

Representative Hall, Atlanta, Georgia**Tuesday, February 21, 2012****Twenty-Second Legislative Day**

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

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

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

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

Representatives Ashe of the 56th, Beverly of the 139th, Dempsey of the 13th, Hanner of the 148th, Harden of the 28th, Hudson of the 124th, Jones of the 44th, Jordan of the 77th, Oliver of the 83rd, Ramsey of the 72nd, Setzler of the 35th, Shaw of the 176th,

Sims of the 169th, Smith of the 168th, Taylor of the 79th, Weldon of the 3rd, and Willard of the 49th.

They wished to be recorded as present.

Prayer was offered by Reverend Dr. Jim Ellison, Senior Pastor, Simpsonwood United Methodist Church, Norcross, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

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

HB 1074. By Representative Lane of the 167th:

A BILL to be entitled an Act to amend an Act to re-create and establish the Board of Commissioners of Long County, approved March 10, 1988 (Ga. L. 1988, p. 3755), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for

preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1075. By Representative Lane of the 167th:

A BILL to be entitled an Act to amend an Act providing for the election of the Board of Education of Long County, approved March 23, 1977 (Ga. L. 1977, p. 3293), as amended, particularly by an Act approved March 15, 1988 (Ga. L. 1988, p. 3964), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1076. By Representatives Buckner of the 130th, James of the 135th and Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act establishing a Board of Commissioners of Talbot County, approved February 16, 1876 (Ga. L. 1876, p. 291), as amended, particularly by an Act approved June 4, 2003 (Ga. L. 2003, p. 4692), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for related matters; to provide for submission of this Act 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 - Local.

HB 1077. By Representatives Buckner of the 130th, James of the 135th and Cheokas of the 134th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Talbot County, approved April 5, 1993 (Ga. L. 1993, p. 4710), as amended, particularly by an Act approved June 4, 2003 (Ga. L. 2003, p. 4697), so as to revise the districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal

Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1078. By Representatives Neal of the 1st and Purcell of the 159th:

A BILL to be entitled an Act to amend Part 4 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to commencement and conduct of juvenile proceedings in courts, so as to provide for the modification of orders of delinquency for children who are victims of sexual abuse or sexual trafficking; to amend Part 8 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to access to juvenile court records and hearings, so as to provide for the sealing of court records for children who are victims of sexual abuse or sexual trafficking; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1079. By Representatives Neal of the 1st and Jackson of the 142nd:

A BILL to be entitled an Act to amend Article 4 of Chapter 2 of Title 18 of the Official Code of Georgia Annotated, the "Uniform Fraudulent Transfers Act," so as to define certain terms; to provide that a charitable contribution made to a charitable organization shall not be deemed a fraudulent transfer where the charitable organization receives such contribution in good faith; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1080. By Representatives Purcell of the 159th, Neal of the 1st, Powell of the 171st, Cheokas of the 134th, Carter of the 175th 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 eliminate the 9-1-1 Advisory Committee; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HB 1081. By Representatives Purcell of the 159th, Neal of the 1st, Powell of the 171st, Cheokas of the 134th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Titles 34, 38, 45, and 50 of the O.C.G.A., relating to labor and industrial relations, to the military, emergency management, and veterans affairs, to public officers and employees, and to state government, respectively, so as to eliminate the licensing of nongovernmental rescue organizations, groups, teams, search and rescue dog teams, and individuals by the director of the Georgia Emergency Management Agency; to revise certain definitions; to change certain provisions relating to applications for indemnification; to revise certain provisions relating to state flags to honor service of deceased; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 1082. By Representative Houston of the 170th:

A BILL to be entitled an Act to provide that future elections for the office of chief magistrate of the Magistrate Court of Cook County shall be nonpartisan elections; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 1083. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend an Act creating the Cook County Board of Education, approved March 28, 1986 (Ga. L. 1986, p. 5499), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5615), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1084. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cook County, approved August 12, 1919 (Ga. L. 1919, p. 627), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5621), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1085. By Representatives Ashe of the 56th, Willard of the 49th, Brooks of the 63rd, Jones of the 46th, Riley of the 50th and others:

A BILL to be entitled an Act to repeal an Act providing for a budget commission in counties having a population of 300,000 or more according to the United States decennial census of 1950 or any future such census, approved March 2, 1953 (Ga. L. 1953, Jan.-Feb. Sess., p. 2815), as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 1086. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions applicable to labor and industrial relations, so as to prohibit mandatory immunizations or vaccination by employers under certain circumstances; to provide for exceptions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1087. By Representatives Powell of the 171st, Houston of the 170th and Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act re-creating the Board of Commissioners of Colquitt County, approved March 24, 1974 (Ga. L. 1974, p. 3078), as amended, particularly by an Act approved April 1, 2002 (Ga. L.

2002, p. 3691), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1088. By Representatives Powell of the 171st, Houston of the 170th and Rynders of the 152nd:

A BILL to be entitled an Act to amend an Act relating to the Board of Education of Colquitt County, approved March 12, 1970 (Ga. L. 1970, p. 2582), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3684), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1089. By Representatives Carson of the 43rd, Rice of the 51st, Manning of the 32nd, Ehrhart of the 36th, Lindsey of the 54th and others:

A BILL to be entitled an Act to repeal and reserve Chapter 67 of Title 36 of the Official Code of Georgia Annotated, relating to zoning proposal review procedures; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1090. By Representatives Mitchell of the 88th, Mosby of the 90th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Kendrick of the 94th and others:

A BILL to be entitled an Act to incorporate the City of DeKalb in DeKalb County; to provide for a charter for the City of DeKalb; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts

relative to members of such governing authority; to provide for inquiries and investigations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

HB 1091. By Representative Maddox of the 127th:

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from Pike County School District ad valorem taxation for certain residents, approved April 4, 1991 (Ga. Laws 1991, p. 3695), so as to increase the amount of the exemption from school district taxes for residents who are 65 and older; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1092. By Representative Parrish of the 156th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Stillmore, approved April 10, 1998 (Ga. L. 1998, p. 4316), so as to provide for staggered terms for members of the city council; to provide for the manner of election; to provide that the mayor and council shall appoint the city attorney and city clerk; to revise the duties of the mayor and council; to revise the amount of fines that may be imposed by the municipal court; to provide for the applicability of Chapter 2 of Title 21 of the O.C.G.A. to municipal elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1093. By Representatives Braddock of the 19th, Jacobs of the 80th, Coomer of the 14th, Knight of the 126th, Clark of the 98th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to theft, so as to change provisions relating to removal of shopping carts and the required posting of the Code section in stores and markets; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1094. By Representatives Wilkerson of the 33rd, Golick of the 34th, Johnson of the 37th, Evans of the 40th, Dollar of the 45th and others:

A BILL to be entitled an Act to amend Code Section 48-6-73 of the Official Code of Georgia Annotated, relating to reports and distributions of intangible recording taxes, so as to change certain provisions relating to population brackets and the census relative to the commission on the collection of intangible recording taxes; provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HR 1519. By Representatives Ashe of the 56th, Howard of the 121st, Abrams of the 84th, Hugley of the 133rd, Smyre of the 132nd and others:

A RESOLUTION creating the Joint Early Learning Study Committee; and for other purposes.

Referred to the Committee on Education.

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

HB 1110. By Representatives Cooper of the 41st, Benton of the 31st, Yates of the 73rd, Howard of the 121st, Lindsey of the 54th 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 revise provisions relating to penalties relative to the owning or operating of unlicensed personal care homes; to authorize the Department of Community Health to provide for additional criminal offenses for background checks for owners and employees of personal care homes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 1521. By Representative Taylor of the 55th:

A RESOLUTION proposing an amendment to the Constitution of Georgia so as to authorize the General Assembly to provide for the creation of alternate authorizers to approve the establishment of charter schools; to provide for

related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Education.

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

HB 1037	HB 1038
HB 1039	HB 1040
HB 1041	HB 1042
HB 1043	HB 1044
HB 1045	HB 1046
HB 1047	HB 1056
HB 1057	HB 1058
HB 1059	HB 1060
HB 1061	HB 1062
HB 1063	HB 1064
HB 1065	HB 1066
HB 1067	HB 1068
HB 1069	HB 1070
HB 1071	HB 1072
HB 1073	HR 1439
HR 1465	SB 323
SB 331	SB 358
SB 366	SB 388
SB 389	SB 392
SB 393	

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

Mr. Speaker:

Your Committee on Intragovernmental Coordination - Local Legislation has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 905	Do Pass, by Substitute
HB 1014	Do Pass
HB 1019	Do Pass

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

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

HR 1182	Do Pass	HR 1241	Do Pass
HR 1382	Do Pass	HR 1468	Do Pass

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

HOUSE RULES CALENDAR
TUESDAY, FEBRUARY 21, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 22nd Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HB 635 Macon Water Commissioners - Pension Plan; change provisions
(Substitute)(Ret-Lucas-139th)

Modified Open Rule

HB 733 Family violence; holdover provisions for appointees; add (JudyNC-Hightower-68th)

HB 786 Consumers' insurance advocate; not necessary to file insurance rate filings until appropriately funded; provide (Ins-Hembree-67th)

HB 886 Banking and finance; credit exposure as a counterparty in derivative transactions; limit certain obligations (B&B-Williamson-111th)

HB 929 Judicial circuits; assistant district attorney for certain populations; repeal office (IGC-O`Neal-146th)

HB 930 Judicial circuits; superior court judge for certain populations; repeal supplemental expense allowance (IGC-O`Neal-146th)

Modified Structured Rule

None

Structured Rule

- HB 472 Brewpub distribution system; maximum barrels of beer manufactured and sold; increase (Substitute)(RegI-Smith-131st)
- HB 634 Ad valorem tax; population brackets and census; change provisions (W&M-Sheldon-105th)
- HB 895 Sexual Offender Registration Review Board; gathering information relating to sexual offenders; provide more effective methods (JudyNC-Carter-175th)

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

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

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

HB 1014. By Representatives Powell of the 29th and Harden of the 28th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Lavonia, approved May 13, 2002 (Ga. L. 2002, p. 5809), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p 3655), so as to change and extend the corporate limits of said city; to repeal conflicting laws; and for other purposes.

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

HB 1019. By Representatives Parent of the 81st, Taylor of the 79th and Bell of the 58th:

A BILL to be entitled an Act to amend an Act to reincorporate the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to provide for the filling of vacancies in the offices of mayor and councilmember; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

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

Representative Maddox of the 172nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 905. By Representatives Setzler of the 35th, Golick of the 34th, Cooper of the 41st, Dollar of the 45th, Teasley of the 38th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; 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.

An Act creating the Board of Commissioners of Cobb County, approved June 19, 1964 (Ga. L. 1964, Ex. Sess., p. 2075), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3808), is amended by revising Sections 1 through 4 as follows:

"SECTION 1.

The Board of Commissioners of Cobb County which exists on January 1, 2013, is continued in existence but on and after such date, shall be constituted as provided in this Act. The Board of Commissioners of Cobb County so continued and constituted,

sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2013.

SECTION 2.

(a) Those members of the Board of Commissioners of Cobb County who are serving as such prior to January 1, 2013, and any persons selected to fill a vacancy in any such office shall continue to serve as such until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after January 1, 2013, the Board of Commissioners of Cobb County shall consist of five members who shall be elected from commissioner districts described in subsection (b) of this section except for the chairperson who is elected at large as provided in Section 3.

(b) For purposes of electing members of the board of commissioners, other than the chairperson, Cobb County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts established pursuant to the final order entered on November 18, 2003, in *Perry, et al. v. The Cobb County Board of Elections and Registration, et al.* 314 Supp. 2nd 1332 described in and attached to and made a part of this Act and further identified as 'Plan: cobbcc-hd035-prop4-2012 Plan Type: Local Administrator: HD035 User: bak'.

(c)(1) When used in such attachment, the term 'VTD' (voting tabulation district) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia.

(2) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Cobb County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(3) Any part of Cobb County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(4) Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

SECTION 3.

- (a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.
- (b) In order to be elected as a member of the board from a commissioner district, a person must receive the number of votes cast as required by general law for that office in that district only. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.
- (c) The chairperson of the board may reside anywhere within Cobb County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant.

SECTION 4.

- (a) The first members of the reconstituted Board of Commissioners of Cobb County shall be elected as provided in this subsection. The chairperson and the first members from Commissioner Districts 2 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. The chairperson and those members of the board elected thereto from Commissioner Districts 2 and 4 in November, 2012, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors. The first members from Commissioner Districts 1 and 3 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 3 in November, 2014, shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified in this subsection and until their respective successors are elected and qualified.
- (b) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'
- (c) Commissioner Districts 1 through 4, as they exist immediately prior to January 1, 2013, shall continue to be designated as Commissioner Districts 1 through 4,

respectively, but as newly described under this Act, and on and after January 1, 2013, members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this section."

SECTION 2.

The Board of Commissioners of Cobb County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

This section and Section 2 of this Act and those provisions of this Act necessary for the election of members of the Board of Commissioners of Cobb County in 2012 shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 2013.

SECTION 4.

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

Plan: cobbcc-hd035-prop4-2012

Plan Type: Local

Administrator: HD035

User: bak

District 001

Cobb County

VTD: 067AC1A - ACWORTH 1A

030101:

2057 2058 2059 3017 3018 3019 3020 3021 3027 3028 3029 3030
3031 4000 4001 4002 4003 4004 4005 4008 4010 4013 4015 4016

030103:

1001 1002 1003 1008 1015 1016 1017 1018 1019 1020 1021 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1036
1038 1040 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051
1055 1056 1057 1059 1060 1061 1062 3000 3003 3004 3006 3008
3009 3010 3011 3012 3014 3016 3017 3019 3020 3022 3023 3024
3025 3026 3027 3031 3032 3033 3036 3038 3039 3040 3042 3044
3049 3051 3053 3057

30214:

2001 2002 2004 2005 2007 2011 2012 2013 2015 2016

030224:

2011 2012 2013 2014 2016 2017 2018 2019 2021

VTD: 067AC1B - ACWORTH 1B

030101:

2001 2003 2004 2010 2022 2023 2024 2025 2026 2027 2033 2035
2037 2039 2040 2041 2042 2043 2044 2045

030103:

1010 1011 1012 1013 1014 1022 1035 1037 1039 1041

VTD: 067AC1C - ACWORTH 1C

030103:

3055 3059 3060

030224:

2022 2023 2024 2025 2026 2028 2029

VTD: 067BG01 - BIG SHANTY 01

030228:

2026 2027 2040

030229:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012
1015 1016 1018 1019 1020 1022 1023 1024 1025 1026 1027 1028
1029 1030 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046
1047 1050 1051 1053

030230:

1041 1044 1050 1051 1052 1053 1054 1055 1056 1070 1071 1072
1073 1074 1075 1076 1086 1091 1092 1093 2000 2003 2004 2005
2015 2017 2021 2022 2023 2029

030601:

1034 1035 3000 3001 3002 3003 3004 3005 3006 3010 3012 3089

VTD: 067CH02 - CHEATHAM HILL 02

VTD: 067CH03 - CHEATHAM HILL 03

VTD: 067DI01 - DOBBINS 01

030412:

2007 2009 2011 2012 3001 3002 3004 3007 3008 3009 3011 3012
3013 3015 3016 3017 3018 3019

030800:

2045 2046 2049 2057 3041 3043 3044 3046 3047 3048 3049 3052

031001:

2001 2002 2003 2005 2006 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2031 2032 2038 2039
2040 2041 2042 2043 2044 2045 2046 2047 2048 2049 2050 2051
2052 2053 2054 2057 2087 2089 2098 2099 2100

VTD: 067DL01 - DOWELL 01

VTD: 067DU01 - DURHAM 01

VTD: 067EL01 - ELIZABETH 01

030506:

1088 1090 1091 1093 1094 1095 1096 1098 1102 1103 1107 1123
1125 1126 1127 1128 1129 1131 1132

030601:

1029 1030 1032 1033 1040 3007 3008 3009 3011 3013 3014 3015
3016 3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027
3028 3029 3030 3031 3032 3033 3034 3035 3037 3041 3049 3050
3051 3052 3053 3054 3055 3056 3057 3063 3064 3065 3066 3067
3068 3069 3070 3072 3073 3077 3079 3082 3083 3085 3086 3088
3090

030602:

1000 1011 1014 2000 2001 2004 2005 2006 2007 2008 2009 2010
2011 2013 2028 2066 3001 3002 3003 3004 3005 3011

VTD: 067FO01 - FAIR OAKS 01

031002:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 3017

VTD: 067FO05 - FAIR OAKS 05

030902:

2026 2027 2028 2029 2034

031001:

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1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1033 1035

VTD: 067FO06 - FAIR OAKS 06

VTD: 067FR01 - FORD 01

VTD: 067FY01 - FREY 01

VTD: 067HR01 - HARRISON 01

VTD: 067HY01 - HAYES 01

VTD: 067KE1A - KENNESAW 1A

030227:

3055

030229:

1011 1013 1014 1017 1021 1054

VTD: 067KE2A - KENNESAW 2A

030229:

1031 1032 1033 1035 1036 1048 1049 1052

030230:

1001 1007 1008 1009 1010 1011 1012 1013 1014 1016 1017 1020
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1048 1049 1057 1058 1059 1060 1062 1063 1065 1066 1067 1068
1069 1079 1082 1083 1085 1098 2001 2002 2006 2007 2008 2009
2010 2011 2012 2013 2016 2018 2019 2020 2025 2027

VTD: 067KE2B - KENNESAW 2B

030214:

3000 3002 3009 3024 3025

030215:

1000 1004 1006 1007 1010 1011 1012 1014 1020 1021 1022 1024
1027 2000 2004 2009 2010 2011 2012 2014 2015 2016 2017 2018
2019 2027 2029 3000 3001 3002 3003 3004 3005 3006 3007 3008
3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 4000 4001
4002 4003 4004 4005 4007 4008 4009 4010 4011 4012 4013 4014
4019 4020 4021 4022 4023 4025 4026 4027 4031 4032 4034 4035
4039 4041 4042

030224:

2030 2031 2033 2034

030230:

1000 1002 1003 1006 1034 1036 1037 1038 1089 1090

VTD: 067KE5A - KENNESAW 5A

030215:

2001 2002 2003

030224:

2000 2001 2002 2003 2004 2005 2006 2007 2008

VTD: 067KP01 - KEMP 01

VTD: 067KP02 - KEMP 02

VTD: 067KP03 - KEMP 03

VTD: 067LM01 - LOST MOUNTAIN 01

VTD: 067LM02 - LOST MOUNTAIN 02

VTD: 067LM03 - LOST MOUNTAIN 03

VTD: 067LM04 - LOST MOUNTAIN 04

VTD: 067LW01 - LEWIS 01

VTD: 067ML01 - MCCLURE 01

VTD: 067MR1A - MARIETTA 1A

030800:

1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
1016 1017 1018 1019 1020 1021 1022 1023 1024 1025 1027 1028
1029 1030 1031 1032 1033 1034 2020 2021 2023 2026 2032 2033
2034 2035 2039 2040 2041 2042 2043 2044 2047 2048 2050 2051
2052 2053 2054 3000 3001 3011 3012 3018 3019 3023 3025 3028
3029 3030 3042 3050 3051

031001:

2000 2004 2007 2079 2080 2084 2085 2086 2088 2090 2091 2092
2097

VTD: 067MR2A - MARIETTA 2A

VTD: 067MR2B - MARIETTA 2B

VTD: 067MR2C - MARIETTA 2C

VTD: 067MR3A - MARIETTA 3A

VTD: 067MR4B - MARIETTA 4B

030230:

1080 2037 2038 2044 2045 2046 2047 2048 2049 2050 2055 2056
2057 2059 2063 2064 2065 2069 2071 2072 2073

030506:

1124 1130 1133

030601:

1039 3036 3038 3039 3040 3042 3043 3044 3045 3046 3047 3048
3059 3060 3061 3062 3071 3076 3078 3080 3081 3084 3087

030602:

1019 1028 1030 1044 1045 1046

030700:

1006 1007 1008 1014 1015 1016 1017 1018 1034 2000 2001 2002
2003 2004 2005

VTD: 067MR4C - MARIETTA 4C

VTD: 067MR4E - MARIETTA 4E

VTD: 067MR5A - MARIETTA 5A

VTD: 067MR5B - MARIETTA 5B

030502:

2042 2043 2044 2045 2046 2056 2057 2058

030504:

3000 3001 3002 3003 3004 3005 3008 3009

030506:

1089 1092 1097 1099 1100 1101 1104 1105 1106 1108 1113 1114
1115 1116 1117 1118 1119 1120 1121 1122 1134 1135 1136 1137
1138 1139

030602:

2012 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2027 2029 2030 2031 2032 2033 2034 2035 2036 2038
2039 2044 2045 2046 2047 3012 3013 3014 3015 3016 3017

030700:

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2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 3000 3001
4005

VTD: 067MR6A - MARIETTA 6A

030411:

1000 2008 2011 2013 2014 2015 2016 2017 2018 2019 3000 3001
3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013

VTD: 067MR6C - MARIETTA 6C

030505:

4009 4010 4011 4012 4013 4014 4016 4017 4018 4019 4020 4028

4029 4030 4031 4032

030700:

4003 4013 4014 4031 4032

VTD: 067MR7A - MARIETTA 7A

030411:

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2004 2005 2006 2007 2009 2010 2012

030412:

1000 1001 1002 1003 1004 1005 2000 2001 2002 2003 2004 2005
2006 2008 2010 2013 2014 2015 2016 2017 2018 2019 3000 3003
3005 3006 3010 3014 3020 3021 4000 4001 4002 4003

030800:

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2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2022 2024 2025 2027 2028 2029 2030 2031 2036 2037 2038
2055 2056

VTD: 067MS01 - MARS HILL 01

VTD: 067MS02 - MARS HILL 02

VTD: 067NC01 - NORTH COBB 01

030103:

1052 1053 1054 1058 1063 3001 3002 3005 3007 3013 3015 3018
3021 3028 3029 3030 3034 3035 3037 3041 3043 3045 3046 3047
3048 3050 3052 3054 3058 3061

030224:

2009 2010 2015 2020 2027 2032 2035 2036

VTD: 067OR01 - OREGON 01

VTD: 067OR03 - OREGON 03

VTD: 067OR05 - OREGON 05

VTD: 067PM01 - PINE MOUNTAIN 01

VTD: 067PM02 - PINE MOUNTAIN 02

030229:

1034

030230:

1015 1018 1019 1061 1064 1081 1084 1087 1088 1094 1095 1096
1097 1099 2014 2024 2026 2028 2030 2031 2032 2033 2034 2035
2036 2039 2040 2041 2042 2043 2051 2052 2053 2060 2061 2062
2066 2067 2068

030231:

4000 4001 4003 4004 4006 4007 4008 4009 4010 4011

030602:

1001 1004 1006 1007

VTD: 067RR01 - RED ROCK 01

VTD: 067VA01 - VAUGHAN 01

District 002

Cobb County

VTD: 067BY01 - BRUMBY 01

VTD: 067CA01 - CHATTAHOOCHEE 01

030339:

1000 1001 1017 1018 1038 1039 1042 2001 2002 2003 2004 2006
2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029 2030
2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041

030344:

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3004 3005 3006

030345:

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3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012
3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024
3025 3026 3027 3028 3029 3030 3031 3032 3033 3034 3035 3036
3037 3038 3039 3040 3041 3042 3043 3044 3045 3046 3047 3048
3049 3050 3051

VTD: 067DC01 - DICKERSON 01

VTD: 067DI01 - DOBBINS 01

030339:

1003

030345:

1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1022 1023
1024 1025 1037 1042 1048 1049 1050 1051 1053 1054 1055 1056
1057 1058 1059 1061 1066

030413:

1017 1018

030414:

1022 1023

031207:

1000

031208:

1001 1002 1015 1023

VTD: 067DO01 - DODGEN 01

VTD: 067EA01 - EASTSIDE 01

VTD: 067EL04 - ELIZABETH 04

030504:

1002 1003 1004 1009 1010 1012 1013 1014 1015 1016 1017 1018
1019 1022 1024 1025 1026 1027 1030 1031 1032 1035 1036 4000

4001 4002 4003 4004

VTD: 067EL06 - ELIZABETH 06

VTD: 067EV01 - EAST VALLEY 01

VTD: 067FP01 - FULLERS PARK 01

VTD: 067LI01 - LINDLEY 01

VTD: 067MA03 - MABLETON 03

031307:

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031313:

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VTD: 067MA04 - MABLETON 04

031206:

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031307:

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3015 3016 3017 3018 3033 3037 3040 3044 3046 3048 3049 3050

3051 3052 3053 3054 3055 3057 3058

VTD: 067MD01 - MURDOCK 01

VTD: 067MR1A - MARIETTA 1A

030405:

1033 1035 1036 1038 1039 1040 1041 1042 1043 1048 1049 1050

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030413:

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2003 2005 2007 2016 3001 3008 3009 3010 3011 3031

030414:

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VTD: 067MR6A - MARIETTA 6A

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030407:

2001 2003 2010

VTD: 067MR6B - MARIETTA 6B

030504:

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030505:

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 2010 2011 2021 2022 2026 2027 2028 2029 2030 2031 2032 2035
 2037
 030505:
 1002 1005 1009 1010 1012 1013 1015 1016 1017 1018 1019 1021
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 VTD: 067MR7A - MARIETTA 7A
 030405:
 4001 4002 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016
 4018 4021 4023 4031 4032 4033 4034 4035 4036 4037 4038 4039
 4040 4041 4042 4043 4044 4045 4046 4048 4049
 030410:
 1027 1028 1030 1032 1034 1035 1037 1039 1040 1045 1046
 030505:
 2008 2009 2014 2015 2017 2018 2019 2020 2022 2032 4022 4035
 4036
 VTD: 067MT01 - MT BETHEL 01
 VTD: 067MT02 - MT BETHEL 02
 VTD: 067MT03 - MT BETHEL 03
 VTD: 067MT04 - MT BETHEL 04
 VTD: 067NJ01 - NICKAJACK 01
 VTD: 067NP01 - NORTON PARK 01
 VTD: 067OK01 - OAKDALE 01
 VTD: 067PF01 - POWERS FERRY 01
 VTD: 067RW02 - ROSWELL 02
 VTD: 067SM01 - SEWELL MILL 01
 VTD: 067SM03 - SEWELL MILL 03
 VTD: 067SM04 - SEWELL MILL 04
 VTD: 067SM05 - SEWELL MILL 05
 VTD: 067SN1A - SMYRNA 1A
 VTD: 067SN2A - SMYRNA 2A
 VTD: 067SN4A - SMYRNA 4A
 VTD: 067SN6A - SMYRNA 6A
 VTD: 067SN7A - SMYRNA 7A
 VTD: 067SN7B - SMYRNA 7B
 VTD: 067SN7C - SMYRNA 7C
 VTD: 067SO01 - SOPE CREEK 01

VTD: 067SO02 - SOPE CREEK 02
 VTD: 067SO03 - SOPE CREEK 03
 VTD: 067SP01 - SEDALIA PARK 01
 VTD: 067TM01 - TERRELL MILL 01
 VTD: 067TR01 - TIMBER RIDGE 01
 VTD: 067TS01 - TEASLEY 01
 VTD: 067VG01 - VININGS 01
 VTD: 067VG02 - VININGS 02
 VTD: 067VG03 - VININGS 03
 VTD: 067VG04 - VININGS 04

District 003

Cobb County

VTD: 067AC1A - ACWORTH 1A

030103:

2023 2041 2051

030224:

1025

VTD: 067AC1B - ACWORTH 1B

030101:

2028 2031 2032 2034 2061

030103:

1000 1004 1005 1006 1007 1009 2014 2015 2016 2021 2042 2043
 2044 2048 2049

030104:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1011 1012
 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
 1025 1026 2000 2002 2004 2005 2007 2008 2009 2010 2011 2012
 2013 2015 2017 2018 2019 2020 2022 2024 2026 2027 2028 2029
 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040 2041

030106:

3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016
 3017 3018 3019 3020 3026 3027 3028 3029

030107:

2014 2018

VTD: 067AC1C - ACWORTH 1C

030103:

2002 2003 2004 2005 2007 2009 2010 2012 2018 2019 2025 2026
 2027 2028 2029 2034 2039 2040 2046 2053 2054 3062

030106:

1000 1003 1006 1007 1008 1009 1010 1011 1013 1019 1021 2000
 2002 2003 2005 2006 2007 2009 2012 2014 2015 2016 2017 2019
 2020 3000 3001 3002 3003 3004 3022

030107:

2009 2010 2011 2012

VTD: 067AD01 - ADDISON 01

VTD: 067BF01 - BELLS FERRY 01

VTD: 067BF02 - BELLS FERRY 02

VTD: 067BF03 - BELLS FERRY 03

VTD: 067BG01 - BIG SHANTY 01

030227:

3006 3018 3019 3020 3021 3022 3023 3052 3054 3057 3060 3062
3063 3064 3065 3067 3068

030228:

1007 1008

030229:

2000 2001 2002 2003 2004 2005 2007 2012 2013 2014 2015 2016
2017 2018 2019 2020 2021 2024 2025 2027 2043 2044 2045 2046
2047 2048 2049 2050 2060 2065 2066 2067 2068 2072 2074 2075
2076 2077 2078 2079 2084 2092 2093

VTD: 067BG02 - BIG SHANTY 02

VTD: 067BK01 - BAKER 01

VTD: 067BW01 - BLACKWELL 01

VTD: 067CK01 - CHALKER 01

VTD: 067CK02 - CHALKER 02

VTD: 067CR01 - CHESTNUT RIDGE

VTD: 067DV01 - DAVIS 01

VTD: 067EC01 - EAST COBB 01

VTD: 067EL01 - ELIZABETH 01

030502:

2011 2019 2021 2023 2036 2037 2038

030506:

1027 1048 1049 1050 1055 1056 1058 1062 1064 1067 1068 1072
1073 1076 1077 1085 1087 1140 1141 1142 1143 1144 1146 1147
1149

030601:

1041

VTD: 067EL02 - ELIZABETH 02

VTD: 067EL03 - ELIZABETH 03

VTD: 067EL04 - ELIZABETH 04

030502:

1027 1029 1033 1039 2015 2022 2024 2025 2027 2029 2030 2031
2033 2047 2048 2049 2050 2051

030504:

2004 2007 2009 2012 2013 2014 2015 2016 2017 2018 2019 2020
2034 2038

VTD: 067EL05 - ELIZABETH 05

VTD: 067EP01 - EAST PIEDMONT 01

VTD: 067GM01 - GARRISON MILL 01

VTD: 067GT01 - GRITTERS 01

VTD: 067HT01 - HIGHTOWER 01

VTD: 067KE1A - KENNESAW 1A

030226:

1041

030227:

3000 3001 3002 3003 3004 3005 3007 3008 3009 3010 3011 3012
3013 3014 3015 3016 3017 3024 3025 3050 3051 3053 3056 3058
3059 3061 3066

030229:

2008 2030 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042
2051 2052 2053 2054 2055 2056 2057 2058 2059 2061 2062 2063
2064 2069 2070 2071 2073 2080 2081 2082 2083 2085 2086 2087
2089 2090 2091

VTD: 067KE2A - KENNESAW 2A

030227:

3037 3044

VTD: 067KE2B - KENNESAW 2B

030227:

3038 3039 3040 3045 3046 3047 3048 3049

VTD: 067KE3A - KENNESAW 3A

VTD: 067KE4A - KENNESAW 4A

VTD: 067KE5A - KENNESAW 5A

030103:

2050

030224:

1000 1002 1003 1005 1006 1007 1008 1009 1010 1011 1012 1013
1014 1015 1016 1017 1018 1019 1020 1021 1028 1031

030226:

3011 3012 3013 3014 3015 3016 3017

VTD: 067KE5B - KENNESAW 5B

VTD: 067KL01 - KELL 01

VTD: 067KY01 - KEHELEY 01

VTD: 067LA01 - LASSITER 01

VTD: 067MB01 - MABRY 01

VTD: 067MK01 - MCCLESKEY 01

VTD: 067MR4B - MARIETTA 4B

030601:

1018 1020 1021 1022 1023 1024 1025 1026 1027 1042

VTD: 067MR5B - MARIETTA 5B

030502:

2028 2032 2034 2040 2041 2052 2053 2054

030504:

2023 2024 2033

030506:

1002 1032 1033 1034 1036 1037 1038 1039 1041 1042 1043 1044
1046 1047 1051 1052 1053 1079 1080 1081 1082 1083 1084 1086
1109 1110 1111 1112

VTD: 067MR6B - MARIETTA 6B

030502:

1016 1019 1020 1021 1023 1024 1025 1028 1030 1031 1032 1037
1038 2001 2002 2005 2008 2010

030504:

1020 1021 2000 2001 2002 2003 2005 2006 2008 2025

030507:

1042 1044 1052 1053 1054

VTD: 067MR6C - MARIETTA 6C

030502:

2006 2009 2012 2014 2017 2020 2026 2035 2039 2055

030506:

1025 1026 1054 1057 1063 1069 1070 1071 1074 1075 1078 1145
1148

030507:

1059 1060 1061 1064 1065 1066 1067 1068 1070 1071 1073 1074

VTD: 067NC01 - NORTH COBB 01

030103:

2000 2001 2006 2008 2011 2013 2017 2020 2022 2024 2030 2031
2035 2045 2047 2052

030104:

2001 2003 2006 2014 2016 2021 2023 2025

030106:

1018 2013 2018 3021 3023 3024 3025

030107:

2017

030224:

1001 1004 1022 1023 1024 1026 1027 1029 1030

VTD: 067NS01 - NICHOLSON 01

VTD: 067PM02 - PINE MOUNTAIN 02

030227:

3043

VTD: 067PO01 - POST OAK 01

VTD: 067PP01 - POPE 01

VTD: 067PR01 - PALMER 01

VTD: 067PT01 - PITNER 01
 VTD: 067RM01 - ROCKY MOUNT 01
 VTD: 067RM02 - ROCKY MOUNT 02
 VTD: 067RW01 - ROSWELL 01
 VTD: 067SA01 - SANDY PLAINS 01
 VTD: 067SF01 - SHALLOWFORD FALLS
 VTD: 067SI01 - SIMPSON 01
 VTD: 067SY01 - SPRAYBERRY 01
 VTD: 067TT01 - TRITT 01
 VTD: 067WG01 - WADE GREEN 01
 VTD: 067WG02 - WADE GREEN 02
 VTD: 067WL01 - WILLEO 01

District 004

Cobb County

VTD: 067AU1A - AUSTELL 1A
 VTD: 067BR01 - BIRNEY 01
 VTD: 067BR02 - BIRNEY 02
 VTD: 067BT01 - BRYANT 01
 VTD: 067BT02 - BRYANT 02
 VTD: 067CA01 - CHATTAHOOCHEE 01

030344:

2001 2002 2003 2007 2009 2010 2011

030345:

1013 1014 1020 1060

VTD: 067CL01 - CLARKDALE 01
 VTD: 067CL02 - CLARKDALE 02
 VTD: 067CO01 - COOPER 01
 VTD: 067DI01 - DOBBINS 01

030344:

2004 2005 2008 2012 2013 2014 2017 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2031

030345:

1018 1035 1046 1047

030414:

1003 1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014
 1015 1016 1017 1018 1019 1020 1021 1024 1027 1029 1030 2005
 2009 2017 2018 2020 2021 2022 2027 2029 2030 2031 2032 2058
 2059 2060 2061 2062 2063

031001:

2023 2024 2025 2027 2028 2029 2030 2033 2034 2035 2036 2037
2055 2058 2059 2060 2061 2062 2063 2064 2065 2077 2078 2101

031108:

1000 1001 1002 1004 1007 1009 1012 1013 1015 1021 1024 1029
 1033 1035 1036 1038 1039 1041 1043 1047 1050 2002 3008 3009
 3013 3015 3025 3030 3032 3033 3034 3036 4005 4006 4011 4014
 4015 4018 4019 4023

031113:

1005 1015 1016

031114:

2002 2005

VTD: 067FO01 - FAIR OAKS 01

030905:

2017 2018 2019 3001 3002 3003 3004 3005 3006 3007 3008 3009
 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021
 3022 4000 4001 4002 4003 4004 4005 4006 4007

031005:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1016 1017 1018 1019 1020 1021 1022 1023 1024
 1025 1026 1029

VTD: 067FO02 - FAIR OAKS 02

VTD: 067FO03 - FAIR OAKS 03

VTD: 067FO04 - FAIR OAKS 04

VTD: 067FO05 - FAIR OAKS 05

031001:

1027 1028 1029 1030 1031 1032 1034 2066 2067 2068 2069 2070
 2071 2072 2073 2074 2075 3000 3001 3002 3003 3004 3005 3006
 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018
 3019 3020 3021 3022 3024 3025 3028

031108:

1020

VTD: 067HL01 - HARMONY-LELAND

VTD: 067MA01 - MABLETON 01

VTD: 067MA02 - MABLETON 02

VTD: 067MA03 - MABLETON 03

031307:

2006 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017
 2018 2019 2020 2021 2022 2023 2024 2025 2026 2029 2030 2031
 2035 2037

VTD: 067MA04 - MABLETON 04

031307:

3019 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030
 3031 3032

VTD: 067MC01 - MACLAND 01

VTD: 067MC02 - MACLAND 02

VTD: 067ME01 - MCEACHERN 01

VTD: 067MR1A - MARIETTA 1A

030344:

2006 2015 2016 2018 2019 2032 2033

030345:

1007 1015 1016 1017 1019 1021 1043 1044 1045

030414:

1001 1002 1025 1026 1028 2001 2002 2003 2004 2008 2011 2012
2023 2033 2034 2038 2039 2045 2050 2051 2052 2053 2054 2055
2056 2057 2065

031001:

2026 2083 2093 2094 2095 2096

031113:

1000 1001 1002 1003 1004 1006 1007 1008 1009 1010 1011 1012
1013 1014

031114:

2000 2001 2009

VTD: 067MR7A - MARIETTA 7A

030414:

2006 2007 2010 2013 2014 2015 2016 2019 2024 2025 2026 2028
2035 2036 2037 2040 2041 2042 2043 2044 2046 2047 2048 2049
2064

VTD: 067NP02 - NORTON PARK 02

VTD: 067OR02 - OREGON 02

VTD: 067OR04 - OREGON 04

VTD: 067OR06 - OREGON 06

VTD: 067PE01 - PEBBLEBROOK 01

VTD: 067PE02 - PEBBLEBROOK 02

VTD: 067PS1A - POWDER SPRINGS 1A

VTD: 067PS2A - POWDER SPRINGS 2A

VTD: 067PS3A - POWDER SPRINGS 3A

VTD: 067RS01 - RIVERSIDE 01

VTD: 067SN2B - SMYRNA 2B

VTD: 067SN3A - SMYRNA 3A

VTD: 067SN5A - SMYRNA 5A

VTD: 067SW01 - SWEETWATER 01

VTD: 067SW02 - SWEETWATER 02

VTD: 067SW04 - SWEETWATER 04

VTD: 067SW05 - SWEETWATER 05

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

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

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

On the passage of the Bill, by substitute, the ayes were 99, nays 46.

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

Representative Setzler of the 35th 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 Baker of the 78th stated that he inadvertently voted "nay" on the preceding roll call. He 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 substitutes to the following bills of the Senate:

SB 317. By Senator Grant of the 25th:

A BILL To be entitled an Act to amend an Act providing for the election of the members of the Board of Education of Baldwin County, approved April 3, 1972 (Ga. L. 1972, p. 3325), as amended, specifically by an Act approved April 25, 2002 (Ga. L. 2002, 4230), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

SB 318. By Senator Grant of the 25th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Baldwin County, approved December 26, 1888 (Ga. L. 1888, p. 286), as amended, specifically by an Act approved April 25, 2002 (Ga. L. 2002, p. 4238), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 107. By Senators Stone of the 23rd and Davis of the 22nd:

A BILL to be entitled an Act to amend Code Section 15-6-8 of the Official Code of Georgia Annotated, relating to jurisdiction and powers of the superior courts, so as to increase penalties that can be imposed for contempt of court; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 362. By Senators Williams of the 19th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to submerged cultural resources, so as to change certain provisions relating to permits and authorization to contract for investigation, survey, or recovery operations and renewal and revocation of permits; to provide for investigation, survey, and sales of certain sunken logs to which the state holds title; to provide for administration of such a program; to repeal conflicting laws; and for other purposes.

SB 369. By Senators Carter of the 1st, Tolleson of the 20th and Tippins of the 37th:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide for an extension of the automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 395. By Senators Heath of the 31st, Rogers of the 21st, Shafer of the 48th, Crane of the 28th and Hill of the 32nd:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the county special purpose local option sales tax, so as to allow certain such taxes to be imposed at a rate of less than 1 percent; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 628. By Representative Taylor of the 173rd:

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 change provisions relating to the time of holding of municipal elections; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 749. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide education districts for the Calhoun County Board of Education," approved April 13, 1992 (Ga. L. 1992, p. 6119), so as to provide for new education districts; to provide for the continuation in office of current office holders; to provide for the submission of this Act to the United States Department of

Justice for preclearance; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 750. By Representative Greene of the 149th:

A BILL to be entitled an Act to amend an Act entitled "An Act to increase the number of commissioners of roads and revenues for the county of Calhoun from three to five," approved August 10, 1908 (Ga. L. 1908, p. 276), as amended, particularly by an Act approved April 13, 1992 (Ga. L. 1992, p. 6123), so as to provide new commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members and the election of their successors; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 777. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Terrell County, approved February 28, 1966 (Ga. L. 1966, p. 2610), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3782), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 833. By Representative Hanner of the 148th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Terrell County, approved April 13, 2004 (Ga. L. 2004, p. 3555), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 841. By Representatives Parrish of the 156th, Jackson of the 142nd and Morris of the 155th:

A BILL to be entitled an Act to amend an Act providing for the composition and election of the Board of Education of Emanuel County, approved April

12, 1982 (Ga. L. 1982, p. 4049), as amended, particularly by an Act approved April 23, 2002 (Ga. L. 2002, p. 4124), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 847. By Representatives Maddox of the 172nd and Taylor of the 173rd:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for the County of Grady, approved December 22, 1937 (Ga. L. 1937-38, Ex. Sess. p. 837), as amended, particularly by an Act approved July 20, 2001 (Ga. L. 2001, Ex. Sess. p. 654), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 882. By Representative Shaw of the 176th:

A BILL to be entitled an Act to amend an Act creating a new Board of Education of Lanier County, approved March 13, 1970 (Ga. L. 1970, p. 2709), as amended, particularly by an Act approved April 3, 2002 (Ga. L. 2002, p. 3730), so as to revise the education districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for terms and continuation in office of current members; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 883. By Representative Shaw of the 176th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Lanier County, approved March 7, 1933 (Ga. L. 1933, p. 602), as amended, particularly by an Act approved April 3, 2002 (Ga. L. 2002, p. 3736), so as to revise the districts for the election of members of the board of commissioners; to provide for definitions and inclusions; to provide for the manner of election; to provide for the continuation in office of current members; to provide for submission of this Act for preclearance pursuant to

Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 911. By Representatives Channell of the 116th, Kidd of the 141st and Hudson of the 124th:

A BILL to be entitled an Act to amend an Act to provide for compensation for the judge of the state court of Putnam County, the solicitor of the State Court of Putnam County, and the clerk of the State Court of Putnam County, approved April 1, 1996 (Ga. L. 1987, p. 3723), so as to change the compensation for the judge of the State Court of Putnam County, the solicitor-general of the State Court of Putnam County, the clerk of the State Court of Putnam County, and the sheriff of Putnam County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 107. By Senators Stone of the 23rd and Davis of the 22nd:

A BILL to be entitled an Act to amend Code Section 15-6-8 of the Official Code of Georgia Annotated, relating to jurisdiction and powers of the superior courts, so as to increase penalties that can be imposed for contempt of court; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 362. By Senators Williams of the 19th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Part 3 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to submerged cultural resources, so as to change certain provisions relating to permits and authorization to contract for investigation, survey, or recovery operations and renewal and revocation of permits; to provide for investigation, survey, and sales of certain sunken logs to which the state holds title; to provide for administration of such a program; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 369. By Senators Carter of the 1st, Tolleson of the 20th and Tippins of the 37th:

A BILL to be entitled an Act to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide for an extension of the automatic repeal; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 395. By Senators Heath of the 31st, Rogers of the 21st, Shafer of the 48th, Crane of the 28th and Hill of the 32nd:

A BILL to be entitled an Act to amend Part 1 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the county special purpose local option sales tax, so as to allow certain such taxes to be imposed at a rate of less than 1 percent; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

Representative Mosby of the 90th moved that the House reconsider its action in giving the requisite constitutional majority to the following Bill of the House:

HB 636. By Representatives Jacobs of the 80th and Taylor of the 79th:

A BILL to be entitled an Act to incorporate the City of Brookhaven in DeKalb County; to provide for a charter for the City of Brookhaven; to provide for incorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, and districts relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

Abdul-Salaam	Davis	E Heckstall	McBrayer	N Shaw
E Abrams	Y Dawkins-Haigler	N Hembree	N McCall	N Sheldon
N Allison	N Dempsey	Y Henson	N McKillip	N Sims, B
N Amerson	Y Dickerson	N Hightower	N Meadows	Sims, C

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

On the motion, the ayes were 48, nays 94.

The motion was lost.

Pursuant to HR 1468, the House recognized February 21, 2012, as Turkish American Day at the capitol and invited the representatives of the Turkish American community and the Istanbul Center to be recognized by the House of Representatives.

Pursuant to HR 1241, the House commended the Future Farmers of America, recognized February 21, 2012, as Future Farmers of America Day at the state capitol, and inviting them to be recognized by the House of Representatives.

Pursuant to HR 1182, the House commended Ogeechee Technical College and invited President Dawn Cartee to be recognized by the House of Representatives.

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

Representatives Ramsey of the 72nd, Purcell of the 159th, Ashe of the 56th, Allison of the 8th, Shaw of the 176th, Epps of the 140th, Taylor of the 55th, Neal of the 75th, Kendrick of the 94th, and Parent of the 81st.

Pursuant to HR 1382, the House recognized Mr. Song Byeok and invited him to be recognized by the House of Representatives.

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

HR 1182. By Representatives Tankersley of the 158th, Burns of the 157th, Parrish of the 156th and Dutton of the 166th:

A RESOLUTION commending Ogeechee Technical College and inviting President Dawn Cartee to be recognized by the House of Representatives; and for other purposes.

HR 1241. By Representatives McCall of the 30th, England of the 108th, Roberts of the 154th, Dickson of the 6th, Burns of the 157th and others:

A RESOLUTION commending the Future Farmers of America, recognizing February 21, 2012, as Future Farmers of America Day at the state capitol, and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 1382. By Representative Buckner of the 130th:

A RESOLUTION recognizing Mr. Song Byeok and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1468. By Representative Cheokas of the 134th:

A RESOLUTION recognizing February 21, 2012, as Turkish American Day at the capitol and inviting the representatives of the Turkish American community and the Istanbul Center to be recognized by the House of Representatives; and for other purposes.

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

HB 463. By Representatives Dollar of the 45th, Black of the 174th, Harbin of the 118th, Rogers of the 26th, Roberts of the 154th and others:

A BILL to be entitled an Act to amend Code Section 33-23-12 of the Official Code of Georgia Annotated, relating to limited licenses, so as to provide for the sale of individual insurance coverage by limited licensees on personal property stored in self-service storage facilities; to provide for definitions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 817. By Representatives Nimmer of the 178th, Roberts of the 154th, Burns of the 157th, Sheldon of the 105th and Dollar of the 45th:

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 amend the limitations on the department's power to contract; to clarify the procedures for the posting of a contract bid; to amend the requirements for the classification of roads of the state highway system; to allow the department to require the use of tire chains by commercial vehicles on certain roads during inclement winter weather; to remove the requirement of county commissioner approval for the designation of a local truck route; to provide for a 90 day notification requirement for county local truck routes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 733. By Representatives Hightower of the 68th and Lindsey of the 54th:

A BILL to be entitled an Act to amend Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to family violence, so as to add holdover provisions for appointees; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y McBrayer	Y Shaw
E Abrams	Y Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Y Allison	Y Dempsey	Henson	Y McKillip	Y Sims, B

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

On the passage of the Bill, the ayes were 165, nays 0.

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

Representatives Baker of the 78th, Epps of the 128th, and Fullerton of the 151st 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 929. By Representatives O'Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act creating the office of assistant district attorney in each judicial circuit having a population of not less than 103,000 and not more than 135,000 according to the United States decennial census of 1970 or any future such census, approved March 31, 1976 (Ga. L.

1976, p. 3584), as amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1679); to repeal conflicting laws; and for other purposes.

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

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

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

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

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

HB 930. By Representatives O'Neal of the 146th, Harden of the 147th, Dickey of the 136th, Nimmer of the 178th, Sims of the 169th and others:

A BILL to be entitled an Act to repeal an Act providing for a supplemental expense allowance for the judges of the superior courts of each judicial circuit within this state having a population of not less than 103,000 and not more than 135,000 according to the United States decennial census of 1970 or any future such census, approved March 23, 1977 (Ga. L. 1977, p. 727), as amended, particularly by an Act approved April 15, 1992 (Ga. L. 1992, p. 1680); to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 161, nays 0.

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

Representative Setzler of the 35th 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 635. By Representatives Lucas of the 139th, Peake of the 137th, Randall of the 138th, Epps of the 140th, Dickey of the 136th and others:

A BILL to be entitled an Act to amend an Act entitled "Macon Water Commissioners - Pension Plan," approved December 30, 1953 (Ga. L. 1953, p. 2831), as amended, particularly by an Act approved March 24, 1994 (Ga. L. 1994, p. 3947), an Act approved April 4, 1996 (Ga. L. 1996, p. 4042), an Act approved May 17, 2004 (Ga. L. 2004, p. 4384), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4392), so as to change the normal retirement age for certain employees; to change the definition of the term "disability"; to provide the actuarial equivalent basis which is stated in the document; to provide for certain limitations on compensation and benefits; to provide for related matters; to provide conditions for an effective date and automatic repeal; 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 entitled "Macon Water Commissioners - Pension Plan," approved December 30, 1953 (Ga. L. 1953, p. 2831), as amended, particularly by an Act approved March 24, 1994 (Ga. L. 1994, p. 3947), an Act approved April 4, 1996 (Ga. L. 1996, p. 4042), an Act approved May 17, 2004 (Ga. L. 2004, p. 4384), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4392), so as to exclude individuals whose date of hire is on and after July 1, 2012, from entering the plan and to give existing participants the right to elect to participate in a new plan established by the board of the authority provided they meet the eligibility requirements of the new plan; to change the definition of the term "disability"; to provide the actuarial equivalent basis which is stated in the document; to provide for certain limitations on compensation and benefits; to update provisions relating to required distributions; to provide for direct rollovers; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled "Macon Water Commissioners - Pension Plan," approved December 30, 1953 (Ga. L. 1953, p. 2831), as amended, particularly by an Act approved March 24, 1994 (Ga. L. 1994, p. 3947), an Act approved April 4, 1996 (Ga. L. 1996, p. 4042), an Act approved May 17, 2004 (Ga. L. 2004, p. 4384), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4392), is amended by deleting the provisions contained in said amendatory Acts and inserting in lieu thereof the following:

"ARTICLE I
Definitions.

As used in this plan, the following words and phrases shall have the meanings set forth herein unless a different meaning is clearly required by the context:

1.1 'Accrued benefit' means, at any time, the amount a member is entitled to receive pursuant to Section 5.2 of the plan. In no event shall the accrued benefit as of any accrual date subsequent to this amendment be less than the accrued benefit as of the adoption date of this amendment.

1.2. 'Actuarial equivalent' means a form of benefit differing in time, period, or manner of payment from a specific benefit provided under the plan but having the same value when computed using generally accepted actuarial principles. All alternate forms of distribution shall be actuarially equivalent to the normal annuity form of distribution at the normal retirement date. Effective April 1, 2010, the conversion to an alternate form shall be based upon the 1983 Group Annuity Mortality Table assuming the member is a male and an interest rate of 5 percent. Prior to April 1, 2010, the conversion to an alternate form shall be based upon the UP-1984 Mortality Table and an interest rate of 7.75 percent; provided, however, that the pension board may prospectively change the basis for actuarial equivalent to a different mortality table and interest rate basis. Any such change shall be in writing, shall only take effect when recommended by the plan's actuary and then approved by the pension board, and shall be incorporated into the plan by reference to this section.

1.3 'Administrator' means the authority unless another person or entity has been designated by the authority pursuant to Section 2.2 of the plan to administer the plan.

1.4 'Age' means age at last birthday.

1.5 'Anniversary date' means October 1.

1.6 'Annuity starting date' means, with respect to any member, the first day of the first period for which an amount is paid as an annuity, or, in the case of a benefit not payable in the form of an annuity, the first day on which all events have occurred which entitles the member to such benefit.

1.7 'Authority' and 'Macon Water Authority' means the legal entity created by an Act approved March 2, 1966 (Ga. L. 1966, p. 2737), as amended, particularly by an Act approved March 23, 1992 (Ga. L. 1992, p. 4991).

1.8 'Authorized leave of absence' means an unpaid, temporary cessation from active employment with the employer pursuant to an established nondiscriminatory policy, whether occasioned by illness, military service, or any other reason.

1.9 'Beneficiary' means the person or entity to whom all or a portion of a deceased member's interest in the plan is payable.

1.10 'Code' means the federal Internal Revenue Code of 1986, as amended.

1.11 'Compensation' means a member's total wages for federal income tax withholding purposes, as defined under Code Section 3401(a), but excluding any bonuses payable to such member. Such term shall include all other payments to an employee in the course of the employer's trade or business for which the employer must furnish the employee a written statement under Code Sections 6041, 6051, and 6052 ('W-2 Wages'), but determined without regard to any rules that limit the remuneration included in wages based on the nature or location of the employment or services performed. Compensation shall include elective contributions that are made by the employer on behalf of a member that are not includible in gross income under Code Section 125, 132(f)(4), 402(e)(3), 402(h)(1)(B), 403(b), 408(p), or 457(b) and shall include amounts included in the employee's gross income under Code Section 402A and contributed by the employer, at the employee's election, to a cafeteria plan, a qualified transportation fringe benefit plan, a 401(k) plan, a Salary Reduction Simplified Employee Pension Plan (SARSEP), a tax-sheltered annuity, a Savings Incentive Match Plan for Employees (SIMPLE), or a Code 457(b) plan. Employee contributions 'picked up' by the authority and treated as employer contributions pursuant to Code Section 414(h)(2) shall also be considered as compensation. The annual compensation of each member taken into account in determining benefit accruals in any plan year beginning after December 31, 2001, shall not exceed \$200,000.00 or such other amount as approved by the United States Secretary of the Treasury from time to time. Compensation for any employee who becomes eligible or ceases to be eligible to participate during a determination period shall only include compensation while the employee is an eligible employee. If, in connection with the adoption of any amendment, the definition of 'compensation' has been modified, then, except as otherwise provided by the plan, for plan years prior to the plan year which includes the adoption date of such amendment, 'compensation' means compensation determined pursuant to the terms of the plan then in effect.

1.12 'Credited service' means a member's period of service for purposes of determining the amount of any benefit for which the member is eligible under the plan and is defined as years of service.

1.13 'Earliest retirement age' means the earliest attained age for which, under the plan, a member could elect to receive retirement benefits.

1.14 'Early retirement date' means the first of any month following earliest retirement age and before normal retirement age as provided in Section 5.3 of the plan.

1.15 'Effective date' means October 1, 2010, except to the extent that provisions are required to apply to an earlier date or are required to apply to any other members in order to comply with applicable law or the terms of the plan. The original effective

date of the plan was December 30, 1953. 'Date of enactment' is July 1, 2012. Plan changes in paragraphs (1.14), (1.21), and (1.31) of this section, Section 4.1, and the minimum benefit under Section 5.2 of the plan take effect on July 1, 2012.

1.16 'Eligible employee' means all employees and officers of the authority, except for:

- (A) Elected members of the authority and the attorney-at-law for the authority;
- (B) All casual or temporary employees and contractors and their employees, whose work with the authority is casual, temporary, or by the job or contract; and
- (C) All officers and employees whose employment with the authority is part time and the majority of whose income is not derived from employment with the authority; the authority is vested with full authority to solely and exclusively judge and determine the application of this coverage exception; provided, however, that no officer or employee first or again employed on or after July 1, 2012, shall be eligible for membership in the plan.

1.17 'Employee' means any person who is employed by the employer.

1.18 'Employer' means the Macon Water Authority.

1.19 'Family member' means, with respect to an affected member, such member's spouse and such member's lineal descendants and ascendants and their spouses, all as described in Code Section 414(q)(6)(B).

1.20 'Fiduciary' means any person who:

- (A) Exercises any discretionary authority or discretionary control respecting management of the plan or exercises any authority or control respecting management or disposition of its assets;
- (B) Renders investment advice for a fee or other compensation, direct or indirect, with respect to any moneys or other property of the plan or has any authority or responsibility to do so; or
- (C) Has any discretionary authority or discretionary responsibility in the administration of the plan.

1.21(A) 'Final average monthly compensation' means the total compensation of a member received from the authority during the last three years of service with the authority, divided by 36; provided, however, that in the event of prolonged illness or other justifying cause suffered by the member, such condition to be judged solely by the authority, the authority may compute a member's final average monthly compensation by using the three years most productive of compensation from the authority, and divide such total by 36.

(B) Notwithstanding the provisions of subparagraph (A) of this paragraph, effective December 31, 2012, 'final average monthly compensation' means the greater of:

- (i) The total compensation of a member received from the authority during the four consecutive calendar years that produce the highest average out of the last 15 calendar years, divided by 48; or
- (ii) The final average monthly compensation determined under subparagraph (A) of this paragraph.

1.22 'Forfeiture' means that portion of a member's accrued benefit that is not vested and is disposed of in accordance with the provisions of the plan. A forfeiture will occur on the earlier of:

(A) The last day of a one-year break in service;

(B) The distribution of the entire vested portion of the member's accrued benefit of a former member who severed employment with the employer. For purposes of this subparagraph, if the former member has a vested benefit of zero, then such former member shall be deemed to have received a distribution of such vested benefit as of the year in which the severance of employment occurs; or

(C) The distribution of the entire balance of a member's employee contributions, plus interest.

1.23 'Former member' means a person who has been a member, but who has ceased to be a member for any reason and has incurred a one-year break in service.

1.24 'Hour of service' means an hour of service with the authority.

1.25 'Investment manager' means a fiduciary as described in Code Section 3(38).

1.26 'Joint and survivor annuity' means an annuity for the life of a member with a survivor annuity for the life of the member's beneficiary which is not less than 50 percent nor greater than 100 percent of the amount of the annuity payable during the joint lives of the member and the member's beneficiary. The joint and survivor annuity shall be the actuarial equivalent of the member's present value of vested accrued benefit.

1.27 'Late retirement date' means the first day of the month coinciding with or next following a member's actual retirement after having reached the normal retirement date.

1.28 'Limitation year' means the plan year.

1.29 'Member' means any eligible employee who has satisfied the requirements of Section 3.2 of the plan and has not for any reason become ineligible to participate further in the plan.

1.30 'Maternity or paternity leave of absence' means an absence from work for any period by reason of the employee's pregnancy, birth of the employee's child, placement of a child with the employee in connection with the adoption of such child, or any absence for the purpose of caring for such child for a period immediately following such birth or placement.

1.31 'Normal retirement age' means age 63.

1.32 'Normal retirement date' means the first day of the month immediately next following the date on which the member reached normal retirement age.

1.33 'One-year break in service' means a period of severance of 12 consecutive months; provided, however, that in the case of an employee who is absent from work with the authority for maternity or paternity reasons, the 12 consecutive month period beginning on the first anniversary of the first date the employee is otherwise absent from service with the authority does not constitute a one-year break in service.

1.34 'Permanently and totally disabled' means that a member has been determined to be disabled within the meaning of the federal Social Security Act and regulations

thereunder and is actually drawing Social Security benefits on account of such disability.

1.35 'Plan' means the Macon Water Authority employees' pension plan created by this Act, any and all supporting documents, and all subsequent amendments and supplements thereto.

1.36 'Plan year' means the plan's 12 consecutive month accounting year, beginning on January 1 and ending the following December 31.

1.37 'Present value of accrued benefit' means the actuarial equivalent lump-sum amount of a member's accrued benefit at date of valuation.

1.38 'Regulation' means the income tax regulations as promulgated by the United States Secretary of the Treasury or his or her delegate, as amended from time to time.

1.39 'Retired member' means a member who has become entitled to retirement benefits under the plan.

1.40 'Retirement date' means the date as of which a member retires whether such retirement occurs on a member's normal retirement date, early retirement date, or late retirement date.

1.41 'Sponsor' means the Macon Water Authority and any successor thereto that elects to assume sponsorship of this plan.

1.42 'Spouse' means the spouse of a married member, provided that a former spouse shall be treated as a spouse or surviving spouse to the extent provided under a qualified domestic relations order as described in Code Section 414(p).

1.43 'Straight life annuity' means an annuity payable in equal installments for the life of a member that terminates upon the member's death.

1.44 'Terminated member' means a person who has been a member, but whose employment has been terminated other than by death or retirement.

1.45 'Trustee' means the person, corporation, association, or combination of them who accepts the appointment to execute the duties of the trustee as specifically set forth in any trust agreement entered into pursuant to the plan.

1.46 'Trust fund' means the assets of the plan and trust as the same shall exist from time to time.

1.47 'Vested' means the nonforfeitable portion of a member's accrued benefit.

1.48 'Year of service' means the computation period of 12 consecutive months during which an employee is employed by the authority. In computing fractional years of service, six or more service months shall be considered a year of service. No period during which benefits are being paid shall be considered service or any portion of a year of service. The computation period shall begin with the date on which the employee first performs an hour of service (employment commencement date). Subsequent computation periods shall continue to end on subsequent anniversary dates of the employee's employment commencement date.

ARTICLE II
Administration.

2.1. POWERS AND RESPONSIBILITIES OF THE AUTHORITY.

(a) In addition to the general powers and responsibilities otherwise provided for in this plan, the authority shall be empowered to appoint and remove the trustee and the administrator from time to time as it deems necessary for the proper administration of the plan to ensure that the plan is being operated for the exclusive benefit of the members and their beneficiaries in accordance with the terms of the plan and the Code. The authority may appoint counsel, specialists, advisers, agents, including any nonfiduciary agent, and other persons as the authority deems necessary or desirable in connection with the exercise of its fiduciary duties under this plan. The authority may compensate such agents or advisers from the assets of the plan as fiduciary expenses, but not including any business or settlor expenses of the employer, to the extent not paid by the employer.

(b) The authority may, by written agreement or designation, appoint at its option an investment manager, qualified under the federal Investment Company Act of 1940, as amended, an investment adviser, or other agent to provide direction to the trustee with respect to any or all of the plan assets. Such appointment shall be given by the authority in writing in a form acceptable to the trustee and shall specifically identify the plan assets with respect to which the investment manager or other agent shall have the authority to direct the investment.

(c) The authority may invest all or any part of the trust fund:

- (1) As provided by the then effective laws of Georgia for investments by trustees or investments by guardians without court order or proceedings;
- (2) As provided by the then effective laws of Georgia for investments by trustees or investments by guardians with court order or proceedings; and
- (3) Without court order and without authority or permission of any kind, other than as provided in the plan, in stocks, bonds, and securities then approved as investments of common trust funds by an active trust department of any state or national bank having a place of business in the State of Georgia.

(d) The authority may at any time, and from time to time and subject to immediate revocation, delegate the powers of investment, or any portion thereof, provided for in subsection (c) of this section to a custodian of the trust fund; but no investment by a custodian other than as provided by the then effective laws of the State of Georgia for investments by trustees or guardians without court order shall be made except upon written approval of each specific investment by the authority or by the member of the authority designated for the purpose of supervising such investments.

2.2. DESIGNATION OF ADMINISTRATIVE AUTHORITY.

The authority shall be the administrator. The authority may appoint a committee, to be known as the pension committee, composed of six members. The pension committee shall perform the duties of the administrator in accordance with the rules and

regulations as may be prescribed by the authority. The authority shall elect three of its members to the pension committee who shall serve at the pleasure of the authority. The official and employee members of the plan shall elect and certify to the authority three members who shall serve on the pension committee for terms of four years and until their successors are elected. The members of the plan shall meet on the first Monday in April beginning in 1994 and each two years thereafter for the purpose of electing the employee members of the pension committee. The members of the plan shall also meet to elect any new member required to fill any unexpired term created by a vacancy in office. In the event of an equal division of opinion of the pension committee on any matter properly brought before it, the Chief Judge of the Macon Judicial Circuit, or his or her designee, shall be consulted and shall cast the deciding vote.

2.3. ALLOCATION AND DELEGATION OF RESPONSIBILITIES.

The responsibilities of the pension committee may be specified by the authority and accepted in writing by each elected member. In the event that no such delegation is made by the authority, the pension committee may allocate the responsibilities among themselves, in which event the pension committee shall notify the authority and the trustee in writing of such action and specify the responsibilities of each member of the pension committee. The trustee thereafter shall accept and rely upon any documents executed by the appropriate member until such time as the authority or the pension committee file with the trustee a written revocation of such designation.

2.4. POWERS AND DUTIES OF THE ADMINISTRATOR.

The primary responsibility of the administrator is to administer the plan for the exclusive benefit of the members and their beneficiaries, subject to the specific terms of the plan. The administrator shall administer the plan in accordance with its terms and shall have the power and discretion to construe the terms of the plan and determine all questions arising in connection with the administration, interpretation, and application of the plan. Any such determination by the administrator shall be conclusive and binding upon all persons. The administrator may establish procedures, correct any defect, supply any information, or reconcile any inconsistency in such manner and to such extent as shall be deemed necessary or advisable to carry out the purpose of the plan; provided, however, that any procedure, discretionary act, interpretation, or construction shall be done in a nondiscriminatory manner based upon uniform principles consistently applied, shall be consistent with the intent that the plan continue to be deemed a qualified plan under the terms of Code Section 401(a), and shall comply with the terms of the plan and all regulations issued pursuant thereto. The administrator shall have all powers necessary or appropriate to accomplish its duties under the plan. The administrator shall be charged with the duties of the general administration of the plan as set forth under the terms of the plan, including, but not limited to, the following:

- (1) The discretion to determine all questions relating to the eligibility of an employee to participate or remain a member and to receive benefits under the plan;

- (2) The authority to review and settle all claims against the plan, including claims where the settlement amount cannot be calculated or is not calculated in accordance with the plan's benefit formula. This authority specifically permits the administrator to settle disputed claims for benefits and any other disputed claims made against the plan;
- (3) To compute, certify, and direct the trustee with respect to the amount and the kind of benefits to which any member shall be entitled under the plan;
- (4) To authorize and direct the trustee with respect to all discretionary or otherwise directed disbursements from the trust fund;
- (5) To maintain all necessary records for the administration of the plan;
- (6) To interpret the provisions of the plan and to make and publish such rules for regulation of the plan that are consistent with the terms of the plan;
- (7) To determine the validity of, and take appropriate action with respect to, any qualified domestic relations order received by it; and
- (8) To adopt a new set of actuarial equivalent factors by resolution, which shall be incorporated into the plan by reference.

2.5. RECORDS AND REPORTS.

The administrator shall keep a record of all actions taken and shall keep all other books of account, records, and other data that may be necessary for proper administration of the plan and shall be responsible for supplying all information and reports to the federal Internal Revenue Service, members, beneficiaries, and others as required by law.

2.6. APPOINTMENT OF ADVISERS.

The administrator, or the trustee with the consent of the administrator, may appoint counsel, actuaries, specialists, advisers, agents (including nonfiduciary agents), and other persons as the administrator or the trustee deems necessary or desirable in connection with the administration of the plan, including, but not limited to, agents and advisers to assist with the administration and management of the plan, and by so doing to provide, among such other duties as the administrator may appoint, assistance with maintaining plan records and the providing of investment information to the plan's investment fiduciaries and to plan members.

2.7. INFORMATION FROM THE AUTHORITY.

The authority shall supply full and timely information to the administrator on all pertinent facts as the administrator may require in order to perform its function, and the administrator shall advise the trustee of such of the foregoing facts as may be pertinent to the trustee's duties under the plan. The administrator may rely upon such information as is supplied by the employer and shall have no duty or responsibility to verify such information.

2.8. PAYMENT OF EXPENSES.

All reasonable expenses of administration may be paid out of the plan assets unless paid by the employer. Such expenses shall include any expenses incident to the functioning of the administrator or any person or persons retained or appointed by any named fiduciary incident to the exercise of their duties under the plan, including, but not limited to, fees of accountants, actuaries, counsel, investment managers, agents (including nonfiduciary agents) appointed for the purpose of assisting the administrator or the trustee in carrying out the instructions of members as to the directed investment of their accounts, if permitted, and other specialists and their agents, and other costs of administering the plan. Until paid, the expenses shall constitute a liability of the trust fund. In addition, unless specifically prohibited under statute, regulation, or other guidance of general applicability, the administrator may charge to the account of an individual member a reasonable charge to offset the cost of making a distribution to the member, beneficiary, or alternate payee under a qualified domestic relation order, as defined in Code Section 414(p). If liquid assets of the plan are insufficient to cover the fees of the trustee or the plan administrator, then plan assets shall be liquidated to the extent necessary for such fees. In the event any part of the plan assets becomes subject to tax, all taxes incurred will be paid from the plan assets. Until paid, the expenses shall constitute a liability of the trust fund.

ARTICLE III Eligibility.

3.1 CONDITIONS OF ELIGIBILITY.

Any eligible employee shall be eligible to participate in this plan as of such eligible employee's employment commencement date.

3.2 EFFECTIVE DATE OF PARTICIPATION.

An eligible employee shall become a member effective as of such eligible employee's employment commencement date.

3.3 DETERMINATION OF ELIGIBILITY.

The administrator shall determine the eligibility of each employee for participation in the plan based upon information furnished by the employer. Such determination shall be conclusive and binding upon all persons so long as the same is made pursuant to the plan.

3.4 TERMINATION OF ELIGIBILITY.

In the event a member shall go from a classification of an eligible employee to an ineligible employee, such former member shall continue to vest in the plan for each year of service completed while an ineligible employee until such time as the member's accrued benefit is forfeited or distributed pursuant to the terms of the plan.

3.5 REHIRED EMPLOYEES AND BREAKS IN SERVICE.

(a) Any member who becomes a former member due to severance from employment with the authority and who is reemployed by the authority shall become a member as of the member's reemployment date, provided such individual is not an ineligible employee as of the member's reemployment date.

(b) If any member becomes a former member due to severance from employment with the employer and is reemployed after a one-year break in service has occurred, years of service shall include years of service prior to the one-year break in service subject to the following provisions:

(1) The former member's employee contributions, with applicable interest, shall have remained in the plan;

(2) The former member has received no benefit under this plan for the prior service; and

(3) A former member who has not had years of service before a one-year break in service disregarded pursuant to paragraph (1) of this subsection shall participate in the plan as of the date of reemployment.

(c) A former member who has received a distribution which is equal to any portion of his or her accrued benefit under the plan shall not have those years of credited service for which the distribution applied restored upon reemployment with the authority. For purposes of this subsection, if the member's vested portion of the present value of accrued benefit is zero, then the member shall be deemed to have received a distribution of such vested portion.

ARTICLE IV

Contribution and valuation.

4.1 PAYMENT OF EMPLOYEE CONTRIBUTIONS.

(a) Effective July 1, 2004, each member shall contribute 6.20 percent of compensation received from the authority. Prior to July 1, 2004, each member contributed 4.61 percent of compensation received from the authority from December 30, 1953, until the member's termination of employment.

(b) Effective July 1, 2002, the authority shall credit each member with simple interest on the member's required employee contributions equal to 75 percent of the actuarial equivalent interest rate per calendar year. Prior to July 1, 2002, the authority credited each member with simple interest on the member's required employee contributions equal to 6.00 percent per calendar year.

(c) The amount of the employee contributions provided for in this section to be paid by each member shall be deducted and withheld by the authority as an after-tax employee contribution, unless the employer chooses to implement a government pick-up provision that:

(1) Specifies that the contributions, although designated as employee contributions, are being paid by the authority in lieu of employee contributions; such action shall be

applied prospectively and be evidenced by either resolution or minutes of a meeting of the authority for such action; or

(2) Does not permit a member from and after the date of the pick-up to have a cash or deferred election right, within the meaning of Treas. Reg. 1.401(k)-1(a)(3), with respect to designated employee contributions; members may not opt out of the pick-up or elect to receive the contributed amounts directly instead of having them paid by the authority to the plan.

4.2 PAYMENT OF EMPLOYER CONTRIBUTIONS.

The authority shall pay to the plan from time to time such amounts in cash as the administrator and employer shall determine to be necessary to provide the benefits under the plan determined by the application of accepted actuarial methods and assumptions. The authority will contribute the greater of (1) an amount equal to the total member contributions for the fiscal year, less, at the discretion of the authority, any forfeitures, or (2) the amount required to meet the funding requirements of Chapter 20 of Title 47 of the O.C.G.A., the 'Public Retirement Systems Standards Law.' The method of funding shall be consistent with plan objectives; provided, however, that the employer may pay such contributions as appropriate directly to the trustee, and such payment shall be deemed a contribution to the plan. The amounts paid pursuant to this section shall be paid from the general funds of the authority and shall be treated as a personnel expense.

4.3 ACTUARIAL METHODS.

In establishing the liabilities under the plan and contributions to the plan, the plan's actuary will use such methods and assumptions as will reasonably reflect the cost of the benefits. The plan assets are to be valued on the basis of any reasonable method of valuation that takes into account fair market value pursuant to regulations. There must be an actuarial valuation of the plan as frequently as required by law.

4.4 QUALIFIED MILITARY SERVICE.

(a) Notwithstanding any provisions of this plan to the contrary, contributions, benefits, and service credit for qualified military service will be provided in accordance with Code Section 414(u).

(b) In the case of a death occurring on or after January 1, 2007, if a participant dies while performing qualified military service, as defined in Code Section 414(u), the participant's beneficiary is entitled to any additional benefits other than benefit accruals relating to the period of qualified military service provided under the plan as if the participant had resumed employment and then terminated employment on account of death. The plan shall credit the participant's qualified military service as service for vesting purposes, as though the participant had resumed employment under the federal Uniformed Services Employment and Reemployment Rights Act ('USERRA') immediately prior to the participant's death.

(c) For years beginning after December 31, 2008:

- (1) An individual receiving a differential wage payment, as defined by Code Section 3401(h)(2), is treated as an employee of the employer making the payment;
- (2) The differential wage payment is treated as compensation for purposes of Code Section 415(c)(3) and Treasury Reg. 1.415(c)-2; and
- (3) The plan is not treated as failing to meet the requirements of any provision described in Code Section 414(u)(1)(C) or corresponding plan provisions by reason of any contribution or benefit which is based on the differential wage payment. Differential wage payments as described in this subsection shall also be considered compensation for all plan purposes.
- (d) Subsection (c) of this section shall apply only if all employees of the authority performing service in the uniformed services described in Code Section 3401(h)(2)(A) are entitled to receive differential wage payments, as such term is defined in Code Section 3401(h)(2), on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the authority, to make contributions or receive benefits based on the payments on reasonably equivalent terms, taking into account Code Sections 410(b)(3), (4), and (5).

ARTICLE V
Benefits.

5.1 NORMAL FORM OF BENEFIT.

- (a) The retirement benefit to be provided for each member who retires on the normal retirement date shall be equal to the member's accrued benefit.
- (b) The 'normal retirement benefit' payable to a retired member pursuant to this section shall be a straight life annuity which shall be defined as the normal form of benefit. The actual form of distribution of such benefit, however, shall be determined pursuant to the provisions of Section 5.10 of the plan.

5.2 NORMAL RETIREMENT BENEFITS.

A member's normal retirement benefit shall be a monthly pension payable in the normal form of benefit and commencing on a member's normal retirement date in an amount equal to the product of the member's final average monthly compensation multiplied by the member's years of service as of the date of determination and, effective July 1, 2004, multiplied by the percentage set forth in the following table, based on the member's years of service as of the date of determination:

Years of Service	Percentage
1-30	2.000%
31	2.025%
32	2.050%
33	2.075%

34	2.100%
35	2.125%
36	2.150%
37	2.175%
38	2.200%
39	2.225%
40 or more.....	2.250%

With respect to retirement benefits initiated prior to July 1, 2004, the table was equal to:

Years of Service	Percentage
1-30.....	1.750%
31	1.775%
32	1.800%
33	1.825%
34	1.850%
35	1.875%
36	1.900%
37	1.925%
38	1.950%
39	1.975%
40 or more.....	2.000%

In the event the member's normal retirement benefit does not equal at least \$20.00 multiplied by the number of years of service up to a maximum of ten years, then the member's normal retirement benefit shall be the product of \$20.00 multiplied by the number of years of service up to a maximum of \$200.00. In no event shall a member's accrued benefit be less than his or her accrued benefit determined as of the date of enactment based on the plan provisions in effect on that date.

5.3 EARLY RETIREMENT BENEFITS.

(a) Upon reaching 55 years of age, and prior to attaining normal retirement age, any member who has 15 or more years of service may retire, at his or her option, and shall receive benefits actuarially equivalent to his or her accrued benefit.

(b) Any member, before attaining normal retirement age, who has 25 or more years of service may retire, at his or her option, and shall receive benefits actuarially equivalent to his or her accrued benefit.

(c) Upon reaching 55 years of age, and prior to attaining normal retirement age, any member who has 30 or more years of service may retire, at his or her option, and shall receive benefits, without actuarial reduction, to which he or she would have been entitled under the plan as if he or she had retired on his or her normal retirement date.

5.4 LATE RETIREMENT BENEFITS.

A member may continue in the employ of the authority following a member's normal retirement date. In such event, no retirement benefit will be paid to the member until the member actually retires, subject to any required minimum distribution payments. At the member's late retirement date, the affected member's late retirement benefit shall be the member's accrued benefit based on credited service and final average monthly compensation determined as of the member's late retirement date.

5.5 DISABILITY RETIREMENT BENEFITS.

(a)(1) If a member becomes permanently and totally disabled after five continuous years of service, he or she shall be 100 percent vested and shall be entitled to receive a monthly disability retirement benefit equal to 1.750 percent of the member's final average monthly compensation multiplied by the member's number of years of service as of the date of disability determination; provided, however, that a member's monthly disability retirement benefit shall in no event be less than \$20.00 per month for each year of continuous service.

(2) If a member becomes permanently and totally disabled after earning at least 30 years of service, the member shall be entitled to benefits calculated in accordance with Section 5.2 of the plan without actuarial reduction for early commencement of benefits.

(b) A member who becomes permanently and totally disabled as a result of accidental, violent, and external causes suffered in the line of duty and in the performance of duty shall be entitled to a monthly disability retirement benefit equal to two-thirds of the member's final average monthly compensation without actuarial reduction for early commencement of benefits.

(c) The determination of disability shall be applied uniformly to all participants. In the event that the federal Social Security Administration determines that a member is no longer permanently and totally disabled and such member is no longer drawing Social Security benefits pursuant to the federal Social Security Act, the authority may order that the member return to active service with the authority and that the member's retirement benefit payments be discontinued during the period of such active employment with the authority. In the event the member so ordered by the authority to return to active employment with the authority fails or refuses to do so within 30 days of written notice, the member's right to disability retirement benefits pursuant to this section shall cease. In the event such member shall return to active employment with

the authority as ordered by the authority, such member shall resume payment of employee contributions then required by the plan and shall likewise be entitled to further service credit during the time the member remains in the active employment of the authority. Such member shall not be entitled to other retirement benefits of the plan except by relinquishment of any and all rights to any disability retirement benefits.

(d) No disability payment pursuant to this section shall be paid if:

(1) It is found that the member's disability was caused by the member's willful misconduct, a self-inflicted injury, or a member's attempt unlawfully to insure another or to commit or attempt to commit a felony under the laws of the State of Georgia or of the United States;

(2) The disability from external causes was suffered in the line of duty and in performance of duty for the period for which the member receives payment or for the period computed in a lump sum payment under Chapter 9 of Title 34 of the O.C.G.A., relating to workers compensation; or

(3) The member is receiving remuneration as an officer or employee of the authority.

5.6 DEATH BENEFITS.

(a) Any death benefit paid by the plan on behalf of a member shall be made to the member's surviving spouse, or if there is no surviving spouse, to the member's beneficiary, or if there is no beneficiary, to the member's surviving heirs at law.

(b) In the event a member dies prior to retirement, the member's death benefit recipient shall receive a death benefit equal to the member's cumulative employee contributions plus simple interest credited to the member's contributions annually at the rate of 75 percent of the actuarial interest credit in effect during the member's time of service as specified in Section 4.1 of the plan. Such interest credit shall be calculated on employee contributions made by the member through the December 31 coincident with or immediately preceding the member's date of death.

(c) In the event a member is killed by accidental, violent, and external causes sustained in the line of duty and the active performance of duty, then the member's death benefit recipient shall receive a death benefit as described in subsection (b) of this section, plus an additional death benefit equal to \$100.00 multiplied by the member's years of service, up to a maximum additional death benefit of \$500.00.

(d) In the event an actively employed married member dies prior to actual retirement, but has met the age or service requirements for early retirement or normal retirement prescribed in Section 5.2 or Section 5.3 of the plan, the member's surviving spouse shall be entitled to a monthly benefit equal to 50 percent of the benefit payable to the member as of the first day of the month next following the member's date of death, assuming the member had elected to retire as of the member's date of death and elected a joint and 50 percent survivor annuity option.

(e) In the event a pensioned member who is receiving retirement benefits pursuant to this article of the plan in a form other than as a joint and survivor annuity or any other optional form of benefit that does not require the designation of a beneficiary dies prior to receiving pension benefits in an amount equal to the death benefit provided in

subsection (b) of this section (the amount of interest to be calculated and credited, however, to the date of the member's retirement, only for purposes of this subsection), the difference remaining shall be paid to the member's death benefit recipient as otherwise provided in this section.

(f) In the event a pensioned member who is receiving retirement benefits pursuant to this article of the plan as a joint and survivor annuity or any other optional form of benefit that requires the designation of a beneficiary, and such member and the member's beneficiary die prior to receiving combined total pension benefits in an amount equal to the death benefit provided in subsection (b) of this section (the amount of interest to be calculated and credited, however, to the date of the member's retirement, only for purposes of this subsection), the difference remaining shall be paid to the member's death benefit recipient as otherwise provided in this section.

(g) The administrator may require such proper proof of death and such evidence of the right of any person to receive the death benefit payable as a result of the death of a member as the administrator may deem desirable. The administrator's determination of death and the right of any person to receive payment shall be conclusive.

(h) Notwithstanding anything in this section to the contrary, if a member has designated the spouse as a beneficiary, then a divorce decree or a legal separation that relates to such spouse shall revoke the member's designation of the spouse as a beneficiary unless the decree or a qualified domestic relations order within the meaning of Code Section 414(p) provides otherwise.

5.7 TERMINATION OF EMPLOYMENT BEFORE RETIREMENT.

(a)(1) In the event a member terminates service with the authority, or in the event the member's service is terminated for any reason other than death or cause for which the member receives benefit payments elsewhere under the plan, the member may elect to receive a severance benefit equal to the member's cumulative employee contributions, plus simple interest credited to the member's contributions annually at the rate of 75 percent of the actuarial interest credit in effect during the member's time of service as specified in Section 4.1 of the plan. Such interest credit shall be calculated on employee contributions made by the member through the December 31 coincident with or immediately preceding the member's termination of service. Such payment is in lieu of all other benefits provided under the plan, and shall be the exclusive benefit provided to a member who elects to take his or her severance benefit.

(2) Within a reasonable time period following a member's termination of service, a terminated member shall be notified in writing by certified mail, return receipt requested, of his or her option to forego the severance benefit described in paragraph (1) of this subsection and leave the member's employee contributions in the plan's trust so as to avoid the forfeiture of the member's accrued benefit related to employer contributions. The terminated member shall be afforded a 12 month period, measured from the date of the member's termination of service, in which to make such election. In the absence of an election by the terminated member, at the expiration of such 12

month period, the authority shall cause the trustee to distribute such severance benefit to the member as soon as administratively practicable.

(b) At the election of the terminated member, a member shall be entitled to receive actuarially reduced benefits prior to normal retirement age pursuant to this section, on or after the date the member would have become eligible for early retirement.

(c) Payment to a terminated member of the vested portion of the accrued benefit who has not received a benefit under subsection (a) of this section or commenced the receipt of a benefit under this section, unless the terminated member otherwise elects, shall begin not later than the sixtieth day after the close of the plan year in which the later of the following events occurs: (1) the date on which the member attains normal retirement age; or (2) the date the member terminates service with the employer.

(d) A member shall always be 100 percent vested in his or her own employee contributions. The vested portion of any member's accrued benefit shall be a percentage of such member's accrued benefit determined on the basis of the member's number of years of service according to the following vesting schedule:

Years of Service	Vesting Percentage
Less than five years	0.000%
Five years or more	100.000%

If the member's vested portion of the present value of accrued benefit is zero, then the deemed cashout rule will apply and the member shall be deemed to have received a distribution of such vested portion; provided, however, that a member's entire interest in the plan shall be nonforfeitable upon the member's normal retirement age if the member is an active employee employed by the employer on or after such date.

(e) Notwithstanding the provisions of subsection (d) of this section, the vested percentage of a member's accrued benefit shall not be less than the vested percentage attained as of the later of the effective date or adoption date of this amendment. The computation of a member's nonforfeitable percentage of such member's interest in the plan shall not be reduced as the result of any direct or indirect amendment to this article. If the plan's vesting schedule is amended, then the amended schedule shall apply to those members who complete an hour of service after the effective date of the amendment.

(f) If the plan's vesting schedule is amended, or if the plan is amended in any way that directly or indirectly affects the computation of the member's nonforfeitable percentage, then each member with at least three years of service as of the expiration date of the election period may elect to have such member's nonforfeitable percentage computed under the plan without regard to such amendment or change. If a member fails to make such election, then such member shall be subject to the new vesting schedule. The member's election period shall commence on the adoption date of the amendment and shall end 60 days after the latest of: (1) the adoption date of the amendment, (2) the effective date of the amendment, or (3) the date the member receives written notice of the amendment from the employer or administrator.

5.8 BENEFIT REDUCTIONS FOR PRIOR PAYMENTS.

Notwithstanding the provisions of Section 5.7 of the plan, a member's benefit payable under the plan shall be reduced to reflect prior payments under the plan. At the time a member who has received previous payments from the plan is eligible to receive additional benefits, benefit payments shall resume and shall be equal to his or her recomputed benefit, reduced actuarially to reflect any benefits previously received, including total benefit distributions and deemed total benefit distributions; provided, however, that in no event shall a recomputation of a member's benefit cause him or her to receive less in the way of monthly payments than what he or she was previously receiving reduced by the actuarial equivalent of any total benefit distributions, if any, paid after his or her previous retirement payments ceased.

5.9 COST OF LIVING ADJUSTMENTS TO RETIREMENT BENEFITS.

The following cost of living increases have been implemented for the benefit of members and their beneficiaries:

- (1) Effective January 2, 1992, the monthly benefit of every member who was retired and receiving benefits prior to July 1, 1986, shall be increased by 5 percent on a one-time basis. This one-time increase in benefits shall also be applicable to any beneficiary if that beneficiary's member was retired and receiving benefits prior to July 1, 1986;
- (2) The monthly benefit of every member who was retired and receiving benefits prior to March 28, 1988, but after June 30, 1986, and of every beneficiary of such member shall be increased by 5 percent; such increase shall be paid on benefits received on and after April 1, 1994; and
- (3) The monthly benefit of every member who is retired and receiving benefits and of every beneficiary of such member shall be increased every five years by 2 percent, retroactive to April 1, 1994; this cost of living adjustment shall be effective as of October 1, 2004.

5.10 DISTRIBUTION OF BENEFITS.

(a) Election. A member shall be entitled to elect, or revoke a previous election and make a new election, at any time six months or more prior to the member's retirement, or prior to commencement of benefit payments, to have his or her retirement benefit payment payable under one of the options set forth in this section in lieu of the normal form of benefit payment. A member's election of any optional form of benefit shall be made by the member in writing and shall be subject to approval, on a nondiscriminatory basis, by the authority. Any optional form of benefit thus elected shall be paid in accordance with the terms of such option. A member who retires as a result of being totally and permanently disabled shall be entitled to receive the member's retirement benefit as a life annuity or as a reduced joint and survivor annuity.

(b) Optional forms of benefit. The amount of any optional form of benefit shall be the actuarial equivalent of the benefit that would otherwise be payable to the member. Optional forms of benefit are as follows:

(1) A joint and survivor annuity option will pay a reduced retirement benefit during the joint lifetime of the member and his or her beneficiary. Should the beneficiary predecease a member, there is no further reduction. Should the member predecease the beneficiary, the same amount or a smaller amount, as the member designates at the time of retirement, will continue to be paid for the remaining lifetime of the beneficiary;

(2) A social security option will pay an increased retirement benefit during the lifetime of the member who retires other than for disability until his or her retirement benefits commence under the federal Social Security Act, then a reduced retirement benefit payable thereafter for life in order to produce a more level retirement income when such reduced retirement benefit is added to his or her primary benefits under social security. For this purpose the primary benefits under social security shall be estimated; and

(3) Other options, other than lump sum distributions, may be offered subject to the approval of the authority.

(c) Notice. For any distribution notice issued in plan years beginning after December 31, 2006, any plan provision requiring that the notice requirements of Code Sections 402(f) (the rollover notice) and 411(a)(11) (member's consent to distribution) be implemented no more than 90 days prior to the annuity starting date may be implemented no more than 180 days prior to the annuity starting date.

(d) Distribution of benefits. Notwithstanding any provision in the plan to the contrary, the distribution of a member's benefits, whether under the plan or through the purchase of an annuity contract, shall be made in accordance with the requirements of subsections (e) through (u) of this section and shall otherwise comply with Code Section 401(a)(9) and the regulations thereunder, including Regulation 1.401(a)(9)-6.

(e)(1) General rules. Except as otherwise provided in this section, distributions of the member's accrued benefit shall be paid in the form of periodic annuity payments for the member's life or the joint lives of the member and beneficiary or over a period certain that does not exceed the maximum length of the period certain determined in accordance with subsection (g) of this section. The interval between payments for the annuity shall be uniform over the entire distribution period and shall not exceed one year. Once payments have commenced over a period, the period may only be changed in accordance with subsection (n) of this section. Life or joint and survivor annuity payments must satisfy the minimum distribution incidental benefit requirements of subsection (f) of this section. Except as otherwise provided in this section, such as permitted increases described in subsection (o) of this section, all payments, whether paid over a member's life, joint lives, or a period certain, also shall be nonincreasing.

(2) Annuity commencement. Annuity payments shall commence on or before the member's required beginning date, within the meaning of A-2 of Regulation 1.401(a)(9)-2. The first payment, which shall be made on or before the member's required beginning date, shall be the payment which is required for one payment interval. The second payment need not be made until the end of the next payment

interval even if that payment interval ends in the next calendar year. Similarly, in the case of distributions commencing after death in accordance with Code Section 401(a)(9)(B)(iii) and (iv), the first payment, which shall be made on or before the date determined under A-3(a) or (b), whichever is applicable, of Regulation 1.401(a)(9)-3, must be the payment which is required for one payment interval. Payment intervals are the periods for which payments are received: bimonthly, monthly, semiannually, or annually. All benefit accruals as of the last day of the first distribution calendar year must be included in the calculation of the amount of annuity payments for payment intervals ending on or after the member's required beginning date.

(3) Single sum distributions.

(A) In the case of a single sum distribution of a member's entire accrued benefit during a distribution calendar year, the amount that is the required minimum distribution for the distribution calendar year, and thus not eligible for rollover under Code Section 402(c), is determined using either the rule in paragraph (1) of subsection (d) of this section or the rule in subparagraph (B) of paragraph (4) of this subsection.

(B) The portion of the single sum distribution that is a required minimum distribution is determined by treating the single sum distribution as a distribution from an individual account plan and treating the amount of the single sum distribution as the member's account balance as of the end of the relevant valuation calendar year. If the single sum distribution is being made in the calendar year containing the required beginning date and the required minimum distribution for the member's first distribution calendar year has not been distributed, the portion of the single sum distribution that represents the required minimum distribution for the member's first and second distribution calendar years is not eligible for rollover.

(C) The portion of the single sum distribution that is a required minimum distribution may be determined by expressing the member's benefit as an annuity that would satisfy this section with an annuity starting date as of the first day of the distribution calendar year for which the required minimum distribution is being determined and treating one year of annuity payments as the required minimum distribution for that year and not eligible for rollover. If the single sum distribution is being made in the calendar year containing the required beginning date and the required minimum distribution for the member's first distribution calendar year has not been made, the benefit must be expressed as an annuity with an annuity starting date as of the first day of the first distribution calendar year, and the payments for the first two distribution calendar years would be treated as required minimum distributions and not eligible for rollover.

(4) Death benefits. The provisions of paragraph (1) of this subsection prohibiting increasing payments under an annuity shall apply to payments made upon the death of a member; provided, however, that for purposes of this section, an ancillary death benefit described in this paragraph may be disregarded in applying that rule. Such an ancillary death benefit is excluded in determining a member's entire interest and the rules prohibiting increasing payments shall not apply to such an ancillary death

benefit. A death benefit with respect to a member's benefit is an ancillary death benefit for purposes of this section if:

(A) It is not paid as part of the member's accrued benefit or under any optional form of the member's benefit; and

(B) The death benefit, together with any other potential payments with respect to the member's benefit that may be provided to a survivor, satisfies the incidental benefit requirement of Regulation 1.401-1(b)(1)(i).

(f) Minimum distribution incidental benefit ('MDIB') requirement and incidental benefit requirement.

(1) Life annuity for member. If the member's benefit is paid in the form of a life annuity for the life of the member satisfying Code Section 401(a)(9) without regard to the minimum distribution incidental benefit ('MDIB') requirement, the MDIB requirement of Code Section 401(a)(9)(G) will be satisfied.

(2) Joint and survivor annuity, spouse beneficiary. If the member's sole beneficiary, as of the annuity starting date for annuity payments, is the member's spouse and the distributions satisfy Code Section 401(a)(9) without regard to the MDIB requirement, the distributions to the member shall be deemed to satisfy the MDIB requirement of Code Section 401(a)(9)(G).

(3) Joint and survivor annuity, nonspouse beneficiary - explanation of rule. If distributions commence under a distribution option that is in the form of a joint and survivor annuity for the joint lives of the member and a beneficiary other than the member's spouse, the MDIB requirement will not be satisfied as of the date distributions commence unless under the distribution option the annuity payments to be made on and after the member's required beginning date will satisfy the conditions of this paragraph. The periodic annuity payment payable to the survivor must not at any time on and after the member's required beginning date exceed the applicable percentage of the annuity payment payable to the member using the table located in Regulation 1.401(a)(9)-6, which is incorporated herein by reference as if set forth verbatim. The applicable percentage is based on the adjusted member beneficiary age difference. The adjusted member beneficiary age difference is determined by first calculating the excess of the age of the member over the age of the beneficiary based on their ages on their birthdays in a calendar year. Then, if the member is younger than age 70, the age difference determined in the previous sentence is reduced by the number of years that the member is younger than age 70 on the member's birthday in the calendar year that contains the annuity starting date. In the case of an annuity that provides for increasing payments, the requirement of this paragraph will not be violated merely because benefit payments to the beneficiary increase, provided the increase is determined in the same manner for the member and the beneficiary.

(4) Period certain and annuity features. If a distribution form includes a period certain, the amount of the annuity payments payable to the beneficiary need not be reduced during the period certain, but in the case of a joint and survivor annuity with a period certain, the amount of the annuity payments payable to the beneficiary must satisfy paragraph (3) of this subsection after the expiration of the period certain.

(5) Deemed satisfaction of incidental benefit rule. Except in the case of distributions with respect to a member's benefit that include an ancillary death benefit described in paragraph (5) of subsection (e) of this subsection, to the extent the incidental benefit requirement of Regulation 1.401-1(b)(1)(i) requires a distribution, such requirement is deemed to be satisfied if distributions satisfy the MDIB requirement of this subsection. If the member's benefits include an ancillary death benefit described in paragraph (5) of subsection (e) of this subsection, the benefits, including the ancillary death benefit, shall be distributed in accordance with the incidental benefit requirement described in Regulation 1.401-1(b)(1)(i) and the benefits, excluding the ancillary death benefit, shall also satisfy the MDIB requirement of this subsection.

(g) Length of period certain.

(1) Distributions commencing during the member's life. The period certain for any annuity distributions commencing during the life of the member with an annuity starting date on or after the member's required beginning date generally is not permitted to exceed the applicable distribution period for the member, determined in accordance with the Uniform Lifetime Table in A-2 of Regulation 1.401(a)(9)-9, for the calendar year that contains the annuity starting date; provided, however, that if the member's sole beneficiary is the member's spouse, the period certain is permitted to be as long as the joint life and last survivor expectancy of the member and the member's spouse, if longer than the applicable distribution period for the member, provided the period certain is not provided in conjunction with a life annuity under paragraph (2) of subsection (e) of this section.

(2) Distributions commencing after the member's death.

(A) If annuity distributions commence after the death of the member under the life expectancy rule under Code Section 401(a)(9)(B)(iii) or (iv), the period certain for any distributions commencing after death shall not exceed the applicable distribution period determined under A-5(b) of Regulation 1.401(a)(9)-5 for the distribution calendar year that contains the annuity starting date.

(B) If the annuity starting date is in a calendar year before the first distribution calendar year, the period certain may not exceed the life expectancy of the designated beneficiary using the beneficiary's age in the year that contains the annuity starting date.

(h) Distributions from an annuity contract from an insurance company. The plan will not fail to satisfy Code Section 401(a)(9) merely because distributions are made from an annuity contract which is purchased with the member's benefit by the plan from an insurance company as long as the payments satisfy the requirements of this section. If the annuity contract is purchased after the required beginning date, the first payment interval must begin on or before the purchase date, and the payment required for one payment interval must be made no later than the end of such payment interval.

(i) Distribution of additional benefits after the member's first distribution calendar year.

(1) Annuity distributions. In the case of annuity distributions under the plan, if any additional benefits accrue in a calendar year after the member's first distribution calendar year, distribution of the amount that accrues in the calendar year must

commence in accordance with subsection (e) of this section, beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(2) Administrative delay. The plan will not fail to satisfy Code Section 401(a)(9) merely because there is an administrative delay in the commencement of the distribution of the additional benefits accrued in a calendar year, provided that the actual payment of such amount commences as soon as practicable; provided, further, that payment must commence no later than the end of the first calendar year following the calendar year in which the additional benefit accrues, and the total amount paid during such first calendar year must be no less than the total amount that was required to be paid during that year under this subsection.

(j) Portion of a member's benefit not vested. In the case of annuity distributions from the plan, if any portion of the member's benefit is not vested as of December 31 of a distribution calendar year, the portion that is not vested as of such date will be treated as not having accrued for purposes of determining the required minimum distribution for that distribution calendar year. When an additional portion of the employee's benefit becomes vested, such portion shall be treated as an additional accrual.

(k) Certain distributions that commence before member's required beginning date.

(1) General rule. If distributions commence to a member on a date before the member's required beginning date over a period permitted under Code Section 401(a)(9)(A)(ii) and the distribution form is an annuity under which distributions are made in accordance with the provisions of subsection (e) of this section, the annuity starting date shall be treated as the required beginning date for purposes of applying the rules of subsection (o) of this section and Regulation 1.401(a)(9)-2. Thus, for example, the designated beneficiary distributions will be determined as of the annuity starting date. Similarly, if the member dies after the annuity starting date but before the required beginning date determined under A-2 of Treasury Regulation 1.401(a)(9)-2, after the member's death the remaining portion of the member's interest must continue to be distributed in accordance with subsection (o) of this section over the remaining period over which distributions commenced. The rules in Regulation 1.401(a)(9)-3 and Code Section 401(a)(9)(B)(ii) or (iii) and (iv) shall not apply.

(2) Period certain. If, as of the member's birthday in the year that contains the annuity starting date, the age of the member is less than 70 years of age, the provisions of this paragraph shall be used in applying the provisions of paragraph (1) of subsection (g) of this section. The applicable distribution period for the member is the distribution period for age 70, determined in accordance with the Uniform Lifetime Table in A-2 of Treasury Regulation 1.401(a)(9)-9, plus the excess of 70 over the age of the member as of the member's birthday in the year that contains the annuity starting date.

(3) Adjustment to member beneficiary age difference. For the determination of the adjusted member beneficiary age difference in the case of a member whose age on the annuity starting date is less than 70, the provisions of paragraph (3) of subsection (f) of this section shall apply.

(l) Certain distributions to member's surviving spouse. If distributions commence to the surviving spouse of a member over a period permitted under Code Section 401(a)(9)(B)(iii)(II) before the date on which distributions are required to commence and the distribution form is an annuity under which distributions are made as of the date distributions commence in accordance with the provisions of subsection (g) of this section, distributions will be considered to have begun on the actual commencement date for purposes of Code Section 401(a)(9)(B)(iv)(II). Consequently, in such case, A-5 of Treasury Regulation 1.401(a)(9)-3 and Code Section 401(a)(9)(B)(ii) and (iii) shall not apply upon the death of the surviving spouse as though the surviving spouse were the member. Instead, the annuity distributions must continue to be made, in accordance with the provisions of subsection (e) of this section, over the remaining period over which distributions commenced.

(m) Annuitization of certain annuity contracts.

(1) General rule. Prior to the date that an annuity contract under an individual account plan is annuitized, the interest of a member or beneficiary under that contract is treated as an individual account for purposes of Code Section 401(a)(9). Thus, the required minimum distribution for any year with respect to that interest is determined under Regulation 1.401(a)(9)-5 rather than this subsection.

(2) Entire interest. For purposes of applying the rules in Regulation 1.401(a)(9)-5, the entire interest under the annuity contract as of December 31 of the relevant valuation calendar year is treated as the account balance for the valuation calendar year described in A-3 of Code Section 1.401(a)(9)-5. The entire interest under an annuity contract is the dollar amount credited to the member or beneficiary under the contract plus the actuarial present value of any additional benefits, such as survivor benefits in excess of the dollar amount credited to the member or beneficiary, that will be provided under the contract. However, paragraph (3) of this subsection describes certain additional benefits that may be disregarded in determining the member's entire interest under the annuity contract. The actuarial present value of any additional benefits described under this subsection shall be determined using reasonable actuarial assumptions, including reasonable assumptions as to future distributions, and without regard to an individual's health.

(3) Exclusions.

(A) The actuarial present value of any additional benefits provided under an annuity contract described in paragraph (2) of this subsection may be disregarded if the sum of the dollar amount credited to the member or beneficiary under the contract and the actuarial present value of the additional benefits is no more than 120 percent of the dollar amount credited to the member or beneficiary under the contract and the contract provides only for the following additional benefits:

(i) Additional benefits that, in the case of a distribution, are reduced by an amount sufficient to ensure that the ratio of such sum to the dollar amount credited does not increase as a result of the distribution, and

(ii) An additional benefit that is the right to receive a final payment upon death that does not exceed the excess of the premiums paid less the amount of prior distributions.

(B) If the only additional benefit provided under the contract is the additional benefit described in division (ii) of subparagraph (A) of this paragraph, the additional benefit may be disregarded regardless of its value in relation to the dollar amount credited to the member or beneficiary under the contract.

(n) Change of an annuity payment period.

(1) In general. An annuity payment period may be changed in accordance with the provisions set forth in paragraph (2) of this subsection or in association with an annuity payment increase described in subsection (o) of this section.

(2) Reannuitization. If, in a stream of annuity payments that otherwise satisfies Code Section 401(a)(9), the annuity payment period is changed and the annuity payments are modified in association with that change, this modification will not cause the distributions to fail to satisfy Code Section 401(a)(9) provided the conditions set forth in paragraph (3) of this subsection are satisfied and:

(A) The modification occurs at the time that the member retires or in connection with a plan termination;

(B) The annuity payments prior to modification are annuity payments paid over a period certain without life contingencies; or

(C) The annuity payments after modification are paid under a qualified joint and survivor annuity over the joint lives of the member and a designated beneficiary, the member's spouse is the sole designated beneficiary, and the modification occurs in connection with the member becoming married to such spouse.

(3) Conditions. In order to modify a stream of annuity payments in accordance with paragraph (2) of this subsection, the following conditions must be satisfied:

(A) The future payments under the modified stream satisfy Code Section 401(a)(9) and this subsection, determined by treating the date of the change as a new annuity starting date and the actuarial present value of the remaining payments prior to modification as the entire interest of the member;

(B) For purposes of Code Sections 415 and 417, the modification is treated as a new annuity starting date;

(C) After taking into account the modification, the annuity stream satisfies Code Section 415, determined at the original annuity starting date, using the interest rates and mortality tables applicable to such date; and

(D) The end point of the period certain, if any, for any modified payment period is not later than the end point available under Code Section 401(a)(9) to the member at the original annuity starting date.

(o) Certain annuity payment increases.

(1) General rules. Except as otherwise provided in this subsection, all annuity payments, whether paid over a member's life, joint lives, or a period certain, shall be nonincreasing or shall increase only in accordance with one or more of the following:

(A) With an annual percentage increase that does not exceed the percentage increase in an eligible cost-of-living index as defined in paragraph (2) of this subsection for a 12 month period ending in the year during which the increase occurs or the prior year;

(B) With a percentage increase that occurs at specified times, such as specified ages, and does not exceed the cumulative total of annual percentage increases in an eligible cost-of-living index as defined in paragraph (2) of this subsection since the annuity starting date, or if later, the date of the most recent percentage increase; provided, however, that in cases providing such a cumulative increase, an actuarial increase may not be provided to reflect the fact that increases were not provided in the interim years;

(C) To the extent of the reduction in the amount of the member's payments to provide for a survivor benefit, but only if there is no longer a survivor benefit because the beneficiary whose life was being used to determine the period described in Code Section 401(a)(9)(A)(ii) over which payments were being made dies or is no longer the member's beneficiary pursuant to a qualified domestic relations order within the meaning of Code Section 414(p);

(D) To pay increased benefits that result from a plan amendment;

(E) To allow a beneficiary to convert the survivor portion of a joint and survivor annuity into a single sum distribution upon the member's death; or

(F) To the extent increases are permitted in accordance with paragraph (3) or (4) of this subsection.

(2) Definitions. For purposes of this subsection, the term:

(A) 'Acceleration of payments' means a shortening of the payment period with respect to an annuity or a full or partial commutation of the future annuity payments. An increase in the payment amount will be treated as an acceleration of payments in the annuity only if the total future expected payments under the annuity, including the amount of any payment made as a result of the acceleration, is decreased as a result of the change in payment period.

(B) 'Actuarial gain' means the difference between an amount determined using the actuarial assumptions, including investment return, mortality, expense, and other similar assumptions, used to calculate the initial payments before adjustment for any increases and the amount determined under the actual experience with respect to those factors. Actuarial gain also includes differences between the amount determined using actuarial assumptions when an annuity was purchased or commenced and such amount determined using actuarial assumptions used in calculating payments at the time the actuarial gain is determined.

(C) 'Eligible cost-of-living index' means:

(i) A consumer price index that is based on prices of all items, or all items excluding food and energy, and issued by the Bureau of Labor Statistics, including an index for a specific population, such as urban consumers or urban wage earners and clerical workers, and an index for a geographic area or areas, such as a given metropolitan area or state;

(ii) A percentage adjustment based on a cost-of-living index described in subparagraph (B) of this paragraph, or a fixed percentage if less. In any year when the cost-of-living index is lower than the fixed percentage, the fixed percentage may be treated as an increase in an eligible cost-of-living index, provided it does not exceed the sum of:

(I) The cost-of-living index for that year; and

(II) The accumulated excess of the annual cost-of-living index from each prior year over the fixed annual percentage used in that year, reduced by any amount previously utilized under this division; or

(iii) A percentage adjustment based on the increase in compensation for the position held by the member at the time of retirement and provided under the terms of a governmental plan within the meaning of Code Section 414(d) as in effect on April 17, 2002.

(D) 'Total future expected payments' means the total future payments expected to be made under the annuity contract as of the date of the determination, calculated using the Single Life Table in A-1 of Regulation 1.401(a)(9)-9 or, if applicable, the joint and Last Survivor Table in A-3 of in Regulation 1.401(a)(9)-9, for annuitants who are still alive, without regard to any increases in annuity payments after the date of determination and taking into account any remaining period certain.

(E) 'Total value being annuitized' means:

(i) In the case of annuity payments under a Section 403(a) annuity plan or under a deferred annuity purchased by a Section 401(a) trust, the value of the member's entire interest (within the meaning of subsection (m) of this section) being annuitized, valued as of the date annuity payments commence;

(ii) In the case of annuity payments under an immediate annuity contract purchased by a trust for a defined benefit plan qualified under Section 401(a), the amount of the premium used to purchase the contract; and

(iii) In the case of a defined contribution plan, the value of the member's account balance used to purchase an immediate annuity under the contract.

(3) Additional permitted increases for annuity payments under annuity contracts purchased from insurance companies. In the case of annuity payments paid from an annuity contract purchased from an insurance company, if the total future expected payments, determined in accordance with subparagraph (D) of paragraph (2) of this subsection, exceed the total value being annuitized, within the meaning of subparagraph (E) of paragraph (2) of this subsection, the payments under the annuity will not fail to satisfy the nonincreasing payment requirement in paragraph (1) of subsection (e) of this section merely because the payments are increased in accordance with one or more of the following:

(A) By a constant percentage, applied not less frequently than annually;

(B) To provide a final payment upon the death of the member that does not exceed the excess of the total value being annuitized within the meaning of subparagraph (E) of paragraph (2) of this subsection over the total of payments before the death of the member;

(C) As a result of dividend payments or other payments that result from actuarial gains within the meaning of subparagraph (B) of paragraph (2) of this subsection, but only if actuarial gain is measured no less frequently than annually and the resulting dividend payments or other payments are either paid no later than the year following the year for which the actuarial experience is measured or paid in the same form as the payment of the annuity over the remaining period of the annuity, beginning no later than the year following the year for which the actuarial experience is measured; and

(D) An acceleration of payments under the annuity within the meaning of subparagraph (A) of paragraph (2) of this subsection.

(4) Additional permitted increases for annuity payments from a qualified trust. In the case of annuity payments paid under a defined benefit plan qualified under Code Section 401(a), other than annuity payments under an annuity contract purchased from an insurance company that satisfy paragraph (3) of this subsection, the payments under the annuity will not fail to satisfy the nonincreasing payment requirement in subsection (e) of this section merely because the payments are increased in accordance with one of the following:

(A) By a constant percentage, applied not less frequently than annually, at a rate that is less than 5 percent per year;

(B) To provide a final payment upon the death of the member that does not exceed the excess of the actuarial present value of the member's accrued benefit, within the meaning of Code Section 411(a)(7), calculated as the annuity starting date using the applicable interest rate and the applicable mortality table under Code Section 417(e), or, if greater, the total amount of member contributions, over the total of payments before the death of the member; or

(C) As a result of dividend payments or other payments that result from actuarial gains within the meaning of subparagraph (B) of paragraph (2) of this subsection, but only if:

(i) Actuarial gain is measured no less frequently than annually;

(ii) The resulting dividend payments or other payments are either paid no later than the year following the year for which the actuarial experience is measured or paid in the same form as the payment of the annuity over the remaining period of the annuity, beginning no later than the year following the year for which the actuarial experience is measured;

(iii) The actuarial gain taken into account is limited to actuarial gain from investment experience;

(iv) The assumed interest used to calculate such actuarial gains is not less than 3 percent; and

(v) The payments are not increasing by a constant percentage as described in subparagraph (A) of this paragraph.

(p) Certain payments to a surviving child. Pursuant to Code Section 401(a)(9)(F), payments under a defined benefit plan or annuity contract that are made to a member's child until such child reaches the age of majority or dies, if earlier, may be treated, for

purposes of Code Section 401(a)(9), as if such payments were made to the surviving spouse to the extent they become payable to the surviving spouse upon cessation of the payments to the child. For purposes of the preceding sentence, a child may be treated as having not reached the age of majority if the child has not completed a specified course of education and is under the age of 26. In addition, a child who is disabled within the meaning of Code Section 72(m)(7) when the child reaches the age of majority may be treated as having not reached the age of majority so long as the child continues to be disabled. Thus, when payments described in this subsection become payable to the surviving spouse because the child attains the age of majority, recovers from a disabling illness, dies, or completes a specified course of education, there is not an increase in benefits under subsection (e) of this section. Likewise, the age of the child receiving such payments is not taken into consideration for purposes of the minimum incidental benefit requirement of subsection (f) of this section.

(q) Annuity payments under a governmental plan.

(1) Except as provided in paragraph (2) of subsection (g) of this section, annuity payments under a governmental plan within the meaning of Code Section 414(d) must satisfy this section.

(2) In the case of an annuity distribution option provided under the terms of a governmental plan in effect on April 17, 2002, the plan will not fail to satisfy Code Section 401(a)(9) merely because the annuity payments do not satisfy the requirements of subsections (f) through (t) of this section, provided the distribution option satisfies Code Section 401(a)(9) based on a reasonable and good faith interpretation of the provisions of Code Section 401(a)(9).

(r) Required minimum distribution rules for 2003, 2004, and 2005. A distribution from a defined benefit plan or annuity contract for calendar years 2003, 2004, and 2005 will not fail to satisfy Code Section 401(a)(9) merely because the payments do not satisfy subsections (e) through (g) of this section, provided the payments satisfy Code Section 401(a)(9) based on a reasonable and good faith interpretation of the provisions of Code Section 401(a)(9). For governmental plans, this reasonable good faith standard extends to the end of the calendar year that contains the ninetieth day after the opening of the first legislative session of the General Assembly that begins on or after June 15, 2004, if such ninetieth day is later than December 31, 2005.

(s) Minimum distributions. With respect to distributions under the plan made for calendar years beginning on or after January 1, 2001, but prior to October 1, 2006, the plan will apply the minimum distribution requirements of Code Section 401(a)(9) in accordance with the regulations under Code Section 401(a)(9) that were proposed on January 17, 2001, notwithstanding any provision of the plan to the contrary. Such provision shall continue in effect until the end of the last calendar year beginning before the effective date of final regulations under Code Section 401(a)(9) or such other date as may be specified in guidance published by the Internal Revenue Service. With respect to distributions under the plan made for calendar years beginning on or after October 1, 2006, the plan will apply the minimum distribution requirements of Code Section 401(a)(9) in accordance with the Final Regulations Section 1.401(a)(9)-6.

(t) Contracts nontransferable. All annuity contracts under this plan shall be nontransferable when distributed.

(u) Applicability. Subject to the spouse's right of consent afforded under the plan, the restrictions imposed by this section shall not apply if a member has, prior to January 1, 1984, made a written designation to have retirement benefits paid in an alternative method acceptable under Code Section 401(a) in effect prior to the enactment of the federal Tax Equity and Fiscal Responsibility Act of 1982, 'TEFRA.'

5.11 TIME OF DISTRIBUTION.

(a) Whenever a distribution is to be made, or a series of payments are to commence, the distribution or series of payments may be made or begun on such date or as soon thereafter as is practicable; provided, however, that unless a former member elects in writing to defer the receipt of benefits, such election may not result in a death benefit that is more than incidental and the payment of benefits shall begin not later than the sixtieth day after the close of the plan year in which the latest of the following events occurs:

- (1) The date on which the member attains normal retirement age;
- (2) The tenth anniversary of the year in which the member commenced participation in the plan; or
- (3) The date the member terminates service with the employer.

(b) Notwithstanding the provisions of subsection (a) of this section, the failure of a member and, if applicable, the member's spouse to consent to a distribution that is immediately distributable shall be deemed to be an election to defer the commencement of payment of any benefit sufficient to satisfy this section.

5.12 DISTRIBUTION FOR MINOR OR INCOMPETENT BENEFICIARY.

In the event a distribution is to be made to a minor or incompetent beneficiary, the administrator may direct that such distribution be paid to the legal guardian or, if none in the case of a minor beneficiary, to a parent or custodian for such beneficiary under the federal Uniform Gift to Minors Act or Gift to Minors Act if such is permitted by the laws of the state in which said beneficiary resides. Such a payment to the legal guardian, parent, or custodian of a minor or incompetent beneficiary shall fully discharge the trustee, employer, and plan from further liability on account thereof.

5.13 LOCATION OF MEMBER OR BENEFICIARY UNKNOWN.

In the event that all, or any portion, of the distribution payable to a member or beneficiary under the plan shall, at the member's attainment of normal retirement age, remain unpaid solely by reason of the inability of the administrator, after sending a registered letter, return receipt requested, to the last known address and after further diligent effort to ascertain the whereabouts of such member or beneficiary, the amount so distributable shall be treated as a forfeiture pursuant to the plan; provided, however, that if the value of a member's vested benefit derived from employer and employee contributions does not exceed \$1,000.00, then the amount distributable may be treated

as a forfeiture at the time it is determined that the whereabouts of the member or the member's beneficiary can not be ascertained. In the event a member or beneficiary is located subsequent to the forfeiture, such benefit shall be restored; however, a benefit that is lost by reason of escheat under applicable state law is not treated as a forfeiture for purposes of this section nor as an impermissible forfeiture under the Code.

5.14 ASSIGNMENT OF BENEFITS; QUALIFIED DOMESTIC RELATIONS ORDER.

(a)(1)(A) No benefit payment or portion of the pension fund contributed by member employees or officers shall be subject to assignment or used as collateral for any claim or debt of any kind or character by any person, firm, or corporation whatsoever.

(B) The provisions of this paragraph shall not apply to the exception of the authority or the Macon Water Works Credit Union, referred to in this section as 'the credit union,' and then only for money lawfully owing to the authority or the credit union by any particular member; provided, however, that the provisions of this subparagraph shall apply only to a member whose service with the authority has been terminated and shall be limited to such member's benefit payments and contributions to the pension fund made prior to the member's completion of ten years of service.

(2)(A) Neither a member nor any beneficiary shall have any right to alienate, commute, anticipate, or assign any of the benefits, payments, proceeds, or distributions of the plan, except to the authority or the credit union, as provided in paragraph (1) of this subsection.

(B) If a member or any beneficiary attempts to dispose of any benefits or the right to dispose of such benefits provided under the plan, or if there is an effort to seize such benefits or the right to receive such benefits by attachment, execution, or other legal or equitable process by any entity other than the authority or the credit union, then the pension committee, in its discretion, may pass and transfer the benefit or right in such shares as the pension committee determines to one or more persons from among the beneficiaries, if any, designed by the member or to the spouse, children, or other dependents of the member. The pension committee may revoke any such appointment at any time and make further appointments to other persons, including to the member.

5.15 DIRECT ROLLOVERS.

(a) Notwithstanding any provision of the plan to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the administrator, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.

(b) As used in this subsection, the term:

(1) 'Direct rollover' means a payment by the plan to the eligible retirement plan specified by the distributee.

(2) 'Distributee' includes an employee or former employee. In addition, the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p), are distributees with regard to the interest of the spouse or former spouse.

(3) 'Eligible retirement plan' means an individual retirement account described in Code Section 408(a), an individual retirement annuity described in Code Section 408(b) other than an endowment contract, a qualified trust, an employees' trust described in Code Section 401(a) which is exempt from taxation under Code Section 501(a), an annuity plan described in Code Section 403(a), an eligible deferred compensation plan described in Code Section 457(b) which is maintained by an eligible employer described in Code Section 457(e)(1)(A), and an annuity contract described in Code Section 403(b) that accepts the distributee's eligible rollover distribution. However, in the case of an eligible rollover distribution to the surviving spouse, an eligible retirement plan is an individual retirement account or individual retirement annuity. The term shall also apply in the case of a distribution to a surviving spouse or to a spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in Code Section 414(p).

(4) 'Eligible rollover distribution' means any distribution described in Code Section 402(c)(4) and generally includes any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include any distribution that is one of a series of substantially equal periodic payments not less frequently than annually made for the life or life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under Code Section 401(a)(9); the portion of any other distribution that is not includible in gross income, determined without regard to the exclusion for net unrealized appreciation with respect to employer securities; and any other distribution reasonably expected to total less than \$200.00 during a year. Any amount that is distributed on account of hardship shall not be an eligible rollover distribution, and the distributee may not elect to have any portion of such a distribution paid directly to an eligible retirement plan.

ARTICLE VI

Code Section 415 limitations.

6.1 'EMPLOYER' DEFINED.

As used in this article, 'employer' means the employer that adopts this plan and all affiliated employers, except that affiliated employers shall be determined pursuant to the modification made by Code Section 415(h).

6.2 ANNUAL BENEFIT.

(a)(1) The annual benefit otherwise payable to a member at any time shall not exceed the maximum permissible amount. If the benefit the member would otherwise accrue in a limitation year would produce an annual benefit in excess of the maximum permissible amount, then the benefit must be limited or the rate of accrual reduced to a benefit that does not exceed the maximum permissible amount.

(2) If a member has made voluntary nondeductible employee contributions or mandatory employee contributions as defined in Code Section 411(c)(2)(C) under the terms of this plan, then the amount of such contributions is treated as an annual addition to a qualified defined contribution plan, for purposes of paragraph (1) of this subsection and paragraph (3) of subsection (b) of this section.

(3) Prior to determining the member's actual Code Section 415 compensation for the limitation year, the employer may determine the maximum permissible amount for a member on the basis of a reasonable estimate of the member's Code Section 415 compensation for the limitation year, uniformly determined for all members similarly situated. As soon as is administratively feasible after the end of the limitation year, the maximum permissible amount for such limitation year shall be determined based on the member's actual Code Section 415 compensation for such limitation year.

(b)(1) This subsection applies if, in addition to this plan, a member is covered under another qualified defined benefit plan maintained by the employer; a welfare benefit fund, as defined in Code Section 419(e), maintained by the employer; an individual medical account, as defined in Code Section 415(l)(2), maintained by the employer; or a simplified employee pension, as defined in Code Section 408(k), maintained by the employer that provides annual additions during any limitation year.

(2) If a member is, or has ever been, covered under more than one defined benefit plan maintained by the employer, then the sum of the member's annual benefits from all such plans may not exceed the maximum permissible amount. Where the member's employer provided benefits under all defined benefit plans ever maintained by the employer exceed the maximum permissible amount applicable at that age, then the rate of accrual in this defined benefit plan shall be reduced to the extent necessary so that the total annual benefits payable at any time under such plans will not exceed the maximum permissible amount applicable at that age.

(3) Prior to determining the member's actual Code Section 415 compensation for the limitation year, the employer may determine the maximum permissible amount for a member on the basis of a reasonable estimate of the member's Code Section 415 compensation for the limitation year, uniformly determined for all members similarly situated. As soon as is administratively feasible after the end of the limitation year, the maximum permissible amount for such limitation year shall be determined based on the member's actual Code Section 415 compensation for such limitation year.

(c) As used in this section, the term:

(1) 'Annual additions' means the sum of the following amounts credited to a member's account for the limitation year:

(A) Employer contributions;

- (B) Forfeitures;
- (C) Employee contributions;
- (D) Amounts allocated to an individual medical account, as defined in Code Section 415(l)(2), that is part of a pension or annuity plan maintained by the employer;
- (E) Amounts derived from contributions paid or accrued that are attributable to postretirement medical benefits allocated to the separate account of a key employee, as defined in Code Section 419A(d)(3), under a welfare benefit fund maintained by the employer; and
- (F) Allocations under a simplified employee pension.

(2)(A) 'Annual benefit' means a retirement benefit under the plan which is payable annually in the form of a straight life annuity. Except as otherwise provided in this paragraph, a benefit payable in a form other than a straight life annuity must be adjusted to an actuarially equivalent straight life annuity before applying the limitations of this article. This straight life annuity is equal to the greater of the annuity benefit computed using the interest rate and mortality table, or other tabular factor, specified in Section 1.2 of the plan for adjusting benefits in the same form or the annuity benefit computed using a 5 percent interest rate assumption and the applicable mortality table defined in Section 1.2 of the plan.

(B) In determining the actuarially equivalent straight life annuity for a benefit form other than a nondecreasing annuity payable for a period of not less than the life of the member or, in the case of a qualified preretirement survivor annuity, the life of the surviving spouse or decreases during the life of the member merely because of (i) the death of the survivor annuitant, but only if the reduction is not below 50 percent of the annual benefit payable before the death of the survivor annuitant, or (ii) the cessation or reduction of Social Security supplements of qualified disability payments, as defined in Code Section 401(a)(11), the applicable interest rate, as defined in plan Section 1.2 of the plan, will be substituted for a 5 percent interest rate assumption in subparagraph (A) of this paragraph. No actuarial adjustment to the benefit is required for (i) the value of a qualified joint and survivor annuity, (ii) benefits that are not directly related to retirement benefits, such as the qualified disability benefit, preretirement death benefits, and postretirement medical benefits, and (iii) the value of postretirement cost-of-living increases made in accordance with Code Section 415(d) and Regulation 1.415-3(c)(2)(iii).

(C) The 'annual benefit' does not include any benefits attributable to employee contributions or rollover contributions or the assets transferred from a qualified plan that was not maintained by the employer.

(3) 'Code Section 415 compensation' means a member's Section 3401(a) wages and shall be based on the full limitation year regardless of when participation in the plan commences. With respect to limitation years beginning after December 31, 1997, Code Section 415 compensation shall include any elective deferral, as defined in Code Section 402(g)(3), and any amount which is contributed or deferred by the employer at the election of the participant and which is not includible in the gross

income of the participant by reason of Code Sections 125 and 457 and, for limitation years beginning on or after January 1, 2001, Code Section 132(f). For limitation years prior to January 1, 1998, Code Section 415 compensation shall exclude those amounts. If a member does not participate in, and has never participated in, another qualified plan maintained by the employer; a welfare benefit fund, as defined in Code Section 419(e), maintained by the employer; an individual medical account, as defined in Code Section 415(l)(2), maintained by the employer; or a simplified employee pension, as defined in Code Section 408(k), maintained by the employer that provides annual additions during any limitation year, then subsection (b) of this section is also applicable to that member's benefits.

(4) 'Defined benefit compensation limitation' means 100 percent of a member's high three-year average compensation, payable in the form of a straight life annuity. In the case of a member who has separated from service, the defined benefit compensation limitation applicable to the member will be automatically adjusted by multiplying such limitation by the cost-of-living adjustment factor prescribed by the United States Secretary of the Treasury under Code Section 415(d) in such manner as the secretary shall prescribe. The adjusted compensation limit will apply to limitation years ending with or within the calendar year of the date of the adjustment; however, because the plan is a governmental plan, this provision is not applicable.

(5) 'Defined benefit dollar limitation' means \$160,000.00 automatically adjusted, effective January 1 of each year, under Code Section 415(d) in such manner as the secretary shall prescribe and payable in the form of a straight life annuity. The new limitation will apply to limitation years ending with or within the calendar year of the date of the adjustment.

(6) 'High three-year average compensation' means the average Code Section 415 compensation for the three consecutive years of service with the employer that produces the highest average. In the case of a member who has separated from service, the member's highest average compensation will be automatically adjusted by multiplying such compensation by the cost of living adjustment factor prescribed by the United States Secretary of the Treasury under Code Section 415(d) in such manner as the secretary shall prescribe. The adjusted compensation amount will apply to limitation years ending within the calendar year of the date of the adjustment; however, because the plan is a governmental plan, this provision is not applicable.

(7) 'Maximum permissible amount' means:

(A) The lesser of the defined benefit dollar limitation or the defined benefit compensation limitation, both adjusted where required, however, because the plan is a governmental plan, the defined benefit compensation limitation is not applicable;

(B) If the member has fewer than ten years of participation in the plan, the defined benefit dollar limitation shall be multiplied by a fraction, the numerator of which is the number of years or part of a year of participation in the plan and the denominator of which is ten. In the case of a member who has fewer than ten years of service with the employer, the defined benefit compensation limitation shall be

multiplied by a fraction, the numerator of which is the number of years or part of a year of service with the employer and the denominator of which is ten;

(C) If the benefit of a member begins prior to age 62, the defined benefit dollar limitation applicable to the member at such earlier age is an annual benefit payable in the form of a straight life annuity beginning at the earlier age that is the actuarial equivalent of the defined benefit dollar limitation applicable to the member at age 62, adjusted as provided in subparagraph (D) of this paragraph, if required. The defined benefit dollar limitation applicable at an age prior to age 62 is determined as the lesser of the actuarial equivalent at such age of the defined benefit dollar limitation computed using the interest rate and mortality table, or other tabular factor, specified in Section 1.2 of the plan and the actuarial equivalent, at such age of the defined benefit dollar limitation computed using a 5 percent interest rate and the applicable mortality table as defined in Section 1.2 of the plan. Any decrease in the defined benefit dollar limitation determined in accordance with this subparagraph shall not reflect a mortality decrement if benefits are not forfeited upon the death of the member. If any benefits are forfeited upon death, the full mortality decrement is taken into account.

(D) If the benefit of a member begins after the member attains age 65, the defined benefit dollar limitation applicable to the member at the later age is the annual benefit payable in the form of a straight life annuity beginning at the later age that is actuarially equivalent to the defined benefit dollar limitation applicable to the member at age 65 adjusted as provided in subparagraph (E) of this paragraph, if required. The actuarial equivalent of the defined benefit dollar limitation applicable at an age after age 65 is determined as the lesser of the actuarial equivalent at such age of the defined benefit dollar limitation computed using the interest rate and mortality table, or other tabular factor, specified in Section 1.2 of the plan or the actuarial equivalent at such age of the defined benefit dollar limitation computed using a 5 percent interest rate assumption and the applicable mortality table as defined in Section 1.2 of the plan. For these purposes, mortality between age 65 and the age at which benefits commence shall be ignored; and

(E) Notwithstanding any other provision of this paragraph to the contrary, the benefit otherwise accrued or payable to a member under this plan shall be deemed not to exceed the maximum permissible benefit if:

(i) The retirement benefits payable for the plan year under any form of benefit with respect to such member under this plan and under all other defined benefit plans, regardless of whether terminated, ever maintained by the employer do not exceed \$1,000.00 multiplied by the member's number of years of service or parts thereof not to exceed ten with the employer; and

(ii) The employer has not at any time maintained a defined contribution plan in which the member participated.

(8) 'Year of participation' means a year of participation, computed to fractional parts of a year, for each accrual computation period for which the following conditions are met:

(A) The member is credited with at least the number of hours of service for benefit accrual purposes required under the terms of the plan in order to accrue a benefit for the accrual computation period; and

(B) The member is included as a member under the eligibility provisions of the plan for at least one day of the accrual computation period.

If such conditions are met, the portion of a year of participation credited to the member shall equal the amount of benefit accrual service credited to the member for such accrual computation period. A member who is permanently and totally disabled within the meaning of Code Section 415(c)(3)(C)(i) for an accrual computation period shall receive a year of participation with respect to that period. In addition, for a member to receive a year of participation, or part thereof, for an accrual computation period, the plan must be established no later than the last day of such accrual computation period. In no event will more than one year of participation be credited for any 12 month period.

6.3 FINAL CODE SECTION 415 REGULATIONS.

(a) Effective date. The limitations of this section shall apply in limitation years that begin more than 90 days after the close of the first regular legislative session of the General Assembly that begins on or after July 1, 2007.

(b) Grandfather provision. The application of the provisions of this section shall not cause the maximum permissible benefit for any member to be less than the member's accrued benefit under all the defined benefit plans of the employer or a predecessor employer as of the end of the last limitation year beginning before July 1, 2007, under provisions of the plans that were both adopted and in effect before April 5, 2007, but only if the provisions of such defined benefit plans that were both adopted and in effect before April 5, 2007, satisfied the applicable requirements of statutory provisions, regulations, and other published guidance relating to Code Section 415 in effect as of the end of the last limitation year beginning before July 1, 2007, as described in Section 1.415(a)-1(g)(4) of the federal Department of Treasury regulations.

(c) Incorporation by reference. Notwithstanding anything contained in the plan to the contrary, the limitations, adjustments, and other requirements prescribed in the plan shall comply with the provisions of Code Section 415 and the final regulations promulgated thereunder, the terms of which are specifically incorporated herein by reference as of the effective date of this section, except where an earlier effective date is otherwise provided in the final regulations or herein; provided, however, that where the final regulations permit the plan to specify an alternative option to a default option set forth in the regulations, and the alternative option was available under statutory provisions, regulations, and other published guidance relating to Code Section 415 as in effect prior to April 5, 2007, and the plan provisions in effect as of April 5, 2007, incorporated the alternative option, said alternative option shall remain in effect as a plan provision for limitation years beginning on or after July 1, 2007, unless another permissible option is selected in this section.

(d) High three-year average compensation. For purposes of the plan's provisions reflecting Code Section 415(b)(3), which is limiting the annual benefit payable to no more than 100 percent of the member's average annual compensation, a member's average compensation shall be the average compensation for the three consecutive years of service, except that a member's compensation for a year of service shall not include compensation in excess of the limitation under Code Section 401(a)(17) that is in effect for the calendar year in which such year of service begins. If the member has less than three consecutive years of service, compensation shall be averaged over the member's longest consecutive period of service, including fractions of years, but not less than one year. In the case of a member who is rehired by the employer after a severance of employment, the member's high three-year average compensation shall be calculated by excluding all years for which the member performs no services for and receives no compensation from the employer (the 'break period'), and by treating the years immediately preceding and following the break period as consecutive. Because the plan is a governmental plan, this provision is not applicable.

(e) Adjustment to dollar limit after date of severance. In the case of a member who has had a severance from employment with the employer, the defined benefit dollar limitation applicable to the member in any limitation year beginning after the date of severance shall not be automatically adjusted under Code Section 415(d).

(f) Compensation paid after severance from employment. For limitation years beginning on or after July 1, 2007, compensation for a limitation year, within the meaning of Code Section 415(c)(3), shall also include the following types of compensation paid by the later of two and one-half months after a member's severance from employment with the employer maintaining the plan or the end of the limitation year that includes the date of the member's severance from employment with the employer maintaining the plan. Any other payment of compensation paid after severance of employment that is not described in the following types of compensation is not considered compensation within the meaning of Code Section 415(c)(3), even if payment is made within the time period specified in this subsection:

(1) Regular pay after severance from employment. Compensation shall include regular pay after severance of employment if:

(A) The payment is regular compensation for services during the member's regular working hours or compensation for services outside the member's regular working hours, such as overtime or shift differential, commissions, bonuses, or other similar payments; and

(B) The payment would have been paid to the member prior to a severance from employment if the member had continued in employment with the employer;

(2) Leave cashouts and deferred compensation. Leave cashouts and deferred compensation shall be included in compensation, unless an election is made to exclude such amounts, if those amounts would have been included in the definition of compensation if they were paid prior to the member's severance from employment with the employer maintaining the plan and the amounts are either:

- (A) Payment for unused accrued bona fide sick, vacation, or other leave, but only if the member would have been able to use the leave if employment had continued; or
- (B) Received pursuant to a nonqualified unfunded deferred compensation plan, but only if the payment would have been paid to the member if the member had continued in employment with the employer and only to the extent that the payment is includible in the member's gross income;
- (3) Salary continuation payments for military service members. Compensation does not include payments to an individual who does not currently perform services for the employer by reason of qualified military service, as that term is used in Code Section 414(u)(1), to the extent those payments do not exceed the amounts the individual would have received if the individual had continued to perform services for the employer rather than entering qualified military service; and
- (4) Salary continuation payments for disabled members. Compensation does not include compensation paid to a member who is permanently and totally disabled, as defined in Code Section 22(e)(3).
- (g) Administrative delay. Compensation for a limitation year shall not include amounts earned but not paid during the limitation year solely because of the timing of pay periods and pay dates, provided the amounts are paid during the first few weeks of the next limitation year, the amounts are included on a uniform and consistent basis with respect to all similarly situation members, and no compensation is included in more than one limitation year.

ARTICLE VII

Trustee.

7.1 THE TRUST AGREEMENT.

Simultaneously with the execution and delivery of this restated plan, the authority and the trustee shall execute a separate trust agreement. Such underlying trust shall hold in trust the assets and liabilities of the plan in a manner consistent with the funding requirements of the plan, for the exclusive benefit of the members, retired members, disabled members, beneficiaries, contingent beneficiaries, and spouses.

7.2 OWNERSHIP OF TRUST ASSETS.

Title to the trust fund, including all funds and investments held hereunder by the trustee from time to time, shall be and remain in the trust and no member, retired or disabled member, beneficiary, contingent beneficiary, spouse, or person claiming through any of them shall have any legal or equitable rights or interest in the trust fund except to the extent that such rights or interest may be expressly granted under the provisions of the plan or the trust agreement.

7.3 EXCLUSIVE USE.

In no event shall any of the principal or income of the trust fund be used for, or diverted to, purposes other than the exclusive benefit of members, retired members, disabled

members, beneficiaries, contingent beneficiaries, and spouses, or in the payment of the expense of the plan as set forth in the trust agreement, except as provided in the plan or except at termination of the plan, and then only if all liabilities thereunder have been met.

ARTICLE VIII

Plan Amendment, Termination, or Merger.

8.1 AMENDMENT.

(a) The authority shall have the right at any time to amend this plan subject to the limitations of this section; provided, however, that any amendment that affects the rights, duties, or responsibilities of the trustee or administrator may only be made with the trustee's or administrator's written consent. Any such amendment shall become effective as provided therein upon its execution. The trustee shall not be required to execute any such amendment unless the amendment affects the duties of the trustee hereunder. Such an amendment shall not cause a reduction in any current or future benefit payable under the plan.

(b) No amendment to the plan shall be effective if it authorizes or permits any part of the trust fund, other than such part as is required to pay taxes and administration expenses, to be used for or diverted to any purpose other than for the exclusive benefit of the members or their beneficiaries or estates; causes any reduction in the amount credited to the account of any member; or causes or permits any portion of the trust fund to revert to or become property of the employer.

8.2 TERMINATION.

(a) The authority shall have the right, subject to the approval of the General Assembly, to terminate the plan at any time by delivering to the trustee and the administrator written notice of such termination. Upon any termination full or partial, all amounts shall be allocated in accordance with the provisions of the plan and the accrued benefit, to the extent funded as of such date, of each affected member shall become fully vested and shall not thereafter be subject to forfeiture.

(b) Upon full termination of the plan, the employer shall direct the distribution of the assets in the trust fund to the members in a manner which is consistent with Section 5.10 of the plan. In such case, the trustee shall distribute the assets to the remaining members in the plan and to retired members in cash, in property, or through the purchase of irrevocable deferred commitments from an insurer, subject to provision for expenses of administration or liquidation. Such distributions shall be allocated in the following order to the extent of the sufficiency of such assets, basing such allocation on the accrued benefit for each such member at the date of termination of the plan:

(1) To provide pensions to retired members who have retired under the plan prior to its termination without reference to the order of retirement;

- (2) To provide normal retirement benefits to members who have reached their normal retirement dates but have not retired on the date of termination, without reference to the order in which they reached their normal retirement date; and
- (3) To provide normal retirement benefits to members who have not yet reached their normal retirement date on the date of termination, in the order in which they will reach their normal retirement date. Such benefits shall be based upon accrued benefits as of the date of termination. The balance, if any, of the assets due to erroneous actuarial computation after such allocation shall be returned to the employer, but only after the satisfaction of all liabilities with respect to members and pensions under the plan; provided, however, that the foregoing provision permitting a return of excess assets to the employer shall not be treated as effective until the end of the fifth calendar year following the date such a provision was first adopted and continuously remained in effect unless the plan has always provided for a return of assets. In the event the provision is not treated as effective, excess assets shall be reallocated to the members in a nondiscriminatory manner. The portion of the excess attributable to mandatory contributions will be paid to the members who made these contributions.

ARTICLE IX Miscellaneous.

9.1 MEMBERS' RIGHTS.

This plan shall not be deemed to constitute a contract between the employer and any member or to be a consideration or an inducement for the employment of any member or employee. Nothing contained in this plan shall be deemed to give any member or employee the right to be retained in the service of the employer or to interfere with the right of the employer to discharge any member or employee at any time regardless of the effect such discharge shall have upon the employee as a member of this plan.

9.2 CONSTRUCTION OF PLAN.

This plan and trust shall be construed and enforced according to the Official Code of Georgia Annotated.

9.3 GENDER AND NUMBER.

Wherever any words are used herein in the masculine, feminine, or neuter gender, they shall be construed as though they were also used in another gender in all cases where they would so apply, and whenever any words are used herein in the singular or plural form, they shall be construed as though they were also used in the other form in all cases where they would so apply.

9.4 LEGAL ACTION.

In the event any claim, suit, or proceeding is brought regarding the trust or plan or both established by the plan to which the trustee or the administrator may be a party, and

such claim, suit, or proceeding is resolved in favor of the trustee or administrator, they shall be entitled to be reimbursed from the trust fund for any and all costs, attorney's fees, and other expenses pertaining thereto incurred by them for which they shall have become liable. Any person having any claim under the plan shall look solely to the assets of the pension fund for satisfaction. In no event shall the authority, or any of its officials, members of the pension committee, or agents, be liable in their respective individual capacities to any person whatsoever under the provisions of the system. Except for its or their willful neglect or fraud, neither the authority, the pension committee, nor any members of either body shall be in any way subject to any suit or litigation, or to any legal liability, for any cause or reason whatsoever in connection with the plan or its operation, and each member releases the authority and all of its officers and agents from any and all liability or obligation. In this respect, the authority shall be the only necessary party as to any action or proceeding involving the assets held in the pension trust, or the administration thereof, and no employees or former employees of the authority or their beneficiaries or any other person having or claiming to have an interest in the plan shall be entitled to any notice or process. Any final judgment that may be entered in any such action or proceeding shall be binding and conclusive on the parties to the plan, the authority, and all persons having or claiming to have any interest in the system.

9.5 PROHIBITION AGAINST DIVERSION OF FUNDS.

(a) Except as provided in this article and as otherwise specifically permitted by law, it shall be impossible by operation of the plan or of the trust, by termination of either, by power of revocation or amendment, by the happening of any contingency, by collateral arrangement or by any other means, for any part of the corpus or income of any trust fund maintained pursuant to the plan or any funds contributed thereto to be used for, or diverted to, purposes other than the exclusive benefit of members, retired members, or their beneficiaries.

(b) If plan benefits are provided through the distribution of annuity or insurance contracts, any refunds or credits in excess of plan benefits (on account of dividends, earnings, or other experience rating credits or surrender or cancellation credits) will be paid to the trust fund.

9.6 RECEIPT AND RELEASE FOR PAYMENTS.

Any payment to any member, the member's legal representative or beneficiary, or any guardian or committee appointed for such member or beneficiary in accordance with the provisions of this plan shall, to the extent thereof, be in full satisfaction of all claims hereunder against the trustee and the employer.

9.7 HEADINGS.

The headings and subheadings of this plan have been inserted for convenience of reference and are to be ignored in any construction of the provisions hereof.

9.8 UNIFORMITY.

All provisions of this plan shall be interpreted and applied in a uniform, nondiscriminatory manner. In the event of any conflicts between the terms of this plan and any insurance contract purchased hereunder, the plan provisions shall control.

9.9 TRANSFER.

Any active member of the plan shall have the option to cease participation in the plan and transfer the value of his or her earned benefits to any future plan offered by the authority; provided, however, that any such transfer of participation shall be subject to the provisions of such other plan. Any such transfer shall be entirely voluntary."

SECTION 2.

This Act shall become effective on July 1, 2012, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, the plan shall not become effective and shall be automatically repealed in its entirety on July 1, 2012, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 163, nays 0.

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

Representative Setzler of the 35th 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 472. By Representatives Smith of the 131st, Ehrhart of the 36th, Maxwell of the 17th, Lindsey of the 54th and Benfield of the 85th:

A BILL to be entitled an Act to amend Code Section 3-5-36 of the Official Code of Georgia Annotated, relating to the brewpub exception to the three-tier distribution system, so as to amend the terms and conditions that exist for owners and operators of brewpubs; to increase the maximum quantity of barrels of beer that may be manufactured and sold; to remove that requirement that beer be sold solely in draft form; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change the terms and conditions that exist for owners and operators of brewpubs; to provide for definitions; to increase the maximum quantity of barrels of beer that may be manufactured and sold; to remove that requirement that beer be sold solely in draft form; 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 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising paragraph (3) of Code Section 3-1-2, relating to definitions, as follows:

"(3) 'Brewpub' means any eating establishment in which beer or malt beverages are manufactured or brewed, subject to the barrel production limitation prescribed in Code Section 3-5-36 for retail consumption on the premises and solely in draft form. As used in this ~~article~~ paragraph, the term 'eating establishment' means an establishment which is licensed to sell distilled spirits, beer, malt beverages, or wines and which derives at least 50 percent of its total annual gross food and beverage sales from the sale of prepared meals or food; provided, however, that barrels of beer sold to licensed wholesale dealers for distribution to retailers and retail consumption dealers, as authorized pursuant to subparagraph (C) of paragraph (2) of Code Section 3-5-36, shall not be used when determining the total annual gross food and beverage sales."

SECTION 2.

Said title is further amended by revising paragraph (2) of Code Section 3-5-36, relating to the brewpub exception to the three-tier distribution system, as follows:

"(2) A brewpub license authorizes the holder of such license to:

- (A) Manufacture on the licensed premises not more than ~~5,000~~ 10,000 barrels of beer in a calendar year solely for retail sale on the premises ~~and solely in draft form~~;
- (B) Operate an eating establishment that shall be the sole retail outlet for such beer and may offer for sale any other alcoholic beverages produced by other manufacturers which are authorized for retail sale under this title, including wine, distilled spirits, and malt beverages, provided that such alcoholic beverages are purchased from a licensed wholesaler for consumption on the premises only; and, provided, further, that in addition to draft beer manufactured on the premises, each brewpub licensee shall offer for sale commercially available canned or bottled malt beverages from licensed wholesalers; and
- (C) Notwithstanding any other provision of this paragraph, sell up to a maximum of ~~500~~ 5,000 barrels annually of such beer to licensed wholesale dealers for distribution to retailers and retail consumption dealers;"

SECTION 3.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 152, nays 6.

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

Representative Stephens of the 161st 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 634. By Representatives Sheldon of the 105th, Rice of the 51st, Coleman of the 97th, Harrell of the 106th and Casas of the 103rd:

A BILL to be entitled an Act to amend Code Section 48-5-24 of the Official Code of Georgia Annotated, relating to installment payment of ad valorem taxes, so as to change the provisions relative to population brackets and the census regarding interest on unpaid ad valorem taxes in each county of this state having a population of 800,000 or more according to the United States decennial census of 2000 or any future such census, so that such provisions remain applicable to such counties; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

HB 895. By Representatives Carter of the 175th, Collins of the 27th, Hatchett of the 143rd, Purcell of the 159th, Davis of the 109th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 35 and Article 2 of Chapter 1 of Title 42 of the Official Code of Georgia Annotated, relating to the Georgia Bureau of Investigation and the Sexual Offender Registration Review Board, respectively, so as to provide for more effective methods of gathering information relating to sexual offenders; to extend the powers and duties of the Georgia Bureau of Investigation; to provide for the transfer of personnel to the Georgia Bureau of Investigation; to provide for procedure; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	E Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 0.

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

HB 786. By Representatives Hembree of the 67th and Geisinger of the 48th:

A BILL to be entitled an Act to amend Chapter 57 of Title 33 of the Official Code of Georgia Annotated, relating to the consumers' insurance advocate, so as to provide that, until such time as the consumers' insurance advocate is appropriately funded, it shall not be necessary to file copies of insurance rate filings with the consumers' insurance advocate; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bill, the ayes were 169, nays 0.

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

HB 886. By Representatives Williamson of the 111th, Smyre of the 132nd, Carson of the 43rd, Battles of the 15th, Williams of the 113th and others:

A BILL to be entitled an Act to amend Code Section 7-1-285 of the Official Code of Georgia Annotated, relating to limits on obligations of one person or corporation, so as to limit certain obligations related to credit exposure as a counterparty in derivative transactions; to provide for definitions; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bill, the ayes were 165, nays 4.

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

Representatives Parent of the 81st and Williamson of the 111th stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

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

HR 1522. By Representatives Ralston of the 7th, Smith of the 70th, Collins of the 27th, Coomer of the 14th, Yates of the 73rd and others:

A RESOLUTION recognizing February 22, 2012, as National Guard Day at the capitol and inviting the Georgia National Guard to be recognized by the House of Representatives; and for other purposes.

HR 1523. By Representatives Neal of the 1st, Dickson of the 6th, Weldon of the 3rd and Ralston of the 7th:

A RESOLUTION Commending American Idol's Lauren Alaina and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 1524. By Representatives Peake of the 137th, Dickey of the 136th, Randall of the 138th, Beverly of the 139th, Epps of the 140th and others:

A RESOLUTION commending Wesleyan College and inviting President Ruth Knox to be recognized by the House of Representatives; and for other purposes.

HR 1525. By Representatives Smith of the 70th, Horne of the 71st, Smith of the 129th, Nix of the 69th, Cooke of the 18th and others:

A RESOLUTION recognizing and commending the Chattahoochee District on being named the Georgia Forestry Commission 2011 District of the Year and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 1526. By Representatives Smith of the 70th, Taylor of the 173rd, Maddox of the 172nd, Powell of the 171st, Purcell of the 159th and others:

A RESOLUTION recognizing and commending the Decatur County Forestry Unit on being named the Georgia Forestry Commission 2011 Southern Unit of the Year and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 1527. By Representatives Smith of the 70th, Horne of the 71st, Ramsey of the 72nd, Bruce of the 64th, Long of the 61st and others:

A RESOLUTION recognizing and commending the Coweta-Fayette-South Fulton County Forestry Unit, known as "Coweta Forestry Unit" on being named the Georgia Forestry Commission 2011 Northern Unit of the Year and inviting them to appear before the House of Representatives; and for other purposes.

HR 1528. By Representatives Jordan of the 77th, James of the 135th, Stephens of the 161st, Hugley of the 133rd and Morgan of the 39th:

A RESOLUTION commending Alpha Phi Alpha Fraternity, Inc., and the Georgia District Chapters and inviting the Georgia District Director and representatives of Alpha Phi Alpha Fraternity, Inc., to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1520. By Representative Purcell of the 159th:

A RESOLUTION commending Georgia students of Classical Conversations, Inc.; and for other purposes.

HR 1529. By Representatives Ralston of the 7th, Smith of the 70th, Collins of the 27th, Coomer of the 14th, Yates of the 73rd and others:

A RESOLUTION recognizing and honoring Georgia Guard soldiers and airmen and others who have fallen during Operation Iraqi Freedom and Operation Enduring Freedom; and for other purposes.

HR 1530. By Representatives Dickey of the 136th and James of the 135th:

A RESOLUTION commending Rhianna Nicole Baldree, Peach County High School's 2012 STAR Student; and for other purposes.

HR 1531. By Representatives Stephens of the 164th, Purcell of the 159th, Watson of the 163rd, Gordon of the 162nd and Atwood of the 179th:

A RESOLUTION recognizing and commending Marie H. Roberts on the occasion of her retirement; and for other purposes.

HR 1532. By Representatives Dickey of the 136th and Peake of the 137th:

A RESOLUTION honoring the life and memory of John Barrett "J.B." Hawkins; and for other purposes.

HR 1533. By Representatives Burns of the 157th and Purcell of the 159th:

A RESOLUTION recognizing and commending Colonel Rainer G. Gomez; and for other purposes.

HR 1534. By Representatives Reece of the 11th, Dempsey of the 13th, Coomer of the 14th and Crawford of the 16th:

A RESOLUTION recognizing and commending the Coosa High School cheerleading squad on their exceptional performance in the 2011 GHSA Class AA State Cheerleading Championship; and for other purposes.

HR 1535. By Representatives Reece of the 11th, Dempsey of the 13th and Coomer of the 14th:

A RESOLUTION recognizing and commending the Trion High School Cheerleading Squad on their GHSA Class A State Championship; and for other purposes.

HR 1536. By Representatives Geisinger of the 48th, Willard of the 49th, Jones of the 46th, Martin of the 47th, Riley of the 50th and others:

A RESOLUTION recognizing the Roswell Rotary Club; and for other purposes.

HR 1537. By Representative Hembree of the 67th:

A RESOLUTION recognizing and commending Charles A. "Tripp" Lott III; and for other purposes.

HR 1538. By Representative Parrish of the 156th:

A RESOLUTION recognizing and commending Emanuel County on its bicentennial; and for other purposes.

HR 1539. By Representatives Smith of the 70th, Clark of the 104th, Taylor of the 173rd, Clark of the 98th, Riley of the 50th and others:

A RESOLUTION recognizing February 28, 2012, as "A Bag's Life" Day at the capitol; and for other purposes.

HR 1540. By Representatives Jordan of the 77th, James of the 135th, Stephens of the 161st, Hugley of the 133rd and Morgan of the 39th:

A RESOLUTION recognizing and commending Ambassador Andrew Young; and for other purposes.

HR 1541. By Representative Baker of the 78th:

A RESOLUTION recognizing and commending Reverend Isaiah J. Waddy on the occasion of his 30th pastoral anniversary; and for other purposes.

Representative Harden of the 147th moved that the following Bill of the House be withdrawn from the Committee on Health & Human Services and recommitted to the Special Committee on Small Business Development and Job Creation:

HB 964. By Representatives Harden of the 147th, Stephens of the 164th, Parrish of the 156th, Smith of the 70th, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Code Section 26-4-118 of the Official Code of Georgia Annotated, relating to "The Pharmacy Audit Bill of Rights," so as to limit recoupment pursuant to an audit under certain circumstances; to

require audit parameters to be equally applied to local and mail-order pharmacies; to provide for independent audits by the state; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

On the motion, the ayes were 49, nays 55.

The motion was lost.

Representative Burns of the 157th District, Chairman of the Committee on Game, Fish and Parks, submitted the following report:

Mr. Speaker:

Your Committee on Game, Fish and Parks 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 684 Do Pass, by Substitute
 SB 309 Do Pass

Respectfully submitted,
 /s/ Burns of the 157th
 Chairman

Representative Rogers of the 26th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

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

HB 792 Do Pass

Respectfully submitted,
 /s/ Rogers of the 26th
 Chairman

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

Mr. Speaker:

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

HB 419	Do Pass, by Substitute	HB 844	Do Pass, by Substitute
HB 942	Do Pass	HB 944	Do Pass
SB 117	Do Pass		

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

Representative Purcell of the 159th District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

Your Committee on Public Safety and Homeland Security has had under consideration the following Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 161 Do Pass, by Substitute
HB 828 Do Pass

Respectfully submitted,
/s/ Purcell of the 159th
Chairman

Representative Neal of the 1st District, Chairman of the Committee on State Institutions and Property, submitted the following report:

Mr. Speaker:

Your Committee on State Institutions and Property 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 1376 Do Pass

Respectfully submitted,
/s/ Neal of the 1st
Chairman

Representative Roberts of the 154th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

Your Committee on Transportation 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 817 Do Pass, by Substitute
SB 339 Do Pass, by Substitute

Respectfully submitted,
/s/ Roberts of the 154th
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.