasperse of the 12th offers the following amendment:

Amend HB 461 (LC 28 5619) by inserting after "Factor" on line 65 "multiplied by the Current Year Inflation Adjustment Factor" and by inserting after line 131 the following:

(f) The Commission shall not take any action within a Member State that contravenes any State law of this Member State.

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

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

N Ashe	Y Dickson	Y Holmes	Y Mills	N Smith, E
Y Atwood	N Dobbs	Y Holt	N Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	N Morgan	Y Smith, L
N Baker	E 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	N Hudson	Y Neal, J	Y Spencer
N Bell	Y Ehrhart	N Hugley	N Neal, Y	N Stephens, M
N Benfield	Y England	Jackson	Y Nimmer	Y Stephens, R
Y Benton	N Epps, C	Y Jacobs	Y Nix	N Stephenson
Y Black	Y Epps, J	N James	N Oliver	Y Talton
Y Braddock	N Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	N Floyd	Y Jerguson	Y Pak	Y Taylor, D
N Brooks	N Fludd	N Johnson	N Parent	N Taylor, R
N Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
N Bryant	N Frazier	N Jones, S	Parsons	Y Teasley
N Buckner	N Fullerton	N Jordan	Y Peake	N Thomas
Y Burns	N Gardner	N Kaiser	Y Powell, A	N Tinubu
Y Byrd	Geisinger	N Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	N Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	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	N Reece	Y Wilkinson
Y Clark, V	Y Harbin	N Lucas	Y Rice	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
Cooper	Y Hatfield	E Martin	Y Scott, M	Y Yates
Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the adoption of the amendment, the ayes were 110, nays 60.

The amendment was adopted.

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:

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

On the passage of the Bill, as amended, the ayes were 108, nays 63.

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

Representative Hamilton of the 23rd stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Cooper of the 41st and Geisinger of the 48th 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.

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

HB 382. By Representatives Lindsey of the 54th and Abrams of the 84th:

A BILL to be entitled an Act to amend Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows and other purposes, so as to authorize any municipality which currently has in effect a 7 percent levy under certain provisions of that Code section to impose an additional levy under certain conditions; to provide for

the manner of imposition and certain requirements as to expenditure of proceeds; to require approval of the levy by local Act of the General Assembly; 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 Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows and other purposes, so as to authorize any municipality which currently has in effect a 7 percent levy under certain provisions of that Code section to impose an additional levy under certain conditions; to provide for the manner of imposition and certain requirements as to expenditure of proceeds; to require approval of the levy by local Act of the General Assembly; 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.

Code Section 48-13-51 of the Official Code of Georgia Annotated, relating to county and municipal levies on public accommodations charges for promotion of tourism, conventions, and trade shows and other purposes, is amended by adding a new paragraph (7) of subsection (b) to read as follows:

"(7)(A) Any municipality which is levying an excise tax under paragraph (5) of subsection (a) of this Code section, so long as any obligation as described in division (a)(5)(A)(ii) or subparagraph (a)(5)(B) of this Code section remains outstanding, shall leave such excise tax in effect at the rate of 7 percent and may levy up to an additional 1 percent excise tax under this paragraph so long as the combined rate does not exceed 8 percent.

(B)(i) Such additional excise tax shall not be deemed to violate the provisions of subsection (d) of this Code section.

(ii) Such additional excise tax shall not count toward or be subject to the 14 percent rate limitations of subsection (c.1) of Code Section 48-8-6 and subsection (d) of Code Section 48-8-201.

(C) Any taxes collected in excess of 7 percent shall be expended by the municipality for the promotion of conventions and tradeshow by a not for profit destination marketing organization located within the municipality and in existence and operation on January 1, 2011, through a contract or contracts with the state, a department of state government, or a state authority. At least 80 percent of such tax amounts shall be segregated by the destination marketing organization and used in

securing major conventions at facilities containing at least 1.3 million square feet of floor space used for convention hall purposes and events at facilities containing at least 70,000 seats used for major events under the control of a state authority, and amounts so segregated may be held by the destination marketing organization and expended in fiscal years subsequent to the fiscal year in which the taxes were collected.

(D) Any municipal levy of any additional excise tax under this paragraph must be approved by local Act and shall also comply with the resolution requirements contained in paragraph (4) of this subsection in regard to the additional excise tax levied under this paragraph only. The local Act of the General Assembly shall provide that the first 7 percent in excise tax levied under the authority of paragraph (5) of subsection (a) of this Code section shall continue to be levied under that paragraph and all amounts collected thereunder shall be expended as required therein and that the additional amounts collected under the provisions of this paragraph shall be expended as required in this paragraph."

SECTION 2.

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

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	Y Mayo	N Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
N Amerson	Y 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	N Mills	Y Smith, E
N Atwood	Y Dobbs	N Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	E Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	N Dudgeon	Y Howard	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	N 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	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	N Pak	Y Taylor, D

Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	N Teasley
N 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	N Welch
Y Channell	Y Greene	Y Lane	Y Ramsey	Y Weldon
Y Cheokas	N Hamilton	Y Lindsey	Y Randall	Y Wilkerson
E 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
E Collins	N Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	N Harrell	Y Manning	Y Rogers	Y Williams, R
N Coomer	Y Hatchett	Y Marin	N Rynders	Y Williamson
Y Cooper	N Hatfield	E Martin	Y Scott, M	Y Yates
Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 147, nays 24.

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

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

SB 172. By Senators Shafer of the 48th, Unterman of the 45th, Albers of the 56th, Ligon, Jr. of the 3rd, Thompson of the 5th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 19 of the O.C.G.A., relating to adoption, so as to require a home study by an evaluator prior to the placement of a child into the home of adoptive parents by a third party who is neither a stepparent nor a relative and for such study to recommend placement; to provide for definitions; to change certain provisions relating to surrender or termination of parental or guardian's rights where a child is to be adopted by a third party; to change provisions relating to the filing and contents of a petition for adoption; to change provisions relating to the timing of an adoption hearing, the required records, and filing; to change the contents of the form used for surrender of rights for adoption; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 191. By Senators Cowsert of the 46th, Hamrick of the 30th, Crosby of the 13th, Ramsey, Sr. of the 43rd and Bethel of the 54th:

A BILL to be entitled an Act to amend Titles 15, 16, 21, 40, 45, and 50 of the O.C.G.A., relating to courts, crimes and offenses, elections, motor vehicles and traffic, public officers and employees, and state government, respectively, so as to provide for a modernized and uniform system of compiling, creating, maintaining, and updating jury lists in this state; to modernize terminology in Chapter 12 of Title 15 of the O.C.G.A., relating to juries; to remove nonmechanical procedures relative to selecting persons for jury service; to change eligibility requirements for grand jurors; to amend the O.C.G.A. so as to conform provisions to the new Chapter 12 of Title 15 and correct cross-references; 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 Bill of the House was taken up for consideration and read the third time:

HB 274. By Representatives Nix of the 69th, Anderson of the 117th, Stephens of the 164th, Maddox of the 127th and Mosby of the 90th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to change certain provisions relating to declaration of policy and legislative intent relative to solid waste management; to define and redefine certain terms; to change certain provisions relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators; to change certain provisions relating to number of solid waste facilities within a given area; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, so as to change certain provisions relating to declaration of policy and legislative intent relative to solid waste management; to define and redefine certain terms; to change certain provisions relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators; to change certain provisions relating to number of solid waste facilities within a given area; to change certain provisions relating to certain cost reimbursement fees and surcharges relative to solid waste management; to change certain provisions relating to tire disposal restrictions; to change certain provisions relating to yard trimmings disposal restrictions; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions relative to solid waste management, is amended in Code Section 12-8-21, relating to declaration of policy and legislative intent relative to solid waste management, by revising subsection (g) as follows:

"(g) It is further the intent of the General Assembly to provide a frame of reference for ~~the~~ this state and all counties, municipal corporations, and solid waste management authorities in ~~the~~ this state relating to the handling of yard trimmings. ~~The productivity of the soils of Georgia requires that nature's way of recycling vegetative matter be respected and followed and that such essential building materials are no longer wasted by being buried in landfills but are returned to the soil. It is also the intent of the General Assembly to encourage beneficial reuse of yard trimmings and other vegetative matter by composting and other methods of recycling and return of such vegetative matter to the soil and by reuse of yard trimmings to promote bioenergy and renewable energy goals.~~ It is also the intent of the General Assembly to encourage beneficial reuse of yard trimmings and other vegetative matter by composting and other methods of recycling and return of such vegetative matter to the soil and by reuse of yard trimmings to promote bioenergy and renewable energy goals. The General Assembly, therefore, adopts and recommends the following hierarchy for handling yard trimmings:

- (1) Naturalized, low-maintenance landscaping requiring little or no cutting;
- (2) Grass cycling by mowing it high and letting it lie;
- (3) Return to the soil or other beneficial reuse on the site where the material was grown, including but not limited to:
 - ~~(3)~~(A) Stacking branches into brush piles for use as wildlife habitats and for gradual decomposition into the soil;
 - ~~(4)~~(B) Composting on the site where the material was grown, followed by incorporation of the finished compost into the soil at that site; or
 - ~~(5)~~(C) Chipping woody material on the site where such material was generated; and
 - ~~(6)~~(4) Collecting yard trimmings and transporting them to another site to be ~~chipped or composted for later use; and~~ chipped
 - ~~(7)~~ Chipping woody material for later use as fiber fuel;
 - (A) Processed for mulch or feedstock for composting;

(B) Processed for use as a bioenergy feedstock; or
(C) Disposed in a lined landfill having a permitted gas collection system in operation by which landfill gas is directed to equipment or facilities for beneficial reuse such as electrical power generation, industrial end use, or other beneficial use promoting renewable energy goals."

SECTION 2.

Said part is further amended in Code Section 12-8-22, relating to definitions, by revising paragraph (5.1) and adding a new paragraph (12.2) as follows:

"(5.1) 'Construction or demolition waste' means waste building materials and rubble resulting from construction, remodeling, repair, or demolition operations on pavements, houses, commercial buildings, and other structures. Such waste includes but is not limited to waste containing asbestos, wood, bricks, metal, concrete, wallboard, paper, cardboard, and other nonputrescible wastes associated with construction and demolition activities which have a low potential for ground-water contamination. ~~Inert waste landfill materials approved by the board for disposal in landfills permitted by rule and regulation~~ are also included in this definition if disposed in a construction or demolition waste landfill."

"(12.2) 'Inert waste landfill' means a disposal facility accepting only wastes that will not or are not likely to cause production of leachate of environmental concern. Such wastes are limited to earth and earth-like products, concrete, cured asphalt, rock, bricks, yard trimmings, and land clearing debris such as stumps, limbs, and leaves. This definition excludes industrial and demolition waste not specifically listed in this paragraph."

SECTION 3.

Said part is further amended in Code Section 12-8-24, relating to permits for solid waste or special solid waste handling, disposal, or thermal treatment technology facilities and inspection of solid waste generators, by adding a new subsection to read as follows:

"(k)(1) No person shall operate an inert waste landfill on or after January 1, 2013, without a valid application for the same on file with the director. Any person operating an inert waste landfill shall comply with regulatory requirements applicable to construction or demolition waste landfills with regard to buffer zones, explosive gases control, and financial assurance.

(2) No person shall operate an inert waste landfill on or after July 1, 2014, without a valid permit for the same issued by the director. The regulatory requirements contained in such permits shall be limited to the requirements of paragraph (1) and paragraphs (3) through (13) of this subsection.

(3) Only such waste as is acceptable under paragraph (12.2) of Code Section 12-8-22 shall be disposed of in an inert waste landfill.

(4) No portion of the waste disposal area shall be located within 100 linear feet of any property line or enclosed structure.

(5) Materials placed in inert waste landfills shall be spread in layers and compacted to the smallest practical volume, and a uniform compacted layer of clean earth cover no less than one foot in depth shall be placed over all exposed inert waste material at least monthly.

(6) The inert waste landfill site shall be graded and drained to minimize runoff onto the inert waste landfill surface, to prevent erosion, and to drain water from the surface of the inert waste landfill.

(7) Access to inert waste landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.

(8) Suitable means shall be provided to prevent and control fires. Stockpiled soil shall be considered to be the most satisfactory fire-fighting material.

(9) A uniform compacted layer of final cover not less than two feet in depth and a vegetative cover shall be placed over the final lift not later than one month following final placement of inert waste within that lift.

(10) Notice of final closure shall be provided to the director within 30 days of receiving the final load of waste. Any site that does not receive waste during a period of more than 180 days shall be deemed abandoned and in violation of this subsection unless properly closed. Notice of closure shall include the date of final waste receipt and an accurate legal description of the boundaries of the inert waste landfill.

(11) All deeds for real property which have been used for inert waste landfilling shall include notice of the inert waste landfill operations, the date the inert waste landfill operation commenced and terminated, an accurate legal description of the actual location of the inert waste landfill, and a description of the type of solid wastes which have been deposited in the inert waste landfill. Concurrent with the submission of notice of final closure to the director, the owner or operator shall submit to the director confirmation that the information required in this subsection has been noticed on the property deed.

(12) All wastes received at the inert waste landfill shall be reported annually.

(13) A status report shall be submitted to the director annually."

SECTION 4.

Said part is further amended in Code Section 12-8-25.4, relating to limits on the number of solid waste facilities within a given area, by revising subsection (c) as follows:

"(c) For the purposes of the criteria specified in subsection (b) of this Code section, the term 'landfill' shall include:

(1) Any active landfill permitted under authority of the state under this part or any prior general law of the state; and

(2) Any inactive landfill so permitted under this part or any prior general law, which landfill ceased receiving waste on or after June 29, 1989, and is either in closure or postclosure status, provided that such a landfill which has completed postclosure care status shall no longer be included

but for purposes of subsection (b) of this Code section, the count of landfills shall not include any ~~permit by rule~~ inert waste landfill or any private industry solid waste

disposal facility; and in counting landfills, each existing landfill site shall be counted only once even if such landfill site has previously been expanded under a new or existing permit, provided the facilities under each new or existing permit are the same type landfill, are owned by the same person, and are contiguous or if not contiguous are separated only by the width of a public road."

SECTION 5.

Said part is further amended in Code Section 12-8-39, relating to certain cost reimbursement fees and surcharges relative to solid waste management, by revising subsection (e) as follows:

"(e) ~~After July 1, 1992, owners~~ Owners or operators of any solid waste disposal facility other than an inert waste landfill ~~as defined in regulations promulgated by the board~~ or a private industry solid waste disposal facility shall assess and collect on behalf of the division from each disposer of waste a surcharge of ~~50¢ per ton of solid waste disposed. From July 1, 2003, through June 30, 2008, said surcharge shall be 65¢ per ton of solid waste disposed. After July 1, 2008, said surcharge shall be 75¢ per ton of solid waste disposed.~~ Two percent of said surcharges collected may be retained by the owner or operator of any solid waste disposal facility collecting said surcharge to pay for costs associated with collecting said surcharge. Surcharges assessed and collected on behalf of the division shall be paid to the division ~~on July 1, 1993, for the period July 1, 1992, through December 31, 1992. All subsequent payments shall be due on~~ not later than the first day of July of each year for the preceding calendar year. Any facility permitted exclusively for the disposal of construction or demolition waste that conducts recycling activities for construction or demolition materials shall receive a credit towards such surcharges of 75¢ per ton of material recycled at the facility."

SECTION 6.

Said part is further amended in Code Section 12-8-40.1, relating to tire disposal restrictions, by revising paragraph (3) of subsection (h) as follows:

"(3) The tire fees authorized in this subsection shall cease to be collected on June 30, ~~2011~~ 2014. The director shall make an annual report to the House Committee on Natural Resources and Environment and the Senate Natural Resources and the Environment Committee regarding the status of the activities funded by the solid waste trust fund."

SECTION 7.

Said part is further amended in Code Section 12-8-40.2, relating to yard trimmings disposal restrictions, by revising subsections (a) and (b) as follows:

"(a) Each city, county, or solid waste management authority ~~shall~~ may impose restrictions on yard trimmings which are generated in or may ultimately be disposed of in its area of jurisdiction; provided, however, that under no circumstances shall yard trimmings be placed in or mixed with municipal solid waste, except at:

(1) Landfills restricted to construction or demolition waste;

(2) Inert waste landfills; or

(3) Lined municipal solid waste landfills having operating landfill gas collection systems directed to beneficial uses of landfill gas that promote renewable energy goals such as electrical power generation, industrial end use, or similar beneficial reuse. These restrictions shall include but are not limited to:

(1) ~~A requirement that yard trimmings not be placed in or mixed with municipal solid waste, except at landfills restricted to construction or demolition waste;~~

(2) ~~A ban on the disposal of yard trimmings at municipal solid waste disposal facilities having liners and leachate collection systems or requiring vertical expansion within its jurisdiction;~~

(3) ~~A requirement that yard trimmings be sorted and stored for collection in such a manner as to facilitate collection, composting, or other handling; and~~

(4) ~~A requirement that yard trimmings be sorted and stockpiled or chipped, composted, used as mulch, or otherwise beneficially reused or recycled to the maximum extent feasible.~~

(b) ~~Prior to September 1, 1996, each city, county, and solid waste authority is authorized but not required to impose restrictions on yard trimmings which are generated or may ultimately be disposed of in its area of jurisdiction. Such restrictions may include, but are not limited to, the restrictions stated in paragraphs (1) through (4) of subsection (a) of this Code section. Except as otherwise provided in subsection (a) of this Code section, owners and operators of municipal solid waste landfills shall be prohibited from disposing of yard trimmings in municipal solid waste landfills."~~

SECTION 8.

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

SECTION 9.

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

The following amendment was read and adopted:

Representative Nix of the 69th offers the following amendment:

Amend the House Committee on Natural Resources and Environment substitute to HB 274 (LC 25 5855S) by replacing lines 4 through 7 with the following:

waste management; to change certain provisions

By deleting Sections 2, 3, and 4 in their entirety.

By redesignating Sections 5 through 9 as Sections 2 through 6, respectively.

By replacing line 131 with the following:

other than an inert waste landfill as defined in regulations promulgated by the board or a

The Committee substitute, as amended, was adopted.

Pursuant to Rule 133, Representative Harrell of the 106th was excused from voting on HB 274.

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

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 104, nays 68.

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

Representatives Clark of the 98th and Teasley of the 38th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

Representative Fludd of the 66th stated that he inadvertently voted "nay" 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 16, 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 274 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

The Speaker assumed the Chair.

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 102. By Senators Mullis of the 53rd, Rogers of the 21st, Sims of the 12th, Williams of the 19th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide and revise certain definitions; to revise certain provisions relative to the carrying and possession of firearms; to provide for penalties; to revise certain terminology; to revise the manner of issuance of and qualifications for firearms licenses; to provide for related matters; to amend Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to loitering at or disrupting schools, and Chapter 38 of Title 43 of the Official Code of Georgia Annotated, relating to operators of private detective businesses and private security businesses, so as to conform certain language; to repeal conflicting laws; and for other purposes.

- SB 121. By Senators Miller of the 49th, Tolleson of the 20th, Jeffares of the 17th, Ginn of the 47th and Gooch of the 51st:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 14, Code Section 27-1-13, and Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to, respectively, corporation commissioner, disposition of funds received by the Department of Natural Resources, appropriations, and grants and donations for natural resources conservation camps, and numbering of watercraft vessels, so as to provide for refunding of fees under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 187. By Senators McKoon of the 29th, Butterworth of the 50th, Thompson of the 5th and Chance of the 16th:

A BILL to be entitled an Act to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, the "Georgia Registered Professional Nurse Practice Act," so as to revise the nursing education program requirements for licensure as a registered nurse; to revise certain provisions relating to the requirements for registered professional nurses in nontraditional nursing education programs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 203. By Senators Bethel of the 54th, Mullis of the 53rd and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 23 of Title 33 of the Official Code of Annotated, relating to licensing of agents, agencies, subagents, counselors, and adjusters, so as to provide that certain individuals who collect and input data into an automated claims adjudication system are exempt from licensure; to provide for definitions; to change certain resident independent adjuster license requirements; to add certain nonresident independent adjuster

license requirements; to provided for related matters; to repeal conflicting laws; and for other purposes.

SB 206. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to hunting, trapping, and fishing licenses and permits, so as to change certain provisions relating to wildlife control permits; to prohibit releasing any trapped or transported feral hog into any area that is not fenced to prevent the escape of such feral hog onto the land of another; to repeal conflicting laws; and for other purposes.

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

HB 277. By Representatives Shaw of the 176th, Maddox of the 172nd, Roberts of the 154th, Williams of the 165th, Black of the 174th and others:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, so as to regulate the baiting and hunting of deer and feral hogs; to change certain provisions relating to unlawful enticement of game; to change certain provisions relating to seasons and bag limits, promulgation of rules and regulations by the Board of Natural Resources, possession of more than bag limit, and reporting number of deer killed; to change certain provisions relating to restrictions on hunting feral hogs; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, so as to change certain provisions relating to unlawful enticement of game and hunting in the vicinity of feed or bait; to change certain provisions relating to restrictions on hunting feral hogs; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 1 of Chapter 3 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to hunting, is amended by revising Code Section 27-3-9, relating to unlawful enticement of game, as follows:

"27-3-9.

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

(1) 'Northern zone' means the northern zone for hunting deer with firearms as established pursuant to subsection (c) of Code Section 27-3-15.

(2) 'Southern zone' means the southern zone for hunting deer with firearms as established pursuant to subsection (c) of Code Section 27-3-15.

(a.1) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or enticement for any game bird or game animal, other than deer, on or over any area where hunters are or will be hunting; provided, however, that it shall be lawful to hunt deer within the vicinity of such feeds if the hunter is at least 200 yards away from and not within sight of the feed or bait.

(b)(1) Except as otherwise provided by law or regulation, it shall be unlawful for any person to hunt any game bird or game animal upon, over, around, or near any place where any such corn, wheat, or other grains, salts, apples, or other feed or bait has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or enticement to such birds or animals. It shall also be unlawful to hunt any game animal or game bird upon, over, around, or near any such place for a period of ten days following the complete removal of all such feed or bait.

(2) The prohibitions of paragraph (1) of this subsection shall not apply to:

(A) The hunting of deer in the northern zone, other than on lands under the ownership or control and management of the state or federal government, if the hunter is at least 200 yards away from and not within sight of such feed or bait; and

(B) The hunting of deer in the southern zone, other than on lands under the ownership or control and management of the state or federal government, if the hunter has written permission of the landowner to hunt upon, over, around, or near such feed or bait,

except as otherwise provided by paragraph (3) of this subsection.

(3)(A) The board may by rule or regulation restrict the feeding, baiting, or hunting of deer upon, over, around, or near such feed or bait in any county wherein there is a documented occurrence of a communicable disease in deer and in any county adjoining such county. Such restriction may be imposed in such county and any adjoining county for a period of up to and including one year and may be extended for additional periods of up to and including two years each upon documentation that the communicable disease is still present in deer in such county. No person shall feed, bait, or hunt deer in violation of any restriction imposed pursuant to this paragraph.

(B) The department shall give notice of such restriction by mail or electronic means to each person holding a current license to hunt whose last known address is within

a restricted county. The department may place or designate the placement of signs and markers so as to give notice of such restriction.

(c) When a conservation ranger is aware or becomes aware that a clearly identifiable area of land or field is baited for doves in such a manner that hunting thereon would be a violation of paragraph (1) of subsection (b) of this Code section, it shall be the duty of the conservation ranger to require the owner or other person having lawful possession or control of the baited area of land or field to remove such bait. The conservation ranger shall require such owner or other person to erect on the area of land or field signs having printed thereon the words: 'No Hunting, Baited Field.' Such signs shall remain for ten days after bait is removed. The printing on such signs shall be clearly visible to a person with normal eyesight from a distance of at least 50 yards. A sufficient number of such signs shall be erected to provide reasonable notice to hunters that the field or area is baited for doves. If the conservation ranger cannot locate the owner or other person having lawful possession or control of the ~~baited~~ area of land or field baited for doves, it shall be the duty of such conservation ranger to erect such signs. The owner or other person having lawful possession or control of a ~~baited an~~ area or field baited for doves who fails to comply with an order of a conservation ranger requiring the removal of bait or the erection of signs, or both, as required by this subsection shall be guilty of a misdemeanor. When a conservation ranger is aware that a clearly identifiable area of land or field is baited for doves in such a manner that hunting thereon would be a violation of paragraph (1) of subsection (b) of this Code section prior to any such violation, no charge may be brought against any person under paragraph (1) of subsection (b) of this Code section unless the provisions of this subsection have been followed. Nothing in this subsection shall be construed to preclude the owner or other person having lawful possession or control of a baited area or field from being charged with and convicted of a violation of subsection ~~(a)~~ (a.1) of this Code section. Nothing in this subsection shall be construed to preclude a person's being charged with and convicted of a violation of paragraph (1) of subsection (b) of this Code section when such violation is on a ~~baited an~~ area of land or field baited for doves which was not previously identified by a conservation ranger as provided in this subsection prior to such violation."

SECTION 2.

Said part is further amended in Code Section 27-3-24, relating to restrictions on hunting feral hogs, by revising subsection (a) and adding a new subsection (a.1) as follows:

"(a) It shall be unlawful to hunt, or engage in the hunting of, feral hogs:

- (1) Upon the lands of another or enter upon the lands of another in pursuit of feral hogs without first obtaining permission from the landowner or lessee of such land or the lessee of the game rights of such land;
- (2) Upon any land which is posted without having the permission required by paragraph (1) of this subsection in writing and carried upon the person;
- (3) ~~Upon, over, around, or near any land or place upon which any corn, wheat, or other grains, salts, apples, or other feeds or bait which would constitute a lure,~~

~~attraction, or enticement for any feral hog has been placed, exposed, deposited, distributed, or scattered or upon, over, around, or near any such place for a period of ten days following the complete removal of all such feed or bait; provided, however, this paragraph shall not prohibit the use of bait described in this paragraph for the purpose of trapping feral hogs or hunting feral hogs by means other than a firearm or bow and arrow~~ Reserved;

(4) From within a vehicle or while riding on a vehicle at night and with the use of a light;

(5) At night with a light, except that a light which is carried on the person of a hunter, affixed to a helmet or hat worn by a hunter, or part of a belt system worn by a hunter may be used for locating feral hogs; or

(6) During the firearms deer season unless the hunter and each person accompanying the hunter are wearing a total of at least 500 square inches of daylight fluorescent orange material as an outer garment and such material or garment is worn above the waistline, and may include a head covering.

(a.1)(1) The board may by rule or regulation restrict the feeding, baiting, or hunting of feral hogs upon, over, around, or near feed or bait in any county wherein there is a documented occurrence of a communicable disease in deer and in any county adjoining such county. Such restriction may be imposed in such county and any adjoining county for a period of up to and including one year and may be extended for additional periods of up to and including two years each upon documentation that the communicable disease is still present in deer in such county. No person shall feed, bait, or hunt feral hogs in violation of any restriction imposed pursuant to this paragraph.

(2) The department shall give notice of such restriction by mail or electronic means to each person holding a current license to hunt whose last known address is within a restricted county. The department may place or designate the placement of signs and markers so as to give notice of such restriction."

SECTION 3.

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

The following amendment was read:

Representatives Shaw of the 176th and Roberts of the 154th offer the following amendment:

Amend the House Committee on Game, Fish, and Parks substitute to HB 277 (LC 25 5872S) by inserting between lines 22 and 23 the following:

(a.2) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feed or bait so as to

constitute a lure, attraction, or enticement for any game bird or game animal within 50 yards of any property ownership boundary.

By inserting between lines 49 and 50 the following:

(4) Any person who takes any big game animal, other than deer, within 200 yards of any place where any corn, wheat, or other grains, salts, apples, or other feed or bait has been placed, exposed, deposited, distributed, or scattered so as to constitute a lure, attraction, or enticement for any game bird or game animal shall, upon conviction of thereof, be guilty of a misdemeanor of a high and aggravated nature and shall be punished as provided by Code Section 17-10-4.

By deleting the quotation marks at the end of line 112 and inserting between lines 112 and 113 the following:

(a.2) It shall be unlawful for any person to place, expose, deposit, distribute, or scatter any corn, wheat, or other grains, salts, apples, or other feed or bait so as to constitute a lure, attraction, or enticement for feral hogs within 50 yards of any property ownership boundary."

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

Abdul-Salaam	Y Davis	Heckstall	Y Mayo	N Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
N Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	N 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	N Dobbs	Y Holt	Y Mitchell	Y Smith, K
N Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	E Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	N Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
N Beasley-Teague	Y Dutton	N Hudson	Y Neal, J	Y Spencer
N 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	Y Jacobs	Y Nix	Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
N Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Jones, S	Y Parsons	Y Teasley
Y Buckner	N Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Gardner	Y Kaiser	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	N Kendrick	Y Powell, J	Y Walker
Y Carter	N Golick	Y Kidd	Y Pruet	Y Watson
Y Casas	Y Gordon	N Knight	Y Purcell	N 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	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	N 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	N Williamson
Y Cooper	Y Hatfield	E Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the amendment, the ayes were 146, nays 22.

The amendment was adopted.

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.

The Committee substitute, as amended, was adopted.

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

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

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

N Casas	Y Gordon	N Knight	Y Purcell	N 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	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	Y Williams, A
N Collins	N 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	N Williamson
Cooper	Y Hatfield	E Martin	Scott, M	Y Yates
N Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 122, nays 48.

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

Due to a mechanical malfunction, the vote of Representative Oliver of the 83rd was not recorded on the preceding roll call. She wished to be recorded as voting "nay" thereon.

The following messages were 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 211. By Senator Tolleson of the 20th:

A BILL to be entitled an Act to amend Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead poisoning prevention, so as to provide for certain federal regulations copies, fees, corrective orders, and violations related to such chapter; to provide for legislative purpose; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 219. By Senators Harbison of the 15th, Loudermilk of the 52nd, McKoon of the 29th, Jeffares of the 17th and Hill of the 32nd:

A BILL to be entitled an Act to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to adopt the "Interstate Compact on Educational Opportunity for Military Children"; to provide for a short title; to provide for the purpose and policy of said compact; to define the terminology used in said compact; to provide for applicability; to provide for

educational records and enrollment; to provide for placement and attendance; to provide for eligibility; to provide for graduation; to provide for state coordination services; to create the Interstate Commission on Educational Opportunity for Military Children; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 220. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Board of Regents, so as to provide for multiyear lease agreements; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 68. By Senators Loudermilk of the 52nd, Rogers of the 21st, Staton of the 18th, Hill of the 32nd, Albers of the 56th and others:

A RESOLUTION creating the Science and Technology Strategic Initiative Joint Study Commission; and for other purposes.

Mr. Speaker:

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

SB 143. By Senators Henson of the 41st and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, so as to provide that an applicant for a license by endorsement shall provide certain information; to repeal certain obsolete provisions; to repeal conflicting laws; and for other purposes.

SB 185. By Senators Sims of the 12th, Hooks of the 14th, Seay of the 34th, Tate of the 38th, Davis of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, so as to provide for emergency closure of an early care and education program upon the death of a minor or certain circumstances; to revise definitions; to provide for certain procedures; to provide for hearings; to provide for contesting a closure; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 210. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding torts, so as to provide for liability for violations of laws relating to abortion; to provide for definitions; to provide for the wrongful death of an unborn child; to provide for immunity under certain circumstances; to provide for witness testimony and evidence; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 214. By Senators Hill of the 32nd and Rogers of the 21st:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to inmate policies, so as to provide definitions; to provide that it is illegal to provide or attempt to provide an inmate with a wireless handset; to provide that it is illegal for an inmate to possess, obtain, or attempt to obtain a wireless handset; to provide penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 218. By Senators Williams of the 19th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to submerged cultural resources, so as to change certain provisions relating to permits and authorization to contract for investigation, survey, or recovery operations and renewal and revocation of permits; to provide for investigation, survey, and sales of certain sunken logs to which the state holds title; to provide for administration of such a program; to repeal conflicting laws; and for other purposes.

SB 223. By Senators Ligon, Jr. of the 3rd, Rogers of the 21st, Hill of the 32nd, Ginn of the 47th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to the organization of the executive branch generally, so as to establish the "Georgia Government Accountability Act"; to provide for a short title; to provide for legislative intent; to create the Legislative Sunset Advisory Committee; to authorize the committee to review and evaluate state agencies' productivity, efficiency, and responsiveness; to provide for the automatic abolition of certain state agencies contingent upon adoption of a resolution by the General Assembly declaring that the state laws applicable to such agency have been repealed, revised, or reassigned; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 231. By Senators Tippins of the 37th and Williams of the 19th:

A BILL to be entitled an Act to amend Code Section 42-8-60 of the Official Code of Georgia Annotated, relating to probation prior to adjudication of guilt, violation of probation, and review of criminal record by a judge, so as to provide additional offenses for which first offender status shall not be granted; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 234. By Senator Rogers of the 21st:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to extensively revise provisions relating to ad valorem tax assessments and appeals from such assessments; to provide that no execution shall issue while an appeal is pending; to provide a procedure for taxpayers to notify tax officials of errors on their part and for correction of errors; to provide for a notice of excessive increase where a tax assessment is increased by more than a certain percentage; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 236. By Senators Cowser of the 46th, Crosby of the 13th, Williams of the 19th and Goggans of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 40 of the O.C.G.A., relating to cancellation, suspension, and revocation of drivers' licenses, so as to provide for matters relative to drivers' licenses of persons convicted of driving under the influence; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as probation condition, so as to provide the courts with more authority with regard to the availability of ignition interlock device limited driving permits or probationary licenses and habitual violator probationary licenses for drivers convicted of a

second DUI; to provide a court the ability to issue a certificate for such permits and licenses; to change provisions relating to proof of compliance with Code Section 42-8-111; and for other purposes.

SB 240. By Senators Mullis of the 53rd, Stoner of the 6th and Jackson of the 24th:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to create a new class of motor vehicles to be known as personal transportation vehicles; to provide for a definition; to provide an exception; to provide for rights and duties of drivers of personal transportation vehicles; to provide for rules of the road; to provide for local ordinances regulating personal transportation vehicles; to provide for operation of such vehicles on the public highways; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 251. By Senators Shafer of the 48th, Goggans of the 7th, McKoon of the 29th and Hill of the 32nd:

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 the transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters; to provide for adjustment of licensing fees as necessary to accommodate biennial licensing; to provide for promulgation of rules and regulations by the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 252. By Senators Shafer of the 48th, Goggans of the 7th, McKoon of the 29th and Hill of the 32nd:

A BILL to be entitled an Act to amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to the authorization and general requirements for the transaction of insurance, so as to provide that the Commissioner shall determine if an insurer meets the definition of a reinsurer; to provide for the definition of a reinsurer; to provide for designation on the certificate of authority; to provide for related matters; to repeal conflicting laws; and for other purpose.

The Senate has adopted by the requisite constitutional majority the following resolutions of the Senate:

SR 312. By Senators Carter of the 1st, Williams of the 19th, Jackson of the 2nd, Staton of the 18th, Cowser of the 46th and others:

A RESOLUTION endorsing the efforts to deepen the ports in Savannah, Georgia, and Charleston, South Carolina; and for other purposes.

SR 343. By Senator Mullis of the 53rd:

A RESOLUTION honoring the life and service of PFC Samuel Stephens Lance and dedicating an intersection in his honor; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 1:00 o'clock, P.M., Monday, March 21, 2011, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 1:00 o'clock, P.M., Monday, March 21, 2011.