Representative Hall, Atlanta, Georgia

Thursday, April 14, 2011

Fortieth 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
Allison
Amerson
Anderson
Ashe
Atwood
Baker
Battles
Bearden
Bell
Benfield
Benton
Black
Braddock
Brockway
Brooks
Bryant
Buckner
Burns
Byrd
Carter
Casas
Channell
Cheokas
Clark, J
Clark, V
Coleman
Collins
Cooke
Coomer
Crawford
Davis
Dempsey
Dickey
Dickson
Dobbs
Drenner
Dudgeon
Dutton
Ehrhart
England
Epps, J
Evans
Franklin
Fullerton
Gardner
Golick
Gordon
Greene
Hamilton
Harden, B
Harden, M
Harrell
Hatchett
Hatfield
Heard
E Heckstall
Hembree
E Henson
Hill
Holcomb
Holmes
Holt
E Horne
Howard
Huckaby
E Hudson
Hugley
Jackson
Jacobs
James
Jasperse
Jerguson
Johnson
Jones, J
Jones, S
Kaiser
Kendrick
Knight
Lane
Maddox, G
Manning
Marin
Maxwell
Mayo
McBrayer
McCall
McKillip
Meadows
Mills
Mitchell
E Morris
Neal, Y
Nimmer
Nix
Pak
Parrish
Peake
Powell, A
Powell, J
Pruett
Purcell
Reece
Rice
Riley
Roberts
Rogers
E Rynders
Scott, S
Shaw
Sheldon
Sims, B
Smith, E
Smith, K
Smith, L
Smith, R
Spencer
Stephens, M
Stephens, R
E Stephenson
Talton
Tankersley
Taylor, D
Taylor, T
Teasley
Thomas
Tinubu
Walker
Watson
Welch
Wilkerson
Wilkinson
Willard
Williams, E
Williams, R
Yates
Ralston, Speaker

Due to a mechanical malfunction, Representatives Frazier of the 123rd and Houston of the 170th were not recorded on the attendance roll call. They wished to be recorded as present.

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

Representatives Austin of the 10th, Beasley-Teague of the 65th, Bruce of the 64th, Dawkins-Haigler of the 93rd, Dollar of the 45th, Fludd of the 66th, Geisinger of the 48th, Hanner of the 148th, Jordan of the 77th, Kidd of the 141st, Lindsey of the 54th, Lucas of

the 139th, Mosby of the 90th, Murphy of the 120th, O`Neal of the 146th, Parsons of the 42nd, Ramsey of the 72nd, Randall of the 138th, Scott of the 2nd, Setzler of the 35th, Sims of the 169th, Smith of the 168th, Smyre of the 132nd, Taylor of the 55th, Weldon of the 3rd, Williams of the 165th, and Williamson of the 111th.

They wished to be recorded as present.

Prayer was offered by Representative Randy Nix, District 69, LaGrange, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

1. Introduction of Bills and Resolutions.

2. First reading and reference of House Bills and Resolutions.

3. Second reading of Bills and Resolutions.

4. Reports of Standing Committees.

5. Third reading and passage of Local uncontested Bills.

6. First reading and reference of Senate Bills and Resolutions.

The following communication was received:

House of Representatives
Coverdell Legislative Office Building, Room 607-E
Atlanta, Georgia 30334

April 13, 2011

The Honorable Robert Rivers
Clerk of the House
309 State Capitol
Atlanta, Georgia 30334

Dear Mr. Rivers,

I, State Representative J. Craig Gordon, House District 162 request a "yes" recorded vote for SB 129 considered by the House on Monday, April 11, 2011.

Thank you for your consideration in this matter.

Sincerely,

/s/ J. Craig Gordon
State Representative, District 162

JCG:dl

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

HB 644. By Representatives Bell of the 58th and Abrams of the 84th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to enact the "Commission to Implement the Patient Protection and Affordable Care Act"; to provide for legislative findings and intent; to provide for definitions; to establish the Commission to Implement the Patient Protection and Affordable Care Act; to provide for its composition and powers; to provide for advisory councils; to provide for duties of the commission; to provide for automatic repeal on a certain date; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 645. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend Code Section 47-14-77 of the Official Code of Georgia Annotated, relating to service for which no credit received for retirement purposes shall be granted under the Superior Court Clerks' Retirement Fund of Georgia, so as to reduce the amount of the employee contribution for creditable service for certain prior service as a deputy clerk;

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 646. By Representative Dawkins-Haigler of the 93rd:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for the designation of a health information exchange for the state; to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance, so as to provide that carriers and health maintenance organizations provide incentives to health care providers to use electronic health records; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to require that such plan comply with the requirements relating to electronic health records; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 647. By Representatives Powell of the 29th, Rice of the 51st and Geisinger of the 48th:

A BILL to be entitled an Act to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to authorize the Commissioner of Revenue to disclose the fact of whether a person filed an individual state income tax return; to provide a definition; to require that withholding agents withhold state income tax at 6 percent for those persons who did not file an individual state income tax return for the most recent taxable year; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 648. By Representatives Golick of the 34th, Willard of the 49th, Lindsey of the 54th, Abrams of the 84th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Title 15 and Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to courts and legal defense for indigents, respectively, so as to change certain provisions so that certain fees and assessments are dedicated to funding legal services for indigent persons accused of crimes and delinquent acts; to change provisions relating

to the budget of the council; to provide a contingent effective date; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 649. By Representative Harbin of the 118th:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, so as to provide a short title; to include an email address in the definition of last known address; to provide for definitions; to change the due date for monthly rental payments; to provide procedures for sending notice of default; to provide for print or electronic publication of notice of public sale of property; to provide for late fees; to provide for limitations on an owner's liability; to provide for towing of motor vehicles and watercraft; to provide for delay in filing an owner's lien if an occupant is deployed overseas by the armed services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 650. By Representative Heard of the 114th:

A BILL to be entitled an Act to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to provide that the Georgia Procurement Registry shall be used in addition to the official legal organ and other media outlets for advertisement of certain bid opportunities for goods and services and public works construction contracts by a county, municipal corporation, or local board of education; to provide that advertisement via the Georgia Procurement Registry shall be at no cost to local government entities; to require advertisement of certain bid opportunities by local government entities via the Georgia Procurement Registry; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 651. By Representatives Maxwell of the 17th, Dickson of the 6th, Ashe of the 56th, Amerson of the 9th, Neal of the 1st and others:

A BILL to be entitled an Act to amend Part 4 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to financing

under the "Quality Basic Education Act," so as to repeal Code Section 20-2-165.1, relating to charter system earnings for each full-time equivalent student; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 652. By Representatives Murphy of the 120th, Howard of the 121st, Frazier of the 123rd and Smith of the 122nd:

A BILL to be entitled an Act to provide for an advisory referendum election to be held in Augusta-Richmond County for the purpose of ascertaining whether the voters of such county desire the governing authority of Augusta-Richmond County to be elected in partisan elections; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 653. By Representatives Benfield of the 85th, Bell of the 58th, Henson of the 87th, Morgan of the 39th and Drenner of the 86th:

A BILL to be entitled an Act to amend Article 1 Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to inmate policies and penal institutions, so as to prohibit the use of restraints on pregnant female inmates under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Institutions & Property.

HB 654. By Representatives Setzler of the 35th, Ehrhart of the 36th, Casas of the 103rd, Jerguson of the 22nd, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the establishment of grant programs by local school systems; to provide for a short title; to provide for legislative findings; to provide for definitions; to authorize local boards of education to make available to its students grants to attend participating schools; to provide for the amount of the grants and the method of providing payments; to provide for student eligibility; to provide for eligibility requirements for participating schools; to provide for administration and reporting; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 655. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Chapter 12 of Title 31 of the Official Code of Georgia Annotated, relating to control of hazardous conditions, preventable diseases, and metabolic disorders, so as to require the establishment of a provider choice system for the vaccines for children program operated by the Department of Community Health; to authorize providers to request the department to consider equivalent vaccines; to provide for applicability; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 656. By Representative Jacobs of the 80th:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to general provisions relative to privilege of witnesses, so as to provide for confidentiality of communications between a family violence or sexual assault victim and agents providing services to such victims at family violence shelters and rape crisis centers; to provide for definitions; to provide for a waiver of confidentiality; to provide for admissibility of certain information; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 657. By Representative Holcomb of the 82nd:

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 enact the "Georgia Manufacturer Responsibility and Consumer Convenience Information Technology Equipment Collection and Recovery Act"; to provide for findings by the General Assembly; to provide definitions; to require a certain label on a television or computer device sold by a manufacturer; to provide that the Board of Natural Resources shall promulgate certain rules and regulations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 880. By Representatives Maddox of the 127th, Kaiser of the 59th, Smith of the 70th, McCall of the 30th and Drenner of the 86th:

A RESOLUTION creating the House Study Committee on Open Loop Geothermal Heating and Cooling Systems; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 881. By Representatives Lindsey of the 54th, Willard of the 49th, Long of the 61st, Riley of the 50th, Wilkinson of the 52nd and others:

A RESOLUTION proposing an amendment to the Constitution of the State of Georgia so as to limit the functions performed in its incorporated areas by any county with more than 90 percent of its citizens residing in one or more municipal corporations and provide that any other functions performed in the unincorporated area shall be funded only from special district fees, assessments, and taxes; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Governmental Affairs.

HR 977. By Representatives Golick of the 34th, Willard of the 49th, Lindsey of the 54th, Abrams of the 84th, Ramsey of the 72nd and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for dedication of certain existing fees and assessments for the purpose of funding legal services for indigent persons accused of crimes and delinquent acts; to provide that such funds shall not be subject to lapse; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

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

HB 639	HB 640
HB 641	HB 642
HB 643	HR 810
HR 879	

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 Senate and has instructed me to report the same back to the House with the following recommendations:

HB 638	Do Pass	SB 189	Do Pass, by Substitute
SB 265	Do Pass	SB 267	Do Pass
SB 270	Do Pass	SB 271	Do Pass

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

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

HB 638. By Representative Greene of the 149th:

A BILL to be entitled an Act to create a board of elections and registration for Randolph County and provide for its powers and duties; to provide for the composition of the board and the appointment, qualification, and terms of its members; to provide for filling of vacancies and removal of members; to provide for oaths and privileges; to relieve certain boards and officers of certain powers and duties and provide for the transfer of certain items to the newly created board; to abolish certain boards and officers; to provide for meetings and procedures; to provide for the elections supervisor and the powers and duties of such elections supervisor; 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.

SB 265. By Senators Henson of the 41st and Thompson of the 5th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Lilburn, approved August 25, 2002 (Ga. L. 2002, p. 4757), so as to change the corporate limits of the city; 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.

SB 267. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Coolidge, approved June 2, 2010 (Ga. L. 2010, p. 3828), so as to provide for elections of the mayor and councilmembers; 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.

SB 270. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Eton, approved March 26, 1987 (Ga. L. 1987, p. 4689), so as to provide for the annexation of certain territory into the boundaries 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.

SB 271. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend an Act to revise, modernize, and consolidate the provisions of local law relating to the State Court of Putnam County (formerly the County Court of Putnam County), approved April 4, 1997 (Ga. L. 1997, p. 3839), so as to provide that the State Court of Putnam County shall have concurrent jurisdiction with the Magistrate Court of Putnam County regarding violations of county ordinances of Putnam County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

By unanimous consent, the following Bill of the House was taken up for the purpose of considering the Senate action thereon:

HB 588. By Representatives Mills of the 25th, Rogers of the 26th, Collins of the 27th and Benton of the 31st:

A BILL to be entitled an Act to amend an Act creating one or more community improvement districts in Hall County, Georgia (Ga. L. 2008, p. 4050), so as to change a certain provision relating to the location of such districts; to change provisions relating to the appointment of a member of the district board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating one or more community improvement districts in Hall County, Georgia (Ga. L. 2008, p. 4050), so as to change a certain provision relating to the location of such districts; to change provisions relating to the appointment of a member of the district board; 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.

An Act creating one or more community improvement districts in Hall County, Georgia (Ga. L. 2008, p. 4050), is amended by revising Section 2 as follows:

"SECTION 2.
Purpose.

The purpose of this Act shall be to provide for the creation of one or more community improvement districts within Hall County, and such districts shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating each district created pursuant to this Act, or as may be adopted by a caucus of electors as defined in this Act:

(1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
(2) Parks and recreational areas and facilities;
(3) Storm water and sewage collection and disposal systems;
(4) Development, storage, treatment, purification, and distribution of water;
(5) Public transportation;
(6) Terminal and dock facilities and parking facilities; and
(7) Such other services and facilities as may be provided for by general law."

SECTION 2.

Said Act is further amended by revising Section 4 as follows:

"SECTION 4.
Creation.

Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created one or more community improvement districts to be located in the area of Hall County, Georgia, each of which shall be activated upon compliance with the conditions set forth in this section. Each district shall be governed by a board constituted by this Act. The conditions for such activation shall be:

(1) The adoption of a resolution consenting to the creation of each community improvement district by:

(A) The Board of Commissioners of Hall County if the district is located wholly within the unincorporated area of Hall County;

(B) The governing authority of the municipality if the district is located wholly within the incorporated area of a municipality; or

(C) The governing authorities of Hall County and any municipality in which the district is partially located if it is located within the unincorporated area of Hall County and partially within the incorporated area of any municipality; and

(2) The written consent to the creation of the community improvement district by:

(A) A majority of the owners of real property within the district which will be subject to taxes, fees, and assessments levied by the board of the district; and

(B) The owners of real property within the district which constitutes at least 75 percent by value of all real property within the district which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest.

The written consent provided for in this paragraph shall be submitted to the tax commissioner of Hall County, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each such proposed district. No district or board created under this Act shall transact any business or exercise any powers under this Act until the foregoing conditions are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of all districts activated under this Act, and with the Department of Community Affairs."

SECTION 3.

Said Act is further amended by revising Section 5 as follows:

"SECTION 5.
Administration, appointment, and election of board members.

(a) Each district created pursuant to this Act shall be administered by a board composed of at least seven board members to be appointed and elected as provided in this section. Two board members shall be appointed by the governing authority of Hall County, but if any of the district is located wholly or partially within the incorporated area of a municipality, one board member shall be appointed by the governing authority

of Hall County and one board member shall be appointed by the governing authority of each municipality within which the district is wholly or partially located. Two board members shall be elected by vote of the electors; and three members shall be elected by the vote of the equity electors. The members representing the electors and equity electors shall be elected to serve in positions for Posts 1 through 5, respectively. Each elected board member must receive a majority of the votes cast for the post for which he or she is a candidate. Votes for Posts 1 and 2 shall be cast by electors and votes for Posts 3, 4, and 5 shall be cast by equity electors. The initial term of office for the members representing Posts 1 and 4 shall be one year. The initial term of office for the members representing Posts 2 and 5 shall be two years, and the initial term of office of the member representing Post 3 shall be three years. Thereafter, all terms of office for the elected board members shall be for three years. The appointed board members shall serve at the pleasure of the governing authorities which appointed them.

(b) The initial board members to be elected as provided in subsection (a) of this section shall be elected in a caucus of electors which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents herein provided at such time and place within the district as the governing authority of Hall County shall designate after notice thereof has been given to said electors as provided in this Act. Thereafter, there shall be conducted annually, not later than 60 days following the last day for filing ad valorem real property tax returns in Hall County, a caucus of said electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those board member positions whose terms expire or are vacant. If a vacancy occurs in an elected position on the board, the board shall, within 60 days thereof, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called.

(c) Board members shall be subject to recall as any other elected public official by the electors defined by this Act.

(d) Board members shall receive no compensation for their services, but shall be reimbursed for actual expenses incurred in the performance of their duties. They shall elect one of their number as chairperson and another as vice chairperson. They shall also elect a secretary and a treasurer, or a secretary-treasurer, any of whom may, but need not, be a member of the board or an elector.

(e) Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' shall not apply to the election of district board members. The district board may adopt such bylaws not inconsistent with this Act to provide for any matter concerning such elections."

SECTION 4.

Said Act is further amended by revising Section 6 as follows:

"SECTION 6.

Taxes, fees, and assessments.

(a) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia; all property used for residential, agricultural, or forestry purposes; and all tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 2.5 percent of the aggregate assessed value of all such real property. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the district and not for the purpose of providing those governmental services and facilities provided to the county as a whole. Any tax, fee, or assessment so levied shall be collected by Hall County in the same manner as taxes, fees, and assessments are levied by Hall County. Delinquent taxes shall bear the same interest and penalties as Hall County ad valorem taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent of such proceeds, but not more than $25,000.00 in any one calendar year, shall be transmitted by Hall County to the board and shall be expended by the board only for the purposes authorized by this Act.

(b) The board shall levy the taxes, fees, and assessments in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and notify Hall County in writing so that the district levy may be included on Hall County's regular ad valorem tax bills.

(c) If, but for this provision, a parcel of real property is removed from a district or otherwise would become nontaxable, it shall continue to bear its tax millage then extant upon such event for bonded indebtedness of the district then outstanding until said bonded indebtedness then outstanding is paid or refunded.

(d) Each property owner paying taxes, fees, or assessments levied by the board for any public facility as set forth in Section 2 of this Act may receive a credit equal to the present value of all such taxes, fees, and assessments toward any impact fee as may be levied by Hall County and each municipality within which the district is wholly or partially located against such property for system improvements which are in the same category as said public facility in accordance with Chapter 71 of Title 36 of the O.C.G.A., the 'Georgia Development Impact Fee Act.' Application for such development impact fee credit may be granted by legislative action of the governing authority of Hall County and each municipality within which the district is wholly or partially located in its discretion."

SECTION 5.

Said Act is further amended by revising Section 7 as follows:

"SECTION 7.
Boundaries of the districts.

(a) The boundaries of each district shall be as designated as such by the governing authority of Hall County as set forth in the resolutions required in Section 4 of this Act, or as may thereafter be added as provided in this Act.

(b) The boundaries of a district may be increased after the initial creation of a district pursuant to the following:

(1) Written consent of a majority of the owners of real property within the area sought to be annexed and which will be subject to taxes, fees, and assessments levied by the board of the district;

(2) Written consent of owners of real property within the area sought to be annexed which constitutes at least 75 percent by value of the property which will be subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recent approved county ad valorem tax digest;

(3) The adoption of a resolution consenting to the annexation by the board of the district; and

(4) The adoption of a resolution consenting to the annexation by the governing authorities of Hall County and each municipality within which the district is wholly or partially located."

SECTION 6.

Said Act is further amended by revising Section 9 as follows:

"SECTION 9.
Cooperation with local governments.

The services and facilities provided pursuant to this Act shall be provided for in a cooperation agreement executed jointly by the board and by Hall County and each municipality within which the district is wholly or partially located. The provisions of this section shall in no way limit the authority of Hall County and each municipality within which the district is wholly or partially located to provide services or facilities within the district; and Hall County and each municipality within which the district is wholly or partially located shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Said control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the county. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided therein."

SECTION 7.

Said Act is further amended by revising paragraphs (15) and (18) of subsection (a) of Section 10 as follows:

"(15) To encourage and promote the improvement and development of the district and to make, contract for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with Hall County and each municipality within which the district is wholly or partially located;"

"(18) To create, provide, enhance, or supplement public services such as fire, police, and other such services as may be deemed necessary, provided that said public services do not conflict with or duplicate existing Hall County services and each municipality within which the district is wholly or partially located; and"

SECTION 8.

Said Act is further amended by revising Section 14 as follows:

"SECTION 14.
Dissolution.

(a) Any district activated under the provisions of this Act may be dissolved. The conditions for such dissolution shall be:

(1) The adoption of a resolution approving the dissolution of each community improvement district by:

(A) The Board of Commissioners of Hall County if the district is located wholly within the unincorporated area of Hall County;

(B) The governing authority of the municipality if the district is located wholly within the incorporated area of a municipality; or

(C) The governing authorities of Hall County and any municipality in which the district is partially located if it is located within the unincorporated area of Hall County and partially within the incorporated area of any municipality; and

(2) The written consent to the dissolution of the community improvement district by:

(A) Two-thirds of the owners of real property within the district that are subject to taxes, fees, and assessments levied by the board of the district; and

(B) The owners of real property constituting at least 75 percent by value of all real property within the district that are subject to taxes, fees, and assessments levied by the board. For this purpose, value shall be determined by the most recently approved county ad valorem tax digest.

The written consent provided for in this paragraph shall be submitted to the Hall County tax commissioner, who shall certify whether subparagraphs (A) and (B) of this paragraph have been satisfied with respect to each proposed district dissolution.

(b) At the official caucus of electors at which board members are to be elected in the tenth year following creation of the district, and every tenth year thereafter, the question shall be put to the electors present to dissolve the community improvement district. Upon an affirmative vote of two-thirds of the electors present and voting, who shall represent at least 75 percent of the votes cast on the basis of value, the board shall send a ballot to each owner of property subject to taxes, fees, and assessments levied by the board for a vote on the dissolution. Upon receipt of ballots consenting to the

dissolution from a majority of the property owners, who shall represent at least 75 percent of the assessed value of said properties, the board shall request dissolution by the governing authority and shall forward said ballots to the Hall County tax commissioner for certification.

(c) In the event that successful action is taken pursuant to this section to dissolve the district, the dissolution shall become effective at such time as all debt obligations of the district have been satisfied. Following a successful dissolution action and until the dissolution becomes effective, no new projects may be undertaken, no new obligations or debts may be incurred, and no new property may be acquired.

(d) Upon a successful dissolution action, all noncash assets of the district other than public facilities or land or easements to be used for such public facilities, as described in Section 2 of this Act, shall be reduced to cash and, along with all other cash on hand, shall be applied to the repayment of any debt obligation of the district. Any cash remaining after all outstanding obligations are satisfied shall be refunded to each property owner in direct proportion to its assessed value relative to the total assessed value of the district in the tax year of dissolution.

(e) When dissolution becomes effective, the county governing authority shall take title to all property previously in the ownership of the district in the unincorporated area of Hall County, and any municipality in which the district is wholly or partially located shall take title to all such property in the incorporated area, and all taxes, fees, and assessments of the district shall cease to be levied and collected."

SECTION 9.

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

SECTION 10.

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

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

On the passage of the Bills, and on the agreement to the Senate substitute, the roll call was ordered and the vote was as follows:

E Abdul-Salaam	Y Davis	E Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	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	Dollar	E Horne	Y Morgan	Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Smith, T

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

On the passage of the Bills, and on the agreement to the Senate substitute, the ayes were 140, nays 0.

The Bills, having received the requisite constitutional majority, were passed, and the House has agreed to the Senate substitute.

Representative Beasley-Teague of the 65th 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.

SB 189. By Senators Jones of the 10th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain provisions of said Act; to revise certain provisions related to the powers and duties of the mayor; to revise certain provisions related to vetoes; to provide for the office of city administrator and establish powers and duties of said position; 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 an Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain provisions of said Act; to revise certain provisions related to the powers and duties of the mayor; to revise certain provisions related to vetoes; to provide for the office of city administrator and establish powers and duties of said position; to provide for public meetings; to provide for a statement of legislative intent; to provide for two referenda; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART A
SECTION 1A.

An Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, is amended by striking Sections 3.21, 3.22, 3.23 and inserting in lieu thereof new Sections 3.21, 3.22, 3.23 and by adding a new Section 4.16 to read as follows:

"SECTION 3.21.
Chief executive officer; delegation of powers.

The mayor shall be the chief executive of this city, a member of and the presiding officer of the city council, and responsible for the efficient and orderly administration of the city's affairs as expressly provided by the Constitution and laws of the State of Georgia and in this charter. The mayor shall have the authority to delegate any one or more executive powers to the mayor pro tempore or city administrator.

SECTION 3.22.
Powers and duties of mayor.

As the chief executive of this city, the mayor shall have the following powers and duties:

(1) See that all laws and ordinances of the city are faithfully executed;
(2) Preside at all meetings of city council;
(3) Be the head of the city to accept service of process on behalf of the city;
(4) Represent the city for ceremonial purposes;

(5) Appoint members of committees formed by the city council as well as the chairpersons and officers of said committees;
(6) Exercise supervision over the city administrator and in the event of a disagreement about the scope of the mayor's power provided in this section, the city administrator shall act in conformance with the instructions of the mayor and the matter shall be expeditiously brought before the council for a final determination;
(7) Require the city administrator to submit written reports on a quarterly basis not to exceed four per year unless otherwise authorized by the council;
(8) Require the city administrator to meet with the mayor at a time and place designated for consultation and advice upon the affairs of the city;
(9) Except as otherwise provided by this charter or general law, make recommendations to the council regarding the appointment of department heads by nominating at least two qualified candidates for any open department head position. In the event the council rejects all recommendations, the mayor shall interview and shall make additional recommendations to the council until the position is filled. So that the responsibilities of the position will be carried out and the business of the city continue uninterrupted, the mayor may nominate and the council may appoint a person to serve as an interim department head for a period of up to 60 days;
(10) With the assistance of the city administrator, prepare and submit to the council a recommended annual operating budget and recommended capital budget which may be adopted only by ordinance and in accordance with state law;
(11) Submit to the council at least every quarter a statement coveting the financial conditions of the city;
(12) Call special meetings of the city council as provided for in Section 3.13 of this charter;
(13) Participate in the discussion of all matters brought before the city council and vote on such matters only in the case of a tie vote;
(14) Recommend to the city council such measures relative to the affairs of the city, improvement of the government, and promotion of the welfare of its inhabitants as the mayor may deem expedient;
(15) Approve or disapprove ordinances and resolutions as provided in Section 3.23 of this charter;
(16) Sign as a matter of course all written contracts, ordinances, resolutions, proclamations, and other instruments executed by the city which by law are required to be in writing; and
(17) Perform such other duties as may be required by general state law and by ordinance or resolution of the city council which are not in conflict with general state law or this charter.

SECTION 3.23.
Submission of ordinances and resolutions to the mayor; veto power.

(a) Presentment after adoption. Every ordinance and resolution adopted by the city council shall be presented by the city clerk to the mayor within three days after its adoption. Except as provided in subsection (b) of this section, all powers, duties, and actions applicable to ordinances under this section are also applicable to any action or resolution of the city council to acquire real property on behalf of the city.

(b) Ordinances and resolutions generally. Within ten days after the adoption of an ordinance or resolution, the mayor shall return the ordinance or resolution to the city clerk with or without his or her approval and signature or with his or her disapproval. If the ordinance or resolution has been approved by the mayor, it shall become law upon its return to the city clerk or in accordance with the effective date specified in the ordinance or resolution. If the ordinance or resolution is returned to the clerk neither approved nor disapproved or is not returned to the clerk at all within ten days after adoption it shall become law on the eleventh day after its adoption by the city council. If the ordinance or resolution is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto at the same time that the or resolution ordinance or resolution is returned to the clerk. The failure to provide a written statement of the reasons for the veto will not invalidate the veto. The city clerk shall record upon the ordinance or resolution the date of its delivery to and receipt from the mayor.

(c) Resolutions regarding acquisition of property. As a narrow exception to the general proposition that resolutions are not subject to mayoral veto, resolutions regarding acquisition of property shall be subject to the following procedure: within ten days after the adoption of a resolution regarding the acquisition of property, the mayor shall return the resolution to the city clerk with or without his or her approval and signature or with his or her disapproval. If the resolution has been approved by the mayor, it shall become law upon its return to the city clerk or in accordance with the effective date specified in the resolution. If the resolution is returned to the clerk neither approved nor disapproved or is not returned to the clerk at all within ten days after adoption it shall become law on the eleventh day after its adoption by the city council. If the resolution is disapproved, the mayor shall submit to the city council through the city clerk a written statement of the reasons for the veto at the same time that the resolution is returned to the clerk. The city clerk shall record upon the resolution the date of its delivery to and receipt from the mayor.

(d) Override of veto: generally. Ordinances and resolutions vetoed by the mayor shall be presented by the city clerk to the city council at its next regular meeting along with the mayor's written basis for said veto within the time set forth above and, except as otherwise provided in this section, should the city council override the veto of the ordinance with five or more councilmembers voting in favor thereof, it shall become law. The mayor shall not be counted as or considered a member of the city council for the purpose of any veto override vote. No subsequent veto shall be permitted.

(e) Override of veto: ordinances and resolutions regarding acquisition of property. Any ordinance or resolution regarding the acquisition of real property shall require the affirmative vote of all five councilmembers to override the mayor's veto. The mayor

shall not be counted as or considered a member of the city council for the purpose of any veto override vote. No subsequent veto shall be permitted.

(f) Items of appropriation. The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the city council as though disapproved and shall not become law unless overridden by the council voting with at least five members of the council voting in favor to override. The mayor shall not be counted as or considered a member of the city council for the purpose of any veto override vote.

(g) Required presence of councilmembers. In the event the minimum number of councilmembers necessary to override a veto are not present as required above, the matter shall continue to be noticed and shall be voted upon at the next general meeting where a minimum number of councilmembers are present."

"SECTION 4.16.
City administrator.

(a) Within 60 days of a vacancy in the position of city administrator, the mayor shall recommend to the council at least two qualified candidates for the position of city administrator. In the event the council rejects the mayor's recommended candidates, the mayor shall have an additional 15 days to interview qualified candidates and make additional recommendations to the council. The council may accept or reject the mayor's additional recommended candidates.

(b) The council shall employ a city administrator pursuant to a written contract and shall fix the city administrator's compensation therein. Said administrator shall serve at the pleasure of the mayor and city council. The city administrator shall be employed without regard to political beliefs and solely on the basis of said individual's executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

(c) Powers and duties of city administrator. The city administrator shall be the chief administrative officer of the city. The administrator must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the administration of all city affairs placed in the administrator's charge by or under this charter. As the chief administrative officer, the administrator shall have the following powers and duties:

(1) Assist the mayor as needed with preparation of the annual operating budget and capital budget to be presented to the city council;

(2) Act as a liaison between the mayor and city council and the public by responding to inquiries and resolving conflicts;

(3) Represent the mayor and city council at various meetings and social functions as directed;
(4) Develop materials for meetings of the city council; attend all council meetings, unless excused there from; attend committee meetings when requested; make recommendations to the city council as needed; and implement decisions made by the council. The city administrator shall be given notice of all regular and special meetings of the council;
(5) Administer policies and programs as approved by the city council by directing departments in the procedures necessary for implementation;
(6) Supervise the purchase of all materials, supplies, and equipment after soliciting bids from qualified contractors, which are necessary for the operation and maintenance of the city services, for amounts up to and including $10,000.00 for which funds are provided in the budget; receive written bids from at least three qualified contractors for purchases or contracts in excess of $10,000.00; and present all bids to the mayor and council;
(7) Keep the council advised of the financial and administrative affairs affecting the city; prepare progress reports; submit to the city council and the mayor and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year; and make such recommendations as may be deemed desirable;
(8) Develop short-term and long-term plans for city operations and act as city's principal liaison on economic development activities;
(9) Recommend to the governing body from time to time adoption of such measures as may be deemed necessary or expedient for the health, safety, or welfare of the community or for the improvement of administrative services;
(10) Investigate the affairs of the city or any department or division thereof; investigate all complaints in relation to matters concerning the administration of the government of the city and with regard to services maintained by the public utilities in the city; and see that all franchises, permits, and privileges granted by the city are faithfully observed;
(11) Provide reports and information to the media as requested and upon approval of the mayor;
(12) Supervise all department heads and city employees;
(13) Execute documents on behalf of the mayor where so authorized in a written document describing the authority granted and executed by the mayor;
(14) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment and employment are those officers and employees who, by this charter, are appointed or elected by the mayor or city council;
(15) Direct and supervise all department heads and city employees and the administration of all departments, offices, and agencies of the city, except as otherwise provided by this charter or by law;
(16) Make recommendations to the mayor and city council regarding qualified candidates to fill open positions within the city;

(17) Exercise supervision and control of all departments and all divisions created in this charter or that hereafter may be created by the council except as otherwise provided in this charter or general law;

(18) Suspend with or without pay for up to 30 days in accordance with the city's personnel policy and general law, where applicable, any city employee serving under the supervision of the city administrator;

(19) Remove employees below the level of a department head in accordance with the city's personnel policy and general law, without the consent of the city council and without assigning any reason therefor;

(20) Recommend the suspension, termination, or other reprimand of a department head nominated by the mayor and appointed by the city council, which the city administrator must present to the mayor within two business days thereof in writing; and, absent a written objection from the mayor within five calendar days of the notice of same to the mayor from the city administrator, said personnel action shall be imposed;

(21) Make such other reports as the mayor or city council may require concerning the operations of city departments, offices, and agencies subject to the administrator's direction and supervision; and

(22) Perform other such duties as may be required by the mayor and council which are specified in this charter or as may be required by the city council and which are not inconsistent with the city charter, laws, ordinances, or resolutions.

(d) Council interference with administration. Except for the purpose of inquiries and investigations made pursuant to this charter, the mayor, city council, and individual members of city council shall deal with city employees who are subject to the direction and supervision of the city administrator solely through the city administrator. Neither the mayor nor any individual councilmember shall give orders to any such employee, either publicly or privately. In the event of an emergency arising at the time of the death, incapacity, or unavailability of the city administrator, the following persons in this order of succession may direct city employees, may authorize expenditures, execute expenditure documents, and execute checks and may perform necessary functions and exercise necessary powers: mayor and then mayor pro tempore. For purposes of this subsection, 'unavailability' in general means that it is not possible for city employees responding to the emergency to contact and receive a response from the city administrator or enumerated successor by telephone or electronic means for a consecutive period of four hours or greater, or that the city administrator or enumerated successor is incapable of responding for a consecutive period of four hours or greater. Additionally, if an emergency occurs which needs immediate attention and the mayor has attempted to contact the city administrator by telephone and electronic means but has been unsuccessful in establishing contact and thereafter the mayor consults with the department head in charge of the department which the mayor believes is most appropriate to respond to the emergency, then, based on the succession rules stated above, the mayor may exercise the aforementioned duties necessary to respond to such

emergency until the city administrator becomes available and able to perform the duties required for such emergency."

SECTION 2A.

The city council shall conduct public meetings for the purpose of explaining and discussing the changes to city government wrought by this part of this Act and to receive comments and answer questions from the public. At least one such public meeting shall be held in the months of August, September, and October of 2011 and shall be attended by the mayor, the city council, and the city attorney. Notice of such meeting shall be published at least once in the official organ of Henry County and shall be posted on the city website. In addition, the city council shall cause signs to be posted in public places including, without limitation, the city hall, giving notice of the time, place, and purpose of such meetings.

SECTION 3A.

The election superintendent of the City of Stockbridge shall call and conduct an election as provided in this section for the purpose of submitting Part A of this Act to the electors of the City of Stockbridge for approval or rejection. The election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2011, and shall issue the call and conduct that election as provided by general law. The election 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 Henry County. The ballot shall have written or printed thereon the words:

"( ) YES Shall an act be approved to change the City of Stockbridge's charter to a 'Weak Mayor,' and provide for a 'City Administrator' approved by the City Council and for other purposes?"
( ) NO

All persons desiring to vote for approval of Part A of this Act shall vote "Yes," and those persons desiring to vote for rejection of Part A of this Act shall vote "No." If more than one-half of the votes cast on such question are for approval of Part A of this Act, Section 1A of this Act shall become of full force and effect on January 1, 2012. If Part A of this Act is not so approved or if the election is not conducted as provided in this section, Section 1A of this Act shall not become effective and Part A of this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by the City of Stockbridge. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

PART B

SECTION 1B.

It is the intent of the General Assembly to determine the wishes of the citizens of the City of Stockbridge with regard to reforming the city government so as to provide for a mayor

and six councilmembers, with the mayor and two councilmembers elected from the city at large and four councilmembers elected from designated council districts.

SECTION 2B.

The city council shall conduct public meetings for the purpose of examining and discussing the will of the citizens concerning changing the city government as suggested in Section 1B of this Act and to receive comments and answer questions from the public. At least one such public meeting shall be held in the months of August, September, and October of 2011 and shall be attended by the mayor, the city council, and the city attorney. Notice of such meeting shall be published at least once in the official organ of Henry County and shall be posted on the city website. In addition, the city council shall cause signs to be posted in public places including, without limitation, the city hall, giving notice of the time, place, and purpose of such meetings.

SECTION 3B.

The election superintendent of the City of Stockbridge shall call and conduct an election as provided in this section for the purpose of submitting Part B of this Act to the electors of the City of Stockbridge for approval or rejection. The election superintendent shall conduct that election on the Tuesday next following the first Monday in November, 2011, and shall issue the call and conduct that election as provided by general law. The election 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 Henry County. The ballot shall have written or printed thereon the words:

"( ) YES Shall an act be approved to Change the City of Stockbridge's Charter to allow for clearly defined dedicated districts for accountable city council
( ) NO representation?"

All persons desiring to vote for approval of Part B of this Act shall vote "Yes," and those persons desiring to vote for rejection of Part B of this Act shall vote "No." The General Assembly shall take the results of such referendum into consideration when considering amending the city charter through local legislation. The expense of such election shall be borne by the City of Stockbridge. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

PART C

SECTION 1C.

It is the intent of the General Assembly that nothing in this Act shall be construed so as to amend the city charter except as expressly provided in Part A of this Act including, without limitation, the provisions of subsection (e) of Section 3.23 requiring the vote of all elected councilmembers to override a mayor's veto. The General Assembly expresses confidence that the governing authority of the City of Stockbridge is aware of the prohibition imposed by paragraph (1) of subsection (a) of Code Section 36-35-6 of the

O.C.G.A. against any local ordinance affecting the composition and form of the municipal governing authority.

SECTION 2C.

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

Pursuant to Rule 133, Representative Welch of the 110th was excused from voting on SB 189.

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

On the passage of the Bill, by substitute, the ayes were 149, nays 0.

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 substitute, by the requisite constitutional majority, the following bills of the House:

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.

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

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.

By unanimous consent, the following Bill of the Senate was read the first time and referred to the Committee:

SB 268. By Senators Staton of the 18th and Grant of the 25th:

A BILL to be entitled an Act to amend an Act creating a Board of Education of Jones County, approved March 21, 1984 (Ga. L. 1984, p. 4459), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3836), so as to provide that future elections for board of education members shall be conducted on a nonpartisan basis; to provide for applicability; to provide for related matters; to provide for submission for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

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

Representatives McCall of the 30th, Franklin of the 43rd, Wilkinson of the 52nd, Benton of the 31st, Stephens of the 164th, Davis of the 109th, and Taylor of the 79th.

The following Resolutions of the House were read and adopted:

HR 1032. By Representatives Smith of the 168th, Drenner of the 86th, Henson of the 87th, Benfield of the 85th and Holcomb of the 82nd:

A RESOLUTION recognizing and commending Dr. Hamid Sadri; and for other purposes.

HR 1033. By Representatives Coleman of the 97th, Dickson of the 6th, Clark of the 104th, Sheldon of the 105th and Hembree of the 67th:

A RESOLUTION recognizing and commending the partnership between the Gwinnett Federal Credit Union and the SKOK St. Brothers Albert; and for other purposes.

HR 1034. By Representative Drenner of the 86th:

A RESOLUTION recognizing and commending Dr. Robert A. Cropf; and for other purposes.

HR 1035. By Representatives Benfield of the 85th and Drenner of the 86th:

A RESOLUTION recognizing and commending Hannah Lefton; and for other purposes.

HR 1036. By Representatives Benfield of the 85th and Drenner of the 86th:

A RESOLUTION recognizing and commending Ms. Brittne Barber; and for other purposes.

HR 1037. By Representatives Dobbs of the 53rd and Johnson of the 37th:

A RESOLUTION commending Mr. Tim Howard, The Westminster Schools' 2011 STAR Teacher; and for other purposes.

HR 1038. By Representatives Dobbs of the 53rd and Wilkinson of the 52nd:

A RESOLUTION commending Dr. Gavin Drummond, The Westminster Schools' 2011 STAR Teacher; and for other purposes.

HR 1039. By Representatives Dobbs of the 53rd and Johnson of the 37th:

A RESOLUTION commending Matthew Shackelford, The Westminster Schools' 2011 STAR Student; and for other purposes.

HR 1040. By Representatives Dobbs of the 53rd and Wilkinson of the 52nd:

A RESOLUTION commending John L. Whelchel, The Westminster Schools' 2011 STAR Student; and for other purposes.

HR 1041. By Representatives Howard of the 121st, Frazier of the 123rd, Murphy of the 120th and James of the 135th:

A RESOLUTION recognizing and commending Franklin Covenant Baptist Church on the occasion of its 163rd anniversary; and for other purposes.

HR 1042. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION commending Mrs. Michelle Plemons Sanders, the 2011 Floyd County School System Teacher of the Year; and for other purposes.

HR 1043. By Representative Dempsey of the 13th:

A RESOLUTION commending Michael Whitaker, Rome High School's 2011 STAR Student; and for other purposes.

HR 1044. By Representative Dempsey of the 13th:

A RESOLUTION commending Ms. Brenda Coult-Bailey, the 2012 Rome City School System Teacher of the Year; and for other purposes.

HR 1045. By Representative Dempsey of the 13th:

A RESOLUTION commending Ms. Mary Holcomb, Rome High School's 2011 STAR Teacher; and for other purposes.

HR 1046. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending the 2011 legislative session administrative assistants for the House of Representatives on their exemplary service; and for other purposes.

HR 1047. By Representative Spencer of the 180th:

A RESOLUTION recognizing and commending Mrs. Kim Baird; and for other purposes.

HR 1048. By Representative Spencer of the 180th:

A RESOLUTION commending Jake Trower, Camden County High School's 2011 STAR Student; and for other purposes.

HR 1049. By Representative Spencer of the 180th:

A RESOLUTION commending Ms. Susan McMurray, Camden County High School's 2011 STAR Teacher; and for other purposes.

HR 1050. By Representative Channell of the 116th:

A RESOLUTION commending Mrs. Addie Kate Taylor Ellison on the occasion of her 100th birthday; and for other purposes.

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

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 Senate amendment was read:

The Senate moves to amend *HB 277, as amended and passed by the House of Representatives, by deleting* "<u>, other than deer,</u>" *on line 19.*

By deleting lines 23 through 26 and inserting in lieu thereof:
<u>(a.2) Nothing in subsection (a.1) of this Code section shall prohibit any person from placing, exposing, depositing, distributing, or scattering any corn, wheat, or other grains, salts, apples, or other feeds or bait so as to constitute a lure or attraction or enticement for deer on lands that are not under the ownership or control and management of the state or federal government; provided, however, that any such lure or attraction or enticement shall not cause hunting on any adjoining property to be prohibited under subsection (b) of this Code section.</u>

Representative Shaw of the 176th moved that the House agree to the Senate amendment to HB 277.

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

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

Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Beasley-Teague	Y Dutton	E Hudson	N Neal, J	Y Spencer
N Bell	Y Ehrhart	Y Hugley	N Neal, Y	Y Stephens, M
N Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Epps, C	N Jacobs	Nix	E 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	Y Floyd	Jerguson	Y Pak	Y Taylor, D
N Brooks	Fludd	Johnson	N Parent	Taylor, R
Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	N Parsons	N Teasley
Y Buckner	Y Fullerton	Jordan	Y Peake	N Thomas
Y Burns	Y Gardner	Y Kaiser	N Powell, A	Y 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	Knight	Y Purcell	N Welch
Y Channell	Y Greene	Y Lane	Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	N Reece	Y Wilkinson
N Clark, V	Harbin	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	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
N Cooper	Y Hatfield	N Martin	N Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 110, nays 39.

The motion prevailed.

Representatives Beasley-Teague of the 65th, Davis of the 109th, and Jerguson of the 22nd 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 Holcomb of the 82nd stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Rogers of the 26th moved that the following Resolution of the House be withdrawn from the Committee on Insurance and recommitted to the Committee on Rules:

HR 810. By Representatives Rogers of the 26th, Meadows of the 5th, England of the 108th, Parrish of the 156th, Stephens of the 164th and others:

A RESOLUTION creating the House State Health Insurance Plan Alternative Funding Study Committee; and for other purposes.

The motion prevailed.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 49. By Representatives Walker of the 107th, Davis of the 109th and Maddox of the 172nd:

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 change the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia; to amend various provisions of the Official Code of Georgia Annotated to change references to reflect such name change; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend *HB 49 by inserting after "*references to reflect such name change;*" on line 5 the following:*

to name a certain technical college;

By redesignating Section 4 as Section 5 and inserting after Section 3 the following:

SECTION 4.

That technical college with campuses located in Dublin and Sandersville, which is part of the Technical College System of Georgia and was created as the result of the merger of the Heart of Georgia Technical College and the Sandersville Technical College, shall be known as the Oconee Regional Technical College.

Representative Walker of the 107th moved that the House disagree to the Senate amendment to HB 49.

The motion prevailed.

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use taxes, so as to change the sales and use tax exemption for the sale or use of jet fuel to or by certain qualifying airlines at a qualifying airport; to provide for a state sales tax refund for a limited period of time for the sale or use of jet fuel by qualifying airlines at a qualifying airport; to provide for definitions, procedures, conditions, and limitations; to provide for automatic repeal; 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.

Part 1 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding state sales and use taxes, is amended in Code Section 48-8-3, relating to exemptions from sales and use taxation, 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)~~ subparagraph (C) of this paragraph.

~~(B) 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.~~

~~(C)~~(B) 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)~~(C) Except as provided for in subparagraph ~~(C)~~ (B) 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)~~(D) 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 months immediately preceding the applicable period specified in division (i) or (ii) of subparagraph (B) of this paragraph would have had in the absence of the exemption provided in this paragraph state sales and use tax liability on jet fuel of more than $15 million.

~~(F)~~(E) 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.

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

"48-8-3.2.

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

(1) 'Qualifying airline' means any person which:

(A) 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; and

(B) For the 12 month period immediately preceding the applicable period specified in a refund claim employed not less than 4,500 Georgia domiciled workers on a full-time basis to whom W-2 forms are issued.

(2) 'Qualifying airport' means any airport in the state that has had more than 750,000 takeoffs and landings during a calendar year.

(b) A state sales tax refund for state sales taxes paid under Part 2 of this article shall be allowed to a qualifying airline in this state for state sales taxes paid in this state on the sale of jet fuel at a qualifying airport to such qualifying airline when the sales price of such jet fuel exceeds $3.00 per gallon.

(c) To claim a refund allowed by this Code section, such qualifying airline shall provide any information required by the department. Every such qualifying airline claiming a refund under this Code section shall maintain and make available for inspection by the department any records that the department considers necessary to determine and verify the amount of the refund to which such qualifying airline is entitled. The burden of proving eligibility for a refund and the amount of the refund rests upon such qualifying airline, and no refund may be allowed to such qualifying airline that fails to maintain adequate records or to make them available for inspection.

(d) The state sales tax refunds allowed by this Code section shall be limited as follows:

(1) For the period commencing July 1, 2011, and concluding at the last moment of June 30, 2012, in no event shall any qualifying airline claim and be allowed a sales tax refund of more than $20 million and in no event shall the total aggregate amount of state sales tax refunds under this Code section exceed $30 million; and

(2) For the period commencing July 1, 2012, and concluding at the last moment of June 30, 2013, in no event shall any qualifying airline claim and be allowed a sales tax refund of more than $10 million and in no event shall the total aggregate amount of state sales tax refunds under this Code section exceed $15 million.

(e)(1) A qualifying airline seeking to claim any state sales tax refund provided for under this Code section must submit an application to the commissioner for tentative approval of such state sales tax refund. The commissioner shall promulgate the rules and forms on which the application is to be submitted. The commissioner shall review such application and shall tentatively approve such application upon determining that it meets the requirements of this Code section within 60 days after receiving such application.

(2) The commissioner shall allow the state sales tax refunds for state sales taxes on a proportional and pro rata basis based upon the number and dollar amount of the total approved refund claims received during a calendar year. In no event shall the aggregate amount of sales tax refunds approved by the commissioner for all qualifying airlines services under this Code section in a calendar year exceed the limitation specified in subsection (d) of this Code section.

(f) No interest shall be paid on any state sales tax refund authorized under this Code section.

(g)(1) The commissioner shall be authorized to adopt rules and regulations to provide for the administration of any state sales tax refund provided by this Code section.

(2) The commissioner shall establish and maintain rules governing the cost of jet fuel in cases of dispute or disagreement regarding the sales price of such jet fuel for purposes of this Code section. Such rules shall include the determination and use of an appropriate index which reflects the true cost of such jet fuel. The rules may use for this purpose the United States Gulf Coast Jet Fuel Price Index or any other similar index established by the federal government, if the commissioner determines that such federal index reflects the true cost of such jet fuel in the State of Georgia.

(h) This Code section shall stand repealed in its entirety on July 1, 2013."

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 following amendment was read and adopted:

Representative Roberts of the 154th offers the following amendment:

Amend the Senate substitute to HB 322 (LC 18 0012TS) by striking lines 1 through 109 and inserting in their place the following:

To amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to 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 repeal certain provisions regarding limitations on the state revenue commissioner's authority to make certain distributions of unidentifiable sales and use tax proceeds; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxation, is amended in Code Section 48-8-3, relating to exemptions from sales and use taxation, 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.

Said article is further amended in Code Section 48-8-67, relating to distribution of unidentifiable sales and use tax proceeds, by repealing subsection (h), which reads as follows:

"(h) The authority of the commissioner to make distributions pursuant to this Code section shall cease on December 31, 2011, unless such authority is extended by a subsequent general Act of the General Assembly."

SECTION 3.

(a) Section 2, this section, and Section 4 of this Act shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.

(b) Section 1 of this Act shall become effective on July 1, 2011.

SECTION 4.

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.

Representative Roberts of the 154th moved that the House agree to the Senate substitute, as amended by the House, to HB 322.

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

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

On the motion, the ayes were 106, nays 45.

The motion prevailed.

Representative Davis of the 109th 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 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.

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

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 322 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

HB 40. By Representatives Benton of the 31st, England of the 108th, Buckner of the 130th and Kaiser of the 59th:

A BILL to be entitled an Act to provide a short title; to amend Part 3 of Article 8 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to antifreeze, so as to provide that engine coolant or antifreeze sold in this state containing more than 10 percent ethylene glycol shall include denatonium benzoate as an aversive agent to render it unpalatable; to provide for applicability; to provide for a limitation on liability; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend HB 40 by striking on line 38 “package or container of antifreeze” and inserting in lieu thereof “package, bill of lading, receipt or container of antifreeze”

Representative Benton of the 31st moved that the House agree to the Senate amendment to HB 40.

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

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

On the motion, the ayes were 126, nays 28.

The motion prevailed.

Representative Davis of the 109th 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 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 Senate substitute was read:

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 medical charges for providing emergency medical care services to certain persons in custody; 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) 'Detainee' means a person held in a detention facility who is charged with or convicted of a criminal offense or charged with or adjudicated for a delinquent act and a person detained, arrested, or otherwise held in lawful custody for a criminal offense or delinquent act.

(2) '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.

(3) '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 person's health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ or part. The term covers any form of emergency medical treatment, including dental, optical, psychological, or other types of emergency conditions.

(4) 'Follow-up health care' means medical and hospital care and medication administered in conjunction with and arising from emergency health care treatment.

(b) A hospital or other health care facility licensed or established pursuant to Chapter 7 of Title 31 which is not a party to an emergency health care services contract with a sheriff or a governing authority or its agent on July 1, 2011, shall be reimbursed no more than the applicable Georgia Medicaid rate for emergency health care and follow-up health care services provided to a detainee.

(c) No hospital or other health care facility shall discharge a detainee 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.

(d) Nothing in this Code section shall be construed to limit reimbursements for emergency health care services when insurance coverage is available for payment for such services. Nor shall this Code section be construed so as to limit or remove responsibility for payment of emergency health care services by a provider of insurance that is otherwise responsible for payment of part or all of such services.

(e) Nothing in this Code section shall prohibit the governing authority from negotiating higher fees or rates with hospitals."

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.

Representative Sims of the 119th moved that the House agree to the Senate substitute to HB 197.

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

E Abdul-Salaam	Y Davis	E 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	McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	E Sims, C
Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	E 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	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	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
Carter	Y Golick	Y Kidd	Y Pruett	Y Watson

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

On the motion, the ayes were 160, nays 1.

The motion prevailed.

Due to a mechanical malfunction, the vote of Representative Houston of the 170th was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 192. By Representatives Coleman of the 97th, England of the 108th, Carter of the 175th, Abrams of the 84th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to establish the State Education Finance Study Commission to evaluate the Quality Basic Education Formula and education funding for public schools; to provide for legislative findings; to provide for composition of the commission; to provide for compensation of the members of the commission; to provide for duties and powers; to provide for support staff; to provide for a timeline; to provide for automatic repeal on a certain date; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to establish the State Education Finance Study Commission to evaluate the Quality Basic Education Formula and education funding for public schools; to provide for legislative findings; to provide for composition of the commission; to provide for compensation of the members of the commission; to provide for duties and powers; to provide for support staff; to provide for

a timeline; to provide for automatic repeal on a certain date; to enact the "Rachel Sackett Act"; to authorize public school students to participate in extracurricular activities at other public schools in their attendance zone; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," is amended by adding a new part to read as follows:

"Part 17

20-2-330.

The General Assembly passed the Quality Basic Education Act (QBE) in 1985 by unanimous vote. The legislation was the culmination of two years of work by the Education Review Commission, a body made up of business leaders, parents, teachers, education experts, and other community leaders, which was charged with developing a comprehensive educational reform package for Georgia. The QBE Formula, along with several other formula related components, has served as the method of calculating the funding needs of Georgia school systems for the past 25 years. The General Assembly has now determined that it is in the best interests of the state and its citizenry to undertake a comprehensive study of the method of funding schools in Georgia.

20-2-331.

(a) The State Education Finance Study Commission is hereby created to evaluate the Quality Basic Education Formula and any other program or matter relative to education funding in Georgia as provided in this part. Members of the commission should have good working knowledge of education and education finance. Members must be willing to commit time to actively participate in full committee meetings and subcommittee meetings and must agree to balance the educational needs of children and the resources provided by the citizens of Georgia. The commission shall be composed of 20 members as follows:

(1) The following members, appointed by the Governor:

(A) A local school superintendent;

(B) A principal or other administrator;

(C) A teacher;

(D) A member of a local board of education;

(E) A member of the State Board of Education;

(F) A representative from the System Office of the University System of Georgia;

(G) A representative from the Technical College System of Georgia;

(H) A representative from the Professional Standards Commission;
(I) A school finance officer; and
(J) One representative from the business community;
(2) The State School Superintendent;
(3) The chief financial officer of the Department of Education;
(4) Four members of the House of Representatives, appointed by the Speaker of the House of Representatives, including the chairperson of the House Committee on Education; and
(5) Four members of the Senate, appointed by the Lieutenant Governor, including the chairperson of the Senate Education and Youth Committee.
(b) The chairpersons of the House Committee on Education and the Senate Education and Youth Committee shall serve as cochairpersons of the commission. The commission may elect other officers as deemed necessary. The cochairpersons may designate and appoint subcommittees from among the membership of the commission as well as appoint other persons to perform such functions as they may determine to be necessary as relevant to and consistent with this part. The cochairpersons shall only vote to break a tie.
(c) The commission may engage additional ad hoc nonvoting members as needed to address certain issues in subcommittee. This may include, but not be limited to, input from various personnel experienced in the Quality Basic Education Formula, such as counselors, pre-K personnel, special education teachers, social workers, psychologists, art teachers, music teachers, physical education teachers, foreign language teachers, agriculture and career-technical education teachers, media specialists, school nutrition managers, and transportation managers.
(d) The cochairpersons shall be authorized to appoint a steering committee composed of members of the commission to monitor the progress of the commission, to ensure timelines are being met, and to mediate differences that might arise in the course of the study.

20-2-332.
(a) The commission shall hold meetings at the call of the cochairpersons. The commission shall meet at least quarterly and subcommittees shall meet as often as needed to complete tasks.
(b) A quorum for transacting business shall be a majority of the members of the commission.
(c) Any legislative members of the commission shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Any members of the commission who are state officials, other than legislative members, and state employees shall receive no compensation for their services on the commission, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the commission in the same manner as they are reimbursed for expenses in

their capacities as state officials or employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this part shall come from funds appropriated to the House of Representatives and the Senate.

20-2-333.

(a) The commission shall study and evaluate the cost and resources needed to educate a child through review of the following core issues relating to education financing;

(1) **QBE Formula**:

(A) Evaluate the various components of the formula, including teacher salaries, maintenance and operations, and textbooks, and determine whether there needs to be adjustments;

(B) Consider whether new components should be added to the formula, such as technology;

(C) Consider whether other programs that have been proven successful should be added to the formula, such as graduation coaches; and

(D) Review other areas within the QBE Act that relate to or impact school funding, such as maximum class sizes and expenditure controls, and whether local school systems should continue to be given flexibility in these areas;

(2) **State and local funding partnership**: Examine the requirement that school systems must levy 5 mills in order to draw down state QBE funding and whether the current method should continue or whether school systems should be required to pay a certain percentage of the formula or for certain expenditures;

(3) **Equalization**: Examine the equalization grant to determine if the purpose of the grant is being met and whether revisions are needed;

(4) **Student transportation**:

(A) Review the current formula for student transportation; and

(B) Review other safety issues related to student transportation, such as funding bus monitors and seat belts;

(5) **State schools funding**: Examine funding for the three schools for blind and deaf children operated by the state to identify needed changes in the funding method, whether additional funding for residential, medical, and other costs unique to the schools should be provided, and whether local school systems should be contributing to the cost of educating these children; and

(6) **Capital outlay**:

(A) Review the capital outlay programs for which school systems may be eligible to ensure that each program is effective and adequately funded; and

(B) Because the program is currently scheduled to sunset on June 30, 2015, recommend whether and how long the program should be extended.

(b) The commission is encouraged, if time permits, to study and evaluate the following issues relating to education financing;

(1) **Charter schools**:

(A) Review Georgia's charter laws and determine what changes may need to be made to streamline the chartering process and provide fair funding for the various types of charter schools; and

(B) Examine the issue of funding for operations and facilities;

(2) **Career, Technical, and Agriculture Education, dual enrollment, virtual schools**:

(A) Review the various funding mechanisms for each of these nontraditional programs; and

(B) Consider the costs of administering these types of programs and the appropriate funding mechanism;

(3) **Teacher pay**:

(A) Review the issue of whether performance pay should be implemented;

(B) Determine how such a program could be sustained long-term; and

(C) Review the requirements of the federal Race to the Top initiative and how the state may be required to implement performance pay;

(4) **Non-QBE grants**:

(A) Review other grant programs available to school systems, including but not limited to school nutrition, sparsity grants, migrant education, preschool disabled, the severely and emotionally disturbed program, and school nurses; and

(B) Make recommendations on funding updates that are needed; and

(5) **Other Title 20 revisions**: Review all key statutes and provisions of this title to ensure laws are updated and whether any laws which represent an unfunded mandate should be eliminated.

(c) The commission shall have the following powers:

(1) To request and receive data from and review the records of appropriate agencies and entities to the greatest extent allowed by state and federal law;

(2) To accept public or private grants, devises, and bequests;

(3) To enter into all contracts or agreements necessary or incidental to the performance of its duties; and

(4) To conduct studies, collect data, or take any other action the commission deems necessary to fulfill its responsibilities.

(d) The commission shall be authorized to retain the services of auditors, attorneys, financial consultants, education experts, economists, and other individuals or firms as determined appropriate by the commission.

20-2-333.1.

(a) Staff support for the commission shall be provided by the Department of Education, the Governor's office, the Office of Planning and Budget, the House of Representatives, the Senate, and the Office of Legislative Counsel. The cochairpersons of the commission shall designate an individual to serve as staff director for the commission.

(b) The commission may request assistance and input from agencies and organizations as needed, including the University System of Georgia, the Technical College System

of Georgia, the Professional Standards Commission, the Georgia Student Finance Commission, the Department of Early Care and Learning, the Office of Student Achievement, the Georgia Partnership for Excellence in Education, the Georgia School Superintendents Association, the Georgia School Boards Association, the Georgia Association of Educational Leaders, the Georgia Association of Educators, the Professional Association of Georgia Educators, the Southern Regional Education Board, the Georgia Charter Schools Association, private corporations, and other organizations willing to participate.

20-2-333.2.

(a) The commission shall perform its work in accordance with the following:

(1) No later than May 15, 2011: Commission members appointed;

(2) No later than June 30, 2011: First commission meeting conducted;

(3) September 30, 2011: Interim recommendations completed;

(4) December 31, 2011: Proposed legislation for interim recommendations completed;

(5) September 30, 2012: Final recommendations completed; and

(6) December 31, 2012: Proposed legislation for final recommendations completed.

(b) Such recommendations and proposed legislation shall be submitted by the commission in accordance with the schedule in subsection (a) of this Code section to the Governor and the General Assembly; provided, however, that the commission may modify these dates if necessary.

(c) The final recommendations shall include a prioritization of all recommendations, including those that do and do not require additional funding. Such final recommendations shall include a proposed timeline for implementation of recommendations, an estimated cost of each recommendation, and the target year for including in the state budget.

20-2-333.3.

The commission shall stand abolished and this part shall be repealed on March 31, 2013."

SECTION 1A.

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

"20-2-319.3.

(a) This Code section shall be known and may be cited as the "Rachel Sackett Act."

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

(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code Section 20-2-2081.

(2) 'Nonenrolled student' means a student enrolled in a traditional public school, a charter school, or a virtual school who resides within the attendance zone of another

public school but who is not enrolled in such school. For purposes of a charter school and a virtual school, the attendance zone shall be as designated in its charter.

(3) 'Public school' means, without limitation, a traditional public school and a charter school.

(4) 'Virtual school' means a charter school in which students attend all courses via the Internet or other electronic medium not involving on-site interaction with a teacher.

(c) A public school shall allow any nonenrolled student to participate in any extracurricular activity offered or conducted by such public school in the same manner as any student currently enrolled at such public school as long as the public school that the student is attending does not offer such extracurricular activity. A nonenrolled public school student desiring to participate in an extracurricular activity shall register with the principal of the public school, or his or her designee, such intent to participate in extracurricular activities of the public school in accordance with rules and regulations established by the State Board of Education. The final approval for such participation shall reside in the discretion of the principal which shall only be withheld with just cause in accordance with state board rules and regulations as established pursuant to subsection (e) of this Code section and in accordance with local board policies, or State Board of Education or Georgia Charter Schools Commission policies, for a state chartered special school or a commission charter school, respectively. If approval is not granted, the principal shall provide notice in writing to the student and his or her parent or guardian which shall include the reason the participation was not approved.

(d) A nonenrolled student shall comply with the same rules and requirements and be subject to the same code of conduct applicable to any student's participation in the same activity.

(e) The State Board of Education shall establish rules and regulations to implement the provisions of this Code section, including procedures to follow if the interest in an extracurricular activity at a particular public school exceeds the capacity of such activity."

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:

Representative Coleman of the 97th et al. offer the following amendment:

Amend the Senate substitute to HB 192 (HB192/SCSFA/2) by striking lines 1 through 12 and inserting in lieu thereof the following:

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to implement various measures to address current funding needs and to examine current funding mechanisms; to establish the State Education Finance Study Commission to evaluate the Quality Basic Education Formula and education funding for public schools; to provide for legislative findings; to provide for composition, compensation, duties and powers, and support staff of the commission; to provide for a timeline; to provide for automatic repeal; to extend the date by which school systems must notify the department of their intention to request flexibility or remain status quo; to temporarily extend certain expenditure control waivers; to provide for automatic repeal; to temporarily extend flexibility in maximum class size requirements in kindergarten through grade eight; to temporarily extend certain deadlines relating to annual teacher contracts; to revise certain provisions relating to organization of schools, middle school programs, and scheduling; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

By striking lines 15 and 16 and inserting in lieu thereof the following:

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by adding a new part to Article 6, relating to the "Quality Basic Education Act," to read as follows:

By inserting between lines 192 and 193 the following:

SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-84.3, relating to flexibility contracts, as follows:

"(b) No later than June 30, ~~2013~~ 2015, each local school system shall either notify the department of its intention to request increased flexibility pursuant to this article or shall comply with subsection (b) of Code Section 20-2-80."

SECTION 3.

Said chapter is further amended by revising subsection (f) of Code Section 20-2-167, relating to funding for direct instructional, media center, and staff development costs, as follows:

"(f)(1) For school years 2009-2010, 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only, the expenditure controls contained in subsection (a) of this Code section relating to direct instructional costs, media center costs, and staff and professional development costs shall be waived and shall not apply to nor be enforceable against a local school system.

(2) Each local school system shall report to the Department of Education its budgets and expenditures of the funds received pursuant to this Code section as a part of its report in October for the FTE count and on March 15.

(3) No penalty shall be applied to a local school system for failure to comply with expenditure controls set out in subsection (a) of this Code section, notwithstanding any law to the contrary, ~~as~~ so long as such local school system complies with this subsection.

(4) Nothing in this Code section shall be construed to repeal any other provision of this Code section or this chapter.

(5) This subsection shall be automatically repealed on July 1, ~~2013~~ 2015."

SECTION 4.

Said chapter is further amended by revising paragraph (1) of subsection (i) of Code Section 20-2-182, relating to maximum class size, as follows:

"(i)(1) It is the intent of this paragraph to provide a clear expectation to parents and guardians as to the maximum number of students that may be in their child's classroom in kindergarten through eighth grade. Beginning with the 2006-2007 school year, for the following regular education programs, the maximum individual class size for mathematics, science, social studies, and language arts classes shall be:

(A) Kindergarten program (without full-time aide)	18
(B) Kindergarten program (with full-time aide)	20
(C) Primary grades program (1-3)	21
(D) Upper elementary grades program (4-5)	28
(E) Middle grades program (6-8) and middle school program (6-8) as defined in Code Section 20-2-290	28

For school years 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only, the system average maximum class size for each instructional program covered under this paragraph shall be the same as the maximum individual class size for each such program, and local boards of education shall be considered in compliance with this paragraph ~~as~~ so long as the system average maximum class size is not exceeded; provided, however, that if the State Board of Education approves a blanket waiver or variance pursuant to subsection (h) of Code Section 20-2-244, such maximum individual class sizes shall be the system average maximum class sizes for purposes of this paragraph."

SECTION 5.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-184.1, relating to funding for additional days of instruction, as follows:

"(b)(1) For school years 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only, the expenditure controls contained in subsection (a) of this Code section relating to additional days of instruction shall be waived and shall not apply to nor be enforceable against a local school system.

(2) Each local school system shall report to the Department of Education its budgets and expenditures of the funds received pursuant to this Code section as a part of its report in October for the FTE count and its report on March 15.

(3) No penalty shall be applied to a local school system for failure to comply with expenditure controls set out in subsection (a) of this Code section, notwithstanding any law to the contrary, ~~as~~ so long as such local school system complies with this subsection.

(4) Nothing in this Code section shall be construed to repeal any other provision of this Code section or this chapter.

(5) This subsection shall be automatically repealed on July 1, ~~2013~~ 2015."

SECTION 6.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-211, relating to annual contracts for teachers, as follows:

"(b) Any other provisions of this article or any other laws to the contrary notwithstanding, each local governing board shall, by not later than April 15 of the current school year, tender a new contract for the ensuing school year to each teacher and other professional employee certificated by the Professional Standards Commission on the payroll of the local unit of administration at the beginning of the current school year, except those who have resigned or who have been terminated as provided in Part 7 of Article 17 of this chapter, or shall notify in writing each such teacher or other certificated professional employee of the intention of not renewing his or her contract for the ensuing school year; provided, however, that for school years 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only, each local governing board shall have until May 15 of the current school year to tender such new contracts or provide such written notice. Such contracts when tendered to each teacher or other professional employee shall be complete in all terms and conditions of the contract, including the amount of compensation to be paid to such teacher or other professional employee during the ensuing school year, and shall not contain blanks or leave any terms and conditions of the contract open. A letter of intent or similar document shall not constitute a contract and shall not be construed to require or otherwise legally bind the teacher or other professional employee to return to such school system. Upon request, a written explanation for failure to renew such contract shall be made available to such certificated personnel by the executive officer. When such notice of intended termination has not been given by April 15, or by May 15 for school years 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only, the employment of such teacher or other certificated professional employee shall be continued for the ensuing school year unless the teacher or certificated professional employee elects not to accept such employment by notifying the local governing board or executive officer in writing not later than May 1, or by June 1 for school years 2010-2011, 2011-2012, ~~and~~ 2012-2013, 2013-2014, and 2014-2015 only."

SECTION 7.

Said chapter is further amended by revising Code Section 20-2-290, relating to the organization of schools, middle school programs, and scheduling, as follows:

"20-2-290.

(a)(1) The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. ~~Local school systems which have organized their schools in such a manner that facilities~~ Schools which house grades six, seven, ~~and eight or grades seven and~~ or eight, or any combination thereof, shall qualify for the middle school program for students ~~in grade levels so housed. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below the middle school grades~~; provided, however, that such schools also meet all other provisions of this Code section and criteria and standards prescribed by the State Board of Education. ~~Schools with students in the sixth grade shall not be eligible for the middle school program if the sixth grades are not housed in middle schools which also contain both grades seven and eight.~~ Further, two or more adjacent local school systems shall qualify for the middle school program if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board.

(2) The board of education of any local school system shall be authorized to employ school administrative managers in lieu of or in addition to assistant principals. Such school administrative managers shall not be required to be certificated by the Professional Standards Commission but shall have such qualifications as determined by the local board with a minimum requirement of a bachelor's degree. The duties of school administrative managers shall be to oversee and manage the financial and business affairs of the school. The principal shall retain authority over the curriculum and instructional areas. The school administrative manager shall report directly to the principal. In the event that a local board considers hiring or utilizing school administrative managers pursuant to this subsection, it shall receive and give all due consideration to recommendations by the school council as to whether or not to utilize such position and as to selection of the manager. Existing employees of the local board shall be eligible to serve as school administrative managers if they meet other qualifications and requirements established by the local board for such position. For purposes of earning funds for such positions, school administrative managers shall be treated in all respects the same as assistant principals.

(b) ~~Except as otherwise provided in subsection (c) of this Code section, local~~ Local boards of education shall schedule each middle school so as to provide the following:

(1) A minimum of five hours of instruction in English and language arts, reading, mathematics, science, social studies, and such other academic subjects as the State Board of Education shall prescribe~~. For students not performing on grade level, as defined by the Office of Student Achievement, the minimum of five hours shall include such remedial academic instruction in English and language arts, reading,~~

~~mathematics, science, or social studies as required to bring such students to grade level performance with the priority for such remediation being placed on reading and mathematics or as otherwise determined by the student's team of academic teachers; provided that, in making such a determination the team shall consider the student's performance on the criterion-referenced assessments authorized in Code Section 20-2-181~~;

(2) Beyond the minimum of five hours of academic instruction, the local board shall have the authority to schedule for the remainder of the day such academic or exploratory classes as the State Board of Education shall prescribe; provided, however, that a student shall be allowed to take additional academic classes instead of exploratory classes if the parent or guardian of such a student requests such assignment, subject to availability; and

(3) An interdisciplinary team of academic teachers with common planning time of a minimum of 55 minutes.

~~(c) Local schools may apply to the state board for an exception to the schedule set out in subsection (b) of this Code section in order to schedule a minimum of 4.5 hours of academic instruction. If the local school has achieved an acceptable rating for the preceding year, the state board shall grant the application for an exception.~~

~~(d)~~(c) Local school systems shall comply with subsection (b) ~~or (c)~~ of this Code section in order to qualify for the middle school program.

~~(e)~~(d) If a local school system has a combination of qualified and nonqualified schools, it shall qualify for the middle school program only for those students counted in the full-time equivalent count for the middle school program in qualified middle schools."

By striking lines 193 through 230.

By redesignating Sections 2 and 3 as Sections 8 and 9, respectively.

Representative Coleman of the 97th moved that the House agree to the Senate substitute, as amended by the House, to HB 192.

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

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

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

On the motion, the ayes were 119, nays 36.

The motion prevailed.

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

Representative Braddock of the 19th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representatives Davis of the 109th, Hatchett of the 153rd, and Smyre of the 132nd 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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter."

Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 192 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, so as to extend for a limited period of time the sales and use tax 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 provide for a program of tax refunds for companies creating new tourism attractions or expanding existing tourism attractions; to provide for a short title; to provide for definitions; to provide for legislative findings; to provide for conditions of eligibility and approval; to provide for agreements; to provide for procedures, conditions, and limitations; to provide for powers, duties, and responsibilities of the Governor, the Department of Community Affairs, and the governing authorities of counties and municipalities; to provide for related matters; to provide for severability; 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 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales and use taxes, is amended in Code Section 48-8-3, relating to exemptions from sales and use tax, 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.

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

"ARTICLE 6

48-8-270.

This article shall be known and may be cited as the 'Georgia Tourism Development Act.'

48-8-271.

As used in this article, the term:

(1) 'Agreement' means a tourism attraction agreement for a tourism attraction project entered into, pursuant to Code Section 48-8-275, on behalf of the Department of Community Affairs and an approved company.

(2) 'Approved company' means any corporation, limited liability company, partnership, limited liability partnership, sole proprietorship, business trust, or any other entity that is seeking to undertake a tourism attraction project pursuant to Code Section 48-8-275 and is approved, pursuant to subsection (b) of Code Section 48-8-274, by the Governor and by the governing authority of the city where the tourism attraction project is to be located if within a city and by the governing authority of the county where the tourism attraction project is to be located.

(3) 'Approved costs' means:

(A) For new tourism attractions:

(i) Obligations incurred for labor and to vendors, contractors, subcontractors, builders, suppliers, deliverymen, and materialmen in connection with the acquisition, construction, equipping, and installation of a new tourism attraction project;

(ii) The costs of acquiring real property or rights in real property and any costs incidental thereto;

(iii) All costs for construction materials and equipment installed at the new tourism attraction project;

(iv) The cost of contract bonds and of insurance of all kinds that may be required or necessary during the course of the acquisition, construction, equipping, and installation of a new tourism attraction project which is not paid by the vendor, supplier, deliveryman, or contractor or otherwise provided;

(v) All costs of architectural and engineering services, including but not limited to estimates, plans and specifications, preliminary investigations, and supervision of

construction and installation, as well as for the performance of all the duties required by or consequent to the acquisition, construction, equipping, and installation of a new tourism attraction project;

(vi) All costs required to be paid under the terms of any contract for the acquisition, construction, equipping, and installation of a new tourism attraction project;

(vii) All costs required for the installation of utilities, including but not limited to water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions if paid for by the approved company; and

(viii) All other costs comparable with those described in this subparagraph; or

(B) For existing tourism attractions, any approved costs otherwise specified in subparagraph (A) of this paragraph; provided, however, that such costs are limited to the expansion only of an existing tourism attraction and not the renovation of an existing tourism attraction.

(4) 'Incremental sales and use tax' means those state and local sales and use taxes generated by the tourism attraction project above the amount of such sales and use taxes generated by the previous use of the property on which such project is located except as otherwise provided in Code Section 48-8-278.

(5) 'Tourism attraction' means a cultural or historical site; a recreation or entertainment facility; a convention hotel and conference center; an automobile race track with other tourism amenities; a golf course facility with other tourism amenities; marinas and water parks with lodging and restaurant facilities designed to attract tourists to the State of Georgia; or a Georgia crafts and products center. A tourism attraction shall not include the following:

(A) Facilities that are primarily devoted to the retail sale of goods, shopping centers, restaurants, or movie theaters; or

(B) Recreational facilities that do not serve as likely destinations where individuals who are not residents of this state would remain overnight in commercial lodging at the tourism attraction.

(6) 'Tourism attraction project' or 'project' means the real estate acquisition, including the acquisition of real estate by a leasehold interest with a minimum term of 30 years, construction, and equipping of a tourism attraction; the construction and installation of improvements to facilities necessary or desirable for the acquisition, construction, and installation of a tourism attraction, including but not limited to surveys; installation of utilities, which may include water, sewer, sewage treatment, gas, electricity, communications, and similar facilities; and off-site construction of utility extensions if paid for by the approved company. Such term shall not include the renovation of an existing tourism attraction.

48-8-272.

The General Assembly finds and declares that the general welfare and material well-being of the citizens of this state depend in large measure upon the development of

tourism in the state; that it is in the best interest of this state to induce the creation of tourism attractions or expansion of existing tourism attractions within this state in order to advance the public purposes of relieving unemployment by preserving and creating jobs that would not exist if not for the sales and use tax refund offered by the State of Georgia to approved companies and preserving and creating sources of tax revenues for the support of public services provided by the state; that the purposes to be accomplished under the provisions of this article are proper governmental and public purposes for which public moneys may be expended; and that the inducement of the creation of tourism attraction projects is of paramount importance to the economy of the state, mandating that the provisions of this article are to be liberally construed and applied in order to advance public purposes.

48-8-273.

(a) In the sole discretion of the Governor, in consideration of the execution of the agreement, each approved company shall be granted a sales and use tax refund from the incremental sales and use tax on the sales generated by the approved company and arising at the tourism attraction.

(b) The approved company shall have no obligation to refund or otherwise return any amount of this sales and use tax refund to the persons from whom the sales and use tax was collected.

(c) For all tourism attractions the term of the agreement granting the sales and use tax refund shall be ten years, commencing on the later of:

(1) The final approval of the agreement for purposes of the sales and use tax refund; or

(2) The date the tourism attraction opens for business and begins to collect sales and use taxes.

(d) Any sales and use tax collected by an approved company on sales transacted after final approval but prior to the commencement of the term of the agreement shall be refundable as if collected after the commencement of the term and applied to the approved company's first year's refund after activation of the term and without changing the term.

(e) The total sales and use tax refund allowed to the approved company over the term of the agreement shall be equal to the lesser of the total amount of the incremental sales and use tax liability of the approved company or 25 percent of the approved costs for the tourism attraction project. The incremental sales and use tax refund shall accrue over the term of the agreement in an annual amount equal to the lesser of the incremental sales and use tax liability of the approved company for that year or 2.5 percent of the approved costs.

(f) On or before March 31 of each year during the term of the agreement, an approved company shall file with the Department of Revenue a claim for the incremental sales and use tax refund collected by the approved company and remitted to the Department of Revenue during the preceding calendar year pursuant to subsection (e) of this Code section.

(g) The Department of Revenue, in consultation with the Department of Community Affairs and other appropriate state agencies, shall promulgate administrative regulations and require the filing of a refund form designed by the Department of Revenue to reflect the intent of this article.
(h) No sales and use tax refund shall be granted to an approved project which is during a tax year simultaneously receiving any other state tax incentive.
(i) Any sales and use tax refund shall be first applied to any outstanding tax obligation of the approved company which is due and payable to the state.

48-8-274.
(a) The commissioner of community affairs, in consultation with the Governor and other appropriate state agencies, shall establish standards for the filing of an application for tourism attraction projects by the promulgation of administrative regulations.
(b) An application for a tourism attraction project filed with the Department of Community Affairs shall include, but not be limited to:
(1) Marketing plans for the tourism attraction project that target individuals who are not residents of this state;
(2) A description and location of the tourism attraction project;
(3) Capital and other anticipated expenditures for the tourism attraction project and the anticipated sources of funding for such project;
(4) The anticipated employment and wages to be paid at the tourism attraction project;
(5) Business plans which indicate the average number of days in a year in which the tourism attraction project will be in operation and open to the public; and
(6) The anticipated revenues to be generated by the tourism attraction project.
(c) Following the filing of the application, the Department of Community Affairs shall submit the application to an independent consultant who shall perform an in depth analysis of the proposed project. All costs associated with such analysis shall be paid for by the approved company.
(d) The Governor may, in the Governor's sole discretion, grant approval to the tourism attraction project if the project shall:
(1) Have approved costs in excess of $1 million and such project is to be a tourism attraction;
(2) Have a significant and positive economic impact on the state considering, among other factors, the extent to which the tourism attraction project will compete directly with tourism attractions in this state and the amount by which increased state local tax revenues from the tourism attraction project will exceed the refund to be given to the approved company;
(3) Produce sufficient revenues and public demand to be operating and open to the public for a minimum of 100 days per year, including the first year of operation;
(4) Not adversely affect existing employment in the state;
(5) For each year following the third year of operation, attract a minimum of 25 percent of its visitors from nonresidents of this state; and

(6) Meet such other criteria as deemed appropriate by the Governor.

48-8-275.
Following approval by the Governor, the Department of Community Affairs shall enter into an agreement with any approved company which may also include as a partner any local development authority, and the terms and provisions of each agreement shall include, but not be limited to:

(1) The projected amount of approved costs, provided that any increase in approved costs incurred by the approved company and agreed to by the Department of Community Affairs shall apply retroactively for purposes of calculating the carry forward for unused sales and use tax refunds as set forth in subsection (e) of Code Section 48-8-273 for tax years commencing on or after July 1, 2011;

(2) A date certain by which the approved company shall have completed the tourism attraction project and begun operations. Upon request from any approved company that has received final approval, the Department of Community Affairs shall grant an extension or change, which in no event shall exceed 18 months from the date of final approval, to the completion date as specified in the agreement with an approved company; and

(3) A statement specifying the term of the agreement in accordance with subsection (c) of Code Section 48-8-273.

48-8-276.
In the event an approved company fails to abide by the terms of the agreement, then such agreement shall be void and all sales and use tax proceeds which were refunded shall become immediately due and payable back to the state and to the governing authority of any county or municipality whose approval was required under paragraph (2) of Code Section 48-8-271.

48-8-277.
An approved company may, in the discretion of the Governor, transfer its rights, duties, and obligations under the agreement to a successor company if the successor company meets the qualifications of an approved company and, upon such approval by the Governor, such successor approved company shall be authorized to receive the sales and use tax refunds for the remaining duration of the agreement if it abides by the terms of the agreement.

48-8-278.
This article shall not apply to the sales tax for educational purposes levied pursuant to Part 2 of Article 3 of this chapter and Article VIII, Section VI, Paragraph IV of the Constitution."

SECTION 3.

In the event any section, subsection, sentence, clause, or phrase of this Act shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other sections, subsections, sentences, clauses, or phrases of this Act, which shall remain of full force and effect as if the section, subsection, sentence, clause, or phrase so declared or adjudged invalid or unconstitutional were not originally a part hereof. The General Assembly declares that it would have passed the remaining parts of this Act if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional.

SECTION 4.

This Act shall become effective on July 1, 2011.

SECTION 5.

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

Pursuant to Rule 133, Representative Ehrhart of the 36th was excused from voting on HB 234.

Representative Stephens of the 164th moved that the House agree to the Senate substitute to HB 234.

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

E Abdul-Salaam	Y Davis	E Heckstall	N Mayo	Setzler
N Abrams	N Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
N Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	N Hill	Y McKillip	Y Sims, B
Y Anderson	N Dickey	N Holcomb	Y Meadows	E Sims, C
N Ashe	Y Dickson	Y Holmes	E Mills	N Smith, E
N Atwood	Y Dobbs	N Holt	N Mitchell	Y Smith, K
N Austin	Y Dollar	N Horne	N Morgan	Y Smith, L
N 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	Y Murphy	N Smyre
N Beasley-Teague	N Dutton	N Hudson	Y Neal, J	N Spencer
N Bell	Ehrhart	N Hugley	N Neal, Y	Y Stephens, M
N Benfield	Y England	N Jackson	Y Nimmer	Y Stephens, R
Y Benton	N Epps, C	E 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
N Brockway	N Floyd	Jerguson	N Pak	N Taylor, D
N Brooks	N Fludd	N Johnson	N Parent	Taylor, R
N Bruce	N Franklin	Jones, J	Y Parrish	N Taylor, T
Y Bryant	N Frazier	N Jones, S	Y Parsons	N Teasley
N Buckner	N Fullerton	N Jordan	Y Peake	N Thomas
Y Burns	N Gardner	Kaiser	N Powell, A	N Tinubu
N Byrd	Y Geisinger	N Kendrick	Y Powell, J	Y Walker
N Carter	Y Golick	N Kidd	Y Pruett	Y Watson

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

On the motion, the ayes were 81, nays 77.

The motion was lost.

The House has disagreed.

Representative Coomer of the 14th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Stephens of the 164th moved that the House reconsider its action in failing to agree to the Senate substitute to HB 234.

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

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

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

On the motion, the ayes were 92, nays 68.

The motion prevailed.

Representative Atwood of the 179th 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 Coomer of the 14th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

On the motion that the House agree to the Senate substitute to HB 234, the roll call was ordered and the vote was as follows:

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

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

On the motion, the ayes were 90, nays 73.

The Chair voted "aye."

On the motion, the ayes were 91, nays 73.

The motion prevailed.

Representatives Baker of the 78th and Long of the 61st stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Holmes of the 125th 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 Coomer of the 14th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 234 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 bill of the Senate:

SB 279. By Senators Brown of the 26th and Staton of the 18th:

A BILL to be entitled an Act to amend an Act known as the "Macon-Bibb County Water and Sewerage Authority Act," approved March 2, 1966 (Ga. L. 1966, p. 4991), as amended, particularly by an Act approved March 23, 1992 (Ga. L. 1992, p. 4991), so as to provide for the appointment of certain members of the governing authority and their qualifications and period of service; to provide that the authority shall not exercise any development powers after a certain date; to provide for the payment of a franchise fee; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

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

A BILL to be entitled an Act to amend Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated felony acts, so as to clarify provisions relating to modifying an order for restrictive custody for designated felony acts under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated felony acts, so as to clarify provisions relating to modifying an order for restrictive custody for designated felony acts under certain circumstances; to provide for procedure; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-11-63 of the Official Code of Georgia Annotated, relating to designated felony acts, is amended by revising paragraph (2) of subsection (e) as follows:

"(2) During the placement or any extension thereof:

(A) After the expiration of the period provided in subparagraph (C) of paragraph (1) of this subsection, the child shall not be released from intensive supervision without the written approval of the commissioner of juvenile justice or such commissioner's designated deputy;

(B) While in a youth development center, the child may be permitted to participate in all youth development center services and programs and shall be eligible to receive special medical and treatment services, regardless of the time of confinement in the youth development center. After the first six months of confinement in a youth development center, a child may be eligible to participate in youth development center sponsored programs, including community work programs and sheltered workshops under the general supervision of a youth development center staff outside of the youth development center; and, in cooperation and coordination with the Department of Human Services, the child may be allowed to participate in state sponsored programs for evaluation and services under the Division of Rehabilitation Services of the Department of Labor and the Department of Behavioral Health and Developmental Disabilities;

(C)(i) A child adjudicated to have committed a designated felony act ~~The child~~ shall not be discharged from the custody of the Department of Juvenile Justice or released from restrictive custody prior to the period of time provided in the court's order unless a motion therefor is granted by the court~~, which~~. Notwithstanding Code Section 15-11-40, the Department of Juvenile Justice through legal counsel or the child may file a motion with the court seeking the child's release from custody, an order modifying the court's order requiring restrictive custody, or termination of an order of disposition for a child committed for a designated felony act; provided, however, that such motion shall not be made prior to the expiration of one year of custody~~;~~ and, except as the court in its discretion may allow, shall not be filed more than once every 12 months after any such motion has been denied.

(ii) All motions filed under this subparagraph shall be accompanied by a written recommendation for release, modification, or termination from the child's Department of Juvenile Justice counselor or placement supervisor, filed in the

court that committed the child to the department, and served on the prosecuting attorney for such jurisdiction. At least 14 days prior to the date of the hearing on the motion, the moving party shall serve a copy of the motion, by first-class mail, upon the victim of the designated felony act, if any, at the victim's last known address, the child's attorney, if any, the child's parents or guardian, and the law enforcement agency that investigated the designated felony act. In addition to the parties to the motion, the prosecuting attorney and the victim, if any, shall have a right to be heard and to present evidence to the court relative to any motion filed pursuant to this subparagraph.

(iii) A court hearing a motion filed under this subparagraph shall determine the disposition of the child based upon a preponderance of the evidence. In determining whether a motion for release from custody, modification of a restrictive custody order, or termination of an order of disposition should be granted or denied due to changed circumstances, the court shall be required to find that the child has been rehabilitated and shall consider and make specific findings of fact as to each of the following factors:

(I) The needs and best interests of the child;

(II) The record and background of the child, including the disciplinary history of the child during the period of restrictive custody and subsequent offense history;

(III) The academic progress of the child during the period of restrictive custody;

(IV) The victim's impact statement submitted for purposes of a hearing conducted pursuant to this subparagraph;

(V) The safety risk to the community if the child is released; and

(VI) The child's acknowledgment to the court and victim, if any, of his or her conduct being the cause of harm to others; and

(D) Unless otherwise specified in the order, the Department of Juvenile Justice shall report in writing to the court not less than once every six months during the placement on the status, adjustment, and progress of the child; and"

SECTION 2.

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

Representative Pak of the 102nd moved that the House agree to the Senate substitute to HB 373.

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

E Abdul-Salaam	Y Davis	E 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	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	Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Horne	Y Morgan	Y Smith, L

Y Baker	Y Drenner	Y Houston	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	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	E Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	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
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Jordan	Y Peake	Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 157, nays 1.

The motion prevailed.

HB 156. By Representatives Cheokas of the 134th, Meadows of the 5th, Roberts of the 154th, England of the 108th, Bearden of the 68th and others:

A BILL to be entitled an Act to amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment for indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relative to the indemnification of injured state highway employees; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment for indemnification for death or disability, procedure for making of payments, and appeal, so as to change provisions relative to the indemnification of injured state highway employees; to honor and provide for state highway safety employees injured or killed in the line of duty; 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 in the line of duty; to provide for the intent and authority of the General Assembly; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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, is amended by revising Code Section 40-6-16, relating to procedure for passing stationary authorized emergency vehicles, stationary towing or recovery vehicles, or stationary highway maintenance vehicles, by adding a new subsection (a), by redesignating subsections (a) through (c) as subsections (b) through (d), respectively, and by amending the newly designated subsection (d) as follows:

"(a) This Code section shall be known and may be cited as the 'Spencer Pass Law.'"

"~~(c)~~(d) Violation of subsection ~~(a)~~ (b) or ~~(b)~~ (c) of this Code section shall be punished by a fine of not more than $500.00."

SECTION 1.1.

Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment for indemnification for death or disability, procedure for making of payments, and appeal, is amended by revising subsection (a) as follows:

"(a) Indemnification shall be paid under this article as follows:

(1) In the case of a partial permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency management rescue specialist, state highway employee, or prison guard, the eligible disabled person may elect payment of $35,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;

~~(2) In the case of a partial permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of $12,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

~~(3)~~(2) In the case of a total permanent disability suffered in the line of duty by a law enforcement officer, firefighter, emergency medical technician, emergency

management rescue specialist, state highway employee, or prison guard, the injured person may elect to receive a payment of $75,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or

~~(4) In the case of a total permanent disability suffered in the line of duty by a state highway employee, the eligible person may elect to receive a payment of $25,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum;~~

~~(5)~~(3) 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, state highway employee, or prison guard, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of $100,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum~~; or~~

~~(6) In the case of death or organic brain damage suffered in the line of duty by a state highway employee, payment shall be made to the surviving unremarried spouse or the dependents of the spouse or deceased person as shown in his or her most recent tax return or to the legal guardian of the organically brain damaged person. The surviving unremarried spouse, dependents, or the legal guardian may elect to receive payment in a lump sum payment of $40,000.00 paid in equal monthly installments for five years or a lump sum of such amount reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum~~."

SECTION 2.

(a) It is the intent of the General Assembly that the revised indemnification amounts for state highway employees shall be applicable to all incidents involving state highway employees occurring on or after January 1, 2011.

(b) The retroactive application of these changes with regard to state highway employees is based on the authority of Ga. Laws 2000, p. 2007, Section 1, adding Article III, Section VI, Paragraph VI(g) of the Georgia Constitution.

SECTION 3.

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

Representative Cheokas of the 134th moved that the House agree to the Senate substitute to HB 156.

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

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

On the motion, the ayes were 157, nays 1.

The motion prevailed.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter."

Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 156 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 House:

HB 495. By Representatives Abdul-Salaam of the 74th, Fludd of the 66th, Jordan of the 77th and Heckstall of the 62nd:

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

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

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

HB 577. By Representatives Dickson of the 6th, Williams of the 4th and Weldon of the 3rd:

A BILL to be entitled an Act to authorize Whitfield County to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to

provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 579. By Representatives Marin of the 96th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), so as to change the corporate limits of the City of Norcross; to provide for a referendum; to provide for preclearance under the federal Voting Rights Act of 1965; to provide for effective dates and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 599. By Representative Houston of the 170th:

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

HB 607. By Representatives Jacobs of the 80th, Taylor of the 79th, Benfield of the 85th, Oliver of the 83rd, Holcomb of the 82nd and others:

A BILL to be entitled an Act to amend an Act to impose certain requirements and limitations upon ad valorem taxes levied by DeKalb County to finance the provision of certain governmental services, known and cited as the "DeKalb County Special Services Tax Districts Act," approved April 12, 1982 (Ga. L. 1982, p. 3548), as amended, particularly by an Act approved May 27, 2010 (Ga. L. 2010, p. 3548), so as to give the county the authority to reflect the ad valorem taxes for district services separately on the real estate tax statement; to provide for applicability; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 610. By Representatives Parrish of the 156th, Morris of the 155th and Jackson of the 142nd:

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

HB 611. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Stone Mountain, approved May 11, 2009 (Ga. L. 2009, p. 4108), so as to provide for election by posts for members of the city council; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 612. By Representative Austin of the 10th:

A BILL to be entitled an Act to create the City of Cornelia Water and Sewerage Authority; to fix the venue or jurisdiction of actions relating to any provisions of this Act and to provide that such bonds or obligations be validated as authorized by Article 3 of Chapter 82 of Title 36 of the O.C.G.A., the "Revenue Bond Law"; to provide for liberal construction; to provide for severability; to repeal conflicting laws; and for other purposes.

HB 613. By Representative Spencer of the 180th:

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

HB 618. By Representatives Jerguson of the 22nd, Byrd of the 20th, Hill of the 21st and Hamilton of the 23rd:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Holly Springs in the County of Cherokee," approved March 18, 1980 (Ga. L. 1980, p. 3281), as amended, particularly by an Act approved March 30, 1987 (Ga. L. 1987, p. 4964), so as to change the corporate limits of said city; to repeal conflicting laws; and for other purposes.

HB 622. By Representative Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Poulan, approved April 10, 1998 (Ga. L. 1998, p. 4367), as amended, so as to change the terms of office of the mayor and councilmembers; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 623. By Representative Clark of the 98th:

A BILL to be entitled an Act to authorize the governing authority of the City of Buford to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 629. By Representatives Collins of the 27th, Rogers of the 26th, Mills of the 25th and Benton of the 31st:

A BILL to be entitled an Act to create the Hall County Family Connection Network; to provide for a short title; to provide for findings and determinations; to provide for definitions; to provide for the creation of the network; to provide for the membership of the network; to provide for the organization and meetings of the network; to provide for the purposes for which the network is created; to provide the powers and duties of the network; to provide that the members of the network shall be trustees; to provide for certain exemptions from taxation, levy and sale, garnishment, and attachment; to provide for the court in which actions against the network may be brought; to provide for construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 631. By Representatives Dickey of the 136th and James of the 135th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Byron, approved February 13, 1941 (Ga. L. 1941, p. 1210), as amended, so as to change the corporate limits of the City of Byron; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Bills and Resolution of the House were taken up for the purpose of considering the Senate action thereon:

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 Senate 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 13 members as follows:

(1) The Governor or his or her designee;

(2) Three members appointed by the Governor;

(3) Three members appointed by the Speaker of the House of Representatives, all of whom shall be members of the House of Representatives and one of whom shall be a member of the minority party;

(4) Three members appointed by the Lieutenant Governor, all of whom shall be members of the Senate and 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 18 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 Senate Public Safety 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, someone 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, someone 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 may 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 and may 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 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.

Representative Neal of the 1st moved that the House agree to the Senate substitute to HB 265.

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

E Abdul-Salaam	Y Davis	E 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	Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	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	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Stephens, R
Y Benton	Y Epps, C	E Jacobs	Y Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	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
Y Bryant	Y Frazier	Y 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 Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Harbin	Lucas	Y Rice	Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 158, nays 1.

The motion prevailed.

Representative Houston of the 170th 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 116. By Representatives Parsons of the 42nd, Geisinger of the 48th, Baker of the 78th, Williams of the 89th and Rogers of the 26th:

A BILL to be entitled an Act to amend Code Section 46-2-28 of the Official Code of Georgia Annotated, relating to the procedure for issuance of stocks, bonds, notes, or other debt by companies under the Public Service Commission's jurisdiction, so as to provide for exemption from those procedures under certain circumstances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 46-2-28 of the Official Code of Georgia Annotated, relating to the procedure for issuance of stocks, bonds, notes, or other debt by companies under the Public Service Commission's jurisdiction, so as to provide for exemption from those procedures under certain circumstances; 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.

Code Section 46-2-28 of the Official Code of Georgia Annotated, relating to the procedure for issuance of stocks, bonds, notes, or other debt by companies under the Public Service Commission's jurisdiction, is amended by adding a new subsection to read as follows:

"(g) Notwithstanding any other provision of this Code section or any other provision of law, local exchange companies as defined in paragraph (10) of Code Section 46-5-162 under the commission's jurisdiction shall be exempt from the provisions of this Code section, if the stocks, bonds, notes, or other evidences of debt are issued as part of a debt transaction that is an interstate transaction, as evidenced by the following:

(1) The local exchange company is a wholly owned subsidiary of a parent company headquartered or domiciled outside of this state;

(2) The debt transaction is by and between the parent company, the primary obligor, and a national bank or other lending or financial institution licensed or authorized to enter into such debt transaction by any state or federal agency; and

(3) The local exchange company is issuing stocks, bonds, notes, or other evidences of debt for the purpose of providing collateral or other security to the lending or financial institution in order to accommodate the debt transaction of a parent company or other entity."

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.

Representative Parsons of the 42nd moved that the House agree to the Senate substitute to HB 116.

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

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

On the motion, the ayes were 156, nays 3.

The motion prevailed.

HB 158. By Representatives Mills of the 25th, Maxwell of the 17th and England of the 108th:

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 change the date of the nonpartisan election; to provide for qualifying dates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

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 change the date of the nonpartisan election; to provide for qualifying dates; 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 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by revising subsections (c) and (i) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, as follows:

"(c) Except as provided in subsection (i) of this Code section, all candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this subsection in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(1) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the fourth Monday in ~~June~~ April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in ~~June~~ April, notwithstanding the fact that any such days may be legal holidays; and

(2) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the fourth Monday in ~~June~~ April immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth Monday in ~~June~~ April, notwithstanding the fact that any such days may be legal holidays."

"(i) Notwithstanding any other provision of this chapter to the contrary, for general elections held in the even-numbered year immediately following the official release of the United States decennial census data to the states for the purpose of redistricting of the legislatures and the United States House of Representatives, candidates in such elections shall qualify as provided in this subsection:

(1) All candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State no earlier than 9:00 A.M. on the ~~last Monday in July~~ third Wednesday in June immediately prior to the election and no later than 12:00

Noon on the Friday following the ~~last Monday in July~~ third Wednesday in June, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent no earlier than 9:00 A.M. on the ~~last Monday in July~~ third Wednesday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the ~~last Monday in July~~ third Wednesday in June, notwithstanding the fact that any such days may be legal holidays;

(2) All political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the general election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(A) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(B) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July; and

(3) Candidates required to file nomination petitions under subsection (e) of this Code section shall file such petitions not earlier than 9:00 A.M. on the fourth Monday in July immediately prior to the general election and not later than 12:00 Noon on the first Monday in August immediately prior to the general election."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-133, relating to giving notice of intent of write-in candidacy, as follows:

"(a) No person elected on a write-in vote shall be eligible to hold office unless notice of his or her intention of candidacy was filed and published no earlier than January 1 and no later than the Tuesday after the first Monday in September prior to the election for county, state, and federal elections; no later than seven days after the close of the qualifying period for nonpartisan elections in the case of nonpartisan elections for state or county offices; no later than seven days after the close of the municipal qualifying period for municipal elections in the case of a general election; or no later than seven days after the close of the special election qualifying period for a special election by the person to be a write-in candidate or by some other person or group of persons qualified to vote in the subject election, as follows:

(1) In a state general or special election, notice shall be filed with the Secretary of State and published in a newspaper of general circulation in the state;

(2) In a general or special election of county officers, notice shall be filed with the superintendent of elections in the county in which he or she is to be a candidate and published in the official organ of the same county; or

(3) In a municipal general or special election, notice shall be filed with the superintendent and published in the official gazette of the municipality holding the election."

SECTION 3.

Said chapter is further amended by revising Code Section 21-2-138, relating to nonpartisan elections for judicial offices, as follows:

"21-2-138.

The names of all candidates who have qualified with the Secretary of State for the office of judge of a superior court, Judge of the Court of Appeals, or Justice of the Supreme Court of this state and the names of all candidates who have qualified with the election superintendent for the office of judge of a state court shall be placed on the ballot in a nonpartisan election to be held and conducted jointly with the general ~~election~~ primary in each even-numbered year. No candidates for any such office shall be nominated by a political party or by a petition as a candidate of a political body or as an independent candidate. Candidates for any such office shall have their names placed on the nonpartisan portion of each ballot by complying with the requirements prescribed in Code Section 21-2-132 specifically related to such nonpartisan candidates and by paying the requisite qualifying fees as prescribed in Code Section 21-2-131. Candidates shall be listed on the official ballot in a nonpartisan election as provided in Code Sections 21-2-284.1 and 21-2-285.1, respectively. Except as otherwise specified in this chapter, the procedures to be employed in conducting the nonpartisan election of judges of state courts, judges of superior courts, Judges of the Court of Appeals, and Justices of the Supreme Court shall conform as nearly as practicable to the procedures governing general elections; and such general election procedures as are necessary to complete this nonpartisan election process shall be adopted in a manner consistent with such nonpartisan elections."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-139, relating to nonpartisan elections authorization, as follows:

"(a) Notwithstanding any other provisions of this chapter to the contrary, the General Assembly may provide by local Act for the election in nonpartisan elections of candidates to fill county judicial offices, offices of local school boards, and offices of consolidated governments which are filled by the vote of the electors of said county or political subdivision. Except as otherwise provided in this Code section, the procedures to be employed in such nonpartisan elections shall conform as nearly as practicable to the procedures governing nonpartisan elections as provided in this chapter. Except as

otherwise provided in this Code section, the election procedures established by any existing local law which provides for the nonpartisan election of candidates to fill county offices shall conform to the general procedures governing nonpartisan elections as provided in this chapter, and such nonpartisan elections shall be conducted in accordance with the applicable provisions of this chapter, notwithstanding the provisions of any existing local law. For those offices for which the General Assembly, pursuant to this Code section, provided by local Act for election in nonpartisan primaries and elections, such offices shall no longer require nonpartisan primaries. Such officers shall be elected in nonpartisan elections held and conducted in conjunction with the ~~November~~ general ~~election~~ primary in even-numbered years in accordance with this chapter without a prior nonpartisan primary. Nonpartisan elections for municipal offices shall be conducted on the dates provided in the municipal charter."

SECTION 5.

Said chapter is further amended by revising Code Section 21-2-285.1, relating to form of nonpartisan election ballot, as follows:

"21-2-285.1.

The names of all candidates for offices which the General Assembly has by general law or local Act provided for election in a nonpartisan election shall be printed on each official ~~election~~ primary ballot; and insofar as practicable such offices to be filled in the nonpartisan election shall be separated from the names of candidates for party nomination to other offices by being listed last on each ballot, with the top of that portion of each official ~~election~~ primary ballot relating to the nonpartisan election to have printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.' In addition, there shall be a ballot that contains just the official nonpartisan election ballot available for electors who choose not to vote in a party primary. Directions that explain how to cast a vote, how to write in a candidate, and how to obtain a new ballot after the elector spoils his or her ballot shall appear immediately under the caption, as specified by rule or regulation of the State Election Board. Immediately under the directions, the name of each such nonpartisan candidate shall be arranged alphabetically by last name under the title of the office for which they are candidates and be printed thereunder. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot. No party designation or affiliation shall appear beside the name of any candidate for nonpartisan office. An appropriate space shall also be placed on the ballot

for the casting of write-in votes for such offices. In the event that no candidate in such nonpartisan election receives a majority of the total votes cast for such office, there shall be a nonpartisan election runoff between the candidates receiving the two highest numbers of votes; and the names of such candidates shall be placed on the official ballot at the general ~~election~~ primary runoff in the same manner as prescribed in this Code section for the nonpartisan election and there shall be a separate official nonpartisan election runoff ballot for those electors who do not choose or are not

eligible to vote in the general primary runoff. In the event that only nonpartisan candidates are to be placed on a run-off ballot, the form of the ballot shall be as prescribed by the Secretary of State or election superintendent in essentially the same format as prescribed for the nonpartisan election. The candidate having a majority of the votes cast in the nonpartisan election or the candidate receiving the highest number of votes cast in the nonpartisan election runoff shall be declared duly elected to such office."

SECTION 6.

Said chapter is further amended by revising subsections (g) and (h) of Code Section 21-2-325, relating to form of ballot labels generally, as follows:

"(g) The names of all candidates of a party or body shall appear in the same row or column, and no other names shall appear in the same row or column. The names of candidates and independent candidates shall be arranged under or opposite the title of the office for which they are candidates and shall appear in the order prescribed by subsection (c) and the second sentence of subsection (e) of Code Section 21-2-285. The rows or columns occupied by the names of the candidates of political parties and bodies shall be arranged according to the priority prescribed by subsection (c) of Code Section 21-2-285. When voting machines are used on which the titles of offices are arranged horizontally, the names of all candidates for the same office shall appear within the same vertical lines. ~~The names of all candidates in a nonpartisan election held in conjunction with a general election shall appear on a separate portion of the voting machine in the form and arrangement prescribed in Code Section 21-2-285.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'~~

(h) In primaries, the ballot labels containing the names of candidates seeking nomination by a political party shall be segregated on the face of the machine in adjacent rows or columns by parties, the priority of such political parties on the ballot labels to be determined in the order prescribed by subsection (c) of Code Section 21-2-285. If a nonpartisan election is being held in conjunction with a partisan primary, each partisan ballot label shall be clearly marked to indicate that the elector may vote in the nonpartisan election also. In nonpartisan elections, the ballot labels shall include a separate portion for the names of candidates seeking election in a nonpartisan election and the heading and arrangement of such candidates shall be as prescribed by Code Section ~~21-2-284.1~~ 21-2-285.1 insofar as practicable. At the top of the separate portion shall be printed in prominent type the words 'OFFICIAL NONPARTISAN ELECTION BALLOT.'"

SECTION 7.

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

Representative Mills of the 25th moved that the House agree to the Senate substitute to HB 158.

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

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

On the motion, the ayes were 143, nays 19.

The motion prevailed.

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

A RESOLUTION authorizing the conveyance of certain State owned real property located in Appling County, Georgia; authorizing the exchange of certain state owned real property in Burke County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Toombs County, Georgia; authorizing the conveyance of certain state owned

real property located in Upson County; to provide an effective date; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

Authorizing the conveyance of certain state owned real property located in Appling County, Georgia; authorizing the conveyance of certain state owned real property located in Baldwin and Wilkinson Counties, Georgia; authorizing the conveyance of certain state owned real property located in Bibb County, Georgia; authorizing the exchange of certain state owned real property in Burke County, Georgia; authorizing the leasing of certain state owned real property located in Calhoun County, Georgia; authorizing the conveyance of certain state owned real properties located in Carroll County, Georgia; authorizing the placement of certain restrictions on state owned real property located in Chatham County, Georgia; authorizing the conveyance and acquisition of certain state owned real property located in Clarke County, Georgia; authorizing the conveyance of certain state owned real properties located in Colquitt County, Georgia; authorizing the conveyance or leasing of certain state owned real property located in DeKalb County, Georgia; authorizing the leasing of certain state owned real property in Fulton County, Georgia; authorizing the conveyance and acquisition of an easement on certain state owned real property located in Greene County, Georgia; authorizing the conveyance of certain state owned real property located in Haralson County, Georgia; authorizing the conveyance of certain state owned real property located in Lowndes County, Georgia; authorizing the conveyance of certain state owned real property located in Madison County, Georgia; authorizing the sale of certain state owned real property located in Monroe County, Georgia; authorizing the conveyance of certain state owned real property located in Polk County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Stephens County, Georgia; authorizing the conveyance of and the lease of certain state owned real properties located in Toombs County, Georgia; authorizing the conveyance of certain state owned real property located in Upson County; to provide an effective date; and for other purposes.

WHEREAS:

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

(2) Said real property is all that tract or parcel lying and being in Land Lots 191 and 234 of the 2nd Land District and Georgia Militia District 1297 of Appling County and containing approximately 2.74 acres along State Route 15 and is more particularly described on a plat of survey highlighted in yellow entitled "Right-of-Way Plan for Georgia Department of Transportation" last revised on July 14, 2008, and being on file in the offices of the State Properties Commission, and may be more particularly

described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

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

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

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

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

WHEREAS:

(1) The State of Georgia is the owner of certain parcels of real property located in Baldwin and Wilkinson Counties, Georgia;

(2) Said real property is all that tract or parcel lying and being in Georgia Militia District 1714, Land Lots 247, 248, 264 Land District 5 of Baldwin County and containing approximately 4.23 acres to be conveyed and an additional 0.759 of an acre to be subject to an easement along U.S. Highway 540/Fall Line Freeway Stage 2, and all that tract or parcel lying and being in Georgia Militia District 328 of Wilkinson County and containing approximately 7.5 acres along U.S. Highway 540/Fall Line Freeway Stage 2 and is more particularly described on a May 7, 2004 drawing entitled "Right-of-Way Map for Georgia Department of Transportation" in Wilkinson and Baldwin Counties, Project EDS-0000-00(346), and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

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

(4) The Department of Transportation is improving the road as a portion of Project RE: EDS-0000-00(346) Baldwin County P.I. # 0000346, Parcels 2A and 3, and Parcels 1A, 1B and 2B in Wilkinson County;

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

(6) The State Forestry Commission, at its meeting of February 14, 2011, approved the conveyances of the above-described properties to the Department of Transportation;

WHEREAS:

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

(2) Said real property is all that tract or parcel lying and being in Lot 1 Square 73 of the Master Plan of Macon, Georgia at 811 Hemlock Street (formerly Oak Street) and

containing approximately 0.361 of an acre less encumbered by an approximately 16 foot wide easement for access to the Macon-Bibb County Hospital Authority, as more particularly described on a survey at Plat Book 23 Page 146 and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said property is under the custody of the Department of Community Health and is known as the Macon Public Health Office;

(4) The Department of Community Health, due to the age of this facility, is receptive to the idea of relocating the Division of Public Health's staff housed there to newer space in the same city as requested by the Division of Public Health;

(5) The Macon-Bibb County Hospital Authority has indicated interest in acquiring the property for fair market value;

(6) The Board of Community Health, at its meeting on March 10, 2011, approved the surplusing of this property and sale by competitive bid or to the Macon-Bibb County Hospital Authority at fair market value as determined by State Properties Commission; and

WHEREAS:

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

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

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

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

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

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

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

WHEREAS:

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

(2) Said property is all that tract or parcel of land lying and being in Lot 176th of the 1st District of Calhoun County containing 1 acre and being more particularly described in a deed recorded in the Superior Court of Calhoun County in Deed Book V Folio 431 and being on file in the offices of the State Properties Commission and more specifically described in that aerial drawing locating a Forestry tower at the intersection of Tower Drive SE and Hartford Street East in the City of Edison, Georgia, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is in the custody of the State Forestry Commission;

(4) The West Georgia Consortium Housing Authority is desirous of leasing for $10.00 a portion of the tower on the property to locate and operate a video security system through June 30, 2025, on that tower;

(5) By resolution dated June 24, 2010, the State Forestry Commission recommended the leasing of said property; and

WHEREAS:

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

(2) Said real property is all that tract or parcel lying and being in Land Lot 219 of the 5th Land District of Carroll County and containing approximately 0.72 of one acre and is more particularly described on a plat of survey entitled "Right-of-Way Plan, Carroll County" last revised on March 22, 2010, and prepared by Douglas C. Crawford, Georgia Registered Land Surveyor #1833 and being on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said property is under the custody of the Technical College System of Georgia at West Georgia Technical College;

(4) There is heavy traffic causing safety concerns near Olympic Road and Georgia Highway 16, which will be compounded by new buildings at West Georgia Technical College;

(5) The Carroll County Board of Commissioners has agreed to and intends to construct and maintain a safer road, and as a condition of maintaining it requires that

the above-described property be owned in the name of the Carroll County Board of Commissioners;

(6) The State Board of Technical and Adult Education, at its meeting of November 4, 2010, approved the conveyance of the above-described property to the Carroll County Board of Commissioners for $10.00; and

WHEREAS:

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

(2) Said real property is all those tracts or parcels of land having been purchased from the development authority of the City of Bowdon for $2,000.00, lying and being in Land Lot 157 of the 9th Land District of Carroll County, Georgia, containing approximately 2.0 acres, as shown on a plat of survey entitled "State of Georgia, Department of Agriculture" dated May 16, 1994, prepared by Keck & Wood Engineers and Surveyors, approved by Ross Lynn, and on file in the offices of the State Properties Commission as Real Property Record 08701, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said tract or parcel was formerly the site of the Bowdon Poultry Lab, now under the custody of the Department of Agriculture and no longer in operation;

(4) The City of Bowdon is desirous of acquiring the above-described property for $2,000.00 for public purposes, specifically for operation of a free medical clinic in an economically depressed area, and on December 15, 2010, approved a resolution to that effect; and on January 14, 2011, the development authority of the City of Bowdon consented to the purchase of the property by the city;

(5) By letter dated January 13, 2011, the Commissioner of Agriculture recommended that the above-described property be declared surplus and conveyed to the City of Bowdon for fair market value as determined by the State Properties Commission for public purpose, in this instance for operation of a free medical clinic in Bowdon; and

WHEREAS:

(1) The State of Georgia is the owner by presumption of law of certain salt marshland located in the 7th Georgia Militia District of Chatham County, Georgia, and regulated by the Department of Natural Resources pursuant to the Coastal Marshlands Protection Act, of 1970, O.C.G.A. § 12-5-280, et seq., and the Governor's powers to regulate public property pursuant to O.C.G.A. § 50-16-61;

(2) By virtue of a warranty deed dated December 31, 2008,and recorded in Deed Book 347 H Pages 362-363 of the Chatham County Clerk of Superior Court, the Board of Commissioners of Chatham County, Georgia, claims the same salt marshland comprising and containing 106± acres in the 7th Georgia Militia District as more fully described as Lot 1 on a survey titled "The Northeastern Portion of the Householder Tract, prepared for the Chatham County Board of Commissioners, JS&H Enterprises, LLP" dated December 18, 2008, by surveyor Wright C. Powers, Jr.,

Georgia Registered Land Surveyor No. 2612 for Thomas and Hutton Engineering Company recorded in the office of the Clerk of the Superior Court of Chatham County, Georgia, in Plat Record Book 40-S, Page 108-A, et seq. (the "Mitigation Bank Property");

(3) The state is also the owner by presumption of law of certain adjacent salt marshland to the Mitigation Bank Property located in the 7th Georgia Militia District of Chatham County, Georgia, and regulated by the Department of Natural Resources pursuant to the Coastal Marshlands Protection Act of 1970 and the Governor's powers to regulate public property pursuant to O.C.G.A. § 50-16-61;

(4) By virtue of a warranty deed dated August 4, 2006, and recorded in Deed Book 311G Pages 343-371 of the Chatham County Clerk of Superior Court, Chatham County claims the same salt marshland comprising less than one acre and containing a flood control weir ("Rock Weir") in the 7th Georgia Militia District, as more fully described on a survey titled "Acquisition Map, Quacco Canal, Drainage Improvements, for the Chatham County Board of Commissioners" prepared by Moreland Altobelki Associates, Inc., dated April 12, 2005, and last revised on May 20, 2005, and May 26, 2006, by surveyor Ronnie J. Joiner, Georgia Registered Land Surveyor No.2488, said plat incorporated into and recorded with the deed;

(5) Chatham County, as a political subdivision of this state, desires to establish, construct, operate, maintain, and monitor a salt marsh wetland mitigation bank on the Mitigation Bank Property and the Rock Weir Property in accordance with 33 C.F.R. 325 and 33 C.F.R. 332 and the compensatory mitigation rules and regulations of the U. S. Army Corps of Engineers (40 C.F.R. Part 332) and consistent with a mitigation banking instrument approved by the USACE, the credits from which will be used solely for mitigating the unavoidable impacts associated with the construction of public works projects by Chatham County and the City of Savannah and agencies, authorities, and other entities within state government;

(6) To resolve any dispute as to ownership of the above-referenced salt marshland, Chatham County will quitclaim to the state its interest in the properties;

(7) Chatham County desires to enter into an intergovernmental agreement with the Department of Natural Resources for the establishment, construction, operation, maintenance, and monitoring of a mitigation bank in accordance with the requirements of the USACE on the properties and further provide the state with 25 percent of the bank mitigation credits as released by USACE at no cost to the state;

(8) To establish the mitigation bank, Chatham County requests the state to place certain restrictions on the properties in accordance with the requirements of the USACE;

(9) The Board of Natural Resources on March 7, 2011, passed a resolution recommending that permanent restrictions be placed on the properties in Chatham County, Georgia, in accordance with the USACE's requirements for the properties to be used as a mitigation bank by Chatham County in consideration of Chatham County quitclaiming its interest in the properties to the state and Chatham County, at its sole cost and expense, establishing, constructing, operating, maintaining, and monitoring

of the mitigation bank on the properties with the state's right to use 25 percent of the mitigation credits as the credits are released by USACE pursuant to an intergovernmental agreement with the Department of Natural Resources; and

WHEREAS:

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

(2) Said parcel is all that approximately 4.929 acre parcel of an approximately 9.9 acre tract of land lying and being in Georgia Militia District 219 of Clarke County, being more particularly described on an Exhibit of the Exchange parcels and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is across US Highway 29 from the main campus of Athens Technical College which is under the custody of the Technical College System of Georgia;

(4) Athens Regional Hospital Authority is the owner in fee interest of approximately 3.474 acres on the same side of US Highway 29 as the main campus of Athens Technical College, as described on the same exhibit;

(5) Athens Regional Hospital Authority stated in a resolution dated November 23, 2010, that it is desirous of the state conveying the above-described 4.929 acre parcel to the authority in exchange for the authority conveying to the state the 3.474 acre parcel, the two parcels being of equal value;

(6) The authority and the Technical College System of Georgia have reached an agreement for the exchange of properties which is advantageous to the state;

(7) The Technical College System of Georgia, by resolution dated November 4, 2010, recommended the exchange of properties; and

WHEREAS:

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

(2) Said real property is all those tracts or parcels of land lying and being in Land Lot 260 of the 8th District of Colquitt County, Georgia, containing approximately 5 acres being the same property from the Colquitt County Board of Commissioners on May 14, 1962, for $1.00 as Real Property Record 01904, and on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

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

(4) The Colquitt County Board of Education is desirous of acquiring the above-described property for the public purpose of locating its kindergarten program;

(5) By letter dated January 21, 2011, the adjutant general stated that all activities associated with the above-described property have been relocated to a new location

and declared the property surplus to the needs of the department and recommended that the above-described property be conveyed to the Colquitt County Board of Education for $10.00 to be used for public purpose; and

WHEREAS:

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

(2) Said real property is a parcel of land lying and being in Land Lot 262 of the 8th Land District of Colquitt County and containing approximately 0.287 of one acre as described on a plat of survey entitled "Survey for State of Georgia Department of Labor" dated November 10, 2009, and being on file in the offices of the State Properties Commission;

(3) The Department of Labor has relocated all activities associated with the above-described property to a new location and has declared the property surplus to the needs of the department;

(4) The Commissioner of Labor, by letter dated December 4, 2009, recommended that the above-described property be sold for fair market value; and

WHEREAS:

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

(2) Said parcel is all that tract or parcel of land lying and being in Land Lot 79 of the 15th Land District of DeKalb County containing approximately 43 acres and being more particularly described on a drawing by the Department of Corrections titled Metro State Prison and Fleet Properties to Surplus dated February 18, 2011, and being on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is under the custody of the Department of Corrections and known as Metro State Prison and Vehicle Repair Center;

(4) The Department of Corrections no longer has a need for the above-described property and has declared it surplus to its needs;

(5) The property will be sold by competitive bid or for the fair market value to local government entity as determined by the State Properties Commission; and

WHEREAS:

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

(2) Said property is all that tract or parcel of land lying and being in Land Lot 78th of the 14th District of Fulton County containing approximately 3 acres and being more particularly described as Tract Parcels "1," "2," and "3" on a drawing entitled "Property Breakout Sketch (Green Lot – CFHOF)" last revised February 4, 2011, and being on file in the offices of the State Properties Commission and may be more

particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described tract parcels comprise a portion of the Geo. L. Smith II Georgia World Congress Center campus which is in the custody of the Department of Economic Development and managed by the Geo. L. Smith II Georgia World Congress Center Authority through that certain management agreement dated April 8, 1974, and subsequently amended;

(4) The State of Georgia is the owner of certain parcels of real property adjacent to the above-described property also lying and being in Land Lot 78th of the 14th District of Fulton County and being more particularly described as "Central of Georgia Railroad" which is leased to CSX Transportation under that certain lease which expires December 31, 2019, and being on file in the offices of the State Properties Commission;

(5) The Department of Economic Development, by and through the Geo. L. Smith II Georgia World Congress Center Authority, desires to: (i) construct a new parking deck; (ii) construct a new entranceway from Marietta Street to the Geo. L. Smith II Georgia World Congress Center; (iii) extend Baker Street and abandon Foundry Street; and (iv) remodel office space in Building A of the Geo. L. Smith II Georgia World Congress Center together with optional connecting pedestrian walkways on Tracts 1 and 2, respectively, for the enhancement of a proposed College Football Hall of Fame facility through the issuance of not more than $10,000,000.00 in principal amount of general obligation bonds as authorized in Section 50 of the General Appropriations Act for state fiscal year 2010-2011 (Ga. L. 2010, Volume One, Book Two Appendix, p. 160 of 164, Act No. 684)[BOND # 78] from state general funds;

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

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

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

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

(D) The granting of nonexclusive appurtenant easements for the use and enjoyment of the College Football Hall of Fame facility for the term of the lease which may be

more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval; and

WHEREAS:

(1) The State of Georgia is the owner of a certain easement for the purpose of constructing, maintaining, operating, inspecting, protecting, repairing, modifying, replacing, improving, and removing a tower, appurtenances, and equipment for the transmission, reception, and relaying of radio signals, messages, and transmissions in, upon, and to that tract or parcel of land lying and being in the 138th District, G. M., Greene County, Georgia, containing approximately 6 acres, together with the right of ingress and egress to and from said tower, power poles, guys, conduits, and equipment over and across said lands and adjacent lands;

(2) Said easement being more particularly described in the easement recorded in the Office of the Clerk of the Superior Court of Greene County, Georgia, in Deed Book 47, Page 450 and assigned by the Dixie Pipeline Company, as assignor, to the State of Georgia, as assignee, in that Assignment of Easement dated January 25, 2008, and recorded in the Office of the Clerk of the Superior Court of Greene County, Georgia, in Deed Book 914, Page 427-428 and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property provides access to the Woodville Radio Tower located on Georgia Highway 77 in Greene County, Georgia, and is under the custody of the Department of Natural Resources;

(4) The County Commissioners of Greene County are desirous of the state conveying the above-described easement and the tower thereon to the commissioners in consideration for the commissioners entering into a 50 year intergovernmental agreement with the department to allow the state to install and maintain law enforcement communications and other telecommunications equipment on the existing tower or any replacement tower and the state's retention of a reversionary interest in the above-described easement in the event Greene County ceases to operate and maintain a communications tower on said property; and

(5) The County Commissioners of Greene County and the Department of Natural Resources have reached an agreement for the conveyance of the above-described easement in consideration for the reversionary interest and the intergovernmental agreement which is advantageous to the state;

(6) The Board of Natural Resources, by resolution dated February 23, 2011, recommended the conveyance of the easement as described above; and

WHEREAS:

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

(2) Said parcel is all that tract or parcel of land lying and being in Land Lot 230 of the 5th Section of the 7th Land District of Haralson County containing approximately

10.4 acres and being more particularly described on a plat of survey for the Department of Corrections by Cleveland S. Boutwell, Jr., Georgia Registered Land Surveyor # 1704, dated April 22, 1994, and being on file in the offices of the State Properties Commission as Real Property Record #8580;

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

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

(5) The Department of Corrections no longer has a need for the above-described property and has declared it surplus to its needs;

(6) The property will be conveyed to Haralson County for good and valuable consideration as determined by the State Properties Commission; and

WHEREAS:

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

(2) Said real property is a 0.771 of an acre parcel or tract lying and being in Land Lot 76, and is described as Parcel 3 on those plans dated January 18, 2011, and entitled "State of Georgia Department of Transportation, Office: District 4 – Tifton, Utility Plan Drawing 24-002, Sheet 19 of 66" for Georgia Department of Transportation Project BR000-0000-00 (684) Lowndes County, P.I. 000684, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is in the custody of the Department of Agriculture and is known as the Valdosta Farmers Market;

(4) The City of Valdosta is improving and replacing Tucker Bridge Road at Dukes Bay Canal as a portion of Georgia Department of Transportation Project BR000-0000-00 (684) Lowndes County, P.I. 000684, and Parcel 3 of the project is a state owned unused parcel of approximately 0.771 of an acre at the rear of the 28 acre Valdosta Farmers Market;

(5) The City of Valdosta requires that the above-described property be owned in its name and will purchase property from the state for $10.00 and cost to cure any damages;

(6) In consideration of the improved safety and traffic resulting from the project, the Commissioner of Agriculture in a letter dated January 19, 2011, approved the conveyance of the above-described property to the City of Valdosta for $10.00; and

WHEREAS:

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

(2) Said real property is all that parcel or tract lying and being in Georgia Militia District 204 of Madison County and is more particularly described as a total of approximately 0.65 of an acre of two parcels (0.37 and 0.28 of an acre) on a plat of

survey dated April 7, 1981, recorded in Plat Book 21 Page 3, and the approximately 0.37 of an acre parcel being recorded in a deed dated June 7, 1955, in Deed Book U-3 Page 363 in the Office of the Clerk of Superior Court of Madison County a copy of which is on file as Real Property Record # 04444 in the offices of the State Properties Commission, and the 0.28 of an acre parcel being recorded in a deed dated April 7, 1981, in Deed Book A-7 Folio 421-423 in the Office of the Clerk of Superior Court of Madison County a copy of which is on file as Real Property Record # 07025 in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is in the custody of the State Forestry Commission and was the Madison Sub-Unit;

(4) The State Forestry Commission has determined that a building constructed in 1971 on the property has outlived its economic life, and that closing the Madison Sub-Unit will result in budgetary savings with minimal impact of service to the county, and on February 15, 2011, declared the improved property surplus to its needs;

(5) Madison County conveyed the parcels in the property to the state for $1.00 each and is desirous of acquiring the property from the state for $10.00 with the stipulation that the property be used for public purpose, and the county is willing to be responsible for the operating costs, maintenance, and needed facility renovations and allow the State Forestry Commission to keep personnel and equipment at that location at no cost other than those associated with the commission's personnel and fire equipment; and

WHEREAS:

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

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

(3) The above-described property is in the custody of the Department of Public Safety and is known as State Patrol Post 44 in Forsyth, Georgia;

(4) The post which the county built in 1969 has outlived its useful life and the county has offered to fully finance both demolition of the current post and construction of new post facilities not to exceed a cost of $750,000.00;

(5) The Board of Public Safety at its November 18, 2010, meeting approved a resolution in support of the conveyance of the property to the Commissioners of Roads and Revenues for Monroe County with the stipulations that the Commissioners construct a new post to the department's specifications, not to exceed $750,000.00, and after construction convey to the state a deed for the three improved acres with a clause of reversion to the Commissioners of Roads and Revenues for Monroe County if the property ever ceases to be used for public purpose as determined by the state;

(6) The county and state shall enter into an agreement to construct, and in the event the General Assembly fails to authorize conveyance of the property to the county, the county shall nevertheless complete construction of the new headquarters and barracks for use by the Department of Public Safety as Georgia State Patrol Post 44;

(7) In the event that the property is conveyed to the county and the county is legally prohibited from transferring fee simple title to the State of Georgia upon completion of construction, the county will grant the State of Georgia an estate for years until such time as fee simple title can be conveyed;

(8) The Monroe County Commissioners approved a resolution on December 21, 2010, approving the stipulations above and that the commissioners construct a new post to the department's specifications, not to exceed $750,000.00, and after construction convey to the state a deed for the three improved acres with a clause of reversion to the Commissioners of Roads and Revenues for Monroe County if the property ever ceases to be used for public purpose as determined by the state; and

WHEREAS:

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

(2) Said real property is all that parcel or tract lying and being in Land Lot 733, 734, 779 and 780 of the 2nd Land District of the 4th Section of Polk County and is more particularly described as 12 acres on a plat of survey in Plat Book N Page 130 and recorded in a deed dated June 22, 1989, in Deed Book 415 Page 543 in the Office of the Clerk of Superior Court of Polk County a copy of which is on file as Real Property Record # 7819 in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The above-described property is in the custody of the Department of Corrections and was to be the site of the Cedartown State Prison, and a building was constructed and since abandoned as surplus;

(4) The Department of Corrections has determined that a prison will not be operated at this site and the above-described property will no longer be needed by the department, and the Board of Corrections declared the improved property surplus to its needs; and

(5) The City of Cedartown conveyed the property to the state for $1.00 and is desirous of acquiring the property from the state for good and valuable consideration

as determined by the State Properties Commission, with the stipulation that the property be used for public purpose;

WHEREAS:

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

(2) Said real property is all that tract or parcel lying and being in Georgia Militia District 267 of Stephens County described as 0.244 of an acre titled Parcel 59 on Sheet 16 of 37 of a drawing by Arcadis for the Georgia Department of Transportation entitled RIGHT OF WAY MAP, dated May 30, 2006, and being on file in the offices of the State Properties Commission and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said property is under the custody of the State Forestry Commission as part of the 1.8 acre property known as the Stephens County District Office, which has been declared surplus and authorized in Ga. L. 2010, p. 1017 to sell by competitive bid;

(4) The Department of Transportation is improving the S.R. 17 and 17 Alternate on the southwest side of Highway 17 west of Meadowbrook Dive in Eastanolee, Georgia, as a portion of Project EDS-545(37) Stephens County, P.I. 122260, 0.244 of an acre Parcel 59;

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

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

WHEREAS:

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

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

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

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

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

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

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

WHEREAS:

(1) The State of Georgia is the owner of two certain parcels of real property totaling 1.02 acres located in Toombs County, Georgia;

(2) Said first parcel of such real property is all that parcel described as Parcel A ("the lease area") of land lying and being in Georgia Militia District 1823 of Toombs County containing a total of approximately 0.55 of an acre as shown on a plat of survey entitled "A New Automotive Technology Building at Southeastern Technical College" dated January 5, 2010, and prepared by Marty A. McLeod, Georgia Registered Land Surveyor. Said second parcel of such real property is all that parcel described as Parcel B (for Non-Exclusive Access) lying and being in the same district and containing a total of approximately 0.47 of an acre as shown on the same plat of survey and being on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) The State Board of Technical and Adult Education, at its meeting of February 4, 2010, approved the granting of a 25 year ground lease for $1.00 of approximately 1.02 total acres to the Southeastern Early College and Career Academy for use as a site to construct, access, and operate a career academy on the above-described property at the Southeastern Technical College in Vidalia;

(4) At the same meeting the board approved granting a revocable license over the two parcels of above-described property, and such request was approved by the State Properties Commission on June 18, 2010;

(5) The Southeastern Early College and Career Academy is desirous of leasing the above-described property with access until the lease is extinguished in order to construct, access, and operate the Southeastern Early College and Career Academy. A single building is being constructed partially on lease area and on nonlease area and

will cost a total of $6,778,000.00, of which SECCA will contribute $2,778,000.00 for the academy portion on the lease area. The remaining $4,000,000.00 for the technical college side the building on the nonlease area will be paid from FY-2008B and 2009B bond funds established under Project No. TCSG-237, Automotive Technology Building, Southeastern Technical College, allowing students to earn credits toward both a high school diploma and a technical diploma or certificate; and

WHEREAS:

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

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

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

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

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

WHEREAS:

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

(2) Said real property is those tracts or parcels of land lying and being in the Land Lots 219 and 224 of the 219 and 224 District of Upson County, Georgia, containing approximately 7.05 acres being the same property acquired from the City of Thomaston on March 07, 1949, for $1.00 as Real Property Record 01369.01, and containing approximately 3.4 acres, less approximately 0.9297 of one acre taken from the aforementioned 3.4 acres parcel that was transferred back to the City of Thomaston on May 3, 1955, for $1.00 as Real Property Record 01371, and 3.08 acres being the same property acquired from the City of Thomaston on January 18, 1955, for $1.00 as Real Property Record 01369.02, and 0.86 acres being the same property

acquired from the City of Thomaston on May 3, 1955, for $1.00 as Real Property Record 01370, and 0.601 of an acre being the same property acquired from the Trustees of Stanford Ellington Post No. 6447, Department of Georgia on April 28, 1955, for $1.00 as Real Property Record 01372 on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

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

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

(5) By letter dated January 21, 2011, the adjutant general stated that all activities associated with the above-described property have been relocated to a new location and declared the property surplus to the needs of the department and recommended that the above-described property be conveyed to the City of Thomaston for the amount of outstanding general obligation bonds and used for public purpose if the Department of Defense is appropriated sufficient funding to renovate the recently relocated armory at the former Lorenzo Benn Youth Development Center.

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

ARTICLE I

SECTION 1.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

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

ARTICLE II

SECTION 7.

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

SECTION 8.

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

SECTION 9.

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

SECTION 10.

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

SECTION 11.

That the deed of conveyance shall be recorded by the Department of Transportation as grantee in the Superior Courts of Baldwin and Wilkinson Counties and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 12.

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

ARTICLE III
SECTION 13.

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

SECTION 14.

That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, as a sale by competitive bid or a sale to the Macon-Bibb County Hospital Authority for the fair market value and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 15.

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

SECTION 16.

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

SECTION 17.

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

SECTION 18.

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

ARTICLE IV
SECTION 19.

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

SECTION 20.

That the State of Georgia acting by and through its State Properties Commission is authorized to convey the above-described property easement to Stuart Rackley in exchange for Stuart Rackley conveying to the State of Georgia a 30 foot-wide access easement of approximately 0.7 of an acre; a conservation easement on approximately

57.86 acres which was conveyed on December 31, 2010, to the State of Georgia in custody of the Department of Natural Resources; and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 21.

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

SECTION 22.

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

SECTION 23.

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

SECTION 24.

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

ARTICLE V

SECTION 25.

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

SECTION 26.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease the above-described real property to the West Georgia Consortium Housing Authority through June 30, 2025, to locate and operate a video security system for a consideration of $10.00 and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 27.

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

SECTION 28.

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

SECTION 29.

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

ARTICLE VI

SECTION 30.

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

SECTION 31.

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

SECTION 32.

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

SECTION 33.

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

SECTION 34.

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

SECTION 35.

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

ARTICLE VII
SECTION 36.

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

SECTION 37.
That the above-described property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Bowden for a consideration of $2,000.00 so long as the property is used for public purpose, specifically for operation of a free medical clinic in an economically depressed area, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 38.
That the authorization in this resolution to convey the above-described property shall expire three years after the date this resolution becomes effective.

SECTION 39.
That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 40.
That the deed of conveyance shall be recorded by the grantee in the Superior Court of Carroll County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 41.
That custody of the above-described property shall remain in the Department of Agriculture until the property is conveyed.

ARTICLE VIII
SECTION 42.

That the State of Georgia is the owner of the above-described salt marshland properties located in Chatham County, Georgia and may be more particularly described by a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval.

SECTION 43.
That the General Assembly has declared that activities in the state's coastal marshlands must be regulated to ensure that the values and functions of the coastal marshlands are

not impaired, that the General Assembly has authorized Department of Natural Resources to administer and enforce the Coastal Marshlands Protection Act of 1970, O.C.G.A. § 12-5-280, et seq. Furthermore, the Governor has authorized the department to act on his behalf on all requests to utilize state owned water bottoms covered by tidal waters which are in his custody and control pursuant to O.C.G.A. § 50-16-61.

SECTION 44.

That the State Properties Commission, acting on behalf of the State of Georgia, is authorized to place or permit restrictions on all or part of the properties acceptable to both the United States Army Corps of Engineers and the State Properties Commission for the sole purpose of establishing, constructing, operating, maintaining, and monitoring a mitigation bank and related facilities that meet the requirements of permit SAS-2005-00769, as amended, issued by the USACE.

SECTION 45.

That the consideration for placement or the permitting of restrictions on all of part of the properties shall be Chatham County quitclaiming its interest in the properties to the State of Georgia and Chatham County, at its sole cost and expense, establishing, constructing, operating, maintaining, and monitoring the mitigation bank on the properties with the state's right to use 25 percent of the mitigation credits as the credits are released by USACE pursuant to an intergovernmental agreement with the department.

SECTION 46.

That, during the term of the intergovernmental agreement with the department, Chatham County may make any use of said properties in any manner not inconsistent with or detrimental to the USACE's requirements for the mitigation bank.

SECTION 47.

That the restrictions placed or permitted on all or part of the properties shall contain such other reasonable terms, conditions, and covenants acceptable to USACE and as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more particular description of the restricted area that comprises all or part of the properties.

SECTION 48.

That if the State of Georgia, acting by and through its State Properties Commission, determines that any or all of the restrictions placed or permitted on the properties should be removed and relocated to an alternate site on state owned land in order to avoid interference with the state's use or intended use of the properties, it may place or permit similar restrictions on a comparable alternate site, under such terms and conditions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia, provided such determination shall be consistent with existing wetland mitigation bank requirements and so long as the removal and relocation is paid

by the party or parties requesting such removal and at no cost and expense to the State of Georgia.

SECTION 49.

That restrictions placed or permitted on all or part of the properties shall be recorded by the State Properties Commission in the office of the Clerk of the Superior Court of Chatham County with the original retained by the State Properties Commission and a recorded copy forwarded to USACE and to Chatham County.

SECTION 50.

That the authorization in this resolution to place or permit the above-described restrictions shall expire three years after the date that this resolution becomes effective.

SECTION 51.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the restriction on said properties.

ARTICLE IX

SECTION 52.

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

SECTION 53.

That the State of Georgia acting by and through its State Properties Commission is authorized to convey the above-described approximately 4.929 acre property to the Athens Regional Hospital Authority in exchange for the authority conveying to the State of Georgia the approximately 3.474 acre property; and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 54.

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

SECTION 55.

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

SECTION 56.

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

SECTION 57.

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

ARTICLE X

SECTION 58.

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

SECTION 59.

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

SECTION 60.

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

SECTION 61.

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

SECTION 62.

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

SECTION 63.

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

ARTICLE XI

SECTION 64.

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

SECTION 65.

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

SECTION 66.

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

SECTION 67.

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

SECTION 68.

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

SECTION 69.

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

ARTICLE XII

SECTION 70.

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

SECTION 71.

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

consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 72.

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

SECTION 73.

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

SECTION 74.

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

SECTION 75.

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

ARTICLE XIII

SECTION 76.

Reserved.

SECTION 77.

Reserved.

SECTION 78.

Reserved.

SECTION 79.

Reserved.

SECTION 80.

Reserved.

SECTION 81.

Reserved.

ARTICLE XIV

SECTION 82.

That the State of Georgia is the owner of the above-described real property located in Fulton County and that in all matters relating to the leasing of the real property and

granting of appurtenant easements, the State of Georgia is acting by and through its State Properties Commission.

SECTION 83.

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

SECTION 84.

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

SECTION 85.

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

SECTION 86.

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

ARTICLE XV

SECTION 87.

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

SECTION 88.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to convey the above-described tower and real property easement to the County Commissioners of Greene County with the state retaining a reversionary interest in the above-described easement in the event Greene County ceases to operate and maintain a communications tower on said property and Greene County entering into a 50 year intergovernmental agreement with the Department of Natural Resources to allow the state to install and maintain law enforcement communications and other telecommunications equipment on the existing tower or any replacement tower and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 89.

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

SECTION 90.

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

SECTION 91.

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

SECTION 92.

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

ARTICLE XVI

SECTION 93.

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

SECTION 94.

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

SECTION 95.

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

SECTION 96.

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

SECTION 97.

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

SECTION 98.

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

ARTICLE XVII

SECTION 99.

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

SECTION 100.

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

SECTION 101.

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

SECTION 102.

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

SECTION 103.

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

SECTION 104.

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

ARTICLE XVIII

SECTION 105.

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

SECTION 106.

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

SECTION 107.

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

SECTION 108.

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

SECTION 109.

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

SECTION 110.

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

ARTICLE XIX

SECTION 111.

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

SECTION 112.

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

SECTION 113.

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

SECTION 114.

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

SECTION 115.

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

SECTION 116.

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

ARTICLE XX

SECTION 117.

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

SECTION 118.

That the above-described improved property may be conveyed by appropriate instrument by the State of Georgia, acting by and through its State Properties Commission, to the City of Cedartown for good and valuable consideration as determined by the State Properties Commission so long as the property is used for public purpose and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 119.

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

SECTION 120.

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

SECTION 121.

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

SECTION 122.

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

ARTICLE XXI

SECTION 123.

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

SECTION 124.

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

SECTION 125.

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

SECTION 126.

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

SECTION 127.

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

SECTION 128.

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

ARTICLE XXII

SECTION 129.

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

SECTION 130.

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

SECTION 131.

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

SECTION 132.

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

SECTION 133.

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

ARTICLE XXIII

SECTION 134.

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

SECTION 135.

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

SECTION 136.

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

SECTION 137.

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

SECTION 138.

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

ARTICLE XXIV

SECTION 139.

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

SECTION 140.

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

SECTION 141.

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

SECTION 142.

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

SECTION 143.

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

SECTION 144.

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

ARTICLE XXV

SECTION 145.

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

SECTION 146.

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

SECTION 147.

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

SECTION 148.

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

SECTION 149.

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

SECTION 150.

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

ARTICLE XXVI
SECTION 151.

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

ARTICLE XXVII
SECTION 152.

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

Representative Neal of the 1st moved that the House agree to the Senate substitute to HR 95.

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

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

On the motion, the ayes were 160, nays 1.

The motion prevailed.

Representatives Beasley-Teague of the 65th and Welch of the 110th 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 Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

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 House:

HB 24. By Representatives Willard of the 49th, Lindsey of the 54th, Weldon of the 3rd, Dobbs of the 53rd, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend the Official Code of Georgia Annotated so as to substantially revise, supersede, and modernize provisions relating to evidence; to provide for legislative findings; to amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to move provisions relating to DNA analysis of persons convicted of certain crimes from Title 24 to Title 35; to change provisions relating to foreign language interpreters and interpreters for the hearing impaired; to amend the Official Code of Georgia Annotated so as to conform provisions to the new Title 24 and correct cross-references; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate insists on its amendment to the following bill of the House:

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 Senate has passed as amended, by the requisite constitutional majority, the following bill of the House:

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.

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

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.

The Senate has disagreed to the House amendment to the Senate substitute to the following bill of the House:

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 Senate has agreed to the House substitute to the following bill of the Senate:

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

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

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

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 Senate has adopted by the requisite constitutional majority the following resolution of the House:

HR 71. By Representative Maddox of the 172nd:

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

The following Resolutions of the House were read and adopted:

HR 1051. By Representative Watson of the 163rd:

A RESOLUTION honoring the life and memory of Dr. Cecil A. Hodges; and for other purposes.

HR 1052. By Representative Watson of the 163rd:

A RESOLUTION honoring the life and memory of Kent Rex Crenshaw; and for other purposes.

HR 1053. By Representatives Burns of the 157th and Purcell of the 159th:

A RESOLUTION recognizing and commending Mr. and Mrs. Charles Leon Usher; and for other purposes.

HR 1054. By Representatives Greene of the 149th, Hanner of the 148th, Powell of the 171st, Ralston of the 7th, Parrish of the 156th and others:

A RESOLUTION honoring the life and memory of the Honorable Jimmie Hodge Timmons, Jr.; and for other purposes.

HR 1055. By Representatives Stephens of the 161st, Gordon of the 162nd, Watson of the 163rd, Stephens of the 164th and Purcell of the 159th:

A RESOLUTION congratulating Mr. Willie Frank Grady on the occasion of his 100th birthday; and for other purposes.

HR 1056. By Representative Buckner of the 130th:

A RESOLUTION recognizing and commending Geneva Baptist Church on the occasion of its 100th anniversary; and for other purposes.

HR 1057. By Representative Crawford of the 16th:

A RESOLUTION Honoring the life and memory of Mr. Dean Clifton Houk; and for other purposes.

HR 1058. By Representatives Dukes of the 150th, Fullerton of the 151st and Rynders of the 152nd:

A RESOLUTION recognizing Albany Technical College on the occasion of its 50th anniversary; and for other purposes.

HR 1059. By Representatives Frazier of the 123rd, Jackson of the 142nd, Howard of the 121st, Brooks of the 63rd, Williams of the 89th and others:

A RESOLUTION recognizing and commending Mrs. Maybell Hughes Williams; and for other purposes.

HR 1060. By Representative Drenner of the 86th:

A RESOLUTION recognizing and commending Dr. James F. Gilsinan; and for other purposes.

HR 1061. By Representative Epps of the 128th:

A RESOLUTION recognizing and commending Kentavious Caldwell-Pope; and for other purposes.

HR 1062. By Representatives Jordan of the 77th, Stephens of the 161st and James of the 135th:

A RESOLUTION commending the Eta Lambda Chapter of Alpha Phi Alpha Fraternity, Inc.; and for other purposes.

HR 1063. By Representative Henson of the 87th:

A RESOLUTION honoring the life and memory of Mrs. Jackie Layne Barrett; and for other purposes.

HR 1064. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Thomas Eugene "Tommy" Gray, Sr.; and for other purposes.

HR 1065. By Representative Smith of the 70th:

A RESOLUTION recognizing the opening of Chattahoochee Bend State Park; and for other purposes.

HR 1066. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. Wilfred James "Jack" Jacques; and for other purposes.

HR 1067. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Darcile Music Chastain; and for other purposes.

HR 1068. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Ms. Allison L. McDaniel; and for other purposes.

HR 1069. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mrs. Aleece Strickland Jacques; and for other purposes.

HR 1070. By Representative Hatfield of the 177th:

A RESOLUTION honoring the life and memory of Mr. J. Baker McGee; and for other purposes.

HR 1071. By Representatives Mitchell of the 88th and Dawkins-Haigler of the 93rd:

A RESOLUTION commending Reverend, Dr. George Moore, Sr. and congratulating him on the occasion of his retirement; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

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.

Representative Nix of the 69th moved that the House insist on its position in disagreeing to the Senate amendment to HB 274 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Nix of the 69th, Smith of the 70th and Collins of the 27th.

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.

Representative Roberts of the 154th moved that the House insist on its position in amending the Senate substitute to HB 322 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Roberts of the 154th, Channell of the 116th and Knight of the 126th.

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

Mr. Speaker:

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

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

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

authority and duties with regard to aviation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to unfair trade practices, so as to provide that certain acts by residential contractors as they relate to insurance claims shall be considered violations of unfair trade practice; to provide for definitions; to provide for certain contractual requirements; to prohibit rebate or other compensation as inducement for an insured to enter into an agreement; to provide for notice language; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has adopted by substitute, by the requisite constitutional majority, the following resolution of the House:

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

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 following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide for certain agriculture related authorities and advisory commissions; to amend Part 8 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Agricultural Exposition Authority, so as to change certain provisions relating to creation of the authority and its membership, vacancies, compensation and reimbursement, and recordkeeping; to change certain provisions relating to authorization for department construction and acquisition of projects; to redesignate the provisions of said part as a new chapter in Title 2 of the Official Code of Georgia Annotated, relating to agriculture; to amend said Title 2 so as to make certain editorial revisions; to amend Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission and its membership, powers and duties, and automatic repeal of provisions related thereto, so as to change certain provisions relating to commission meetings; to extend an automatic termination provision; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended in Chapter 3 by deleting the reservations of Code Sections 2-3-1 through 2-3-12.

SECTION 2.

Part 8 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Agricultural Exposition Authority, is amended by revising Code Section 12-3-472, relating to creation of the authority and its membership, vacancies, compensation and reimbursement, and recordkeeping, as follows:

"12-3-472.

(a) There is created a body corporate and politic to be known as the Georgia Agricultural Exposition Authority which shall be deemed to be an instrumentality of the State of Georgia and a public corporation; and by that name, style, and title such body

may contract and be contracted with, sue and be sued, implead and be impleaded, and complain and defend in all courts of this state.

(b) The authority shall consist of ten members, including nine appointed members and the Commissioner of Agriculture, ex officio. Initially, appointed members shall serve staggered terms of office as follows: two members for one year, two members for two years, two members for three years, and three members for four years. Thereafter, each appointed member shall serve for a term of four years. All appointed members shall be appointed by the Governor, confirmed by the Senate, and shall serve until the appointment and qualification of a successor. The members appointed by the Governor shall be selected from the state at large but shall be representative of all of the geographic areas of the state. Such members also shall represent the state's agriculture and business interests. The Governor is authorized to appoint any elected or appointed state, county, municipal, or school board official or employee, except officials and employees of the legislative or judicial branches of state government, as members of the authority, and any person so appointed is authorized to serve as a member of the authority.

(c) All successors to appointed members shall be appointed in the same manner as original appointments. Vacancies in office of appointed members shall be filled in the same manner as original appointments. An appointment to fill a vacancy shall be for the unexpired term. The authority shall elect its own officers. No vacancy on the authority shall impair the right of the quorum to exercise all rights and perform all duties of the authority.

(d) The appointed members of the authority shall receive a daily expense allowance and reimbursement for transportation costs as provided for in Code Section 45-7-21; and the members of the authority shall not receive any other compensation for their services as such.

(e) The authority shall have perpetual existence. Any change in name or composition of the authority shall in no way affect the vested rights of any person under this part or impair the obligations of any contracts existing under this part.

(f) The members of the authority shall be accountable in all respects as trustees. The authority shall keep suitable and proper books and records of all receipts, income, and expenditures of every kind and shall submit for inspection all the books, together with the proper statement of the authority's financial position, to the state auditor.

(g) The authority is assigned to the Department of ~~Natural Resources~~ Agriculture for administrative purposes only."

SECTION 3.

Said part is further amended by revising Code Section 12-3-484, relating to authorization for department construction and acquisition of projects, as follows:

"12-3-484.

The Department of ~~Natural Resources~~ Agriculture is authorized to construct, erect, acquire, and own the project, as defined in this part. The costs of any such project may be paid from the proceeds of state general obligation or guaranteed revenue debt. The

department is authorized to contract with the authority, the State Properties Commission, the Georgia State Financing and Investment Commission, or with any other department, agency, commission, board, official, or person for the construction, operation, maintenance, funding, design, or use of such project."

SECTION 4.

Said part is further amended by redesignating Code Sections 12-3-470 through 12-3-484 as Code Sections 2-3-1 through 2-3-15, composing a new Chapter 3 in said Title 2 of the Official Code of Georgia Annotated, and by reserving the former Part 8 designation in said Article 7 of Chapter 3 of Title 12.

SECTION 5.

Code Section 20-14-90 of the Official Code of Georgia Annotated, relating to the Agricultural Education Advisory Commission and its membership, powers and duties, and the automatic repeal of provisions related thereto, is amended by revising paragraph (1) of subsection (e) and subsection (f) as follows:

"(e)(1) The commission may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this Code section. The commission shall meet upon the call of either co-chairperson. The commission shall meet ~~not less than two nor more than four times~~ at least once annually."

"(f) This part shall stand repealed on December 31, ~~2012~~ 2016."

SECTION 6.

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

Representative Dickson of the 6th moved that the House agree to the Senate substitute to HB 125.

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

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
Austin	Y Dollar	Y 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
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	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	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	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	N 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	E 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	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 161, nays 3.

The motion prevailed.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 125 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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 Senate substitute was read:

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.

~~(1)~~(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. However, a burn trauma center shall not be considered or treated as a trauma center for purposes of certificate of need requirements under state law or regulations, including exceptions to need and adverse impact standards allowed by the department for trauma centers or for purposes of identifying safety net hospitals.

~~(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.

Representative Harbin of the 118th moved that the House agree to the Senate substitute to HB 307.

On the motion, 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	Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Sims, B
Y Anderson	Y Dickey	Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Dobbs	Y Holt	Y Mitchell	Y Smith, K
Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Morris	Y Smith, R
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	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	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	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	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	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Wilkerson
Y Clark, J	Y Hanner	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	Manning	Y Rogers	Y Williams, R
Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 159, nays 1.

The motion prevailed.

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.

HB 114. By Representatives Powell of the 29th, Rice of the 51st, Battles of the 15th and Harden of the 28th:

A BILL to be entitled an Act to amend Code Section 40-11-5 of the Official Code of Georgia Annotated, relating to lien foreclosures on abandoned motor vehicles, so as to set the fee for filing an affidavit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned motor vehicles generally, so as to change a definition; to clarify the fee for filing a lien foreclosure affidavit; to provide for the disposition of certain contents

of abandoned vehicles; to provide for related matters; to repeal conflicting provisions; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned motor vehicles generally, is amended by revising Code Section 40-11-1, relating to definitions, as follows:

"40-11-1.

As used in this article, the term:

(1) 'Abandoned motor vehicle' means a motor vehicle or trailer:

(A) Which has been left by the owner or some person acting for the owner with an automobile dealer, repairman, or wrecker service for repair or for some other reason and has not been called for by such owner or other person within a period of 30 days after the time agreed upon; or within 30 days after such vehicle is turned over to such dealer, repairman, or wrecker service when no time is agreed upon; or within 30 days after the completion of necessary repairs;

(B) Which is left unattended on a public street, road, or highway or other public property for a period of at least five days and when it reasonably appears to a law enforcement officer that the individual who left such motor vehicle unattended does not intend to return and remove such motor vehicle. However, on the state highway system, any law enforcement officer may authorize the immediate removal of vehicles posing a threat to public health or safety or to mitigate congestion;

(C) Which has been lawfully towed onto the property of another at the request of a law enforcement officer and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage;

(D) Which has been lawfully towed onto the property of another at the request of a property owner on whose property the vehicle was abandoned and left there for a period of not less than 30 days without anyone having paid all reasonable current charges for such towing and storage; or

(E) Which has been left unattended on private property for a period of not less than 30 days.

(2) 'Motor vehicle' or 'vehicle' means motor vehicle or trailer.

(3) 'Owner' or 'owners' means the registered owner, the owner as recorded on the title, lessor, lessee, security interest holders, and all lienholders as shown on the records of the Department of Revenue <u>or the records from the vehicle's state of registration</u>."

SECTION 2.

Said article is further amended by revising subparagraph (B) of paragraph (3) of Code Section 40-11-5, relating to lien foreclosures on abandoned motor vehicles, as follows:

"(B) Regardless of the court in which the affidavit required by this paragraph is filed, the fee for filing such affidavit shall only be $10.00 per motor vehicle upon which a lien is asserted. Notwithstanding any law to the contrary, the affidavit filing fee shall not be taxed nor shall any additional fee or surcharge be assessed for such filing."

SECTION 3.

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

"40-11-10.

(a) As used in this Code section, the term 'contents' means only the following:

(1) Prescription drugs or eyewear;

(2) Personal documents, including, but not limited to, birth records, passports, or death records;

(3) Firearms;

(4) Medical devices;

(5) Child safety restraining devices; or

(6) Keys, except the keys to the abandoned motor vehicle.

(b) Any person who stores an abandoned motor vehicle pursuant to the provisions of this article shall allow the owner of such vehicle to retrieve the contents from such vehicle, and the owner of a motor vehicle shall be allowed to retrieve contents and any other item from such vehicle if such retrieval occurs within the first 30 days that such vehicle is stored.

(c) Prior to the sale or other final disposition of an abandoned motor vehicle, if the person who stores such vehicle locates contents, as defined in paragraphs (1) through (3) of subsection (a) of this Code section, in such vehicle, such person shall surrender such contents to the nearest law enforcement agency."

SECTION 4.

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

Representative Powell of the 29th moved that the House agree to the Senate substitute to HB 114.

On the motion, 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	Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	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	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	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	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 1.

The motion prevailed.

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 114 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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.

Representative Martin of the 47th moved that the House insist on its position in substituting SB 140.

The motion prevailed.

HB 107. By Representatives Ralston of the 7th, Bearden of the 68th, Parsons of the 42nd, Powell of the 171st, Purcell of the 159th and others:

A BILL to be entitled an Act to amend Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, so as to provide that the surviving spouse and dependents of a state employee killed while acting in the scope of his or her employment shall be entitled to continue coverage under the state health insurance plan under certain conditions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, so as to provide that the surviving spouse and dependents of a state employee killed while acting in the scope of his or her employment shall be entitled to continue coverage under the state health insurance plan under certain conditions; 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.

Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, is amended by revising subsection (e) as follows:

"(e) If any employee of this state is killed while acting within the scope of his or her employment or receives bodily injury while acting within the scope of his or her employment that directly results in death thereafter, eligible dependents may continue coverage, provided that:

(1) The deceased employee was the primary or principal beneficiary of any contract or contracts for health insurance established under this part;

(2) At the time of death, the employee included his or her eligible dependents under such contract or contracts for health insurance;

(3) At the time of death, the employee maintained continuous coverage during the period between injury and death;

(4) The eligible dependents agree to pay the contributions to the cost of such coverage; and

(5) The eligible dependents pay such contributions in accordance with the rules and regulations promulgated and adopted by the board governing the continuance, discontinuance, and resumption of coverage by such eligible dependents; provided, however, that, on and after the effective date of this clause, any eligible dependents of a deceased employee of this state killed in the line of duty who are receiving continued coverage or who elect to continue coverage pursuant to this subsection shall be entitled to continue such coverage under the health insurance plan established pursuant to this part upon agreeing to pay contributions at the same rate as required for state employees and in compliance with the rules and regulations governing such coverage."

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.

By unanimous consent, further consideration of HB 107 was suspended until later in the legislative day.

HB 137. By Representatives Sheldon of the 105th, Roberts of the 154th and Burns of the 157th:

A BILL to be entitled an Act to amend provisions of the O.C.G.A. relating to the Department of Transportation; to amend Title 32 of the O.C.G.A., relating to highways, bridges, and ferries, so as to change definitions; to amend Title 33 of the O.C.G.A., relating to insurance, so as to exempt the department from having to provide accident reports to attorneys in certain situations; to amend Title 36 of the O.C.G.A., relating to local government, so as to require cities to include certain information in annexation reports; to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to provide that designees of the department may charge for accident reports; to amend Title 50 of the O.C.G.A., relating to state government, so as to provide that government agencies cannot charge other government agencies for geographic information; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend provisions of the Official Code of Georgia Annotated, relating to the Department of Transportation; to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change definitions; to clarify the duties of the treasurer; to clarify the term of the planning director and eliminate the bonding requirement; to remove the requirement of including the ZIP Code designation on official maps and lists; to clarify procedures for removing asbestos pipe for utility facilities; to allow counties and cities to send updated information to the department using digital files; to limit liability of law enforcement officers and the department during periods of emergencies; to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt the department from having to provide accident reports in certain situations; to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to require cities to include certain information in annexation reports; to provide that the department is not required to obtain cemetery redevelopment permits except in certain instances; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide that designees of the department may charge for accident reports; to request electronic submission of certain accident reports by law enforcement agencies; 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.

Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, is amended by revising paragraphs (24) and (30) of Code Section 32-1-3, relating to definitions, as follows:

"(24) 'Public road' means a highway, road, street, avenue, toll road, tollway, drive, detour, or other way that either is open to the public or has been acquired as right of way, and is intended ~~or~~ to be used for ~~its~~ enjoyment by the public and for the passage of vehicles in any county or municipality of Georgia, including but not limited to the following public rights, structures, sidewalks, facilities, and appurtenances incidental to the construction, maintenance, and enjoyment of such rights of way:

(A) Surface, shoulders, and sides;
(B) Bridges;
(C) Causeways;
(D) Viaducts;
(E) Ferries;
(F) Overpasses;
(G) Underpasses;
(H) Railroad grade crossings;
(I) Tunnels;
(J) Signs, signals, markings, or other traffic control devices;
(K) Buildings for public equipment and personnel used for or engaged in administration, construction, or maintenance of such ways or research pertaining thereto;
(L) Wayside parks;
(M) Parking facilities;
(N) Drainage ditches;
(O) Canals and culverts;
(P) Rest areas;
(Q) Truck-weighing stations or check points; and
(R) Scenic easements and easements of light, air, view, and access."

"(30) 'Utility' means any publicly, privately, or cooperatively owned line, facility, or system for producing, transmitting, or distributing communications, power, electricity, light, heat, gas, oil products, water, steam, clay, waste, storm water not connected with highway drainage, and other similar services and commodities, including publicly owned fire and police ~~and traffic~~ signals and street lighting systems, which directly or indirectly serve the public. This term also means a person, municipal corporation, county, state agency, or public authority which owns or manages a utility as defined in this paragraph."

SECTION 2.

Said title is further amended by revising subsection (c) of Code Section 32-2-42, relating to the appointment and responsibilities of the deputy commissioner, chief engineer, treasurer, and assistant treasurer, as follows:

"(c) The commissioner shall appoint a treasurer of the department to serve at the pleasure of the commissioner. Before assuming the duties of his or her office, the treasurer shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of $500,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office. The premium for the bond shall be paid out of the funds of the department. The duties of the treasurer shall be to receive all funds from all sources to which the department is entitled, to account for all funds received by the department, to adjust for additional appropriations or balances brought forward from previous years with the prior approval of the Office of Planning and Budget, and to perform such other duties as may be required of him or her by the commissioner. The commissioner shall have the authority to appoint an assistant treasurer in the same manner and under the same conditions as set forth in this subsection for the appointment of the treasurer, including the qualifying in advance by giving bond of the same type, amount, and paid for in the same manner as required of the treasurer. The assistant treasurer shall assume the duties of office of treasurer upon the incapacity or death of the treasurer and shall serve until a new treasurer is appointed as provided in this subsection."

SECTION 3.

Said title is further amended by revising subsection (a) of Code Section 32-2-43, relating to the appointment and responsibilities of the director of planning, as follows:

"(a) There shall be a director of planning appointed by the Governor subject to approval by a majority vote of both the House Transportation Committee and the Senate Transportation Committee. The director shall serve during the term of the Governor by whom he or she is appointed and at the pleasure of the Governor. ~~Before assuming the duties of his or her office, the director shall qualify by giving bond with a corporate surety licensed to do business in this state, such bond to be in the amount of $500,000.00 and payable to the Governor and his or her successors in office. The bond shall be subject to the approval of the Governor and shall be conditioned on the faithful discharge of the duties of the office. The premium for the bond shall be paid out of the funds of the department.~~ If the Governor's term expires and the incoming Governor has not made an appointment, the current director of planning may serve until a replacement is appointed by the incoming Governor and confirmed by the House and Senate Transportation Committees."

SECTION 4.

Said title is further amended by revising paragraph (2) of subsection (a) and by adding a new subsection to Code Section 32-4-2, relating to the official map of public roads and records pertaining thereto, as follows:

"(2)(A) The department shall prepare an official list of all portions or features of the state highway system, including without limitation public roads, bridges, or interchanges, which have been named by Act or resolution of the General Assembly or by resolution of the State Transportation Board. The department shall update the list to reflect any additions or changes as soon as is reasonably possible; and such list, as periodically revised, shall be open for public inspection. For each such named portion or feature of the state highway system, the list shall specify without limitation the official name; the state highway system route number; the name of each county ~~and the number of each five-digit postal ZIP Code area~~ wherein the named portion or feature is located; a citation to the Act or resolution of the General Assembly or the resolution of the State Transportation Board officially naming such portion or feature; and a brief biographical, historical, or other relevant description of the person, place, event, or thing commemorated by such naming.

(B) The department may contract with a state historical society to make such list available in electronic format free of charge to Internet users, provided that any web page providing such list pursuant to this subparagraph shall be searchable without limitation by county name ~~or five-digit postal ZIP Code~~."

"(g) For purposes of this chapter, state maps and written records shall only be maintained on public roads which are open to public travel."

SECTION 5.

Said title is further amended by revising Code Section 32-4-4, relating to removal of asbestos pipe from utility facilities, as follows:

"32-4-4.

(a) As used in this Code section, the term 'entity' means a county, a municipality, a consolidated government, or a local authority.

(b) Whenever existing utility facilities owned and operated by an entity contain asbestos pipe and such ~~pipe~~ facility exists in the public rights of way of any highway, road, ~~bridge, or other transportation project~~ or street authorized pursuant to this title, and the entity determines that such ~~pipe~~ facility should no longer be utilized, the entity that owns and operates the utility facility shall file a notice of abandonment with the department if the facility is located upon the public rights of way under the authority of the department. Upon abandonment, the entity shall have the discretion to:

(1) Remove and dispose of the asbestos pipe in accordance with federal laws and regulations;

(2) Leave the asbestos pipe in place and fill it with grout or other similar substance designed to harden within the pipe; or

(3) Allow the pipe to remain undisturbed in the ground and take no further action.

(c) At the request of the department or entity, any asbestos pipe left in the right of way as authorized by subsection (b) of this Code section shall be marked so as to be locatable.

(d) ~~Any costs, claims, or other liability associated with the entity's decision pursuant to subsection (b) of this Code section shall be borne by the entity and may be subject to offset by the department.~~ The entity shall not relinquish the ownership of said facility as stated in subsection (h) of Code Section 25-9-7 and Code Section 32-6-174. The facility shall be deemed abandoned and out of service."

SECTION 6.

Said title is further amended by revising paragraph (4) of Code Section 32-4-41, relating to the duties of a county with respect to the county road system, as follows:

"(4) A county shall keep on file in the office of the county clerk, available for public inspection, the map of the county road system prepared by the department as provided for in subsection (a) of Code Section 32-4-2. In addition to keeping on file a map of the county road system, the county shall notify the department within three months after a county road is added to the local road or street system and shall further notify the department within three months after a local road or street has been abandoned. This notification shall be accompanied by ~~a~~ an appropriate digital file, map, or plat depicting the location of the new or abandoned road;"

SECTION 7.

Said title is further amended by revising subsection (b) of Code Section 32-4-91, relating to the construction and maintenance of municipal street systems, as follows:

"(b) A municipality shall notify the department within three months after a municipal street is added to the municipal street system and shall further notify the department within three months after a municipal street is abandoned. This notification shall be accompanied by ~~a~~ an appropriate digital file, map, or plat depicting the location of the new or abandoned street."

SECTION 8.

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

"32-6-4.

State or local law enforcement officers, including fire department officials, and the department are authorized, upon the issuance of an executive order by the Governor declaring a state of emergency, with or without the consent of the owner, to remove or have removed any natural or manmade obstruction, cargo, or other personal property which is abandoned, unattended, or damaged and the law enforcement officer or the department determines such object to be a threat to public health or safety or to be contributing to traffic congestion. Any person, contractor, towing service, or other entity that is removing an obstruction, cargo, or other personal property pursuant to the instruction of a law enforcement officer, an official of a fire department acting under the authority of paragraph (1) of Code Section 25-3-1 or paragraph (3) of Code Section

25-3-2, or the department, and under the provisions of this Code section, shall be liable for damage or harm at the location where the obstruction, cargo, or other personal property was left abandoned or unattended, only when the person, contractor, towing service, or other entity was grossly negligent in the performance of his or her assigned duties; provided, however, nothing in this Code section shall limit liability for any damage or harm caused at a location different from the location where the obstruction, cargo, or other personal property was left abandoned or unattended."

SECTION 9.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsection (c) of Code Section 33-24-53, relating to the prohibition of compensation for referrals to attorneys, as follows:

"(c) With respect to a motor vehicle accident, no employee of any law enforcement agency or the Department of Transportation shall allow any person, including an attorney, health care provider, or their agents, to examine or obtain a copy of any accident report or related investigative report when the employee knows or should reasonably know that the request for access to the report is for commercial solicitation purposes. No person shall request any law enforcement agency or the Department of Transportation to permit examination or to furnish a copy of any such report for commercial solicitation purposes. For purposes of this subsection, a request to examine or obtain a copy of a report is for 'commercial solicitation purposes' if made at a time when there is no relationship between the person or his or her principal requesting the report and any party to the accident, and there is no apparent reason for the person to request the report other than for purposes of soliciting a business or commercial relationship. All persons, except law enforcement personnel and persons named in the report shall be required to submit a separate written request to the law enforcement agency or the Department of Transportation for each report. Such written request shall state the requestor's name, address, and the intended use of the report in sufficient detail that the law enforcement agency or the Department of Transportation may ascertain that the intended use is not for commercial solicitation purposes. The law enforcement agency or the Department of Transportation shall file each written request with the original report. No person shall knowingly make any false statement in any such written request."

SECTION 10.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising subsections (a) and (b) of Code Section 36-36-3, relating to property annexed by municipalities, as follows:

"(a) The clerk, city attorney, or other person designated by the governing authority of any municipality annexing property shall file a report identifying any property annexed with the Department of Community Affairs and with the county governing authority of the county in which the property being annexed is located. Such reports shall be filed, at a minimum, not more than 30 days following the last day of the quarter in which the

annexation becomes effective but may be filed more frequently. Each report shall include the following:

(1) The legal authority under which the annexation was accomplished, which shall be the ordinance or resolution number for any annexation effected pursuant to Article 2, 3, 4, or 6 of this chapter or the Act number if effected by local Act of the General Assembly;

(2) The name of the county in which the property being annexed is located; the total acreage annexed; the enactment date and effective date of the annexation ordinance, resolution, or local Act of the General Assembly; ~~and~~

(3) A letter from the governing authority of any municipality annexing property stating their intent to add the annexed area to maps provided by the United States Bureau of the Census during their next regularly scheduled boundary and annexation survey of the municipality and stating that the survey and map will be completed as instructed and returned to the United States Bureau of the Census~~.~~; and

(4) A list identifying roadways, bridges, and rights of way on state routes that are annexed and, if necessary, the total mileage annexed.

(b) The submission of a report required under subsection (a) of this Code section shall be made in writing and may also be made in electronic format to the Department of Community Affairs and to others as required, at the discretion of the submitting municipality."

SECTION 11.

Said title is further amended by adding a new subsection to Code Section 36-72-14, relating to a permit for development of land on which a cemetery is located, as follows:

"(c) The provisions of this chapter notwithstanding, the Department of Transportation shall not be required to obtain a permit under this chapter unless human remains are to be relocated; provided, however, that the department shall be required to obtain an archaeologist's report, pursuant to paragraph (2) of Code Section 36-72-5, confirming the absence of human remains on the affected property."

SECTION 12.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-9-30, relating to fees for copies of accident reports, as follows:

"40-9-30.

The Department of Transportation, or its third-party designee, shall charge a fee of $5.00 for each copy of any accident report received and maintained by that department or its designee pursuant to Code Section 40-6-273."

SECTION 13.

Said title is further amended by revising Code Section 40-9-31, relating to submission of accident reports, as follows:

"40-9-31.

Each state and local law enforcement agency shall submit to the Department of Transportation the original document of any accident report prepared by such law enforcement agency or submitted to such agency by a member of the public. If the Department of Driver Services receives a claim requesting determination of security, the Department of Transportation shall provide a copy or an electronic copy of any relevant accident reports to the Department of Driver Services. ~~A~~ Any law enforcement agency may transmit the information contained on the accident report form by electronic means, provided that the Department of Transportation has first given approval to the reporting agency for the electronic reporting method utilized. The law enforcement agency shall retain a copy of each accident report. Any law enforcement agency that transmits the data by electronic means must transmit the data using a nonproprietary interchangeable electronic format and reporting method. For purposes of this Code section, the term 'nonproprietary' shall include commonly used report formats. All such reports shall be submitted to the Department of Transportation not more than 15 days following the end of the month in which such report was prepared or received by such law enforcement agency. The Department of Transportation is authorized to engage the services of a third party in fulfilling its responsibilities under this Code section."

SECTION 14.

This Act shall become effective on July 1, 2011.

SECTION 15.

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

Representative Sheldon of the 105th moved that the House agree to the Senate substitute to HB 137.

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Mayo	E 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	Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Dollar	Y Horne	Y Morgan	Y 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	Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton

Y Braddock	Y Evans	Y Jasperse	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
Bryant	Y Frazier	Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	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	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 159, nays 1.

The motion prevailed.

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.

HB 186. By Representatives Nix of the 69th, Davis of the 109th, Coleman of the 97th, Carter of the 175th, Clark of the 104th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to provide and expand career pathway options for high school students to ensure their career and college readiness; 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 establishment of soft skills certification by the Governor's Office of Workforce Development; to provide for collaboration with the Department of Education to enable high school students to attain soft skills certification; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide and expand career pathway options for high school students to ensure their career and college readiness; to provide for legislative findings; to provide for coordination between the State Board of Education, the Board of Regents of the University System of Georgia, and the Board of Technical and Adult Education; to provide for focused programs of study; to provide measures to minimize the need for remedial course work for students in postsecondary institutions; to require academic core standards to be embedded in career, technical, and agricultural education courses; to provide for end-of-course assessments; to provide for course credit for demonstrated proficiency; to provide for certain requirements relating to dual credit courses; to provide for enrollment counts for students in dual credit programs; to repeal a Code section relating to enrollment in postsecondary courses; to provide that certain provisions relating to individual graduation plans may not be waived; 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 establishment of soft skills certification by the Governor's Office of Workforce Development; to provide for collaboration with the Department of Education to enable high school students to attain soft skills certification; 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.

The General Assembly finds:

(1) Our state's long-term prosperity depends on supporting an education system that is designed to prepare our students for a global economy;

(2) High school students and parents must understand that they have options for career pathway programs of study that join a college-ready academic core with quality career, technical, and agricultural education studies that result in a high school diploma and preparation for success in advanced training, an associate's degree, a baccalaureate degree, and a career;

(3) Local school systems must provide every student with choices that are academically rigorous and aligned to opportunities in high-demand, high-skill, high-wage career fields and to postsecondary career and technical pathways leading to advanced credentials or degrees;

(4) The State Board of Education, the Board of Regents of the University System of Georgia, and the Board of Technical and Adult Education must work together so that academic courses that are embedded within career, technical, and agricultural education courses (CTAE) are given appropriate academic credit at the high school level and recognized at the postsecondary level;

(5) Teachers should be provided with professional development opportunities that enforce the academically rigorous standards in relevant, project based coursework;

(6) High school students should clearly understand the options for dual high school and postsecondary credit, and the state should properly fund these options;

(7) Every state education agency, postsecondary institution, and local school system should provide all high school students with opportunities for accelerated learning through dual credit coursework leading to at least six postsecondary credits and have as a collective goal to graduate every student with postsecondary credit;

(8) Georgia's strategic industries must be partners in our public education system (secondary and postsecondary) so that they are assured that our high school graduates are prepared for success in the workforce;

(9) Georgia's public education system must incorporate many different types of assessments and certificates into their programs so that a student's skill level is assessed and that it also has meaning to them for postsecondary and career success; and

(10) Georgia's students must understand that a high school diploma and some form of postsecondary credential are key to success in the workforce and earning a family living wage.

SECTION 2.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by revising subsection (e) of Code Section 20-2-82, relating to contract terms for local school systems requesting flexibility, as follows:

"(e) The state board shall be authorized to approve a waiver or variance request of specifically identified state rules, regulations, policies, and procedures or provisions of this chapter upon the inclusion of such request in the local school system's proposed contract and in accordance with subsection (b) of Code Section 20-2-84. The goal for each waiver and variance shall be improvement of student performance. The state board shall not be authorized to waive or approve variances on any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; ~~or~~ the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A local school system that has received a waiver or variance shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 3.

Said chapter is further amended by revising Code Section 20-2-140, relating to the establishment of competencies and a uniformly sequenced core curriculum, as follows:

"20-2-140.

(a) The State Board of Education shall establish competencies that each student is expected to master prior to completion of the student's public school education. The state board shall also establish competencies for which each student should be provided opportunities, at the discretion of the student and the student's parents, to master. Based upon these foregoing competencies, the state board shall adopt a uniformly sequenced core curriculum for grades kindergarten through 12. Each local unit of administration shall include this uniformly sequenced core curriculum as the basis for its own curriculum, although each local unit may sequence, expand, and enrich this curriculum to the extent it deems necessary and appropriate for its students and communities.

(b) The State Board of Education, working with the Board of Regents of the University System of Georgia and the Board of Technical and Adult Education, shall establish college and career readiness competency standards in reading, writing, and mathematics aligned with the core curriculum adopted by the state board pursuant to subsection (a) of this Code section with the level of performance necessary to meet college-readiness standards in the state's technical colleges, community colleges, state colleges, and universities and in other advanced training programs.

(c) The Board of Technical and Adult Education shall require its institutions to accept core curriculum coursework completed by high school students for purposes of admission into its institutions. This Code section shall apply beginning with students entering such postsecondary institutions in the fall of 2012."

SECTION 4.

Said chapter is further amended by revising subsection (a) of Code Section 20-2-157, relating to the uniform reporting system for certain purposes, as follows:

"(a) It is the intent of the General Assembly to establish a uniform reporting system to be used as one of the criteria to determine eligibility of students seeking ~~enrollment in postsecondary courses pursuant to Code Section 20-2-161.1 or seeking~~ educational scholarships, grants, or loan assistance administered by the Georgia Student Finance Commission pursuant to Article 7 of Chapter 3 of this title."

SECTION 5.

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

"20-2-159.1.

No later than July 1, 2012, the Department of Education shall develop, and the State Board of Education shall approve, state models and curriculum framework for the following focused programs of study, as defined in Code Section 20-2-326, including, but not limited to:

(1) Agriculture, food, and natural resources;

(2) Architecture and construction;

(3) Arts, audio-video technology, and communications;

(4) Business, management, and administration;

(5) Education and training;

(6) Finance;
(7) Health science;
(8) Hospitality and tourism;
(9) Human services;
(10) Information technology;
(11) Law, public safety, and security;
(12) Manufacturing;
(13) Government and public administration;
(14) Marketing, sales, and service;
(15) Science, technology, engineering, and mathematics; and
(16) Transportation, distribution, and logistics.

Such focused programs of study may be combined around these and other related clusters.

20-2-159.2.

Stronger coordination between high schools and institutions of higher education is necessary to prepare students for more challenging postsecondary endeavors and to lessen the need for academic remediation in college, thereby reducing the costs of higher education for students, families, and the state. To this end, the State Board of Education, the Board of Regents of the University System of Georgia, and the Board of Technical and Adult Education shall:

(1) Develop policies to ensure that students who complete the core curriculum established pursuant to Code Section 20-2-140 will meet the requirements for purposes of admission into a postsecondary institution, such as grade point average and readiness levels in reading, writing, and mathematics, without having to take remedial coursework. Such policies shall:

(A) Establish the benchmarks for college readiness and the method in which students can demonstrate readiness in reading, writing, and mathematics for postsecondary coursework upon completing the core curriculum; and

(B) Set the conditions for ensuring college readiness;

(2) Define college-readiness standards in reading, writing, and mathematics needed for success in advanced training, certificate programs, and programs leading to an associate's or bachelor's degree;

(3) Identify one or more state-wide common assessments to determine postsecondary readiness in reading, writing, and mathematics and inform students of their performance on such assessments no later than the end of tenth grade;

(4) Develop transitional courses in reading, writing, and mathematics with common standards, syllabus, and instruction materials for eleventh and twelfth grade students who fail to meet readiness standards; and

(5) Ensure dual credit courses reflect postsecondary coursework.

20-2-159.3.

(a) The competencies and curricula established for career, technical, and agricultural education courses pursuant to Code Section 20-2-140 shall include embedded standards in academic core subject areas, as appropriate. In establishing such competencies and curricula, the state board shall work to ensure that the coursework meets postsecondary requirements for acceptance of credit for such coursework at the postsecondary level. Such courses shall be taught by a highly qualified teacher in the academic content and trained or experienced in contextualized learning using project based methods; by a highly qualified career, technical, and agricultural education teacher who has completed a state-approved training program to strengthen academic content and has passed a state-approved exam for demonstrating mastery of academic content; or by a team made up of a highly qualified teacher in the academic content and a highly qualified career, technical, and agricultural education teacher working together to teach the course.

(b) Local school systems and individual charter schools may develop and implement career, technical, and agricultural courses with embedded standards in academic core subjects areas, including, but not limited to, English, language arts, science, social studies, and mathematics.

(c) For an academic core subject area for which an end-of-course assessment has been adopted pursuant to Code Section 20-2-281, students shall be given the opportunity to take such end-of-course assessment upon completion of the career, technical, and agricultural education course that includes embedded standards in such academic core subject area, unless such student has already passed such end-of-course assessment.

(d) Students who successfully complete a course in career, technical, and agricultural education that includes embedded standards in academic core subject areas, as adopted or approved by the state board, shall receive course credit for both the career, technical, and agricultural education course as well as for the academic core coursework embedded in such course.

(e) The guidelines shall limit the number of academic credits earned through career, technical, and agricultural education courses for any student to three credits and shall ensure acceptance of such credits for purposes of admission into a postsecondary institution. Further, such a credit shall count only once toward high school diploma requirements unless the course requires expanded time to cover the academic and career, technical, and agricultural education content found in both the academic and the career, technical, and agricultural education course.

20-2-159.4.

(a) The State Board of Education, in consultation with the Board of Regents of the University System of Georgia and the Board of Technical and Adult Education, shall adopt policies and establish guidelines for awarding units of high school credit to students based on a demonstration of subject area competency, instead of or in combination with completion of courses of classroom instruction. Such policies and guidelines shall clearly delineate the manner in which students can earn credit, how

mastery of standards will be assessed, how locally developed assessments will be reviewed and approved, how such credit will be recorded on high school transcripts, and when outcomes as a result of these policies and guidelines will be reviewed. The state board shall adopt such policies and establish guidelines, and such policies and guidelines shall be applicable beginning with the 2012-2013 school year.

(b) Students may earn credits through:

(1) The completion of courses; or

(2) The testing out or otherwise demonstrating mastery of the course content.

(c) The state board shall identify assessments, including various commercial assessments, for immediate use for students to demonstrate subject area competency, which may include, but not be limited to:

(1) Advanced placement exams;

(2) ACT course assessment;

(3) Industry-specific certificates and credentials for career, technical, and agricultural education courses;

(4) College Level Examination Program (CLEP) exams; and

(5) Nationally recognized foreign language performance assessments.

The state board shall establish a process for reviewing and approving performance based assessments developed commercially, by the state, or by a local school system. Initially, the state board shall limit the number of credits earned though such educational options to three credits per student until the practice is proven to yield student outcomes at least equivalent to those found in standard seat-time courses. The policy shall ensure that credit for demonstrated proficiency is reported on student transcripts in the same way that seat-time credit is recorded. The state board shall review such policy after three years to determine if student outcomes from these educational options are equivalent to, if not better than, student outcomes in traditional courses.

(d) Each local school system shall comply with the state board's plan adopted pursuant to this Code section and shall award units of high school credit in accordance with such plan. Local boards of education and charter schools shall establish implementation policies and shall be prohibited from setting policies that negate or otherwise prohibit access to such plan.

20-2-159.5.

(a) For purposes of this Code section, the term:

(1) 'Dual credit course' means any arrangement whereby an eligible student takes one or more courses, including virtual courses, at or through an eligible institution while still enrolled as a public high school student and receives credit both at the high school and at the eligible institution.

(2) 'Eligible institution' means any eligible postsecondary institution as defined in paragraph (7) of Code Section 20-3-519.

(3) 'Eligible student' means a student entering ninth through twelfth grades who attends a public high school in this state and takes at least two courses per day on campus.

(4) 'Secondary credit' means high school credit for dual credit courses taken at an eligible institution.

(b) The department, the Board of Regents of the University System of Georgia, and the Board of Technical and Adult Education shall jointly:

(1) Establish the conditions under which high school students may earn dual credit for coursework completed while in high school. Such conditions shall include demonstration by students as to college readiness in reading, writing, and mathematics required for advanced training leading to a certificate, an associate's degree, or a bachelor's degree in order to receive dual credit as set forth in this Code section. A student who meets reading and writing readiness standards shall qualify to enroll in any dual credit course except in courses that require a strong mathematics foundation. To qualify for such mathematics courses, students shall be required to meet mathematics readiness standards as set forth in this Code section. Students who fail to meet these conditions may enroll in such courses if they enroll concurrently in specially designed courses to address their deficits in reading and writing or mathematics or both and shall be awarded dual credit if they meet readiness standards before or at the point they successfully complete the dual credit course;

(2) Develop appropriate forms and counseling guidelines for dual credit courses and shall make such forms and guidelines available to local school systems and eligible institutions. No later than the first day of April each year, each local school system shall provide general information about dual credit courses, including such forms, to all its eighth through eleventh grade students. A local school system shall also provide counseling services in accordance with the counseling guidelines provided by the department to such students and their parents or guardians before the students enroll in a dual credit course. Prior to participating in a dual credit course, the student and the student's parent or guardian shall sign the form provided by the school system or by an eligible institution stating that they have received the counseling specified in this Code section and that they understand the responsibilities that shall be assumed in participating in the dual credit program; and

(3) Establish policies to ensure that dual credit courses reflect college-level work in order for such courses to yield dual credit, which shall include:

(A) Establishing college-readiness standards in reading, writing, and mathematics that students must meet to enroll in dual credit courses;

(B) Setting minimum eligibility requirements for earning college credit while in high school and for all state postsecondary institutions to apply to both academic and career, technical, and agricultural education dual credit courses;

(C) Establishing the same content standards, requirements for faculty, course syllabi, and end-of-course exams for dual credit academic and career, technical, and agricultural education courses, whether taught to high school or college students;

(D) Developing a state-wide system for the transfer of college credits earned through dual credit courses; and

(E) Determining how dual enrollment will be monitored to assure programs meet state standards for college-level work.

(c) Any eligible student may apply to an eligible institution to take one or more dual credit courses at or through that institution which are approved for secondary credit in accordance with the conditions established pursuant to subsection (d) of this Code section. If accepted at an eligible institution, such eligible student may take any such course at that institution, whether or not the course is taught during the regular public school day, and receive secondary credit therefor under the conditions provided in this Code section.

(d)(1) A local school system shall grant academic credit to an eligible student enrolled in a dual credit course in an eligible institution if that course has been approved by the State Board of Education or in a virtual course approved by the State Board of Education if such student successfully completes such course. The State Board of Education shall approve any such course which is substantially comparable to a state approved course. The secondary credit granted shall be for the comparable course approved by the State Board of Education. Upon completion of an eligible institution's approved course, the eligible student shall be responsible for requesting that the institution notify the student's local school system regarding his or her grade in that course.

(2) Secondary school credits granted for dual credit courses under paragraph (1) of this subsection shall be counted toward State Board of Education graduation requirements and subject area requirements of the local school system. Evidence of successful completion of each course and secondary credits granted shall be included in the eligible student's secondary school records.

(3) Following the grant of postsecondary credit for successful completion of any dual enrollment course, when a student enrolls in an eligible institution after leaving secondary school, that eligible institution shall award postsecondary credit for any dual credit course successfully completed on the same basis on which such credits are customarily awarded. An eligible institution shall not charge a student for the award of such postsecondary credit.

(4) The department shall consult the Board of Regents of the University System of Georgia and the State Board of Technical and Adult Education in developing rules and regulations to be recommended to the State Board of Education for approval regarding the eligibility criteria for dual credit courses.

(e) The State Board of Education shall establish rules and regulations relating to applicable state and federal testing requirements for eligible students participating in dual credit courses.

(f) Any person who knowingly makes or furnishes any false statement or misrepresentation, or who accepts such statement or misrepresentation knowing it to be false, for the purpose of enabling an eligible institution to obtain wrongfully any payment under this Code section shall be guilty of a misdemeanor.

(g) Students enrolled in the Georgia Youth Apprenticeship Program under Code Section 20-2-161.2 shall be eligible to earn dual credit upon completing a planned training experience under guidelines developed by the State Board of Education and the Board of Technical and Adult Education provided students meet postsecondary readiness established in reading and writing and mathematics for the particular advanced training program or associate's degree."

SECTION 6.

Said article is further amended by revising subsection (a) of Code Section 20-2-160, relating to determination of enrollment by instructional program, as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319.1; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. ~~A student who is enrolled in an eligible institution under the program established in Code Section 20-2-161.1 may be counted for the high school program for only that portion of the day that the student is attending the high school for those segments that are eligible to be counted under this subsection.~~ A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such

regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 7.

Said chapter is further amended by repealing and reserving Code Section 20-2-161.1, relating to enrollment in postsecondary courses.

SECTION 8.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-244, relating to waivers to improve student performance, as follows:

"(b) The State Board of Education is not authorized to waive any federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; the prevention of unlawful conduct; any laws relating to unlawful conduct in or near a public school; any reporting requirements pursuant to Code Section 20-2-320 or Chapter 14 of this title; ~~or~~ the requirements of Code Section 20-2-211.1; or the requirements in subsection (c) of Code Section 20-2-327. A school or school system that has received a waiver shall remain subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133, and shall remain open to enrollment in the same manner as before the waiver request."

SECTION 9.

Said chapter is further amended by revising subsection (b) of Code Section 20-2-2065, relating to waiver of provisions of Title 20 for charter schools, as follows:

"(b) In determining whether to approve a charter petition or renew an existing charter, the local board and state board shall ensure that a charter school, or for charter systems, each school within the system, shall be:

(1) A public, nonsectarian, nonreligious, nonprofit school that is not home based, provided that a charter school's nonprofit status shall not prevent the school from contracting for the services of a for profit entity and that nothing in this Code section shall preclude the use of computer and Internet based instruction for students in a virtual or remote setting;

(2) Subject to the control and management of the local board of the local school system in which the charter school is located, as provided in the charter and in a manner consistent with the Constitution, if a local charter school;

(3) Subject to the supervision of the state board, as provided in the charter and in a manner consistent with the Constitution, if a state chartered special school;

(4) Organized and operated as a nonprofit corporation under the laws of this state; provided, however, that this paragraph shall not apply to any charter petitioner that is a local school, local school system, or state or local public entity;

(5) Subject to all federal, state, and local rules, regulations, court orders, and statutes relating to civil rights; insurance; the protection of the physical health and safety of school students, employees, and visitors; conflicting interest transactions; and the prevention of unlawful conduct;

(6) Subject to all laws relating to unlawful conduct in or near a public school;

(7) Subject to an annual financial audit conducted by the state auditor or, if specified in the charter, by an independent certified public accountant licensed in this state;

(8) Subject to the provisions of Part 3 of Article 2 of Chapter 14 of this title, and such provisions shall apply with respect to charter schools whose charters are granted or renewed on or after July 1, 2000;

(9) Subject to all reporting requirements of Code Section 20-2-160, subsection (e) of Code Section 20-2-161, Code Section 20-2-320, and Code Section 20-2-740;

(10) Subject to the requirement that it shall not charge tuition or fees to its students except as may be authorized for local boards by Code Section 20-2-133;

(11) Subject to the provisions of Code Section 20-2-1050 requiring a brief period of quiet reflection; ~~and~~

(12) Subject to the provisions of Code Section 20-2-211.1 relating to fingerprint and criminal background checks; and

(13) Subject to the provisions of subsection (c) of Code Section 20-2-327 relating to individual graduation plans."

SECTION 10.

Chapter 14 of Title 34 of the Official Code of Georgia Annotated, relating to the Georgia Workforce Investment Board, is amended in Code Section 34-14-3, relating to the establishment of the Governor's Office of Workforce Development, as follows:

"34-14-3.

(a)(1) The Governor's Office of Workforce Development is hereby established to implement state workforce development policy as directed by the Governor and to serve as staff to the board.

(2) In addition, the office is authorized to establish certification in soft skills, which may include, but not be limited to, skills relating to punctuality, ability to learn, and ability to work in a team, as a discrete and complementary component to the current assessment system utilized in Georgia to measure an individual worker's skill and knowledge in the areas of applied mathematics, reading for information, and locating information to determine and indicate to potential employers such worker's level of work readiness. Such certification is intended to assist both the existing workforce as well as the state's emerging workforce. The office is authorized to explore local,

national, and international soft skills programs for the purpose of developing a soft skills certification system.

(3) The office is authorized and encouraged to work with the state's emerging workforce, including rising and graduating high school students, with the goal that, upon graduation, high school students have both a diploma and certification in soft skills and work readiness to enable them to be successful in postsecondary education, a career pathway, or both. The office may collaborate with the Department of Education and the Board of Technical and Adult Education to facilitate coordination with high schools so that high school students can attain certification in soft skills and work readiness.

(b) The Governor's Office of Workforce Development shall have an executive director appointed by the Governor whose duties are to implement state-wide workforce development policy as directed by the Governor, to serve as workforce development policy advisor to the Governor, and to serve as executive director to the board.

(c) The Governor's Office of Workforce Development shall be attached to the Office of Planning and Budget for administrative purposes only."

SECTION 11.

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

SECTION 12.

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

Representative Nix of the 69th moved that the House agree to the Senate substitute to HB 186.

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Mayo	E 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	Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	Hudson	Y Neal, J	N 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	Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	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
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	Purcell	Y Welch
Channell	Y Greene	Y Lane	E Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Marin	E Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 154, nays 4.

The motion prevailed.

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 Speaker announced the House in recess until 2:45 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 substitute, by the requisite constitutional majority, the following bill of the House:

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.

Mr. Speaker:

The Senate has agreed to the House substitutes as amended by the Senate to the following bills 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.

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.

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

HB 664. By Representatives Jones of the 46th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to amend certain definitions; to provide that the Georgia Charter Schools Commission may elect to exclude all teachers in a commission charter school from membership in the Teachers Retirement System of Georgia; to provide that the Georgia Charter Schools Commission may make an irrevocable election to exclude public school employees from membership in the Public School Employees Retirement Fund; to provide for notice; to provide for a refund of employer and employee contributions; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 30. By Senators Hamrick of the 30th and Crosby of the 13th:

A BILL to be entitled an Act to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions for municipal courts, so as to require municipal court judges to be attorneys; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitutes as amended by the Senate to the following bills of the Senate:

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 36. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th, Ligon, Jr. of the 3rd, Bethel of the 54th and others:

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 provide for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances; to provide for definitions; to require dispensers to submit certain information regarding the dispensing of such controlled substances; to provide for the confidentiality of submitted information except under certain circumstances; to provide for the establishment of an Electronic Database Review Advisory Committee; to provide for its membership, duties, and organization; to provide for the establishment of rules and regulations; to provide for limited liability; to provide for penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 117. By Representative Crawford of the 16th:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 8 of Title 31 of the Official Code of Georgia Annotated, relating to the Indigent Care Trust Fund, so as to establish a segregated account within the Indigent Care Trust Fund; to amend Title 48 of the Official Code of Georgia Annotated, relating to tax revenue and taxation, so as to provide that the person listed on the closing statement as the seller shall be treated as the seller and shall be subject to the withholding and documentation requirements; to change and provide definitions and to thereby provide for sales tax upon certain health care services; to provide for automatic repeal; to exempt certain health care services from joint sales and use tax; 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 6 of Chapter 8 of Title 31, relating to the Indigent Care Trust Fund, is amended by adding a new Code section to read as follows:

"31-8-152.1.

(a) There is established within the trust fund a segregated account for revenues raised through the sales tax on charges defined in subparagraph (H) of paragraph (31) of Code Section 48-8-2. All such revenues shall be credited to the segregated account within the trust fund and shall be invested in the same manner as authorized for investing other moneys in the state treasury.

(b) Notwithstanding any other provision of this chapter, the General Assembly is authorized to appropriate as state funds to the department for use in any fiscal year all revenues dedicated and deposited into the segregated account. Such appropriations shall be authorized to be made for the sole purpose of obtaining federal financial participation for medical assistance payments. Any appropriation from the segregated account for any purpose other than such medical assistance payments shall be void.

(c) Revenues appropriated to the department pursuant to this Code section shall be used to match federal funds that are available for the purpose for which such trust funds have been appropriated.

(d) Appropriations from the segregated account to the department shall not lapse to the general fund at the end of the fiscal year.

(e) If the centers for medicare and medicaid services of the United States Department of Health and Human Services determines that the taxation of charges described in subparagraph (H) of paragraph (31) of Code Section 48-8-2 constitutes an impermissible health care-related tax under section 1903(w) of the 'Social Security Act,' 49 Stat. 620 (1935), 42 U.S.C. 1396b(w), as amended, and regulations adopted thereunder, the Commissioner of the Department of Community Health shall notify the tax commissioner of that determination and the charges described in subparagraph (H) of paragraph (31) of Code Section 48-8-2 shall not constitute sales for purposes of Article 1 of Chapter 8 of Title 48.

(f) This Code section shall stand automatically repealed on the date federal matching funds are no longer available or on June 30, 2014, whichever date is earlier."

SECTION 2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in subsection (b) of Code Section 48-7-128, relating to withholding tax on sale or transfer of real property and associated tangible personal property by nonresidents, by adding a new paragraph to read as follows:

"(3) The person or entity identified as the seller on the settlement statement shall be considered the seller for all purposes regarding this Code section, including, but not limited to, executing and delivering to the buyer or transferee all forms or other documents incident to determining the appropriate amount of tax to be withheld or the appropriate amount exempt from withholding requirements."

SECTION 3.

Said title is further amended in paragraph (31) of Code Section 48-8-2, relating to definitions applicable to sales and use tax, by deleting "or" at the end of subparagraph (F), by replacing the period with "; or" at the end of subparagraph (G), and by adding a new subparagraph to read as follows:

"(H) Charges made for services by a person which are the subject of a referral from a SOURCE Case Management Provider. This Code section shall stand automatically repealed on the date federal matching funds are no longer available or on June 30, 2014, whichever date is earlier."

SECTION 4.

Said title is further amended in said Code section by adding two new paragraphs to read as follows:

"(30.1) 'Referral from a SOURCE Case Management Provider' means the authorization of, arrangement for, or coordination of long-term care services, including nursing home services by a SOURCE Case Management Provider."

"(34.1) 'SOURCE Case Management Provider' means an entity that has successfully completed the Georgia Medicaid Enhanced Case Management Application and enrollment process, including any related required training, and has entered into a contract with the Department of Community Health, Division of Medical Assistance to provide enhanced case management services."

SECTION 5.

Said title is further amended by revising Code Section 48-8-82, relating to authorization of counties and municipalities to impose joint sales and use tax, rate, and applicability to sales of motor fuels and food and beverages, as follows:

"48-8-82.

When the imposition of a joint county and municipal sales and use tax is authorized according to the procedures provided in this article within a special district, the county whose geographical boundary is conterminous with that of the special district and each qualified municipality located wholly or partially within the special district shall levy a joint sales and use tax at the rate of 1 percent. Except as to rate, the joint tax shall correspond to the tax imposed and administered by Article 1 of this chapter. No item or transaction which is not subject to taxation by Article 1 of this chapter shall be subject to the tax levied pursuant to this article, except that the joint tax provided in this article shall be applicable to sales of motor fuels as prepaid local tax as that term is defined in Code Section 48-8-2 and shall be applicable to the sale of food and food ingredients

and alcoholic beverages only to the extent provided for in paragraph (57) of Code Section 48-8-3; provided, however, that the joint sales and use tax authorized by this article shall not be applicable to retail sales within the meaning of subparagraph (H) of paragraph (31) of Code Section 48-8-2."

SECTION 6.

Said title is further amended in Code Section 48-8-110.1, relating to authorization for county special purpose local option sales tax, subjects of taxation, and applicability to sales of motor fuels and food and beverages, by adding a new subsection to read as follows:

"(d) The joint sales and use tax authorized by this article shall not be applicable to retail sales within the meaning of subparagraph (H) of paragraph (31) of Code Section 48-8-2."

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.

By unanimous consent, an amendment by Representative Channell of the 116th was withdrawn.

Representative Crawford of the 16th moved that the House disagree to the Senate substitute to HB 117.

The motion prevailed.

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 Senate amendment was read:

The Senate moves to amend *House Committee Substitute to HB 500 (LC 35 2225S) by deleting on line 34 after* "34-14-4." *the following*:

The program shall be made available to job seekers free of charge.

Representative Pruett of the 144th moved that the House disagree to the Senate amendment to HB 500.

The motion prevailed.

Representative Meadows of the 5th District, Chairman of the Committee on Rules, submitted the following report:

Mr. Speaker:

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

HR 810 Do Pass

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

The following Bills of the House were taken up for the purpose of considering the Senate action thereon:

HB 66. By Representatives Maxwell of the 17th, Meadows of the 5th, Rogers of the 26th, Murphy of the 120th, Hembree of the 67th and others:

A BILL to be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the commissioner; to provide for definitions; to provide certain provisions of such certificate; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, so as to provide for certificate of insurance forms to be approved by the Commissioner; to provide for definitions; to provide certain provisions of such certificate; 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 24 of Title 33 of the Official Code of Georgia Annotated, relating generally to insurance, is amended by adding a new Code section to read as follows:

"33-24-19.1.

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

(1) 'Certificate' or 'certificate of insurance' means any document or instrument, no matter how titled or described, which is prepared or issued by an insurer or insurance producer as evidence of property or casualty insurance coverage. 'Certificate' or 'certificate of insurance' shall not include a policy of insurance or insurance binder, including any policy of insurance which may be referred to as a certificate, or any insurance information card or identification card issued in conjunction with a motor vehicle insurance policy.

(2) 'Certificate holder' means any person, other than a policyholder, that requests, obtains, or possesses a certificate of insurance.

(3) 'Insurance producer' means a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance.

(4) 'Insurer' means any person engaged as indemnitor, surety, or contractor who issues insurance as defined by Code Sections 33-7-3 and 33-7-6. Nothing in this Code section shall apply to or affect any offering of accident, sickness, or disability insurance by a fraternal benefit society, as provided under Code Section 33-15-60; nonprofit medical service corporations, as provided under Chapters 18 and 19 of this title; health care plans, as provided under Chapter 20 of this title; health maintenance organizations, as provided under Chapter 21 of this title; any provisions of accident and sickness insurance policies generally, as provided under Code Sections 33-24-20 through 33-24-31; individual accident and sickness insurance, as provided under Chapter 29 of this title; or group or blanket accident and sickness insurance, as provided under Chapter 30 of this title.

(5) 'Person' means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

(6) 'Policyholder' means a person who has contracted with a property or casualty insurer for insurance coverage.

(b) No person, wherever located, may prepare, issue, or request the issuance of a certificate of insurance unless the form has been filed with and approved by the Commissioner of Insurance. No person, wherever located, may alter or modify an approved certificate of insurance form.

(c) The Commissioner of Insurance shall disapprove a form filed under this Code section, or withdraw approval of a form, if the form:

(1) Is unjust, unfair, misleading, or deceptive, or violates public policy;

(2) Fails to comply with the requirements of subsection (d) of this Code section; or

(3) Violates any law, including any regulation adopted by the Commissioner of Insurance.

(d) Each certificate of insurance must contain the following or similar statement: 'This certificate of insurance is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policies referenced herein.' However, the Commissioner of Insurance may approve a form filed under this Code section that does not state that the form is provided for information purposes only, if such form contains the following or similar statement: 'This certificate of insurance does not amend, extend, or alter the coverage, terms, exclusions, and conditions afforded by the policies referenced herein.'

(e) Standard certificate of insurance forms promulgated by the Association for Cooperative Operations Research and Development or the Insurance Services Office are deemed approved by the Commissioner of Insurance and are not required to be filed if the forms otherwise comply with the requirements of this Code section.

(f) No person, wherever located, shall demand or request the issuance of a certificate of insurance from an insurer, insurance producer, or policyholder that contains any false or misleading information concerning the policy of insurance to which the certificate makes reference.

(g) No person, wherever located, may knowingly prepare or issue a certificate of insurance that contains any false or misleading information or that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate makes reference.

(h) No person may prepare, issue, or request, either in addition to or in lieu of a certificate of insurance, an opinion letter or other document or correspondence that is inconsistent with this Code section.

(i) The provisions of this Code section shall apply to all certificate holders, policyholders, insurers, insurance producers, and certificate of insurance forms issued as evidence of insurance coverages on property, operations, or risks located in this state, regardless of where the certificate holder, policyholder, insurer, or insurance producer is located.

(j) A certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance shall not confer to a certificate holder new or additional rights beyond what the referenced policy of insurance expressly provides.

(k) No certificate of insurance shall contain references to contracts, including construction or service contracts, other than the referenced contract of insurance. Notwithstanding any requirement, term, or condition of any contract or other document

with respect to which a certificate of insurance may be issued or may pertain, the insurance afforded by the referenced policy of insurance is subject to all the terms, exclusions, and conditions of the policy itself.

(l) A certificate holder shall have a legal right to notice of cancellation, nonrenewal, or any material change, or any similar notice concerning a policy of insurance only if the person is named within the policy or any endorsement and the policy or endorsement requires notice to be provided. The terms and conditions of the notice, including the required timing of the notice, are governed by the policy of insurance and cannot be altered by a certificate of insurance.

(m) Any certificate of insurance or any other document or correspondence prepared, issued, or requested in violation of this Code section shall be null and void and of no force and effect.

(n) Any person who violates this Code section may be fined up to $5,000.00 per violation.

(o) The Commissioner of Insurance shall have the power to examine and investigate the activities of any person that the Commissioner reasonably believes has been or is engaged in an act or practice prohibited by this Code section. The Commissioner of Insurance shall have the power to enforce the provisions of this Code section and to impose any authorized penalty or remedy against any person who violates this Code section.

(p) The Commissioner of Insurance may adopt reasonable rules and regulations as are necessary or proper to carry out the provisions of this Code section."

SECTION 2.

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

Representative Maxwell of the 17th moved that the House agree to the Senate substitute to HB 66.

On the motion, 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	Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
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	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	Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton

Y Braddock	Y Evans	Y Jasperse	O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Hanner	E 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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 162, nays 1.

The motion prevailed.

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 90. By Representatives Bearden of the 68th, Cooke of the 18th and Smith of the 70th:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Heritage Trust Program, so as to authorize the State of Georgia to transfer its interests in heritage preserve properties to a county or local government upon certain conditions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Heritage Trust Program, so as to authorize the State of Georgia to transfer its interests in heritage preserve properties to a county or local government

upon certain conditions; 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.

Part 2 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Heritage Trust Program, is amended by revising Code Section 12-3-76, relating to use of heritage preserves, as follows:

"12-3-76.

(a) Heritage preserves shall be held by the state in trust for the benefit of the present and future generations of the people of the State of Georgia. Each heritage preserve shall be put to the designated use or uses which confer the best and most important benefit to the public. Heritage preserves shall not be put to any use other than the dedicated use or uses except pursuant to the following procedure:

(1) A state agency, department, or authority with a direct interest in the use of a heritage preserve must submit in writing a petition to the board that an imperative and unavoidable necessity for such other use exists;

(2) Upon receipt of such petition, the board shall give public hearing thereon in the county or counties in which the heritage preserve is located;

(3) The board shall consider fully all testimony relative to the proposed use and submit a recommendation to the General Assembly; and

(4) The General Assembly may then determine if such use is in the public interest and may by statute approve such other use of the heritage preserve.

(b) The State of Georgia and the Department of Natural Resources may convey fee simple title in a property dedicated as a heritage preserve under Code Section 12-3-75 for good and valuable consideration as determined by the State Properties Commission to a willing county or local government pursuant to the following procedures:

(1) The department shall submit a request in writing to the board to remove the heritage preserve dedication from the property and to convey the property to the county or local government, subject to the grant of a perpetual conservation easement to the State of Georgia and the department that is consistent with the best and most important uses established in the written recommendation and approval of the Governor dedicating the property as a heritage preserve and the conservation values identified by the department, as well as any other restrictions applicable to the property;

(2) The board shall make a determination, after a public hearing, that the removal of the heritage preserve dedication from the property and its conveyance to the county or local government subject to a conservation easement is in the best interest of the State of Georgia;

(3) The conveyance is approved by the General Assembly and the State Properties Commission; and

(4) The department shall file with the Secretary of State and the office of the clerk of the superior court of the county or counties in which the property is located a notice of the removal of the heritage preserve dedication simultaneously with the recordation of the conservation easement in the real property records of the county or counties in which the property is located.

(c) Nothing in this Code section shall be construed so as to give county or local governments the authority to assign their interests in property conveyed pursuant to subsection (b) of this Code section to a private individual or entity.

(d) Nothing in this Code section shall be construed so as to compel a county or local government to accept conveyance of a heritage preserve, and no conveyance shall take place without the approval of the local governing authority.

(e) In the event that a county or local government that is in receipt of property pursuant to this Code section determines that it is in the best interest of the county or local government, fee simple title to the property may, if approved by the department and the State Properties Commission, revert to the State of Georgia."

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.

Representative Bearden of the 68th moved that the House agree to the Senate substitute to HB 90.

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

Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	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
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	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	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	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	E Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
Y Collins	Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 1.

The motion prevailed.

Representative Long of the 61st 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 following Senate substitute was read:

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, is amended by adding a new Code section to read as follows:

"48-7-130.

(a) If the amount deducted, withheld, or prepaid and credited to a taxpayer against the taxpayer's income tax liability for a taxable year exceeds such income tax liability by 99¢ or less, such amount shall not be refunded.

(b) If a taxpayer's income tax liability for a taxable year exceeds the amount deducted, withheld, or prepaid and credited to the taxpayer against such liability for the taxable year by 99¢ or less, then the amount of such insufficiency on the return shall be waived, the taxpayer shall not be liable for that insufficiency, and no income tax shall be due and payable from the taxpayer for that taxable year."

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.

Representative Black of the 174th moved that the House agree to the Senate substitute to HB 133.

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

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

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

On the motion, the ayes were 94, nays 63.

The motion prevailed.

Representative Long of the 61st was excused on the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representative Clark of the 104th stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

The Speaker announced the House in recess until 4:00 o'clock, this afternoon.

The Speaker Pro Tem called the House to order.

Representative Austin of the 10th moved that the House reconsider its action in agreeing to the Senate substitute to the following Bill of the House:

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 motion prevailed.

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

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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to current income tax payment, is amended by adding a new Code section to read as follows:

"48-7-130.

(a) If the amount deducted, withheld, or prepaid and credited to a taxpayer against the taxpayer's income tax liability for a taxable year exceeds such income tax liability by 99¢ or less, such amount shall not be refunded.

(b) If a taxpayer's income tax liability for a taxable year exceeds the amount deducted, withheld, or prepaid and credited to the taxpayer against such liability for the taxable year by 99¢ or less, then the amount of such insufficiency on the return shall be waived, the taxpayer shall not be liable for that insufficiency, and no income tax shall be due and payable from the taxpayer for that taxable year."

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.

Representative Black of the 174th moved that the House disagree to the Senate substitute to HB 133.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

The Senate has agreed to the House substitutes as amended by the Senate to the following bills of the Senate:

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

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

SB 100. By Senators Seabaugh of the 28th, Balfour of the 9th and Butterworth of the 50th:

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

The Senate has agreed to the House amendment as amended by the Senate to the following bill of the Senate:

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.

Mr. Speaker:

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

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

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

The Senate has agreed to the House amendments to the following bill of the Senate:

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.

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

SB 160. By Senators Balfour of the 9th, Hooks of the 14th, Staton of the 18th, Davis of the 22nd, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to provide that a public utility corporation shall be allowed to make contributions to political campaigns; to prohibit regulated entities from making contributions to certain elected executive officers or candidates; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 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 Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

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

A BILL to be entitled an Act to amend Chapter 5 of Title 6 of the Official Code of Georgia Annotated, relating to the Georgia Aviation Authority, so as to revise the duties of the Georgia Aviation Authority; to provide for the transfer of certain personnel, aircraft, and other assets from the Georgia Aviation Authority to the Department of Public Safety; to provide for related matters; to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to transfer certain personnel, assets, and liabilities of the Georgia Aviation Authority to

the Department of Public Safety; to provide the department with certain authority and duties with regard to aviation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 6 of the Official Code of Georgia Annotated, relating to the Georgia Aviation Authority, is amended by revising subsection (a) of Code Section 6-5-3, relating to the creation of the Georgia Aviation Authority, its membership and personnel, and administrative purposes, as follows:

"(a) There is created a body corporate and politic to be known as the Georgia Aviation Authority which shall be deemed to be an instrumentality of the state and a public corporation, and by that name, style, and title the body may contract and be contracted with, implead and be impleaded, and bring and defend actions in all courts. The authority shall consist of the Governor or his or her designee, the Lieutenant Governor or his or her designee, the Speaker of the House of Representatives or his or her designee, the commissioner of transportation, the commissioner of public safety, <u>the commissioner of economic development,</u> the commissioner of natural resources, the director of the State Forestry Commission, and two persons from the aviation business community with one such member of the aviation business community to be appointed by the Speaker of the House of Representatives, and the other such member of the aviation business community to be appointed by the President of the Senate. The chairperson of the authority shall be a member of the authority elected for a two-year term by a majority vote of the members of the authority. A chairperson may not serve more than two consecutive terms as chairperson. The authority shall make rules and regulations for its own governance. It shall have perpetual existence."

SECTION 2.

Said chapter is further amended by revising Code Section 6-5-4, relating to the purpose of the authority, powers, support, and annual audits, as follows:

"6-5-4.

(a) The general purpose of the authority shall be to acquire, operate, maintain, house, and dispose of all state aviation assets, except those aviation assets of the Department of Public Safety, to provide aviation services and oversight of state aircraft and aviation operations to ensure the safety of state air travelers and aviation property, to achieve policy objectives through aviation missions, and to provide for the efficient operation of state aircraft. All aircraft ~~owned or operated as of July 1, 2009, or a later date determined by the Governor, by any other entity of state government~~ previously transferred to the authority by the Department of Public Safety and associated parts and equipment and a percentage of the budgeted operating funds associated with such aircraft shall be transferred on ~~that date~~ September 1, 2011, back to the custody and control of the ~~authority~~ Department of Public Safety; provided, however, that this chapter shall have no application to aircraft owned or operated by the Department of Defense. On and after July 1, 2009, or a later date determined by the Governor, no other entity of state government, other than the Department of Public Safety, shall acquire, lease, or charter any aircraft other than through the authority. Any person who is employed by an entity of state government as a pilot and who is required by the terms of his or her employment to comply with the requirements of Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' ~~shall~~ may remain in the employment of the employing agency but shall be transferred for administrative purposes only to the authority on July 1, 2009, in compliance with subsection (c) of Code Section 6-5-3; provided, however, that those persons who are employed by the Department of Public Safety who are assigned for administrative purposes only to the authority shall be transferred back to the Department of Public Safety on September 1, 2011, and shall no longer be under the administration or direction of the authority. All state aircraft required for the proper conduct of the business of the several administrative departments, boards, bureaus, commissions, authorities, offices, or other agencies of Georgia and authorized agents of the General Assembly, or either branch thereof, and department owned airfields and their appurtenances shall be managed and maintained by the authority; provided, however, that all airfields and appurtenances, including hangars, previously transferred by the Department of Public Safety to the authority shall be transferred back to the Department of Public Safety on September 1, 2011. The cost for the use of such state aircraft shall be charged by the authority to the using state entity. The amount of such charge shall be determined by the authority. The authority shall be authorized to dispose of any state aircraft and apply the proceeds derived therefrom to the purchase of replacement aviation assets.

(b) In the furtherance of its purpose, the authority shall have the power to:

(1) Organize, staff, train personnel to operate, maintain, house, purchase, and dispose of aviation assets;

(2) Purchase, maintain, develop, and modify facilities to support aviation assets and operations;

(3) Develop operating, maintenance, safety, security, training, education, and scheduling standards for state aviation operations and conduct inspections, audits, and other similar oversight to determine practices and compliance with such standards;

(4) Develop an accountability system for state aviation operations and activities;

(5) Identify the costs associated with the purchase, operation, maintenance, and administration of state aircraft and aviation operations and related facilities, training, and education, develop an appropriate billing structure, and charge agencies and other state entities for the costs of state aircraft and aviation operations; provided, however, that any billing to an agency by the authority shall be suspended whenever the Governor declares a state of emergency on any cost associated with aircraft used during and in response to the state of emergency;

(6) Retain appropriate external consulting and auditing expertise;

(7) Engage aviation industry representatives to ensure best practices for state aviation assets;

(8) Delegate certain powers pursuant to this chapter to other state entities; and

(9) Otherwise implement appropriate and efficient management practices for state aviation operations.

(c) The authority shall provide priority support for those state agencies and departments, including local and state public safety and law enforcement entities, whose operations require aviation operations <u>when requested</u>. No state entity other than the authority <u>and the Department of Public Safety</u> shall be authorized to expend state funds to purchase, lease, rent, charter, maintain, or repair state aircraft to be used in connection with state business or to employ a person whose official duties consist of piloting state aircraft without the approval of the authority.

(d) The funds and assets of the authority, as well as the performance of the authority, its services, and equipment, shall be audited annually by the state auditor. The initial audit shall be concluded no later than December 30, 2010. The results of such audit shall be open to inspection at reasonable times by any person. A copy of the audit report shall be sent to the state accounting officer. The authority shall also provide the Governor, the Speaker of the House, the President of the Senate, the chairperson of the House Committee on Public Safety and Homeland Security, the chairperson of the Senate Public Safety Committee, the chairperson of the Senate Veterans, Military and Homeland Security Committee, the chairperson of the House Committee on Transportation, and the chairperson of the Senate Transportation Committee with a copy of the state audit report which shall include a full report of the activities and services of the authority. The performance audit report shall be provided no later than December 31, 2013.

<u>(e) On September 1, 2011, the six aviation mechanic positions that were previously transferred by the Department of Public Safety to the authority shall be returned to the Department of Public Safety along with the funds budgeted for such positions.</u>"

SECTION 3.

Said chapter is further amended by revising Code Section 6-5-10, relating to termination of authority, as follows:

"6-5-10.

~~This chapter shall stand repealed on July 1, 2014, unless it is further extended by an Act of the General Assembly~~ Reserved."

SECTION 4.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended by adding a new article to read as follows:

"ARTICLE 7

35-2-140.

(a)(1) On and after September 1, 2011, the Department of Public Safety shall be authorized to acquire, operate, maintain, house, and dispose of all state aviation assets assigned to the department, to provide aviation services and oversight of such state aircraft and aviation operations for public safety and legitimate state business purposes, to achieve policy objectives through aviation missions, and to provide for the efficient operation of such state aircraft.

(2) On September 1, 2011, the Georgia Aviation Authority shall transfer back to the custody and control of the Department of Public Safety all of the aircraft previously transferred to the authority by the Department of Public Safety and any associated parts and equipment; provided, however, that this article shall have no application to aircraft owned or operated by the Department of Defense.

(3) On September 1, 2011, any person who is employed by the Department of Public Safety and is assigned for administrative purposes only to the Georgia Aviation Authority shall be transferred back to the Department of Public Safety and shall no longer be under the administration or direction of the Georgia Aviation Authority. In addition, on September 1, 2011, the six aviation mechanic positions that were previously transferred by the Department of Public Safety to the Georgia Aviation Authority shall be returned to the Department of Public Safety along with the funds budgeted for such positions.

(4) All airfields and appurtenances, including hangars, previously transferred to the Georgia Aviation Authority by the Department of Public Safety and all funds, accounts receivable, a percentage of the budgeted operating funds, contracts, liabilities, and obligations associated with the aircraft being transferred back to the Department of Public Safety as of September 1, 2011, shall become the property, funds, accounts receivable, budgeted operating funds, contracts, liabilities, and obligations of the Department of Public Safety on such date.

(5) The Department of Public Safety shall be responsible for providing aviation services in support of public safety. The department shall be authorized to dispose of

any state aircraft and apply the proceeds derived therefrom to the purchase of replacement aviation assets.

(b) The Department of Public Safety shall have the power to:

(1) Hire, organize, and train personnel to operate, maintain, house, purchase, and dispose of aviation assets;

(2) Purchase, lease, maintain, develop, and modify facilities to support aviation assets and operations;

(3) Develop operating, maintenance, safety, security, training, education, and scheduling standards for state aviation operations and conduct inspections, audits, and other similar oversight to determine practices and compliance with such standards;

(4) Develop an accountability system for state aviation operations and activities;

(5) Identify the costs associated with training, education, and the purchase, operation, maintenance, and administration of state aircraft and aviation operations and related facilities;

(6) In conjunction with the Georgia Aviation Authority, develop an appropriate joint billing structure for passenger transportation where the aircraft is designated and operated as a 'civil aircraft' under Part 91 of the Federal Aviation Regulations and charge agencies and other state entities for the full variable hourly costs for the operation of each type aircraft, evaluated annually and adjusted as necessary based upon the price of fuel, maintenance, and other fees that are a direct result of flying the aircraft on that specific trip; provided, however, that any billing to an agency by the department shall be suspended whenever the Governor declares a state of emergency on any cost associated with aircraft used during and in response to such state of emergency;

(7) Retain appropriate external consulting and auditing expertise;

(8) Engage aviation industry representatives to ensure best practices for state aviation assets;

(9) Delegate certain powers pursuant to this article to other state entities;

(10) Otherwise implement appropriate and efficient management practices for state aviation operations; and

(11) Enter into agreements with the Georgia Aviation Authority for mutual use of state airfields and appurtenances, including aircraft hangars."

SECTION 5.

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

SECTION 6.

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

Representative Bearden of the 68th moved that the House agree to the Senate substitute to HB 414.

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

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

On the motion, the ayes were 154, nays 7.

The motion prevailed.

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

A BILL to be entitled an Act to amend Subpart 2 of Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to conditions of employment under the "Quality Basic Education Act", so as to revise provisions relating to criminal background checks on school

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to employment under the "Quality Basic Education Act," so as to provide various requirements relating to the integrity and effectiveness of educators; to provide for revision of certification renewal rules to take into account the impact of professional learning; to provide for the development of a course on educator ethics; to revise provisions relating to criminal background checks on school employees; to amend Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs, so as to enact the "Rachel Sackett Act"; to authorize public school students to participate in extracurricular activities at other public schools in their attendance zone; to provide for definitions; to provide that the student is subject to the same rules and regulations applicable to other students; to provide for rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to employment under the "Quality Basic Education Act," is amended in Code Section 20-2-200, relating to regulation of certificated professional personnel by the Professional Standards Commission, by adding a new paragraph to subsection (b) to read as follows:

"(4.1) Prior to July 1, 2015, the Professional Standards Commission shall revise its certification renewal rules established pursuant to paragraph (4) of this subsection, to require demonstration of the impact of professional learning on educator performance and student learning for purposes of certification renewal. Such revised rules shall be effective beginning July 1, 2015. As part of the revision process, the Professional Standards Commission shall establish a task force to determine the level of evidence necessary for educators to demonstrate the impact of professional learning and how such evidence will be collected and submitted for purposes of certificate renewal."

SECTION 2.

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

"20-2-207.

The Georgia Department of Education and the Professional Standards Commission shall cooperatively develop an online course on educator ethics. Such course shall include information on the code of ethics for educators established by the Professional Standards Commission pursuant to Code Section 20-2-984.1. One area of emphasis in the course shall be best practices for administering state-mandated assessments."

SECTION 3.

Said part is further amended by revising Code Section 20-2-211.1, relating to clearance certificates issued by the Professional Standards Commission relating to fingerprint and criminal background checks, as follows:

"20-2-211.1.

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

(1) 'Clearance certificate' means a certificate issued by the Professional Standards Commission that verifies that an educator has completed fingerprint and criminal background check requirements as specified in this Code section and that the individual does not have a certificate that is currently revoked or suspended in Georgia or any other state; provided, however, that additional fingerprinting shall not be required for renewal of a clearance certificate or for educators who possess a professional educator certificate as of January 1, 2011. A clearance certificate shall be a renewable certificate valid for five years. Clearance certificates shall be subject to fees in accordance with subsection (e) of Code Section 20-2-200.

(2) 'Educator' means a teacher, school or school system administrator, or other education personnel who would, if not exempted pursuant to a charter under Article 31 or 31A of this chapter or an increased flexibility contract under Article 4 of this chapter, be required to hold a professional educator certificate, license, or permit issued by the Professional Standards Commission and persons who have applied for but have not yet received such a certificate, license, or permit.

(3) 'Local unit of administration' shall have the same meaning as in Code Section 20-2-242 and shall also include state chartered special schools and commission charter schools.

(4) 'Professional educator certificate' means a certificate, license, or permit issued by the Professional Standards Commission that is based upon academic, technical, and professional training, experience, and competency of such personnel as provided for under Code Section 20-2-200.

(b)(1) On and after January 1, 2011, all educators employed by a local unit of administration shall hold a valid clearance certificate; provided, however, that an educator who possesses a professional educator certificate as of January 1, 2011, shall not be required to obtain a clearance certificate until his or her professional educator certificate is up for renewal. A local unit of administration may employ an educator who does not already hold a valid clearance certificate, provided the individual has applied for a clearance certificate, for a maximum of 20 days in order to allow for the receipt of the results of the criminal record check and issuance of the clearance

certificate. The requirements of this Code section shall be in addition to professional educator certificate requirements unless such educator is employed by a school which is exempt from teacher certification requirements pursuant to a charter under Article 31 or 31A of this chapter or an increased flexibility contract under Article 4 of this chapter.

(2) Any other Code sections to the contrary notwithstanding, educators holding a valid clearance certificate shall be subject to the code of ethics for educators as established pursuant to Code Section 20-2-984.1 and shall be subject to Code Sections 20-2-984, 20-2-984.2, 20-2-984.3, 20-2-984.4, and 20-2-984.5.

(c) A local unit of administration shall ensure that all ~~noneducator~~ personnel employed by such local unit of administration after January 1, 2011, shall be fingerprinted and have a criminal record check performed. The local unit of administration shall have the authority to employ such person for a maximum of 20 days in order to allow for the receipt of the results of the criminal record check. The local unit of administration shall adopt policies to provide for the subsequent criminal record checks of ~~noneducator~~ personnel continued in employment in the local unit of administration.

(d)(1) Local units of administration shall have the authority and responsibility to order criminal record checks pursuant to this Code section through the Georgia Crime Information Center and the Federal Bureau of Investigation and shall have the authority to receive the results of such criminal record checks. Local units of administration shall also have the authority to forward the results of criminal record checks to the Professional Standards Commission as necessary regarding potential violations of the code of ethics for educators. The Professional Standards Commission shall also have the authority to order criminal record checks pursuant to this Code section through the Georgia Crime Information Center and the Federal Bureau of Investigation and shall have the authority to receive the results of such criminal record checks.

(2) Fingerprints shall be in such form and of such quality as shall be acceptable for submission to the ~~National Crime Information Center under standards adopted by the Federal Bureau of Investigation or the United States Department of Justice~~ Georgia Crime Information Center and the Federal Bureau of Investigation. It shall be the duty of each law enforcement agency in this state to fingerprint those persons required to be fingerprinted by this Code section.

(e) At the discretion of local units of administration, fees required for a criminal record check by the Georgia Crime Information Center~~, the National Crime Information Center,~~ or the Federal Bureau of Investigation~~, or the United States Department of Justice~~ shall be paid by the local unit of administration or by the individual seeking employment or making application to the Professional Standards Commission.

~~(f) It shall be the duty of the State Board of Education to submit this Code section to the Georgia Bureau of Investigation for submission to the Federal Bureau of Investigation and the United States Department of Justice for their consent to conduct criminal record checks through the National Crime Information Center as required by federal law, rules, or regulations. No criminal record checks through the National~~

~~Crime Information Center shall be required by this Code section unless and until such consent is given.~~

~~(g) Information provided by the Georgia Crime Information Center or the National Crime Information Center shall be used only for the purposes allowed by Code Section 35-3-35 or by applicable federal laws, rules, or regulations.~~

~~(h) The State Board of Education is authorized to adopt rules and regulations necessary to carry out the provisions of this Code section.~~

(f) The Professional Standards Commission is authorized to adopt rules and regulations necessary to carry out the provisions of this Code section."

SECTION 4.

Part 14 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to other educational programs, is amended by adding a new Code section to read as follows:

"20-2-319.3.

(a) This Code section shall be known and may be cited as the "Rachel Sackett Act."

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

(1) 'Charter school' means a local charter school, as defined in paragraph (7) of Code Section 20-2-2062, a state chartered special school, as defined in paragraph (16) of Code Section 20-2-2062, and a commission charter school, as defined in paragraph (2) of Code Section 20-2-2081.

(2) 'Nonenrolled student' means a student enrolled in a traditional public school, a charter school, or a virtual school who resides within the attendance zone of another public school but who is not enrolled in such school. For purposes of a charter school and a virtual school, the attendance zone shall be as designated in its charter.

(3) 'Public school' means, without limitation, a traditional public school and a charter school.

(4) 'Virtual school' means a charter school in which students attend all courses via the Internet or other electronic medium not involving on-site interaction with a teacher.

(c) A public school shall allow any nonenrolled student to participate in any extracurricular activity offered or conducted by such public school in the same manner as any student currently enrolled at such public school as long as the public school that the student is attending does not offer such extracurricular activity. A nonenrolled public school student desiring to participate in an extracurricular activity shall register with the principal of the public school, or his or her designee, such intent to participate in extracurricular activities of the public school in accordance with rules and regulations established by the State Board of Education. The final approval for such participation shall reside in the discretion of the principal which shall only be withheld with just cause in accordance with state board rules and regulations as established pursuant to subsection (e) of this Code section and in accordance with local board policies, or State Board of Education or Georgia Charter Schools Commission policies, for a state chartered special school or a commission charter school, respectively. If approval is not granted, the principal shall provide notice in writing to the student and

his or her parent or guardian which shall include the reason the participation was not approved.

(d) A nonenrolled student shall comply with the same rules and requirements and be subject to the same code of conduct applicable to any student's participation in the same activity.

(e) The State Board of Education shall establish rules and regulations to implement the provisions of this Code section, including procedures to follow if the interest in an extracurricular activity at a particular public school exceeds the capacity of such activity."

SECTION 5.

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

The following amendment was read and adopted:

Representatives Coleman of the 97th, Nix of the 69th, and Dickson of the 6th offer the following amendment:

Amend the Senate substitute to HB 285 (HB285/SCSFA/1) by striking lines 1 through 12 and inserting in lieu thereof the following:

To amend Part 6 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to employment under the "Quality Basic Education Act," so as to provide various requirements relating to the integrity and effectiveness of educators; to provide for revision of certification renewal rules; to provide for the development of a course on educator ethics; to revise provisions relating to criminal background checks on school employees; to amend Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards for teachers, so as to revise provisions relating to expungement of records; to provide for related matters; to repeal conflicting laws; and for other purposes.

By inserting after line 120 the following:

SECTION 4.

Part 10 of Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to professional standards for teachers, is amended by revising paragraph (3) of Code Section 20-2-982.1, relating to definitions, as follows:

"(3) 'Expungement' means the records are ~~sealed and labeled~~ destroyed pursuant to subsection (e) of Code Section 20-2-984.5 in accordance with an established records retention schedule."

SECTION 5.

Said part is further amended by revising subsection (e) of Code Section 20-2-984.5, relating to preliminary investigations by the Professional Standards Commission, as follows:

"(e) If after reviewing the findings of the preliminary investigation the commission finds that no probable cause exists to recommend disciplinary action or the educator investigated is exonerated after a hearing, then all records of the commission's investigation and of any hearing by the ~~Department of Education or the State Board of Education~~ commission, including all reports received pursuant to this subsection, made pursuant to this Code section and pertaining to the educator investigated shall be completely expunged."

By striking lines 121 through 160.

By redesignating Section 5 as Section 6.

Representative Coleman of the 97th moved that the House agree to the Senate substitute, as amended by the House, to HB 285.

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

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

Y Clark, V	Y Harbin	Y Lucas	Y Rice	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 153, nays 9.

The motion prevailed.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 285 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

SB 36. By Senators Carter of the 1st, Unterman of the 45th, Goggans of the 7th, Ligon, Jr. of the 3rd, Bethel of the 54th and others:

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 provide for the establishment of a program to monitor the prescribing and dispensing of Schedule II, III, IV, and V controlled substances; to provide for definitions; to require dispensers to submit certain information regarding the dispensing of such controlled substances; to provide for the confidentiality of submitted information except under certain circumstances; to provide for the establishment of an Electronic Database Review Advisory Committee; to provide for its membership, duties, and organization; to provide for the establishment of rules and regulations; to provide for limited liability; to

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

The following Senate amendment was read:

The Senate moves to amend *the House Committee on Judiciary Non-civil substitute to SB 36 (LC 33 4223ERS) by striking line 11 and inserting in lieu thereof the following:*

liability; to provide for penalties; to require that hard copy prescriptions for Schedule II controlled substances be on security

By striking lines 14 through 16 and inserting in lieu thereof the following:

regulations; to require identification from persons picking up certain prescriptions; to provide for related matters; to provide for an effective date;

By adding a quotation mark at the end of line 215 and by striking lines 216 through 220.

By striking lines 305 through 309.

By inserting after line 348 the following:

(g) No provision in this part shall be construed to modify, limit, diminish, or impliedly repeal any authority existing on June 30, 2011, of a licensing or regulatory board or any other entity so authorized to obtain prescription information from sources other than the data base maintained pursuant to this part; provided, however, that the agency shall be authorized to release information from the data base only in accordance with the provisions of this part.

By striking "nine" *on line 357 and inserting in lieu thereof* "ten".

By striking "consumer" *on line 361.*

By striking "and" *on line 368.*

By striking line 369 and inserting in lieu thereof the following:

(9) A representative from the State Board of Optometry; and
(10) The consumer member appointed by the Governor to the State Board of Pharmacy pursuant to subsection (b) of Code Section 26-4-21.

By striking lines 467 through 471 and inserting in lieu thereof the following:

such other form of identification which documents legibly the full name of the person taking possession of the Schedule II controlled substance subject to the rules adopted by the board."

By inserting after "drug order" *on lines 476, 478, and 481* "for any Schedule II controlled substance".

By adding a quotation mark at the end of line 501.

By striking lines 502 through 505.

Representative Weldon of the 3rd moved that the House agree to the Senate amendment to the House substitute to SB 36.

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

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

On the motion the ayes were 131, nays 32.

The motion prevailed.

SB 160. By Senators Balfour of the 9th, Hooks of the 14th, Staton of the 18th, Davis of the 22nd, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to provide that a public utility corporation shall be allowed to make contributions to political campaigns; to prohibit regulated entities from making contributions to certain elected executive officers or candidates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend *the House substitute to SB 160 (LC 28 5767S) by inserting before "*to repeal conflicting laws;*" on line 7 the following:*

to provide an effective date;

By redesignating Section 5 as Section 6 and inserting after Section 4 a new section to read as follows:

SECTION 5.

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

Representative Golick of the 34th moved that the House agree to the Senate amendment to the House substitute to SB 160.

On the motion, 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	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Dollar	E Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	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
N Beasley-Teague	Y Dutton	Y Hudson	Y Neal, J	Y Spencer
N Bell	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M

E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Nix	Y Stephenson
Y Black	Y Epps, J	Y James	N Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	N Taylor, R
Y Bruce	N Franklin	Jones, J	Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	N Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	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	E Ramsey	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	Willard
Coleman	Y Harden, B	Maddox, B	Y Riley	Y Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	N Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion the ayes were 152, nays 9.

The motion prevailed.

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendment was read:

The Senate moves to amend *the House substitute to SB 33 by deleting lines 5 through 15 and substituting in lieu thereof the following:*

departmental priority lists; to provide for automatic repeal; to provide for related matters; to provide for an effective date; to repeal

By substituting "2013" *for* "2012" *on line 27;*

By deleting lines 28 through 40 and substituting in lieu thereof the following:

(b) It is the intent of this Code section that in any given year the Governor's budget report shall include zero-base budgeting for the agencies and programs as identified by the Governor and the Office of Planning and Budget. Each agency shall be required to use zero-base budgeting at least once every six years and shall not be required to use zero-base budgeting more often than once every four years. The Governor and the Office of Planning and Budget shall prescribe the forms and format for zero-base budgets and serve as the entity designated for coordinating the preparation of zero-base budgets by the executive branch.

By deleting lines 44 through 47 and inserting in lieu thereof the following:

a statement of the budget unit's departmental and program purposes; effectiveness, efficiency, and equity measures; and program size indicators.

By substituting "2013" *for* "2012" *on line 59;*

By substituting "2020" *for* "2019" *on line 67;*

By deleting lines 70 through 467.

By redesignating Sections 4-1 and 4-2 as Sections 2-1 and 2-2, respectively.

Representative Allison of the 8th moved that the House disagree to the Senate amendment to the House substitute to SB 33.

The motion prevailed.

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 following Senate substitute was read:

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 that certain subscription agreements for prepaid air ambulance service shall not constitute a contract of insurance; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding new Code sections to read as follows:

"33-1-19.

(a) As used in this Code section, the term 'health care sharing ministry' means a faith-based, nonprofit organization that is tax exempt under the Internal Revenue Code which:

(1) Limits its participants to those who are of a similar faith;

(2) Acts as a facilitator among participants who have financial or medical needs and matches those participants with other participants with the present ability to assist those with financial or medical needs in accordance with criteria established by the health care sharing ministry;

(3) Provides for the financial or medical needs of a participant through contributions from one participant to another;

(4) Provides amounts that participants may contribute with no assumption of risk or promise to pay among the participants and no assumption of risk or promise to pay by the health care sharing ministry to the participants;

(5) Provides a written monthly statement to all participants that lists the total dollar amount of qualified needs submitted to the health care sharing ministry, as well as the amount actually published or assigned to participants for their contribution; and

(6) Provides a written disclaimer on or accompanying all applications and guideline materials distributed by or on behalf of the organization that reads, in substance: 'Notice: The organization facilitating the sharing of medical expenses is not an insurance company, and neither its guidelines nor plan of operation is an insurance policy. Whether anyone chooses to assist you with your medical bills will be totally voluntary because no other participant will be compelled by law to contribute toward your medical bills. As such, participation in the organization or a subscription to any of its documents should never be considered to be insurance. Regardless of whether you receive any payment for medical expenses or whether this organization continues

to operate, you are always personally responsible for the payment of your own medical bills.'

(b) A health care sharing ministry which has entered 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 respecting insurance companies, health maintenance organizations, or health benefit plans of any class, kind, or character in this state or subject to regulation under such laws, including, but not limited to, the provisions of this title, and shall not be subject to the jurisdiction of the Commissioner of Insurance.

33-1-20.

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

(1) 'Air ambulance' means any rotary-wing aircraft used or intended to be used for hire for transportation of sick or injured persons who may need medical attention during transport.

(2) 'Air ambulance service' means the for-hire providing of emergency care and transportation by means of an air ambulance for an injured or sick person to or from a place where medical or hospital care is furnished.

(3) 'Membership fees' means amounts collected by a membership provider as consideration for a membership subscription.

(4) 'Membership provider' means an entity that is licensed to provide air ambulance services pursuant to Chapter 11 of Title 31.

(5) 'Membership subscription' means an agreement where a membership provider's charges to a subscription member for air ambulance services are discounted or are prepaid, but only for charges that are not otherwise covered by a third party.

(6) 'Subscription member' means an individual who is the beneficiary of a membership subscription.

(b)(1) The solicitation of membership subscriptions, the acceptance of applications for membership subscriptions, the charging of membership fees, and the furnishing of prepaid or discounted air ambulance service to subscription members by a membership provider shall not constitute the writing of insurance.

(2) A membership subscription shall not constitute a contract of insurance."

SECTION 2.

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

Representative Neal of the 1st moved that the House agree to the Senate substitute to HB 248.

On the motion, 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
Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon

Y Amerson	Y Dickerson	Y Hill	Y McKillip	N Sims, B
N 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	E Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Battles	Y Dudgeon	N Howard	Y Mosby	Y Smith, T
Y Bearden	Y Dukes	Y Huckaby	N 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
E 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	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	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
E Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	N Pruett	Y Watson
Y Casas	Y Gordon	Knight	Y Purcell	N Welch
Y Channell	Greene	Y Lane	E 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	N Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Harden, B	N Maddox, B	Y Riley	Y Williams, A
Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Y Harrell	Manning	N Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 152, nays 10.

The motion prevailed.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall

so declare them." This version of HB 248 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To change provisions related to telecommunication systems and towers and contracts related thereto; to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to correct a cross-reference; to modify provisions relating to information that must be registered by a service supplier doing business in Georgia for support of the 9-1-1 system; to provide additional uses for Emergency Telephone System Fund moneys; to provide for the enhancement of dispatch and response activities and equipment of public safety personnel; to amend Code Section 36-37-6 of the Official Code of Georgia Annotated, relating to disposition of municipal property generally, so as to clarify the authority of municipal corporations to enter into certain contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; to provide for property leases for telecommunications towers; to provide for exemptions and terms; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," is amended by

revising subparagraph (C) of paragraph (18) of Code Section 46-5-122, relating to definitions relative to the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," as follows:

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

SECTION 2.

Said part is further amended by revising subsection (a) of Code Section 46-5-124.1, relating to service suppliers that must register certain information with the director of emergency management, updating information, and notices of delinquency, as follows:

"(a) Any service supplier doing business in Georgia shall register the following information with the director:

(1) The name, address, and telephone number of the representative of the service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or other notification of intent to provide automatic number identification or automatic location identification, or both, of a ~~wireless telecommunications~~ telephone service connection should be submitted;

(2) The name, address, and telephone number of the representative of the service supplier with whom a local government must coordinate to implement automatic number identification or automatic location identification, or both, of a ~~wireless telecommunications~~ telephone service connection;

(3) The counties in Georgia in which the service supplier is authorized to provide ~~wireless~~ telephone service at the time the filing is made; and

(4) Every corporate name under which the service supplier is authorized to provide ~~wireless~~ telephone service in Georgia."

SECTION 3.

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

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

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

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

~~(3)~~(C) The actual cost, according to generally accepted accounting principles, of salaries~~, including benefits, of employees~~ and employee benefits incurred by the local government for employees hired by the local government solely for the operation and maintenance of the emergency 9-1-1 system ~~and the actual cost of training such of those employees who work as dispatchers or~~ and employees who work as directors as that term is defined in Code Section 46-5-138.2, whether such employee benefits are purchased directly from a third-party insurance carrier,

funded by the local government's self-funding risk program, or funded by the local government's participation in a group self-insurance fund. As used in this paragraph, the term 'employee benefits' means health benefits, disability benefits, death benefits, accidental death and dismemberment benefits, pension benefits, retirement benefits, workers' compensation, and such other benefits as the local government may provide. Said term shall also include any post-employment benefits the local government may provide;

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

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

~~(5)~~(F) The cost of leasing or purchasing a building used as a public safety answering point. Moneys from the fund ~~cannot~~ shall not be used for the construction or lease of an emergency 9-1-1 system building until the local government has completed its street addressing plan;

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 3A.

Code Section 36-37-6 of the Official Code of Georgia Annotated, relating to disposition of municipal property generally, is amended by revising paragraph (l)(1), the introductory language of paragraph (l)(2), and paragraphs (l)(3) and (l)(4) and adding a new paragraph (l)(5) as follows: "(l)(1) ~~In addition to any other authorization or power,~~ Where not otherwise authorized by its charter or other applicable law, the governing authority of any municipal corporation may lease or enter into a contract for valuable consideration for the use, operation, or management of any real or personal property of the municipal corporation~~; provided, however, that~~ pursuant to the power granted by this subsection. The authority of any municipal corporation granted pursuant to its charter or other applicable law to enter into leases or contracts for the use, operation, or management of any real or personal property of the municipal corporation shall not be affected by this subsection and it shall not apply to any contracts or leases entered into pursuant to such

authority. Where a municipal charter or other applicable law provides no authorization for leasing or contracting for the use, operation, or management of any real or personal property of the municipal corporation and this subsection is to be used as authorization for that purpose, the following shall apply: (A) Any lease or contract for the use, operation, or management of any real or personal property for longer than 30 days shall be by sealed bids or by auction as provided in subsection (a) of this Code section. Easements and licenses for the use of municipal property in connection with construction projects of a municipal corporation shall be exempt from this subparagraph, provided that their term is less than one year; (B) Nothing in this subsection shall have the effect of authorizing alienation of title to such property in derogation of rights, duties, and obligations imposed by prior deed, contract, or like document of similar import or shall cause the divesting of title to property dedicated to public use and not subsequently abandoned; and (C) The lessee or contractee shall not mortgage or pledge the property, lease or contract the property as security for any debt, or incur any encumbrance that could result in a lien or claim of lien against the property, lease, or contract. (2) ~~As a condition of any~~ Any lease or contract for the use, operation, or management of any real or personal property entered into pursuant to this subsection and for longer than 30 days shall contain the following terms:"

"(3)(A) The initial term of a lease or contract for the use of real property entered into pursuant to this subsection shall be no longer than five years and there may be one renewal period of no longer than five years, after which the lease or contract shall again be subject to sealed bids or auction. (B) When the lessee or contractee charges any person to enter or go upon the real property for recreational purposes, the consideration received by the municipal corporation for the lease or contract shall not be deemed a charge within the meaning of Article 2 of Chapter 3 of Title 51. (C) Where real property is leased pursuant to this Code section for the erection of telecommunications towers, the initial term of a lease or contract for the use of such real property shall be no longer than ten years and there may be one renewal period of no longer than ten years, after which the lease or contract shall again be subject to sealed bids or auction; provided, however, that such lease shall also include provisions for the removal of the telecommunications tower structure. (4) ~~This subsection~~ Where this subsection is applicable, it shall apply to any lease or contract entered into or renewed on or after July 1, ~~2010~~ 2011. This subsection shall not ~~effect~~ affect any provisions of subsection (k) of this Code section.

(5) Nothing contained in this Code section shall be construed so as to expand the powers of eminent domain or to otherwise provide for additional eminent domain authority for any municipal corporation. The ability for a governing authority of a municipal corporation to exercise eminent domain shall be subject to the limitations enumerated in Chapter 2 of Title 22 and the Georgia Constitution."

SECTION 4.

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

Representative Harbin of the 118th moved that the House agree to the Senate substitute to HB 280.

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

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

On the motion, the ayes were 158, nays 2.

The motion prevailed.

Representative Jones of the 44th 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.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 280 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 1 of Title 37 of the Official Code of Georgia Annotated, relating to the powers and duties of the Department of Behavioral Health and Developmental Disabilities as it related to mental health, so as to provide for crisis stabilization units for the purpose of providing psychiatric stabilization or detoxification services; to provide for a definition; to provide for licensure; to provide for requirements; to provide for rules and regulations; to amend Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to examination and treatment for mental illness, so as to

provide for immunity for hospitals in certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"37-1-29.

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

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

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

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

(2) Voluntary and involuntary admission criteria;

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

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

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

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

(7) Length of stay;

(8) Designation of transitional beds;

(9) Billing;

(10) Physician and registered professional nurse oversight;

(11) Staff to client ratios;

(12) Patient restraint or seclusion;

(13) Safety and emergency protocols;

(14) Pharmacy services;

(15) Medication administration; and

(16) Reporting requirements.

(d) A crisis stabilization unit shall be designated as an emergency receiving facility under Code Sections 37-3-40 and 37-7-40 and an evaluation facility under Code Sections 37-3-60 and 37-7-60, but shall not be designated as a treatment facility under Code Section 37-3-80 or 37-7-80. Crisis stabilization units may admit individuals on a voluntary basis. Individuals may be provided 24 hour observation, detoxification and stabilization services, medication prescribed by a physician, and other appropriate treatment or services.

(e) No entity shall operate as a crisis stabilization unit without having a valid license issued pursuant to this Code section.

(f) Application for a license to operate a crisis stabilization unit shall be submitted to the department in the manner prescribed by the department's rules and regulations.

(g) The department shall issue a license to an applicant who meets all the rules and regulations for the licensure of crisis stabilization units. The license shall be nontransferable for a change of location or governing body.

(h) Each licensee shall permit authorized department representatives to enter upon and inspect any and all premises for which a license has been granted or applied for so that verification of compliance with all relevant laws or regulations can be made.

(i) The department may deny any license application which does not meet all the rules and regulations for the licensure of crisis stabilization units and may suspend or revoke a license which has been issued if an applicant or a licensee violates any such rules and regulations; provided, however, that before any order is entered denying a license application or suspending or revoking a license previously granted, the applicant or license holder, as the case may be, shall be afforded an opportunity for a hearing as provided for in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(j) Any program licensed as a crisis stabilization unit pursuant to this Code section shall be exempt from the requirements to obtain a certificate of need pursuant to Article 3 of Chapter 6 of Title 31.

(k) It is the intent of the General Assembly that this Code section provide a public benefit and comply with all safety net obligations in this title and that patients without private health care coverage receive priority consideration for crisis stabilization unit placement.

(l) The department shall promulgate rules and regulations in accordance with the General Assembly's intent as set out in subsection (k) of this Code section to implement the provisions of this Code section."

SECTION 2.

Chapter 3 of Title 37 of the Official Code of Georgia Annotated, relating to examination and treatment for mental illness, is amended by revising Code Section 37-3-4, relating to immunity of physicians, peace officers, or other private or public hospital employees, as follows:

"37-3-4.

Any hospital or any physician, psychologist, peace officer, attorney, or health official, or any hospital official, agent, or other person employed by a private hospital or at a

facility operated by the state, by a political subdivision of the state, or by a hospital authority created pursuant to Article 4 of Chapter 7 of Title 31, who acts in good faith in compliance with the admission and discharge provisions of this chapter shall be immune from civil or criminal liability for his or her actions in connection with the admission of a patient to a facility or the discharge of a patient from a facility; provided, however, that nothing in this Code section shall be construed to relieve any hospital or any physician, psychologist, peace officer, attorney, or health official, or any hospital official, agent, or other person employed by a private hospital or at a facility operated by the state, by a political subdivision of the state, or by a hospital authority created pursuant to Article 4 of Chapter 7 of Title 31, from liability for failing to meet the applicable standard of care in the provision of treatment to a patient."

SECTION 3.

Said chapter is further amended by revising subsection (e) of Code Section 37-3-163, relating to recognition of patient's physical integrity, as follows:

"(e) In cases of grave emergency where the medical staff of the facility in which a mentally ill individual has been accepted for treatment determines that immediate surgical or other intervention is necessary to prevent serious physical consequences or death and where delay in obtaining consent would create a grave danger to the physical health of such person, as determined by at least two physicians, then essential surgery or other intervention may be administered without the consent of the person, the spouse, next of kin, attorney, guardian, or any other person. In such cases, a record of the determination of the physicians shall be entered into the medical records of the patient and this will be proper consent for such surgery or other intervention. Such consent will be valid notwithstanding the type of admission of the patient and it shall also be valid whether or not the patient has been adjudged incompetent. This Code section is intended to apply to those individuals who, as a result of their advanced age, impaired thinking, or other disability, cannot reasonably understand the consequences of withholding consent to surgery or other intervention as contemplated by this Code section. Any hospital or any physician, agent, employee, or official who obtains consent or relies on such consent, as authorized by this Code section, and who acts in good faith and within the provisions of this chapter shall be immune from civil or criminal liability for his or her actions in connection with the obtaining of or the relying upon such consent; provided, however, that nothing in this Code section shall be construed to relieve any hospital or any physician, agent, employee, or official from liability for failing to meet the applicable standard of care in the provision of treatment to a patient. Actual notice of any action taken pursuant to this Code section shall be given to the patient and the spouse, next of kin, attorney, guardian, or representative of the patient as soon as practicably possible."

SECTION 4.

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

Representative Cooper of the 41st moved that the House agree to the Senate substitute to HB 343.

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

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

On the motion, the ayes were 158, nays 2.

The motion prevailed.

Representatives Jones of the 44th and Kendrick of the 94th 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 238. By Representatives Golick of the 34th, Lindsey of the 54th, Hatfield of the 177th, Willard of the 49th, Ramsey of the 72nd and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, so as to change certain provisions relative to the powers and duties of the council; to change certain provisions relating to the director and the director's responsibilities; to change provisions relating to councilmembers' responsibilities; to provide for the director to appoint circuit public defenders; to change certain annual reporting requirements; to repeal an obsolete effective date Code section; to change provisions relating to the circuit public defender supervisory panel; to change provisions relating to appointing attorneys in conflict of interest cases; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, so as to reconstitute the membership of the Georgia Public Defender Standards Council and provide for appointing members to such council; to change and clarify certain provisions relative to the powers and duties of the council and director; to clarify the council's responsibility to set policy and standards and the director's responsibility to develop rules and regulations to efficiently administer the provisions of this chapter; to change provisions relating to councilmembers' responsibilities; to provide for the director to appoint circuit public defenders; to change certain annual reporting requirements; to repeal an obsolete effective date Code section; to change provisions relating to the circuit public defender supervisory panel; to change provisions relating to appointing attorneys in conflict of interest cases; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to legal defense for indigents, is amended by repealing in its entirety Code Section 17-12-3, relating to the creation of the Georgia Public Defender Standards Council, and enacting a new Code Section 17-12-3 to read as follows:

"17-12-3.

(a) There is created the Georgia Public Defender Standards Council to be composed of nine members. Other than county commission members, members of the council shall be individuals with significant experience working in the criminal justice system or who have demonstrated a strong commitment to the provision of adequate and effective representation of indigent defendants.

(b) Effective July 1, 2011, the council shall be reconstituted. The members serving on the council immediately prior to July 1, 2011, shall cease to serve on that date, but such prior members shall be eligible for reappointment to succeed themselves or to fill another position on the council.

(c) The nine members of the council shall be appointed as follows:

(1) Five members shall be appointed by the Governor. The Governor shall appoint three county commissioners who have been elected and are serving as members of a county governing authority in this state. The county commissioner councilmembers appointed by the Governor shall be from different geographic regions of this state. The Governor may solicit recommendations for such appointees from the Association County Commissioners of Georgia. Each county commissioner councilmember shall serve a term of four years; provided, however, that the initial appointments shall be for one, two, and three years, respectively, as designated by the Governor for each appointment, and thereafter, such members shall serve terms of four years. A county commission councilmember shall be eligible to serve so long as he or she retains the office by virtue of which he or she is serving on the council. The Governor shall appoint two other members to the council, one of whom shall be a circuit public defender, who shall serve terms of four years;

(2) Two members shall be appointed by the Lieutenant Governor and each shall serve terms of four years; provided, however, that the initial appointments shall be for one and four years, respectively, as designated by the Lieutenant Governor for each appointment, and thereafter, such members shall serve terms of four years; and

(3) Two members shall be appointed by the Speaker of the House of Representatives and each shall serve terms of four years; provided, however, that the initial appointments shall be for two and three years, respectively, as designated by the Speaker of the House of Representatives for each appointment, and thereafter, such members shall serve terms of four years.

(d) All initial terms shall begin on July 1, 2011, and their successors' terms shall begin on July 1 following their appointment. Any vacancy for a member shall be filled by the appointing authority, and such appointee shall serve the balance of the vacating member's unexpired term. Any member of the council may be appointed to successive terms.

(e) In making the appointments of members of the council who are not county commissioners, the appointing authorities shall seek to identify and appoint persons who represent a diversity of backgrounds and experience and shall solicit suggestions from the State Bar of Georgia, local bar associations, the Georgia Association of Criminal Defense Lawyers, the councils representing the various categories of state

court judges in Georgia, and the Prosecuting Attorneys' Council of the State of Georgia, as well as from the public and other interested organizations and individuals within this state. The appointing authorities may solicit recommendations for county commissioners from the Association County Commissioners of Georgia. The appointing authorities shall not appoint a prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the State of Georgia to serve on the council."

SECTION 2.

Said chapter is further amended by revising subsection (a) of Code Section 17-12-4, relating to the authority of the Georgia Public Defender Standards Council, as follows:

"(a) The council:

(1) Shall be a legal entity;

(2) Shall have perpetual existence;

(3) May contract;

(4) May own property;

(5) May accept funds, grants, and gifts from any public or private source, which shall be used to defray the expenses incident to implementing its purposes;

(6) May adopt and use an official seal; and

(7) May establish a principal office~~;~~

~~(8) May hire such administrative and clerical personnel as may be necessary and appropriate to fulfill its purposes; and~~

~~(9) Shall have such other powers, privileges, and duties as may be reasonable and necessary for the proper fulfillment of its purposes~~."

SECTION 3.

Said chapter is further amended by revising subsections (c) and (d) of Code Section 17-12-5, relating to the director and the director's responsibilities, as follows:

"(c) The director shall have and may exercise the following power and authority:

(1) The power and authority to take or cause to be taken any or all action necessary to perform any indigent defense services or otherwise necessary to perform any duties, responsibilities, or functions which the ~~council~~ director is authorized by law to perform ~~or~~ and to exercise any power or authority which the council is authorized ~~by law~~ under subsection (a) of Code Section 17-12-4 to exercise;

(2) The power and authority to ~~make, promulgate,~~ enforce~~,~~ or otherwise require compliance with any and all rules, regulations, procedures, or directives necessary to perform any indigent defense services~~,~~; to carry into effect the minimum standards and ~~procedures~~ policies promulgated by the council~~, or otherwise necessary~~; and to perform any duties, responsibilities, or functions which the council is authorized ~~by law~~ under subsection (a) of Code Section 17-12-4 to perform or to exercise ~~any power or authority which the council is authorized by law to exercise~~; and

(3) The power and authority to assist the council in the performance of its duties, responsibilities, and functions and the exercise of its power and authority.

(d) The director shall:

(1) Prepare and submit to the council a proposed budget for the council. The director shall also prepare and submit an annual report containing pertinent data on the operations, costs, and needs of the council and such other information as the council may require;

(2) Develop such rules, ~~policies,~~ procedures, and regulations~~, and standards~~ as the director determines may be necessary to carry out the provisions of this chapter and submit these to the council for approval and comply with all applicable laws, standards, and regulations~~, and submit these to the council for approval~~;

(3) Administer and coordinate the operations of the council and supervise compliance with ~~rules,~~ policies~~, procedures, regulations,~~ and standards adopted by the council;

(4) Maintain proper records of all financial transactions related to the operation of the council;

(5) At the director's discretion, solicit and accept on behalf of the council any funds that may become available from any source, including government, nonprofit, or private grants, gifts, or bequests;

(6) Coordinate the services of the council with any federal, county, or private programs established to provide assistance to indigent persons in cases subject to this chapter and consult with professional bodies concerning the implementation and improvement of programs for providing indigent services;

(7) Provide for the training of attorneys and other staff involved in the legal representation of persons subject to this chapter;

(8) Attend all council meetings, except those meetings or portions thereof that address the question of appointment or removal of the director;

(9) Ensure that the expenditures of the council are not greater than the amounts budgeted or available from other revenue sources;

(10) Hire~~, with the pending approval of the council,~~ a mental health advocate who shall serve as director of the division of the office of mental health advocacy;

(11) Hire~~, with the pending approval of the council,~~ the capital defender who shall serve as the director of the division of the office of the Georgia capital defender; and

(12) Evaluate each circuit public defender's job performance ~~and communicate his or her findings to the council; and~~

~~(13) Perform other duties as the council may assign~~."

SECTION 4.

Said chapter is further amended by revising subsection (d) of Code Section 17-12-7, relating to councilmembers and responsibilities, as follows:

"(d) Unless otherwise provided in this article, a quorum shall be a majority of the members of the council who are then in office, and decisions of the council shall be by majority vote of the members present, except that a majority of the entire council ~~must~~ shall be required to approve the appointment ~~or removal~~ of the chairperson ~~or removal~~

~~of a circuit public defender for cause pursuant to Code Section 17-12-20~~ and for annual approval of an alternative delivery system pursuant to Code Section 17-12-36 and other matters as set forth in Code Section 17-12-36. The vote of two-thirds of the members of the entire council shall be required to remove the chairperson of the council or to overturn the director's decision regarding the removal of a circuit public defender."

SECTION 5.

Said chapter is further amended by revising subsections (b) and (c) of Code Section 17-12-8, relating to approval by council of programs for representation of indigents, as follows:

"(b) The council shall approve and implement programs, services, ~~rules,~~ policies, ~~procedures, regulations,~~ and standards as may be necessary to fulfill the purposes and provisions of this chapter and to comply with all applicable laws governing the rights of indigent persons accused of violations of criminal law.

(c) All ~~rules, regulations,~~ policies~~,~~ and standards that are promulgated by the council shall be publicly available for review and shall be posted on the council's website. Each ~~rule, regulation,~~ policy~~,~~ and standard shall identify the date upon which such ~~rule, regulation,~~ policy~~,~~ and standard took effect."

SECTION 6.

Said chapter is further amended by revising Code Section 17-12-9, relating to continuing legal education for public defenders and staff, as follows:

"17-12-9.

The council shall be authorized to conduct or approve for credit or reimbursement, or both, basic and continuing legal education courses or other appropriate training programs for the circuit public defenders or their staff members. The council, in accordance with such ~~rules~~ policies as it shall adopt, shall be authorized to provide reimbursement, in whole or in part, for the actual expenses incurred by any circuit public defender or their staff members in attending any approved course or training program from funds as may be appropriated or otherwise made available to the council. The circuit public defenders or their staff members shall be authorized to receive reimbursement for actual expenses incurred in attending approved courses or training programs. The council shall adopt ~~rules~~ policies governing the approval of courses and training programs for credit or reimbursement as may be necessary to administer this Code section properly."

SECTION 7.

Said chapter is further amended by revising subsection (c) of Code Section 17-12-10, relating to annual reporting, as follows:

"(c) The ~~council~~ director shall prepare annually a report in order to provide the General Assembly, the Supreme Court, and the Governor with information on the council's assessment of the delivery of indigent defense services, including, but not limited to,

the costs involved in operating each program and each governing authority's indigent person verification system, methodology used, costs expended, and savings realized."

SECTION 8.

Said chapter is further amended by revising subsection (f) of Code Section 17-12-10.1, relating to the legislative oversight committee, as follows:

"(f) The legislative oversight committee shall make an annual report of its activities and findings to the membership of the General Assembly, the Chief Justice of the Supreme Court, and the Governor within one week of the convening of each regular session of the General Assembly. The chairperson of such committee shall deliver written executive summaries of such report to the members of the General Assembly prior to the adoption of the General Appropriations Act each year."

SECTION 9.

Said chapter is further amended by repealing Code Section 17-12-13, relating to the effective date of the article, which reads as follows:

"17-12-13.

This article shall become effective on December 31, 2003, except as specified in Code Section 17-12-3."

SECTION 10.

Said chapter is further amended by revising Code Section 17-12-20, relating to the public defender selection panel for each circuit and the appointment of the circuit public defender, as follows:

"17-12-20.

(a) On and after July 1, ~~2008~~ 2011, there is created in each judicial circuit in this state a circuit public defender supervisory panel to be composed of ~~seven~~ three members, all of whom shall be attorneys who regularly practice in that particular judicial circuit. The ~~Lieutenant Governor, the Speaker of the House of Representatives, and the~~ chief judge of the superior court of the circuit shall ~~each~~ appoint one member. The Governor shall appoint ~~four members, two of which shall be members of the governing authority of the counties within the judicial circuit for which such member is appointed to serve. A member of a governing authority shall be eligible to serve so long as he or she retains the office by virtue of which he or she is serving on the panel. Other than the county commissioner, members~~ one member. In a single county judicial circuit, the chairperson of the governing authority or sole commissioner shall appoint one member; in multicounty judicial circuits, the chairpersons of the governing authorities or sole commissioners shall caucus and appoint one member. When a caucus is needed to appoint a member of the supervisory panel, the chairperson or sole commissioner of the largest county by population in the judicial circuit shall convene the caucus. Members of the circuit public defender supervisory panel shall be individuals with significant experience working in the criminal justice system or who have demonstrated a strong commitment to the provision of adequate and effective representation of indigent

defendants. A prosecuting attorney as defined in paragraph (6) of Code Section 19-13-51, any employee of a prosecuting attorney's office, or an employee of the Prosecuting Attorneys' Council of the State of Georgia shall not serve as a member of the circuit public defender supervisory panel after July 1, 2005. On and after July 1, 2008, no employees of the council shall serve as a member of the circuit public defender supervisory panel. Members of the circuit public defender supervisory panel shall reside in the judicial circuit in which they serve. The circuit public defender supervisory panel members shall serve for a term of five years. Any vacancy for an appointed member shall be filled by the appointing authority within 60 days of the vacancy occurring.

(b)(1) By majority vote of its membership, the circuit public defender supervisory panel shall annually elect a chairperson and secretary ~~and determine a quorum for the transaction of business~~. The chairperson shall conduct the meetings and deliberations of the panel and direct all activities. The secretary shall keep accurate records of all the meetings and deliberations and perform such other duties as the chairperson may direct. The panel may be called into session upon the direction of the chairperson or by the council.

(2) By majority vote of its membership, the circuit public defender supervisory panel shall ~~appoint~~ nominate not more than five people to serve as the circuit public defender in the circuit ~~as provided in this article. The first such appointments shall be made to take office on January 1, 2005, for terms of up to four years. The initial appointments shall be for a term of up to four years~~. The director shall select the circuit public defender from the panel's list of nominees. A circuit public defender shall serve a term for up to four years and may be appointed for successive terms but shall not be reappointed if he or she was removed pursuant to subsection (c) of this Code section.

(c) A circuit public defender may be removed for cause by ~~a majority vote of the council and may be removed without cause by a vote of two-thirds of the members of the entire council~~ the director. If a circuit public defender wants to appeal such removal, he or she may appeal the decision to the council. By a vote of two-thirds of the members of the entire council, the council may overturn the director's decision. Any appeal regarding a removal request shall be submitted to the council within 15 days of the effective date of the removal, and the council shall take action in hearing the appeal at its next regularly scheduled meeting and take final action within 30 days thereafter. A circuit public defender who has been removed by the director who has filed an appeal with the council shall continue to serve as the circuit public defender until the council reaches a decision on the appeal.

(d) A circuit public defender supervisory panel may convene at any time during its circuit public defender's term of office and shall convene at least ~~semiannually~~ annually for purposes of reviewing the circuit public defender's job performance and the performance of the circuit public defender office. The ~~council~~ director and circuit public defender shall be notified at least two weeks in advance of the convening of the circuit public defender supervisory panel. The circuit public defender shall be given the

opportunity to appear before the circuit public defender supervisory panel and present evidence and testimony. The chairperson shall determine the agenda for the ~~semiannual~~ annual review process, but, at a minimum, such review shall include information collected pursuant to subsection (c) of Code Section 17-12-24, usage of state and local funding, expenditures, and budgeting matters. The chairperson shall make an annual report on or before the thirtieth day of September of each year concerning the circuit public defender supervisory panel's findings regarding the job performance of the circuit public defender and his or her office to the ~~council~~ director on a form provided to the panel by the ~~council~~ director. If at any time the circuit public defender supervisory panel finds that the circuit public defender is performing in a less than satisfactory manner or finds information of specific misconduct, the circuit public defender supervisory panel may by majority vote of its members adopt a resolution seeking review of their findings and remonstrative action by the ~~council~~ director. Such resolution shall specify the reason for such request. All evidence presented and the findings of the circuit public defender supervisory panel shall be forwarded to the ~~council~~ director within 15 days of the adoption of the resolution. The ~~council~~ director shall initiate action on the circuit public defender supervisory panel's resolution ~~at its next regularly scheduled meeting and take final action~~ within ~~60~~ 30 days ~~thereafter~~ of receiving the resolution. The ~~council~~ director shall notify the circuit public defender supervisory panel, in writing, of any actions taken pursuant to submission of a resolution under this subsection.

(e) If a vacancy occurs for the position of circuit public defender, the ~~chief judge of the superior court of the circuit~~ director shall appoint an interim circuit public defender to serve until the ~~circuit public defender supervisory panel~~ director has appointed a replacement. Within 30 days of the vacancy occurring, the ~~The~~ circuit public defender supervisory panel shall ~~appoint~~ meet and nominate not more than five people to serve as a replacement circuit public defender ~~within three months of the occurring of the vacancy. The replacement circuit public defender shall not be any individual who has been removed by the council pursuant to subsection (c) of this Code section~~. The director shall select the replacement circuit public defender from the panel's list of nominees."

SECTION 11.

Said chapter is further amended by revising subsections (a) and (c) of Code Section 17-12-22, relating to the procedure for appointment of attorneys for indigent defendants in the event a public defender's office has a conflict of interest, as follows:

"(a) The director, with input from the council, shall establish a procedure for providing legal representation in cases where the circuit public defender office has a conflict of interest. Such procedure may include, but shall not be limited to, the appointment of individual counsel on a case-by-case basis or the utilization of another circuit public defender office. Whatever procedure the ~~council~~ director establishes for each circuit's conflict of interest cases shall be adhered to by the circuit public defender office. It is the intent of the General Assembly that the ~~council~~ director consider the most efficient

and effective system to provide legal representation where the circuit public defender office has a conflict of interest."

"(c) Attorneys who seek appointment in conflict cases shall have such experience or training in the defense of criminal cases as is necessary in light of the complexity of the case to which he or she is appointed and shall meet such qualifications~~, regulations,~~ and standards for the representation of indigent defendants as are established by the council."

SECTION 12.

Said chapter is further amended by revising subsection (d) of Code Section 17-12-23, relating to cases in which public defender representation is required, as follows:

"(d) A city or county may contract with the circuit public defender office for the provision of criminal defense for indigent persons accused of violating city or county ordinances or state laws. If a city or county does not contract with the circuit public defender office, the city or county shall be subject to all applicable ~~rules, regulation,~~ policies~~,~~ and standards adopted by the council for representation of indigent persons in this state."

SECTION 13.

Said chapter is further amended by revising paragraph (4) of subsection (c) of Code Section 17-12-30, relating to classification of personnel, as follows:

"(4) Any reduction in salary shall be made in accordance with the salary range for the position and the policies~~, rules, or regulations~~ adopted by the council."

SECTION 14.

Said chapter is further amended by revising paragraph (2) of subsection (a) of Code Section 17-12-36, relating to alternate delivery systems, as follows:

"(2) The council, by majority vote of the entire council, determines that the delivery system meets or exceeds its ~~rules, regulations,~~ policies~~,~~ and standards, including, without limitation, caseload standards, as the council adopts;"

SECTION 15.

Said chapter is further amended by revising subsection (b) of Code Section 17-12-80, relating to verification of indigency required, as follows:

"(b) The council shall establish ~~rules and regulations~~ <u>policies and standards</u> to determine approval of an indigent person verification system and shall annually provide written notification to the Georgia Superior Court Clerks' Cooperative Authority as to whether or not a governing authority has an approved indigent person verification system."

SECTION 16.

This Act shall become effective on July 1, 2011.

SECTION 17.

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

Representative Golick of the 34th moved that the House agree to the Senate substitute to HB 238.

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

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

On the motion, the ayes were 159, nays 3.

The motion prevailed.

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 Senate substitute was read:

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 special 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 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 state or the accused demands a special 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, shall conduct a special 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 special 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) Consider entry of a nolle prosequi of the charges pursuant to Code Section 17-8-3 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) Consider entry of a nolle prosequi of the charges pursuant to Code Section 17-8-3 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, and the court shall order the civil commitment to be on an inpatient or outpatient 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 on an annual basis, but in no case for a period to exceed the maximum period for which the accused could have been sentenced on the most serious nonviolent offense charged or a period 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 on an annual basis, but in no case for a period 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) 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 annually 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; provided, however, that after the department submits its annual evaluation, if the state or the accused requests a hearing regarding civil commitment, the court shall hold a hearing on such issue; and

(vi) 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 may order the cost of such evaluation be paid for by the county.

(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.

(h) Nothing in this Code section shall prevent the accused or the state from seeking a court order for a nondepartment mental competency evaluation of the accused at the cost of the movant. If a nondepartment mental competency evaluation is ordered, the court shall abide by the time frames for trial as set forth in this Code section unless the court determines, for good cause shown, that such time frames require adjustment for a nondepartment evaluation.

(i) The 'Crime Victims' Bill of Rights,' as set forth in Chapter 17 of this title, shall be applicable to any judicial proceeding held pursuant to this Code section, and notice shall be provided to any victim as set forth in such chapter."

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.

Representative Welch of the 110th moved that the House agree to the Senate substitute to HB 421.

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

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

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

On the motion, the ayes were 145, nays 20.

The motion prevailed.

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 following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 6 of Title 16 and Title 17 of the Official Code of Georgia Annotated, relating to sexual offenses and criminal procedure, respectively, so as to provide for funding of forensic 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, is amended by revising subsection (c) of Code Section 16-6-1, relating to rape, as follows:

"(c) When evidence relating to an allegation of rape is collected in the course of a medical examination of the person who is the victim of the alleged crime, the ~~law enforcement agency investigating the alleged crime~~ Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence."

SECTION 2.

Said chapter is further amended in Code Section 16-6-2, relating to sodomy, aggravated sodomy, and medical expenses, by revising subsection (c) as follows:

"(c) When evidence relating to an allegation of aggravated sodomy is collected in the course of a medical examination of the person who is the victim of the alleged crime, the ~~law enforcement agency investigating the alleged crime~~ Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of Title 17, shall be financially responsible for the cost of the medical examination to the extent that expense is incurred for the limited purpose of collecting evidence."

SECTION 3.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising Code Section 17-5-72, relating to the right to free forensic medical examination, as follows:

"17-5-72.

A victim shall have the right to have a forensic medical examination regardless of whether the victim participates in the criminal justice system or cooperates with law enforcement in pursuing prosecution of the underlying crime. A victim shall not be required to pay, directly or indirectly, for the cost of a forensic medical examination. The cost of a forensic medical examination shall be paid for by the ~~investigating law enforcement agency~~ Georgia Crime Victims Emergency Fund, as provided for in Chapter 15 of this title."

SECTION 4.

Said title is further amended in Code Section 17-15-2, relating to definitions for victim compensation, by revising paragraphs (6) through (9) as follows:

"(6) 'Forensic medical examination' means an examination provided to a person pursuant to subsection (c) of Code Section 16-6-1 or subsection (c) of Code Section 16-6-2 by a trained medical personnel in order to gather evidence. Such examination shall include, but shall not be limited to:

(A) An examination for physical trauma;

(B) A determination as to the nature and extent of the physical trauma;

(C) A patient interview;

(D) Collection and evaluation of the evidence collected; and

(E) Any additional testing deemed necessary by the examiner in order to collect evidence and provide treatment.

(7) 'Fund' means the Georgia Crime Victims Emergency Fund.

~~(7)~~(8) 'Investigator' means an investigator of the board.

~~(8)~~(9) 'Serious mental or emotional trauma' means a nonphysical injury which has been documented by a licensed mental health professional and which meets the specifications promulgated by the board's rules and regulations relating to this type of trauma.

~~(9)~~(10) 'Victim' means a person who:

(A) Is injured physically, who dies, or who suffers financial hardship as a result of being injured physically as a direct result of a crime;

(B) Suffers a serious mental or emotional trauma as a result of being threatened with a crime which could result in physical injury or death; or

(C) Suffers a serious mental or emotional trauma as a result of being present during the commission of a crime."

SECTION 5.

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

"17-15-15.

When a forensic medical examination is conducted, the cost of such examination shall be paid for by the fund in an amount not to exceed $1,000.00. The fund shall be responsible for payment of such cost notwithstanding whether the person receiving such examination has health insurance or any other source of health care coverage."

SECTION 6.

Said title is further amended by revising Code Section 17-18-2, relating to information for victims of rape or forcible sodomy, as follows:

"17-18-2.

The following information in substantially the form set out in this Code section shall be provided to adult victims of rape or aggravated sodomy in accordance with Code Section 17-18-1:

'INFORMATION FOR VICTIMS OF RAPE OR FORCIBLE SODOMY

If you are the victim of rape or forcible sodomy, you have certain rights under the law.

Rape or forcible sodomy by a stranger or a person known to you, including rape or forcible sodomy by a person married to you, is a crime. You can ask the government's lawyer to prosecute a person who has committed a crime. The government pays the cost of prosecuting for crimes.

If you are the victim of rape or forcible sodomy, you should contact a local police department or other law enforcement agency immediately. A police officer will come to take a report and collect evidence. You should keep any clothing you were wearing at the time of the crime as well as any other evidence such as bed sheets. Officers will take you to the hospital for a medical examination. You should not shower or douche before the examination. The law requires that the ~~police department or law enforcement agency investigating the crime~~ Georgia Crime Victims Emergency Fund pay for the medical examination to the extent of the cost for the collection of evidence of the crime."

SECTION 7.

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

Representative Carter of the 175th moved that the House agree to the Senate substitute to HB 503.

On the motion, 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	E Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	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
E Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Y Jacobs	Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
Y Byrd	Y Geisinger	Y Kendrick	Y Powell, J	Y Walker
Y Carter	Y Golick	Y Kidd	Y Pruett	Y Watson

Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	Y Williams, A
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	E Rynders	Y Williamson
Y Cooper	Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 167, nays 0.

The motion prevailed.

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 13 of Title 16 and Title 26 of the Official Code of Georgia Annotated, relating to controlled substances and pharmacists and food, drugs, and cosmetics, respectively, so as to adopt and incorporate all drug-free commercial zones which have been adopted by municipal or county ordinance and entered in the register of the Department of Community Affairs through a certain date; 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 change the definition of "food service

establishment"; 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 by revising subsection (f) of Code Section 16-13-32.6, relating to manufacturing, distributing, dispensing, or possessing with intent to distribute controlled substance or marijuana in, on, or within drug-free commercial zone, as follows:

"(f) The General Assembly hereby adopts and incorporates into this Code section all drug-free commercial zones which have been adopted by municipal or county ordinance and entered in the register of the Department of Community Affairs as provided for in subsection (d) of this Code section on or before ~~March 10, 2004~~ March 28, 2011."

SECTION 2.

Said chapter is further amended by revising 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.

(2) As used in this subsection, the term 'institution' means a skilled nursing facility or a hospice licensed as such under Chapter 7 of Title 31."

SECTION 3.

Said chapter is further amended by revising 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 4.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended by revising Code Section 26-2-370, relating to definitions, as follows:

"26-2-370.

As used in this article, the term:

(1) 'Food nutrition information' means the content of food including, but not limited to, the caloric, fat, carbohydrate, cholesterol, fiber, sugar, potassium, protein, vitamin, mineral, and sodium content.

(2) 'Food service establishment' means establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products either for carry out or service within the establishment. The term includes restaurants; coffee shops; cafeterias; short order cafes; luncheonettes; taverns; lunchrooms; places which retail sandwiches or salads; soda fountains; institutions, both public and private; food carts; itinerant restaurants; industrial cafeterias; catering establishments; and similar facilities by whatever name called. Within a food service establishment, there may be a food sales component, not separately operated. This food sales component shall be considered as part of the food service establishment. This term shall not include a 'food sales establishment,' as defined in Code Section 26-2-21, except as stated in this definition. The food service component of any food sales establishment defined in Code Section 26-2-21 shall not be included in this definition. This term shall not include any outdoor recreation activity sponsored by the state, a county, a municipality, or any department or entity thereof, any outdoor <u>or indoor (other than school cafeteria food service)</u> public school function, or any outdoor private school function. This term also shall not mean establishments for the preparation and serving of meals, lunches, short orders, sandwiches, frozen desserts, or other edible products if such preparation or serving is an authorized part of and occurs upon the site of a fair or festival which:

(A) Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

(B) Lasts 120 hours or less; and

(C) When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.

(3) 'Person' or 'persons' means any individual, firm, partnership, corporation, trustee, or association, or combination thereof."

SECTION 5.

Said title is further amended by revising Code Section 26-4-5, relating to definitions, by adding a new paragraph to read as follows:

"<u>(37.1) 'Remote automated medication system' means an automated mechanical system that is located in a skilled nursing facility or hospice licensed as such pursuant to Chapter 7 of Title 31 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.</u>"

SECTION 6.

Said title is further amended by revising 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 skilled nursing facilities and hospices 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 may establish rules and regulations to implement the requirements of this paragraph."

SECTION 7.

Said chapter is further amended by revising 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 8.

Said chapter is further amended by revising 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 9.

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

SECTION 10.

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

Representative Stephens of the 164th moved that the House agree to the Senate substitute to HB 457.

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

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

On the motion, the ayes were 162, nays 4.

The motion prevailed.

Representatives Jones of the 44th and Lucas of the 139th 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 Spencer of the 180th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Kendrick of the 94th 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 46. By Representatives Jacobs of the 80th, Lindsey of the 54th, Oliver of the 83rd, Willard of the 49th, Lane of the 167th and others:

A BILL to be entitled an Act to amend Chapter 10 of Title 24 of the Official Code of Georgia Annotated, relating to securing attendance of witnesses and production and preservation of evidence, so as to repeal the "Uniform Foreign Depositions Act" and to replace such Act with the "Uniform Interstate Depositions and Discovery Act"; to provide for a short title; to provide for definitions; to provide for issuance and service of subpoenas; to provide for depositions and production and inspection of documents and tangible evidence; to provide for protective orders; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 24 of the Official Code of Georgia Annotated, relating to evidence, so as to repeal the "Uniform Foreign Depositions Act" and to replace such Act with the "Uniform Interstate Depositions and Discovery Act"; to provide for a short title; to provide for definitions; to provide for issuance and service of subpoenas; to provide for depositions and production and inspection of documents and tangible evidence; to provide for protective orders; to provide for related matters; to provide for an effective date and a contigent effective date and applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.
Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended by repealing Article 6 of Chapter 10, the "Uniform Foreign Depositions Act," and enacting a new Article 6 to read as follows:

"ARTICLE 6

24-10-110.
This article shall be known and may be cited as the 'Uniform Interstate Depositions and Discovery Act.'

24-10-111.

As used in this article, the term:

(1) 'Foreign jurisdiction' means a state other than this state.

(2) 'Foreign subpoena' means a subpoena issued under authority of a court of record of a foreign jurisdiction.

(3) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.

(4) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Native American tribe, or any territory or insular possession subject to the jurisdiction of the United States.

(5) 'Subpoena' means a document, however denominated, issued under authority of a court of record requiring a person to:

(A) Attend and give testimony at a deposition;

(B) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of such person; or

(C) Permit inspection of premises under the control of such person.

24-10-112.

(a) To request issuance of a subpoena under this Code section, a party shall submit a foreign subpoena to the clerk of superior court of the county in which the person receiving the subpoena resides. A request for the issuance of a subpoena under this Code section shall not constitute an appearance in the courts of this state.

(b) When a party submits a foreign subpoena to a clerk of superior court in this state, the clerk shall promptly issue and provide to the requestor a subpoena for service upon the person to which the foreign subpoena is directed.

(c) A subpoena under subsection (b) of this Code section shall:

(1) Incorporate the terms used in the foreign subpoena; and

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(d) This Code section shall not apply to criminal proceedings.

24-10-113.

(a) For purposes of this Code section, the term 'subpoena' shall have only the meaning set forth in subparagraph (A) of paragraph (5) of Code Section 24-10-111.

(b) In addition to the mechanism for issuing subpoenas provided for in Code Section 24-10-112, whenever any mandate, writ, or commission is issued out of any court of record in a foreign jurisdiction, a witness may be compelled by subpoena issued by the clerk of superior court of the county in which such witness resides to appear and testify

in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

24-10-114.
A subpoena issued by the clerk of superior court under Code Section 24-10-112 or 24-10-113 shall be served in compliance with Code Section 24-10-23 and shall be served within a reasonable time prior to the appearance required by such subpoena.

24-10-115.
Part 1 of Article 2 of this chapter shall apply to subpoenas issued under Code Section 24-10-112 or 24-10-113.

24-10-116.
An application for a protective order or to enforce, quash, or modify a subpoena issued by the clerk of superior court under Code Section 24-10-112 or 24-10-113 shall comply with the statutes and court rules of this state and shall be submitted to the superior court of the county in which the subpoena was issued."

PART II
SECTION 2-1.
Title 24 of the Official Code of Georgia Annotated, relating to evidence, is amended by repealing Article 5 of Chapter 13 as enacted by HB 24, substantially revising, superseding, and modernizing provisions relating to evidence during the 2011-2012 biennium of the General Assembly, and enacting a new article to read as follows:

"ARTICLE 5

24-13-110.
This article shall be known and may be cited as the 'Uniform Interstate Depositions and Discovery Act.'

24-13-111.
As used in this article, the term:
(1) 'Foreign jurisdiction' means a state other than this state.
(2) 'Foreign subpoena' means a subpoena issued under authority of a court of record of a foreign jurisdiction.
(3) 'Person' means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation, government or governmental subdivision, agency, or instrumentality, or any other legal or commercial entity.
(4) 'State' means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, a federally recognized Native American tribe, or any territory or insular possession subject to the jurisdiction of the United States.

(5) 'Subpoena' means a document, however denominated, issued under authority of a court of record requiring a person to:

(A) Attend and give testimony at a deposition;

(B) Produce and permit inspection and copying of designated books, documents, records, electronically stored information, or tangible things in the possession, custody, or control of such person; or

(C) Permit inspection of premises under the control of such person.

24-13-112.

(a) To request issuance of a subpoena under this Code section, a party shall submit a foreign subpoena to the clerk of superior court of the county in which the person receiving the subpoena resides. A request for the issuance of a subpoena under this Code section shall not constitute an appearance in the courts of this state.

(b) When a party submits a foreign subpoena to a clerk of superior court in this state, the clerk shall promptly issue and provide to the requestor a subpoena for service upon the person to which the foreign subpoena is directed.

(c) A subpoena under subsection (b) of this Code section shall:

(1) Incorporate the terms used in the foreign subpoena; and

(2) Contain or be accompanied by the names, addresses, and telephone numbers of all counsel of record in the proceeding to which the subpoena relates and of any party not represented by counsel.

(d) This Code section shall not apply to criminal proceedings.

24-13-113.

(a) For purposes of this Code section, the term 'subpoena' shall have only the meaning set forth in subparagraph (A) of paragraph (5) of Code Section 24-13-111.

(b) In addition to the mechanism for issuing subpoenas provided for in Code Section 24-13-112, whenever any mandate, writ, or commission is issued out of any court of record in a foreign jurisdiction, a witness may be compelled by subpoena issued by the clerk of superior court of the county in which such witness resides to appear and testify in the same manner and by the same process and proceeding as may be employed for the purpose of taking testimony in proceedings pending in this state.

24-13-114.

A subpoena issued by the clerk of superior court under Code Section 24-13-112 or 24-13-113 shall be served in compliance with Code Section 24-13-23 and shall be served within a reasonable time prior to the appearance required by such subpoena.

24-13-115.

Article 2 of this chapter shall apply to subpoenas issued under Code Section 24-13-112 or 24-13-113.

24-13-116.
An application for a protective order or to enforce, quash, or modify a subpoena issued by the clerk of superior court under Code Section 24-13-112 or 24-13-113 shall comply with the statutes and court rules of this state and shall be submitted to the superior court of the county in which the subpoena was issued."

PART III

SECTION 3-1.

(a) This part and Part I of this Act shall become effective on July 1, 2011, and shall apply to subpoenas served on or after July 1, 2011, and in actions pending on or after July 1, 2011, except as otherwise provided by subsection (b) of this section.

(b)(1) Part II of this Act shall become effective only if HB 24, substantially revising, superseding, and modernizing provisions relating to evidence, is enacted during the 2011-2012 biennium of the General Assembly and becomes law on or before January 1, 2013, in which case Part II of this Act shall become effective on the same date that said HB 24 becomes effective and shall apply to subpoenas served on or after July 1, 2013, and in actions pending on or after July 1, 2013.

(2) Part I of this Act shall stand repealed if and when Part II of this Act becomes effective as provided by paragraph (1) of this subsection.

(3) If said HB 24 does not become law on or before January 1, 2013, as provided by paragraph (1) of this subsection, then Part II of this Act shall stand repealed on January 1, 2013.

SECTION 3-2.

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

The following amendment was read and adopted:

Representatives Jacobs of the 80th, Lindsey of the 54th, and Willard of the 49th offer the following amendment:

Amend the substitute to HB 46 (LC 29 4781S) by deleting line 51 and inserting in lieu thereof the following:

(d) This Code section shall only apply to a subpoena to be issued in this state if the foreign jurisdiction that issued the foreign subpoena has adopted a version of the 'Uniform Interstate Depositions and Discovery Act.'
(e) This Code section shall not apply to criminal proceedings.

By deleting line 115 and inserting in lieu thereof the following:

(d) This Code section shall only apply to a subpoena to be issued in this state if the foreign jurisdiction that issued the foreign subpoena has adopted a version of the 'Uniform Interstate Depositions and Discovery Act.'
(e) This Code section shall not apply to criminal proceedings.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 46.

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

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

On the motion, the ayes were 162, nays 1.

The motion prevailed.

The Speaker assumed the Chair.

The Speaker called the House to order for the purpose of receiving the Governor of Georgia, the Honorable Nathan Deal.

The Speaker appointed as a Committee of Escort the following members: Representatives Abrams of the 84th, Carter of the 175th, Collins of the 27th, Huckaby of the 113th, Hugley of the 133rd, Jones of the 46th, Lindsey of the 54th, and O`Neal of the 146th.

Accompanied by the Committee of Escort and other distinguished guests, His Excellency, Governor Nathan Deal, appeared upon the floor of the House and addressed the members.

The Speaker called the House to order.

The following Bills and Resolution of the House and Senate were taken up for the purpose of considering the Senate action thereon:

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.

Representative Shaw of the 176th moved that the House insist on its position in amending SB 251.

The motion prevailed.

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 Senate substitute was read:

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 amend Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud and related offenses, so as to provide for definitions; to provide that it shall be unlawful to willfully and knowingly sell, purchase, install, transfer, or possess in this state any automated sales suppression device or zapper or phantom-ware; to provide for penalties and civil remedies; to provide that such devices and software are contraband; 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:

PART I
SECTION 1-1.

This Act shall be known and may be cited as the "Jury Composition Reform Act of 2011."

SECTION 1-2.

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 1-3.

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 1-4.

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 1-5.

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 1-6.

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 1-7.

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 1-8.

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 1-9.

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 1-10.

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 1-11.

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.

~~(c)~~(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 1-12.

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 1-13.

Said title is further amended by revising subsection (b) of Code Section 15-12-23, relating to the clerk of board of jury commissioners, as follows:

"(b)(1) In all counties of this state ~~having a population of not less than 183,000 and not more than 216,000 according to the United States decennial census for 1990 or any such future census~~ where the chief superior court judge of the county had the power to appoint a jury clerk on January 1, 2011, the chief judge of the superior court of such counties shall continue to 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, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, 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 said personnel shall be as prescribed by said judge.

(2) All prospective jurors in such counties shall be required to answer questionnaires as may be determined and submitted by said chief judge of such counties concerning their qualifications as jurors.

(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.

(4) This subsection shall be in addition and supplemental to other provisions provided by law, with a view toward efficient and orderly handling of jury selection and the administration of justice."

SECTION 1-14.

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 1-15.

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 1-16.

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, social security number, driver's license number, 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 1-17.

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 1-18.

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 1-19.

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 <u>or her</u> 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 1-20.

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 1-21.

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 1-22.

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 1-23.

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 1-24.

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 1-25.

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 1-26.

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 1-27.

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 ~~do~~ 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 one year following the conclusion of such earlier service."

SECTION 1-28.

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 1-29.

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 1-30.

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 1-31.

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 1-32.

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 1-33.

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 1-34.

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 1-35.

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 1-36.

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 1-37.

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 1-38.

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 1-39.

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 1-40.

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 1-41.

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 1-42.

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 1-43.

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 1-44.

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 1-45.

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 1-46.

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 1-47.

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 1-48.

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 1-49.

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 1-50.

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 1-51.

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 1-52.

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 1-53.

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 1-54.

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 1-55.

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 1-56.

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 1-57.

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 1-58.

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 1-59.

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 1-60.

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 1-61.

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 1-62.

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 1-63.

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 1-64.

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 1-65.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is 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:

"21-2-231.

(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 1-66.

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 1-67.

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 1-68.

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;"

PART II
SECTION 2-1.

Article 4 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to fraud and related offenses, is amended by adding a new Code section to read as follows:

"16-9-62.

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

(1) 'Automated sales suppression device' or 'zapper' means a software program, carried on a memory stick or removable compact disc, accessed through an Internet link, or accessed through any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems, including, but not limited to, transaction data and transaction reports.

(2) 'Electronic cash register' means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in whatever manner.

(3) 'Phantom-ware' means a hidden, preinstalled, or installed at a later time programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual

second till or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register.

(4) 'Transaction data' includes items purchased by a customer, the price for each item, a taxability determination for each item, a segregated tax amount for each of the taxed items, the amount of cash or credit tendered, the net amount returned to the customer in change, the date and time of the purchase, the name, address, and identification number of the vendor, and the receipt or invoice number of the transaction.

(5) 'Transaction reports' means a report documenting, but not limited to, the sales, taxes collected, media totals, and discount voids at an electronic cash register that is printed on cash register tape at the end of a day or shift, or a report documenting every action at an electronic cash register that is stored electronically.

(b) It shall be unlawful to willfully and knowingly sell, purchase, install, transfer, or possess in this state any automated sales suppression device or zapper or phantom-ware.

(c) Any person convicted of a violation of subsection (b) of this Code section shall be guilty of a felony and shall be punished by imprisonment of not less than one nor more than five years, a fine not to exceed $100,000.00, or both.

(d) Any person violating subsection (b) of this Code section shall be liable for all taxes and penalties due the state as the result of the fraudulent use of an automated sales suppression device or phantom-ware and shall disgorge all profits associated with the sale or use of an automated sales suppression device or phantom-ware.

(e) An automated sales suppression device or phantom-ware and any device containing such device or software shall be contraband."

PART III
SECTION 3-1.

(a) Part I of 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.

(b) Part II of this Act shall become effective on the first day of the month following the month in which it is approved by the Governor or becomes law without such approval and shall apply to all offenses occurring on and after such date.

(c) Part III of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3-2.

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

The following amendment was read and adopted:

Representatives Atwood of the 179th and Willard of the 49th offer the following amendment:

Amend the Senate Judiciary Committee substitute to HB 415 (LC 29 4855ERS) by revising lines 21 through 23 as follows:

remedies; to provide that such devices and software are contraband; to prohibit public disclosure for certain public records relating to governmental security measures and person involved in such issues; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

By revising lines 281 through 292 as follows:

"(b)(1) ~~In all counties of this state having a population of not less than 183,000 and not more than 216,000 according to the United States decennial census for 1990 or any such future census, the chief judge of the superior court of such counties 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, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, 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 said personnel shall be as prescribed by said judge.~~ In all counties of this state where the chief superior court judge of the county had the power to appoint a jury clerk on July 1, 2012, the chief judge of the superior court of such counties shall continue to 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, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, 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 said personnel shall be as prescribed by said judge.

By replacing "This Code section shall stand repealed and reserved 12 months after the effective date of this Act." *with* "This Code section shall stand repealed and reserved on July 1, 2012." *on lines 404, 405, 460, 461, 468, 469, 547, 548, 564, 565, 603, 604, 633, 634, 690, 691, 718, 719, 745, 746, 762, 763, 809, 810, 826, 827, 837, 838, 870, 871, 888, 889, 897, 898, 908, 909, 946, 947, 1011, 1012, 1065, and 1066.*

By replacing "Beginning on and after the effective date this Act," *with* "Beginning on and after July 1, 2011," *on lines 413, 416, and 427.*

By replacing line 439 as follows:

(d) On and after July 1, 2012, each county's board of jury commissioners shall obtain its county master jury list from

By replacing line 447 as follows:

(e) On and after July 1, 2012, in each county, upon court order, the clerk shall choose a random list of persons from

By replacing "On and after 12 months after the effective date of this Act," *with* "On and after July 1, 2012," *on lines 569, 695, 750, 767, 793, 794, 814, 842, 875, 913, 951, 1016, and 1070.*

By replacing lines 609 and 610 as follows:

catastrophic, routine, or any other form of loss or destruction, and on and after July 1, 2012, the council shall develop, implement, and provide a

By replacing line 789 as follows:

"(b) Until July 1, 2012, the ~~The~~ chief judge of the superior

By replacing lines 1088 and 1089 as follows:

fiscal officer of the county. This subsection shall stand repealed and reserved on July 1, 2012."

By revising lines 1252 through 1260 as follows:

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of certain public records is not required and the disclosure of exempting legal authority, is amended in subparagraph (a)(15)(A) by deleting "and" at the end of division (iii), by replacing the period with "; and" at the end of division (iv), and by adding a new division to read as follows:

"(v) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (iv) of this subparagraph."

PART IV
SECTION 4-1.

(a) Parts I and II of this Act shall become effective on July 1, 2011, and Part II of this Act shall apply to all offenses occurring on and after such date.
(b) Parts III and IV of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Part III of this Act shall apply to open records requests pending on such date or made on and after such date.

SECTION 4-2.

Representative Atwood of the 179th moved that the House agree to the Senate substitute, as amended by the House, to HB 415.

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

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

On the motion, the ayes were 163, nays 1.

The motion prevailed.

Representatives Byrd of the 20th and Lucas of the 139th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Due to a mechanical malfunction, the vote of Representative Stephenson of the 92nd was not recorded on the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 112. By Representatives Powell of the 29th, Rice of the 51st, Battles of the 15th and Harden of the 28th:

A BILL to be entitled an Act to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to ensure that the financial responsibility of motor carriers in this state is compatible with federal motor carrier safety regulations; to change certain equipment requirements for the lighting equipment and warning flags for protruding loads, brake performance, ability, rear view mirrors, window tinting, and tire tread depth on commercial motor vehicles to make them compatible with federal motor carrier safety regulations; to amend Title 46 of the O.C.G.A., relating to public utilities and public transportation, to clarify the applicability of safety regulations to vehicles operated within corporate limits of a city; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend provisions of the Official Code of Georgia Annotated, relating to the Department of Public Safety; to amend Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, so as to change a cross-reference; to amend Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to bonds and recognizances, so as to add violations for which cash bonds can be accepted in lieu of bail and proceedings for failure to appear; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to designate the existing provisions of Chapter 1 as Article 1; to update definitions to make them compatible with federal motor carrier safety regulations; to provide for safe operations of motor carriers and commercial motor vehicles; to enact a new Article 2 of

said Chapter 1, the "Transportation of Hazardous Materials Act," so as to provide procedures for the safe transportation of hazardous materials within this state; to provide for seminars on operation and safety for motor carriers; to ensure that the financial responsibility requirements of motor carriers in this state are compatible with federal motor carrier safety regulations; to change certain equipment requirements for the lighting equipment and warning flags for protruding loads, brake performance ability, rear view mirrors, window tinting, and tire tread depth on commercial motor vehicles to make them compatible with federal motor carrier safety regulations; to amend Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, so as to modify, repeal, and create certain definitions; to clarify the applicability of safety regulations to vehicles operated within corporate limits of a city; to provide for fees; to correct an internal reference; to repeal Code Sections 46-7-26 and 46-7-37, relating to promulgation of rules and exceptions for private carriers; to provide for penalties; to provide for limousine inspections; to repeal Chapter 11 of said Title 46, relating to transportation of hazardous materials; 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 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order and safety, is amended by revising paragraph (3) of subsection (a) of Code Section 16-11-111, relating to possession of anhydrous ammonia, as follows:

"(3) A person who violates subparagraph (B) of paragraph (2) of this subsection shall be subject to civil penalties in accordance with Code Section ~~40-16-6~~ 40-1-23."

SECTION 2.

Article 1 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to general provisions regarding bonds and recognizances, is amended by revising Code Section 17-6-5, relating to acceptance of cash bonds for violations relating to motor vehicles, as follows:

"17-6-5.

Any sheriff, deputy sheriff, county peace officer, or other county officer charged with the duty of enforcing the laws of this state relating to:

(1) Traffic ~~traffic~~ or the operation or licensing of motor vehicles or operators;

(2) The ~~the~~ width, height, or length of vehicles and loads;

(3) Motor ~~motor~~ common carriers and motor contract carriers;

(4) Commercial vehicle or driver safety;

(5) Hazardous materials transportation;

(6) Motor carrier insurance or registration;

(7) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;

~~(5)~~(8) Game ~~game~~ and fish;

~~(6)~~(9) Boating ~~boating~~; or

~~(7)~~(10) Litter ~~litter~~ control

who makes an arrest outside the corporate limits of any municipality of this state for a violation of said laws and who is authorized, as provided herein by a court of record having jurisdiction over such offenses, to accept cash bonds may accept a cash bond from the person arrested in lieu of a statutory bond or recognizance. No such officer shall accept a cash bond unless he or she is authorized to receive cash bonds in such cases by an order of the court having jurisdiction over such offenses and unless such order has been entered on the minutes of the court. Any such order may be granted, revoked, or modified by the court at any time."

SECTION 3.

Said article is further amended by revising Code Section 17-6-8, relating to acceptance of cash bonds and proceedings upon the failure of a person to appear, as follows:

"17-6-8.

If any person arrested for a misdemeanor arising out of a violation of the laws of this state relating to:

(1) Traffic ~~traffic~~ or the operation or licensing of motor vehicles or operators;

(2) The ~~the~~ width, height, or length of vehicles and loads;

(3) Motor ~~motor~~ common carriers and motor contract carriers;

(4) Commercial vehicle or driver safety;

(5) Hazardous materials transportation;

(6) Motor carrier insurance or registration;

(7) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48;

~~(5)~~(8) Game ~~game~~ and fish;

~~(6)~~(9) Boating ~~boating~~; or

~~(7)~~(10) Litter ~~litter~~ control

gives a cash bond for his or her appearance as provided in Code Section 17-6-5 and fails to appear on the date, time, and place specified in the citation or summons without legal excuse, the court may order said cash bond forfeited without the necessity of complying with the statutory procedure provided for in the forfeiture of statutory bail bonds. A judgment ordering the case disposed of and settled may be entered by the court and the proceeds shall be applied in the same manner as fines. If the court does not enter a judgment ordering the case disposed of and settled, the forfeiture of the cash bond shall not be a bar to subsequent prosecution of the person charged with the violation of such laws."

SECTION 4.

Said article is further amended by revising subsection (a) of Code Section 17-6-11, relating to use of a driver's license in lieu of bail, recognizance, or incarceration, as follows:

"(a) Any other laws to the contrary notwithstanding, any person who is apprehended by an officer for the violation of the laws of this state or ordinances relating to:

(1) Traffic ~~traffic~~, including any offense under Code Section 40-5-72 or 40-6-10, but excepting any other offense for which a license may be suspended for a first offense by the commissioner of driver services, any offense covered under Code Section 40-5-54, or any offense covered under Article 15 of Chapter 6 of Title 40;

(2) The ~~the~~ licensing and registration of motor vehicles and operators;

(3) The ~~the~~ width, height, and length of vehicles and loads;

(4) Motor ~~motor~~ common carriers and motor contract carriers; ~~or~~

(5) Commercial vehicle or driver safety;

(6) Hazardous materials transportation;

(7) Motor carrier insurance or registration; or

(8) Road ~~road~~ taxes on motor carriers as provided in Article 2 of Chapter 9 of Title 48

upon being served with the official summons issued by such apprehending officer, in lieu of being immediately brought before the proper magistrate, recorder, or other judicial officer to enter into a formal recognizance or make direct the deposit of a proper sum of money in lieu of a recognizance ordering incarceration, may display his or her driver's license to the apprehending officer in lieu of bail, in lieu of entering into a recognizance for his or her appearance for trial as set in the aforesaid summons, or in lieu of being incarcerated by the apprehending officer and held for further action by the appropriate judicial officer. The apprehending officer shall note the driver's license number on the official summons. The summons duly served as provided in this Code section shall give the judicial officer jurisdiction to dispose of the matter."

SECTION 5.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by designating the existing provisions of Chapter 1, relating to general provisions regarding motor vehicles and traffic, as Article 1.

SECTION 6.

Said title is further amended by adding a new paragraph to Code Section 40-1-1, relating to definitions regarding motor vehicles and traffic, to read as follows:

"(18.1) 'Hazardous material' means a substance or material as designated pursuant to the Federal Hazardous Materials Law, 49 U.S.C. Section 5103(a)."

SECTION 7.

Said title is further amended in said Code Section 40-1-1 by renumbering current paragraph (24.1) as paragraph (24.2) and by adding a new paragraph (24.1) to read as follows:

"(24.1) 'Lightweight commercial vehicle' means a motor vehicle which does not meet the definition of a commercial motor vehicle and which, in the furtherance of a commercial enterprise:

(A) Is used to transport hazardous materials in a type and quantity for which placards are not required in accordance with the Hazardous Materials Regulations prescribed by the United States Department of Transportation, Title 49 C.F.R. Part 172, Subpart F, or compatible rules prescribed by the commissioner of public safety;
(B) Is used to transport property for compensation;
(C) Is used to transport passengers for compensation, other than a taxicab; or
(D) Is a wrecker or tow truck."

SECTION 8.

Said title is further amended in said Code Section 40-1-1 by adding new paragraphs to read as follows:

"(28.1) 'Motor carrier' shall have the same meaning as provided for in Code Section 40-2-1, and the terms 'carrier' and 'motor carrier' are synonymous."

"(50.1) 'Regulatory compliance inspection' means the examination of facilities, property, buildings, vehicles, drivers, employees, cargo, packages, records, books, or supporting documentation kept or required to be kept in the normal course of business or enterprise operations."

"(76) 'Wrecker' means a vehicle designed, equipped, or used to tow or carry other motor vehicles by means of a hoist, crane, sling, lift, or roll-back or slide back platform, by a mechanism of a like or similar character, or by any combination thereof, and the terms 'tow truck' and 'wrecker' are synonymous."

SECTION 9.

Said title is further amended in Article 1 of Chapter 1 by adding a new Code section to read as follows:

"40-1-8.

(a) As used in this Code section, the term:
(1) 'Commissioner' means the commissioner of public safety.
(2) 'Department' means the Department of Public Safety.

(b) The commissioner shall have the authority to promulgate rules and regulations for the safe operation of motor carriers, the safe operation of commercial motor vehicles and drivers, and the safe transportation of hazardous materials. Any such rules and regulations promulgated or deemed necessary by the commissioner shall include, but are not limited to, the following:
(1) Every commercial motor vehicle and all parts thereof shall be maintained in a safe condition at all times; and the lights, brakes, and equipment shall meet such safety requirements as the commissioner shall from time to time promulgate;
(2) Every driver employed to operate a motor vehicle for a motor carrier shall be at least 18 years of age, meet the qualification requirements the commissioner shall from time to time promulgate, be of temperate habits and good moral character, possess a valid driver's license, not use or possess prohibited drugs or alcohol while on duty, and be fully competent and sufficiently rested to operate the motor vehicle under his or her charge;

(3) Accidents arising from or in connection with the operation of commercial motor vehicles shall be reported to the commissioner of transportation in such detail and in such manner as the commissioner of transportation may require;

(4) The commissioner shall require each commercial motor vehicle to have attached such distinctive markings as shall be adopted by the commissioner. Such identification requirements shall comply with the applicable provisions of the Federal Unified Carrier Registration Act of 2005; and

(5) The commissioner shall provide distinctive rules for the transportation of unmanufactured forest products in intrastate commerce to be designated the 'Georgia Forest Products Trucking Rules.'

(c)(1) Regulations governing the safe operations of motor carriers, commercial motor vehicles and drivers, and the safe transportation of hazardous materials may be adopted by administrative order, including, but not limited to, by referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such federal regulations or standards shall be maintained on file by the department and made available for inspection and copying by the public, by means including, but not limited to, posting on the department's Internet site. The commissioner may comply with the filing requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State the name and designation of such rules, regulations, standards, and orders. The courts shall take judicial notice of rules, regulations, standards, or orders so adopted or published.

(2) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall remain in full force and effect until such time as the commissioner of public safety adopts, issues, or promulgates new rules, regulations, or orders pursuant to the provisions of this Code section.

(d) The commissioner may, pursuant to rule or regulation, specify and impose civil monetary penalties for violations of laws, rules, and regulations relating to driver and motor carrier safety and transportation of hazardous materials. Except as may be hereafter authorized by law, the maximum amount of any such monetary penalty shall not exceed the maximum penalty authorized by law or rule or regulation for the same violation immediately prior to July 1, 2005.

(e) The commissioner is authorized to adopt such rules and orders as he or she may deem necessary in the enforcement of this Code section. Such rules and orders shall have the same dignity and standing as if such rules and orders were specifically provided in this Code section. The commissioner is authorized to establish such exceptions or exemptions from the requirements of this Code section, as he or she shall deem appropriate, consistent with any federal program requirements, and consistent with the protection of the public health, safety, and welfare.

(f)(1) The commissioner may designate members of the department, pursuant to Article 5 of Chapter 2 of Title 35 to perform regulatory compliance inspections. Members of county, municipal, campus, and other state agencies may be designated

by the commissioner to perform regulatory compliance inspections only of vehicles, drivers, and cargo in operation, and may only enforce the provisions of rules and regulations promulgated under this Code section or Article 2 of this chapter subject to the provisions of a valid agreement between the commissioner and the county, municipal, campus, or other state agency.

(2) Unless designated and authorized by the commissioner, no members of county, municipal, campus, and other state agencies may perform regulatory compliance inspections.

(g) No person shall drive or operate, or cause the operation of, a vehicle in violation of an out-of-service order. As used in this subsection, the term 'out-of-service order' means a temporary prohibition against operating as a motor carrier or driving or moving a vehicle, freight container or any cargo thereon, or any package containing a hazardous material.

(h) Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this Code section or any order, rule, or regulation adopted pursuant to this Code section, or who procures, aids, or abets a violation of this Code section or such rule or regulation, shall be guilty of a misdemeanor. Misdemeanor violations of this Code section may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title."

SECTION 10.

Said title is further amended by adding a new article in Chapter 1 to read as follows:

"ARTICLE 2

40-1-20.

This article shall be known and may be cited as the 'Transportation of Hazardous Materials Act.'

40-1-21.

The General Assembly finds that the transportation of hazardous materials on the public roads of this state presents a unique and potentially catastrophic hazard to the public health, safety, and welfare of the people of Georgia and that the protection of the public health, safety, and welfare and the secure transportation of hazardous materials requires control and close regulation of such transportation to minimize that hazard and to that end this article is enacted. This is a remedial law and shall be liberally construed. The Department of Public Safety is designated as the agency to implement and enforce this article.

40-1-22.

As used in this article, the term:

(1) 'Anhydrous ammonia' means the materials identified as 'ammonia, anhydrous,' or 'ammonia solutions with more than 50 percent ammonia and relative density less than

0.880 at 15 degrees Centigrade in water,' in federal hazardous materials regulations contained in Title 49 C.F.R.

(2) 'C.F.R.' means the United States Code of Federal Regulations, as it may be amended from time to time in the Federal Register.

(3) 'Commissioner' means the commissioner of public safety.

(4) 'Department' means the Department of Public Safety.

(5) 'Liquefied natural gas' or 'LNG' means methane or natural gas in the form of a cryogenic or refrigerated liquid, as identified in federal hazardous materials regulations contained in Title 49 C.F.R.

(6) 'Permit' means an instrument of whatever character or nature including, but not limited to, electronic format, issued by the department pursuant to this article.

(7) 'Person,' in addition to the meaning provided in paragraph (43) of Code Section 40-1-1, means and includes any individual, corporation, partnership, association, state, municipality, political subdivision of a state, and any agency or instrumentality of the United States government, or any other entity and includes any officer, agent, or employee of any of the above, who offers, ships, or carries a hazardous material in the furtherance of a commercial or business enterprise, whether or not such transportation is for-hire, or who manufactures, fabricates, marks, maintains, reconditions, repairs, or tests packages designed, used, or intended for the transportation of hazardous materials.

(8) 'Polychlorinated biphenyl' or 'PCB' has the same meaning as the material identified in federal hazardous materials regulations contained in Title 49 C.F.R.

(9) 'Radioactive material' has the same meaning as the term is used in federal hazardous materials regulations contained in Title 49 C.F.R.

(10) 'Regulatory compliance inspection' means the examination of facilities, property, buildings, vehicles, equipment, drivers, employees, cargo, packaging, records, books, or supporting documentation kept or required to be kept in the normal course of offering or transporting hazardous materials, or in the normal course of manufacturing, fabricating, marking, maintaining, reconditioning, repairing, or testing packages designed, used, or intended for the transportation of hazardous materials.

(11) 'Shipper' means any person who arranges for, provides for, solicits a carrier for, consigns to a carrier for, or contracts with a carrier for shipment or transport of goods, property, or persons. The terms 'shipper' and 'offeror' are synonymous.

40-1-23.

(a) Notwithstanding any other provision of law to the contrary, any person transporting, shipping, or offering for transportation hazardous material on the public roads of this state shall be subject to the requirements of this article. Persons who ship, offer, transport, or store incidental to transportation hazardous materials, or who manufacture, fabricate, mark, maintain, recondition, repair, or test packages used or intended for the transportation of hazardous materials, shall be deemed to have given consent to regulatory compliance inspections.

(b) No person, including the state or any agency thereof, shall transport hazardous material in, to, or through this state on the public roads of this state, whether or not the hazardous material is for delivery in this state and whether or not the transportation originated in this state; nor shall any person deliver in this state any hazardous material to any person for transportation; nor shall any such person accept any hazardous material for transportation in this state without compliance with the following requirements: such materials shall be packaged, marked, labeled, handled, loaded, unloaded, stored, detained, transported, placarded, certified, secured, and monitored in compliance with rules and regulations promulgated by the commissioner pursuant to this article and consistent with federal law. Compliance with such rules and regulations shall be in addition to and supplemental of other regulations of the United States Department of Energy, United States Department of Transportation, United States Nuclear Regulatory Commission, Georgia Department of Natural Resources, and state fire marshal, applicable to such persons.

(c)(1) The commissioner shall promulgate rules and regulations such that no person shall arrange for the transportation of or cause to be transported in, to, or through this state on the public roads of this state any hazardous material unless such person shall notify the commissioner or his or her designee in accordance with such rules and regulations; provided, however, that such notification requirements shall comply with applicable federal hazardous materials transportation law.

(2) Prior to the transport of spent nuclear fuel or high-level radioactive waste, as those terms are defined in 42 U.S.C. Chapter 108 as amended by the Federal Nuclear Waste Policy Act of 1982, the shipper shall notify the commissioner or his or her designee in the manner required by Title 10 C.F.R. Part 71 or Part 73.

(d) Knowledge by a shipper that a carrier proposes to transport hazardous material in or through this state on the public roads of this state shall be sufficient contact with this state to subject such shipper to the jurisdiction of the commissioner and the courts of this state with respect to such transport.

(e)(1) No transportation of hazardous material shall take place in or through this state until the commissioner or his or her designee issues a permit authorizing the applicant to operate or move upon the state's public roads a motor vehicle or combination of vehicles which carry hazardous materials. The commissioner or his or her designee may require changes in the proposed dates, times, routes, detention, holding, or storage of such materials during transport as necessary to maximize protection of the public health, safety, welfare, or the environment. The commissioner is authorized to promulgate reasonable rules and regulations which are necessary or desirable in governing the issuance of permits, provided that such rules and regulations are not in conflict with other provisions of law.

(2) Notwithstanding any provision of law to the contrary, pursuant to uniform permitting provisions of Federal Hazardous Materials Law, 49 U.S.C. Section 5119, the commissioner is authorized to adopt rules and regulations to bring state regulations into compliance with said federal law.

(f) Every such permit and all other documentation required by the commissioner shall be carried in the vehicles or combination of vehicles to which it refers and shall be open to inspection by any law enforcement officer, firefighter, emergency responder, or employee of the department who has been given enforcement authority by the commissioner.

(g) For just cause, including, but not limited to, repeated and consistent past violations, the commissioner may refuse to issue or may cancel, suspend, or revoke the permit of an applicant or permittee.

(h)(1) The commissioner or the official designated by the commissioner, pursuant to this Code section and the rules and regulations developed by the commissioner, may issue annual permits which shall allow vehicles transporting hazardous materials to be operated on the public roads of this state for 12 months from the date such permit is issued.

(2) The commissioner or the official designated by the commissioner, pursuant to this Code section and the rules and regulations developed by the commissioner, may issue a single-trip permit to any vehicle.

(3) Pursuant to this article, the commissioner may charge a fee for the issuance of such permits and may develop and adopt an apportionment schedule for fees to be established by rules and regulations promulgated by the commissioner. The fee for the issuance of an annual trip permit shall be not more than $100.00.

(i) The commissioner may arrange for escorts or inspections which comply with Code Section 35-2-56 or 35-2-101.

(j) For purposes of this article, the commissioner is expressly authorized to contract with any other state or local agency or department to perform any activities necessary to implement this article. Enforcement of this article and any rules, regulations, or orders promulgated, adopted, or issued hereunder shall be the sole province of the department and those entities the commissioner authorizes in writing, except for provisions relating to anhydrous ammonia.

(k)(1) Notwithstanding any other provisions of this article, the commissioner is authorized to establish such exceptions or exemptions from the requirements of this article, or any provision hereof, for such kinds, quantities, types, or shipments of hazardous materials as he or she shall deem appropriate, consistent with the protection of the public health, safety, and welfare.

(2) Specifically, but without limitation, the commissioner shall continue in force the agricultural exceptions in 49 C.F.R. Section 173.5, and the tank exceptions in 49 C.F.R. Section 173.8, as originally adopted in Public Service Commission Appendix 'A' File MCA 1-3, Docket No. 16632-M, effective June 1, 1998.

(l) This article shall not apply to the transportation, delivery, or acceptance for delivery of radioactive materials inside the confines of a single contiguous authorized location of use of any person authorized to use, possess, transport, deliver, or store radioactive materials by the Department of Natural Resources pursuant to Chapter 13 of Title 31 or by the United States Nuclear Regulatory Commission; nor shall this article apply to the transportation, delivery, or acceptance for transportation of radioactive materials under

the direction or supervision of the United States Nuclear Regulatory Commission, United States Department of Energy, United States Department of Defense, or other federal agency authorized to possess or transport such material where such transportation, delivery, or acceptance for transportation is escorted by personnel designated by or under the authority of those agencies.

(m) This article shall not apply to interstate pipeline facilities which are subject to the jurisdiction of the United States Department of Transportation under the Natural Gas Pipeline Safety Act of 1968.

(n)(1) In the event of any damage to state property or any discharge of hazardous materials from the authorized shipping package or container or any threat of such discharge which results from the transportation, storage, holding, detention, delivery for transportation, or acceptance for transportation of hazardous materials in this state, the state may recover from any shipper, carrier, bailor, bailee, or any other person responsible for such storage, transportation, holding, detention, delivery, or acceptance all costs incurred by the state in the reparation of the damage and all costs incurred in the prevention, abatement, or removal of any such discharge or threatened discharge, including reasonable attorney's fees incurred with respect to recovery.

(2) The commissioner is expressly authorized to charge reasonable fees for time, equipment, materials, and supplies used or incurred by the department in the implementation of this article.

(3) The commissioner may issue civil penalties against any person found in violation of this article or any regulations promulgated or adopted for the safe and secure transportation of hazardous materials. Such penalties shall not exceed the limits established by 49 U.S.C. Chapter 51.

(o) Any person, firm, or corporation transporting methamphetamine, amphetamine, any mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or any mixture containing anhydrous ammonia, shall be subject to all rules and regulations promulgated by the commissioner pursuant to this article governing the safe operation of motor vehicles and drivers and the safe transportation of hazardous materials.

(p) Notwithstanding the provisions of this Code section, the commissioner may impose civil monetary penalties in an amount not to exceed the maximum amounts for penalties established by 49 U.S.C. Chapter 51 for each violation of any rules and regulations promulgated pursuant to this article with respect to persons transporting methamphetamine, amphetamine, any mixture containing either methamphetamine or amphetamine, anhydrous ammonia, or any mixture containing anhydrous ammonia.

(q) The department is designated as the routing agency as defined in Title 49 C.F.R. Part 397, Subpart E. Routing determinations for hazardous materials shall be made in accordance with the provisions of Federal Hazardous Materials Law, 49 U.S.C. Section 5112. The commissioner or his or her designee shall consult with Georgia Department of Transportation, Georgia Department of Natural Resources, Georgia Emergency Management Agency, Georgia Department of Homeland Security, or other agencies as necessary to carry out these responsibilities.

(r) Drivers who transport hazardous materials shall be trained at least to the minimum standards required by federal law. Upon request by the commissioner, proof of such federally required driver training shall be made available to the commissioner or his or her staff.

(s) For the transportation of spent nuclear fuel, high-level radioactive waste, and other hazardous materials, the commissioner may take action to ensure that motor vehicles, drivers, and packages used in such transportation have been inspected to show compliance with the federal motor carrier safety regulations and federal hazardous materials regulations, and compatible state regulations adopted pursuant to this article.

(t) Notwithstanding any other provisions of law, a bond or indemnity insurance required of carriers shall be established by rules and regulations of the commissioner and shall for all persons subject to this article, whether intrastate or interstate carriers, be at least in the maximum amount or amounts authorized or required by federal law or regulations.

(u) No person shall transport or cause the transportation of hazardous materials in violation of an out-of-service order.

(v) In addition to any other liability imposed by law, any person who violates or fails to comply with any provision of this article, or any rule, regulation, or order promulgated, adopted, or issued hereunder, shall be guilty of a misdemeanor. Misdemeanor violations of this article may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title.

(w)(1) The commissioner is authorized and empowered to adopt, promulgate, amend, repeal, or modify such standards, rules, and regulations and to issue such orders, authorizations, or amendments or modifications thereof as are necessary to implement this article. Any standards, rules, or regulations adopted pursuant to this article, if consistent with the applicable laws relating to adoption of such standards, rules, or regulations, shall have the force and effect of law. Any such rules and regulations shall be compatible with federal motor carrier safety regulations and federal hazardous materials regulations in Title 49 C.F.R.

(2) Regulations governing the safe operations of motor carriers, commercial motor vehicles, and drivers and the safe and secure transportation of hazardous materials may be adopted by administrative order, including, but not limited to, referencing compatible federal regulations or standards without compliance with the procedural requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' provided that such compatible federal regulations or standards shall be maintained on file by the department and made available for inspection and copying by the public, by means including, but not limited to, posting on the department's Internet site. The commissioner of public safety may comply with the filing requirements of Chapter 13 of Title 50 by filing with the office of the Secretary of State merely the name and designation of such rules, regulations, standards, and orders. The courts shall take judicial notice of rules, regulations, standards, or orders so adopted or published.

(3) Rules, regulations, or orders previously adopted, issued, or promulgated pursuant to the provisions of Chapter 7 or 11 of Title 46 in effect on June 30, 2011, shall

remain in full force and effect until such time as the commissioner adopts, issues, or promulgates new rules, regulations, or orders pursuant to the provisions of this article.
(4) The department shall, to the extent practicable, engage in education, outreach, and customer service activities to reach persons and entities affected by these regulations and to assist the competitiveness of Georgia citizens and businesses engaged in regulated activities.

40-1-24.
(a) The commissioner is authorized to employ such persons as may be necessary, in the discretion of the commissioner, for the proper enforcement of this article, as provided for in this article and Chapter 2 of Title 35. It is the intent of the General Assembly, subject to the appropriations process, that funds derived under this article shall be used to further the Department of Public Safety's hazardous materials transportation safety programs; provided, however, that the department shall retain those funds derived specifically for inspection or escort.
(b) The commissioner is vested with police powers and authority to designate, deputize, and delegate to employees of the commissioner the necessary authority to enforce this article, including the power to stop and inspect all motor vehicles using the public highways and to enter upon and inspect shipper and carrier facilities for purposes of determining whether such vehicles and facilities have complied with and are complying with the provisions of this article and all other laws regulating the use of the public highways by motor vehicles, and to arrest all persons found in violation thereof, and to issue out-of-service orders to carriers, vehicles, and drivers in accordance with criteria which shall be established or adopted by the commissioner.
(c) As designated by the commissioner, by way of agreement, members of county, municipal, campus, and other state agencies may only perform regulatory compliance inspections of vehicles, drivers, and cargo in operation, and enforce the provisions of this article and rules and regulations promulgated hereunder subject to the terms and conditions of that agreement.
(d) The commissioner is vested with powers to designate, deputize, and delegate to employees of the department the necessary authority to enter upon and examine the facilities where hazardous materials are filled, offered, shipped, or stored incidental to transportation, or where packages are manufactured, fabricated, marked, maintained, reconditioned, repaired, or tested for purposes of regulatory compliance inspections for determining compliance with this article and other laws the administration or enforcement of which is the responsibility of the department.

40-1-25.
In the event that any section, paragraph, or other part of this article, or any requirement thereunder, or any rule, regulation, or order of the commissioner promulgated hereunder, is found to be preempted by federal law, or otherwise found to be improper, null or otherwise void, all other requirements not so preempted or otherwise so found shall remain in full force and effect."

SECTION 10.1.

Said title is further amended by adding a new subsection to Code Section 40-2-140, relating to administration of the Unified Carrier Registration Act by the Department of Revenue, as follows:

"(d.1) Before any motor carrier shall be registered under the Unified Carrier Registration Act of 2005 by the Department of Revenue, that carrier shall furnish evidence to the department that the carrier, through an authorized representative, has completed, within the preceding 12 months, an educational seminar on motor carrier operations and safety regulations that has been certified by the commissioner."

SECTION 11.

Said title is further amended by adding a new section to Chapter 6, relating to the uniform rules of the road, to read as follows:

"40-6-10.1.

No motor carrier subject to the financial responsibility requirements of the Federal Motor Carrier Safety Administration, or any successor agency, as contained in 49 C.F.R. Part 387, shall operate any motor vehicle upon the highways of this state until such motor carrier has obtained and has in effect the minimum levels of financial responsibility prescribed by such federal regulations."

SECTION 12.

Said title is further amended by revising Code Section 40-8-2, relating to vehicles within the jurisdiction of the commissioner of public safety, as follows:

"40-8-2.

In addition to the requirements of this article, the commissioner of public safety, as to the motor vehicles within the jurisdiction of the Department of Public Safety, shall have the authority to promulgate rules designed to promote safety pursuant to the provisions of ~~Chapter 16 of this title and Chapter 7 of Title 46~~ Code Section 40-1-8. Any such rules promulgated or deemed necessary by the commissioner shall include the following: every ~~motor unit~~ vehicle and all parts thereof shall be maintained in a safe condition at all times. The lights, brakes, and equipment shall meet such safety requirements as the commissioner shall promulgate from time to time. Notwithstanding any provision of law to the contrary, a vehicle, driver, or motor carrier that is subject to a safety rule so promulgated shall comply with the more stringent or additional requirement imposed by that motor carrier safety or hazardous materials safety rule."

SECTION 13.

Said title is further amended by revising Code Section 40-8-27, relating to lighting equipment requirements, as follows:

"40-8-27.

(a) Except as provided in subsection (b) of this Code section, whenever the load upon any vehicle extends to the rear four feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times

specified in Code Section 40-8-20, a red light plainly visible from a distance of at least 500 feet to the sides and rear. The red light required under this Code section shall be in addition to the red rear light required upon every vehicle. At any other time there shall be displayed at the extreme rear end of such load a flag or flags as described in subsection (c) of this Code section not less than ~~12~~ 18 inches square and so hung that the entire area is visible to the driver of a vehicle approaching from the rear.

(b) Any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts which extend more than four feet beyond the rear of the body or bed of such vehicle shall have securely affixed as close as practical to the end of any such projection one amber strobe type lamp equipped with a multidirectional type lens so mounted as to be visible from the rear and both sides of the projecting load. If the mounting of one strobe lamp cannot be accomplished so that it is visible from the rear and both sides of the projecting load, multiple strobe lights shall be utilized so as to meet the visibility requirements of this subsection. The strobe lamp shall flash at a rate of at least 60 flashes per minute and shall be plainly visible from a distance of at least 500 feet to the rear and sides of the projecting load any time of the day or night. The lamp shall be operating at any time of the day or night when the vehicle is operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. The projecting load shall also be marked with a flag or flags as described in subsection (c) of this Code section. An emergency light permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing an amber strobe light to comply with the provisions of this Code section.

(b.1) In lieu of the strobe type lamp or lamps provided for in subsection (b) of this Code section, any motor vehicle or trailer transporting a load of logs, long pulpwood, poles, or posts which extend more than four feet beyond the rear of the body or bed of such vehicle shall have securely affixed as close as practical to the end of any such projection, one light-emitting diode (LED) light equipped with a multidirectional type lens, mounted so as to be visible from the rear and from both sides of the projecting load. If the mounting of one light-emitting diode (LED) light cannot be accomplished so that it is visible from the rear and from both sides of the projecting load, multiple light-emitting diode (LED) lights shall be utilized so as to meet the visibility requirements of this subsection. The light-emitting diode (LED) light or lights shall be amber in color, shall flash at a rate of at least 60 flashes per minute, and shall be plainly visible from a distance of at least 500 feet from the rear and sides at a radius of 180 degrees of the projecting load at any time of the day or night. Any light-emitting diode (LED) light shall be constructed of durable, weather resistant material and may be powered by the vehicle's electrical system or by an independent battery system, or both. If the light-emitting diode (LED) light is powered by an independent battery system, the driver of the vehicle shall have in his or her immediate possession charged, spare batteries for use in case of battery failure. Any solid state light-emitting diode (LED) lighting that consists of multiple light-emitting diode (LED) lights shall not have less than 85 percent of the light-emitting diode (LED) lights in operable condition. The lights shall remain in operation at any time of the day or night when the vehicle is

operated on any highway or parked on the shoulder or immediately adjacent to the traveled portion of any public roadway. The projecting load shall also be marked with a flag or flags as described in subsection (c) of this Code section. An emergency light permit as provided for in Code Section 40-8-92 is not required on a vehicle utilizing a light-emitting diode (LED) light to comply with the provisions of this Code section.

(c) The flag or flags as required by subsection (a) or (b) of this Code section shall be of a bright red or orange fluorescent color not less than ~~12~~ 18 inches square which is clearly visible and shall be displayed in such a manner that the entire area of the flag is visible from the rear of the vehicle. There shall be a single flag at the extreme rear of the projecting load if the projecting load is two feet wide or less. Two such warning flags shall be required if the projecting load is wider than two feet. Flags shall be located to indicate the maximum width of loads which extend beyond the rear of the vehicle."

SECTION 14.

Said title is further amended by revising Code Section 40-8-53, relating to performance ability of brakes, as follows:

"40-8-53.

(a) Except as provided for in subsection (b) of this Code section, every ~~Every~~ motor vehicle or combination of motor drawn vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material, upon application of the service (foot) brake within the distances specified in this Code section or shall be capable of being decelerated at a sustained rate corresponding to these distances.

	Feet to Stop From 20 Miles Per Hour	Deceleration in Feet Per Second
Vehicles or combinations of vehicles having brakes on all wheels	30	14
Vehicles or combinations of vehicles not having brakes on all wheels	40	10.7

(b) The brake performance ability for commercial motor vehicles shall be as provided for in the federal motor carrier safety regulations contained in 49 C.F.R. 393.52 and adopted by the commissioner of public safety pursuant to Code Section 40-1-8. Commercial motor vehicles shall be capable at all times and under all conditions of loading of being stopped on a dry, smooth, level road free from loose material upon application of the service (foot) brake within the distances specified in those rules."

SECTION 15.

Said title is further amended by revising Code Section 40-8-72, relating to mirrors, as follows:

"40-8-72.

(a) Except as provided in subsection (b) of this Code section, every ~~Every~~ motor vehicle which is so constructed or loaded as to obstruct the driver's view to the rear thereof from the driver's position shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of such vehicle.

(b) Every commercial motor vehicle shall be equipped with two rear-vision mirrors meeting the requirements of the federal motor vehicle safety standards contained in 49 C.F.R. 571.111 in effect at the time of manufacture, one at each side, firmly attached to the outside of the motor vehicle, and so located as to reflect to the driver a view of the highway to the rear, along both sides of the vehicle; provided, however, that only one outside mirror shall be required, which shall be on the driver's side, on a commercial motor vehicle which is so constructed that the driver has a view to the rear by means of an interior mirror."

SECTION 16.

Said title is further amended by revising subsections (f) and (g) of Code Section 40-8-73.1, relating to window tinting, as follows:

"(f) Notwithstanding any other provision of this Code section, commercial motor vehicles operated in this state are subject to the specifications of or limitations relating to windshield or window glazing or the application of light reducing or reflectance material to the windshield or windows as provided for in the federal motor carrier safety regulations contained in 49 C.F.R. 393.60 and adopted by the commissioner of public safety pursuant to Code Section 40-1-8.

(g) The Department of Public Safety is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Code section.

~~(g)~~(h) Any person who violates subsection (b) or (e) of this Code section shall be guilty of a misdemeanor."

SECTION 17.

Said title is further amended by revising subsections (e) and (g) of Code Section 40-8-74, relating to tire tread depth, as follows:

"(e) All tires:

(1) Shall have not less than 2/32 inch tread measurable in all major grooves ~~with the exception of~~ except that school buses and commercial vehicles ~~which~~ shall have not less than 4/32 inch tread measurable in all major grooves on the front tires and school buses shall have not less than ~~2/32~~ 4/32 inch tread measurable in all major grooves on the rear tires when there are ~~at least four~~ only two tires on the rear ~~otherwise the tread on the rear tires shall be not less than 4/32 inch~~; such measurements shall not be made where tie bars, humps, or fillets are located;

(2) Shall be free from any cuts, breaks, or snags on tread and sidewall deep enough to expose body cord; and

(3) Shall be free from bumps, bulges, or separations."

"(g) Retreaded, regrooved, or recapped tires shall not be used upon the front wheels of buses."

SECTION 18.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-1-1, relating to definitions, as follows:

"46-1-1.

As used in this title, the term:

(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for compensation.

(2) 'Certificate' means a certificate of public convenience and necessity issued pursuant to this title.

(3) 'Commission' means the Public Service Commission.

(4) 'Company' shall include a corporation, a firm, a partnership, an association, or an individual.

(5) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the commission.

(5.1) 'Exempt rideshare' means:

(A) Government endorsed rideshare programs;

(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or

(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.

(6) 'For compensation' or 'for hire' means an activity wherein for payment or other compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation or for hire, provided that no exempt rideshare shall be deemed to involve any element of transportation for compensation or for hire.

(6.1) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this title to construct or operate any pipeline or distribution system, or any extension thereof, for the transportation, distribution, or sale of natural or manufactured gas.

(6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.

(6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.

(7) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commission may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.

(8) ~~'Motor carrier of property' means a motor common or contract carrier engaged in transporting property, except household goods, in intrastate commerce in this state~~ Reserved.

(9) 'Motor contract carrier and motor common carrier' means as follows:

(A) 'Motor contract carrier' means every person, except common carriers, owning, controlling, operating, or managing any motor propelled vehicle including the lessees or trustees of such persons or receivers appointed by any court used in the business of transporting persons or household goods or ~~property~~ engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state ~~and not operated exclusively within the corporate limits of any city~~. Vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8.

(B) 'Motor common carrier' means every person owning, controlling, operating, or managing any motor propelled vehicle, and the lessees, receivers, or trustees of such person, used in the business of transporting for hire of persons or ~~property~~ household goods, or both, or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13, otherwise than over permanent rail tracks, on the public highways of Georgia as a common carrier. The term includes, but is not limited to, limousine carriers as defined in paragraph (5) of Code Section 46-7-85.1.

(C) Except as otherwise provided in this subparagraph, the terms 'motor common carrier' and 'motor contract carrier' shall not include:

(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;

(ii) Taxicabs~~, drays, trucks, buses, and other motor vehicles~~ which operate within the corporate limits of municipalities and are subject to regulation by the governing authorities of such municipalities~~. This exception shall apply to such vehicles even though such vehicles may, in the prosecution of their regular business, occasionally go beyond the corporate limits of such municipalities. Such exception shall not include such vehicles engaged in the moving of household goods nor include passenger vans (I) having a capacity of ten persons or more, (II) conducting nonmetered transportation service and not operated by a municipality or municipal, county, or regional governmental authority, and (III) which are engaged in private for-hire transportation operating between points within the~~

~~corporate limits of a municipality. Pursuant to Code Section 44-1-13, all tow trucks engaged in nonconsensual towing operations between points within the corporate limits of a municipality shall remain subject to the jurisdiction of the commission and the municipality within which such nonconsensual towing operations are conducted~~; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8;

(iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;

(iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers or employees under a corporate sponsored van pool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than $100,000.00 per person and $300,000.00 per accident and $50,000.00 property damage. For the purposes of this division, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected;

(v) ~~Granite trucks, where transportation from quarry to finishing plant involves not crossing more than two counties~~ Reserved;

(vi) ~~RFD carriers and star-route carriers which carry no more than nine passengers along with carriage of the United States mail, provided that such carriers shall not carry passengers on a route along which another motor common carrier or motor contract carrier of passengers has a permit or a certificate to operate~~ Reserved;

(vii) ~~Motor trucks of railway companies which perform a pick-up and delivery service in connection with their freight train service, between their freight terminals and points not more than ten miles distant, when either the freight terminal or such points, or both, are outside the limits of an incorporated city~~ Reserved;

(viii) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;

(ix) ~~Single source leasing whereby a leasing company whose primary business is leasing vehicles and who operates a fleet of ten or more vehicles provides vehicle equipment and drivers in a single transaction to a private carrier. Such arrangement is presumed to result in private carriage by the shipper if the requirements enumerated below are met and subject only to the commission's transportation safety rules:~~

~~(I) The lease must be reduced to writing and a copy maintained on the leased vehicle at all times during the term of the lease;~~

~~(II) The period for which the lease applies must be no less than 30 days;~~

~~(III) The lease agreement must provide, and the surrounding facts must reflect, that the leased equipment is exclusively committed to the lessee's use for the term of the lease;~~

~~(IV) The lease agreement must provide, and the surrounding facts must reflect, that during the term of the lease the lessee accepts, possesses, and exercises exclusive dominion and control over the leased equipment and assumes complete responsibility for the operation of the equipment;~~

~~(V) The lessee must maintain public liability insurance and accept responsibility to the public for any injury caused in the course of performing the transportation service conducted by the lessee with the equipment during the term of the lease;~~

~~(VI) The lessee shall display appropriate identification on all equipment leased by it showing operation by the lessee during the performance of the transportation;~~

~~(VII) The lessee must accept responsibility for, and bear the cost of, compliance with safety regulations during performance by the lessee of any such transportation services; and~~

~~(VIII) The lessee must bear the risk of damage to the cargo, subject to any right of action the lessee may have against the lessor for the latter's negligence~~ Reserved;

(x) ~~Motor vehicles engaged exclusively in the transportation of agricultural or dairy products, or both, between farm, market, gin, warehouse, or mill, whether such motor vehicle is owned by the owner or producer of such agricultural or dairy products or not, so long as the title remains in the producer. For the purposes of this division, the term 'producer' includes a landlord where the relations of landlord and tenant or landlord and cropper are involved. As used in this division, the term 'agricultural products' includes fruit, livestock, meats, fertilizer, wood, lumber, cotton, and naval stores; household goods and supplies transported to farms for farm purposes; or other usual farm and dairy supplies, including products of grove or orchard; poultry and eggs; fish and oysters; and timber or logs being hauled by the owner thereof or the owner's agents or employees between forest and mill or primary place of manufacture; provided, however, motor vehicles with a manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely in the transportation of unmanufactured forest products shall be subject to the Georgia Forest Products Trucking Rules which shall be adopted and promulgated by the commissioner of public safety only for application to such vehicles and vehicles defined in subparagraph (A) of paragraph (13) of this Code section; provided, further, that pulpwood trailers and pole trailers with a manufacturer's gross weight rated capacity of 10,001 pounds or more engaged solely in the transportation of unmanufactured forest products shall have two amber side marker reflectors on each side of the trailer chassis between the~~

~~rear of the tractor cab and the rearmost support for the load. All such reflectors shall be not less than four inches in diameter. Such rules and any amendments thereto adopted by the commissioner of public safety shall be subject to legislative review in accordance with the provisions of Code Section 46-2-30, and, for the purposes of such rules and any amendments thereto, the Senate Natural Resources and the Environment Committee and the House Committee on Natural Resources and Environment shall be the appropriate committees within the meaning of said Code Section 46-2-30. The first such rules adopted by the commissioner of public safety shall be effective July 1, 1991~~ Reserved;

(xi) Reserved;

(xii) Reserved;

(xiii) Vehicles, owned or operated by the federal or state government, or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport persons who are elderly, disabled, en route to receive medical care or prescription medication, or returning after receiving medical care or prescription medication. For the purpose of this division, elderly and disabled persons shall have the same meaning as in division (iv) of this ~~paragraph~~ subparagraph;

(xiv) Reserved; or

(xv) Ambulances.

(10) 'Passenger' means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier; although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.

(11) ~~'Permit' means a registration permit issued by the state revenue commissioner authorizing interstate transportation for hire exempt from the jurisdiction of the United States Department of Transportation or intrastate passenger transportation for hire exempt from the jurisdiction of the state revenue commissioner or intrastate transportation by a motor carrier of property~~ Reserved.

(12) 'Person' means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

(13) ~~'Private carrier' means every person except motor common carriers or motor contract carriers owning, controlling, operating, or managing any motor propelled vehicle, and the lessees or trustees thereof or receivers appointed by any court whatsoever, used in the business of transporting persons or property in private transportation not for hire over any public highway in this state. The term 'private carrier' shall not include:~~

~~(A) Motor vehicles not for hire engaged solely in the harvesting or transportation of forest products; provided, however, that motor vehicles not for hire with a manufacturer's gross weight rated capacity of 44,000 pounds or more engaged solely in the transportation of unmanufactured forest products shall be subject only to the Georgia Forest Products Trucking Rules provided for in division (9)(C)(x) of this Code section;~~

~~(B) Motor vehicles not for hire engaged solely in the transportation of road-building materials;~~

~~(C) Motor vehicles not for hire engaged solely in the transportation of unmanufactured agricultural or dairy products between farm, market, gin, warehouse, or mill whether such vehicle is owned by the owner or producer of such agricultural or dairy products or not, so long as the title remains in the producer;~~

~~(D) Except for the motor vehicles excluded under subparagraph (C) of this paragraph, motor vehicles having a manufacturer's gross vehicle weight rating of 10,000 pounds or less; provided, however, that motor vehicles which have a manufacturer's gross vehicle weight rating of 10,000 pounds or less and which are transporting hazardous materials, as the term 'hazardous materials' is defined in Title 49 C.F.R., Parts 107, 171-173, and 177-178, shall be included within the meaning of the term 'private carrier'; or~~

~~(E) Exempt rideshares~~ Reserved.

(14) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

(15) 'Railroad corporation' or 'railroad company' means all corporations, companies, or individuals owning or operating any railroad in this state. This title shall apply to all persons, firms, and companies, and to all associations of persons, whether incorporated or otherwise, that engage in business as common carriers upon any of the lines of railroad in this state, as well as to railroad corporations and railroad companies as defined in this Code section.

(16) 'Rate,' when used in this title with respect to an electric utility, means any rate, charge, classification, or service of an electric utility or any rule or regulation relating thereto.

(17) 'Utility' means any person who is subject in any way to the lawful jurisdiction of the commission.

(18) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the ~~state revenue commissioner~~ commission."

SECTION 19.

Said title is further amended by revising Code Section 46-7-9, relating to fees, as follows:

"46-7-9.

The commission shall collect the following fees pursuant to this article:

(1) A fee of $75.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates fewer than six motor vehicles;

(2) A fee of $150.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates six to 15 motor vehicles;

(3) A fee of $200.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates more than 15 motor vehicles;

(4) A fee of $75.00 to accompany each application for transfer of a certificate; and

(5) A fee of $50.00 to accompany each application for intrastate temporary emergency authority under Code Section 46-7-13~~; and~~

~~(6) A fee of $50.00 to accompany each application for a motor carrier of property permit~~."

SECTION 20.

Said title is further amended by revising subsection (a) of Code Section 46-7-17, relating to designation and maintenance of agents for service on nonresidence carriers, service of process, and venue, as follows:

"(a) Each nonresident motor carrier shall, before any permit is issued to it under this article or at the time of registering as required by Code Section ~~46-7-16~~ 40-2-140, designate and maintain in this state an agent or agents upon whom may be served all summonses or other lawful processes in any action or proceeding against such motor carrier growing out of its carrier operations; and service of process upon or acceptance or acknowledgment of such service by any such agent shall have the same legal force and validity as if duly served upon such nonresident carrier personally. Such designation shall be in writing, shall give the name and address of such agent or agents, and shall be filed in the office of the state revenue commissioner. Upon failure of any nonresident motor carrier to file such designation with the state revenue commissioner or to maintain such an agent in this state at the address given, such nonresident carrier shall be conclusively deemed to have designated the Secretary of State and his or her successors in office as such agent; and service of process upon or acceptance or acknowledgment of such service by the Secretary of State shall have the same legal force and validity as if duly served upon such nonresident carrier personally, provided that notice of such service and a copy of the process are immediately sent by registered or certified mail or statutory overnight delivery by the Secretary of State or his or her successor in office to such nonresident carrier, if its address be known. Service of such process upon the Secretary of State shall be made by delivering to his or her office two copies of such process with a fee of $10.00."

SECTION 21.

Said title is further amended by repealing Code Section 46-7-26, relating to the authority of the commissioner to promulgate rules and regulations for safety, and designating it as "Reserved."

SECTION 22.

Said title is further amended by repealing Code Section 46-7-37, relating to exceptions for private carriers, and designating it as "Reserved."

SECTION 23.

Said title is further amended by revising Code Section 46-7-39, relating to violations of orders and penalties, as follows:

"46-7-39.

~~(a)~~ Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this chapter relating to the regulation of motor carriers or any order, rule, or regulation of the Public Service Commission, ~~Department of Public Safety, or Department of Revenue,~~ or who procures, aids, or abets therein, shall be guilty of a misdemeanor.

~~(b) No person shall drive or operate, or cause the operation of, a motor vehicle in violation of an out-of-service order. As used in this subsection, the term 'out-of-service order' means a temporary prohibition against operating as a carrier or driving or moving a motor vehicle, freight container or any cargo thereon, or any package containing a hazardous material.~~

~~(c)~~ Misdemeanor violations of this chapter may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of Title 40."

SECTION 24.

Said title is further amended by adding a new subsection to Code Section 46-7-85.5, relating to safety and mechanical inspections, as follows:

"(c) In addition to the requirements of this Code section, limousine carriers shall comply with the applicable provisions of Code Section 40-1-8."

SECTION 25.

Said title is further amended by repealing Chapter 11, relating to the transportation of hazardous materials, in its entirety and designating it as "Reserved."

SECTION 26.

This Act shall become effective on July 1, 2011.

SECTION 27.

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

The following amendment was read and adopted:

Representatives Powell of the 29th and Rice of the 51st offer the following amendment:

Amend the Senate substitute to HB 112 by adding on line 12 after "state;" *the following:*

to revise the provisions regarding temporary plates;

By adding between lines 490 and 491 the following:

Said title is further amended by revising subsection (b) of Code Section 40-2-8, relating to operation of unregistered vehicle or vehicle without current license plate, revalidation decal, or county and extension of temporary plate, holographic security images, and disposition of fines, as follows:

"(b)(1) Any vehicle operated in the State of Georgia which is required to be registered and which does not have attached to the rear thereof a numbered license plate and current revalidation decal affixed to a corner or corners of the license plate as designated by the commissioner, if required, shall be stored at the owner's risk and expense by any law enforcement officer of the State of Georgia, unless such operation is otherwise permitted by this chapter.

(2)(A) It shall be a misdemeanor to operate any vehicle required to be registered in the State of Georgia without a valid numbered license plate properly validated, unless such operation is otherwise permitted under this chapter; and provided, further, that the purchaser of a new vehicle or a used vehicle <u>from a dealer of new or used motor vehicles who displays a temporary plate issued as provided by subparagraph (B) of this paragraph</u> may operate such vehicle on the public highways and streets of this state without a current valid license plate during the period within which the purchaser is required by Code Section 40-2-20 ~~to register such vehicle as provided for in Code Section 40-2-29;~~<u>. An owner acquiring a motor vehicle from an entity that is not a new or used vehicle dealer shall register such vehicle as provided for in Code Section 40-2-29</u> ~~but the purchaser of any vehicle from a dealer of new or used motor vehicles; but the purchaser of any vehicle from a dealer of new or used motor vehicles shall display a temporary plate issued as provided by subparagraph (B) of this paragraph on the rear of such vehicle in the space provided for a license plate when such vehicle is operated on the public highways and streets of this state during such period prior to registration, unless such purchaser has made application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her, in which event the license plate to be transferred shall be displayed on the vehicle during the period prior to registration, or~~ unless such vehicle is to be registered under the International Registration Plan <u>pursuant to Article 3A of this chapter</u>.

(B)(i) Any dealer of new or used motor vehicles shall issue to the purchaser of a vehicle at the time of sale thereof, unless at such time the purchaser makes application to transfer to such vehicle in accordance with this chapter a valid license plate issued to him or her or unless such vehicle is to be registered under

the International Registration Plan, a temporary plate as provided for by department rules or regulations which may bear the dealer's name and location and shall bear~~, in characters not less than one-quarter of an inch wide and one and one-half inches high,~~ the expiration date of the period within which the purchaser is required by Code Section 40-2-20 to register such vehicle. ~~Such temporary plates shall be made of heavy stock paper, inscribed with indelible ink, and designed to resist deterioration or fading due to exposure to the elements during the period for which display is required. The expiration date, the vehicle identification number, and the year, make, and model of the vehicle shall be handprinted on the plate at the time of issuance by use of an indelible ink marker, with contrasting ink, provided that the month of expiration shall be indicated by complete word or by three-letter abbreviation thereof~~. The expiration date of such a temporary plate may be revised and extended by the county tag agent only if an extension of the purchaser's initial registration period has been granted as provided by Code Section 40-2-20. Such temporary plate shall not resemble a license plate issued by this state and shall be issued without charge or fee therefore. Such temporary plate shall be surrendered to the tag agent at the time the vehicle is registered, and the tag agent shall destroy such temporary plate. The requirements of this subparagraph do not apply to a dealer whose primary business is the sale of salvage motor vehicles and other vehicles on which total loss claims have been paid by insurers.

(ii) All temporary plates issued by dealers to purchasers of vehicles shall be of a standard design prescribed by regulation promulgated by the department ~~in accordance with the requirements of this subparagraph. All temporary plates shall be required to have a holographic security image and a write-resistant overlay with security features such that any attempt to change or modify the expiration date on the temporary plate will show immediate signs of tampering. All holographic security images required under this division and manufactured on or after July 1, 2005, shall be numbered with a separate and distinct number at the point of manufacture. All holographic security images affixed to temporary plates on or after January 1, 2006, shall be numbered as required by this division~~. The department may provide by rule or regulation for the sale and distribution of such temporary plates by third parties in accordance with paragraph (3) of this subsection.

(3) All sellers and distributors of ~~holographic strips must~~ temporary license plates shall register with the department and shall be assigned a distinct identifier by the department. ~~Such identifier shall precede the numbers required under division (b)(2)(B)(ii) of this Code section.~~ All sellers and distributors of ~~holographic security images must~~ temporary license plates shall maintain an inventory record of ~~holographic security images~~ temporary license plates by number and ~~purchaser~~ name of the dealer.

(4) The purchaser and operator of a vehicle shall not be subject to the penalties set forth in this Code section during the period allowed for the registration. If the owner

of such vehicle presents evidence that such owner has properly applied for the registration of such vehicle, but that the license plate or revalidation decal has not been delivered to such owner, then the owner shall not be subject to the ~~above~~ penalties ~~of~~ enumerated in this subsection."

SECTION 10.2.

By deleting line 959 and substituting in lieu thereof the following:

This Act shall become effective on July 1, 2011; provided, however, that Section 10.1 of this Act shall become effective on November 1, 2011.

Representative Rice of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 112.

On the motion, 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
Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Dollar	N Horne	Y Morgan	Y Smith, L
Y Baker	Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Y Bearden	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
E 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	N Taylor, T
Y Bryant	Y Frazier	Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
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	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
N Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	N Riley	Y Williams, A
E Collins	Y Harden, M	Y Maddox, G	Y Roberts	Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson

Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 163, nays 6.

The motion prevailed.

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

April 14, ad 2011

Dear Mr. Clerk,

Article III, Section V, Paragraph III, of the Constitution of the State of Georgia, provides in part that "No bill shall pass which refers to more than one subject matter." Further, Article I, Section II, Paragraph V, provides that "Legislative acts in violation of this Constitution or the Constitution of the United States are void, and the judiciary shall so declare them." This version of HB 112 unconstitutionally refers to more than one subject matter. As such, I was unable to vote in favor of it.

Respectfully,

/s/ Bobby Franklin

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 Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title, security interests, and liens, so as to change the value of a vehicle that can be scrapped; to provide for procedures for notifying the Department of Revenue regarding the cancellation of titles to scrap vehicles; to add falsifying a statement regarding cancellation of title of a scrap vehicle to the list of acts deemed to be felonies; 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 update the types of approved driver improvement courses; 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 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicles and parts dealers, so as to change a cross-reference; 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 3 of Title 40 of the Official Code of Georgia Annotated, relating to certificates of title, security interests, and liens, is amended by revising paragraphs (2) and (3) of subsection (a) of Code Section 40-3-36, relating to the cancellation of a certificate of title for scrap, dismantled, or demolished vehicles, as follows:

"(2) Notwithstanding any other provision of this article to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, or has lost the title for the vehicle to be transferred, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is worth ~~$750.00~~ $850.00 or less and is at least 12 model years old. The

statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer under Code Section 43-47-7 or scrap metal processor under Code Section 43-43-1. The department shall promulgate a form for the statement which shall include, but not be limited to:

(A) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(B) A description of the vehicle including the year, make, model, vehicle identification number, and color;

(C) The name, address, and driver's license number of the owner;

(D) A certification that the owner:

(i) Never obtained a title to the vehicle in his or her name; or

(ii) Was issued a title for the vehicle, but the title was lost or stolen;

(E) A certification that the vehicle:

(i) Is worth ~~$750.00~~ $850.00 or less;

(ii) Is at least 12 model years old; and

(iii) Is not subject to any secured interest or lien~~.~~;

(F) An acknowledgment that the owner realizes this form will be filed with the department and that it is a felony, punishable by imprisonment for not fewer than one nor more than three years or a fine of not less than $1,000.00 nor more than $5,000.00, or both, to knowingly falsify any information on this statement;

(G) The owner's signature and the date of the transaction;

(H) The name, ~~and~~ address, and National Motor Vehicle Title Information System identification number of the business acquiring the vehicle;

(I) A certification by the business that ~~$750.00~~ $850.00 or less was paid to acquire the vehicle; and

(J) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(3)(A) The used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department within 72 hours of the completion of the transaction, requesting that the department cancel the Georgia certificate of title and registration.

(B) Notwithstanding the requirement to mail or otherwise deliver the statement required under paragraph (2) of this subsection to the department, the department shall provide a mechanism for the receipt of the information required to be obtained in the statement by electronic means, at no cost to the used motor vehicle parts dealer or scrap metal processor, in lieu of the physical delivery of the statement, in which case the used motor vehicle parts dealer or scrap metal processor shall maintain the original statement for a period of not less than two years.

(C) Within 48 hours of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, either by facsimile or by other electronic means to be made available by the department by January 1,

2012, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

(i) The name, address, and contact information for the reporting entity;

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;

(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;

(vi) A statement of whether the vehicle is intended for export out of the United States; and

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

There shall be no charge to either a used motor vehicle parts dealer or scrap metal processor associated with providing this information to the department.

(D) For purposes of this subsection, the term 'motor vehicle' shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible, in which case the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor which clearly identifies the seller by a government issued photograph identification card, or employer identification number, and shall be maintained for a period of not less than two years.

(E) The information obtained by the department in accordance with this subsection shall be reported to the National Motor Vehicle Title Information System, in a format which will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(F) The information obtained by the department in accordance with this subsection shall be made available only to law enforcement agencies, and for purposes of canceling certificates of title, and shall otherwise be considered to be confidential business information of the respective reporting entities.

(G) All records required under the provisions of this Code section shall be maintained for a period of two years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state issued identification card."

SECTION .2.

Said chapter is further amended by revising Code Section 40-3-90, relating to felonies involving certificates of title, as follows:

"40-3-90.

A person who, with fraudulent intent:

(1) Alters, forges, or counterfeits a certificate of title;

(2) Alters or forges an assignment of a certificate of title or an assignment or release of a security interest on a certificate of title or a form the commissioner prescribed;

(3) Has possession of or uses a certificate of title knowing it to have been altered, forged, or counterfeited;

(4) Uses a false or fictitious name or address or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact in an application for a certificate of title;

(5) Alters or forges a notice of a transaction concerning a security interest or lien reflected on the certificate of title as provided by Code Section 40-3-27; ~~or~~

(6) Knowingly falsifies any information on the statement required by paragraph (2) of subsection (a) of Code Section 40-3-36; or

(7) Willfully violates any other provision of this chapter after having previously violated the same or any other provision of this chapter and having been convicted of that act in a court of competent jurisdiction

shall be guilty of a felony."

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, grandparents, 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. Provided, however, that any notice of suspension or revocation shall be sent via certified mail."

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 <u>or subsequent</u> 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. <u>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.</u>"

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 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 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, <u>or</u> corporation~~, association, civic group, club, county, municipality, board of education, school, or college~~. <u>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.</u>"

"(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. The commissioner shall be authorized to issue a special license to ~~the~~ <u>a licensed</u> 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~~ <u>Driver Services</u> 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 for the assessment component and $190.00 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 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 while driving a commercial motor vehicle."

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 20.1.

Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicles and parts dealers, is amended in Code Section 43-47-10, relating to investigations of licensees and sanctions, by revising subparagraph (B) of paragraph (2) as follows:

"(B) Any of those activities described in paragraphs (1) through ~~(5)~~ (6) of Code Section 40-3-90; or"

SECTION 21.

This Act shall become effective on January 1, 2012.

SECTION 22.

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

The following amendment was read and adopted:

Representatives Rice of the 51st and Powell of the 29th offer the following amendment:

Amend the Senate substitute to HB 269 by adding after "date;" *on line 25 the following:*

to provide for a funding contingency;

By deleting lines 262 and 263 and inserting in lieu thereof the following:

notice to the address reflected in his or her driving record.

By deleting line 667 and substituting in lieu thereof the following:

(a) Sections 1 through 22 of this Act shall become effective on January 1, 2012.
(b) Except as provided in subsection (c) of this section, Sections .1 and .2 of this Act shall become effective only upon the effective date of a specific appropriation of funds for the purposes of Sections .1 and .2 of this Act as expressed in a line item making specific reference to the full funding of Sections .1 and .2 of this Act in an appropriations Act enacted by the General Assembly.
(c) Paragraph (2) of subsection (a) of Code Section 40-3-36, as amended in Section .1 of this Act, shall become effective on January 1, 2012.

Representative Rice of the 51st moved that the House agree to the Senate substitute, as amended by the House, to HB 269.

On the motion, 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	McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Smith, L
Y Baker	Y Drenner	Y Houston	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
E 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	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	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 170, nays 2.

The motion prevailed.

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 Senate substitute was read:

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 the 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

WHEREAS, PFC Samuel Stephens Lance was born to Sam and Virginia Jo Lance on November 24, 1949, in Fort Payne, Alabama; and

WHEREAS, he was assigned to A Company, 1st Battalion, 506th Infantry, 101st Airborne Division and died in Vietnam on May 1, 1970, while serving his country; and

WHEREAS, Steve attended Gordon Lee High School in Chickamauga, Georgia, where he played football and basketball in his senior year; and

WHEREAS, he received the Coaches "Max Smith Award" for his skill at baseball; and

WHEREAS, he attended Fellowship Baptist Church in Chickamauga, and loved to go fishing and hunting whenever he could; and

WHEREAS, Steve had three sisters, Jennifer Tarvin, Cynthia Lance, and Bridgett Barrett; and

WHEREAS, because his father died three years before him, Steve became the man of the family at a young age and took good care of his mother and sisters before he went into military service; and

WHEREAS, it is only fitting and proper that a lasting memorial to this hero who made the ultimate sacrifice to protect our freedom be established.

PART XV

WHEREAS, in 1887, Charles Lafayette Stapleton, Charlie Will Stapleton's father, settled on farmland bordering Bear Creek and reared 11 children; and

WHEREAS, in 1938, Charlie Will bought adjacent farmland that surrounds the present bridge site over Bear Creek; and

WHEREAS, he lived on and farmed this land for his entire life, and the land is still owned and farmed by his great-nephew; and

WHEREAS, it is only fitting and proper that a lasting memorial to this outstanding man be established.

PART XVI

WHEREAS, Luther H. Story was a soldier in the United States Army during the Korean War, and he posthumously received the Congressional Medal of Honor for his actions on September 1, 1950; and

WHEREAS, he was born on July 20, 1931, in Buena Vista, Georgia; and

WHEREAS, on September 1, 1950, PFC Story distinguished himself by conspicuous gallantry and intrepidity above and beyond the call of duty in action; and

WHEREAS, during a savage daylight attack that penetrated the thinly held lines of the 9th Infantry, PFC Story, a weapons squad leader, observed a large group of the enemy crossing the river to attack Company A; and seizing a machine gun from his wounded gunner, he placed deadly fire on the hostile column, killing or wounding an estimated 100 enemy soldiers; and

WHEREAS, facing certain encirclement, the company commander ordered a withdrawal; during the move, PFC Story noticed the approach of an enemy truck, and after alerting his comrades to take cover, he fearlessly stood in the middle of the road, throwing grenades into the truck; and

WHEREAS, during the withdrawal, the company was attacked by such superior numbers that it was forced to deploy in a rice field, and PFC Story was wounded in this action but, disregarding his wounds, rallied the men about him and repelled the attack; when last seen, he was firing every weapon available and fighting off another hostile assault; and

WHEREAS, PFC Story's extraordinary heroism, aggressive leadership, and supreme devotion to duty reflect the highest credit upon himself and were in keeping with the esteemed traditions of the military service.

PART XVII

WHEREAS, although he considered himself an Atlanta native, Forrest Laughlin Adair II was born in 1941 in Birmingham, Alabama; and

WHEREAS, after graduating from Riverside Military School, he attended Georgia Tech and later graduated from Georgia State with a business degree in real estate; and

WHEREAS, Forrest did not accept Jack Adair's offer of employment in the family business, Adair Realty; instead, he felt compelled to be responsible for his own destiny, so he joined The First National Bank of Atlanta in 1962; and

WHEREAS, but real estate was his true calling, so in 1982, he partnered with Virgil and Jim Williams to form Williams Adair Equity Corp. and later, Williams Adair Realty Corp.; and

WHEREAS, over the next several decades, he directed the construction, purchase, and sale of over one million square feet of diversified product, including office parks, strip shopping centers, and mid-rise suburban office buildings; and

WHEREAS, he was always concerned with the impact of real estate on the community, as evidenced by his participation in civic organizations, such as The Gwinnett Council for Quality Growth - Past President, The Gwinnett Chamber of Commerce, The Evermore CID, NAIOP, the Commercial Board of Realtors, and others too numerous to name; and

WHEREAS, real estate was in his blood; Forrest Laughlin Adair II was the 4th generation of an Atlanta real estate family, and his great-great-grandfather, Colonel George Adair, was commonly referred to as the Father of Atlanta for his work rebuilding Atlanta after the Civil War; Colonel Adair's motto was, "To be reliable is a fortune"; and

WHEREAS, Forrest's legacy is visible throughout Gwinnett County; he had a hand in all types of projects, including apartments, office buildings, office parks, and shopping centers; but land development projects were his favorite, as evidenced by his ATM pin number "DIRT"; and

WHEREAS, walking a property in consideration of future development was his favorite real estate activity; however, his most important legacy was the development of young men; and

WHEREAS, he was keenly aware of the challenges that face today's youth, and he believed in building character in young men through the lessons and challenges of youth sports; he coached baseball and football for over 30 years, and although some teams included his sons, most of his time was spent pro bono for the children of others; he was known for chauffeuring boys whose parents could not provide transportation and for building self-confidence and teaching accountability; and

WHEREAS, he loved real estate, but his true legacy can be seen in the faces of all he touched, and it is only fitting and proper that a lasting memorial to this life well lived be established.

PART XVIII

WHEREAS, William Austin Atkins, Sr., born in Tate, Georgia, on August 16, 1933, to Austin and Gladys Atkins, has been recognized in the 24th Edition of Who's Who in the World as worthy of recognition along with notable leaders and achievers from all walks of life, whose contributions have made a lasting impact on the political, cultural, business, and academic frameworks of America and the world; and

WHEREAS, this esteemed member of the House of Representatives from 1982 to 1994 served his constituents well as a member of the Appropriations, Regulated Beverages, and Industry Committees; and

WHEREAS, his bachelor of science degree in pharmacy from Mercer University was of great use to him as the Director of the Drugs and Narcotics Agency of the State of Georgia, a position which he retired from in 2008; and

WHEREAS, Mr. Atkins possesses a wide range of talents and abilities which include being lead vocalist of the Bill Atkins Band; and

WHEREAS, this devoted husband and father of two children and two stepchildren still finds time to be involved in his community through his service to the First United Methodist Church on the administrative board, to Mercer University School of Pharmacy on the board of directors, Brawner Hospital on the governing board, and Smyrna Hospital on the long-range planning board; and

WHEREAS, he honorably served his country in the United States Army Medical Service Corps from 1955 to 1957; and

WHEREAS, others have recognized his talents and contributions by honoring him with awards such as the Smyrna/Oakdale Moose Lodge in 1993 with the "Mr. Cobb County" award; the Cobb County Clean Commission in 1992 with the "One of a Kind Award"; Cobb County in 1992 with the Statesman of the Year award; American Cancer Society in 1991 with the Recipient Appreciation plaque; Personal Care Homes of Georgia in 1991 with the Legislator of the Year Friendship Award; and the Cobb County Bar Association in 1991 with the Liberty Bell Award; and

WHEREAS, in addition to the Pharmacist of the Year in Georgia award he received from Phi Delta Chi in 1978, he has also received numerous awards throughout the years for his dedication and service to the pharmacy profession; and

WHEREAS, Bill Atkins is a shining example of the important impact that the efforts of one individual can have on the citizens of his community, his state, his country, and even the world, and it is abundantly fitting and proper that his superlative accomplishments be recognized by the dedication of a bridge in his name in honor of his accomplishments.

PART XIX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of William Travis Duke of Mableton; and

WHEREAS, he served as a State Representative, 1971-1975; was active in local and state politics for over 30 years; and was one of the first Republicans elected in Cobb County; and

WHEREAS, a man of conviction and purpose, he was a member and/or officer of myriad community service boards, including the Cobb County Chamber of Commerce, Cobb-Marietta Coliseum and Exhibit Hall Authority, Mable House, Cobb County Boys Club, Open Gate Children's Shelter, Department of Family and Children Services, Georgian Club, Cobb-Marietta Museum, Salvation Army, and the Jaycees; and

WHEREAS, William was united in love and marriage to Betty and was blessed with two remarkable children, Jennifer and Derek, and three wonderful grandchildren; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, William Travis Duke will long be remembered for his love of family and friendship, and this loyal public servant and advocate for his community will be missed by all who had the great fortune of knowing him, and it is only fitting and proper that a lasting memorial to his life be established.

PART XX

WHEREAS, Roy Parrish was born in Walker County, Georgia, on November 29, 1933, one of four children born to Roy E. Parrish, Sr., and the former Annie May Autry; the Parrish family and the Autry family were pioneers to Walker County and have made this county their homes since the eighteenth century; and

WHEREAS, Mr. Parrish was educated in the City of Chickamauga School System and graduated from Gordon Lee High School in 1953; he started to work for the Chickamauga Telephone Company while still in high school, and he remained in their employ for nineteen years, the last several as general manager; and

WHEREAS, he also served two years on active duty with the United States Army in Korea; and

WHEREAS, he was elected Sole Commissioner of Walker County in the Democratic Primary of 1972 and took office January 1, 1973; he went on to serve six four-year terms; and

WHEREAS, some of his major accomplishments include building the first sanitary landfill in 1973 and operating it for 23 years; building and paving the county roads; passing the first Local Option Sales Tax Referendum in 1977 that rolled back county property tax and for the first time offered property tax relief to the local community; building the civic center, pavilion, and the 911 Center; building a tunnel from the courthouse to the jail for security; building and operating an animal shelter, 16 fire stations, and 126 bridges; and

WHEREAS, Mr. Parrish worked with Georgia Department of Transportation and the United States Department of the Interior as well as the National Park Service and Congressman Buddy Darden to get a better corridor through or around the Chickamauga Battlefield and was largely responsible for getting the western route through Walker County established as the relocated Highway 27 around the Chickamauga National Park; and

WHEREAS, he has been married to the former Cora Ann Kell, also a native of Walker County, for more than 50 years, and they had two children, two grandchildren, and two great-grandchildren; they live in the City of Chickamauga where they are active members of the Elizabeth Lee United Methodist Church; and

WHEREAS, he retired, undefeated, from public office in 1996 and now enjoys the freedom of retirement; he and Cora Ann spend time traveling, enjoying their family, gardening, and working in their church where Roy has recruited many of his friends; and

WHEREAS, it is only fitting and proper that a lasting tribute to this life of public service be established.

PART XXI

WHEREAS, Floyd C. and Mary McCants Jarrell gave a lifetime of service to the people of Taylor County, Georgia, and had a long string of achievements and contributions to their community; and

WHEREAS, it is only fitting and proper that the lives of service of Floyd C. and Mary McCants Jarrell be honored with a lasting memorial.

PART XXII

WHEREAS, U.S. Highway 27 traverses the entire western length of Georgia and is approximately 352 miles long; and

WHEREAS, the highway connects 18 diverse counties in the common cause of economic development and regionalism; and

WHEREAS, the state and federal government invested billions of dollars in constructing U.S. Highway 27 and, by supporting travel and tourism investment along the corridor, the state will be increasing the taxpayers' return on investment; and

WHEREAS, promoting tourism along U.S. Highway 27 supports efforts to dismantle persistent poverty in Georgia as seven of the 18 counties along the highway are classified by the University of Georgia as "counties with persistent poverty"; and

WHEREAS, the activities around the promotion of U.S. Highway 27 can serve as a sustainable model for other corridor tourism and economic development efforts in Georgia; and

WHEREAS, U.S. Highway 27 offers an attractive, alternate north-south transportation route with authentic Georgia cultural heritage and scenic resources.

PART XXIII

WHEREAS, the State of Georgia recently lost one of her most distinguished public servants, innovative legal minds, and civil rights advocate with the passing of the Honorable John H. Ruffin, Jr.; and

WHEREAS, Judge John H. Ruffin, Jr., became the 62nd Judge of the Court of Appeals of Georgia when he was administered the oath of office by Governor Zell Miller on August 24, 1994, after 33 years of practicing law and serving on the superior court bench; and

WHEREAS, Judge Ruffin was born and reared in Waynesboro, Burke County, Georgia, the son of John H. Ruffin, Sr., and Anna Davis Ruffin, and he was a graduate of Waynesboro High and Industrial School, Morehouse College, and Howard University School of Law in Washington, D.C.; and

WHEREAS, he was admitted to the Georgia Bar on July 5, 1961; and

WHEREAS, he was appointed a Superior Court Judge of the Augusta Judicial Circuit in 1986 by Governor Joe Frank Harris and he continued to serve as a superior court judge until his appointment to the Court of Appeals; and

WHEREAS, in addition to being the first African American Superior Court Judge for the Augusta Judicial Circuit, Judge Ruffin was also the first African American member of the Augusta Bar Association, and the third African American and first African American Chief Judge to serve on the Court of Appeals of Georgia; and

WHEREAS, in addition to his membership in the State Bar of Georgia, Judge Ruffin was a member of the bars of the Supreme Court of Georgia, United States Supreme Court, United States Court of Appeals for the Eleventh Circuit, and United States District Courts for the Southern and Middle Districts of Georgia; and

WHEREAS, Judge Ruffin had many professional, civic and religious affiliations, including: Council of Superior Court Judges of Georgia; Council of Juvenile Court Judges of Georgia; Tenth Judicial Administrative District; Chairman, Board of Trustees, Institute of Continuing Judicial Education; Georgia Commission on Gender Bias; Court Reform Committee, Governor's Conference on Justice in Georgia; Georgia Association of Criminal Defense Lawyers; Georgia Advisory Council to the Legal Services Program; Judicial Nominating Commission; Georgia Conference of Black Lawyers, Inc.; State Bar Judicial Compensation Committee; American Judicature Society; National Bar Association; American Bar Association; Augusta Bar Association; and the Atlanta Bar Association; and

WHEREAS, he was elected Secretary-Treasurer of the Council of Superior Court Judges and was on track to become the first African American to serve as President of the Council of Superior Court Judges of Georgia prior to his appointment to the Court of Appeals; and

WHEREAS, Judge Ruffin and his beautiful wife, Judith, had one son, Brinkley, and two grandsons, Bryson and Myles; and

WHEREAS, Judge Ruffin and his family are members of the Tabernacle Baptist Church in Augusta; and

WHEREAS, it is only fitting and proper that a lasting memorial to the life and outstanding career of Judge John H. Ruffin, Jr., be established.

PART XXIV

WHEREAS, Kermit Yates was a prominent citizen of the City of Cobbtown in Tattnall County, Georgia; and

WHEREAS, Mr. Yates moved to the City of Cobbtown in the 1930s and departed this life on October 26, 1995, after a long career as a mechanic and noted member of the Cobbtown community; and

WHEREAS, he was the mayor of Cobbtown for many years; he was in charge of the city's water department and was one of the founders of the water system; and

WHEREAS, he was also very active in the Sunlight Primitive Church, where he served as a deacon and was also the caretaker for the church cemetery; and

WHEREAS, since Mr. Yates was a mechanic, he kept everyone "running" by working on cars, trucks, and tractors; and

WHEREAS, it is only fitting and proper that a lasting memorial to this outstanding public servant and community leader be established.

PART XXV

WHEREAS, Elton C. Snow spent his early years farming in Wilkinson County with his parents and nine brothers and sisters and developed a love for the land and the crops it produced as he grew into a young adult; and

WHEREAS, after serving in the United States Army during World War II, Elton returned to his roots where he obtained land on what is now known as J. C. McCollough Road; and

WHEREAS, Elton and his family farmed this land for many years and the land is still owned by his descendants; and

WHEREAS, he was employed by and retired from the State of Georgia; and

WHEREAS, Mr. Snow never forgot that his roots were planted in his Wilkinson County farm, and he continued to farm the land and eventually built a barn and barbeque pit on the property; and

WHEREAS, it is only fitting and proper that a lasting tribute to this life of public service be established.

PART XXVI

WHEREAS, Connor Lenning was born on November 10, 2006, and passed away on Friday, February 26, 2010; and

WHEREAS, he was a beautiful ray of sunlight to all those who knew and loved him; and

WHEREAS, his favorite color was emerald green, and he loved green tractors and monster jam trucks; and

WHEREAS, his big beautiful blue eyes radiated his joyful spirit; and

WHEREAS, three-year-old Connor Lenning, who lived with his mother north of Juliette in Monroe County, died of trauma to his midsection at a hospital in Forsyth; and

WHEREAS, this beautiful child passed away due to a devastating incident of child abuse at the hands of his mother's boyfriend; and

WHEREAS, his legacy lives on in those who will always love him and never forget him as well as the cause now so dear to his family's heart – Stop the Cycle of Child Abuse; and

WHEREAS, it is only fitting and proper that a lasting memorial to the life cut short of this wonderful little boy be established.

PART XXVII

WHEREAS, Douglas Dent Daniel was born in Brunswick, Georgia, on Norwick Street on May 16th, 1920, to his proud parents, Harry Hardy Daniel and Susie Dent Daniel; and

WHEREAS, he went to school in Odum (Primary, then 1st-10th grade) and then went to Jesup High School for the 11th grade and graduated in 1938; and

WHEREAS, while in high school, he played baseball and football and ran track before he was inducted into the Army on November 11, 1941, at Fort McPherson, Georgia; he served in England, North Africa, Sicily, and Italy; and

WHEREAS, one of his proudest moments was being able to serve his country; and

WHEREAS, after his service he came home and painted the old school house, working 12 hours a day, and got a temporary civil service job spraying DDT to eradicate flies and fleas; and

WHEREAS, in 1947 he went to Georgia Teachers College and graduated in 1949; after graduation he got married to his sweetheart and moved to Hilliard, Florida, for one year; and

WHEREAS, in March of 1966, he opened Pearce's Store, known to customers as Doug Daniel Furniture and he was so successful that he won the "Nice Guy Award" from the furniture dealers of the State of Georgia and they held a banquet in his honor at the Hyatt Regency Hotel in Atlanta; and

WHEREAS, in November of 1956 he and his wife adopted a daughter, Susan Bedell Daniel, and in June of 1961 another daughter, Mary Dent Daniel; they were wonderful parents to these two girls; and three grandsons came later; and

WHEREAS, Mr. Daniel lost his sweetheart in 1985 and married Sylvia Johnson in 1986 and two more grandsons came; and

WHEREAS, Mr. Daniel has been very involved in his community and his church; he has been selected for Odum Homecoming Grand Marshal for Odum Day Parade and also as Citizen of the Year, and in his church, Odum Baptist, he has served on many committees and was a Sunday school teacher and deacon; and

WHEREAS, he says when he leaves this earth he always hopes he is remembered as an "Honest Person"; and

WHEREAS, it is only fitting and proper that a lasting tribute to this life well lived be established.

PART XXVIII

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 members of this body honor the life and service of PFC Samuel Stephens Lance and dedicate the intersection of Lafayette Road and SR 27 as the Steve Lance Memorial Intersection.

BE IT FURTHER RESOLVED that the members of this body honor Charlie Will Stapleton by dedicating the bridge on SR 41 crossing Bear Creek in Webster County as the Charlie Will Stapleton Bridge.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding heroism and bravery of PFC Luther H. Story and dedicate the bridge on SR 26, over the Kinchafoonee Creek in Marion County, as the Luther Story Bridge.

BE IT FURTHER RESOLVED that the members of this body honor the outstanding accomplishments of Forrest Laughlin Adair II and dedicate the bridge on US 78, the Stone Mountain Freeway, at Park Place in Gwinnett County, as the Forrest Laughlin Adair II Memorial Bridge.

BE IT FURTHER RESOLVED that the members of this body join in recognizing and honoring William Austin Atkins, Sr., for his outstanding service to his community and to the State of Georgia and dedicate the bridge over I-75 North at Windy Hill Road, in Cobb County, as the William Austin Atkins, Sr. Bridge.

BE IT FURTHER RESOLVED that the members of this body join in honoring the life and memory of William Travis Duke; express their deepest and most sincere regret at his passing; and dedicate the bridge over SR 41 at I-285, in Cobb County, as the W.T. (Travis) Duke Memorial Bridge.

BE IT FURTHER RESOLVED that this body desires to honor Roy Parrish by dedicating the portion of US 27/SR 1 from the city limits of Fort Oglethorpe south to Shields Crossing as the Roy Parrish Parkway.

BE IT FURTHER RESOLVED that this body desires to honor Floyd C. and Mary McCants Jarrell by dedicating the portion of Old Wire Road, SR 208, from the Talbot County line to SR 19 South in Taylor County as the Floyd C. and Mary McCants Jarrell Memorial Highway.

BE IT FURTHER RESOLVED that the Georgia portion of U.S. Highway 27, located within the limits of the Martha Berry Highway, be dedicated as the Scenic Hometown Highway for tourism enhancement purposes.

BE IT FURTHER RESOLVED that the members of this body celebrate the life and outstanding career and many accomplishments of Judge John H. Ruffin, Jr., and dedicate the portion of SR 25 beginning at SR 88 to the Burke County line as the Judge John H. Ruffin, Jr. Memorial Highway.

BE IT FURTHER RESOLVED that this body desires to honor Mr. Kermit Yates by dedicating a portion of SR 152 from the city limits of Cobbtown, Georgia, to the Coleman Bridge as the Kermit Yates Memorial Highway.

BE IT FURTHER RESOLVED that the members of this body honor the life and service of Mr. Elton C. Snow and dedicate the intersection of the Fall Line Freeway and McCullough Road as the Elton C. Snow Intersection.

BE IT FURTHER RESOLVED that the members of this body hope for the family's sake the pain of losing Connor will not last long and the memories will last forever and honor the life of Connor Lee Eugene Lenning by dedicating the portion of SR 83 in Monroe County from I-75 to SR87/US 23 as the Connor Lenning Memorial Highway.

BE IT FURTHER RESOLVED that this body joins in honoring the accomplishments of Douglas Dent Daniel and dedicates the portion of US 341 from the outgoing city limits of Jesup to the incoming city limits of Odum as the Douglas Dent Daniel Highway.

BE IT FURTHER RESOLVED that this body dedicates the intersection at Lee and Gordon Mills Roads and SR 27 as the Cross Shield Road Intersection.

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, to the family of SGT Harold Wiggins, to the family of PFC Samuel Stephens Lance, to the family of Charlie Will Stapleton, to the family of Luther H. Story, to the family of Forrest Laughlin Adair II, to William Austin Atkins, Sr., to the family of

William Travis Duke, to the family of Roy Parrish, to the family of Floyd C. and Mary McCants Jarrell, to the family of Judge John H. Ruffin, Jr., to the family of Kermit Yates, to the family of Elton C. Snow, to the family of Connor Lee Eugene Lenning, and to Douglas Dent Daniel.

Representative Holmes of the 125th moved that the House agree to the Senate substitute to HR 507.

On the motion, 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	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
E 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
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	Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	E Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Y Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Lucas	Y Rice	Y Willard
Y Coleman	Y Harden, B	Y Maddox, B	Y Riley	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Yates
Y Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 166, nays 1.

The motion prevailed.

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

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to unfair trade practices, so as to provide that certain acts by residential contractors as they relate to insurance claims shall be considered violations of unfair trade practice; to provide for definitions; to provide for certain contractual requirements; to prohibit rebate or other compensation as inducement for an insured to enter into an agreement; to provide for notice language; to provide for penalties; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to provide that certain acts by residential roofing contractors as they relate to insurance claims shall be considered violations of unfair trade practice; to provide for definitions; to provide for certain contractual requirements; to provide for notice language; to amend Article 1 of Chapter 23 of Title 33, relating to agents, agencies, subagents, counselors, and adjusters, so as to prohibit certain acts by public adjusters or persons acting as public adjusters to use rebates or other compensation as inducement for an insured to enter into a contract; to amend Code Section 43-40-25, relating to violations by licensed community association managers, salespersons, associate brokers, brokers, schools, and instructors sanctions and unfair trade practices, so as to change provisions relating to unfair trade practices; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"10-1-393.12.

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

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

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

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

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

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

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

'You may cancel this contract at any time before midnight on the fifth business day after you have received written notification from your insurer that all or any part of the claim or contract is not a covered loss under the insurance policy. This right to cancel is in addition to any other rights of cancellation which may be found in state or federal law or regulation. See attached notice of cancellation form for an explanation of this right'; and

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

'NOTICE OF CANCELLATION'

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

I HEREBY CANCEL THIS TRANSACTION

(date)

(insured's signature).

(d) In circumstances in which payment may be made from the proceeds of a property and casualty insurance policy, a residential roofing contractor shall not require any payments from an insured until the five-day cancellation period has expired. If, however, the residential roofing contractor has performed any emergency services, acknowledged by the insured in writing to be necessary to prevent damage to the premises, the residential roofing contractor shall be entitled to collect the amount due for the emergency services at the time they are rendered. Any provision in a contract as provided in subsection (b) of this Code section that requires the payment of any fee for anything except emergency services shall not be enforceable against any insured who has canceled a contract under this Code section.

(e) A residential roofing contractor shall not represent or negotiate, or offer or advertise to represent or negotiate, on behalf of an owner or possessor of residential real estate on any insurance claim in connection with the repair or replacement of roof systems. This subsection shall not apply to a public adjuster licensed under Chapter 23 of Title 33."

SECTION 2.

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

"33-23-43.

(a) An adjuster licensed as both an independent and a public adjuster shall not represent both the insurer and the insured in the same transaction.

(b) An adjuster shall have authority under his or her license only to investigate, settle, or adjust and report to his or her principal upon claims arising under insurance contracts on behalf of insurers only if licensed as an independent adjuster or on behalf of insureds only if licensed as a public adjuster.

(c) No public adjuster, at any time, shall knowingly:

(1) Suggest or advise the employment of or name for employment a specific attorney or attorneys to represent a person in any matter relating to a person's potential claims, including any motor vehicle accident claims for personal injury, loss of consortium, property damages, or other special damages;

(2) Accept or agree to accept any money or other compensation from an attorney or any person acting on behalf of an attorney which the adjuster knows or should reasonably know is payment for the suggestion or advice by the adjuster to seek the services of the attorney or for the referral of any portion of a person's claim to the attorney; ~~or~~

(3) Hire or procure another to do any act prohibited by this subsection~~.~~; or

(4) Advertise or promise to pay or rebate all or any portion of any insurance deductible as an inducement to the sale of goods or services. As used in this subsection, the term 'promise to pay or rebate' includes (A) granting any allowance or offering any discount against the fees to be charged, including, but not limited to, an allowance or discount in return for displaying a sign or other advertisement at the

insured's premises, or (B) paying the insured or any person directly or indirectly associated with the property any form of compensation, gift, prize, bonus, coupon, credit, referral fee, or other item of monetary value for any reason.

(d) For purposes of subsection (c) of this Code section, the term 'public adjuster' shall include licensed public adjusters as defined by Code Section 33-23-1, ~~and~~ persons representing themselves to be public adjusters who are not properly licensed by the Commissioner~~.~~, and persons committing any act under paragraph (4) of subsection (c) of this Code section.

(e) Any person who violates any provision of subsection (c) of this Code section shall be guilty of a misdemeanor and such violation shall be grounds for suspension or revocation of licenses under this chapter."

SECTION 3.

Code Section 43-40-25, relating to violations by licensed community association managers, salespersons, associate brokers, brokers, schools, and instructors sanctions and unfair trade practices, is amended by revising paragraph (35) of subsection (b) as follows:

"(35) Failing to obtain a person's written agreement to refer that person to another ~~licensee~~ licensed broker for brokerage or relocation services and to inform such person being referred whether or not the licensee will receive a valuable consideration for such referral ~~and an estimate of such consideration~~."

SECTION 4.

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

Representative Maxwell of the 17th moved that the House agree to the Senate substitute to HB 423.

On the motion, 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	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	E Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	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	Ehrhart	Y Hugley	Y Neal, Y	Y Stephens, M
E 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	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	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	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

The motion prevailed.

The Speaker announced the House in recess until 7:15 o'clock, this evening.

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 1073. By Representatives Murphy of the 120th, Walker of the 107th, Smyre of the 132nd, Williams of the 165th, Heard of the 114th and others:

A RESOLUTION recognizing and commending Mr. Erroll B. Davis, Jr., on the occasion of his retirement; and for other purposes.

HR 1074. By Representatives Hatfield of the 177th, Ralston of the 7th, Jones of the 46th, O`Neal of the 146th, Smith of the 168th and others:

A RESOLUTION honoring the life and memory of Mr. Tom Crosby, Jr.; and for other purposes.

HR 1075. By Representative Burns of the 157th:

A RESOLUTION recognizing and commending Mr. Rob Porterfield; and for other purposes.

HR 1076. By Representative Mitchell of the 88th:

A RESOLUTION recognizing and commending the Historically Black Colleges and Universities Network in Georgia; and for other purposes.

HR 1077. By Representatives Clark of the 98th, Brockway of the 101st, Jones of the 46th, Casas of the 103rd, Sheldon of the 105th and others:

A RESOLUTION recognizing and commending Mrs. Susan Harman Alou; and for other purposes.

HR 1078. By Representatives Howard of the 121st, Murphy of the 120th, Frazier of the 123rd, Jackson of the 142nd, Taylor of the 55th and others:

A RESOLUTION commending Dr. Wayne Frazier for his extraordinary work as a transformative principal; and for other purposes.

HR 1079. By Representatives Ashe of the 56th, Gardner of the 57th, Kaiser of the 59th and Lindsey of the 54th:

A RESOLUTION recognizing and commending Ms. Susan McNeill Mendheim on the occasion of her retirement; and for other purposes.

HR 1080. By Representative Hudson of the 124th:

A RESOLUTION recognizing and commending the 2011 Class of Leadership McDuffie; and for other purposes.

HR 1081. By Representative Abdul-Salaam of the 74th:

A RESOLUTION commending Stanley Byers; and for other purposes.

HR 1082. By Representative Abdul-Salaam of the 74th:

A RESOLUTION honoring the life and memory of David Ronald Reed; and for other purposes.

HR 1083. By Representatives Tankersley of the 158th, Parrish of the 156th and Burns of the 157th:

A RESOLUTION recognizing and commending Ms. Ashlee J. Mitchell, a Georgia Teacher of the Year Finalist; and for other purposes.

HR 1084. By Representatives Smith of the 168th, Jones of the 46th, Tankersley of the 158th, Lane of the 167th, Morris of the 155th and others:

A RESOLUTION commending Ms. Pam Williams, the 2011 Georgia Teacher of the Year; and for other purposes.

HR 1085. By Representatives Carter of the 175th, Shaw of the 176th, Black of the 174th, Huckaby of the 113th and Roberts of the 154th:

A RESOLUTION recognizing and commending Professor Jacqueline S. Wheeler; and for other purposes.

HR 1086. By Representatives Cooper of the 41st, Lindsey of the 54th and O`Neal of the 146th:

A RESOLUTION commending William McKeen for his service during the 2011 Regular Session; and for other purposes.

HR 1087. By Representative Golick of the 34th:

A RESOLUTION recognizing and commending Ms. Mary Ann Sikes; and for other purposes.

HR 1088. By Representative James of the 135th:

A RESOLUTION recognizing and commending Mr. Darryl K. Bentley; and for other purposes.

HR 1089. By Representatives Dollar of the 45th, Parsons of the 42nd and Cooper of the 41st:

A RESOLUTION recognizing and commending Wheeler High School; and for other purposes.

HR 1090. By Representatives Dollar of the 45th and Cooper of the 41st:

A RESOLUTION recognizing and commending Walton High School; and for other purposes.

HR 1091. By Representatives Kaiser of the 59th, Gardner of the 57th and Ashe of the 56th:

A RESOLUTION recognizing and commending the 2011 Henry W. Grady High School Mock Trial Team; and for other purposes.

HR 1092. By Representatives Gordon of the 162nd, Stephens of the 161st, Bryant of the 160th, Brooks of the 63rd, Mitchell of the 88th and others:

A RESOLUTION recognizing and commending the Savannah Chapter of Jack and Jill of America; and for other purposes.

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

Mr. Speaker:

The Senate insists on its amendment to the following bill of the House:

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 Senate insists on its substitute to the following bill of the House:

HB 117. By Representative Crawford of the 16th:

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

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Tolleson of the 20th, Bulloch of the 11th, and Grant of the 25th.

The Senate adheres to its disagreement to the House substitute and has appointed a Committee of Conference to confer with a like committee on the part of the House on the following bill of the Senate:

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.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Mullis of the 53rd, and Chance of the 16th.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 117. By Representative Crawford of the 16th:

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

documentation requirements; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative Crawford of the 16th moved that the House insist on its position in disagreeing to the Senate substitute to HB 117 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Crawford of the 16th, Channell of the 116th and O'Neal of the 146th.

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.

Representative Martin of the 47th moved that the House adhere to its position in insisting on its substitute to SB 140 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Martin of the 47th, Cheokas of the 134th and Smyre of the 132nd.

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

HOUSE RULES CALENDAR
THURSDAY, APRIL 14, 2011

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 40th Legislative Day as enumerated below:

Modified Structured Rule
UNCONTESTED HOUSE/SENATE RESOLUTIONS

HR 113	House School Bus Safety Study Committee; create (PS&HS-Bearden-68th)
HR 489	Professional Learning Rules Task Force; establish (Substitute)(Ed-Thomas-100th)
HR 497	School systems; adopt policies that prohibit tobacco use; urge (Ed-Purcell-159th)
HR 586	United States Congress; F-35 Joint Strike Fighter Program; urge refrain cuts (D&VA-Stephens-164th)
HR 615	Savannah, City of and Southeast LNG; form study committee; urge (Trans-Gordon-162nd)
HR 643	House Study Committee on the Equine Industry; create (RegI-Geisinger-48th) (Rules Committee Substitute)
HR 810	House State Health Insurance Plan Alternative Funding Study Committee; create (Ins-Rogers-26th)
SR 68	Science and Technology Strategic Initiative Joint Study Commission; create (S&T-Holt-112th) Loudermilk-52nd

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 Resolutions of the House and Senate were taken up for consideration and read the third time:

HR 113. By Representatives Bearden of the 68th, Talton of the 145th, Cooke of the 18th and Hanner of the 148th:

A RESOLUTION creating the House School Bus Safety Study Committee; and for other purposes.

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

HR 489. By Representatives Thomas of the 100th, Carter of the 175th, Kaiser of the 59th, Coleman of the 97th, Morgan of the 39th and others:

A RESOLUTION directing the State Board of Education to revise its professional learning rules; to establish a Professional Learning Rules Task Force; to provide written guidance; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Directing the State Board of Education to revise its professional learning rules, to establish a Professional Learning Rules Task Force, and to provide written guidance; directing the Professional Standards Commission to establish certification renewal rules that require the impact of professional learning on educator performance and student learning and to establish a task force; directing the Georgia Department of Education and the Georgia Professional Standards Commission to cooperatively develop a course on educator ethics to include information on the official Georgia Code of Ethics for educators and have as one area of emphasis best practices for administering state mandated tests; and for other purposes.

Part I

WHEREAS, the Professional Standards Commission is revising current certification rules that require the demonstration of the impact of professional learning on educator performance and student performance, effective July 2015; and

WHEREAS, subsection (b) of Code Section 20-2-201 of the O.C.G.A. requires all certificated professional personnel "each calendar year" to participate in continuing education programs that "focus on improving the skills of certificated personnel that directly relate to improving student achievement"; and

WHEREAS, the most important factor contributing to a student's success in school is the quality of teaching, and professional learning is the primary means for improving the quality of teaching; and

WHEREAS, all teachers engage in professional learning that is conceived, organized, managed, and evaluated under the authority of local school boards; and

WHEREAS, professional learning is more effective when its conception, organization, management, and evaluation is consistent with research findings that identify practices that improve teachers' instruction; and

WHEREAS, implementation of the Common Core Georgia Performance Standards adopted by the State Board of Education requires long-term, in-depth, job-embedded professional learning; and

WHEREAS, the House Study Committee on Professional Learning concluded that educators need time to improve their knowledge, skills, and dispositions and that such professional learning best occurs in a job-embedded context, with colleagues, sustained over time.

Part 2

WHEREAS, the goal of professional learning is to improve educational practices that result in higher student achievement; and

WHEREAS, efforts to improve student achievement can succeed only by building the capacity of teachers and leaders to improve their practices; and

WHEREAS, effective professional learning can be defined as that which results in improvement in educator knowledge and practices, as well as improved student learning outcomes; and

WHEREAS, research has shown that well-designed professional learning can improve practice and increase student achievement if it is intensive, ongoing, and connected to practice; is focused on student learning and addresses the teaching of specific curriculum content; is aligned with school improvement priorities and goals; and is used to build strong working relationships among teachers and leaders; and

WHEREAS, professional learning should focus on what practices are needed to improve student learning; and

WHEREAS, a core expectation of the education profession should be that educators demonstrate improvement over the course of a career; and

WHEREAS, Georgia's Race to the Top plan requires the measure of teacher effectiveness and also states that the effectiveness of teachers will be improved through targeted professional learning; and

WHEREAS, Georgia's Race to the Top plan states that Georgia will revise professional learning unit (PLU) requirements for recertification so that all professional learning activity undertaken by educators between certificate cycles is sharply aligned with potential weaknesses brought to light by effectiveness measures.

Part 3

WHEREAS, the House Study Committee on Professional Learning recommended that the Department of Education and the Georgia Professional Standards Commission develop a course on educator ethics with one area of emphasis being best practices for administering state mandated tests; and

WHEREAS, the Georgia Code of Ethics for educators defines the professional behavior of educators in Georgia and provides guidance for protecting the health, safety, and general welfare of students and educators and assuring the citizens of Georgia a degree of accountability with the education profession;

WHEREAS, an educator shall administer state mandated assessments fairly and ethically; and

WHEREAS, reliable and valid student assessment results are integral to the provision of accurate information to develop the overall school improvement plan; and

WHEREAS, reliable and valid student assessment results are integral to accurate reporting of student progress to parents; and

WHEREAS, reliable and valid student assessment results are integral to determining teacher effectiveness and providing targeted professional learning to support instructional improvement.

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

Part 1

SECTION 1-1.

The State Board of Education shall revise its professional learning rules so it is the responsibility of principals, district leaders, and state leaders to ensure that teachers have opportunities for professional learning that reflect the findings of the House Study Committee on Professional Learning and are consistent with major research findings and best practices regarding professional learning.

SECTION 1-2.

The State Board of Education shall align its rules with the new Professional Standards Commission certification renewal rules requiring the demonstration of the impact of professional learning on educator and student performance when the commission's rules take effect.

SECTION 1-3.

(a) The Department of Education shall establish the Professional Learning Rules Task Force for the purposes of reviewing current State Board of Education professional learning rules, reviewing current research regarding professional learning, providing suggestions for revisions to the rules, and providing suggestions for implementation.

(b) The task force shall be composed of, at a minimum, the following members:

(1) One representative of the Professional Standards Commission;

(2) One representative of the Department of Education;

(3) One district level professional learning coordinator;

(4) One representative from the central office of the University System of Georgia;

(5) One representative from a college of education within the University System of Georgia;

(6) One representative from a private college of education in this state;

(7) One representative from a regional educational service agency;

(8) One representative local school superintendent;

(9) One representative public school principal;

(10) One representative public school elementary school teacher;

(11) One representative public school middle school teacher;

(12) One representative public school high school teacher;

(13) One representative from the Georgia Staff Development Council, and

(14) One representative from Learning Forward (National Staff Development Council).

(c) The representative from the Department of Education shall serve as chairperson of the task force. The task force shall meet at the call of the chairperson.

(d) Members of the task force shall serve without compensation.

SECTION 1-4.

The task force shall present recommendations for professional learning rules to the State Board of Education no later than July 1, 2013. Recommendations shall be included in revisions to the State Board of Education professional learning rules and shall be adopted on or before June 30, 2015.

SECTION 1-5.

The Department of Education shall provide written guidance aligned to revised State Board of Education professional learning rules.

Part 2

SECTION 2-1.

The Professional Standards Commission is directed to:

(1) Revise its certification renewal rules so that demonstration of the impact of professional learning on educator performance and student performance is required in order for certification to be renewed, effective July, 2015; and

(2) Establish a task force to determine the level of evidence necessary for educators to demonstrate the impact of professional learning and how this evidence will be collected and submitted for the purposes of certificate renewal.

Part 3

SECTION 3-1.

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

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

HR 497. By Representatives Purcell of the 159th, Coleman of the 97th, Casas of the 103rd, Ashe of the 56th, Benfield of the 85th and others:

A RESOLUTION urging local school systems and schools in Georgia to adopt policies that prohibit the use of tobacco on campus and at school facilities; and for other purposes.

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

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.

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

HR 615. By Representatives Gordon of the 162nd, Stephens of the 161st, Bryant of the 160th, Stephens of the 164th, Purcell of the 159th and others:

A RESOLUTION urging the formation of a committee by the City of Savannah and Southeast LNG to study the transport of liquefied natural gas through Chatham County; and for other purposes.

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

HR 643. By Representatives Geisinger of the 48th, McCall of the 30th and Burns of the 157th:

A RESOLUTION creating the House Study Committee on the Equine Industry; and for other purposes.

The following substitute, offered by the Committee on Rules, was read and adopted:

A RESOLUTION

Creating the House Study Committee on the Horse Racing Industry; and for other purposes.

WHEREAS, the State of Georgia has significant amounts of pastureland and facilities that would allow for the breeding, raising, training, and stabling of horses; and

WHEREAS, the State of Georgia's economy would benefit from an expansion of the equine industry in Georgia; and

WHEREAS, the State of Georgia would receive broad financial benefits from additional employment opportunities, the investment of additional capital, and the realization of profits from the breeding, raising, and quartering of horses and the possibility of pari-mutuel wagering and training and racing horses at tracks in this state; and

WHEREAS, the financial and other implications of such an expansion of Georgia's equine industry deserve to be considered and studied.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that there is created the House Study Committee on the Horse Racing Industry to be composed of six members. Three members shall be members of the House of Representatives, two members shall be citizens of the state, and one member shall be an individual who is involved in the horse racing industry. Each member shall be appointed by the Speaker of the House of Representatives. The Speaker shall designate one of the House members of the committee to be the chairperson of the committee. The chairperson shall call all meetings of the committee. In the event that the Senate has a similar study committee, the committee shall be authorized to conduct meetings jointly with the Senate committee and to collaborate with the Senate committee in studying the above issues and determining what actions or legislation should be recommended.

BE IT FURTHER RESOLVED that the committee shall undertake a study of the above issues and recommend any actions or legislation that the committee deems necessary or appropriate. The committee may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its

powers, perform its duties, and accomplish the objectives and purposes of this resolution. The members of the committee shall receive the allowances authorized for legislative members of interim legislative committees but shall receive the same for not more than five days unless additional days are authorized. The funds necessary to carry out the provisions of this resolution shall come from the funds appropriated to the House of Representatives. The committee shall publish a report of its findings and recommendations which may include suggestions for proposed legislation. Such report shall be made on or before December 31, 2011. The committee shall stand abolished on December 31, 2011.

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

HR 810. By Representatives Rogers of the 26th, Meadows of the 5th, England of the 108th, Parrish of the 156th, Stephens of the 164th and others:

A RESOLUTION creating the House State Health Insurance Plan Alternative Funding Study Committee; and for other purposes.

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

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.

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

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

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

E Abdul-Salaam	Y Davis	Y Heckstall	Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	N McCall	Sheldon
Y Amerson	Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holmes	N Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Horne	Y Morgan	Y Smith, L

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

On the adoption of the Resolutions the ayes were 157, nays 7.

The Resolutions having received the requisite constitutional majority, were adopted

Representative Sheldon of the 105th 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.

Representative Benfield of the 85th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Spencer of the 180th would like to be recorded as voting "nay" on HRs 113, 489, and 615 and "aye" on HRs 497, 586, 643, 810 and SR 68.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

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.

The following Senate amendment was read:

The Senate moves to a*mend the House substitute to SB 223 (LC 34 3094S) by deleting lines 8 through 17 and inserting in lieu thereof the following:*

or reassigned; to provide for related

By deleting lines 20 through 21 and inserting in lieu thereof the following:

SECTION 1.

By deleting lines 199 through 599 and inserting in lieu thereof the following:

SECTION 2.

Representative Horne of the 71st moved that the House disagree to the Senate amendment to the House substitute to SB 223.

The motion prevailed.

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.

Representative Pruett of the 144th moved that the House insist on its position in disagreeing to the Senate amendment to HB 500 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Pruett of the 144th, Lindsey of the 54th and Fludd of the 66th.

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 Senate substitute was read:

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 first grade, kindergarten program, or 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. The maximum scholarship amount given by the student scholarship organization in any given year shall not exceed the total expenditures per student in fall enrollment in public elementary and secondary education for this state, which may be determined using the most recently available Digest of Education Statistics published by the National Center for Education Statistics. The Department of Education shall determine and publish such amount annually, no later than January 1. If the Department of

Education does not publish such updated amount by January 1, then the prior year's amount shall be increased by 5 percent;

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

(3) Must have an independent board of directors with at least three members;

~~(3)~~(4) May transfer funds to another student scholarship organization;

~~(4)~~(5) 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)~~(6) 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; and

~~(2)~~(4) 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)~~(5) 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)~~(6) 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 <u>or other entity</u> 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<u>; provided, however, that this maximum amount shall be adjusted annually until January 1, 2017, which adjustment may be based on the most recent annual percentage change in the gross output of state and local governments as defined by the National Income and Product Accounts and determined by the United States Bureau of Economic Analysis</u>.

(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 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~~ 60 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.

The following amendment was read and adopted:

Representatives Ehrhart of the 36th and Meadows of the 5th offer the following amendment:

Amend the Senate Finance Committee substitute to HB 325 (LC 33 4255S) by striking lines 39 through 45 and inserting in lieu thereof the following:

not exceed the average state and local expenditures per student in fall enrollment in public elementary and secondary education for this state. The Department of Education shall determine and publish such amount annually, no later than January 1;

By striking lines 151 through 154 and inserting in lieu thereof the following:

shall be adjusted annually until January 1, 2018, which adjustment may be based on the most recent annual percentage change in the Consumer Price Index for All Urban Consumers, U.S. City Average All Items Index, published by the Bureau of Labor Statistics of the United States Department of Labor, as determined by the department.

Representative Ehrhart of the 36th moved that the House agree to the Senate substitute, as amended by the House, to HB 325.

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

E 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	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	Sims, C
N Ashe	N Dickson	Y Holmes	Y Mills	N Smith, E
Y Atwood	N Dobbs	Y Holt	N Mitchell	Y Smith, K
Y Austin	Dollar	Y Horne	Y Morgan	Y Smith, L
N Baker	N Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	N Howard	N Mosby	Y Smith, T
Y Bearden	N Dukes	Y Huckaby	N Murphy	N Smyre
N Beasley-Teague	Y Dutton	Y Hudson	Neal, J	Y Spencer
N Bell	Y Ehrhart	N Hugley	N Neal, Y	N Stephens, M
N Benfield	Y England	N Jackson	Y Nimmer	Y Stephens, R
N 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	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
Y 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	Y Powell, A	N Tinubu
Y Byrd	Y Geisinger	N Kendrick	Y Powell, J	Walker
N Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	N Gordon	Y Knight	Y Purcell	Y Welch
Channell	Y Greene	Lane	Y Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	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	N Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	N Williams, E
Y Cooke	Y Harrell	Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	N Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 107, nays 60.

The motion prevailed.

Representative Ramsey of the 72nd assumed the chair.

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 Senate substitute was read:

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 amend Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, so as to provide that the Commissioner shall not exempt himself or herself from any written examinations set forth in the Code section; to amend Part 1 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions for conflicts of interest, so as to prohibit public officials from granting themselves licenses by waiving certain requirements; to provide for penalties; to provide for renewal of such licenses; 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.

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.

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. In determining which agreement, if any, provides the best financial advantage to the state, the Governor with the consultation and advice of the Commissioner shall consider the impact on the state's gross receipt of premium tax, the potential additional administrative burden to the state and surplus line brokers procuring or placing surplus line insurance under this chapter, and such other criteria as determined by the Governor with the consultation and advice of the Commissioner.

33-5-44.
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. The Commissioner shall thereafter annually issue a report to such committees that assesses whether, in his or her opinion, the agreement continues to be in the best financial interest of the state."

SECTION 9.

Code Section 33-23-10 of the Official Code of Georgia Annotated, relating to the examination of applicants, is revised as follows:

"33-23-10.

(a) Each individual applicant for a license as agent, limited subagent, counselor, adjuster, or surplus line broker shall submit to a personal examination in writing as to his or her competence to act in such capacity. The examination shall be prepared and given by the Commissioner or a designee of the Commissioner and shall be given and graded in a fair and impartial manner and without unfair discrimination as between individuals examined. Any required examination may be supplemented by an oral examination at the discretion of the Commissioner. The Commissioner shall provide by rule or regulation for a reasonable waiting period before giving a reexamination to an applicant who failed to pass a previous similar examination.

(b) The Commissioner shall by rule or regulation establish criteria and procedures for:

(1) The scope of any examination; and

(2) Exemptions, if any, to examinations~~.~~, provided that the Commissioner shall not, under any circumstances, exempt himself or herself from any written examination requirements set forth in this Code section.

(c) An applicant for a license to act as an agent, limited subagent, surplus line broker, counselor, or adjuster who held a valid license to act as such which lapsed while the applicant was a member of any branch of the armed forces of the United States shall be granted a new license if application is made within a period of five years from the date of the expiration of the old license and proof satisfactory to the Commissioner is furnished that:

(1) The individual was a member of the armed forces of the United States at the time the previous license lapsed; and

(2) The individual's service in the armed forces of the United States was not terminated more than one year prior to the date of application for a new license."

SECTION 10.

Part 1 of Article 2 of Chapter 10 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions for conflicts of interest, is amended by revising subsection (a) of Code Section 45-10-28, relating to penalties for violation of the part, as follows:

"(a)(1) Any appointed public official or employee who violates Code Section 45-10-22, 45-10-23, 45-10-24, ~~or~~ 45-10-26, or 45-10-29 shall be subject to:

(A) Removal from office or employment;

(B) A civil fine not to exceed $10,000.00; and

(C) Restitution to the state of any pecuniary benefit received as a result of such violation.

(2) Any elected public official who violates Code Section 45-10-22, 45-10-23, 45-10-24, ~~or~~ 45-10-26, or 45-10-29 shall be subject to:

(A) A civil fine not to exceed $10,000.00; and

(B) Restitution to the state of any pecuniary benefit received as a result of such violation.

(3) Any business which violates Code Section 45-10-22, 45-10-23, 45-10-24, ~~or~~ 45-10-26, or 45-10-29 shall be subject to:

(A) A civil fine not to exceed $10,000.00; and

(B) Restitution to the state of any pecuniary benefit received as a result of such violation."

SECTION 11.

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

"45-10-29.

(a) Notwithstanding any law, rule, or regulation to the contrary, a public official shall not be authorized to waive any legal, educational, or testing requirement for himself or herself relative to the issuance of any license to himself, herself, or to his or her business.

(b) Any license that has been issued by a public official by waiving any legal, educational, or testing requirement for himself or herself relative to the issuance of any license to himself, herself, or to his or her business shall not be renewed until and unless the license holder has satisfied all of the requirements for securing a renewal license as well as any requirement that had been waived for the issuance of the original license.

(c) Any person who knowingly violates subsection (a) or (b) of this Code section shall be subject to the penalties provided for in Code Section 45-10-28."

SECTION 12.

Chapter 56 of Title 33 of the Official Code of Georgia Annotated, relating to risk-based capital levels, is amended by revising paragraph (7) of Code Section 33-56-1, relating to definitions, as follows:

"(7) 'Negative trend' means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the trend test calculation included in the life RBC instructions."

SECTION 13.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 33-56-3, relating to the definition of a company action level event, as follows:

"(1) The filing of an RBC report by an insurer which indicates that:

(A) The insurer's total adjusted capital is greater than or equal to its regulatory action level RBC but less than its company action level RBC; ~~or~~

(B) If a life and health insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 2.5 and has a negative trend; or

(C) If a property and casualty insurer, the insurer has total adjusted capital which is greater than or equal to its company action level RBC but less than the product of its authorized control level RBC and 3.0 and triggers the trend test determined in accordance with the trend test calculation included in the property and casualty RBC instructions;"

SECTION 14.

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

Representative Golick of the 34th moved that the House agree to the Senate substitute to HB 413.

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

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

Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 165, nays 1.

The motion prevailed.

Representatives Kendrick of the 94th and Murphy of the 120th 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 101. By Representatives McKillip of the 115th and Holt of the 112th:

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 provide for safer bicycle riding for bicyclists and the motoring public; to provide for definitions; to change provisions relating to parking a motor vehicle; to change provisions relating to traffic laws being applicable to bicycles; to change provisions relating to the transporting of children under the age of one year on a bicycle; to change provisions relating to riding on roadways and bicycle paths; to change provisions relating to equipment on bicycles; to legalize the use of recumbent bicycles; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

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 provide for safer bicycle riding for bicyclists and the motoring public; to provide for definitions; to provide for the operation of motor vehicles and bicycles on roadways with bicycle lanes a safe distance between such motor vehicles and bicycles when such vehicles are passing a bicycle; to change provisions relating to traffic laws being applicable to bicycles; to remove obsolete provisions relating to the transporting of children under the age of one year on a bicycle; to change provisions relating to riding on roadways and bicycle paths; to change provisions relating to equipment on bicycles; to legalize the use of recumbent bicycles; 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 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1) and (6.2) and adding a new paragraph to read as follows:

"(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping, pavement markings, or signage for the exclusive or preferential use of persons operating bicycles. Bicycle lanes shall at a minimum, unless impracticable, be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials.

(6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by bicycle riders.

~~(6.2)~~(6.3) 'Bicycle trailer' means every device pulled by a bicycle and designed by the manufacturer of such device to carry human passengers."

SECTION 2.

Said title is further amended in Article 3 of Chapter 6, relating to driving on the right side of the roadway, overtaking and passing, and following too closely, by adding new Code sections to read as follows:

"40-6-55.

Notwithstanding other provisions of this chapter relating to operating a vehicle on a roadway, where a bicycle lane is provided on the roadway, the operator of a motor vehicle shall yield to a person operating a bicycle in a bicycle lane.

40-6-56.

(a) As used in this Code section, the term 'safe distance' means not less than three feet.

(b) Notwithstanding any provision of this article to the contrary, when feasible, the operator of a motor vehicle, when overtaking and passing a bicycle that is proceeding in the same direction on the roadway, shall leave a safe distance between such vehicle and the bicycle and shall maintain such clearance until safely past the overtaken bicycle."

SECTION 3.

Said title is further amended by revising Part 1 of Article 13 of Chapter 6, relating to bicycles and play vehicles, as follows:

"40-6-290.

The provisions of this part applicable to bicycles shall apply whenever a bicycle is operated upon a highway, upon a bicycle lane, or upon any bicycle path set aside for the exclusive use of bicycles, subject to those exceptions stated in this part.

40-6-291.

(a) The provisions of this chapter that apply to vehicles, but not exclusively to motor vehicles, shall apply to bicycles, except as provided in this Code section and except that the penalties prescribed in subsection (b) of Code Section 40-6-390, subsection (c) of

Code Section 40-6-391, and subsection (a) of Code Section 40-6-393 shall not apply to persons riding bicycles.

(b) Notwithstanding the provisions of Code Section 40-6-50, any person operating a bicycle may ride upon a paved shoulder; provided, however, that such person shall not be required to ride upon a paved shoulder.

(c) Any person operating a bicycle may signal a right turn with his or her right arm and hand extended horizontally or with his or her left hand and arm extended upward.

40-6-292.

(a) A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached thereto and shall allow no person to ride upon the handlebars.

(b) No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

(c) No person shall transport a child under the age of one year as a passenger on a bicycle on a highway, roadway, bicycle path, bicycle lane, or sidewalk; provided, however, that a child under the age of one year may be transported on a bicycle trailer or in an infant sling so long as such child is seated in the bicycle trailer or carried in an infant sling according to the bicycle trailer's or infant sling's manufacturer's instructions, and the bicycle trailer is properly affixed to the bicycle according to the bicycle trailer's manufacturer's instructions or the infant sling is properly worn by the rider of the bicycle according to the infant sling's manufacturer's instructions ~~and such child transported in a bicycle trailer or infant sling is wearing a bicycle helmet as required under paragraph (1) of subsection (e) of Code Section 40-6-296~~.

(d) No child between the ages of one year and four years shall ride as a passenger on a bicycle or bicycle trailer or be transported in an infant sling unless the child is securely seated in a child passenger bicycle seat, bicycle trailer, or infant sling according to the child passenger bicycle seat's, bicycle trailer's, or infant sling's manufacturer's instructions and the child passenger seat or bicycle trailer is properly affixed to the bicycle according to the child passenger bicycle seat's or bicycle trailer's manufacturer's instructions or the infant sling is worn according to the infant sling's manufacturer's instructions.

(e) Violation of subsections (c) and (d) of this Code section shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(f) No person under the age of 16 years failing to comply with subsections (c) and (d) of this Code section ~~may~~ shall be fined or imprisoned.

40-6-293.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

40-6-294.

(a) As used in this Code section, the term 'hazards to safe cycling' includes, but shall not be limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.

(b) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when ~~turning~~:

(1) Turning left ~~or avoiding~~;

(2) Avoiding hazards to safe cycling~~, when the~~;

(3) The lane is too narrow to share safely with a motor vehicle~~, when traveling~~;

(4) Traveling at the same speed as traffic~~, or while exercising~~;

(5) Exercising due care when passing a standing vehicle or one proceeding in the same direction; or

(6) There is a right turn only lane and the person operating the bicycle is not turning right;

provided, however, that every person operating a bicycle away from the right side of the roadway shall exercise reasonable care and shall give due consideration to the other applicable rules of the road. ~~As used in this subsection, the term 'hazards to safe cycling' includes, but is not limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.~~

~~(b)~~(c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on bicycle paths, bicycle lanes, ~~or~~ parts of roadways set aside for the exclusive use of bicycles, or when a special event permit issued by a local governing authority permits riding more than two abreast.

~~(c)~~(d) Whenever a usable bicycle path has been provided adjacent to a roadway and designated for the exclusive use of bicycle riders, then the appropriate governing authority may require that bicycle riders use such bicycle path and not use those sections of the roadway so specified by such local governing authority. The governing authority may be petitioned to remove restrictions upon demonstration that the bicycle path has become inadequate due to capacity, maintenance, or other causes.

~~(d)~~(e) Bicycle paths ~~Paths~~ subject to the provisions of subsection ~~(c)~~ (d) of this Code section shall at a minimum be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials, and such bicycle paths shall provide accessibility to destinations equivalent to the use of the roadway.

(f) Any person operating a bicycle in a bicycle lane shall ride in the same direction as traffic on the roadway.

~~(e)~~(g) Electric assisted bicycles ~~as defined in Code Section 40-1-1~~ may be operated on bicycle paths.

40-6-295.

No person operating a bicycle shall carry any package, bundle, or other article which prevents him or her from keeping at least one hand upon the handlebars.

40-6-296.

(a) Every bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of 300 feet to the front and with a light on the back which shall emit a red ~~reflector on the rear of a type approved by the Department of Public Safety which shall be~~ light visible from a distance of 300 feet to the rear ~~when directly in front of lawful upper beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector~~. Any bicycle equipped with a red reflector on the rear that is approved by the Department of Public Safety shall not be required to have a light on the rear of the bicycle.

(b) Every bicycle sold or operated shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level pavement.

(c) No bicycle shall be equipped or operated while equipped with a set of handlebars so raised that the operator must elevate his or her hands above ~~his~~ the operator's shoulders in order to grasp the normal steering grip area.

(d) ~~No bicycle shall be equipped, modified, or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground, nor shall any bicycle be operated if so equipped.~~

~~(e)~~(1) No person under the age of 16 years shall operate or be a passenger on a bicycle on a highway, bicycle path, bicycle lane, or sidewalk under the jurisdiction or control of this state or any local political subdivision thereof without wearing a bicycle helmet.

(2) For the purposes of this subsection, the term 'bicycle helmet' means a piece of protective headgear which meets or exceeds the impact standards for bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(3) For the purposes of this subsection, a person shall be deemed to wear a bicycle helmet only if a bicycle helmet of good fit is fastened securely upon ~~the~~ such person's head with the straps of ~~the~~ such bicycle helmet.

(4) No bicycle without an accompanying protective bicycle helmet shall be rented or leased to or for the use of any person under the age of 16 years unless that person is in possession of a bicycle helmet at the time of the rental or lease.

(5) Violation of any provision of this subsection shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(6) No person under the age of 16 failing to comply with any provision of this subsection ~~may~~ shall be fined or imprisoned.

40-6-297.
~~(a) It shall be unlawful for any person to sell a new bicycle or a pedal for use on a bicycle unless the pedals on such bicycle or such pedals are equipped with reflectors of a type approved by the Department of Public Safety. The reflector on each pedal shall be so designed and situated as to be visible from the front and rear of the bicycle during darkness from a distance of 200 feet. The commissioner of public safety is authorized to promulgate rules and regulations and establish standards for such reflectors.~~
~~(b) This Code section shall not apply to any bicycle purchased prior to July 1, 1972, by a retailer for the purpose of resale.~~

~~40-6-298.~~
(a) It ~~is~~ shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.
(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this part.

~~40-6-299.~~ 40-6-298.
The Board of Public Safety is authorized to promulgate rules and regulations to carry this part into effect and is authorized to establish regulations for any additional safety equipment or standards it shall require for bicycles."

SECTION 4.
All laws and parts of laws in conflict with this Act are repealed.

Representative McKillip of the 115th moved that the House agree to the Senate substitute to HB 101.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	N 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	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	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Mosby	Y Smith, T
N 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	Y Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	N Nimmer	Y Stephens, R
Benton	Y Epps, C	Y Jacobs	Nix	Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D

Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	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	Kendrick	Y Powell, J	Walker
Carter	Y Golick	Y Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Ramsey	Weldon
Y Cheokas	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	Williams, A
Y Collins	Y Harden, M	Y Maddox, G	N Roberts	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Marin	E Rynders	Y Williamson
Y Cooper	N Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 150, nays 9.

The motion prevailed.

Representatives Fludd of the 66th, Holmes of the 125th, and Jones of the 44th 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 Kendrick of the 94th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

The Speaker assumed the Chair.

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

Mr. Speaker:

The Senate recedes from its disagreement to the House amendment to the Senate substitute and agree to the House amendment:

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

HB 591. By Representatives Hatfield of the 177th and Nimmer of the 178th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Waycross, approved August 17, 1909 (Ga. L. 1909, p. 1456), as amended, particularly by an Act approved April 13, 1989 (Ga. L. 1989, p. 4916), so as to provide that citizens of the City of Waycross shall have the right to address or speak to the city commissioners on official actions or other topics relating to the business of the city commission at meetings of the city commission by expressing their desire to speak no later than the beginning of the meeting at which such citizens desire to address or speak to the city commissioners; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendment to the Senate substitute as amended to the following bill of the House:

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

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

The Senate insists on its substitute to the following bill of the House:

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 following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

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 report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 274

The Committee of Conference on HB 274 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 274 be adopted.

Respectfully submitted,

FOR THE SENATE:

/s/ Tolleson
Senator, 20th District

FOR THE HOUSE
OF REPRESENTATIVES:

/s/ Nix
Representative, 69th District

/s/ Bulloch
Senator, 11th District

/s/ Smith
Representative, 70th District

/s/ Grant
Senator, 25th District

/s/ Collins
Representative, 27th District

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 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. 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~~

~~(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 12-8-39, 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 3.

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 4.

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 5.

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

SECTION 6.

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

Pursuant to Rule 133, Representative Harrell of the 106th was excused from voting on HB 274.

Representative Nix of the 69th moved that the House adopt the report of the Committee of Conference on HB 274.

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

E Abdul-Salaam	Y Davis	N Heckstall	N Mayo	Setzler
N Abrams	Y Dawkins-Haigler	Y Hembree	N McBrayer	Y Shaw
N Allison	Y Dempsey	N Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hill	N McKillip	Y Sims, B
Y Anderson	Y Dickey	N Holcomb	Y Meadows	Y Sims, C
N Ashe	Y Dickson	Y Holmes	Y Mills	N Smith, E
Y Atwood	N Dobbs	N Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	N Horne	Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	N Smith, T
Y Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	N Hudson	Y Neal, J	N Spencer
N Bell	Y Ehrhart	Y Hugley	Neal, Y	Y 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	Evans	Y Jasperse	O'Neal	Y Tankersley
Y Brockway	Y Floyd	N Jerguson	N Pak	Y Taylor, D
Y Brooks	Y Fludd	N Johnson	N Parent	N Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
N Bryant	Y Frazier	N Jones, S	Y Parsons	N Teasley
N Buckner	N Fullerton	Y 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
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	Y Randall	N 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
Y Collins	Harden, M	Maddox, G	Y Roberts	Y Williams, E
Y Cooke	Harrell	Manning	Y Rogers	Y Williams, R
N Coomer	Y Hatchett	Marin	E Rynders	Y Williamson
Y Cooper	N Hatfield	Martin	N Scott, M	Y Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 118, nays 48.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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.

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

HB 53. By Representatives Bearden of the 68th, Ramsey of the 72nd and Powell of the 171st:

A BILL to be entitled an Act to amend 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 clarify that persons certified by the Georgia Peace Officer Standard and Training Council are excluded from the provisions and regulations of this chapter; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change certain provisions regarding certain activities requiring a license; to clarify that persons certified by the Georgia Peace Officer Standard and Training Council are excluded from certain training provisions and regulations of Chapter 38 of Title 43 and may be excluded from licensure under certain circumstances; to change provisions relating to the prohibition against certain licensees engaged in real estate activities engaging in unfair trade practices; 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.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising Code Section 43-38-14, relating to exceptions and local regulation regarding operators of private detective businesses and private security businesses, as follows:

"43-38-14.

(a) This chapter shall not apply to:

(1) An officer or employee of the United States of America or of this state or a political subdivision thereof while the employee or officer is engaged in the performance of official duties;

(2) A person engaged in the business of furnishing information in connection with credit or marketing and a person or firm engaged as a consumer reporting agency, as defined by the federal Fair Credit Reporting Act;

(3) An attorney at law or a bona fide legal assistant in performing his or her duties;

(4) Admitted insurers, agents, and insurance brokers licensed by the state while performing duties in connection with insurance transacted by them;

~~(5) A peace officer employed on a full-time basis by a federal, state, county, or local law enforcement agency who contracts directly with an employer to work during his or her off-duty hours and whose off-duty employment is conducted on an independent contractor basis with another employer other than a peace officer engaged in the private detective or private security business or a private detective or private security agency, subject to Code Section 16-10-3, relating to the receipt of funds by state officers or employees for the enforcement of penal laws;~~

~~(6)~~(5) A firm engaged in the business of independent insurance claims adjusting whose employees hold a valid Georgia adjuster's license; or

~~(7)~~(6) The employees of a firm ~~mentioned~~ identified in paragraph ~~(6)~~ (5) of this subsection.

(b) ~~This chapter does not apply to any person covered by Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'~~ Any person with a valid peace officer certification issued pursuant to Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act,' who is employed by or works as an independent contractor for a licensed:

(1) Private security business shall be exempt from any training provisions required by this chapter for such business and shall be deemed to have satisfied all board rules and regulations relative to training; and

(2) Private detective business or private security business shall be exempt from further licensure under this chapter and shall be permitted to carry a firearm without obtaining any weapons permit from the board; provided, however, that such licensed private detective business or private security business shall be required to register such employee or independent contractor with the board.

(c) This chapter shall not prevent the local authorities of any municipality or county, by ordinance and within the exercise of the police power of such municipality or county, from imposing local regulations upon any street patrol, special officer, or person

furnishing street patrol service, including regulations requiring registration with an agency to be designated by such municipality or county.

(d) This chapter shall not apply to a person or corporation which employs persons who do private security work in connection with the affairs of such employer only and who have an employer-employee relationship with such employer. Neither such persons or corporations nor their employees shall be required to register or be licensed under this chapter, although such persons or corporations or their employees may elect to be licensed under this chapter."

SECTION 2.

Said title is further amended by revising subsection (b) of Code Section 43-40-25, relating to violations by licensed community association managers, salespersons, associate brokers, brokers, schools, and instructors and sanctions and unfair trade practices, as follows:

"(b) Licensees shall not engage in any of the following unfair trade practices:

(1) Because of race, color, religion, sex, disability, familial status, or national origin:

(A) Refusing to sell or rent after the making of a bona fide offer, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, real estate to any person;

(B) Discriminating against any person in the terms, conditions, or privileges of sale or rental of real estate or in the provision of services or facilities in connection therewith;

(C) Making, printing, or publishing or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of real estate, that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination;

(D) Representing to any person that any real estate is not available for inspection, sale, or rental when such real estate is in fact so available; or

(E) Representing explicitly or implicitly that a change has or will or may occur in a block, neighborhood, or area in order to induce or discourage the listing, purchasing, selling, or renting of real estate;

(2) Intentionally advertising material which is misleading or inaccurate or which in any way misrepresents any property, terms, values, policies, or services of the business conducted;

(3) Failing to account for and remit any money coming into the licensee's possession which belongs to others;

(4) Commingling the money or other property of the licensee's principals with the licensee's own;

(5) Failing to maintain and deposit in a separate, federally insured checking account all money received by said broker acting in said capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in said funds have agreed otherwise in writing;

(6) ~~Accepting, giving, or charging any undisclosed commission, fee, rebate, direct profit, or other valuable consideration on expenditures made for a principal or any undisclosed commission, fee, rebate, direct profit for procuring a loan or insurance or for conducting a property inspection, or for any other service related to a real estate transaction~~

Failing to disclose in writing to a principal in a real estate transaction any of the following:

(A) The receipt of a fee, rebate, or other thing of value on expenditures made on behalf of the principal for which the principal is reimbursing the licensee;

(B) The payment to another broker of a commission, fee, or other thing of value for the referral of the principal for brokerage or relocation services; or

(C) The receipt of anything of value for the referral of any service or product in a real estate transaction to a principal;

(7) Representing or attempting to represent a real estate broker, other than the broker holding the licensee's license, without the express knowledge and consent of the broker holding the licensee's license;

(8) Accepting a commission or other valuable consideration by a licensee from anyone other than the broker holding that licensee's license without the consent of that broker;

(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;

(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;

(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or the owner's authorized agent and failing to remove such sign within ten days after the expiration of listing;

(12) Offering real estate for sale or lease without the knowledge and consent of the owner or the owner's authorized agent or on terms other than those authorized by the owner or the owner's authorized agent;

(13) Inducing any party to a contract of sale or lease, or a brokerage agreement to break such contract or brokerage agreement for the purpose of substituting in lieu thereof any other contract or brokerage agreement with another principal;

(14) Negotiating a sale, exchange, or lease of real estate directly with an owner, a lessor, a purchaser, or a tenant if the licensee knows that such owner or lessor has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or that such purchaser or tenant has a written outstanding exclusive brokerage agreement with another broker, unless the outstanding listing or brokerage agreement provides that the licensee holding such agreement will not provide negotiation services to the client;

(15) Indicating that an opinion given to a potential seller, purchaser, landlord, or tenant regarding a listing, lease, rental, or purchase price is an appraisal unless such licensee holds an appraiser classification in accordance with Chapter 39A of this title;

(16) Performing or attempting to perform any of the acts of a licensee on property located in another state without first having been properly licensed in that state or otherwise having complied fully with that state's laws regarding real estate brokerage;
(17) Paying a commission or compensation to any person for performing the services of a real estate licensee who has not first secured the appropriate license under this chapter or is not cooperating as a nonresident who is licensed in such nonresident's state or foreign country of residence, provided that nothing contained in this subsection or any other provision of this Code section shall be construed so as to prohibit the payment of earned commissions:

(A) To the estate or heirs of a deceased real estate licensee when such deceased real estate licensee had a valid Georgia real estate license in effect at the time the commission was earned and at the time of such person's death;

(B) To a citizen of another country acting as a referral agent if that country does not license real estate brokers and if the Georgia licensee paying such commission or compensation obtains and maintains reasonable written evidence that the payee is a citizen of said other country, is not a resident of this country, and is in the business of brokering real estate in said other country; or

(C) By the brokerage firm holding a licensee's license to an unlicensed firm in which an individual licensee affiliated with the brokerage firm owns more than a 20 percent interest provided:

(i) Such individual licensee earned the commission on behalf of the brokerage firm;

(ii) Such unlicensed firm does not perform real estate brokerage activity;

(iii) The affiliated licensee and the brokerage firm have a written agreement authorizing the payment to the unlicensed firm; and

(iv) The brokerage firm obtains and retains written evidence that the affiliated licensee owns more than a 20 percent interest in the unlicensed firm to which the compensation will be paid;

(18) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of said agreement with the principal;
(19) Failing to deliver, within a reasonable time, a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;
(20) Failure by a broker to deliver to the seller in every real estate transaction, at the time said transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller or failure to deliver to the buyer a complete statement showing all money received in said transaction from such buyer and how and for what the same was disbursed; the broker shall retain true copies of such statements in the broker's files;
(21) Making any substantial misrepresentations;
(22) Acting for more than one party in a transaction without the express written consent of all parties to the transaction;
(23) Failure of an associate broker, salesperson, or community association manager to place, as soon after receipt as is practicably possible, in the custody of the broker

holding the licensee's license any deposit money or other money or funds entrusted to the licensee by any person dealing with the licensee as the representative of the licensee's licensed broker;

(24) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under said listing contract exists;

(25) Having demonstrated incompetency to act as a real estate licensee in such manner as to safeguard the interest of the public or any other conduct whether of the same or a different character than heretofore specified which constitutes dishonest dealing;

(26) Obtaining a brokerage agreement, a sales contract, or a lease from any owner, purchaser, or tenant while knowing or having reason to believe that another broker has an exclusive brokerage agreement with such owner, purchaser, or tenant, unless the licensee has written permission from the broker having the first exclusive brokerage agreement; provided, however, that notwithstanding the provisions of this paragraph, a licensee shall be permitted to present a proposal or bid for community association management if requested to do so in writing from a community association board of directors;

(27) Failing to keep for a period of three years a true and correct copy of all sales contracts, closing statements, any offer or other document that resulted in the depositing of trust funds, accounting records related to the maintenance of any trust account required by this chapter, and other documents relating to real estate closings or transactions or failing to produce such documents at the reasonable request of the commission or any of its agents for their inspection;

(28) Being or becoming a party to any falsification of any portion of any contract or other document involved in any real estate transaction;

~~(29) Failing to cause or preventing the disclosure of, on a real estate transaction settlement statement, settlement document, lease agreement, or management agreement, any fee, charge, rebate, profit, commission, referral fee, or other valuable consideration for any service related to such transaction and the recipient of the consideration;~~

~~(30)~~(29) Failing to obtain the written agreement of the parties indicating to whom the broker shall pay any interest earned on trust funds deposited into an interest-bearing checking account prior to depositing those funds into such account;

~~(31)~~(30) Failing to disclose in a timely manner to all parties in a real estate transaction any agency relationship that the licensee may have with any of the parties;

~~(32)~~(31) Attempting to perform any act authorized by this chapter to be performed only by a broker, associate broker, or salesperson while licensed as a community association manager;

~~(33)~~(32) Attempting to sell, lease, or exchange the property of any member of a community association to which a licensee is providing community association management services without the express written consent of that association to do so;

~~(33.1)~~(33) Failure to deliver to a community association terminating a management contract within 30 days of the termination, or within such other time period as the management contract shall provide:

(A) A complete and accurate record of all transactions and funds handled during the period of the contract and not previously accounted for;

(B) All records and documents received from the community association or received on the association's behalf; and

(C) Any funds held on behalf of the community association;

~~(33.2)~~(34) Failure to deliver to a property owner terminating a management contract within 30 days of the termination, or within such other time period as the management contract shall provide:

(A) A complete and accurate record of all transactions and funds handled during the period of the contract and not previously accounted for;

(B) All records and documents received from the property owner or received on the owner's behalf; and

(C) Any funds held on behalf of the property owner;

~~(34)~~(35) Inducing any person to alter, modify, or change another licensee's fee or commission for real estate brokerage services without that licensee's prior written consent; or

~~(35)~~(36) Failing to obtain a person's written agreement to refer that person to another ~~licensee~~ licensed broker for brokerage or relocation services and to inform such person being referred whether or not the licensee will receive a valuable consideration for such referral and an estimate of such consideration."

SECTION 3.

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

SECTION 4.

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

Representative Bearden of the 68th moved that the House agree to the Senate substitute to HB 53.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	N Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	E Horne	Y Morgan	Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R

Y Battles	Y Dudgeon	Y Howard	Y Mosby	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	Neal, Y	Y Stephens, M
Y Benfield	Y England	Y Jackson	Y Nimmer	Y Stephens, R
Y Benton	Y Epps, C	Jacobs	Nix	Y Stephenson
Y Black	Y Epps, J	Y James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	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	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	N 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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 163, nays 3.

The motion prevailed.

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

Mr. Speaker:

The Senate adheres to its amendment to the House substitute and has appointed a Committee of Conference on the following bill of the House:

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and program objectives; to provide for consideration of alternative funding levels;

to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hill of the 4th, Shafer of the 48th, and McKoon of the 29th.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

HB 129. By Representatives McKillip of the 115th, Lindsey of the 54th, Hatfield of the 177th, Evans of the 40th and Willard of the 49th:

A BILL to be entitled an Act to amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to prohibit a fee for a future conveyance of real property except under limited circumstances; to provide for a definition; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 44 of the Official Code of Georgia Annotated, relating to property, so as to change certain provisions relating to property; to allow for subdivision of historic property; to prohibit a fee for a future conveyance of real property except under limited circumstances; to provide for a definition; 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.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-10-29, relating to certain changes or uses not prohibited, as follows:

"44-10-29.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on a historic property, which maintenance or repair does not involve a material change in design, material, or outer appearance thereof, nor to prevent any <u>historic</u> property owner from <u>subdividing such property in accordance with local subdivision regulations or from</u> making any use of his <u>or her</u> property not prohibited by other laws, ordinances, or regulations."

SECTION 2.

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

"44-14-14.

(a) As used in this Code section, the term 'conveyance of real property' shall include a conveyance or other transfer of an interest or estate in real property.

(b) A restriction or covenant running with the land applicable to the conveyance of real property that requires a transferee or transferor of real property or the transferee's or transferor's heirs, successors, or assigns to pay a declarant or other person imposing the restriction or covenant on the property or a third party designated by such declarant or other person, or a successor, assignee, or designee of any thereof, a fee in connection with a future transfer of the property shall be prohibited. A restriction or covenant running with the land that violates this Code section or a lien purporting to encumber the land to secure a right under a restriction or covenant running with the land that violates this Code section shall be void and unenforceable.

(c) This Code section shall not apply to a restriction or covenant that requires a fee associated with the conveyance of property to be paid to:

(1) An association formed for the purposes of exercising the powers of the association of any condominium created pursuant to Article 3 of Chapter 3 of this title, the 'Georgia Condominium Act';

(2) A property owners' association formed for the purposes of exercising the powers of the property owners' association pursuant to Article 6 of Chapter 3 of this title, the 'Georgia Property Owners' Association Act';

(3) A property owners' association formed for the purposes of exercising the powers of an association of property owners that has not been formed pursuant to or which has not adopted the provisions of Article 6 of Chapter 3 of this title, the 'Georgia Property Owners' Association Act,' provided that such association shall comply with subsection (d) of Code Section 44-3-232; or

(4) A person or entity under the general supervision of the Public Service Commission as provided for in subsection (a) of Code Section 46-2-20, provided that the fee is charged for expenses incurred in the administration of ongoing services or rights provided to the property interest conveyed.

(d) A conveyance of an interest in real property by gift, devise, nonjudicial or judicial foreclosure, deed in lieu of foreclosure, court order, or operation of law shall be exempt from any permissible fees under this Code section."

SECTION 3.

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

SECTION 4.

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

The following amendment was read and adopted:

Representative Jacobs of the 80th et al. offer the following amendment:

Amend the Senate Judiciary Committee substitute to HB 129 (LC 29 4837ERS) by replacing lines 1 through 5 with the following:

To amend Article 5 of Chapter 8 of Title 16 and Title 44 of the Official Code of Georgia Annotated, relating to residential mortgage fraud and property, respectively, so as revise the definition of "mortgage lending process"; to change provisions relating to the offense of mortgage fraud; to provide for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud; to allow for subdivision of historic property; to prohibit a fee for a future conveyance of real property except under limited circumstances; to provide for a vacant real property registry; to provide for definitions; to provide for required elements of a form for such registration; to provide for exemptions from registration; to provide for maximum fees and penalties for registration and failure to register; to provide for appellate rights; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

By redesignating Sections 2 through 4 as Sections 4 through 6, respectively, and by inserting between lines 7 and 8 the following:

Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, is amended by revising paragraph (1) of Code Section 16-8-101, relating to definitions, as follows:

"(1) 'Mortgage lending process' means the process through which a person seeks or obtains a residential mortgage loan including, but not limited to, solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan. <u>Such term shall also include the execution of deeds under power of sale that are required to be recorded pursuant to Code Section 44-14-160 and the execution of assignments that are required to be recorded pursuant to subsection (b) of Code Section 44-14-162.</u> Documents involved in the mortgage lending process include, but ~~are~~ <u>shall</u> not <u>be</u> limited to, uniform residential loan applications or other loan applications; appraisal reports; HUD-1 settlement statements; supporting personal documentation for loan applications such as W-2 forms, verifications of income and employment, bank statements, tax returns, and payroll stubs; and any required disclosures."

SECTION 2.

Said article is further amended by revising the undesignated paragraph at the end of Code Section 16-8-102, relating to the offense of residential mortgage fraud, as follows:

"An offense of residential mortgage fraud shall not be predicated solely upon information lawfully disclosed under federal disclosure laws, regulations, and

interpretations related to the mortgage lending process nor upon truthful information contained in documents filed with the official registrar of deeds of any county of this state for the stated purpose of correcting scrivener's errors, mistakes, inadvertent misstatements, or omissions contained in previously filed documents."

SECTION 3.

Said article is further amended by revising Code Section 16-8-104, relating to the authority to investigate and prosecute for residential mortgage fraud, as follows:

"16-8-104.

(a) District attorneys and the Attorney General shall have the authority to conduct the criminal investigation and prosecution of all cases of residential mortgage fraud under this article or under any other provision of this title. Nothing in this Code section shall be construed to preclude otherwise authorized law enforcement agencies from conducting investigations of offenses related to residential mortgage fraud.

(b) In any investigation of a violation of this article, the Attorney General or any district attorney shall be authorized to issue a subpoena to compel the production of any books, papers, documents, or other tangible things, including records and documents contained within, or generated by, a computer or other electronic device.

(c) Upon the failure of a person without lawful excuse to obey a subpoena, the Attorney General or district attorney may apply to a superior court having jurisdiction for an order compelling compliance. Such person may move to modify or quash the subpoena on any legal or constitutional basis. The court may issue an order modifying or quashing such subpoena or directing compliance with the original subpoena. Failure to obey a subpoena issued pursuant to this Code section may be punished by the court as contempt of court."

By deleting lines 8 through 17.

By replacing line 19 as follows:

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by adding two new Code sections to read as follows:

By deleting the quotation mark at the end of line 51 and inserting between lines 51 and 52 the following:

44-14-15.

(a) For purposes of this Code section, the term:

(1) 'Agent' means an individual with a place of business in this state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant real property owner.

(2) 'Department' means the Department of Community Affairs.

(3) 'Street address' means the street or route address. Such term shall not mean or include a post office box.

(4) 'Vacant real property' means real property that has a building, structure, or wastewater collection system on it that:

(A) Is intended for habitation, has not been lawfully inhabited for at least 60 days, has no evidence of utility usage, and is not actively being marketed for sale, lease, or rent with prominent signage posted on such property bearing the name and valid phone number of the vacant real property owner or the individual licensed pursuant to Chapter 40 of Title 43 representing the vacant real property owner;

(B) Is partially constructed or incomplete, without a valid building permit and work pursuant to a valid building permit has not occurred for at least 60 days; or

(C) Is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage. A county or municipal corporation may define such term as using all of this definition or any combination of the entirety of subparagraph (A), (B), or (C) of this paragraph.

(b) Effective July 1, 2011:

(1) A county or municipal corporation may establish by ordinance or resolution for the requirement of registration of vacant real property as provided in this Code section;

(2) No county or municipal corporation shall require registration of real property on any basis other than as set forth in this Code section or as may be authorized by general law, and all existing county or municipal ordinances or resolutions to the contrary shall hereby be preempted; provided, however, that county or municipal ordinances or resolutions that require registration for repeated code or ordinance violations that remain uncorrected for at least 60 days shall not be preempted; and

(3) No county or municipal corporation shall require for purposes of a vacant real property registry established pursuant to this Code section any information or documentation other than as set forth in this Code section.

(c) Each registrant shall be required to file with a specifically identified office or officer a registration form, in paper or electronic format, as required by the county or municipal corporation, requiring submission of only the following information:

(1) The vacant real property owner's name, street address, mailing address, phone number, fax number, and e-mail address;

(2) The agent's name, street address, mailing address, phone number, fax number, and e-mail address;

(3) The vacant real property's street address and tax parcel number;

(4) The transfer date of the instrument conveying the vacant real property to the owner; and

(5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the vacant real property to the owner.

(d) The department may promulgate a standard vacant real property registry form that requires only the information set forth in subsection (c) of this Code section, in paper and electronic format. If such form is promulgated by the department, all counties and municipal corporations with a vacant real property registry shall use such form.

(e)(1) When any vacant real property is acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure and:

(A) The deed under power of sale or deed in lieu of foreclosure contains the information specified in paragraphs (1) through (5) of subsection (c) of this Code section;

(B) The deed is filed with the clerk of superior court within 60 days of the transfer; and

(C) Proof of the following is provided to the office or officer in charge of the county or municipal vacant real property registry:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure,

a county or municipal corporation shall not require the transferee to register such vacant real property pursuant to this Code section or the payment of any administrative fees pursuant to subsection (h) of this Code section.

(2) The provisions of paragraph (1) of this subsection shall also apply to the transferee and the deed for the first subsequent transfer of vacant real property after the vacant real property has been acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

(3) No county or municipal corporation may require registration of vacant real property pursuant to this Code section within 60 days of such vacant real property's transfer:

(A) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or

(B) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

(f) An ordinance or resolution establishing a registry pursuant to this Code section may require a vacant real property owner to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section within 30 days after any change in such required information.

(g) A vacant real property owner, or the agent of such owner, may apply to remove such vacant real property from the registry at such time as the real property no longer constitutes vacant real property. The county or municipal corporation shall grant or deny such application within 30 days, and if no such determination is made within 30 days, the application shall be deemed granted.

(h) An ordinance or resolution establishing a vacant real property registry may require the payment of administrative fees for registration which shall reasonably approximate the cost to the county or municipal corporation of the establishment, maintenance, operation, and administration of the registry. Such fees shall not exceed $100.00 per registration.

(i) An ordinance or resolution establishing a vacant real property registry may require penalties for failure to register or failure to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section, provided that such penalties shall not exceed $500.00 per month.

(j) A county or municipal ordinance or resolution requiring the registration of vacant real property shall provide for administrative procedures. The administrative procedures shall include the right to appeal to the municipal or recorder's court in the city where the vacant real property is located or to the magistrate or recorder's court of the county in which the vacant real property is located, subject to applicable jurisdictional requirements. Any vacant real property owner affected by a county or municipal ordinance or resolution requiring vacant real property registration may challenge any determination made pursuant to such ordinance or resolution.

(k) An ordinance or resolution adopted by the governing authority of a county to establish a registry pursuant to this Code section may, subject to and in accordance with the requirements of this Code section, require registration of vacant real property within the entire territory of the county, except territory located within the boundaries of any municipal corporation, unless otherwise allowed by intergovernmental agreement between the county and municipal corporation.

(l) Nothing in this Code section shall be construed to prohibit a county or municipal ordinance or resolution requiring the registration of vacant real property from providing for exemptions from such registration.

(m) Nothing in this Code section shall be construed to impair, limit, or preempt in any way the power of a county or municipal corporation to enforce any applicable codes, as defined in Code Section 42-2-8, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(n) Notwithstanding Code Section 36-74-30, an ordinance or resolution establishing a vacant real property registry may require the registration of residential rental property if such property is vacant real property."

By replacing lines 53 and 54 with the following:

This section, Sections 1 through 3, Section 6, and Code Section 44-14-14 of Section 4 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Code Section 44-14-15 of Section 4 of this Act shall become effective on July 1, 2011.

Representative Mayo of the 91st moved that HB 129 be placed upon the table.

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

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

On the motion, the ayes were 59, nays 112.

The motion was lost.

Representative Jacobs of the 80th moved that the House agree to the Senate substitute, as amended by the House, to HB 129.

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

E 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	Y Henson	Y McCall	Y Sheldon
Y Amerson	N Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	N Holcomb	Meadows	N 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	N Dollar	Y Horne	N Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Y Morris	Y Smith, R
Y Battles	Y Dudgeon	N Howard	N Mosby	N 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
Y Benfield	Y England	N Jackson	Y Nimmer	Y Stephens, R
N Benton	N Epps, C	Y Jacobs	Y Nix	N Stephenson
Y Black	Y Epps, J	N James	Y Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	Y O'Neal	Y Tankersley
Y Brockway	N Floyd	Y Jerguson	Y 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	N Frazier	N Jones, S	Y Parsons	Y Teasley
N Buckner	N Fullerton	N Jordan	Y Peake	N Thomas
Y Burns	N Gardner	Y Kaiser	Y Powell, A	N Tinubu
N Byrd	Y Geisinger	N Kendrick	Y Powell, J	N Walker
Y Carter	Y Golick	Y Kidd	N 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	N Hanner	N Long	N Reece	Y Wilkinson
Y Clark, V	N 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	N Rogers	Y Williams, R
Y Coomer	Y Hatchett	N Marin	E Rynders	Y Williamson
Y Cooper	N Hatfield	Martin	Y Scott, M	Yates
N Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 111, nays 63.

The motion prevailed.

Representative Kaiser of the 59th stated that she inadvertently voted "aye" on the preceding roll call. She wished to be recorded as voting "nay" thereon.

SB 33. By Senators Shafer of the 48th, Chance of the 16th, Davis of the 22nd, Hill of the 32nd, Staton of the 18th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, known as the "Budget Act," so as to provide short titles; to provide for the application of zero-base budgeting to the budget process; to provide for analysis of departmental and

program objectives; to provide for consideration of alternative funding levels; to provide for departmental priority lists; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Allison of the 8th moved that the House adhere to its position in disagreeing to the Senate amendment to the House substitute to SB 33 and that a Committee of Conference be appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives Allison of the 8th, Martin of the 47th and Cheokas of the 134th.

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 Senate substitute was read:

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 change certain provisions regarding conditions under which certain confidential tax information may be released or used; to provide for limitations and conditions; to change the definition of taxable nonresident for income tax purposes; to revise and change the income tax credit for clean energy property; to change certain procedures, conditions, and limitations; to provide for the transfer, devise, and distribution of unused income tax credits for the donation of real property for conservation purposes; to provide effective dates; to provide for 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 48-2-15, relating to confidential information, by revising subsection (e) as follows:

"(e) This Code section shall not be construed to prohibit persons or groups of persons other than employees of the department from having access to tax information when necessary to conduct research commissioned by the department ~~and when~~ or where necessary ~~for data processing operations and maintenance of data processing equipment, provided the persons or groups of persons have obtained prior written approval from the commissioner and are subject to the direct security control of department personnel during all periods of access~~ in connection with the processing, storage, transmission, and reproduction of such tax information; the programming, maintenance, repair, testing, and procurement of equipment; and the providing of other services for purposes of tax administration. Any such access shall be pursuant to a written agreement with the department providing for the handling, permitted uses, and destruction of such tax information, requiring security clearance checks for such persons or groups of persons similar to those required of employees of the department, and including such other terms and conditions as the department may require to protect the confidentiality of the tax information to be disclosed. Any person who divulges or makes known any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as those provided for divulgence of information by employees of the department."

SECTION 2.

Said title is further amended in Code Section 48-7-1, relating to definitions regarding income taxes, 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 3.

Said title is further amended in Code Section 48-7-29.12, relating to the income tax credit for donation of real property for conservation purposes, by adding a new subsection to read as follows:

"(d.1) Any tax credits under this Code section earned by a taxpayer and previously claimed but not used by such taxpayer against such taxpayer's income tax may be transferred or sold in whole or in part by such taxpayer to another Georgia taxpayer, subject to the following conditions:

(1) The transferor shall submit to the department a written notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. The notification shall include such transferor's tax credit balance prior to transfer, the remaining balance after transfer, all tax identification numbers for each transferee, the date of transfer, the amount transferred, and any other information required by the department;

(2) Failure to comply with this subsection shall result in the disallowance of the tax credit until the taxpayer is in full compliance;

(3) In no event shall the amount of the tax credit under this subsection claimed and allowed for a taxable year exceed the transferee's income tax liability. Any unused credit may be carried forward to subsequent taxable years provided that the transfer or sale of this tax credit does not extend the time in which such tax credit can be used. The carry-forward period for tax credit that is transferred or sold shall begin on the date on which the tax credit was originally earned; and

(4) A transferee shall have only such rights to claim and use the tax credit that were available to the transferor at the time of the transfer. To the extent that such transferor did not have rights to claim and use the tax credit at the time of the transfer, the department shall either disallow the tax credit claimed by the transferee or recapture the tax credit from the transferee. The transferee's recourse is against the transferor."

SECTION 3A.

Said title is further amended in subsection (b) of Code Section 48-7-29.14, relating to the income tax credit for clean energy property, by revising the introductory language of paragraph (1), subparagraph (A) of paragraph (1), paragraph (3), and subparagraph (B) of paragraph (4) as follows:

"(1) A tax credit is allowed against the tax imposed under this article to a taxpayer for the construction, purchase, or lease of clean energy property that is placed into service in this state between July 1, 2008, and December 31, ~~2012~~ 2014; provided, however, this credit shall be further subject to the following conditions and limitations:"

"(A) A credit allowed by this Code section shall be taken for the taxable year in which the clean energy property is installed and may be taken against income tax or, if the taxpayer is an insurance company, against gross premium tax; provided, however, that for any credit under this Code section which is allowed for calendar year 2012, 2013, or 2014, the entire credit may not be taken for the year in which the property is placed in service but must be taken in four equal installments over

four successive taxable years beginning with the taxable year in which the credit is allowed;"

"(3) In no event shall the total amount of tax credits allowed by this subsection exceed:

(A) For calendar year 2008, $2.5 million;

(B) For calendar year 2009, $2.5 million;

(C) For calendar year 2010, $2.5 million;

(D) For calendar year 2011, $2.5 million; ~~and~~

(E) For calendar year 2012, ~~$2.5~~ $5 million;

(F) For calendar year 2013, $5 million; and

(G) For calendar year 2014, $5 million."

"(B) The commissioner shall allow the tax credits on a first come, first served basis. In no event shall the aggregate amount of tax credits approved by the commissioner for all taxpayers under this Code section in a calendar year exceed the limitations specified in paragraph (3) of this subsection. In the event a taxpayer filed a timely application for such credit but is not allowed all or part of the credit amount ~~to which~~ such taxpayer would be authorized to receive because the limitations specified in paragraph (3) of this subsection have been reached, ~~such taxpayer may reapply in the following taxable year for a tax credit for those same eligible costs, and in such event, that taxpayer shall have priority over other taxpayers for credit allocation in the year of such reapplication~~ the commissioner shall add such taxpayer to a priority waiting list of applications, prioritized by the date of the taxpayer's first filed application. With respect to the credit allocation in subsequent years, taxpayers on the priority waiting list shall have priority over other taxpayers who apply for the credit for an installation in the subsequent years;"

SECTION 4.

Said title is further amended in Code Section 48-7-60, relating to confidentiality of tax information, by revising subsection (d) as follows:

"(d) This Code section shall not be construed to prohibit persons or groups of persons other than employees of the department from having access to tax information where necessary to conduct research commissioned by the department ~~and~~ or where necessary ~~for data processing operations and maintenance of data processing equipment, provided the persons or groups of persons have obtained prior written approval from the commissioner and are subject to the direct security control of department personnel during all periods of access~~ in connection with the processing, storage, transmission, and reproduction of such tax information; the programming, maintenance, repair, testing, and procurement of equipment; and the providing of other services for purposes of tax administration. Any such access shall be pursuant to a written agreement with the department providing for the handling, permitted uses, and destruction of such tax information, requiring security clearance checks for such persons or groups of persons similar to those required of employees of the department, and including such other terms and conditions as the department may require to protect the confidentiality of the

tax information to be disclosed. Any person who divulges or makes known any tax information obtained under this subsection shall be subject to the same civil and criminal penalties as those provided for divulgence of information by employees of the department."

SECTION 5.

(a) Except as otherwise provided in this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Section 2 of this Act shall be applicable to all taxable years beginning on or after January 1, 2011.

(c) Section 3A of this Act shall be applicable to all taxable years beginning on or after January 1, 2011.

(d) Section 3 of this Act shall become effective on January 1, 2012, and shall apply to all taxable years beginning on or after January 1, 2012.

SECTION 6.

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

Representative Knight of the 126th moved that the House agree to the Senate substitute to HB 346.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	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	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	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	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	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	Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 167, nays 1.

The motion prevailed.

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.

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

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 117. By Representative Crawford of the 16th:

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

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Balfour of the 9th, Butterworth of the 50th, and Mullis of the 53rd.

The Senate adheres to its amendment and has appointed a Committee of Conference on the following bill of the House:

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 President has appointed as a Committee of Conference on the part of the Senate the following Senators: Chance of the 16th, Davis of the 22nd, and Stone of the 23rd.

The Senate has agreed to the House substitute to the following bill of the Senate:

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

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

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 189. By Senators Jones of the 10th and Davenport of the 44th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Stockbridge, approved April 4, 1991 (Ga. L. 1991, p. 4359), as amended, so as to change provisions relating to the form of government of the City of Stockbridge, Georgia; to revise, restate, and modernize certain provisions of said Act; to revise certain provisions related to the powers and duties of the mayor; to revise certain provisions related to vetoes; to provide for the office of city administrator and establish powers and duties of said position; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Bill of the Senate was taken up for the purpose of considering the report of the Committee of Conference thereon:

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.

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON SB 140

The Committee of Conference on SB 140 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to SB 140 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Don Balfour Senator, 9th District	/s/ Smyre Representative, 132nd District
/s/ Chance Senator, 16th District	/s/ Martin Representative, 47th District
/s/ Mullis Senator, 53rd District	/s/ Cheokas Representative, 134th District

A BILL TO BE ENTITLED
AN ACT

To amend certain provisions of the Official Code of Georgia Annotated so as to revise provisions relating to projects and the issuance of revenue bonds by certain state authorities; 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 change provisions relating to projects and the issuance of revenue bonds by that authority; to amend Chapter 9 of Title 10 of the Official Code of Georgia Annotated, relating to the Geo. L. Smith II Georgia World Congress Center Authority, so as to change provisions relating to projects and the issuance of revenue bonds by that authority; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 16 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Higher Education Facilities Authority, is amended in Code Section 20-16-5, relating to revenue bonds of the authority, by revising subsection (f) and adding a new subsection (g) to read as follows:

"(f) The authority shall not have outstanding at any one time bonds and notes exceeding ~~$300~~ $400 million.

(g) Prior to the issuance of any revenue bonds by the authority under this chapter, the board of regents or the State Board of Technical and Adult Education shall certify to the authority that the project or combination of projects for which the bonds are being issued is self-liquidating."

SECTION 2.

Chapter 9 of Title 10 of the Official Code of Georgia Annotated, relating to the Geo. L. Smith II Georgia World Congress Center Authority, is amended by revising Code Section 10-9-40, relating to issuance of revenue bonds by the authority, as follows:

"10-9-40.

The authority shall have the power and is authorized at one time or from time to time to provide by one or more authorizing resolutions for the issuance of revenue bonds, but the authority shall not have the power to incur indebtedness under this article ~~in excess of the cumulative principal sum of $200 million but excluding from such limit bonds issued for the purpose of refunding bonds which have been previously issued~~ unless its board of governors adopts a resolution finding that the project or combination of projects for which such indebtedness is to be incurred will be self-liquidating. Any project or combination of projects shall be deemed self-liquidating if, in the judgment of the authority, the revenues, rents, or earnings to be derived by the authority therefrom, including without limitation those revenues specified in subsection (g) of Code Section 10-9-49, will be sufficient to pay the cost of maintaining, repairing, and operating the project or projects and to pay the principal of and interest on indebtedness which may be incurred for the cost of such project or projects. The authority shall have the power to issue such revenue bonds and to use the proceeds thereof for the purpose of paying all or part of the costs of the project to the extent but only to the extent the costs are incurred for the following facilities: multipurpose stadiums or coliseums and related athletic fields, courts, or surfaces, and clubhouses and gymnasiums; facilities for the purveying of goods and services within such stadiums or coliseums; parking facilities and parking areas in connection therewith; facilities deemed necessary or convenient within the structure of such stadiums or coliseums; and related lands, buildings, structures, fixtures, equipment, and personalty appurtenant or convenient to such facilities and the extension, renovation, addition, or improvement of such facilities, which facilities are to be operated as part of the project, as such facilities shall

be designated in the resolution of the board of governors of the authority authorizing the issuance of such bonds."

SECTION 3.

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

SECTION 4.

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

Representative Cheokas of the 134th moved that the House adopt the report of the Committee of Conference on SB 140.

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

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

On the motion, the ayes were 143, nays 18.

The motion prevailed.

Representative Jones of the 44th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 19. By Senators Hill of the 32nd and Butterworth of the 50th:

A BILL to be entitled an Act to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to provide definitions; to create the crime of medical identity fraud; to provide for punishment; to provide that actual and punitive damages are available to victims of medical identity fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute as amended by the Senate to the following bill 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.

The Senate has agreed to the House substitute to the following bill 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.

Mr. Speaker:

The Senate recedes from its amendment to the following bill of the House:

HB 49. By Representatives Walker of the 107th, Davis of the 109th and Maddox of the 172nd:

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 change the name of the State Board of Technical and Adult Education to the State Board of the Technical College System of Georgia; to amend various provisions of the Official Code of Georgia Annotated to change references to reflect such name change; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 86. By Senators Ginn of the 47th, Miller of the 49th, Williams of the 19th, Rogers of the 21st, Murphy of the 27th 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 repeal the definition of a "qualified local government"; to provide that comprehensive planning by local governments shall be optional; to eliminate reviews of developments of regional impact; to provide that the department shall provide assistance in planning to local governments; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 96. By Senators Golden of the 8th, Millar of the 40th and Bethel of the 54th:

A BILL to be entitled an Act to amend Code Section 47-17-1 of the Official Code of Georgia Annotated, relating to definitions relative to the Peace

Officers' Annuity and Benefit Fund, so as to change the definition of a certain term; to provide that certain employees of the Department of Natural Resources shall be eligible for membership in such fund; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House amendments to the following bill of the Senate:

SB 17. By Senators Golden of the 8th, Goggans of the 7th and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general insurance provisions, so as to establish the Special Advisory Commission on Mandated Health Insurance Benefits; to provide for its membership, terms, meetings, and duties; to provide for review of proposed legislation containing a mandated health insurance benefit or provider; to provide for review of existing mandated health insurance benefits or providers; to provide for staff assistance; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

SB 108. By Senators Shafer of the 48th, Seabaugh of the 28th, Unterman of the 45th, Henson of the 41st and Butler of the 55th:

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

The Senate has agreed to the House substitute to the following resolution of the Senate:

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.

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

The Senate has adopted the report of the Committee of Conference on the following bill of the Senate:

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.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

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.

Mr. Speaker:

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

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.

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

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

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

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

HB 390. By Representatives Coomer of the 14th, Golick of the 34th, Jacobs of the 80th, Pak of the 102nd and Holcomb of the 82nd:

A BILL to be entitled an Act to amend Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, so as to authorize the state to have the right of direct appeal rather than seeking a certificate for immediate review when a defendant's

motion for new trial or extraordinary motion of new trial is granted; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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

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

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

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

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 and Part 1 of Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to revenue and taxation and general provisions relative to the Georgia Council for the Arts, so as to provide various measures relating to economic

development and encouragement of the arts; to provide for a local option sales and use tax for local community support of economic development and quality of life; to establish special districts; to provide for legislative findings and intent; to provide for definitions, procedures, conditions, and limitations for the imposition, collection, disbursement, and termination of the tax; to provide for powers, duties, and authority of the state revenue commissioner; to change certain provisions regarding the ceiling on local sales and use taxes; to change certain provisions regarding aggregate limitations on excise taxes and sales and use taxes; to revise certain provisions as to the power, authority, duties, and related matters of the director of the Office of Planning and Budget and the Office of Planning and Budget so that such power, authority, duties, and related matters shall now be vested in and carried out by the commissioner of economic development and the Department of Economic Development; to provide for related matters; to repeal conflicting laws; and for other purposes.

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 Chapter 8 by adding a new article to read as follows:

"ARTICLE 6

48-8-280.

The General Assembly finds that:

(1) Local communities throughout Georgia confront a continuing funding crisis. Local communities have different and critically important needs and opportunities for local economic growth and community development that the State of Georgia is unable to fund but that could be supported using local community cultural assets, programs, and projects with local voter approval;

(2) Strong and sustainable local cultural institutions are significant community assets serving important public functions by encouraging local economic development, including tourism, improvement of student performance and achievement, growth of jobs supporting a creative local economy, and access to a better quality of life, all of which contribute to the overall economic development of the State of Georgia;

(3) Local economic development initiatives and support of existing local cultural and community specific assets and qualified local projects are best identified and regulated by local communities who may best determine through a local referendum the amount, term, and scope of such support that should be provided by each local community;

(4) Cultural organizations exist in a variety of forms and sizes throughout the State of Georgia, and flexibility is required in funding support to meet the significant differences in the needs of such cultural organizations based on their size. While the Georgia Council for the Arts provides critically needed state-wide support for the arts,

there is also a need for local community options to provide additional assistance to address the specific needs of local communities to sustain important local cultural assets and organizations. Nothing in this article is intended to replace or diminish the support for the funding or operations of the Georgia Council for the Arts; and

(5) Local governments in Georgia should have the option to present to their citizens for approval in a referendum an incremental sales tax of less than 1 percent within their special local community district to fund both capital projects and operating expenses that are tailored to local needs and priorities in support of local economic development and the quality of life within such district.

48-8-281.

As used in this article, the term:

(1) 'Allocation plan' means the formula for the division of funds raised by the tax under this article.

(2) 'Artist and support organization' means an organization which is a qualified local cultural organization that has average annual gross revenues of less than $75,000.00 for each of its past three fiscal years.

(3) 'Building and construction materials' means all building and construction materials, supplies, fixtures, or equipment, any combination of such items, and any other leased or purchased articles when the materials, supplies, fixtures, equipment, or articles are to be utilized or consumed during construction or are to be incorporated into construction work pursuant to a bona fide written construction contract.

(4) 'Dealer' means a dealer as defined in Code Section 48-8-2.

(5) 'District' means a special district for community support of local economic development and quality of life created pursuant to Code Section 48-8-282.

(6) 'Gross revenues' means the not for profit operating revenues from all sources earned by or funds paid or contributed to a qualified local cultural organization for performances, exhibitions, or cultural activities within a district open to the public, excluding capital construction fund income, designated funds raised for specific capital needs, capital funds, or in kind support or endowment corpus given to a separate cultural institution within a college or the University System of Georgia as shown by financial statements prepared in accordance with uniform accounting principles.

(7) 'Intergovernmental agreement' means a contract relating solely to the selection of qualified local initiatives to be funded under the tax authorized under this article and entered into pursuant to Article IX, Section III, Paragraph I of the Constitution between a county and one or more qualified municipalities located within the special district containing a combined total of no less than 60 percent of the aggregate municipal population located within the special district.

(8) 'Qualified local cultural organization' means a private not for profit arts and cultural organization or a separate cultural institution within a college or the University System of Georgia that:

(A) Has as its primary purpose the advancement of art, music, theater, dance, history, natural history, animal sciences, or botanical research or the advancement and preservation of plant sciences through horticultural display;

(B) Is serving the public and advancing local economic and cultural development and strengthening local education;

(C) Has been continuously producing or presenting seasons of cultural programs within the district for a period of not less than five years, and if operating in more than one district shall be deemed for the purposes of this article to operate in each such district pro rata on the basis of the service activity and budgets for operations in each district;

(D) Is qualified under Section 501(c)(3) of the Internal Revenue Code or a unit of the University System of Georgia;

(E) Is open to the general public with or without fee, excluding projects, events, or organizations that provide or are extensions of academic programs for which more than 50 percent of the participants receive academic credits;

(F) Provides publicly available periodic financial information reflecting its cultural activities and fund raising and, if the organization has annual gross revenues greater than $250,000.00, provides an audit; and

(G) Except for cultural institutions within a unit of the University System of Georgia, is not an agency of the state nor a political subdivision of the state and is also not an organization with average annual gross revenues for each of its past three fiscal years greater than $300,000.00 which receives more than 30 percent of its annual gross revenues from funding obtained from any governmental source, including any allocation of funds received under this article, but excluding any governmental funds provided for regranting to other qualified local cultural organizations.

Qualified local cultural organizations may include, without limitation, museums, historical societies, visual and performing arts centers and visual and performing arts organizations, botanical gardens, natural history organizations, and zoos, but do not include aquariums.

(9) 'Qualified local initiative' means a public authority, governmental entity, or private not for profit organization qualified under Section 501(c)(3) or Section 501(c)(6) of the Internal Revenue Code which has operated within the district for a period of not less than three years providing a public service or function by advancing local community development and improvement through the creation or operation of sports or recreational or tourism facilities or activities; after school or out of school programs to improve student performance, achievement, and graduation; improvements in public safety; crime prevention; the acquisition, development, and maintenance of public parks, trails, and bikeways; the maintenance and improvement of public roads or transportation; or the creation of jobs within the district.

(10) 'Qualified municipality' means only those incorporated municipalities which provide at least three of the following services, either directly or by contract:

(A) Law enforcement;

(B) Fire protection, which may be furnished by a volunteer fire force, and fire safety;
(C) Road and street construction or maintenance;
(D) Solid waste management;
(E) Water supply or distribution or both;
(F) Waste-water treatment;
(G) Storm-water collection and disposal;
(H) Electric or gas utility services;
(I) Enforcement of building, housing, plumbing, and electrical codes and other similar codes;
(J) Planning and zoning;
(K) Recreational facilities; or
(L) Libraries.

(11) 'Supervising organization' means the administrative entity established pursuant to Code Section 48-8-289 to manage, supervise, and distribute funds of a district.

48-8-282.

(a) Pursuant to the authority granted by Article IX, Section II, Paragraph VI of the Constitution, a special district for local community support of economic development and quality of life is created in each county. The geographical boundary of a special district shall be conterminous with the boundary of the county.

(b) When the imposition of a special district sales and use tax for the purpose of funding either or both operating support and capital improvements of qualified local cultural organizations and either or both operating support and capital improvements of other specifically identified qualified local initiatives is authorized in accordance with the criteria and procedures provided in this article within a special district, the governing authority of the county and each qualified municipality located within the special district may, subject to the requirement of referendum approval and the other requirements of this article, impose within the special district for a limited period of time a special sales and use tax under this article.

(c) Any tax imposed under this article shall be at the rate of up to 1 percent in increments of one-tenth of 1 percent. Except as to rate, a tax imposed under this article shall correspond to the tax imposed by Article 1 of this chapter. No item or transaction which is not subject to taxation under Article 1 of this chapter shall be subject to a tax imposed under this article, except that a tax imposed under this article shall apply to sales of motor fuels as that term is defined by Code Section 48-9-2.

48-8-283.

(a) Whenever the governing authority of any county or the governing authority or authorities of one or more qualified municipalities located wholly or partially within a special district and containing a combined total of no less than 60 percent of the aggregate municipal population located within the special district wish to submit to the electors of the special district the question of whether the tax authorized under this

article shall be imposed, any such governing authority or authorities may adopt a resolution calling for a referendum election provided that, except for the specific allocations provided in subparagraphs (A) through (D) of paragraph (2) of Code Section 48-8-288, they shall first enter into an intergovernmental agreement that details the allocation and use of any funds proposed for qualified local initiatives within the special district.

(b) Prior to the issuance of the call for the referendum and prior to the vote of any governing authority described in subsection (a) of this Code section to impose the tax under this article, any such governing authority that desires to have a tax under this article levied within the special district shall deliver or mail a written notice to the chief elected official or mayor in each qualified governing authority or municipality located within the special district. Such notice shall contain the date, time, place, and purpose of a meeting at which the governing authorities of the county and of each qualified municipality are to meet to discuss the possible qualified local initiatives to be funded by the proposed tax including any capital projects, public services, function, and uses of any tax moneys to be raised for qualified local initiatives in the event of approval of the referendum. The notice shall be delivered or mailed at least ten days prior to the date of the meeting. The meeting shall be held at least 120 days prior to the issuance of the call for the referendum. Any intergovernmental agreement shall be adopted at least 30 days prior to the issuance of the call for the referendum.

(c) After the adoption of any intergovernmental agreement required by subsection (a) of this Code section, any governing authority described in subsection (a) of this Code section shall notify the county election superintendent by forwarding to the superintendent a copy of the resolution calling for the imposition of the tax. Such resolution shall specify the criteria consistent with the provisions of this article by which qualified local cultural organizations shall be determined to be funded under the tax and shall include a copy of the intergovernmental agreement that shall specify any qualified local initiatives for which the proceeds of the tax are to be used and may be expended and:

(1)(A) Specify a rate of not less than two-tenths of 1 percent and a five year duration of the tax in counties which contain qualified local cultural organizations that have combined annual gross revenues in excess of $100 million; or

(B) Specify a rate and maximum duration of the tax, to be stated in calendar years or calendar quarters and not to exceed five years, in counties which contain qualified local cultural organizations that have combined annual gross revenues equal to or less than $100 million;

(2) Identify any capital projects and the public services, function, and uses of such proposed tax moneys for any qualified local initiative selected by the governing authorities that would be supported by such tax and the expected public benefits to be received; and

(3) Specify the proposed allocation plan for distribution of net proceeds of the tax which shall specifically identify the portion of the net proceeds of the tax allocated to qualified cultural organizations and the portion allocated to qualified local initiatives.

(d) Upon receipt of the resolution, the election superintendent shall issue the call for an election for the purpose of submitting the question of the imposition of the tax to the voters of the special district. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540; provided however, that no such election for any tax to be imposed under this article shall be conducted in July or August, 2012. The election superintendent shall cause the date and purpose of the election to be published once per week for four weeks immediately preceding the date of the election in the official organ of the county.
(e) If a sales tax for local community support of economic development and quality of life is to be imposed, the ballot shall have written or printed thereon the following:

'( ) YES Shall a sales and use tax for community support of local economic development and quality of life purposes in this special district of
( ) NO _____ County be imposed at the rate of _____ percent (or _____¢ for each $10.00) for a period of time not to exceed _____?'

(f) All persons desiring to vote in favor of imposing the tax shall vote 'Yes' and all persons opposed to levying the tax shall vote 'No.' If more than one-half of the votes cast are in favor of imposing the tax, then the tax shall be imposed as provided in this article; otherwise, the tax shall not be imposed and the question of imposing the tax shall not again be submitted to the voters of the special district until after 12 months immediately following the month in which the election was held. 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 the funds of the county within the special district.

48-8-284.
(a) If the imposition of the tax authorized by this article is approved at the special election, the tax shall be imposed on the first day of the next succeeding calendar quarter which begins more than 80 days after the date of the election at which the tax was approved by the voters; provided, however, that the resolution shall become effective for and the tax shall apply to services which are regularly billed on a monthly basis on or after such effective date.
(b) The tax authorized by this article shall cease to be imposed on the final day of the maximum period of time specified for the imposition of the tax.
(c) At any time, no more than a single tax authorized by this article may be imposed within a special district; provided, however, that during the pendency of a tax for less than 1 percent authorized by this article and a referendum approved by the voters in the special district, a resolution may be adopted calling for another referendum seeking voter approval to increase to not more than 1 percent the rate of such tax for additional local initiatives for the remainder of the period initially approved by the voters.

Proceedings for the increase in such tax shall be in the same manner as proceedings for the initial imposition of the tax.

(d) The governing authority of the county within a special district in which a tax authorized by this article is in effect may, while the tax is in effect, adopt a resolution calling for the reimposition of a tax authorized by this article upon the termination of the tax then in effect; and a special election may be held for this purpose while the tax is in effect. Proceedings for the reimposition of a tax shall be in the same manner as proceedings for the initial imposition of the tax, but the newly authorized tax shall not be imposed until the expiration of the tax then in effect.

(e) Following the expiration of a tax authorized by this article, any governing authority described in subsection (a) of Code Section 48-8-283 may initiate proceedings for the reimposition of such tax in the same manner as provided in this article for initial imposition of such tax.

48-8-285.

A tax levied pursuant to this article shall be exclusively administered and collected by the commissioner for the use and benefit of the special district and the supervising organization within the special district imposing the tax. Such administration and collection shall be accomplished in the same manner and subject to the same applicable provisions, procedures, and penalties provided in Article 1 of this chapter; provided, however, that all moneys collected from each taxpayer by the commissioner shall be applied first to such taxpayer's liability for taxes owed the state; and provided, further, that the commissioner may rely upon a representation by or on behalf of the governing authority of the county within the special district or the Secretary of State that such a tax has been validly imposed, and the commissioner and the commissioner's agents shall not be liable to any person for collecting any such tax which was not validly imposed. Dealers shall be allowed a percentage of the amount of the tax due and accounted for and shall be reimbursed in the form of a deduction in submitting, reporting, and paying the amount due if such amount is not delinquent at the time of payment. The deduction shall be at the rate and subject to the requirements specified under subsections (b) through (f) of Code Section 48-8-50.

48-8-286.

Each sales tax return remitting taxes collected under this article shall separately identify the location of each retail establishment at which any of the taxes remitted were collected and shall specify the amount of sales and the amount of taxes collected at each establishment for the period covered by the return in order to facilitate the determination by the commissioner that all taxes imposed by this article are collected and distributed according to situs of sale.

48-8-287.

The proceeds of the tax collected by the commissioner in each special district under this article shall be disbursed as soon as practicable after collection as follows:

(1) One percent of the amount collected shall be paid into the general fund of the state treasury in order to defray the costs of administration; and

(2) Except for the percentage provided in paragraph (1) of this Code section, the remaining proceeds of the tax shall be distributed to the governing authority of the county within the special district for distribution as provided in Code Section 48-8-288.

48-8-288.

(a) The proceeds specified in paragraph (2) of Code Section 48-8-287 shall be distributed by the governing authority of the county on behalf of the special district to the supervising organization of the district. The supervising organization shall distribute such proceeds quarterly pursuant to the allocation plan as follows:

(1) A sum equal to 1.5 percent of the sums received by the supervising organization shall be retained by the supervising organization to carry out the functions of the supervising organization; and

(2)(A) In special districts in which are located one or more qualified local cultural organizations having combined annual gross revenues in excess of $100 million:

(i) A sum equal to 1 percent of the first two-tenths of 1 percent levied shall be distributed to the supervising organization for competitive awards of project funding to artist and support organizations on the basis of criteria and guidelines issued by the supervising organization;

(ii) A sum not to exceed 66 percent of the first two-tenths of 1 percent levied shall be distributed by the supervising organization to qualified local cultural organizations within such district as follows:

(I) To a group which includes the largest 10 percent of qualified local cultural organizations, excluding artist and support organizations, a total annual sum equal to 15 percent of their combined average annual gross revenues for their past three fiscal years;

(II) To a group which includes the next largest 30 percent of qualified local cultural organizations, excluding artist and support organizations, a total annual sum equal to 17 percent of their combined average annual gross revenues for their past three fiscal years; and

(III) To a group which includes the remaining 60 percent of qualified local cultural organizations, excluding artist and support organizations, a total annual sum equal to 19 percent of their combined average annual gross revenues for their past three fiscal years;

(iii) Each such qualified local cultural organization funded under this Code section shall receive a sum equal to 80 percent of the sum specified in division (ii) of this subparagraph for such organization subject only to meeting uniform guidelines for financial reporting and stability established by the supervising organization. Each such qualified local cultural organization may compete with other such organizations in their size group for single or multiyear grants of the remaining 20 percent allocated to their group on the basis of criteria and

guidelines for public access and collaboration issued by the supervising organization. If the collected amounts of incremental sales tax revenues available for distribution are insufficient to fund the total amount each qualified local cultural organization would receive under this article, then each qualified local cultural organization shall receive a pro rata share of the funds each would have received if sufficient funding were available;

(iv) The balance of the proceeds from the first two-tenths of 1 percent levied shall be distributed to the governing authority of such county and to each of the incorporated municipalities within such county in proportion to the population of residents in the unincorporated county and residents in each municipality as determined in the most recent United States decennial census and shall be expended for qualified local initiatives to perform the specified public service and public functions and projects as determined by each governing authority and municipality as set forth in the resolution pursuant to paragraph (2) of subsection (c) of Code Section 48-8-283 without the necessity for an intergovernmental agreement as set forth in subsection (b) of Code Section 48-8-283; and

(v) Any sums received by the supervising organization from additional tenths of 1 percent that may be levied within such district shall be distributed to qualified local initiatives to perform the specified capital projects, public services, and public functions as set forth in the resolution and intergovernmental agreement required under Code Section 48-8-283; or

(B) In special districts in which are located one or more qualified local cultural organizations having combined annual gross revenues equal to or less than $100 million, a sum equal to 50 percent of the first one-tenth of 1 percent levied shall be distributed by the supervising organization to qualified local cultural organizations in accordance with locally created and uniformly applied rules and guidelines. The balance of such remaining proceeds shall be distributed to qualified local initiatives to perform the specified capital projects, public services, and public functions as set forth in the resolution and intergovernmental agreement required under Code Section 48-8-283.

(b) Any funding that may be allocated under this Code section pertaining to a qualified local cultural organization shall be limited to an amount which when combined with all other governmental funding of gross revenues of such organization shall not exceed 30 percent of the average annual gross revenues of such organization for its past three fiscal years.

48-8-289.

The management, supervision, and distribution of funds of a district under Code Section 48-2-288 shall be vested in a supervising organization created by, appointed by, or contracted with by the governing authority of the county within the special district. Each supervising organization shall have a governing board or committee empowered to exercise the responsibilities of the supervising organization under this article that shall be appointed by the chairperson of the governing authority of the county and the

mayor of each municipality within the special district that is party to any intergovernmental agreement or whose residents have voted by a majority in the called referendum to approve the tax under this article. Each eligible chairperson or mayor shall appoint two members, at least one of whom shall be a representative of a qualified local cultural organization, to the governing board or committee for terms of four years. All members of the governing board or committee shall recuse themselves and not participate in issues presenting a direct conflict of personal interest. The supervising organization shall elect its own chairperson and establish its own bylaws in conformance with the obligations imposed by this article and shall report annually on all expenditures and distributions to the governing authority of the county and each municipality within the special district. Supervising organizations shall have the following duties and responsibilities:

(1) To administer the funding of qualified local cultural organizations and qualified local initiatives in accordance with this article and as approved by the voters;

(2) To receive in trust and administer the distribution of all funds received from the tax imposed under this article;

(3) To properly determine and uniformly calculate the amounts to be received by each qualified local cultural organization under this article;

(4) To institute and administer competitive grant programs for the support of cultural organizations and artists in accordance with this article;

(5) To determine and distribute the portion of the funds received from the tax imposed under this article to the qualified local initiatives as provided under this article;

(6) To ensure that determinations on funding of any recipients shall be based not on political expediency but rather on the organization's contribution to the general welfare of its intended audience and the demonstration of its relative ability to provide benefits to the citizens of the district and the state;

(7) To receive and review annual financial information from each qualified local cultural organization and qualified local initiative and prepare an annual report to the public and the governing authority of the county within the special district on all expenditures and distributions; and

(8) To employ such staff and consultants as deemed necessary to fulfill its responsibilities under this article and to perform such other tasks as may be appropriate to fulfill its purposes under this article which are not inconsistent with this article.

48-8-290.

Where a local sales or use tax has been paid on tangible personal property by the purchaser either in another local tax jurisdiction within this state or in a tax jurisdiction outside this state, the tax may be credited against the tax authorized to be imposed by this article upon the same property. If the amount of sales or use tax so paid is less than the amount of the use tax due under this article, the purchaser shall pay an amount equal to the difference between the amount paid in the other tax jurisdiction and the

amount due under this article. The commissioner may require such proof of payment in another local tax jurisdiction as he or she deems necessary and proper. No credit shall be granted, however, against the tax imposed under this article for tax paid in another jurisdiction if the tax paid in such other jurisdiction is used to obtain a credit against any other local sales and use tax levied in the county or municipality or in a special district which includes the county or municipality.

48-8-291.
No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the Interstate Commerce Commission or the Georgia Public Service Commission.

48-8-292.
No tax provided for in this article shall be imposed upon the sale or use of building and construction materials when the contract pursuant to which the materials are purchased or used was advertised for bid prior to the voters' approval of the levy of the tax and the contract was entered into as a result of a bid actually submitted in response to the advertisement prior to approval of the levy of the tax.

48-8-293.
The commissioner shall have the power and authority to promulgate such rules and regulations as shall be necessary for the effective and efficient administration and enforcement of the collection of the tax authorized to be imposed by this article.

48-8-294.
The tax authorized by this article shall be in addition to any other local sales and use tax. The imposition of any other local sales and use tax within a county, municipality, or special district shall not affect the authority of the governing authority of the county on behalf of the special district to impose the tax authorized by this article and the imposition of the tax authorized by this article shall not affect the imposition of any otherwise authorized local sales and use tax within the county, municipality, or special district.

48-8-295.
(a) The proceeds received from the tax authorized by this article shall be used by the authorized recipients within the special district exclusively for the purposes specified in the resolution calling for imposition of the tax. Such proceeds shall be kept in a separate account from other funds and shall not in any manner be commingled with other funds prior to the expenditure.

(b) The authorized recipient receiving any proceeds from the tax shall maintain a record of each and every purpose for which the proceeds of the tax are used. A schedule shall be included in each annual audit which shows for each purpose in the resolution calling for imposition of the tax the original estimated cost of any capital item, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year. The auditor shall verify and test expenditures sufficient to provide assurances that the schedule is fairly presented in relation to the financial statements. The auditor's report on the financial statements shall include an opinion, or disclaimer of opinion, as to whether the schedule is presented fairly in all material respects in relation to the financial statements taken as a whole.

48-8-296.

(a) The governing authority of the county within the special district receiving any proceeds from the tax under this article shall maintain a record of each and every recipient and purpose for which the proceeds of the tax are used. Not later than December 31 of each year, the governing authority of the county within the special district receiving any proceeds from the tax under this article shall publish annually, in a newspaper of general circulation in the boundaries of such special district, a simple, nontechnical report which shows each recipient and the amounts received for the purposes in the resolution calling for imposition of the tax, the original estimated cost for any capital item, the current estimated cost if it is not the original estimated cost, amounts expended in prior years, and amounts expended in the current year.

(b) The county and any municipality within the special district shall not be held liable for an artist and support organization, qualified local cultural organization, qualified local cultural initiative, or supervising organization that fails to meet or comply with any of the requirements of this article. The county and any municipality within the special district shall not be held liable if an artist and support organization, qualified local cultural organization, qualified local cultural initiative, or supervising organization is not qualified to receive funds under this article."

SECTION 2.

Said title is further amended in Code Section 48-8-6, relating to a ceiling on local sales and use taxes, by revising subsections (a) and (c.1) as follows:

"(a) There shall not be imposed in any jurisdiction in this state or on any transaction in this state local sales taxes, local use taxes, or local sales and use taxes in excess of 2 percent. For purposes of this prohibition, the taxes affected are any sales tax, use tax, or sales and use tax which is levied in an area consisting of less than the entire state, however authorized, including such taxes authorized by or pursuant to constitutional amendment, except that the following taxes shall not count toward or be subject to such 2 percent limitation:

(1) A sales and use tax for educational purposes exempted from such limitation under Article VIII, Section VI, Paragraph IV of the Constitution;

(2) Any tax levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Georgia Laws, 1964, page 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment; provided, however, that the exception provided for under this paragraph shall only apply:

(A) In a county in which a tax is being imposed under subparagraph (a)(1)(D) of Code Section 48-8-111 in whole or in part for the purpose or purposes of a water capital outlay project or projects, a sewer capital outlay project or projects, a water and sewer capital outlay project or projects, water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200, or any combination thereof and with respect to which the county has entered into an intergovernmental contract with a municipality, in which the average waste-water system flow of such municipality is not less than 85 million gallons per day, allocating proceeds to such municipality to be used solely for water and sewer projects and costs as defined under paragraph (4) of Code Section 48-8-200. The exception provided for under this subparagraph shall apply only during the period the tax under said subparagraph (a)(1)(D) is in effect. The exception provided for under this subparagraph shall not apply in any county in which a tax is being imposed under Article 2A of this chapter; or

(B) In a county in which the tax levied for purposes of a metropolitan area system of public transportation is first levied after January 1, 2010, and before November 1, 2012. Such tax shall not apply to the following:

(i) The sale or use of jet fuel to or by a qualifying airline at a qualifying airport. For purposes of this division, a 'qualifying airline' means any person which is authorized by the Federal Aviation Administration or another 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. For purposes of this division, a 'qualifying airport' means any airport in the state that has had more than 750,000 takeoffs and landings during a calendar year; and

(ii) The sale of motor vehicles;

(3) In the event of a rate increase imposed pursuant to Code Section 48-8-96, only the amount in excess of the initial 1 percent sales and use tax and in the event of a newly imposed tax pursuant to Code Section 48-8-96, only the amount in excess of a 1 percent sales and use tax;

(4) A sales and use tax levied under Article 4 of this chapter; ~~and~~

(5) A sales and use tax levied under Article 5 of this chapter; and

(6) A sales and use tax levied under Article 6 of this chapter.

If the imposition of any otherwise authorized local sales tax, local use tax, or local sales and use tax would result in a tax rate in excess of that authorized by this subsection, then such otherwise authorized tax may not be imposed."

"(c.1) Where the exception specified in paragraph (2) of subsection (a) of this Code section applies, on and after July 1, 2007, the aggregate amount of all excise taxes imposed under paragraph (5) of subsection (a) of Code Section 48-13-51 and all sales and use taxes shall not exceed 14 percent. The aggregate amount limitation of this subsection shall not count toward or include a sales and use tax levied under Article 6 of this chapter."

SECTION 3.

Said title is further amended by revising subsection (d) of Code Section 48-8-201, relating to distribution of proceeds of the water and sewer projects and costs tax, as follows:

"(d) On and after July 1, 2007, the aggregate amount of all excise taxes imposed under paragraph (5) of subsection (a) of Code Section 48-13-51 and all sales and use taxes shall not exceed 14 percent. The aggregate amount limitation of this subsection shall not count toward or include a sales and use tax levied under Article 6 of this chapter."

SECTION 4.

Said title is further amended in subsection (a) of Code Section 48-13-51, relating to county and municipal excise taxes on public accommodations, by revising paragraphs (3.1) and (4.1), as follows:

"(3.1) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) and the municipalities within a county in which a trade and convention center authority has been created by intergovernmental contract between a county and one or more municipalities located therein, and which trade and convention center authority is in existence on or before March 21, 1988, and which trade and convention center authority has not constructed or operated any facility before March 21, 1988, may levy a tax under this Code section at a rate of 6 percent. A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph (3.1)) an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 6 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding, supporting, acquiring, constructing, renovating, improving, and equipping buildings, structures, and facilities, including, but not limited to, a trade and convention center, exhibit hall, conference center, performing arts center, accommodations facilities including food service, or any combination thereof, for convention, trade show, athletic, musical, theatrical, cultural, civic, and performing arts purposes and other events and activities for similar and related purposes, acquiring the necessary property therefor, both real and personal, and funding all expenses incident thereto, and supporting, maintaining, and promoting such facilities owned, operated, or leased by or to the local trade and convention center authority; or (C) for some combination of such purposes; provided, however, that at least 50 percent of the total taxes collected at the rate of 6 percent shall be expended for the purposes specified in subparagraph (B) of this paragraph

(3.1). Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local building authority created by local constitutional amendment, and a trade and convention center authority created by intergovernmental contract between a county and one or more municipalities located therein, or a private sector nonprofit organization or through a contract or contracts with some combination of such entities. The aggregate amount of all excise taxes imposed under this paragraph (3.1) and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed 13 percent; provided, however, that such aggregate amount limitation shall not count toward or include a sales and use tax under Article 6 of Chapter 8 of this title. Any tax levied pursuant to this paragraph (3.1) shall terminate not later than December 31, 2029, provided that during any period during which there remains outstanding any obligation issued to fund a facility as contemplated by this paragraph (3.1), secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph (3.1) shall not be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph (3.1) shall cease to levy the tax in any manner that will impair the interests and rights of the holder of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a building authority created by local constitutional amendment, shall constitute a contract with the holder of such obligation. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph (3.1), the term: 'fund' or 'funding' shall include the cost and expense of all things deemed necessary by a building authority created by local constitutional amendment for the construction and operation of a facility or facilities including but not limited to the study, operation, marketing, acquisition, construction, financing, including the payment of principal and interest on any obligation of the building authority created by local constitutional amendment and any obligation of the building authority created by local constitutional amendment to refund any prior obligation of the building authority created by local constitutional amendment, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities and the repayment of any obligation incurred by an authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys and having an initial term of not more than 37 years; and 'facility' or 'facilities' shall mean any of the buildings, structures, and facilities described in subparagraph (B) of this paragraph (3.1) and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of such facility used for any purpose or purposes specified in subparagraph (B) of this paragraph (3.1) by a building authority created by local constitutional amendment."

"(4.1) Notwithstanding any other provision of this subsection, a county (within the territorial limits of the special district located within the county) or municipality

within a county in which a coliseum authority has been created by local Act of the General Assembly and which authority is in existence on or before July 1, 1963, for the purpose of owning or operating a facility, may levy a tax under this Code section at a rate of 7 percent. A county or municipality levying a tax pursuant to this paragraph shall expend (in each fiscal year during which the tax is collected under this paragraph (4.1)) an amount equal to at least 62 1/2 percent of the total taxes collected at the rate of 7 percent for the purpose of: (A) promoting tourism, conventions, and trade shows; (B) funding and supporting a facility owned or operated by such coliseum authority; or (C) for some combination of such purposes. Amounts so expended shall be expended only through a contract or contracts with the state, a department of state government, a state authority, a convention and visitors bureau authority created by local Act of the General Assembly for a municipality, a local coliseum authority, or a private sector nonprofit organization, or through a contract or contracts with some combination of such entities, except that amounts expended for purpose (B) may be so expended in any otherwise lawful manner without the necessity of a contract. The aggregate amount of all excise taxes imposed under this paragraph (4.1) and all sales and use taxes, and other taxes imposed by a county or municipality, or both, shall not exceed 12 percent; provided, however, that such aggregate amount limitation shall not count toward or include a sales and use tax under Article 6 of Chapter 8 of this title. Any tax levied pursuant to this paragraph (4.1) shall terminate not later than December 31, 2028, provided that during any period during which there remains outstanding any obligation which is incurred prior to January 1, 1995, issued to fund a facility as contemplated by this paragraph (4.1), and secured in whole or in part by a pledge of a tax authorized under this Code section, the powers of the counties and municipalities to impose and distribute the tax imposed by this paragraph (4.1) shall not be diminished or impaired by the state and no county or municipality levying the tax imposed by this paragraph (4.1) shall cease to levy the tax in any manner that will impair the interest and rights of the holders of any such obligation. This proviso shall be for the benefit of the holder of any such obligation and, upon the issuance of any such obligation by a coliseum and exhibit hall authority, shall constitute a contract with the holder of such obligations. Notwithstanding any other provision of this Code section to the contrary, as used in this paragraph (4.1), the term: 'fund' and 'funding' shall include the cost and expense of all things deemed necessary by a local coliseum authority for the construction, renovation, and operation of a facility including but not limited to the study, operation, marketing, acquisition, construction, finance, development, extension, enlargement, or improvement of land, waters, property, streets, highways, buildings, structures, equipment, or facilities, and the repayment of any obligation incurred by a local coliseum authority in connection therewith; 'obligation' shall include bonds, notes, or any instrument creating an obligation to pay or reserve moneys incurred prior to January 1, 1995, and having an initial term of not more than 30 years; and 'facility' shall mean a coliseum or other facility and any associated parking areas or improvements originally owned or operated incident to the ownership or operation of

a facility used for convention and trade show purposes or amusement purposes, educational purposes, or a combination thereof and for fairs, expositions, or exhibitions in connection therewith by a local coliseum authority."

SECTION 5.

Part 1 of Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Council for the Arts, is amended by revising subsection (b) of Code Section 50-12-22, relating to appointment of members, terms, vacancies, expenses, removal, chairman, and meetings, as follows:

"(b) Members shall be entitled to reimbursement for expenses incurred in the work of the council when authorized in advance by the ~~director of the Office of Planning and Budget~~ commissioner of economic development."

SECTION 6.

Said part is further amended by revising Code Section 50-12-23, relating to powers and duties generally, as follows:

"50-12-23.

The council shall advise the Governor through the ~~Office of Planning and Budget~~ Department of Economic Development concerning methods and programs to:

(1) Stimulate and encourage the study and development of the arts as well as public interest and participation therein;

(2) Encourage public interest in the cultural heritage of ~~the~~ this state;

(3) Expand ~~the~~ this state's cultural resources;

(4) Encourage and assist freedom of artistic expression essential for the well-being of the arts;

(5) Assist the communities and organizations within ~~the~~ this state in originating and creating their own cultural and artistic programs; and

(6) Survey public and private institutions engaged within ~~the~~ this state in cultural activities, including, but not limited to, architecture, dance, folk arts and applied arts and crafts, literature, music, painting, photography, sculpture, and theater."

SECTION 7.

Said part is further amended by revising Code Section 50-12-24, relating to the annual report, as follows:

"50-12-24.

The council shall submit an annual report to the Governor and to the commissioner of economic development concerning the appropriate methods to encourage participation in and appreciation of the arts in order to meet the legitimate needs and aspirations of persons in all parts of ~~the~~ this state."

SECTION 8.

Said part is further amended by revising Code Section 50-12-25, relating to the powers and authority of the Office of Planning and Budget as to the council, as follows:

"50-12-25.

The ~~Office of Planning and Budget~~ Department of Economic Development shall have the powers and authority necessary to carry out the purposes established by this article, including, but not limited to, the powers:

(1) To establish overall policy for grant awards, evaluations, and programs recommended by the council;

(2) To hold hearings, make and sign any agreements, and do and perform any acts which may be necessary, desirable, or proper to carry out the purposes of this article;

(3) To request from any department, division, board, bureau, commission, or other agency of the state such reasonable assistance and data as will enable it properly to carry out its powers and duties;

(4) To accept, on behalf of the state, any federal funds granted by act of Congress or by executive order for all or any of the purposes of this article; and, upon appropriation by the General Assembly, to expend such funds for the purposes set forth in the appropriations Act;

(5) To accept any grants, gifts, donations, or bequests for all or any of the purposes of this article;

(6) To propose methods to encourage private initiative in the arts; and

(7) To advise and consult with the Governor; the General Assembly; national foundations; and other local, state, and federal departments and agencies on methods to coordinate and assist existing resources and facilities, with the purpose of fostering artistic and cultural endeavors generally."

SECTION 9.

Said part is further amended by revising Code Section 50-12-26, relating to the appointment of personnel for council, as follows:

"50-12-26.

The ~~director of the Office of Planning and Budget~~ commissioner of economic development shall select and appoint such personnel as the ~~director~~ commissioner shall determine to be necessary to support the council and the programs undertaken pursuant to this article."

SECTION 10.

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

The following amendment was read and adopted:

Representative Riley of the 50th et al. offer the following amendment:

Amend the Senate substitute to HB 264 by striking it in its entirety and substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

To amend Part 1 of Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Council for the Arts, so as to revise certain provisions as to the power, authority, duties, and related matters of the director of the Office of Planning and Budget and the Office of Planning and Budget so that such power, authority, duties, and related matters shall now be vested in and carried out by the commissioner of economic development and the Department of Economic Development; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Council for the Arts, is amended by revising subsection (b) of Code Section 50-12-22, relating to appointment of members, terms, vacancies, expenses, removal, chairman, and meetings, as follows:

"(b) Members shall be entitled to reimbursement for expenses incurred in the work of the council when authorized in advance by the ~~director of the Office of Planning and Budget~~ commissioner of economic development."

SECTION 2.

Said part is further amended by revising Code Section 50-12-23, relating to powers and duties generally, as follows:

"50-12-23.

The council shall advise the Governor through the ~~Office of Planning and Budget~~ Department of Economic Development concerning methods and programs to:

(1) Stimulate and encourage the study and development of the arts as well as public interest and participation therein;

(2) Encourage public interest in the cultural heritage of ~~the~~ this state;

(3) Expand ~~the~~ this state's cultural resources;

(4) Encourage and assist freedom of artistic expression essential for the well-being of the arts;

(5) Assist the communities and organizations within ~~the~~ this state in originating and creating their own cultural and artistic programs; and

(6) Survey public and private institutions engaged within ~~the~~ this state in cultural activities, including, but not limited to, architecture, dance, folk arts and applied arts and crafts, literature, music, painting, photography, sculpture, and theater."

SECTION 3.

Said part is further amended by revising Code Section 50-12-24, relating to the annual report, as follows:

"50-12-24.

The council shall submit an annual report to the Governor and to the commissioner of economic development concerning the appropriate methods to encourage participation in and appreciation of the arts in order to meet the legitimate needs and aspirations of persons in all parts of ~~the~~ this state."

SECTION 4.

Said part is further amended by revising Code Section 50-12-25, relating to the powers and authority of the Office of Planning and Budget as to the council, as follows:

"50-12-25.

The ~~Office of Planning and Budget~~ Department of Economic Development shall have the powers and authority necessary to carry out the purposes established by this article, including, but not limited to, the powers:

(1) To establish overall policy for grant awards, evaluations, and programs recommended by the council;

(2) To hold hearings, make and sign any agreements, and do and perform any acts which may be necessary, desirable, or proper to carry out the purposes of this article;

(3) To request from any department, division, board, bureau, commission, or other agency of the state such reasonable assistance and data as will enable it properly to carry out its powers and duties;

(4) To accept, on behalf of the state, any federal funds granted by act of Congress or by executive order for all or any of the purposes of this article; and, upon appropriation by the General Assembly, to expend such funds for the purposes set forth in the appropriations Act;

(5) To accept any grants, gifts, donations, or bequests for all or any of the purposes of this article;

(6) To propose methods to encourage private initiative in the arts; and

(7) To advise and consult with the Governor; the General Assembly; national foundations; and other local, state, and federal departments and agencies on methods to coordinate and assist existing resources and facilities, with the purpose of fostering artistic and cultural endeavors generally."

SECTION 5.

Said part is further amended by revising Code Section 50-12-26, relating to the appointment of personnel for council, as follows:

"50-12-26.

The ~~director of the Office of Planning and Budget~~ commissioner of economic development shall select and appoint such personnel as the ~~director~~ commissioner shall determine to be necessary to support the council and the programs undertaken pursuant to this article."

SECTION 6.

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

Representative Carter of the 175th moved that the House agree to the Senate substitute, as amended by the House, to HB 264.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
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	E Hudson	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	O'Neal	Y Tankersley
Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Y Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	Y Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	Y Fullerton	Y Jordan	Y Peake	Y Thomas
Y Burns	Y Gardner	Y Kaiser	Y Powell, A	Y Tinubu
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	Williams, A
Y Collins	Y Harden, M	Y Maddox, G	Y Roberts	Y Williams, E
N Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E 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 motion, the ayes were 168, nays 2.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitutes to 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 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 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.

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

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

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

The following Senate amendment was read:

The Senate moves to amend *the House Committee on Judiciary substitute to SB 64 (LC 29 4845S) by inserting after* "14-5-7;" *on line 7 the following:*

to revise certain provisions regarding property held by congregations and religious societies; to provide that conveyances of property to congregations and religious societies shall be valid in accordance with Georgia law; to provide for the authority of congregations and religious societies over trustees of property; to provide for express trusts of the property of religious societies;

By redesignating Sections 6 through 9 as Sections 10 through 13, respectively, and by inserting between lines 94 and 95 the following:

SECTION 6.

Said title is further amended by revising Code Section 14-5-46, relating to conveyances to churches or religious societies confirmed, as follows:

"14-5-46.

All deeds of conveyance executed ~~before April 1, 1969, or thereafter~~ for any lots of land within this state to any person or persons, to any ~~church~~ congregation or religious society, or to trustees for the use of any ~~church~~ congregation or religious society for the purpose of erecting churches or meeting houses shall be deemed to be valid and available in accordance with Georgia property law for the intents, uses, and purposes contained in the deeds of conveyance. ~~All lots~~ Any lot of land so conveyed shall be fully and absolutely vested in such ~~church~~ congregation or religious society or in their respective trustees for the uses and purposes expressed in the deed to be held by them or their trustees ~~for their use by succession, according to the mode of church government or rules of discipline exercised by such churches or religious societies~~."

SECTION 7.

Said title is further amended by revising Code Section 14-5-47, relating to authority of churches or religious societies over trustees holding land for their use, as follows:

"14-5-47.

All trustees to whom conveyances are or shall be executed, for the purposes expressed in Code Section 14-5-46, shall be subject to the authority of the ~~church~~ congregation or religious society for which they hold the same in trust and may be expelled from said

trust by such ~~church~~ congregation or religious society~~, according to the form of government or rules of discipline by which they may be governed~~."

SECTION 8.

Said title is further amended by revising Code Section 14-5-48, relating to vacancies in administration of land trusts for use of churches and religious societies and certificate of appointment, as follows:

"14-5-48.

Every ~~church~~ congregation or religious society ~~is~~ shall be authorized to fill all vacancies which may arise in the administration of the trusts described in Code Section 14-5-46 by the death, removal, or expulsion of a trustee or otherwise. When any vacancy shall be filled, the same shall be certified under the hand of the person presiding in the ~~church~~ congregation or society according to the form of government or discipline practiced by the ~~church~~ congregation or religious society, which certificate shall express the name of the person appointed to fill the vacancy and the name of the person in whose place he or she shall be appointed. When the certificate has been recorded in the office of the clerk of the superior court of the county in which the land lies, the person so appointed to fill the vacancy shall be as fully vested with the trust as if he or she had been a party to and named in the original deed, provided that the failure to have recorded the certificate of appointment shall not operate to disqualify or render incompetent to act in any proceeding any trustee duly appointed by the form of government or discipline practiced by the ~~church~~ congregation or religious society having the power to appoint trustees."

SECTION 9.

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

"14-5-52.

A religious society may, as a condition to membership in the religious society, require a member congregation to establish an express trust upon the real and personal property of the member congregation for the benefit of the religious society. Such an express trust shall comply with the requirements of Code Section 53-12-20. The trust instrument shall be executed by the congregation and shall, within 30 days of the execution thereof, be filed by the religious society in the office of the clerk of the superior court of the county in which the principal office of the congregation is located. The religious society shall concurrently pay to the clerk the fee prescribed in Code Section 15-6-77. No other trust, whether express or implied under the form of government or rules of discipline of the religious society, or otherwise, shall be enforceable against any member congregation or its real or personal property."

Representative Weldon of the 3rd moved that the House disagree to the Senate amendment to the House substitute to SB 64.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

The Senate has agreed to the House substitute to the following resolution of the Senate:

SR 103. By Senators Carter of the 1st, Grant of the 25th, Williams of the 19th, Rogers of the 21st, Ginn of the 47th and others:

A RESOLUTION authorizing the granting of nonexclusive easements for operation and maintenance of facilities, utilities, and ingress and egress in, on, over, under, upon, across, or through property owned by the State of Georgia in Barrow, Butts, Cherokee, Effingham, Fulton, Gordon, Gwinnett, Houston, Thomas, and Wheeler Counties; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

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.

The following Senate amendment was read:

The Senate moves to amend *the House substitute to SB 54 by deleting from lines 4 and 5 the following:*

to add a definition of "on-premise" or "on-property" signs for advertising purposes;

By deleting lines 30 through 33 and substituting in lieu thereof the following:

customer~~.~~; or
(G) Hauling poultry waste from the point of origin to a farm.

By substituting "(F)" *for* "(I)" *on line 36;*

By deleting lines 39 and 40 and substituting in lieu thereof the following:

percent variance from the weight limitations in paragraph (1) of this subsection within a 100 mile radius of the farm or point of origin. Any person who violates the load

By deleting lines 45 through 51 and substituting in lieu thereof the following:

(3) A vehicle which is hauling the products listed in subparagraph ~~(C), (D), or (F)~~ (G) of paragraph (1) of this subsection shall be permitted a 5 percent variance from the weight limitations in paragraph (1) of this subsection within a ~~100~~ 250 mile radius of the farm or point of origin. Any person who violates the load limitations provided for in this paragraph by exceeding the 5 percent variance per single axle, tandem axle, or maximum total gross weight shall be fined on the basis of the weight limitations of paragraph (1) of this subsection and not on the basis of the variance allowed by this paragraph.

By substituting "(4)" *for* "~~(4)~~" *on line 52;*

By deleting line 75 and substituting in lieu thereof the following:

otherwise specified by the department. A multitrip permit authorizes unlimited permitted loads on the same permit, if done so within the allowable ten days, with the same vehicle configuration, and following the same route."

By deleting lines 82 and 83 and substituting in lieu thereof the following:

maximum width, height, and weight limits specified by this paragraph."

By deleting lines 85 through 119;

By replacing "**9**" *with* "**6**" *on line 121.*

Representative Benton of the 31st moved that the House agree to the Senate amendment to the House substitute to SB 54.

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

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

On the motion the ayes were 154, nays 15.

The motion prevailed.

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

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

The following Senate amendment was read:

The Senate moves to amend *the House Amendment to the As Passed Senate version of HB 87 (AM 35 0260) by inserting after* "Board;" *on line 37 the following:*

to establish a study on the impact of immigration reform on Georgia's agricultural industry within the Department of Agriculture;

By deleting "<u>of a witness with knowledge</u>" *on line 391.*

By deleting lines 538 through 609 and inserting in lieu thereof the following:

SECTION 12.

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

"36-60-6.

<u>(a) Every private employer with more than ten employees shall register with and utilize the federal work authorization program, as defined by Code Section 13-10-90. The requirements of this subsection shall be effective on January 1, 2012, as to employers with 500 or more employees, on July 1, 2012, as to employers with 100 or more employees but fewer than 500 employees, and on July 1, 2013, as to employers with more than ten employees but fewer than 100 employees.</u>

(b) For purposes of this Code section, the term 'employee' shall have the same meaning as set forth in subparagraph (A) of paragraph (1.1) of Code Section 48-13-5, provided that such person is also employed to work not less than 35 hours per week.

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

(d) Before any county or municipal corporation issues or renews a business license, occupational tax certificate, or other document required to operate a business to any person, the person shall provide evidence that he or she is authorized to use the federal work authorization program or evidence that the provisions of this Code section do not apply. Evidence of such use shall be in the form of an affidavit as provided by the Attorney General in subsection (f) of this Code section attesting that he or she utilizes the federal work authorization program in accordance with federal regulations or that he or she employs fewer than 11 employees or otherwise does not fall within the requirements of this Code section. Whether an employer is exempt from using the federal work authorization program as required by this Code section shall be determined by the number of employees employed by such employer on January 1 of the year during which the affidavit is submitted. The affidavit shall include the employer's federally assigned employment eligibility verification system user number and the date of authority for use. The requirements of this subsection shall be effective on January 1, 2012, as to employers with 500 or more employees, on July 1, 2012, as to employers with 100 or more employees but fewer than 500 employees, and on July 1, 2013, as to employers with more than ten employees but fewer than 100 employees.

(e) Beginning December 31, 2012, and annually thereafter, any county or municipal corporation issuing or renewing a business license, occupational tax certificate, or other document required to operate a business shall provide to the Department of Audits and Accounts a report demonstrating that such county or municipality is acting in compliance with the provisions of this Code section. This annual report shall identify each license or certificate issued by the agency in the preceding 12 months and include the name of the person and business issued a license or other document and his or her federally assigned employment eligibility verification system user number as provided in the affidavit submitted at the time of application. Subject to funding, the Department of Audits and Accounts shall annually conduct an audit of no fewer than 20 percent of such reporting agencies.

(f) In order to assist private businesses and counties and municipal corporations in complying with the provisions of this Code section, the Attorney General shall provide a standardized form affidavit which may be used as acceptable evidence demonstrating use of the federal employment eligibility verification system or that the provisions of

subsection (b) of this Code section do not apply to the applicant. The form affidavit shall be posted by the Attorney General on the Department of Law's official website no later than January 1, 2012.

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

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

(i) Documents required by this Code section may be submitted electronically, provided the submission complies with Chapter 12 of Title 10.

(j) The Attorney General shall be authorized to conduct an investigation and bring any criminal or civil action he or she deems necessary to ensure compliance with the provisions of this Code section. The Attorney General shall provide an employer who is found to have committed a good faith violation of this Code section 30 days to demonstrate to the Attorney General that such employer has come into compliance with this Code section.

During the course of any investigation of violations of this Code section, the Attorney General shall also investigate potential violations of Code Section 16-9-121.1 by employees that may have led to violations of this Code section."

By inserting between lines 867 and 868 the following:

SECTION 20.1.

WHEREAS, Georgia's agricultural industry is a vital pillar for this state's economy and essential to the quality of life enjoyed by all Georgians; and

WHEREAS, understanding the impact of immigration reform measures on Georgia's important agricultural industry is a fundamental key to the implementation of immigration reform in a manner that is in the best interests of this state; and

WHEREAS, the General Assembly recognizes that the federal guest worker program, designated the H-2A visa program, for temporary and seasonal agriculture immigrant workers is administratively cumbersome and flawed; and

WHEREAS, both Georgia and federal law fail to address many of the legal, economic, and security aspects of immigration issues facing our state and especially our agricultural industry; and

WHEREAS, these issues of great importance to the economy and of this state have not before received extensive study by the Georgia General Assembly and merit such detailed and specialized consideration at this time.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Department of Agriculture is directed to conduct a study of the conditions, needs, issues, and problems mentioned above or related thereto and recommend any actions or legislation that the department deems necessary or appropriate. The Department of Agriculture shall consider the current and future impact of immigration on the state agricultural industry. The department shall work in conjunction with and collect expert testimony and information from the United States Department of Agriculture, the Department of Justice, and other state governments. The department shall specifically address the need for reform of the federal H-2A program and provide recommendations for such federal reform. In addition, the department shall recommend changes needed in Georgia to provide for improvements in the H-2A process, identify where such action may be taken by the state, and provide a report evaluating the legal and economic feasibility of implementing a state guest worker program. The department may conduct such meetings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this resolution. The Department of Agriculture shall make a final written report to the Governor, the President of the Senate, and the Speaker of the House of Representatives not later than January 1, 2012. Provided that the provisions of this Act have been complied with, the department shall not have any further obligation to continue such study on or after January 1, 2012.

Representative Ramsey of the 72nd moved that the House agree to the Senate amendment to the House amendment to the Senate substitute to HB 87.

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

E 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
Amerson	N Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	N Holcomb	Y Meadows	Y Sims, C

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

On the motion, the ayes were 112, nays 59.

The motion prevailed.

Representatives Neal of the 1st, Stephens of the 164th, and Weldon of the 3rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

The Senate has agreed to the House amendments to the Senate substitutes to the following bills of the House:

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.

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

HB 30. By Representative Willard of the 49th:

A BILL to be entitled an Act to provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to define certain terms; to provide for applicability; to provide for the enforcement of contracts that restrict or prohibit competition in certain commercial agreements; to provide for the judicial enforcement of such provisions; to provide for the modification of such provisions; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide that no contract between the Governor and any Indian tribe shall be signed without the consent of the General Assembly; 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:

PART I

SECTION 1-1.

During the 2009 legislative session the General Assembly enacted HB 173 (Act No. 64, Ga. L. 2009, p. 231), which was a bill that dealt with the issue of restrictive covenants in contracts and which was contingently effective on the passage of a constitutional amendment. During the 2010 legislative session the General Assembly enacted HR 178 (Ga. L. 2010, p. 1260), the constitutional amendment necessary for the statutory language of HB 173 (Act No. 64, Ga. L. 2009, p. 231), and the voters ratified the constitutional amendment on November 2, 2010. It has been suggested by certain parties that because of the effective date provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), there may be some question about the validity of that legislation. It is the intention of this Act to remove any such uncertainty by substantially reenacting the substantive provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), but the enactment of this Act should not be taken as evidence of a legislative determination that HB 173 (Act No. 64, Ga. L. 2009, p. 231) was in fact invalid.

SECTION 1-2.

Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, is amended by repealing subsection (a) of Code Section 13-8-2, relating to contracts contravening public policy, and enacting a new subsection (a) to read as follows:

"<u>(a) A contract that is against the policy of the law cannot be enforced. Contracts deemed contrary to public policy include but are not limited to:</u>

(1) Contracts tending to corrupt legislation or the judiciary;
(2) Contracts in general restraint of trade, as distinguished from contracts which restrict certain competitive activities, as provided in Article 4 of this chapter;
(3) Contracts to evade or oppose the revenue laws of another country;
(4) Wagering contracts; or
(5) Contracts of maintenance or champerty."

SECTION 1-3.

Said chapter is further amended by repealing Code Section 13-8-2.1, relating to contracts in partial restraint of trade.

SECTION 1-4.

Said chapter is further amended by repealing Article 4, relating to restrictive covenants in contracts, and enacting a new Article 4 to read as follows:

"ARTICLE 4

13-8-50.

The General Assembly finds that reasonable restrictive covenants contained in employment and commercial contracts serve the legitimate purpose of protecting legitimate business interests and creating an environment that is favorable to attracting commercial enterprises to Georgia and keeping existing businesses within the state. Further, the General Assembly desires to provide statutory guidance so that all parties to such agreements may be certain of the validity and enforceability of such provisions and may know their rights and duties according to such provisions.

13-8-51.

As used in this article, the term:

(1) 'Affiliate' means:

(A) A person or entity that directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with another person or entity;

(B) Any entity of which a person is an officer, director, or partner or holds an equity interest or ownership position that accounts for 25 percent or more of the voting rights or profit interest of such entity;

(C) Any trust or other estate in which the person or entity has a beneficial interest of 25 percent or more or as to which such person or entity serves as trustee or in a similar fiduciary capacity; or

(D) The spouse, lineal ancestors, lineal descendants, and siblings of the person, as well as each of their spouses.

(2) 'Business' means any line of trade or business conducted by the seller or employer, as such terms are defined in this Code section.

(3) 'Confidential information' means data and information:

(A) Relating to the business of the employer, regardless of whether the data or information constitutes a trade secret as that term is defined in Code Section 10-1-761;

(B) Disclosed to the employee or of which the employee became aware of as a consequence of the employee's relationship with the employer;

(C) Having value to the employer;

(D) Not generally known to competitors of the employer; and

(E) Which includes trade secrets, methods of operation, names of customers, price lists, financial information and projections, route books, personnel data, and similar information;

provided, however, that such term shall not mean data or information (A) which has been voluntarily disclosed to the public by the employer, except where such public disclosure has been made by the employee without authorization from the employer; (B) which has been independently developed and disclosed by others; or (C) which has otherwise entered the public domain through lawful means.

(4) 'Controlling interest' means any equity interest or ownership participation held by a person or entity with respect to a business that accounts for 25 percent or more of the voting rights or profit interest of the business prior to the sale, alone or in combination with the interest or participation held by affiliates of such person or entity.

(5) 'Employee' means:

(A) An executive employee;

(B) Research and development personnel or other persons or entities of an employer, including, without limitation, independent contractors, in possession of confidential information that is important to the business of the employer;

(C) Any other person or entity, including an independent contractor, in possession of selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information who or that has obtained such skills, learning, abilities, contacts, or information by reason of having worked for an employer; or

(D) A franchisee, distributor, lessee, licensee, or party to a partnership agreement or a sales agent, broker, or representative in connection with franchise, distributorship, lease, license, or partnership agreements.

Such term shall not include any employee who lacks selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information.

(6) 'Employer' means any corporation, partnership, proprietorship, or other business organization, whether for profit or not for profit, including, without limitation, any successor in interest to such an entity, who or that conducts business or any person or entity who or that directly or indirectly owns an equity interest or ownership participation in such an entity accounting for 25 percent or more of the voting rights or profit interest of such entity. Such term also means the buyer or seller of a business organization.

(7) 'Executive employee' means a member of the board of directors, an officer, a key employee, a manager, or a supervisor of an employer.

(8) 'Key employee' means an employee who, by reason of the employer's investment of time, training, money, trust, exposure to the public, or exposure to customers, vendors, or other business relationships during the course of the employee's employment with the employer, has gained a high level of notoriety, fame, reputation, or public persona as the employer's representative or spokesperson or has gained a high level of influence or credibility with the employer's customers, vendors, or other business relationships or is intimately involved in the planning for or direction of the business of the employer or a defined unit of the business of the employer. Such term also means an employee in possession of selective or specialized skills, learning, or abilities or customer contacts or customer information who has obtained such skills, learning, abilities, contacts, or information by reason of having worked for the employer.

(9) 'Legitimate business interest' includes, but is not limited to:

(A) Trade secrets, as defined by Code Section 10-1-761;

(B) Valuable confidential information that otherwise does not qualify as a trade secret;

(C) Substantial relationships with specific prospective or existing customers, patients, vendors, or clients;

(D) Customer, patient, or client good will associated with:

(i) An ongoing business, commercial, or professional practice, including, but not limited to, by way of trade name, trademark, service mark, or trade dress;

(ii) A specific geographic location; or

(iii) A specific marketing or trade area; and

(E) Extraordinary or specialized training.

(10) 'Material contact' means the contact between an employee and each customer or potential customer:

(A) With whom or which the employee dealt on behalf of the employer;

(B) Whose dealings with the employer were coordinated or supervised by the employee;

(C) About whom the employee obtained confidential information in the ordinary course of business as a result of such employee's association with the employer; or

(D) Who receives products or services authorized by the employer, the sale or provision of which results or resulted in compensation, commissions, or earnings for the employee within two years prior to the date of the employee's termination.

(11) 'Modification' means the limitation of a restrictive covenant to render it reasonable in light of the circumstances in which it was made. Such term shall include:

(A) Severing or removing that part of a restrictive covenant that would otherwise make the entire restrictive covenant unenforceable; and

(B) Enforcing the provisions of a restrictive covenant to the extent that the provisions are reasonable.

(12) 'Modify' means to make, to cause, or otherwise to bring about a modification.

(13) 'Products or services' means anything of commercial value, including, without limitation, goods; personal, real, or intangible property; services; financial products; business opportunities or assistance; or any other object or aspect of business or the conduct thereof.

(14) 'Professional' means an employee who has as a primary duty the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. Such term shall not include employees performing technician work using knowledge acquired through on-the-job and classroom training, rather than by acquiring the knowledge through prolonged academic study, such as might be performed, without limitation, by a mechanic, a manual laborer, or a ministerial employee.

(15) 'Restrictive covenant' means an agreement between two or more parties that exists to protect the first party's or parties' interest in property, confidential information, customer good will, business relationships, employees, or any other economic advantages that the second party has obtained for the benefit of the first party or parties, to which the second party has gained access in the course of his or her relationship with the first party or parties, or which the first party or parties has acquired from the second party as the result of a sale. Such restrictive covenants may exist within or ancillary to contracts between or among employers and employees, distributors and manufacturers, lessors and lessees, partnerships and partners, employers and independent contractors, franchisors and franchisees, and sellers and purchasers of a business or commercial enterprise and any two or more employers. A restrictive covenant shall not include covenants appurtenant to real property.

(16) 'Sale' means any sale or transfer of the good will or substantially all of the assets of a business or any sale or transfer of a controlling interest in a business, whether by sale, exchange, redemption, merger, or otherwise.

(17) 'Seller' means any person or entity, including any successor-in-interest to such an entity, that is:

(A) An owner of a controlling interest;

(B) An executive employee of the business who receives, at a minimum, consideration in connection with a sale; or

(C) An affiliate of a person or entity described in subparagraph (A) of this paragraph; provided, however, that each sale involving a restrictive covenant shall be binding only on the person or entity entering into such covenant, its successors-in-interest, and, if so specified in the covenant, any entity that directly or indirectly through one or more affiliates is controlled by or is under common control of such person or entity.

(18) 'Termination' means the termination of an employee's engagement with an employer, whether with or without cause, upon the initiative of either party.

(19) 'Trade dress' means the distinctive packaging or design of a product that promotes the product and distinguishes it from other products in the marketplace.

13-8-52.
(a) The provisions of this article shall be applicable only to contracts and agreements between or among:
(1) Employers and employees;
(2) Distributors and manufacturers;
(3) Lessors and lessees;
(4) Partnerships and partners;
(5) Franchisors and franchisees;
(6) Sellers and purchasers of a business or commercial enterprise; and
(7) Two or more employers.
(b) The provisions of this article shall not apply to any contract or agreement not described in subsection (a) of this Code section.

13-8-53.
(a) Notwithstanding any other provision of this chapter, enforcement of contracts that restrict competition during the term of a restrictive covenant, so long as such restrictions are reasonable in time, geographic area, and scope of prohibited activities, shall be permitted. However, enforcement of contracts that restrict competition after the term of employment, as distinguished from a customer nonsolicitation provision, as described in subsection (b) of this Code section, or a nondisclosure of confidential information provision, as described in subsection (e) of this Code section, shall not be permitted against any employee who does not, in the course of his or her employment:
(1) Customarily and regularly solicit for the employer customers or prospective customers;
(2) Customarily and regularly engage in making sales or obtaining orders or contracts for products or services to be performed by others;
(3) Perform the following duties:
(A) Have a primary duty of managing the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
(B) Customarily and regularly direct the work of two or more other employees; and
(C) Have the authority to hire or fire other employees or have particular weight given to suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees; or
(4) Perform the duties of a key employee or of a professional.
(b) Notwithstanding any other provision of this chapter, an employee may agree in writing for the benefit of an employer to refrain, for a stated period of time following termination, from soliciting, or attempting to solicit, directly or by assisting others, any business from any of such employer's customers, including actively seeking prospective customers, with whom the employee had material contact during his or her employment for purposes of providing products or services that are competitive with those provided

by the employer's business. No express reference to geographic area or the types of products or services considered to be competitive shall be required in order for the restraint to be enforceable. Any reference to a prohibition against 'soliciting or attempting to solicit business from customers' or similar language shall be adequate for such purpose and narrowly construed to apply only to: (1) such of the employer's customers, including actively sought prospective customers, with whom the employee had material contact; and (2) products or services that are competitive with those provided by the employer's business.

(c)(1) Activities, products, or services that are competitive with the activities, products, or services of an employer shall include activities, products, or services that are the same as or similar to the activities, products, or services of the employer. Whenever a description of activities, products, or services, or geographic areas, is required by this Code section, any description that provides fair notice of the maximum reasonable scope of the restraint shall satisfy such requirement, even if the description is generalized or could possibly be stated more narrowly to exclude extraneous matters. In case of a postemployment covenant entered into prior to termination, any good faith estimate of the activities, products, or services, or geographic areas, that may be applicable at the time of termination shall also satisfy such requirement, even if such estimate is capable of including or ultimately proves to include extraneous activities, products, or services, or geographic areas. The postemployment covenant shall be construed ultimately to cover only so much of such estimate as relates to the activities actually conducted, the products or services actually offered, or the geographic areas actually involved within a reasonable period of time prior to termination.

(2) Activities, products, or services shall be considered sufficiently described if a reference to the activities, products, or services is provided and qualified by the phrase 'of the type conducted, authorized, offered, or provided within two years prior to termination' or similar language containing the same or a lesser time period. The phrase 'the territory where the employee is working at the time of termination' or similar language shall be considered sufficient as a description of geographic areas if the person or entity bound by the restraint can reasonably determine the maximum reasonable scope of the restraint at the time of termination.

(d) Any restrictive covenant not in compliance with the provisions of this article is unlawful and is void and unenforceable; provided, however, that a court may modify a covenant that is otherwise void and unenforceable so long as the modification does not render the covenant more restrictive with regard to the employee than as originally drafted by the parties.

(e) Nothing in this article shall be construed to limit the period of time for which a party may agree to maintain information as confidential or as a trade secret, or to limit the geographic area within which such information must be kept confidential or as a trade secret, for so long as the information or material remains confidential or a trade secret, as applicable.

13-8-54.
(a) A court shall construe a restrictive covenant to comport with the reasonable intent and expectations of the parties to the covenant and in favor of providing reasonable protection to all legitimate business interests established by the person seeking enforcement.
(b) In any action concerning enforcement of a restrictive covenant, a court shall not enforce a restrictive covenant unless it is in compliance with the provisions of Code Section 13-8-53; provided, however, that if a court finds that a contractually specified restraint does not comply with the provisions of Code Section 13-8-53, then the court may modify the restraint provision and grant only the relief reasonably necessary to protect such interest or interests and to achieve the original intent of the contracting parties to the extent possible.

13-8-55.
The person seeking enforcement of a restrictive covenant shall plead and prove the existence of one or more legitimate business interests justifying the restrictive covenant. If a person seeking enforcement of the restrictive covenant establishes by prima-facie evidence that the restraint is in compliance with the provisions of Code Section 13-8-53, then any person opposing enforcement has the burden of establishing that the contractually specified restraint does not comply with such requirements or that such covenant is unreasonable.

13-8-56.
In determining the reasonableness of a restrictive covenant that limits or restricts competition during or after the term of an employment or business or commercial relationship, the court shall make the following presumptions:
(1) During the term of the relationship, a time period equal to or measured by duration of the parties' relationship is reasonable; provided, however, that the reasonableness of a time period after the term of an employment or business or commercial relationship shall be as provided for in Code Section 13-8-57;
(2) A geographic territory which includes the areas in which the employer does business at any time during the parties' relationship, even if not known at the time of entry into the restrictive covenant, is reasonable provided that:
(A) The total distance encompassed by the provisions of the covenant also is reasonable;
(B) The agreement contains a list of particular competitors as prohibited employers for a limited period of time after the term of employment or a business or commercial relationship; or
(C) Both subparagraphs (A) and (B) of this paragraph;
(3) The scope of competition restricted is measured by the business of the employer or other person or entity in whose favor the restrictive covenant is given; provided, however, that a court shall not refuse to enforce the provisions of a restrictive covenant because the person seeking enforcement establishes evidence that a

restrictive covenant has been violated but has not proven that the covenant has been violated as to the entire scope of the prohibited activities of the person seeking enforcement or as to the entire geographic area of the covenant; and

(4) Any restriction that operates during the term of an employment relationship, agency relationship, independent contractor relationship, partnership, franchise, distributorship, license, ownership of a stake in a business entity, or other ongoing business relationship shall not be considered unreasonable because it lacks any specific limitation upon scope of activity, duration, or geographic area so long as it promotes or protects the purpose or subject matter of the agreement or relationship or deters any potential conflict of interest.

13-8-57.

(a) In determining the reasonableness in time of a restrictive covenant sought to be enforced after a term of employment, a court shall apply the rebuttable presumptions provided in this Code section.

(b) In the case of a restrictive covenant sought to be enforced against a former employee and not associated with the sale or ownership of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint two years or less in duration and shall presume to be unreasonable in time any restraint more than two years in duration, measured from the date of the termination of the business relationship.

(c) In the case of a restrictive covenant sought to be enforced against a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark and not associated with the sale of all or a part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint three years or less in duration and shall presume to be unreasonable in time any restraint more than three years in duration, measured from the date of termination of the business relationship.

(d) In the case of a restrictive covenant sought to be enforced against the owner or seller of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;
(4) A limited liability company membership; or
(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint the longer of five years or less in duration or equal to the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection and shall presume to be unreasonable in time any restraint more than the longer of five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection, measured from the date of termination or disposition of such interest.

13-8-58.
(a) A court shall not refuse to enforce a restrictive covenant on the ground that the person seeking enforcement is a third-party beneficiary of such contract or is an assignee or successor to a party to such contract.
(b) In determining the enforceability of a restrictive covenant, it is not a defense that the person seeking enforcement no longer continues in business in the scope of the prohibited activities that is the subject of the action to enforce the restrictive covenant if such discontinuance of business is the result of a violation of the restriction.
(c) A court shall enforce a restrictive covenant by any appropriate and effective remedy available at law or equity, including, but not limited to, temporary and permanent injunctions.
(d) In determining the reasonableness of a restrictive covenant between an employer and an employee, as such term is defined in subparagraphs (A) through (C) of paragraph (5) of Code Section 13-8-51, a court may consider the economic hardship imposed upon an employee by enforcement of the covenant; provided, however, that this subsection shall not apply to contracts or agreements between or among those persons or entities listed in paragraphs (2) through (7) of subsection (a) of Code Section 13-8-52.

13-8-59.
Nothing in this article shall be construed or interpreted to allow or to make enforceable any restraint of trade or commerce that is otherwise illegal or unenforceable under the laws of the United States or under the Constitution of this state or of the United States."

PART II

SECTION 2-1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new chapter to read as follows:

"CHAPTER 38

50-38-1.
(a) No contract, compact, or other agreement negotiated between the Governor and any Indian tribe pertaining to gambling shall be signed by the Governor without the express approval of the General Assembly by resolution approved by two-thirds of the members elected to each chamber.
(b) Any contract, compact, or other agreement signed by the Governor in violation of this Code section shall be void ab initio, shall not be recognized by the state, and shall be of no force or effect."

PART III

SECTION 3-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to contracts entered into on and after such date and shall not apply in actions determining the enforceability of restrictive covenants entered into before such date.

SECTION 3.2.

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

The following amendment was read and adopted:

Representative Willard of the 49th offers the following amendment:

Amend the Senate substitute to HB 30 (HB30/SCSFA/1) by replacing lines 10 through 12 as follows:

third-parties; to provide for construction;

By deleting line 16 and redesignating Section 1-1 through Section 1-4 as Section 1 through Section 4, respectively.

By replacing lines 403 through 418 as follows:

SECTION 5.

By redesignating Section 3-2 as Section 6.

Representative Willard of the 49th moved that the House agree to the Senate substitute, as amended by the House, to HB 30.

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

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

On the motion, the ayes were 54, nays 111.

The motion was lost.

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

Mr. Speaker:

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 112. By Representatives Powell of the 29th, Rice of the 51st, Battles of the 15th and Harden of the 28th:

A BILL to be entitled an Act to amend Title 40 of the O.C.G.A., relating to motor vehicles and traffic, so as to ensure that the financial responsibility of motor carriers in this state is compatible with federal motor carrier safety regulations; to change certain equipment requirements for the lighting equipment and warning flags for protruding loads, brake performance, ability, rear view mirrors, window tinting, and tire tread depth on commercial motor vehicles to make them compatible with federal motor carrier safety regulations; to amend Title 46 of the O.C.G.A., relating to public utilities and public transportation, to clarify the applicability of safety regulations to vehicles operated within corporate limits of a city; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

The Senate recedes from its disagreement to the House amendment and agrees to the House amendment to the following bill of the Senate:

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.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference thereon:

HB 117. By Representative Crawford of the 16th:

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

The following report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 117

The Committee of Conference on HB 117 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 117 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Don Balfour Senator, 9th District	/s/ Mickey Channell Representative, 116th District
/s/ Jim Butterworth Senator, 50th District	/s/ Rick Crawford Representative, 16th District
/s/ Jeff Mullis Senator, 53rd District	/s/ Larry O'Neal Representative, 146th District

A BILL TO BE ENTITLED
AN ACT

To amend Titles 31 and 48 of the Official Code of Georgia Annotated, relating, respectively, to health and revenue and taxation, so as to provide for state sales and use taxation of certain health care services for a limited period of time; to provide for definitions, exclusions, procedures, conditions, and limitations; to provide for accrual of such taxes based upon certain circumstances; to establish a segregated account within the

Indigent Care Trust Fund; to provide for the crediting of certain proceeds and investment thereof; to provide for conditional appropriations; to provide for automatic repeal of certain provisions of this Act; to provide that the person listed on the closing statement as the seller shall be treated as the seller and shall be subject to the withholding and documentation requirements; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
SECTION 1-1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding a new Code section to read as follows:

"31-8-152.1.

(a) There is established within the trust fund a segregated account for revenues raised through the sales and use tax on charges defined in subparagraph (H) of paragraph (31) of Code Section 48-8-2. An amount equal to the amount of state sales and use tax proceeds on such charges which have been collected and remitted to the state revenue commissioner shall be credited by the state revenue commissioner on a monthly basis to the segregated account within the trust fund and shall be invested in the same manner as authorized for investing other moneys in the state treasury.

(b) The department shall make application to the federal Department of Health and Human Services for state plan amendments for the 2012 fiscal year that will improve the delivery of long-term care through the use of enhanced case management services and establishing a new base year for nursing home facility cost reports.

(c) Notwithstanding any other provision of this chapter, the General Assembly is authorized to appropriate as state funds to the department for use in any fiscal year all revenues dedicated and deposited into the segregated account. Such appropriations shall be authorized to be made for the sole purpose of obtaining federal financial participation for medical assistance payments for long-term care services, including nursing home services, that are referred by a SOURCE Case Management Provider, as defined in paragraph (34.1) of Code Section 48-8-2. Any appropriation from the segregated account for any purpose other than such medical assistance payments shall be void.

(d) Revenues appropriated to the department pursuant to this Code section shall be used to match federal funds that are available for the purpose for which such trust funds have been appropriated.

(e) Appropriations from the segregated account to the department shall not lapse to the general fund at the end of the fiscal year.

(f) This Code section shall stand automatically repealed on the date the state treasurer certifies in writing to the commissioner that federal matching funds have ceased to be available or on June 30, 2014, whichever date is earlier.

(g) The department is authorized to adopt rules and regulations to implement this Code section."

SECTION 1-2.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in Code Section 48-8-2, relating to definitions applicable to sales and use tax, by revising paragraph (31) by deleting "or" at the end of subparagraph (F), by replacing the period with "; or" at the end of subparagraph (G), and by adding a new subparagraph to read as follows:

"(H)(i) Charges made for services by a person which are the subject of a referral from a SOURCE Case Management Provider.

(ii) This subparagraph shall stand automatically repealed on the date the state treasurer certifies in writing to the commissioner that federal matching funds have ceased to be available or on June 30, 2014, whichever date is earlier."

SECTION 1-3.

Said title is further amended in said Code section by adding two new paragraphs to read as follows:

"(30.1) 'Referral from a SOURCE Case Management Provider' means the authorization of, arrangement for, or coordination of long-term care services, including nursing home services by a SOURCE Case Management Provider. This subparagraph shall stand automatically repealed on the date the state treasurer certifies in writing to the commissioner that federal matching funds have ceased to be available or on June 30, 2014, whichever date is earlier.

"(34.1) 'SOURCE Case Management Provider' means an entity that has successfully completed the Georgia Medicaid Enhanced Case Management Application and enrollment process, including any related required training, and has entered into a contract with the Department of Community Health, Division of Medical Assistance to provide enhanced case management services. This subparagraph shall stand automatically repealed on the date the state treasurer certifies in writing to the commissioner that federal matching funds have ceased to be available or on June 30, 2014, whichever date is earlier."

SECTION 1-4.

Said title is further amended in subsection (f) of Code Section 48-8-30, relating to imposition of tax, rates, and collection, by adding a new paragraph to read as follows:

"(3)(A) Assessments of the state sales and use tax under this article on the charges described in subparagraph (H) of paragraph (31) of Code Section 48-8-2 shall accrue commencing on July 1, 2011; provided, however, that collection of such state sales and use tax upon such charges shall not commence until the commissioner of community health has provided written notification to the state revenue commissioner that until such time as the Centers for Medicare and Medicaid Services of the United States Department of Health and Human Services

has approved the state plan amendments described in subsection (b) of Code Section 31-8-152.1. In the event that such approval is not obtained or is reversed, or that the federal financial participation is not available with respect to revenues derived from such state sales and use tax, all accrued amounts of such tax shall lapse, and the charges described in subparagraph (H) of paragraph (31) of Code Section 48-8-2 shall not constitute sales for purposes of this article.

(B)(i) The charges for services described in subparagraph (H) of paragraph (31) of Code Section 48-8-2 shall be subject to state sales and use tax only and shall in no event be subject to any local sales and use tax.

(ii) For purposes of this subparagraph, the term 'local sales and use tax' means 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'; or by or pursuant to any article of this chapter other than Article 1 of this chapter.

(C) This paragraph shall stand automatically repealed on the date the state treasurer certifies in writing to the commissioner that federal matching funds have ceased to be available or on June 30, 2014, which "ever date is earlier."

PART II
SECTION 2-1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended in subsection (b) of Code Section 48-7-128, relating to withholding tax on sale or transfer of real property and associated tangible personal property by nonresidents, by adding a new paragraph to read as follows:

"(3) The person or entity identified as the seller on the settlement statement shall be considered the seller for all purposes regarding this Code section, including, but not limited to, executing and delivering to the buyer or transferee all forms or other documents incident to determining the appropriate amount of tax to be withheld or the appropriate amount exempt from withholding requirements."

PART III
SECTION 3-1.

(a) This part and Part II of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
(b) Part I of this Act shall become effective on July 1, 2011.

SECTION 3-2.
All laws and parts of laws in conflict with this Act are repealed.

Pursuant to Rule 133, Representative Mills of the 25th was excused from voting on HB 117.

Representative Crawford of the 16th moved that the House adopt the report of the Committee of Conference on HB 117.

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

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

On the motion, the ayes were 139, nays 24.

The motion prevailed.

Representatives Coomer of the 14th, Harrell of the 106th, and Mayo of the 91st stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

The Speaker Pro Tem assumed the Chair.

The following Bills of the House and Senate were taken up for the purpose of considering the Senate action thereon:

SB 100. By Senators Seabaugh of the 28th, Balfour of the 9th and Butterworth of the 50th:

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

The following Senate amendment was read:

The Senate moves to amend *SB 100 (SB 100/HCSFA) by inserting after* "programs;" *on line 7 the following:*

to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians and others, so as to revise certain requirements relative to clinical perfusionists;

By striking lines 64 through 68 and inserting in lieu thereof the following:

practical nurse, as approved by the board. Such clinical experience shall be documented in writing by the applicant's immediate supervisor stating that, in his or her opinion, the applicant has exhibited the critical thinking abilities, clinical skills, and leadership abilities that would indicate the ability to work as a beginning registered professional nurse ~~whose academic education as a licensed practical nurse included~~

By striking lines 110 through 122 and inserting in lieu thereof the following:

(V) If the applicant does not meet the requirements of subdivision (I), (II), (III), or (IV) of this division and the applicant ~~Applicants who, before July 1, 2008,~~ entered a nontraditional nursing education program before July 1, 2008, which meets the requirements of subsection (e) of this Code section and ~~complete~~ completes such program no later than June 30, ~~2011~~ 2015, have completed a 640 hour postgraduate preceptorship arranged by the applicant under the supervision of a registered professional nurse. The preceptorship shall have prior approval of the board, and

successful completion of the preceptorship shall be verified in writing by the preceptor. The preceptorship shall be in an acute care inpatient facility or a long-term acute care facility; provided, however, that the board may authorize a preceptorship pursuant to this subdivision in other facilities to obtain specialized experience in certain areas ~~shall be deemed to meet the criteria of this paragraph; provided, however, that the board shall have the discretion to require additional clinical hours of experience of applicants who (i) did not enter the nontraditional nursing education program as a licensed practical nurse, or (ii) entered the nontraditional nursing education program as a licensed practical nurse but does not have at least one year of clinical experience in a health care facility as a licensed practical nurse, if such applicant's clinical experience is deemed lacking by the board~~.

By striking lines 130 through 134 and inserting in lieu thereof the following:

experience in certain areas. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be documented in writing by the preceptor stating that, in his or her opinion, the applicant has exhibited the critical thinking abilities, clinical skills, and leadership abilities necessary to practice as a beginning registered professional nurse. No later than August 1, 2011, the board shall develop and make available one or more standard forms for use by and assistance to applicants in securing and completing preceptorships. Such form or forms shall include information relating to the specific requirements for preceptorships, including the minimum qualifications of the preceptor, the type of training required, and the documentation required upon completion of the preceptorship. The board shall make the

By striking lines 166 through 201 and inserting in lieu thereof the following:

(B) If the applicant ~~graduated from~~ entered a nontraditional nursing education program as a licensed practical nurse whose academic education as a licensed practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, have practiced nursing as a registered professional nurse in a health care facility for at least one year in the three years preceding the date of the application, and such practice is documented by the applicant and approved by the board; provided, however, that for an applicant that does not meet the experience requirement of this subparagraph, the board shall require the applicant to complete a 320 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered nurse where such applicant is transitioned into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor; or

(C) If the applicant entered a nontraditional nursing education program as anything other than a licensed practical nurse whose academic education as a licensed

practical nurse included clinical training in pediatrics, obstetrics and gynecology, medical-surgical, and mental illness, ~~and~~ have graduated from such program and practiced nursing as a registered professional nurse in a health care facility for ~~less than one year~~ at least two years in the ~~three~~ five years preceding the date of the application, and such practice is documented by the applicant and approved by the board; provided, however, that for an applicant that does not meet the experience requirement of this subparagraph, the board shall require the applicant to complete a~~, have completed a 350 hour~~ postgraduate preceptorship of at least 480 hours but not more than 640 hours, as determined by the board, arranged by the applicant under the oversight of a registered professional nurse ~~and~~ where such applicant is transitioned ~~from the role of a licensed practical nurse to~~ into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor.~~; or~~

~~(D) If entered a nontraditional nursing education program as a military medical corpsman or paramedic and graduated from such program and practiced nursing as a registered professional nurse in a health care facility for less than one year in the three years preceding the date of the application, have completed a 700 hour postgraduate preceptorship arranged by the applicant under the oversight of a registered professional nurse. Such preceptorship shall include clinical practice in a health care facility in pediatrics, obstetrics and gynecology, medical-surgical, mental illness, and transition into the role of a registered professional nurse. The preceptorship shall have prior approval of the board, and successful completion of the preceptorship shall be verified in writing by the preceptor;~~

For purposes of this paragraph, the term 'health care facility' means an acute care inpatient facility, a long-term acute care facility, an ambulatory surgical center or obstetrical facility as defined in Code Section 31-6-2, and a skilled nursing facility, so long as such skilled nursing facility has 100 beds or more and provides health care to patients with similar health care needs as those patients in a long-term acute care facility;

By inserting between lines 226 and 227 the following:

SECTION 1D.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians and others, is amended by revising the last sentence of paragraph (1) and adding a new paragraph to subsection (a) of Code Section 43-34-11, relating to continuing education, as follows:

"This paragraph shall not apply to respiratory care professionals, ~~or~~ persons seeking renewal of certification as respiratory care professionals, clinical perfusionists, or persons seeking renewal of licensure as a clinical perfusionist."

"(3) The board shall be authorized to require persons seeking renewal of licensure as clinical perfusionists under Article 7 of this chapter to complete board approved

continuing education. The board shall be authorized to establish the number of hours of continuing education required biennially for renewal of licensure as a clinical perfusionist and the categories in which these hours should be earned. The board shall be authorized to approve courses offered by institutions of higher learning, specialty societies, or professional organizations. Any action taken by the board pursuant to this paragraph shall be taken in conformity with the provisions of Code Section 43-34-172."

SECTION 1E.

Said chapter is further amended by revising paragraph (6) of Code Section 43-34-171, relating to definitions relative to the "Clinical Perfusionist Licensure Act," as follows:

"(6) 'Perfusion' means the functions necessary for the support, treatment, measurement, or supplementation of the cardiovascular, circulatory, or respiratory system or other organ, or a combination of such activities, and to ensure the safe management of physiologic functions by monitoring and analyzing the parameters of the systems under the order and supervision of a physician, including, but not limited to:

~~(A) The use of extracorporeal circulation; long-term cardiopulmonary support techniques, including extracorporeal carbon dioxide removal and extracorporeal membrane oxygenation; and associated therapeutic and diagnostic technologies;~~

~~(B) Counterpulsation, ventricular assistance, autotransfusion, blood conservation techniques, myocardial and organ preservation, extracorporeal life support, and isolated limb perfusion;~~

~~(C) The use of techniques involving blood management, advanced life support, and other related functions;~~

~~(D) In the performance of the acts described in subparagraphs (A) through (C) of this paragraph:~~

~~(i) The administration of:~~

~~(I) Pharmacological and therapeutic agents; or~~

~~(II) Blood products or anesthetic agents through the extracorporeal circuit or through an intravenous line as ordered by a physician; or~~

~~(ii) The performance and use of:~~

~~(I) Coagulation monitoring and analysis;~~

~~(II) Physiologic monitoring and analysis;~~

~~(III) Blood gas and chemistry monitoring and analysis;~~

~~(IV) Hematological monitoring and analysis;~~

~~(V) Hypothermia and hyperthermia;~~

~~(VI) Hemoconcentration and hemodilution; and~~

~~(VII) Hemodialysis; and~~

~~(E) The observation of signs and symptoms related to perfusion services, the determination of whether the signs and symptoms exhibit abnormal characteristics, and the implementation of appropriate reporting, clinical perfusion protocols, or changes in, or the initiation of, emergency procedures.~~

(A) Extracorporeal support, including:

(i) Cardiopulmonary bypass for adult, pediatric, and neonatal patients;

(ii) Cardiopulmonary bypass for congenital and acquired cardiovascular disorders;

(iii) Extracorporeal circulatory support for renal, neurological, hepatic, and vascular surgery;

(iv) Extracorporeal resuscitation; and

(v) Extracorporeal circulation for long-term support of failing respiratory or cardiac function, or both;

(B) Associated extracorporeal support functions, including:

(i) Myocardial protection;

(ii) Hemofiltration and hemodialysis;

(iii) Anticoagulation and hemostasis monitoring, analysis, and intervention;

(iv) Thermal regulation, including hypothermia and hyperthermia;

(v) Blood gas and blood chemistry monitoring, analysis, and intervention;

(vi) Physiological monitoring, analysis, and intervention; and

(vii) Administration of blood components, pharmaceuticals, chemotherapeutic, and anesthetic agents as directed by a licensed physician;

(C) Heart failure therapy and support, including:

(i) Ventricular assist device management;

(ii) Intra-aortic balloon counterpulsation;

(iii) Temporary pacemaker management;

(iv) External counterpulsation;

(v) Transportation of patient on extracorporeal support; and

(vi) Periodic flow augmentation therapy;

(D) Blood management, including:

(i) Autotransfusion;

(ii) Platelet concentrate; and

(iii) Nondifferentiated progenitor cell harvest; and

(E) Other clinical functions, including:

(i) Isolated limb and organ perfusion;

(ii) Isolated limb and organ delivery of chemotherapeutics, progenitor cells, gene therapy vectors, and related matters;

(iii) Organ preservation;

(iv) Thermogenic lavage;

(v) Electrophysiological analysis; and

(vi) Intravascular membrane oxygenation.

Nothing in this paragraph shall be construed to prevent any licensed health care professional from performing any functions for which such health care professional is legally authorized to perform."

SECTION 1F.

Said chapter is further amended by revising subsections (a), (b), (f), and (g) in Code Section 43-34-174, relating to licenses, as follows:

"(a) A license is not the property of the holder but is the property of the board. A license to practice perfusion ~~is~~ shall be valid for two years. The board may provide that licenses expire on various dates. A person may renew an unexpired license by submitting proof of ~~current certification by the American Board of Cardiovascular Perfusion (ABCP) or its successor and~~ compliance with the continuing professional education requirements prescribed by the board and paying the required renewal fee to the board before the expiration date of the license.

(b) The license holder ~~must~~ shall:

(1) Display the license in an appropriate and public manner; or

(2) Maintain on file at all times during which the license holder provides services in a health care facility a true and correct copy of the license certificate in the appropriate records of the facility and keep the board informed of any change of address."

"(f) If a person's license has been expired for more than three months, the person may not renew the license. The person may obtain a new license by ~~submitting to reexamination and~~ complying with the current requirements and procedures for obtaining a license.

~~(g) The board may reinstate without reexamination an expired license of a person who was licensed in this state, moved to another state or states, is currently licensed or certified, and has been in practice in another state or states for two years immediately preceding the person's application to reinstate a license. The person shall pay the required fee as established by the board.~~"

Representative Cooper of the 41st moved that the House agree to the Senate amendment to the House substitute to SB 100.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Amerson	Y Dickerson	Y Hill	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Holcomb	Y Meadows	Y Sims, C
Ashe	Y Dickson	Y Holmes	Y Mills	Y Smith, E
Y Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	Y Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	E 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	N Oliver	Y Talton
Y Braddock	Y Evans	Y Jasperse	O'Neal	Y Tankersley

Y Brockway	Y Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y 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	Kidd	Y Pruett	Y Watson
Y Casas	Y Gordon	Y Knight	Y Purcell	Y Welch
Y Channell	Y Greene	Y Lane	Ramsey	Y Weldon
Y Cheokas	Y Hamilton	Y Lindsey	Y Randall	Y Wilkerson
Y Clark, J	Hanner	Y Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	Y Lucas	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	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion the ayes were 160, nays 2.

The motion prevailed.

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.

The following Senate amendment was read:

The Senate moves to *Amend the House substitute to SB 172 (LC 21 1264S) by deleting lines 20 through 22 and inserting in lieu thereof the following:*

clinical social worker, licensed master social worker, licensed marriage and family therapist, or licensed professional counselor; provided, however, that where none of the

foregoing evaluators are available, the court may appoint a guardian ad litem or court appointed special advocate to conduct the home study."

By deleting lines 179 through 181 and inserting in lieu thereof the following:

Furthermore, I understand that under Georgia law an evaluator is required to conduct and provide to the court a home study and make recommendations to the court regarding the qualification of each person named above to adopt a child

Representative Jacobs of the 80th moved that the House agree to the Senate amendment to the House substitute to SB 172.

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

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

On the motion the ayes were 90, nays 63.

The Chair voted "aye."

On the motion, the ayes are 91, nays 63.

The motion prevailed.

Representative Meadows of the 5th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

Representatives Houston of the 170th and Sheldon of the 105th stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Henson of the 87th moved that the House reconsider its action in agreeing to the Senate amendment to the House substitute to SB 172.

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

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

N Coleman	N Harden, B	N Maddox, B	N Riley	Y Williams, A
N Collins	N Harden, M	Y Maddox, G	N Roberts	Y Williams, E
N Cooke	N Harrell	N Manning	Y Rogers	N Williams, R
Y Coomer	N Hatchett	Marin	E Rynders	N Williamson
N Cooper	N Hatfield	N Martin	Y Scott, M	N Yates
Crawford	Y Heard	N Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 58, nays 101.

The motion was lost.

HB 30. By Representative Willard of the 49th:

A BILL to be entitled an Act to provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to define certain terms; to provide for applicability; to provide for the enforcement of contracts that restrict or prohibit competition in certain commercial agreements; to provide for the judicial enforcement of such provisions; to provide for the modification of such provisions; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide that no contract between the Governor and any Indian tribe shall be signed without the consent of the General Assembly; 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:

PART I

SECTION 1-1.

During the 2009 legislative session the General Assembly enacted HB 173 (Act No. 64, Ga. L. 2009, p. 231), which was a bill that dealt with the issue of restrictive covenants in contracts and which was contingently effective on the passage of a constitutional amendment. During the 2010 legislative session the General Assembly enacted HR 178 (Ga. L. 2010, p. 1260), the constitutional amendment necessary for the statutory language of HB 173 (Act No. 64, Ga. L. 2009, p. 231), and the voters ratified the constitutional amendment on November 2, 2010. It has been suggested by certain parties that because of the effective date provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), there may be some question about the validity of that legislation. It is the intention of this Act to remove any such uncertainty by substantially reenacting the substantive provisions of HB 173 (Act No. 64, Ga. L. 2009, p. 231), but the enactment of this Act should not be taken as evidence of a legislative determination that HB 173 (Act No. 64, Ga. L. 2009, p. 231) was in fact invalid.

SECTION 1-2.

Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal and void contracts generally, is amended by repealing subsection (a) of Code Section 13-8-2, relating to contracts contravening public policy, and enacting a new subsection (a) to read as follows:

"(a) A contract that is against the policy of the law cannot be enforced. Contracts deemed contrary to public policy include but are not limited to:

(1) Contracts tending to corrupt legislation or the judiciary;

(2) Contracts in general restraint of trade, as distinguished from contracts which restrict certain competitive activities, as provided in Article 4 of this chapter;

(3) Contracts to evade or oppose the revenue laws of another country;

(4) Wagering contracts; or

(5) Contracts of maintenance or champerty."

SECTION 1-3.

Said chapter is further amended by repealing Code Section 13-8-2.1, relating to contracts in partial restraint of trade.

SECTION 1-4.

Said chapter is further amended by repealing Article 4, relating to restrictive covenants in contracts, and enacting a new Article 4 to read as follows:

"ARTICLE 4

13-8-50.
The General Assembly finds that reasonable restrictive covenants contained in employment and commercial contracts serve the legitimate purpose of protecting legitimate business interests and creating an environment that is favorable to attracting commercial enterprises to Georgia and keeping existing businesses within the state. Further, the General Assembly desires to provide statutory guidance so that all parties to such agreements may be certain of the validity and enforceability of such provisions and may know their rights and duties according to such provisions.

13-8-51.
As used in this article, the term:

(1) 'Affiliate' means:

(A) A person or entity that directly, or indirectly through one or more intermediaries, controls or is controlled by or is under common control with another person or entity;

(B) Any entity of which a person is an officer, director, or partner or holds an equity interest or ownership position that accounts for 25 percent or more of the voting rights or profit interest of such entity;

(C) Any trust or other estate in which the person or entity has a beneficial interest of 25 percent or more or as to which such person or entity serves as trustee or in a similar fiduciary capacity; or

(D) The spouse, lineal ancestors, lineal descendants, and siblings of the person, as well as each of their spouses.

(2) 'Business' means any line of trade or business conducted by the seller or employer, as such terms are defined in this Code section.

(3) 'Confidential information' means data and information:

(A) Relating to the business of the employer, regardless of whether the data or information constitutes a trade secret as that term is defined in Code Section 10-1-761;

(B) Disclosed to the employee or of which the employee became aware of as a consequence of the employee's relationship with the employer;

(C) Having value to the employer;

(D) Not generally known to competitors of the employer; and

(E) Which includes trade secrets, methods of operation, names of customers, price lists, financial information and projections, route books, personnel data, and similar information;

provided, however, that such term shall not mean data or information (A) which has been voluntarily disclosed to the public by the employer, except where such public disclosure has been made by the employee without authorization from the employer; (B) which has been independently developed and disclosed by others; or (C) which has otherwise entered the public domain through lawful means.

(4) 'Controlling interest' means any equity interest or ownership participation held by a person or entity with respect to a business that accounts for 25 percent or more of the voting rights or profit interest of the business prior to the sale, alone or in combination with the interest or participation held by affiliates of such person or entity.

(5) 'Employee' means:

(A) An executive employee;

(B) Research and development personnel or other persons or entities of an employer, including, without limitation, independent contractors, in possession of confidential information that is important to the business of the employer;

(C) Any other person or entity, including an independent contractor, in possession of selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information who or that has obtained such skills, learning, abilities, contacts, or information by reason of having worked for an employer; or

(D) A franchisee, distributor, lessee, licensee, or party to a partnership agreement or a sales agent, broker, or representative in connection with franchise, distributorship, lease, license, or partnership agreements.

Such term shall not include any employee who lacks selective or specialized skills, learning, or abilities or customer contacts, customer information, or confidential information.

(6) 'Employer' means any corporation, partnership, proprietorship, or other business organization, whether for profit or not for profit, including, without limitation, any successor in interest to such an entity, who or that conducts business or any person or entity who or that directly or indirectly owns an equity interest or ownership participation in such an entity accounting for 25 percent or more of the voting rights or profit interest of such entity. Such term also means the buyer or seller of a business organization.

(7) 'Executive employee' means a member of the board of directors, an officer, a key employee, a manager, or a supervisor of an employer.

(8) 'Key employee' means an employee who, by reason of the employer's investment of time, training, money, trust, exposure to the public, or exposure to customers, vendors, or other business relationships during the course of the employee's employment with the employer, has gained a high level of notoriety, fame, reputation, or public persona as the employer's representative or spokesperson or has gained a high level of influence or credibility with the employer's customers, vendors, or other business relationships or is intimately involved in the planning for or direction of the business of the employer or a defined unit of the business of the employer. Such term also means an employee in possession of selective or specialized skills, learning, or abilities or customer contacts or customer information who has obtained such skills, learning, abilities, contacts, or information by reason of having worked for the employer.

(9) 'Legitimate business interest' includes, but is not limited to:

(A) Trade secrets, as defined by Code Section 10-1-761;

(B) Valuable confidential information that otherwise does not qualify as a trade secret;

(C) Substantial relationships with specific prospective or existing customers, patients, vendors, or clients;

(D) Customer, patient, or client good will associated with:

(i) An ongoing business, commercial, or professional practice, including, but not limited to, by way of trade name, trademark, service mark, or trade dress;

(ii) A specific geographic location; or

(iii) A specific marketing or trade area; and

(E) Extraordinary or specialized training.

(10) 'Material contact' means the contact between an employee and each customer or potential customer:

(A) With whom or which the employee dealt on behalf of the employer;

(B) Whose dealings with the employer were coordinated or supervised by the employee;

(C) About whom the employee obtained confidential information in the ordinary course of business as a result of such employee's association with the employer; or

(D) Who receives products or services authorized by the employer, the sale or provision of which results or resulted in compensation, commissions, or earnings for the employee within two years prior to the date of the employee's termination.

(11) 'Modification' means the limitation of a restrictive covenant to render it reasonable in light of the circumstances in which it was made. Such term shall include:

(A) Severing or removing that part of a restrictive covenant that would otherwise make the entire restrictive covenant unenforceable; and

(B) Enforcing the provisions of a restrictive covenant to the extent that the provisions are reasonable.

(12) 'Modify' means to make, to cause, or otherwise to bring about a modification.

(13) 'Products or services' means anything of commercial value, including, without limitation, goods; personal, real, or intangible property; services; financial products; business opportunities or assistance; or any other object or aspect of business or the conduct thereof.

(14) 'Professional' means an employee who has as a primary duty the performance of work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction or requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor. Such term shall not include employees performing technician work using knowledge acquired through on-the-job and classroom training, rather than by acquiring the knowledge through prolonged academic study, such as might be performed, without limitation, by a mechanic, a manual laborer, or a ministerial employee.

(15) 'Restrictive covenant' means an agreement between two or more parties that exists to protect the first party's or parties' interest in property, confidential information, customer good will, business relationships, employees, or any other economic advantages that the second party has obtained for the benefit of the first party or parties, to which the second party has gained access in the course of his or her relationship with the first party or parties, or which the first party or parties has acquired from the second party as the result of a sale. Such restrictive covenants may exist within or ancillary to contracts between or among employers and employees, distributors and manufacturers, lessors and lessees, partnerships and partners, employers and independent contractors, franchisors and franchisees, and sellers and purchasers of a business or commercial enterprise and any two or more employers. A restrictive covenant shall not include covenants appurtenant to real property.

(16) 'Sale' means any sale or transfer of the good will or substantially all of the assets of a business or any sale or transfer of a controlling interest in a business, whether by sale, exchange, redemption, merger, or otherwise.

(17) 'Seller' means any person or entity, including any successor-in-interest to such an entity, that is:

(A) An owner of a controlling interest;

(B) An executive employee of the business who receives, at a minimum, consideration in connection with a sale; or

(C) An affiliate of a person or entity described in subparagraph (A) of this paragraph; provided, however, that each sale involving a restrictive covenant shall be binding only on the person or entity entering into such covenant, its successors-in-interest, and, if so specified in the covenant, any entity that directly or indirectly through one or more affiliates is controlled by or is under common control of such person or entity.

(18) 'Termination' means the termination of an employee's engagement with an employer, whether with or without cause, upon the initiative of either party.

(19) 'Trade dress' means the distinctive packaging or design of a product that promotes the product and distinguishes it from other products in the marketplace.

13-8-52.

(a) The provisions of this article shall be applicable only to contracts and agreements between or among:

(1) Employers and employees;

(2) Distributors and manufacturers;

(3) Lessors and lessees;

(4) Partnerships and partners;

(5) Franchisors and franchisees;

(6) Sellers and purchasers of a business or commercial enterprise; and

(7) Two or more employers.

(b) The provisions of this article shall not apply to any contract or agreement not described in subsection (a) of this Code section.

13-8-53.

(a) Notwithstanding any other provision of this chapter, enforcement of contracts that restrict competition during the term of a restrictive covenant, so long as such restrictions are reasonable in time, geographic area, and scope of prohibited activities, shall be permitted. However, enforcement of contracts that restrict competition after the term of employment, as distinguished from a customer nonsolicitation provision, as described in subsection (b) of this Code section, or a nondisclosure of confidential information provision, as described in subsection (e) of this Code section, shall not be permitted against any employee who does not, in the course of his or her employment:

(1) Customarily and regularly solicit for the employer customers or prospective customers;

(2) Customarily and regularly engage in making sales or obtaining orders or contracts for products or services to be performed by others;

(3) Perform the following duties:

(A) Have a primary duty of managing the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;

(B) Customarily and regularly direct the work of two or more other employees; and

(C) Have the authority to hire or fire other employees or have particular weight given to suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees; or

(4) Perform the duties of a key employee or of a professional.

(b) Notwithstanding any other provision of this chapter, an employee may agree in writing for the benefit of an employer to refrain, for a stated period of time following termination, from soliciting, or attempting to solicit, directly or by assisting others, any business from any of such employer's customers, including actively seeking prospective customers, with whom the employee had material contact during his or her employment for purposes of providing products or services that are competitive with those provided by the employer's business. No express reference to geographic area or the types of products or services considered to be competitive shall be required in order for the restraint to be enforceable. Any reference to a prohibition against 'soliciting or attempting to solicit business from customers' or similar language shall be adequate for such purpose and narrowly construed to apply only to: (1) such of the employer's customers, including actively sought prospective customers, with whom the employee had material contact; and (2) products or services that are competitive with those provided by the employer's business.

(c)(1) Activities, products, or services that are competitive with the activities, products, or services of an employer shall include activities, products, or services that are the same as or similar to the activities, products, or services of the employer. Whenever a description of activities, products, or services, or geographic areas, is required by this Code section, any description that provides fair notice of the maximum reasonable scope of the restraint shall satisfy such requirement, even if the description is generalized or could possibly be stated more narrowly to exclude extraneous matters. In case of a postemployment covenant entered into prior to

termination, any good faith estimate of the activities, products, or services, or geographic areas, that may be applicable at the time of termination shall also satisfy such requirement, even if such estimate is capable of including or ultimately proves to include extraneous activities, products, or services, or geographic areas. The postemployment covenant shall be construed ultimately to cover only so much of such estimate as relates to the activities actually conducted, the products or services actually offered, or the geographic areas actually involved within a reasonable period of time prior to termination.

(2) Activities, products, or services shall be considered sufficiently described if a reference to the activities, products, or services is provided and qualified by the phrase 'of the type conducted, authorized, offered, or provided within two years prior to termination' or similar language containing the same or a lesser time period. The phrase 'the territory where the employee is working at the time of termination' or similar language shall be considered sufficient as a description of geographic areas if the person or entity bound by the restraint can reasonably determine the maximum reasonable scope of the restraint at the time of termination.

(d) Any restrictive covenant not in compliance with the provisions of this article is unlawful and is void and unenforceable; provided, however, that a court may modify a covenant that is otherwise void and unenforceable so long as the modification does not render the covenant more restrictive with regard to the employee than as originally drafted by the parties.

(e) Nothing in this article shall be construed to limit the period of time for which a party may agree to maintain information as confidential or as a trade secret, or to limit the geographic area within which such information must be kept confidential or as a trade secret, for so long as the information or material remains confidential or a trade secret, as applicable.

13-8-54.

(a) A court shall construe a restrictive covenant to comport with the reasonable intent and expectations of the parties to the covenant and in favor of providing reasonable protection to all legitimate business interests established by the person seeking enforcement.

(b) In any action concerning enforcement of a restrictive covenant, a court shall not enforce a restrictive covenant unless it is in compliance with the provisions of Code Section 13-8-53; provided, however, that if a court finds that a contractually specified restraint does not comply with the provisions of Code Section 13-8-53, then the court may modify the restraint provision and grant only the relief reasonably necessary to protect such interest or interests and to achieve the original intent of the contracting parties to the extent possible.

13-8-55.

The person seeking enforcement of a restrictive covenant shall plead and prove the existence of one or more legitimate business interests justifying the restrictive covenant.

If a person seeking enforcement of the restrictive covenant establishes by prima-facie evidence that the restraint is in compliance with the provisions of Code Section 13-8-53, then any person opposing enforcement has the burden of establishing that the contractually specified restraint does not comply with such requirements or that such covenant is unreasonable.

13-8-56.

In determining the reasonableness of a restrictive covenant that limits or restricts competition during or after the term of an employment or business or commercial relationship, the court shall make the following presumptions:

(1) During the term of the relationship, a time period equal to or measured by duration of the parties' relationship is reasonable; provided, however, that the reasonableness of a time period after the term of an employment or business or commercial relationship shall be as provided for in Code Section 13-8-57;

(2) A geographic territory which includes the areas in which the employer does business at any time during the parties' relationship, even if not known at the time of entry into the restrictive covenant, is reasonable provided that:

(A) The total distance encompassed by the provisions of the covenant also is reasonable;

(B) The agreement contains a list of particular competitors as prohibited employers for a limited period of time after the term of employment or a business or commercial relationship; or

(C) Both subparagraphs (A) and (B) of this paragraph;

(3) The scope of competition restricted is measured by the business of the employer or other person or entity in whose favor the restrictive covenant is given; provided, however, that a court shall not refuse to enforce the provisions of a restrictive covenant because the person seeking enforcement establishes evidence that a restrictive covenant has been violated but has not proven that the covenant has been violated as to the entire scope of the prohibited activities of the person seeking enforcement or as to the entire geographic area of the covenant; and

(4) Any restriction that operates during the term of an employment relationship, agency relationship, independent contractor relationship, partnership, franchise, distributorship, license, ownership of a stake in a business entity, or other ongoing business relationship shall not be considered unreasonable because it lacks any specific limitation upon scope of activity, duration, or geographic area so long as it promotes or protects the purpose or subject matter of the agreement or relationship or deters any potential conflict of interest.

13-8-57.

(a) In determining the reasonableness in time of a restrictive covenant sought to be enforced after a term of employment, a court shall apply the rebuttable presumptions provided in this Code section.

(b) In the case of a restrictive covenant sought to be enforced against a former employee and not associated with the sale or ownership of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint two years or less in duration and shall presume to be unreasonable in time any restraint more than two years in duration, measured from the date of the termination of the business relationship.

(c) In the case of a restrictive covenant sought to be enforced against a current or former distributor, dealer, franchisee, lessee of real or personal property, or licensee of a trademark, trade dress, or service mark and not associated with the sale of all or a part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint three years or less in duration and shall presume to be unreasonable in time any restraint more than three years in duration, measured from the date of termination of the business relationship.

(d) In the case of a restrictive covenant sought to be enforced against the owner or seller of all or a material part of:

(1) The assets of a business, professional practice, or other commercial enterprise;

(2) The shares of a corporation;

(3) A partnership interest;

(4) A limited liability company membership; or

(5) An equity interest or profit participation, of any other type, in a business, professional practice, or other commercial enterprise,

a court shall presume to be reasonable in time any restraint the longer of five years or less in duration or equal to the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection and shall presume to be unreasonable in time any restraint more than the longer of five years in duration or the period of time during which payments are being made to the owner or seller as a result of any sale referred to in this subsection, measured from the date of termination or disposition of such interest.

13-8-58.
(a) A court shall not refuse to enforce a restrictive covenant on the ground that the person seeking enforcement is a third-party beneficiary of such contract or is an assignee or successor to a party to such contract.
(b) In determining the enforceability of a restrictive covenant, it is not a defense that the person seeking enforcement no longer continues in business in the scope of the prohibited activities that is the subject of the action to enforce the restrictive covenant if such discontinuance of business is the result of a violation of the restriction.
(c) A court shall enforce a restrictive covenant by any appropriate and effective remedy available at law or equity, including, but not limited to, temporary and permanent injunctions.
(d) In determining the reasonableness of a restrictive covenant between an employer and an employee, as such term is defined in subparagraphs (A) through (C) of paragraph (5) of Code Section 13-8-51, a court may consider the economic hardship imposed upon an employee by enforcement of the covenant; provided, however, that this subsection shall not apply to contracts or agreements between or among those persons or entities listed in paragraphs (2) through (7) of subsection (a) of Code Section 13-8-52.

13-8-59.
Nothing in this article shall be construed or interpreted to allow or to make enforceable any restraint of trade or commerce that is otherwise illegal or unenforceable under the laws of the United States or under the Constitution of this state or of the United States."

PART II
SECTION 2-1.
Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by adding a new chapter to read as follows:

"CHAPTER 38

50-38-1.
(a) No contract, compact, or other agreement negotiated between the Governor and any Indian tribe pertaining to gambling shall be signed by the Governor without the express approval of the General Assembly by resolution approved by two-thirds of the members elected to each chamber.
(b) Any contract, compact, or other agreement signed by the Governor in violation of this Code section shall be void ab initio, shall not be recognized by the state, and shall be of no force or effect."

PART III
SECTION 3-1.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to contracts entered into on and after such date and shall not apply in actions determining the enforceability of restrictive covenants entered into before such date.

SECTION 3.2.

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

Representative Willard of the 49th moved that the House disagree to the Senate substitute to HB 30.

The motion prevailed.

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.

The following Senate amendment was read:

The Senate moves to a*mend the House Floor Amendment to SB 156 (AM 28 1103) by inserting between lines 4 and 5 the following:*

the removal of the requirements for certain audits; to require certain reports; to provide for

By inserting between lines 20 and 21 the following:

SECTION 1.1.

Said part is further amended by revising paragraph (1) of subsection (m) of Code Section 46-5-134, relating to billing of subscribers, liability of subscriber for service charge, taxes on service, establishment of Emergency Telephone System Fund, records, and use of federal, state, municipal, or private funds, as follows:

"(m)(1) Any local government collecting or expending any 9-1-1 charges or wireless enhanced 9-1-1 charges in any fiscal year beginning on or after July 1, 2005, shall ~~file an annual report of its collections and expenditures in conjunction with the annual audit required under Code Section 36-81-7. The form shall be designed by the state auditor and shall be distributed to local governments administering such funds. The annual report shall require certification by the recipient local government and by the local~~

~~government auditor that~~ document the amount of funds collected and expended from such charges. Any local government collecting or expending 9-1-1 funds shall certify in their audit, as required under Code Section 36-81-7, that 9-1-1 funds were expended in compliance with the expenditure requirements of this Code section."

Representative Powell of the 29th moved that the House agree to the Senate amendment to the House amendment to SB 156.

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

E 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	Y Sheldon
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	Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L
Y Baker	Y Drenner	E 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	E 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	Y Pak	Y Taylor, D
Y Brooks	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	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	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	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	E Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion the ayes were 160, nays 2.

The motion prevailed.

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 Senate substitute was read:

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 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 when the basis of payment by the department is contingent upon a percentage of the overpayment amounts collected by the contractor. This Code section shall not apply to any such contingency fee contract entered into prior to July 1, 2011. Nothing in this Code section shall be construed to require the department to enter into any contract which would violate any federal law, rule, regulation, directive, or policy. Additionally, this Code section shall apply only to such Medicaid recovery audit contracts described herein. This Code section shall not apply to any other department 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, audits, or for any other departmental purpose. 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.

Representative Cooper of the 41st moved that the House agree to the Senate substitute to HB 489.

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

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

On the motion, the ayes were 153, nays 4.

The motion prevailed.

Representative Holmes of the 125th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

The Speaker assumed the Chair.

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.

The following Senate amendment was read:

The Senate moves to amend *the House substitute to SB 121 (LC 28 5723S) by adding immediately after* "To" *on line 1 the following:*

make certain changes relating to the powers, duties, and authority of the Department of Natural Resources and the Board of Natural Resources; 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 that the Department of Natural Resources and any county or municipality operating a public golf course shall be authorized to provide for the sale of wine and distilled spirits at such golf course under certain circumstances; to

By inserting between lines 12 and 13 the following:

SECTION 0.5.

Chapter 8 of Title 3 of the Official Code of Georgia Annotated, relating to the sale of alcoholic beverages at publicly owned facilities, is amended by revising Code Section 3-8-2, relating to the sale of malt beverages at public golf courses operated by counties and municipalities, as follows:

"3-8-2.

~~Any~~ The Department of Natural Resources or any county or municipality operating a public golf course and offering food or drink for retail sale as an incident to the operation

of the golf course may ~~at its discretion~~ sell at retail malt beverages, wine, and distilled spirits by the drink as an incident to the operation of the golf course upon obtaining a retail consumption license."

Representative Powell of the 171st moved that the House agree to the Senate amendment to the House substitute to SB 121.

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

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

On the motion the ayes were 139, nays 23.

The motion prevailed.

HB 107. By Representatives Ralston of the 7th, Bearden of the 68th, Parsons of the 42nd, Powell of the 171st, Purcell of the 159th and others:

A BILL to be entitled an Act to amend Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, so as to provide that the surviving spouse and dependents of a state employee killed while acting in the scope of his or her employment shall be entitled to continue coverage under the state health insurance plan under certain conditions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, so as to provide that the surviving spouse and dependents of a state employee killed while acting in the scope of his or her employment shall be entitled to continue coverage under the state health insurance plan under certain conditions; 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.

Code Section 45-18-9 of the Official Code of Georgia Annotated, relating to the right of continuation of health coverage for a spouse or dependent of a deceased public employee, is amended by revising subsection (e) as follows:

"(e) If any employee of this state is killed while acting within the scope of his or her employment or receives bodily injury while acting within the scope of his or her employment that directly results in death thereafter, eligible dependents may continue coverage, provided that:

(1) The deceased employee was the primary or principal beneficiary of any contract or contracts for health insurance established under this part;

(2) At the time of death, the employee included his or her eligible dependents under such contract or contracts for health insurance;

(3) At the time of death, the employee maintained continuous coverage during the period between injury and death;

(4) The eligible dependents agree to pay the contributions to the cost of such coverage; and

(5) The eligible dependents pay such contributions in accordance with the rules and regulations promulgated and adopted by the board governing the continuance, discontinuance, and resumption of coverage by such eligible dependents; provided, however, that, on and after the effective date of this clause, any eligible dependents of a deceased employee of this state killed in the line of duty who are receiving continued coverage or who elect to continue coverage pursuant to this subsection shall be entitled to continue such coverage under the health insurance plan established pursuant to this part upon agreeing to pay contributions at the same rate as required for state employees and in compliance with the rules and regulations governing such coverage."

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.

Representative Bearden of the 68th moved that the House agree to the Senate substitute to HB 107.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	McCall	Y Sheldon
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
Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Morgan	Y Smith, L
Y Baker	Y Drenner	E Houston	Morris	Y Smith, R
Y Battles	Y Dudgeon	Y Howard	Y Mosby	Y Smith, T
Bearden	Y Dukes	Y Huckaby	Y Murphy	Y Smyre
Y Beasley-Teague	Y Dutton	E 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	Floyd	Y Jerguson	Y Pak	Y Taylor, D
Y Brooks	Fludd	Y Johnson	Y Parent	Y Taylor, R
Y Bruce	N Franklin	Y Jones, J	Y Parrish	Y Taylor, T
Y Bryant	Y Frazier	Y Jones, S	Y Parsons	Y Teasley
Y Buckner	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	Kidd	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	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	E Rynders	Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 159, nays 1.

The motion prevailed.

HB 47. By Representatives Ramsey of the 72nd, Meadows of the 5th, Maxwell of the 17th, Sheldon of the 105th, Peake of the 137th and others:

A BILL to be entitled an Act to amend Chapter 29A of Title 33 of the Official Code of Georgia Annotated, relating to individual health insurance coverage, so as to authorize insurers to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states; to provide for legislative findings; to provide for a definition; to provide for minimum standards for such policies; to provide for certain notices; to authorize the Commissioner of Insurance to adopt rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate amendments were read:

Senate Amendment #1

The Senate moves to a*mend HB 47 (LC 33 4224S) by substituting on line 29* "<u>has been</u>" *with the following:*

<u>is currently</u>

Senate Amendment #3

The Senate moves to amend *HB 47 (LC 33 3847) by adding after line 65 the following:*

<u>(c) Each individual accident and sickness policy sold pursuant to this article shall contain a side-by-side chart that compares the definitions of each benefit covered by the policy that has been sold in the other state with the definitions of the benefits covered under</u>

current Georgia laws and regulations where the specified benefit is similarly termed but defined differently.

Senate Amendment #4

The Senate moves to amend *HB 47 (LC 33 3847) by striking lines 45 through 48 and inserting in lieu thereof the following:*

(b) The Commissioner shall have the authority to determine whether an insurer satisfies the standards required by this Code section and may not approve a plan that he or she finds lacks compliance with this Code section. The Commissioner shall have the authority to determine whether the plan sold pursuant to this article continues to satisfy the requirements set forth in this Code section in the same manner as he or she does with an individual accident and sickness insurance policy approved pursuant to another applicable chapter in this title.

Senate Amendment #6

The Senate moves to amend HB 47 LC 33 3847 by inserting on line 26 after the period "The term 'individual accident and sickness insurance policy' shall also include comprehensive major medical coverage for medical and surgical benefits, and also includes 'High Deductible Health Plans' sold or maintained under the applicable provisions of Section 223 of the Internal Revenue Code."

Senate Amendment #7

The Senate moves to amend HB 47 by deleting at the end of line 69 (the period .) and add the following: , and preserve the intent and effect of Code Sections 33-24-27.1, 33-24-27, 31-24-59.12, and 33-29-6(c).

Senate Amendment #13

The Senate moves to amend *HB 47 (LC 33 4224S) by substituting lines 19 and 20 with the following:*

allowing insurers authorized to transact insurance in Georgia to issue individual accident and sickness policies in Georgia that is currently approved for issuance in another state.

By substituting lines 29 through 31 with the following:

insurance policy that has been approved for issuance in another state where the insurer or the insurer's affiliate or subsidiary is authorized to transact insurance so long as the insurer or the insurer's affiliate or subsidiary filing and issuance such policy in Georgia is

also authorized to transact insurance in this state pursuant to Chapter 3 of this title and provided

Representative Ramsey of the 72nd moved that the House agree to the Senate amendments to HB 47.

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

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

On the motion, the ayes were 98, nays 58.

The motion prevailed.

Representative Cooper of the 41st stated that she inadvertently voted "nay" on the preceding roll call. She 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 agreed to the House amendment to the following bill of the Senate:

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.

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

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

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

The Senate adheres to its amendment to the House substitute and has appointed a Committee of Conference on the following bill of the House:

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.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Ligon of the 3rd, Hill of the 32nd, and Loudermilk of the 52nd.

The Senate has agreed to the House amendment to the Senate substitute as amended to the following bill of the House:

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 Bills of the Senate were taken up for the purpose of considering the Senate action thereon:

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.

The following Senate amendment was read:

The Senate moves to *amend the House substitute to SB 82 by inserting after "*primaries;*" on line 4 "*to provide for the qualifying dates for nonpartisan candidates;*"; by inserting after "*matters;*" on line 29 "*to provide for effective dates;*"; and by inserting after line 93 the following:*

SECTION 2A.

Said chapter is further amended by revising paragraph (1) of subsection (i) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit, as follows:

"(1) All candidates seeking election in a nonpartisan election shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order to be eligible to have their names placed on the nonpartisan election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State ~~no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July~~ <u>at the same time as candidates for party nomination in the general primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153</u>, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent ~~no earlier than 9:00 A.M. on the last Monday in July immediately prior to the election and no later than 12:00 Noon on the Friday following the last Monday in July~~ <u>at the same time as candidates for party</u>

nomination in the general primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153, notwithstanding the fact that any such days may be legal holidays;"

By inserting after line 544 the following:

SECTION 21A.

(a) Section 2A of this Act shall become effective on July 1, 2011, only if House Bill 158 is passed by the General Assembly during the 2011 regular session and is approved by the Governor or becomes law without such approval. Otherwise, Section 2A shall be repealed by operation of law on such date and shall be of no force and effect.
(b) The remaining sections of this Act shall become effective on July 1, 2011.

Representative Brockway of the 101st moved that the House agree to the Senate amendment to the House substitute to SB 82.

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

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

Y Cooke	Y Harrell	Y Manning	Y Rogers	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	E Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	N Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion the ayes were 153, nays 9.

The motion prevailed.

By unanimous consent, all Bills and Resolutions on the General Calendar were recommitted to the Committee from whence they came.

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

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

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

The following Senate amendment was read:

The Senate moves to *amend the House substitute to SB 58 by adding "*state highway employee,*" after "*management specialist,*" on line 7.*

*By adding "*state highway employee,*" after "*management specialist,*" on line 56.*

Representative Shaw of the 176th moved that the House agree to the Senate amendment to the House substitute to SB 58.

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

E Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
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
Atwood	Y Dobbs	Y Holt	Y Mitchell	Y Smith, K
Y Austin	Y Dollar	Y Horne	Y Morgan	Y Smith, L

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

On the motion the ayes were 150, nays 2.

The motion prevailed.

The following Bill of the House was taken up for the purpose of considering the report of the Committee of Conference 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 report of the Committee of Conference was read:

COMMITTEE OF CONFERENCE REPORT ON HB 500

The Committee of Conference on HB 500 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference Substitute to HB 500 be adopted.

Respectfully submitted,

FOR THE SENATE:	FOR THE HOUSE OF REPRESENTATIVES:
/s/ Stone Senator, 23rd District	/s/ Jimmy Pruett Representative, 144th District
/s/ Davis Senator, 22nd District	/s/ Virgil Fludd Representative, 66th District
/s/ Chance Senator, 16th District	/s/ Lindsey Representative, 54th District

A BILL TO BE ENTITLED
AN ACT

To amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to change certain provisions relating to unemployment; to change provisions relating to eligibility requirements for extended benefits so as to provide a state "on" indicator for triggering an extended benefit period under certain circumstances during a certain period of time; to change certain definitions; 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.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, is amended by revising paragraphs (1) and (3) of subsection (a) of Code Section 34-8-197, relating to eligibility requirements for extended benefits, as follows:

"(1) 'Eligibility period' of an individual means the period consisting of the weeks in his or her benefit year which begin in an extended benefit period and, if his or her benefit year ends within such extended benefit period, any weeks thereafter which begin in such period; provided, however, that with respect to extended benefit periods established under division (a)(3)(B)(i) of this Code section pertaining to Section 2005 of Public Law 111-5 and any extension thereof that does not impose any new condition upon receipt of ~~such~~ 100 percent federal funding, or division (a)(3)(B)(ii) of this Code section pertaining to Section 502 of Public Law 111-312, 'eligibility period' of an individual also means the period consisting of the weeks during which such individual is eligible for Emergency Unemployment Compensation provided for by the Supplemental Appropriations Act of 2008, Title IV Emergency Unemployment Compensation, Public Law 110-252, and the Unemployment Compensation Extension Act of 2008, Public Law 110-449, and any extension or expansion thereof, when such weeks begin in that extended benefit period and, if his or her eligibility for such emergency unemployment compensation ends within such extended benefit period, any weeks thereafter which begin in such period, except as otherwise limited by the provisions in division ~~(a)(3)(B)(ii)~~(a)(3)(B)(iii) of this Code section."

"(3)(A) 'Extended benefit period' means a period which:

(i) Begins with the third week after a week for which there is a state 'on' indicator; and

(ii) Ends with either of the following weeks, whichever occurs later:

(I) The third week after the first week for which there is a state 'off' indicator; or

(II) The thirteenth consecutive week of such period.

However, no extended benefit period may begin by reason of a state 'on' indicator before the fourteenth week following the end of a prior extended benefit period which was in effect with respect to this state. There is a state 'on' indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, the rate of insured unemployment under the state law for the period equaled or exceeded 120 percent of the average of such rates for the corresponding 13 week period ending in each of the preceding two calendar years and equaled or exceeded 5 percent.

(B)(i) With respect to weeks of unemployment beginning on or after February 1, 2009, there is a state 'on' indicator for a week if:

(I) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 6 1/2 percent; and

(II) The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in subdivision (I) of this subparagraph, equals or exceeds 110 percent of such average for either or both of the corresponding three-month periods ending in the two preceding calendar years.

(ii) In accordance with the provisions of Section 502(a) of the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, P.L.

111-312, with respect to weeks of unemployment beginning on or after February 27, 2011, and ending on December 31, 2011, there is a state 'on' indicator for a week if:

(I) The average rate of total unemployment, seasonally adjusted, as determined by the United States secretary of labor, for the period consisting of the most recent three months for which data for all states are published before the close of such week equals or exceeds 6 1/2 percent; and

(II) The average rate of total unemployment in this state, seasonally adjusted, as determined by the United States secretary of labor, for the three-month period referred to in subdivision (I) of this subparagraph, equals or exceeds 110 percent of such average for any or all of the corresponding three-month periods ending in the three preceding calendar years.

~~(ii)~~(iii) This subparagraph shall apply only through the week ending ~~three~~ four weeks prior to the last week for which 100 percent federal funding is authorized and provided pursuant to either Section 2005(a) of Public Law 111-5 or any extension thereof that does not impose any new condition upon receipt of such federal funding, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of such law.

(C) There is a state 'off' indicator for a week if, for the period consisting of such week and the immediately preceding 12 weeks, none of the options specified in subparagraphs (A) and (B) of this paragraph result in an 'on' indicator."

SECTION 2.

Said title is further amended by revising subsections (m) and (n) of Code Section 34-8-197, relating to eligibility requirements for extended benefits, as follows:

"(m) For purposes of subsection (l) of this Code section, 'high-unemployment period' means a period during which an extended benefit period would be in effect if subdivision (a)(3)(B)(i)(I) or, if applicable, subdivision (a)(3)(B)(ii)(I) of this Code section were applied by substituting '8 percent' for '6 1/2 percent.'

(n) Subsections (l) and (m) of this Code section shall apply through the week ending ~~three~~ four weeks prior to the last week for which 100 percent federal funding is authorized and provided pursuant to either Section 2005(a) of Public Law 111-5 or any extension thereof that does not impose any new condition upon receipt of such federal funding, without regard to the extension of federal sharing for certain claims as provided under Section 2005(c) of such law."

SECTION 3.

Said title is further 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 4.

Said title 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 5.

This Act shall become effective on July 1, 2011.

SECTION 6.

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

Representative Pruett of the 144th moved that the House adopt the report of the Committee of Conference on HB 500.

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

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

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

On the motion, the ayes were 125, nays 35.

The motion prevailed.

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

The Senate moves to *amend AM 29 1065 by revising lines 8 through 27 as follows:*

"(b)(1) ~~In all counties of this state having a population of not less than 183,000 and not more than 216,000 according to the United States decennial census for 1990 or any such future census, the chief judge of the superior court of such counties 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, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, 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 said personnel shall be as prescribed by said judge.~~ In all counties of this state where the chief superior court judge of the county had the power to appoint a jury clerk on January 1, 2011, the chief judge of the superior court of such counties shall continue to 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, and the appointments to these positions and the compensation therefor shall be determined by said judge without regard to any other system or rules, said personnel to serve at the pleasure of said judge, and the salaries and expenses thereof, 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 said personnel shall be as prescribed by said judge.

Representative Atwood of the 179th moved that the House agree to the Senate amendment to the House amendment to the Senate substitute to HB 415.

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

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

Channell	Greene	Lane	Ramsey	Weldon
Y Cheokas	Y Hamilton	Y Lindsey	N Randall	N Wilkerson
Clark, J	Hanner	N Long	Y Reece	Y Wilkinson
Y Clark, V	Y Harbin	N Lucas	Rice	Y Willard
Coleman	Y Harden, B	Y Maddox, B	Y Riley	N Williams, A
N Collins	N Harden, M	Y Maddox, G	Y Roberts	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers	Williams, R
Y Coomer	Y Hatchett	Marin	E Rynders	Y Williamson
Y Cooper	N Hatfield	Y Martin	N Scott, M	Y Yates
Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the motion, the ayes were 91, nays 64.

The motion prevailed.

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

Mr. Speaker:

The Senate has agreed to the House substitute to the following bill 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.

The Senate has agreed to the House substitute to the following bill 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.

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

The Senate recedes from its amendment to the House substitute of following bill of the Senate:

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

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

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

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

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

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

HB 117. By Representative Crawford of the 16th:

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

Mr. Speaker:

The Senate recedes from its substitute to the following bill of the House:

HB 30. By Representative Willard of the 49th:

A BILL to be entitled an Act to provide for legislative findings; to amend Chapter 8 of Title 13 of the Official Code of Georgia Annotated, relating to illegal or void contracts generally, so as to repeal Code Section 13-8-2.1, relating to contracts in partial restraint of trade; to change provisions relating to contracts contravening public policy; to repeal Article 4 of Chapter 8 of Title 13, relating to restrictive covenants in contracts; to provide a statement of legislative findings; to provide for rebuttable presumptions; to provide for enforcement by third-parties; to provide for construction; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The Senate has agreed to the House substitute to 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.

The Senate has agreed to the House substitute as amended by the Senate to the following bill of the Senate:

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.

The Senate has agreed to the House substitute to the following bill of the Senate:

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.

Mr. Speaker:

The Senate has agreed to the House amendment to the Senate substitute to the following bill of the House:

HB 192. By Representatives Coleman of the 97th, England of the 108th, Carter of the 175th, Abrams of the 84th, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to establish the State Education Finance Study Commission to evaluate the Quality Basic Education Formula and education funding for public schools; to provide for legislative findings; to provide for composition of the commission; to provide for compensation of the members of the commission; to provide for duties and powers; to provide for support staff; to provide for a timeline; to provide for automatic repeal on a certain date; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted the report of the Committee of Conference on the following bill of the House:

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.

Representative O'Neal of the 146th moved that the House do now adjourn sine die, and the motion prevailed.

Pursuant to HR 791, adopted by the House and Senate, the Speaker announced the House adjourned sine die.