

Representative Hall, Atlanta, Georgia**Thursday, February 23, 2012****Twenty-Fourth Legislative Day**

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

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

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

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

Representatives Ashe of the 56th, Dobbs of the 53rd, Henson of the 87th, Hudson of the 124th, Kaiser of the 59th, Long of the 61st, Mayo of the 91st, McBrayer of the 153rd, Pruett of the 144th, Rogers of the 26th, Scott of the 76th, Sims of the 169th, Smyre of the 132nd, Stephenson of the 92nd, and Willard of the 49th.

They wished to be recorded as present.

Prayer was offered by Reverend Tony Byrd, Zebulon Baptist Church, Toccoa, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

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

HB 1126. By Representative Powell of the 171st:

A BILL to be entitled an Act to amend an Act providing for a Board of Commissioners of Mitchell County, approved February 20, 1873 (Ga. L. 1873, p. 279), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3676), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the 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 repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1127. By Representative Powell of the 171st:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the Board of Education of Mitchell County, approved March 4, 1970 (Ga. L. 1970, p. 2239), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3667), so as to change the education districts; to provide for definitions and inclusions; to provide for the continuation in office for 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 1128. By Representatives Drenner of the 86th, Jacobs of the 80th, Taylor of the 79th, Manning of the 32nd, Williams of the 89th and others:

A BILL to be entitled an Act to amend Code Section 20-2-600 of the Official Code of Georgia Annotated, relating to the leasing of public school property for private purposes authorized, so as to prohibit the leasing of certain public school property for the purpose of erecting telecommunications towers; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

HB 1129. By Representatives England of the 108th, Benton of the 31st, Dunahoo of the 25th and Sheldon of the 105th:

A BILL to be entitled an Act to amend an Act creating the Town of Braselton Community Improvement District, approved May 29, 2007 (Ga. L. 2007, p. 4100), so as to allow the district to apply for, receive, administer, or utilize grants from federal, state, county, or municipal governments or agencies or any other public sources under certain conditions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1130. By Representatives Stephens of the 164th, Harden of the 147th and Parrish of the 156th:

A BILL to be entitled an Act to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to provide that the Georgia State Board of Pharmacy is administratively attached to the Department of Community Health; to authorize the board to employ an executive director; to provide for the powers and duties of such executive director; to revise provisions for purposes of continuity with respect to the authority of the board and the executive director; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1131. By Representatives Cooke of the 18th and Maxwell of the 17th:

A BILL to be entitled an Act to amend an Act relative to the Board of Commissioners of Haralson County, approved August 24, 2001 (Ga. L. 2001, Ex. Sess., p. 247), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act 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 1132. By Representatives Dickey of the 136th, Harden of the 147th, Carter of the 175th, McCall of the 30th and Carson of the 43rd:

A BILL to be entitled an Act to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to the "Fair Business Practices Act of 1975," so as to provide for oversight by the administrator of certain telemarketing practices; to provide for definitions; to provide for conduct by telephone solicitors; to provide for class actions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1133. By Representatives Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of licenses to persons completing defensive driving course or alcohol or drug program, so as to require certified driver improvement programs for purposes of completing certain probation requirements; to modify provisions relating to certified DUI Alcohol or Drug Use Risk Reduction Programs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1134. By Representatives Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to modify provisions relating to definitions and exceptions to the operation of the chapter; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1135. By Representatives Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to restoration of licenses to persons completing defensive driving course or alcohol or drug program, so as to require certified driver improvement programs for purposes of completing certain probation requirements; to modify provisions relating to certified DUI Alcohol or Drug Use Risk Reduction Programs; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HB 1136. By Representatives Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Code Section 40-6-391 of the Official Code of Georgia Annotated, relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for a second time, and

endangering a child, so as to modify provisions relating to a clinical evaluation; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1137. By Representatives Rice of the 51st and Powell of the 29th:

A BILL to be entitled an Act to amend Article 4 of Chapter 5 of Title 40 of the O.C.G.A., relating to restoration of licenses to persons completing defensive driving course or alcohol or drug program, so as to require certified driver improvement programs for purposes of completing certain probation requirements; to amend Code Section 40-6-391 of the O.C.G.A., relating to driving under the influence of alcohol, drugs, or other intoxicating substances, penalties, publication of notice of conviction for persons convicted for a second time, and endangering a child, so as to modify provisions relating to a clinical evaluation; to amend Chapter 13 of Title 43 of the O.C.G.A., relating to instructors in driver training and operators of driver training schools, so as to modify provisions relating to definitions and exceptions to the operation of the chapter; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1138. By Representatives Parent of the 81st, Kendrick of the 94th, Abrams of the 84th, Oliver of the 83rd, Bell of the 58th and others:

A BILL to be entitled an Act to amend Code Section 21-5-41 of the Official Code of Georgia Annotated, relating to maximum allowable contributions, so as to limit the amount of contributions permitted by entities other than individuals; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Rules.

HB 1139. By Representatives Parent of the 81st, Abrams of the 84th, Oliver of the 83rd, Evans of the 40th, Kendrick of the 94th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 28 of the Official Code of Georgia Annotated, relating to apportionment of House of Representatives and Senate and qualifications of members, so as to create the Citizens' Redistricting Commission; to provide for its membership and its duties; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Legislative & Congressional Reapportionment.

HB 1140. By Representatives Parent of the 81st, Abrams of the 84th, Oliver of the 83rd, Ashe of the 56th, Gardner of the 57th and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to change the definition of a lobbyist; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Rules.

HB 1141. By Representatives Purcell of the 159th, Talton of the 145th, Greene of the 149th, McKillip of the 115th, Powell of the 29th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to sheriffs, so as to create the Georgia Sheriffs' Cooperative Authority as a body corporate and politic, an instrumentality of the state, and a public corporation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HB 1142. By Representatives Brockway of the 101st, Rice of the 51st, Sheldon of the 105th, Thomas of the 100th, Floyd of the 99th and others:

A BILL to be entitled an Act to amend an Act to create and establish for and in the County of Gwinnett a court to be known as the Recorder's Court of Gwinnett County, approved March 27, 1972 (Ga. L. 1972, p. 3125), as amended by an Act approved March 5, 1987 (Ga. L. 1987, p. 3765), so as to change provisions relating to the clerk's compensation; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1143. By Representatives Cooper of the 41st, Kidd of the 141st and Watson of the 163rd:

A BILL to be entitled an Act to amend Code Section 43-34-11 of the Official Code of Georgia Annotated, relating to continuing education requirements for physicians, acupuncture, physician assistants, cancer and glaucoma

treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to revise provisions relating to continuing education requirements for persons licensed to practice orthotics or prosthetics; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HB 1144. By Representatives Knight of the 126th, Maddox of the 127th, Dickey of the 136th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Lamar County Board of Education, approved March 30, 1971 (Ga. L. 1971, p. 2710), as amended, particularly by an Act approved July 26, 2001 (Ga. L. 2001, Ex. Sess., p. 763), so as to reconstitute the board of education; 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 preclearance under 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.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1145. By Representatives Knight of the 126th, Maddox of the 127th, Dickey of the 136th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Lamar County, approved March 8, 1943 (Ga. L. 1943, p. 1066), as amended, particularly by an Act approved July 26, 2001 (Ga. L. 2001, Ex. Sess., p. 770), 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 related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1147. By Representatives Evans of the 40th, Williams of the 165th, Sims of the 169th, Abrams of the 84th, Fullerton of the 151st and others:

A BILL to be entitled an Act to amend Code Section 20-3-519 of the Official Code of Georgia Annotated, relating to definitions relative to HOPE scholarships and grants, so as to revise the definition of the term "Zell Miller Scholar"; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

HB 1148. By Representatives Maxwell of the 17th and Cooke of the 18th:

A BILL to be entitled an Act to abolish the office of county treasurer of Haralson County; to repeal an Act entitled "An Act to fix the salary of the Treasurer of Haralson County," approved August 16, 1915 (Ga. L. 1915, p. 258); to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1149. By Representatives Cheokas of the 134th, Stephens of the 164th, Harden of the 147th, Parrish of the 156th, Powell of the 171st and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, so as to authorize the administration of vaccines by pharmacists or nurses pursuant to vaccine protocol agreements with physicians; to provide for definitions; to provide requirements for the content of vaccine protocol agreements; to provide that a party to a vaccine protocol agreement shall not delegate his or her authority; to limit the number of vaccine protocol agreements into which a physician may enter at any one time; to prohibit certain entities from entering into vaccine protocol agreements; to provide for rules and regulations; to provide for limited liability; to provide for applicability; to provide for statutory construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 1543. By Representatives Holt of the 112th, Dudgeon of the 24th and Baker of the 78th:

A RESOLUTION creating the House Study Committee on Subsidiary Corporation Condemnation for Electric Transmission Lines; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

HR 1561. By Representatives Shaw of the 176th, McCall of the 30th, Roberts of the 154th, Anderson of the 117th, Nimmer of the 178th and others:

A RESOLUTION urging the United States Department of Labor to recall proposed policies; and for other purposes.

Referred to the Committee on Industrial Relations.

HR 1562. By Representatives Taylor of the 173rd, Carter of the 175th, McCall of the 30th, Roberts of the 154th, Burns of the 157th and others:

A RESOLUTION urging Congress to expand the eligibility requirements of the H-2A guest worker program; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

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

HB 1160. By Representatives Roberts of the 154th, Houston of the 170th, Burns of the 157th, McCall of the 30th and Williams of the 165th:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and members of the Public Service Commission, so as to change the term and manner of the election of the chairperson of the Public Service Commission; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

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

HB 1095

HB 1096

HB 1097

HB 1098

HB 1099

HB 1100

HB 1101

HB 1102

HB 1103

HB 1104

HB 1105

HB 1106

HB 1107

HB 1108

HB 1109	HB 1111
HB 1112	HB 1113
HB 1114	HB 1115
HB 1116	HB 1117
HB 1118	HB 1119
HB 1120	HB 1121
HB 1122	HB 1123
HB 1124	HB 1125
HB 1146	HR 1542
SB 367	SB 383
SB 390	

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

Mr. Speaker:

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

HB 898	Do Pass, by Substitute
HB 945	Do Pass
HB 946	Do Pass

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

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

Mr. Speaker:

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

HB 673	Do Pass, by Substitute
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Respectfully submitted,
/s/ Cooper of the 41st
Chairman

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

Mr. Speaker:

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

HB 548	Do Pass
HB 897	Do Pass
HB 971	Do Pass, by Substitute

Respectfully submitted,
/s/ Hembree of the 67th
Chairman

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

Mr. Speaker:

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

HB 1024	Do Pass	HB 1026	Do Pass
HB 1082	Do Pass	HB 1085	Do Pass

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

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

Mr. Speaker:

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

HB 790	Do Pass, by Substitute	HB 791	Do Pass, by Substitute
HB 969	Do Pass	HB 970	Do Pass
HB 973	Do Pass	HB 978	Do Pass
HB 979	Do Pass	HB 1002	Do Pass
HB 1003	Do Pass	HB 1006	Do Pass
HB 1007	Do Pass	HB 1008	Do Pass
HB 1011	Do Pass	HB 1012	Do Pass
HB 1013	Do Pass	HB 1016	Do Pass
HB 1017	Do Pass	HB 1018	Do Pass
HB 1020	Do Pass	HB 1021	Do Pass
HB 1023	Do Pass	HB 1028	Do Pass
HB 1029	Do Pass	HB 1037	Do Pass
HB 1038	Do Pass	HB 1039	Do Pass
HB 1040	Do Pass	HB 1041	Do Pass
SB 388	Do Pass	SB 389	Do Pass

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

Representative Williams of the 4th District, Chairman of the Committee on Regulated Industries, submitted the following report:

Mr. Speaker:

Your Committee on Regulated Industries 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 953	Do Pass, by Substitute
HB 1065	Do Pass
HB 1066	Do Pass, by Substitute

Respectfully submitted,
/s/ Williams of the 4th
Chairman

Representative Maxwell of the 17th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement 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 208	Do Pass, by Substitute
HB 928	Do Pass
HB 987	Do Pass

Respectfully submitted,
/s/ Maxwell of the 17th
Chairman

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

HR 1240	Do Pass
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The following report of the Committee on Rules was read and adopted:

HOUSE RULES CALENDAR
THURSDAY, FEBRUARY 23, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 24th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 183	General Assembly members; members of Georgia Legislative Retirement System; provisions (Substitute)(Ret-Maxwell-17th)
HB 863	State purchasing; purchases without competitive bidding; change certain provisions (Substitute)(SI&P-Hatchett-143rd)
HB 879	Elementary and secondary education; care of students with diabetes in school; provide (Substitute)(H&HS-Ramsey-72nd)

Modified Structured Rule

- HB 434 Social workers; requirements for licensure; revise provisions (H&HS-Dempsey-13th)
- HB 865 Georgia Motor Common and Contract Carrier Act of 2012; enact (Substitute)(MotV-Powell-29th)
- HB 875 Natural Resources, Department of; privacy of certain records and personal information; provide (Substitute)(GF&P-Knight-126th)

Structured Rule

None

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 and Senate were taken up for consideration and read the third time:

HB 790. By Representatives McBrayer of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating the Tift County Board of Education, approved March 31, 1971 (Ga. L. 1971, p. 2722), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5720), so as to change the description of the education districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Tift County Board of Education, approved March 31, 1971 (Ga. L. 1971, p. 2722), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5720), so as to change the description of the education districts; to define certain terms; to provide for submission of this Act for preclearance under the federal

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Tift County Board of Education, approved March 31, 1971 (Ga. L. 1971, p. 2722), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5720), is amended by revising Section 2 as follows:

"SECTION 2.

(a) For purposes of electing members of the Tift County Board of Education, Tift County is divided into seven education districts, and six of those districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: tiftccsBR-import-2011 Plan Type: local Administrator: Tift User: SE'.

(b) Education District 7 shall consist of all of Tift County.

(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 Tift 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 Tift 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 education 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.

(d) Education Districts 1, 2, 3, 4, 5, and 6 as they exist immediately prior to the effective date of this Act shall continue to be designated as Education Districts 1, 2, 3, 4, 5, and 6, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former education districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

SECTION 2.

The Tift County Board of Education 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 Tift County Board of Education 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: tiftccsbR-import-2011

Plan Type: local

Administrator: Tift

User: SE

District 001

Tift County

VTD: 27701 - TIFTON NORTHEAST

960300:

5020 5021 6000 6001 6003 6004 6005 6006

VTD: 27705 - DOCIA

960800:

1001 1002 1003 1004 1005 1016 1018

VTD: 27706 - ELDORADO

960900:

2012 2013 3017 3018 3019 3034 3035 3036 3037 3038 3039 3045

3046 3047 3048 3050 3051 3052 3063 3065

VTD: 27709 - TIFTON NORTHWEST

960300:

2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012

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 2041

960700:

1002 1003 1004 1005 1006 1012 1013 1014 1015 1016 1017 1025

1026 1027 1028 1029 2055 2056 2057 2058 2059 2060 2061 2062

2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2077 2078
 2079 2080 2081 2091 2092 2093 2110 2111 2112 2113 2116 2117
 2118 2119 2126 2127 2128 2129 2130 2131 2132

VTD: 27710 - TIFTON SOUTH

VTD: 27711 - MOTT-LITMAN GYM

960600:

3025 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041
 3042 3043 3044 4018 4026 4027 4028 4029 4030 4031 4032 4033
 4034 4044 4045

District 002

Tift County

VTD: 27701 - TIFTON NORTHEAST

960400:

3043 3047

VTD: 27703 - BROOKFIELD

960500:

2018 2025 2043 2044 2045

960600:

2067 2068 2069

960900:

1000 1001 1002 1003 1004 1005 1008 1061

VTD: 27711 - MOTT-LITMAN GYM

960600:

1000 1001 1002 1003 1016 1017 1018 1020 1021 1022 1023 1024
 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048
 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084
 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096
 1097 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043
 2044 2045 2046 2047 2048 2049 2050 2051 2052 2054 2055 2056
 2057 2058 2059 2060 2061 2062 2063 2064 2065 2071 3000 3001
 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3026
 3027 3028 3029 3030 4004 4005 4007 4008 4009 4010 4011 4012
 4013 4014 4015

960700:

1000 1001 1007 1008 1009 1010 1011 4000 4001 4016

960900:

1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
 1026 1027 1028 1029 1030 1042 1060 3000 3001 3002 3003 3004

3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3053
3054 3055 3056 3057 3058 3059 3060 3061 3062 3064 3066

VTD: 27712 - TIFTON LODGE

960400:

3021 3022 3023 3024 3025 3027 3028 3029 3030 3031 3032 3033
3034 3044 3045 3046 3048

960600:

2000 2001 2002 2003 2004 2005 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 2053 2066 2070

District 003

Tift County

VTD: 27703 - BROOKFIELD

960500:

2001 2002 2003 2004 2005 2006 2026 2029 2030 2033 2035 2036
2037 2038 2039 2040 2041 2042 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063
2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075
2076 2077 2078 2080 2083 2084 2085

960900:

1006 1007 1009 1045 1047 1048

VTD: 27705 - DOCIA

960200:

1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070
1071 1072 1077 1097 2045 2057 2058 2059 2067 2068 2069 2070
2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082
2083 2084 2085

960800:

1006 1007 1008 1009 1011 1012 1013 1014 1015 1017 1019 1021
1022 1023 1035 1038 1039 1040 1041 1042 1043 1044 1063 1066

VTD: 27706 - ELDORADO

960500:

2079 2081

960800:

1027 1028

960900:

1010 1011 1012 1013 1031 1032 1033 1034 1035 1036 1037 1038
1039 1040 1041 1043 1044 1046 1049 1050 1051 1052 1053 1054
1055 1056 1057 1058 1059 1062 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 2011 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 2042 2043

2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055
2056 2057 2058

VTD: 27707 - OMEGA

VTD: 27708 - TY TY

960200:

2000 2033 2039 2040 2041 2042 2043 2044 2046 2047 2048 2049
2050 2051 2052 2053 2054 2055 2056 2060 2061 2062 2063 2064
2065 2066 2087

District 004

Tift County

VTD: 27702 - BRIGHTON

VTD: 27703 - BROOKFIELD

960500:

1131 1132 1134 1135 1136 1137 1138 1139 1141 1142 1143 1148
1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1160 1161
1162 2000 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016
2017 2019 2020 2021 2022 2023 2024 2027 2028 2031 2032 2034
2082 2086

VTD: 27704 - CHULA

960100:

2000 2001 2002 2003 2004 2005 2006 2008 2009 2010 2011 2027
2028 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040
2041 2042 2043 2044 2050 2051 2052 2053 2054 2055 2067 2068
2069 2070 2071 2072 2075 2076 2077 2078 2079 2080 2090 2099
2100 2101 2102 2103 2104 2105 2108 2136 2137 2138 2139

VTD: 27712 - TIFTON LODGE

960400:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3012
3013 3014 3015 3016 3017 3020 3026 4013 4014 4015 4016 4017
4018 4019 4020 4021 4022 4023 4024 4025 4026 4027 4028 4029
4030 4031 4032 4033 4034 4035 4036 4037 4038 4039 4040 4041
4042 4043 4044 4045 4046 4047 4050 4051 4052 4053 4054 4055
4056 4057 4059 4060 4061 4062 4063 4064 4065 6000 6001 6002
6003 6004 6005 6007

District 005

Tift County

VTD: 27701 - TIFTON NORTHEAST

960300:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035

1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
 1060 3059 3060 3061 3062 3063 3064 3065 3066 3067 3070 3071
 3072 3130 3131 3132 3147 4000 4001 4002 4003 4004 4005 4006
 4007 4008 4009 4010 4011 4012 4013 4014 4015 4016 4017 4018
 4019 4020 4021 4022 4023 4024 4025 5000 5001 5002 5003 5004
 5005 5006 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016
 5017 5018 5019 5022 5023 5024 5025 5026 5027 5028 5029 5030
 5031 5032 5033 5034 5035 5036 5037 5038 5039 5040 5041 5042
 5043 5044 5045 6002 6007 6008 6009 6010 6011 6012 6013 6014
 6015 6016 6017 6018 6019 6020 6021 6022 6023 6024 6025 6026
 6027 6028 6029 6030 6031 6032 6033 6034 6035 6036

960400:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
 1036 2004 2005 2006 2007 2008 2009 2010 2011 2013 2014 2015
 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 3011 3018
 3019 3035 3036 3039 3042 5016 5017 5022

960600:

1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1019

VTD: 27709 - TIFTON NORTHWEST

960100:

2133 2134 2135

960300:

3000 3001 3002 3003 3004 3068 3069

VTD: 27712 - TIFTON LODGE

960400:

2000 2001 2002 2003 2012 3037 3038 3040 3041 4048 4049 4058
 5000 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011
 5012 5013 5014 5015 5018 5019 5020 5021 5023 5024 6006 6008
 6009 6010 6011 6012 6013 6014 6015 6016 6017 6018 6019 6020
 6021 6022 6023 6024 6025 6026 6027 6028 6029 6030 6031 6032
 6033 6034 6035 6036 6037

District 006

Tift County

VTD: 27704 - CHULA

960100:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035

1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071
 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083
 1084 1085 1086 1087 1088 1089 1090 1092 1093 1094 1095 1096
 1097 1098 1099 1100 1101 1102 1103 1104 1105 1106 1107 1108
 1109 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120
 1121 1122 1123 1124 1125 1126 1127 1128 1129 1131 1140 1141
 1142 1143 1158 1159 1163 1167 1168 1169 1170 1185 1189 1190
 2007 2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022
 2023 2024 2025 2026 2029 2081 2082 2083 2084 2085 2086 2087
 2088 2089 2106 2107 2109 2110 2111 2112 2113 2114 2140

960200:

1000 1011

VTD: 27708 - TY TY

960100:

1130

960200:

1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012 1013
 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036 1037
 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048 1049
 1052 1053 1054 1055 1056 1057 1073 1074 1075 1078 1079 1080
 1081 1082 1083 1084 1085 1086 1087 1088 1089 1090 1091 1092
 1093 1094 1095 1096 2001 2002 2003 2004 2005 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
 2034 2035 2036 2037 2038 2086

VTD: 27709 - TIFTON NORTHWEST

960100:

1091 1132 1133 1134 1135 1136 1137 1138 1139 1144 1145 1146
 1147 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1160
 1161 1162 1164 1165 1166 1171 1172 1173 1174 1175 1176 1177
 1178 1179 1180 1181 1182 1183 1184 1186 1187 1188 1191 2115
 2116 2117 2118 2119 2120 2121 2122 2123 2124 2125 2126 2127
 2128 2129 2130 2131 2132 2141 2142 2143

960200:

1050 1051 1058 1076

960300:

2000 2013 2040 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 3052 3053 3054 3055 3056 3057 3058 3073 3074 3075
 3076 3077 3078 3079 3080 3081 3082 3083 3084 3085 3086 3087
 3088 3089 3090 3091 3092 3093 3094 3095 3096 3097 3098 3099
 3100 3101 3102 3103 3104 3105 3106 3107 3108 3109 3110 3111
 3112 3113 3114 3115 3116 3117 3118 3119 3120 3121 3122 3123
 3124 3125 3126 3127 3128 3129 3133 3134 3135 3136 3137 3138
 3139 3140 3141 3142 3143 3144 3145 3146 3148

960700:

2000 2001 2002 2003 2004 2005 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 2042 2043 2044 2045 2046 2047
 2048 2049 2050 2051 2052 2053 2054 2073 2074 2075 2076 2120
 2121 2122 2123 2124 2125 2162 2192 2193 2194 2195

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

HB 791. By Representatives McBrayer of the 153rd and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Tift County, approved August 9, 1917 (Ga. L. 1917, p. 396), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5712), so as to reapportion the commissioner districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the Board of Commissioners of Tift County, approved August 9, 1917 (Ga. L. 1917, p. 396), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5712), so as to reapportion the commissioner districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; 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 Tift County, approved August 9, 1917 (Ga. L. 1917, p. 396), as amended, particularly by an Act approved May 10, 2002 (Ga. L. 2002, p. 5712), is amended by revising Section 2 as follows:

"SECTION 2.

(a) For purposes of electing members of the board of commissioners, Tift County is divided into seven commissioner districts, and six of those districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: tiftccsbR-import-2011 Plan Type: local Administrator: Tift User: SE'.

(b) Commissioner District 7 shall consist of all of Tift County.

(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 Tift 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 Tift 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.

(d) Commissioner Districts 1, 2, 3, 4, 5, and 6 as they exist immediately prior to the effective date of this Act shall continue to be designated as Commissioner Districts 1, 2, 3, 4, 5, and 6, respectively, but as newly described under this Act, and on and after the effective date of this Act, such 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 Act."

SECTION 2.

The Board of Commissioners of Tift 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 Tift 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: tiftccsbR-import-2011

Plan Type: local

Administrator: Tift

User: SE

District 001

Tift County

VTD: 27701 - TIFTON NORTHEAST

960300:

5020 5021 6000 6001 6003 6004 6005 6006

VTD: 27705 - DOCIA

960800:

1001 1002 1003 1004 1005 1016 1018

VTD: 27706 - ELDORADO

960900:

2012 2013 3017 3018 3019 3034 3035 3036 3037 3038 3039 3045
3046 3047 3048 3050 3051 3052 3063 3065

VTD: 27709 - TIFTON NORTHWEST

960300:

2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
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 2041

960700:

1002 1003 1004 1005 1006 1012 1013 1014 1015 1016 1017 1025
1026 1027 1028 1029 2055 2056 2057 2058 2059 2060 2061 2062
2063 2064 2065 2066 2067 2068 2069 2070 2071 2072 2077 2078
2079 2080 2081 2091 2092 2093 2110 2111 2112 2113 2116 2117
2118 2119 2126 2127 2128 2129 2130 2131 2132

VTD: 27710 - TIFTON SOUTH

VTD: 27711 - MOTT-LITMAN GYM

960600:

3025 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041
 3042 3043 3044 4018 4026 4027 4028 4029 4030 4031 4032 4033
 4034 4044 4045

District 002

Tift County

VTD: 27701 - TIFTON NORTHEAST

960400:

3043 3047

VTD: 27703 - BROOKFIELD

960500:

2018 2025 2043 2044 2045

960600:

2067 2068 2069

960900:

1000 1001 1002 1003 1004 1005 1008 1061

VTD: 27711 - MOTT-LITMAN GYM

960600:

1000 1001 1002 1003 1016 1017 1018 1020 1021 1022 1023 1024
 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047 1048
 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059 1060
 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071 1072
 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083 1084
 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095 1096
 1097 2033 2034 2035 2036 2037 2038 2039 2040 2041 2042 2043
 2044 2045 2046 2047 2048 2049 2050 2051 2052 2054 2055 2056
 2057 2058 2059 2060 2061 2062 2063 2064 2065 2071 3000 3001
 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013
 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3026
 3027 3028 3029 3030 4004 4005 4007 4008 4009 4010 4011 4012
 4013 4014 4015

960700:

1000 1001 1007 1008 1009 1010 1011 4000 4001 4016

960900:

1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024 1025
 1026 1027 1028 1029 1030 1042 1060 3000 3001 3002 3003 3004
 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3053
 3054 3055 3056 3057 3058 3059 3060 3061 3062 3064 3066

VTD: 27712 - TIFTON LODGE

960400:

3021 3022 3023 3024 3025 3027 3028 3029 3030 3031 3032 3033
3034 3044 3045 3046 3048

960600:

2000 2001 2002 2003 2004 2005 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 2053 2066 2070

District 003

Tift County

VTD: 27703 - BROOKFIELD

960500:

2001 2002 2003 2004 2005 2006 2026 2029 2030 2033 2035 2036
2037 2038 2039 2040 2041 2042 2046 2047 2048 2049 2050 2051
2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062 2063
2064 2065 2066 2067 2068 2069 2070 2071 2072 2073 2074 2075
2076 2077 2078 2080 2083 2084 2085

960900:

1006 1007 1009 1045 1047 1048

VTD: 27705 - DOCIA

960200:

1059 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070
1071 1072 1077 1097 2045 2057 2058 2059 2067 2068 2069 2070
2071 2072 2073 2074 2075 2076 2077 2078 2079 2080 2081 2082
2083 2084 2085

960800:

1006 1007 1008 1009 1011 1012 1013 1014 1015 1017 1019 1021
1022 1023 1035 1038 1039 1040 1041 1042 1043 1044 1063 1066

VTD: 27706 - ELDORADO

960500:

2079 2081

960800:

1027 1028

960900:

1010 1011 1012 1013 1031 1032 1033 1034 1035 1036 1037 1038
1039 1040 1041 1043 1044 1046 1049 1050 1051 1052 1053 1054
1055 1056 1057 1058 1059 1062 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 2011 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 2042 2043
2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054 2055
2056 2057 2058

VTD: 27707 - OMEGA

VTD: 27708 - TY TY

960200:

2000 2033 2039 2040 2041 2042 2043 2044 2046 2047 2048 2049
2050 2051 2052 2053 2054 2055 2056 2060 2061 2062 2063 2064
2065 2066 2087

District 004

Tift County

VTD: 27702 - BRIGHTON

VTD: 27703 - BROOKFIELD

960500:

1131 1132 1134 1135 1136 1137 1138 1139 1141 1142 1143 1148
1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1160 1161
1162 2000 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016
2017 2019 2020 2021 2022 2023 2024 2027 2028 2031 2032 2034
2082 2086

VTD: 27704 - CHULA

960100:

2000 2001 2002 2003 2004 2005 2006 2008 2009 2010 2011 2027
2028 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039 2040
2041 2042 2043 2044 2050 2051 2052 2053 2054 2055 2067 2068
2069 2070 2071 2072 2075 2076 2077 2078 2079 2080 2090 2099
2100 2101 2102 2103 2104 2105 2108 2136 2137 2138 2139

VTD: 27712 - TIFTON LODGE

960400:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3012
3013 3014 3015 3016 3017 3020 3026 4013 4014 4015 4016 4017
4018 4019 4020 4021 4022 4023 4024 4025 4026 4027 4028 4029
4030 4031 4032 4033 4034 4035 4036 4037 4038 4039 4040 4041
4042 4043 4044 4045 4046 4047 4050 4051 4052 4053 4054 4055
4056 4057 4059 4060 4061 4062 4063 4064 4065 6000 6001 6002
6003 6004 6005 6007

District 005

Tift County

VTD: 27701 - TIFTON NORTHEAST

960300:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
1060 3059 3060 3061 3062 3063 3064 3065 3066 3067 3070 3071
3072 3130 3131 3132 3147 4000 4001 4002 4003 4004 4005 4006

4007 4008 4009 4010 4011 4012 4013 4014 4015 4016 4017 4018
 4019 4020 4021 4022 4023 4024 4025 5000 5001 5002 5003 5004
 5005 5006 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016
 5017 5018 5019 5022 5023 5024 5025 5026 5027 5028 5029 5030
 5031 5032 5033 5034 5035 5036 5037 5038 5039 5040 5041 5042
 5043 5044 5045 6002 6007 6008 6009 6010 6011 6012 6013 6014
 6015 6016 6017 6018 6019 6020 6021 6022 6023 6024 6025 6026
 6027 6028 6029 6030 6031 6032 6033 6034 6035 6036

960400:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
 1036 2004 2005 2006 2007 2008 2009 2010 2011 2013 2014 2015
 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 3011 3018
 3019 3035 3036 3039 3042 5016 5017 5022

960600:

1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
 1019

VTD: 27709 - TIFTON NORTHWEST

960100:

2133 2134 2135

960300:

3000 3001 3002 3003 3004 3068 3069

VTD: 27712 - TIFTON LODGE

960400:

2000 2001 2002 2003 2012 3037 3038 3040 3041 4048 4049 4058
 5000 5001 5002 5003 5004 5005 5006 5007 5008 5009 5010 5011
 5012 5013 5014 5015 5018 5019 5020 5021 5023 5024 6006 6008
 6009 6010 6011 6012 6013 6014 6015 6016 6017 6018 6019 6020
 6021 6022 6023 6024 6025 6026 6027 6028 6029 6030 6031 6032
 6033 6034 6035 6036 6037

District 006

Tift County

VTD: 27704 - CHULA

960100:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
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The report of the Committee, which was favorable to the passage of the Bill, by substitute, was agreed to.

HB 969. By Representatives Rogers of the 10th, Allison of the 8th and Collins of the 27th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the method of election of the members of the Board of Education of White County," approved May 13, 2008 (Ga. L. 2008, p. 4291), so as to provide for new 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 approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; 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 970. By Representatives Rogers of the 10th, Allison of the 8th and Collins of the 27th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reconstitute the Board of Commissioners of White County," approved May 13, 2008 (Ga. L. 2008, p. 4205), so as to provide new commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current 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.

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

HB 973. By Representatives Stephens of the 164th and Tankersley of the 158th:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Commissioners of Bryan County, approved April 12, 1982 (Ga. L. 1982, p. 4270), as amended, 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 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.

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

HB 978. By Representatives Hamilton of the 23rd, Byrd of the 20th, Jerguson of the 22nd and Hill of the 21st:

A BILL to be entitled an Act to amend an Act providing for the numbering of positions of membership on the Cherokee County Board of Education, approved April 17, 1973 (Ga. L. 1973, p. 3207), as amended, particularly by an Act approved March 18, 1980 (Ga. L. 1980, p. 3275), and by an Act approved April 25, 2002 (Ga. L. 2002, p. 4869), 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 manner of election; 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 provide for effective dates; 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 979. By Representatives Hamilton of the 23rd, Hill of the 21st, Jerguson of the 22nd and Byrd of the 20th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Cherokee County, approved March 30, 1989 (Ga. L. 1989, p. 4295), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4876), 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 manner of election; 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 provide effective dates; 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 1002. By Representatives Roberts of the 154th and Pruett of the 144th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Ben Hill County, approved August 15, 1914 (Ga. L. 1914, p. 232), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5165), so as to change the description of the commissioner districts; to reassign district numbers; 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.

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

HB 1003. By Representative Roberts of the 154th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Commissioners of Telfair County, approved June 3, 2003 (Ga. L. 2003, p. 3992), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the 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 a certain Act; 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 1006. By Representatives Parent of the 81st, Taylor of the 79th, Bell of the 58th, Gardner of the 57th, Henson of the 87th and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Chamblee, approved March 28, 1935 (Ga. L. 1935, p. 944), as amended, so as to change the corporate limits of the city; to provide for a referendum; to provide for related matters; to provide for automatic repeal and a contingent 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.

HB 1007. By Representatives Williams of the 165th, Stephens of the 164th and Dutton of the 166th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Liberty County, approved March 12, 1935 (Ga. L. 1935, p. 712), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3624), 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 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.

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

HB 1008. By Representatives Williams of the 165th, Stephens of the 164th and Dutton of the 166th:

A BILL to be entitled an Act to amend an Act creating the Board of Education of Liberty County, approved February 10, 1986 (Ga. L. 1986, p. 3542), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3632), 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 approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; 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 1011. By Representatives Heard of the 114th, McKillip of the 115th and Williams of the 113th:

A BILL to be entitled an Act to amend an Act providing for the merger of the existing independent school system of the mayor and council of the City of Athens and the existing school system in the County of Clarke, approved March 7, 1955 (Ga. L. 1955, p. 3057), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4340), so as to change the composition of the board of education and the districts from which members are elected; to provide for definitions and inclusions; to provide for the

election of members and terms of office; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; 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.

HB 1012. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Commerce, approved April 4, 1991 (Ga. L. 1991, p. 4042), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3926), 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 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for a contingent 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.

HB 1013. By Representatives Benton of the 31st and McCall of the 30th:

A BILL to be entitled an Act to amend an Act to reconstitute the law governing the Jackson County School System, approved May 17, 2004 (Ga. L. 2004, p. 3619), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act 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.

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

HB 1016. By Representatives Powell of the 29th and Harden of the 28th:

A BILL to be entitled an Act to amend an Act creating a new board of commissioners of Franklin County, approved April 4, 1991 (Ga. L. 1991, p. 4681), as amended, particularly by an Act approved April 15, 1996 (Ga. L. 1996, p. 4466), 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 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.

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

HB 1017. By Representatives Powell of the 29th and Harden of the 28th:

A BILL to be entitled an Act to amend an Act relative to the Board of Education of Franklin County, approved April 12, 1982 (Ga. L. 1982, p. 3753), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the 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.

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

HB 1018. By Representatives Maddox of the 172nd and Taylor of the 173rd:

A BILL to be entitled an Act to amend an Act creating a new board of education of Grady County, approved March 5, 1968 (Ga. L. 1968, p. 2120), as amended, particularly by an Act approved September 26, 2001 (Ga. L. Ex. Sess. 2001, p. 660), as amended, so as to reconstitute the board of education; 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 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 report of the Committee, which was favorable to the passage of the Bill, was agreed to.

HB 1020. By Representative Dutton of the 166th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners for Evans County, approved August 15, 1915 (Ga. L. 1915, p. 220), as amended, particularly by an Act approved June 3, 2003 (Ga. L.

2003, p. 4266), 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 submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; 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 1021. By Representative Dutton of the 166th:

A BILL to be entitled an Act to amend an Act providing for the composition of the Board of Education for Evans County, approved March 26, 1987 (Ga. L. 1987, p. 4782), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4281), 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 the federal Voting Rights Act of 1965, as amended; 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 1023. By Representative Crawford of the 16th:

A BILL to be entitled an Act to amend an Act providing a new Board of Education for Polk County, approved March 28, 1985 (Ga. L. 1985, p. 4985), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4852), so as to reconstitute the Board of Education of Polk County; to provide for seven members of such board; to revise the districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for elections; 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 provide for effective dates; 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 1028. By Representative Hatchett of the 143rd:

A BILL to be entitled an Act to amend an Act providing the method of election of the members to the Board of Education of Laurens County,

approved March 18, 1986 (Ga. L. 1986, p. 3821), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3950), 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.

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

HB 1029. By Representative Burns of the 157th:

A BILL to be entitled an Act to amend an Act for the election of members of the Board of Education of Screven County, approved April 1, 2002 (Ga. L. 2002, p. 3659), as amended, so as to provide for the election of members of the Board of Education of Screven County; to revise the districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for the filling of vacancies; to provide for qualifications; to provide for the election of a chairperson; 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 provide for related matters; to provide effective dates; 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 1037. By Representatives McCall of the 30th and Powell of the 29th:

A BILL to be entitled an Act to amend an Act providing for the Board of Education of Madison County, approved March 24, 1988 (Ga. L. 1988, p. 4698), as amended, 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 method of election; 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 provide effective dates; 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 1038. By Representatives McCall of the 30th and Powell of the 29th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Madison County, approved March 27, 1965 (Ga. L. 1965, p. 2667), as amended, 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 method of election; to provide for renumbering of certain districts; 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 provide for a contingent automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 1039. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Montgomery County, approved February 27, 1953 (Ga. L. 1953, Jan.-Feb. Sess., p. 2729), as amended, 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 manner of election and terms of office; to provide for submission of this Act 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.

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

HB 1040. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Glascock County, approved April 1, 1996 (Ga. L. 1996, p. 3725), as amended, 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 method of election; 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.

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

HB 1041. By Representatives Battles of the 15th and Coomer of the 14th:

A BILL to be entitled an Act to amend an Act providing for the Board of Education of Bartow County, approved March 30, 1987 (Ga. L. 1987, p. 4915), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3999), 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 the federal Voting Rights Act of 1965, as amended; 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.

SB 388. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend an Act relating to the Board of Commissioners of Decatur County, approved March 4, 1935 (Ga. L. 1935, p. 630), as amended, particularly by an Act approved May 5, 2006 (Ga. L. 2006, p. 4639), 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 preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

SB 389. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend an Act providing for the composition of the Board of Education of Decatur County, approved March 18, 1986 (Ga. L. 1986, p. 4096), as amended, particularly by an Act approved May 13, 2002 (Ga. L. 2002, p. 5782), 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 preclearance under the federal Voting Rights Act of 1965, as amended; 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:

Y Abdul-Salaam	Y Davis	Y Heckstall	McBrayer	Y Shaw
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Y Allison	Dempsey	E 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
Atwood	Y Dobbs	Y Holmes	Morris	Y Smith, L
E Baker	Y Dollar	Y Holt	Mosby	Y Smith, R
Y Battles	E Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
E Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Nix	Y Stephens, R
Beverly	Y Ehrhart	E Jackson	Oliver	Y Stephenson
Y Black	Y England	E 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	E Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	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	E Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	E Randall	Y Weldon
Y Channell	E 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	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
E 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	E Martin	E Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

On the passage of the Bills, the ayes were 149, nays 0.

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

Representative Peake of the 137th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

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

SB 324. By Senators Mullis of the 53rd, Tolleson of the 20th, Wilkinson of the 50th, Hooks of the 14th, Goggans of the 7th and others:

A BILL to be entitled an Act to amend Code Section 43-50-3 of the Official Code of Georgia Annotated, relating to definitions relative to the practice of veterinary medicine, so as to clarify a certain definition; to repeal conflicting laws; and for other purposes.

SB 332. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Loudermilk of the 52nd, Albers of the 56th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use tax, so as to expand the matters which are included in annual reporting of the expenditure of certain special purpose local option sales tax proceeds; to provide for enforcement actions by the Attorney General; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 338. By Senators Goggans of the 7th, Jackson of the 2nd and Unterman of the 45th:

A BILL to be entitled an Act to amend Code Section 43-11-52 of the Official Code of Georgia Annotated, relating to the "Georgia Volunteers in Dentistry and Dental Hygiene Act," so as to provide for special licenses for dentists and dental hygienists licensed in other jurisdictions; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 360. By Senators Wilkinson of the 50th, Williams of the 19th, Tolleson of the 20th and Jeffares of the 17th:

A BILL to be entitled an Act to amend Code Section 27-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to game and fish, so as to include certain tilapia species as domestic fish; to amend Code Section 27-4-5 of the Official Code of Georgia Annotated, relating to methods of taking fish generally, so as to prohibit the use or sale of tilapia as live bait; to repeal conflicting laws; and for other purposes.

SB 361. By Senators Miller of the 49th, Unterman of the 45th, Hooks of the 14th, Goggans of the 7th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Titles 31 and 43 of the Official Code of Georgia Annotated, relating to health and professions and businesses, respectively, so as to expand provisions relating to the accreditation of health care facilities to recognize the inclusion of additional nationally recognized health care accreditation bodies; to provide for conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 370. By Senators Carter of the 1st, Bethel of the 54th, Jackson of the 2nd and Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I and V controlled substances; to change certain provisions relating to the definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 396. By Senators Chance of the 16th, Jackson of the 24th, Miller of the 49th, Jeffares of the 17th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to forest resources, so as to change certain provisions relating to the Herty Advanced Materials Development Center; to rename the center and transfer governance of the center to the Board of Regents of the University System of Georgia; to provide for an advisory board; to redesignate said provisions into Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 413. By Senator Jackson of the 24th:

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

SB 433. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend an Act creating and establishing the Dalton-Whitfield County Charter and Consolidation Commission, approved May 13, 2011 (Ga. L. 2011, p. 4100), so as to change certain provisions relating to referendum results; to provide for submission under the federal

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

SB 435. By Senator Hooks of the 14th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Webster County, approved April 9, 1993 (Ga. L. 1993, p. 5075), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3826), so as to change the description of the education districts; to define certain terms; to provide for continuation in office of current members; to provide for method of election; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 848. By Representatives Dickson of the 6th, Williams of the 4th and Weldon of the 3rd:

A BILL to be entitled an Act to amend an Act shortening the terms of office and providing for the election of members of the Board of Education of Whitfield County, approved April 4, 1991 (Ga. L. 1991, p. 3638), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4301), 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 approval 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.

HB 885. By Representative Pruett of the 144th:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Dodge County, approved March 6, 1996 (Ga. L. 1996, p. 3507), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 3981), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of the 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 repeal conflicting laws; and for other purposes.

HB 892. By Representatives Cooke of the 18th, Hightower of the 68th and Nix of the 69th:

A BILL to be entitled an Act to amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, particularly by an Act approved April 28, 2006 (Ga. L. 2006, p. 3758), so as to change the description of the educational districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for related matters; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 908. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Commerce, approved April 4, 1991 (Ga. L. 1991, p. 4042), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3926), and by an Act approved May 5, 2005 (Ga. L. 2005, p. 3597), so as to change the description of the education districts for the Commerce Independent School District; 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 under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

HB 921. By Representatives Dickson of the 6th and Meadows of the 5th:

A BILL to be entitled an Act to amend an Act relative to the Murray County Board of Education, approved March 8, 1990 (Ga. L. 1990, p. 3668), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the 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.

HB 925. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of McDuffie County, approved February 16, 1955 (Ga. L. 1955, p. 2331), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3718), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act pursuant to Section 5 of the federal Voting Rights Act of 1965, as

amended; to provide for related matters; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 926. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act providing for a seven-member Board of Education of McDuffie County, approved March 27, 1972 (Ga. L. 1972, p. 2538), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3708), so as to change the description of the education districts; to provide for definitions and inclusions; 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 927. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Thomson, approved March 15, 1973 (Ga. L. 1973, p. 2132), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3724), so as to change the description of the election districts for the members of the city council; to provide for definitions and inclusions; to provide for the continuation in office of the 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.

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

SB 324. By Senators Mullis of the 53rd, Tolleson of the 20th, Wilkinson of the 50th, Hooks of the 14th, Goggans of the 7th and others:

A BILL to be entitled an Act to amend Code Section 43-50-3 of the Official Code of Georgia Annotated, relating to definitions relative to the practice of veterinary medicine, so as to clarify a certain definition; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Agriculture & Consumer Affairs.

SB 332. By Senators Ligon, Jr. of the 3rd, McKoon of the 29th, Loudermilk of the 52nd, Albers of the 56th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to county sales and use tax, so as to expand the matters which are included in annual reporting of the expenditure of certain special purpose local option sales tax proceeds; to provide for enforcement actions by the Attorney General; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

SB 338. By Senators Goggans of the 7th, Jackson of the 2nd and Unterman of the 45th:

A BILL to be entitled an Act to amend Code Section 43-11-52 of the Official Code of Georgia Annotated, relating to the "Georgia Volunteers in Dentistry and Dental Hygiene Act," so as to provide for special licenses for dentists and dental hygienists licensed in other jurisdictions; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 360. By Senators Wilkinson of the 50th, Williams of the 19th, Tolleson of the 20th and Jeffares of the 17th:

A BILL to be entitled an Act to amend Code Section 27-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to game and fish, so as to include certain tilapia species as domestic fish; to amend Code Section 27-4-5 of the Official Code of Georgia Annotated, relating to methods of taking fish generally, so as to prohibit the use or sale of tilapia as live bait; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Game, Fish, & Parks.

SB 361. By Senators Miller of the 49th, Unterman of the 45th, Hooks of the 14th, Goggans of the 7th, Jackson of the 24th and others:

A BILL to be entitled an Act to amend Titles 31 and 43 of the Official Code of Georgia Annotated, relating to health and professions and businesses, respectively, so as to expand provisions relating to the accreditation of health care facilities to recognize the inclusion of additional nationally recognized health care accreditation bodies; to provide for conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 370. By Senators Carter of the 1st, Bethel of the 54th, Jackson of the 2nd and Goggans of the 7th:

A BILL to be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule I and V controlled substances; to change certain provisions relating to the definition of "dangerous drug"; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

- SB 396. By Senators Chance of the 16th, Jackson of the 24th, Miller of the 49th, Jeffares of the 17th, Stoner of the 6th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to forest resources, so as to change certain provisions relating to the Herty Advanced Materials Development Center; to rename the center and transfer governance of the center to the Board of Regents of the University System of Georgia; to provide for an advisory board; to redesignate said provisions into Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- SB 413. By Senator Jackson of the 24th:

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

Referred to the Committee on Intragovernmental Coordination.

- SB 433. By Senator Bethel of the 54th:

A BILL to be entitled an Act to amend an Act creating and establishing the Dalton-Whitfield County Charter and Consolidation Commission, approved May 13, 2011 (Ga. L. 2011, p. 4100), so as to change certain provisions relating to referendum results; to provide for submission under the federal

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

Referred to the Committee on Intragovernmental Coordination - Local.

SB 435. By Senator Hooks of the 14th:

A BILL to be entitled an Act to amend an Act reconstituting the Board of Education of Webster County, approved April 9, 1993 (Ga. L. 1993, p. 5075), as amended, particularly by an Act approved April 8, 2002 (Ga. L. 2002, p. 3826), so as to change the description of the education districts; to define certain terms; to provide for continuation in office of current members; to provide for method of election; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Pursuant to HR 1469, the House recognized and commended the Tattnell Square Academy Trojans football team on their GISA AAA State Championship.

Pursuant to HR 1240, the House recognized and commended Georgia State University's Legislative Health Policy Certificate Program and Advanced Health Policy Institute and invited their instructors to be recognized by the House of Representatives.

Pursuant to HR 1212, the House recognized February 23, 2012, as 100 Black Women Empowerment Day at the state capitol.

Pursuant to HR 1563, the House commended Kay H. Hind as the 2012 Distinguished Older Georgian.

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

Representatives Nix of the 69th, Holmes of the 125th, Kendrick of the 94th, and Williams of the 89th.

Pursuant to HR 1540, the House recognized and commended Ambassador Andrew Young.

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

HR 1240. By Representatives Cooper of the 41st, Clark of the 104th, Riley of the 50th, Mitchell of the 88th, Taylor of the 173rd and others:

A RESOLUTION recognizing and commending Georgia State University's Legislative Health Policy Certificate Program and Advanced Health Policy Institute and inviting their instructors to be recognized by the House of Representatives; and for other purposes.

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

HB 875. By Representatives Knight of the 126th, Burns of the 157th, Jerguson of the 22nd, Cheokas of the 134th, McBrayer of the 153rd and others:

A BILL to be entitled an Act to amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, so as to provide for privacy of certain records and personal information maintained by the Department of Natural Resources pursuant to Title 27; to amend Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, so as to provide for privacy of certain records and personal information maintained by the department pursuant to Title 52; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 27-1-3 of the Official Code of Georgia Annotated, relating to ownership and custody of wildlife, preservation of hunting and fishing opportunities, promotion and right to hunt, trap, or fish, local regulation, and general offenses, is amended by adding a new subsection to read as follows:

"(k) Records maintained by the department concerning individuals applying for, or in possession of, any license, registration, permit, stamp, or permission issued by the department under this title that reveal an individual's photograph or digitized image, social security number, date of birth, driver's identification number, home address, home telephone number, personal e-mail address, personal mobile telephone number, personal text number, medical or disability information, bank account numbers, account or identification number issued or used by any federal or state governmental agency or private financial institution, employment history, height, weight, race, or other physical details, signature, biometric identifiers, and any credit records or reports are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that such records may be provided to public or private entities performing activities under an agreement with the department and such records shall remain exempt from public inspection. Such records shall also be provided, upon request, to any judge, law enforcement agency, or prosecuting official for use in the investigation or prosecution of alleged criminal or unlawful activity, and such records may be provided to other governmental entities for official use. Individuals applying for any license, registration, permit, stamp, or permission issued by the department under this title related to a business may indicate on the application that the department may reveal the address, telephone number, and e-mail address given for the business, even if these are the same as the individual's home address, telephone number, personal e-mail address, personal mobile telephone number, or personal text number."

SECTION 2.

Code Section 52-7-5 of the Official Code of Georgia Annotated, relating to numbering of vessels generally, is amended by revising subsection (g) as follows:

"(g) All records of the department made or kept pursuant to this Code section shall be public records; provided, however, that the records maintained by the department concerning individuals applying for, or in possession of, any license, registration, permit, stamp, or permission issued by the department under this title that reveal an individual's photograph or digitized image, social security number, date of birth, driver's identification number, home address, home telephone number, personal e-mail address, personal mobile telephone number, personal text number, medical or disability information, bank account numbers, account or identification number issued or used by any federal or state governmental agency or private financial institution, employment history, height, weight, race, or other physical details, signature, biometric identifiers, and any credit records or reports are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that such records may be provided to public or private entities performing activities under an agreement with

the department and such records shall remain exempt from public inspection. Such records shall also be provided, upon request, to any judge, law enforcement agency, or prosecuting official for use in the investigation or prosecution of alleged criminal or unlawful activity, and such records may be provided to other governmental entities for official use. Individuals applying for any license, registration, permit, stamp, or permission issued by the department under this title related to a business may indicate on the application that the department may reveal the address, telephone number, and e-mail address given for the business, even if these are the same as the individual's home address, telephone number, personal e-mail address, personal mobile telephone number, or personal text number."

SECTION 3.

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

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

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

Abdul-Salaam	Y Davis	Y Heckstall	Y McBrayer	Y Shaw
Y Abrams	Y Dawkins-Haigler	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	Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Morris	Y Smith, L
E Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	E Drenner	Y Horne	Y Murphy	Y Smith, T
Y Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E 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	E Jackson	Y Oliver	Y Stephenson
Y Black	Y England	E 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	E Parsons	Y Taylor, T
Y Bryant	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	Kendrick	Y Purcell	Y Watson
Y Carter	E Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Weldon
Y Channell	E 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

E 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	E Martin	E Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

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

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

Representatives Hembree of the 67th and Weldon of the 3rd stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

HB 865. By Representatives Powell of the 29th, Harden of the 28th and Rice of the 51st:

A BILL to be entitled an Act to enact the "Georgia Motor Common and Contract Carrier Act of 2012"; to amend Chapter 1 of Title 40 of the O.C.G.A., relating to the identification and regulation of motor vehicles, so as to transfer the functions of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety; to amend Article 2 of Chapter 5 of Title 40 of the O.C.G.A., relating to drivers' licenses, so as to authorize chauffeur endorsements on driver's licenses; to modify, amend, and repeal provisions of the O.C.G.A., so as to conform certain cross-references, remove duplication of provisions, and remove such functions from current provisions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To enact the "Georgia Motor Common and Contract Carrier Act of 2012"; to amend Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to the identification and regulation of motor vehicles, so as to transfer the functions of regulating motor carriers and limousine carriers from the Georgia Public Service Commission to the Georgia Department of Public Safety; to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to authorize chauffeur endorsements on driver's licenses; to modify, amend, and repeal provisions of the Official Code of Georgia Annotated, so as to conform certain cross-

references, remove duplication of provisions, and remove such functions from current provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I

The Georgia Motor Carrier Act.

SECTION 1.

Chapter 1 of Title 40 of the Official Code of Georgia Annotated, relating to the identification and regulation of motor vehicles, is amended by adding a new article to read as follows:

"ARTICLE 3

Part 1

40-1-50.

This article shall be known and may be cited as the 'Georgia Motor Carrier Act of 2012.'

40-1-51.

The General Assembly finds that the for-hire transportation of persons and property are a privilege that require close regulation and control to protect public welfare, provide for a competitive business environment, and provide for consumer protection. To that end, the provisions of this article are enacted. This is a remedial law and shall be liberally construed. The Department of Public Safety is designated as the agency to implement and enforce this article. Exceptions contained in this article shall have no effect on the applicability of any other provision of law applicable to motor vehicles, commercial motor vehicles, operators of motor vehicles, or carrier operations.

40-1-52.

There is created and established a division within the Department of Public Safety to be known as the Motor Carrier Compliance Division. The Motor Carrier Compliance Division shall consist of two sections, the Motor Carrier Compliance Enforcement Section and the Motor Carrier Regulation Compliance Section. Except as provided in Chapter 2 of Title 35, the members of the Motor Carrier Compliance Enforcement Section shall be known and designated as law enforcement officers. The Motor Carrier Regulation Compliance Section shall be responsible for the regulation of the operation of motor carriers and limousine carriers in accordance with this article and motor carrier safety and the transportation of hazardous materials as provided in Code Section 40-1-8 and Article 2 of this chapter.

40-1-53.

The department is authorized to enforce this article by instituting actions for injunction, mandamus, or other appropriate relief.

40-1-54.

(a) The department shall promulgate such rules and regulations as are necessary to effectuate and administer the provisions of this article pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(b) The commissioner is authorized to issue such orders, authorizations, and modification thereof as necessary to implement this article.

(c) A court shall take judicial notice of all rules and regulations promulgated by the department pursuant to this Code section.

40-1-55.

Every officer, agent, or employee of any corporation and every person who violates or fails to comply with this article relating to the regulation of motor carriers and limousine carriers or any order, rule, or regulation of the Department of Public Safety, or who procures, aids, or abets therein, shall be guilty of a misdemeanor. Misdemeanor violations of this article may be prosecuted, handled, and disposed of in the manner provided for by Chapter 13 of this title.

40-1-56.

(a) Any motor carrier or limousine carrier subject to the provisions of Part 2 or Part 3 of this article that fails to register as a motor carrier or limousine carrier with the department or that is subject to the jurisdiction of the department and willfully violates any law administered by the department or any duly promulgated regulation issued thereunder, or that fails, neglects, or refuses to comply with any order after notice thereof, shall be liable for a penalty not to exceed \$15,000.00 for such violation and an additional penalty not to exceed \$10,000.00 for each day during which such violation continues.

(b)(1) The department, after a hearing conducted after not less than 30 days' notice, shall determine whether any motor carrier has failed to register or willfully violated any law administered by the department, or any duly promulgated regulation issued thereunder, or has failed, neglected, or refused to comply with any order of the department. Upon an appropriate finding of a violation, the department may impose by order such civil penalties as are provided by subsection (a) of this Code section. In each such proceeding, the department shall maintain a record as provided in paragraph (8) of subsection (a) of Code Section 50-13-13 including all pleadings, a transcript of proceedings, a statement of each matter of which the department takes official notice, and all staff memoranda or data submitted to the department in connection with its consideration of the case. All penalties and interest thereon, at the rate of 10 percent per annum, recovered by the department shall be paid into the general fund of the state treasury.

(2) Any party aggrieved by a decision of the department may seek judicial review as provided in subsection (c) of this Code section.

(c)(1) Any party who has exhausted all administrative remedies available before the department and who is aggrieved by a final decision of the department in a proceeding described in subsection (b) of this Code section may seek judicial review of the final order of the department in the Superior Court of Fulton County.

(2) Proceedings for review shall be instituted by filing a petition within 30 days after the service of the final decision of the department or, if a rehearing is requested, within 30 days after the decision thereon. A motion for rehearing or reconsideration after a final decision by the department shall not be a prerequisite to the filing of a petition for review. Copies of the petition shall be served upon the department and all parties of record before the department.

(3) The petition shall state the nature of the petitioner's interest, the facts showing that the petitioner is aggrieved by the decision, and the ground, as specified in paragraph (6) of this subsection, upon which the petitioner contends that the decision should be reversed. The petition may be amended by leave of court.

(4) Within 30 days after service of the petition or within such further time as is stipulated by the parties or as is allowed by the court, the agency shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. By stipulation of all parties to the review proceedings, the record may be shortened. A party unreasonably refusing to stipulate that the record be limited may be taxed for the additional costs. The court may require or permit subsequent corrections or additions to the record.

(5) If, before the date set for hearing, application is made to the court for leave to present additional evidence, and it is shown to the satisfaction of the court that the additional evidence is material and there were good reasons for failure to present it in the proceedings before the agency, the court may order that the additional evidence be taken before the department upon such procedure as is determined by the court. The department may modify its findings and decision by reason of the additional evidence and shall file that evidence and any modifications, new findings, or decisions with the reviewing court.

(6) The review shall be conducted by the court without a jury and shall be confined to the record. The court shall not substitute its judgment for that of the department as to the weight of the evidence on questions of fact. The court may affirm the decision of the department or remand the case for further proceedings. The court may reverse the decision of the department if substantial rights of the petitioner have been prejudiced because the department's findings, inferences, conclusions, or decisions are:

(A) In violation of constitutional or statutory provisions;

(B) In excess of the statutory authority of the commission department;

(C) Made upon unlawful procedure;

(D) Clearly not supported by any reliable, probative, and substantial evidence on the record as a whole; or

(E) Arbitrary or capricious.

(7) A party aggrieved by an order of the court in a proceeding authorized under subsection (b) of this Code section may appeal to the Supreme Court of Georgia or to the Court of Appeals of Georgia in accordance with Article 2 of Chapter 6 of Title 5, the 'Appellate Practice Act.'

40-1-57.

Rules, orders, and regulations previously adopted which relate to functions performed by the Public Service Commission which were transferred under this Article to the Department of Public Safety shall remain of full force and effect as rules, orders, and regulations of the Department of Public Safety until amended, repealed, or superseded by rules or regulations adopted by the department.

Part 2

40-1-100.

As used in this part, the term:

(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for compensation.

(2) 'Certificate' or 'motor carrier certificate' means a certificate of public convenience and necessity issued pursuant to this part or under the 'Motor Carrier Act of 1929,' under the 'Motor Carrier Act of 1931,' or under prior law.

(3) 'Commissioner' means the Commissioner of the Department of Public Safety.

(4) 'Company' shall include a corporation, a firm, a partnership, an association, or an individual.

(5) 'Exempt rideshare' means:

(A) Government endorsed rideshare programs;

(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or

(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.

(6) 'For compensation' or 'for hire' means an activity wherein for payment or other compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation or for hire, provided that no exempt rideshare shall be deemed to involve any element of transportation for compensation or for hire.

(7) 'Government endorsed rideshare program' means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management

association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.

(8) 'GRTA' means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.

(9) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commissioner may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.

(10) 'Motor carrier' means:

(A) Every person owning, controlling, operating, or managing any motor vehicle, including the lessees, receivers, or trustees of such persons or receivers appointed by any court, used in the business of transporting for hire persons or household goods, or both, or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state.

(B) Except as otherwise provided in this subparagraph, the term 'motor carrier' shall not include:

(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;

(ii) Taxicabs which operate within the corporate limits of municipalities and are subject to regulation by the governing authorities of such municipalities; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 60-1-8;

(iii) Limousine carriers as provided for in Part 3 of this article;

(iv) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;

(v) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers or employees under a corporate sponsored van pool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than \$100,000.00 per person and \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this part, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected;

(vi) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;

(vii) Vehicles, owned or operated by the federal or state government, or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport persons who are elderly, disabled, en route to receive medical care or prescription medication, or returning after receiving medical care or prescription medication. For the purpose of this part, elderly and disabled persons shall have the same meaning as in division (iv) of this subparagraph; or

(viii) Ambulances.

(11) 'Passenger' means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier; although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.

(12) 'Person' means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

(13) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

(14) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commissioner.

40-1-101.

(a) Notwithstanding any other provision of law to the contrary, all motor carriers operating on the public roads of this state shall be subject to the requirements of this part and shall be deemed to have given consent to regulatory compliance inspections.

(b) Unless expressly prohibited by federal law, the commissioner is vested with power to regulate the business of any person engaged in the transportation as a motor carrier of persons or property, either or both, for hire on any public highway of this state.

(c) The commissioner is authorized to employ and designate a person or persons as necessary to implement and carry out the functions contained in this part.

(d) All motor carriers shall:

(1) Obtain a certificate as required by this part;

(2) Maintain liability insurance as provided in the rules and regulations of the department;

(3) Act in compliance with Georgia's workers' compensation laws as provided in Chapter 9 of Title 34 of the Official Code of Georgia Annotated; and

(4) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law.

40-1-102.

(a) No motor carrier of passengers or household goods shall, except as otherwise provided in this part, operate without first obtaining from the commissioner a certificate.

(b) Before a motor carrier may enter into any contract for the transportation of passengers, the motor carrier shall provide to all parties to the agreement a copy of the motor carrier's proof of legally required minimum insurance coverage and a valid certification number demonstrating that the motor carrier is currently certified by the commissioner, the Commissioner of Revenue, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency. Any contract entered into in violation of this Code section shall be void and unenforceable.

40-1-103.

(a) The department shall prescribe the form of the application for a motor carrier certificate and shall prescribe such reasonable requirements as to notice, publication, proof of service, maintenance of adequate liability insurance coverage, and information as may, in its judgment, be necessary and may establish fees as part of such certificate process.

(b) A motor carrier certificate shall be issued to any qualified applicant, provided that such applicant is a motor carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of this part and the rules and regulations of the department and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

40-1-104.

(a) The commissioner may, at any time after notice and opportunity to be heard and for reasonable cause, revoke, alter, or amend any motor carrier certificate, if it shall be made to appear that the holder of the certificate has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the commissioner or any of the provisions of this part or any other law of this state regulating or taxing motor vehicles, or both, or if in the opinion of the commissioner the holder of the certificate is not furnishing adequate service.

(b) The commissioner may, at any time, after reasonable attempt at notice, immediately suspend any motor carrier certificate, if the commissioner finds such suspension necessary to protect life, health, or safety, or to protect the public and consumers.

Certificate holders affected by such suspension may appeal to the commissioner for review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedures Act.' The commissioner may exercise his or her discretion to designate a hearing officer for such appeals.

(c) The commissioner, or his or her designated employees, may issue an out-of-service order or orders to a certificate holder, pursuant to the provisions of this article.

40-1-105.

Any motor carrier certificate issued pursuant to this part may be transferred upon application to and approval by the commissioner, and not otherwise.

40-1-106.

(a) The commissioner shall issue a motor carrier certificate to a person authorizing transportation as a motor carrier of passengers or household goods subject to the jurisdiction of the department if the commissioner finds that the person is fit, willing, and able to provide the transportation to be authorized by the certificate and to comply with regulations of the department. Fitness encompasses three factors:

(1) The applicant's financial ability to perform the service it seeks to provide;

(2) The applicant's capability and willingness to perform properly and safely the proposed service; and

(3) The applicant's willingness to comply with the laws of Georgia and the rules and regulations of the department.

(b) The initial burden of making out a prima-facie case that an applicant is fit to provide such service rests with the applicant.

(c) Upon an applicant making out a prima-facie case as to the motor carrier's ability to provide the service, the burden shifts to protestant to show that the authority sought should not be granted.

(d) A protest of a motor carrier of passengers or of household goods to an application will not be considered unless the protesting motor carrier:

(1) Possesses authority from the department to handle, in whole or in part, the authority which is being applied for and is willing and able to provide service and has performed service during the previous 12 month period or has actively in good faith solicited service during such period;

(2) Has pending before the department an application previously filed with the department for substantially the same authority; or

(3) Is granted by the commissioner leave to intervene upon a showing of other interests which in the discretion of the commissioner would warrant such a grant.

(e) The commissioner may issue a certificate without a hearing if the application is unprotested or unopposed.

40-1-107.

The commissioner shall adopt rules prescribing the manner and form in which motor carriers of passengers or household goods shall apply for certificates required by this

part. Such rules shall require that the application be in writing, under oath, and that the application:

- (1) Contains full information concerning the applicant's financial condition, the equipment proposed to be used, including the size, weight, and capacity of each vehicle to be used, and other physical property of the applicant;
- (2) States the complete route or routes over which the applicant desires to operate and the proposed time schedule of the operation; and
- (3) Contains any such other or additional information as the commissioner may order or require.

40-1-108.

Any motor carrier subject to the jurisdiction of the commissioner that transports passengers shall comply with the provisions of Code Section 3-3-23, concerning consumption of alcoholic beverages by persons under the age of 21. The commissioner shall provide to all motor carriers, at the time of registration or renewal of a certificate, an informational packet emphasizing the prohibition on alcohol consumption by persons under the age of 21 while being transported by the motor carrier.

40-1-109.

The commissioner shall collect the following one-time fees upon initial application of a motor carrier pursuant to this part:

- (1) A fee of \$75.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates fewer than six motor vehicles;
- (2) A fee of \$150.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates six to 15 motor vehicles;
- (3) A fee of \$200.00 to accompany each application for a motor carrier certificate, or amendment to an existing certificate, where the applicant owns or operates more than 15 motor vehicles;
- (4) A fee of \$75.00 to accompany each application for transfer of a motor carrier certificate; and
- (5) A fee of \$50.00 to accompany each application for intrastate temporary emergency authority under Code Section 40-1-104.

40-1-110.

The commissioner, upon the filing of an application for a motor carrier certificate, shall fix a time and place for hearing thereon and shall, at least ten days before the hearing, give notice thereof by advertising the same at the expense of the applicant in a newspaper in Atlanta, in which sheriffs' notices are published. If no protest is filed with the department or if the protest is subsequently withdrawn, the commissioner may issue the motor carrier certificate without a hearing.

40-1-111.

When an application for a motor carrier certificate under this part has been in whole or in part denied by the commissioner, or has been granted by the commissioner, and the order of the commissioner granting same has been quashed or set aside by a court of competent jurisdiction, a new application by the same petitioner or applicant therefor shall not be again considered by the department within three months from the date of the order denying the same or the judgment of the court quashing or setting aside the order.

40-1-112.

(a) No motor carrier of household goods or passengers shall be issued a motor carrier certificate unless there is filed with the department a certificate of insurance for such applicant or holder on forms prescribed by the commissioner evidencing a policy of indemnity insurance by an insurance company licensed to do business in this state, which policy must provide for the protection, in case of passenger vehicles, of passengers and the public against injury proximately caused by the negligence of such motor carrier, its servants, or its agents; and, in the case of vehicles transporting household goods, to secure the owner or person entitled to recover against loss or damage to such household goods for which the motor common carrier may be legally liable. The department shall determine and fix the amounts of such indemnity insurance and shall prescribe the provisions and limitations thereof. The insurer shall file such certificate. The failure to file any form required by the department shall not diminish the rights of any person to pursue an action directly against a motor carrier's insurer.

(b) The department shall have power to permit self-insurance, in lieu of a policy of indemnity insurance, whenever in its opinion the financial ability of the motor carrier so warrants.

(c) It shall be permissible under this part for any person having a cause of action arising under this part to join in the same action the motor carrier and the insurance carrier, whether arising in tort or contract.

40-1-113.

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

(1) 'Motor carrier transportation contract' means a contract, agreement, or understanding covering:

(A) The transportation of property for compensation or hire by the motor carrier;

(B) Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or

(C) A service incidental to activity described in subparagraph (A) or (B) of this paragraph, including, but not limited to, storage of property.

Motor carrier transportation contract shall not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal

Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

(2) 'Promisee' means the person promising to provide transportation of property and any agents, employees, servants, or independent contractors who are directly responsible to such person but shall not include a motor carrier party to a motor carrier transportation contract with such person and such motor carrier's agents, employees, servants, or independent contractors directly responsible to such motor carrier.

(b) Notwithstanding any provision of law to the contrary, a provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.

40-1-114.

Notwithstanding any other provision of law to the contrary, in order to authorize the provision of passenger or household goods service for which there is an immediate and urgent need to a point or points, or within a territory, with respect to which there is no motor carrier service capable of meeting such need, upon receipt of an application for temporary emergency authority and upon payment of the appropriate fee as fixed by statute, the department may, in its discretion and without a hearing or other prior proceeding, grant to any person temporary motor carrier authority for such service. The order granting such authority shall contain the department's findings supporting its determination that there is an unmet immediate and urgent need for such service and shall contain such conditions as the commissioner finds necessary with respect to such authority. Emergency temporary motor carrier authority, unless suspended or revoked for good cause within such period, shall be valid for such time as the department shall specify but not for more than an aggregate of 30 days. Such authority shall in no case be renewed and shall create no presumption that corresponding permanent authority will be granted thereafter, except that, where a motor carrier granted temporary emergency motor carrier authority under the provisions of this Code section makes application during the period of said temporary emergency authority for permanent motor carrier authority corresponding to that authorized in its temporary emergency authority, the temporary emergency motor carrier authority will be extended to the finalization of the permanent authority application unless sooner suspended or revoked for good cause within the extended period.

40-1-115.

A motor carrier of passengers may discontinue its entire service on any route upon 30 days' published notice to be prescribed by the department, and thereupon its certificate therefor shall be canceled. A motor carrier of passengers may discontinue any part of

its service on any route upon 30 days' published notice, subject, however, to the right of the department to withdraw its certificate for such route if, in the opinion of the commissioner, such diminished service is not adequate or is no longer compatible with the public interest.

40-1-116.

No subdivision of this state, including cities, townships, or counties, shall levy any excise, license, or occupation tax of any nature, on the right of a motor carrier to operate equipment, or on the equipment, or on any incidents of the business of a motor carrier.

40-1-117.

(a) Each nonresident motor carrier shall, before any permit is issued to it under this part or at the time of registering as required by Code Section 40-2-140, designate and maintain in this state an agent or agents upon whom may be served all summonses or other lawful processes in any action or proceeding against such motor carrier growing out of its carrier operations; and service of process upon or acceptance or acknowledgment of such service by any such agent shall have the same legal force and validity as if duly served upon such nonresident carrier personally. Such designation shall be in writing, shall give the name and address of such agent or agents, and shall be filed in the office of the state revenue commissioner. Upon failure of any nonresident motor carrier to file such designation with the state revenue commissioner or to maintain such an agent in this state at the address given, such nonresident carrier shall be conclusively deemed to have designated the Secretary of State and his or her successors in office as such agent; and service of process upon or acceptance or acknowledgment of such service by the Secretary of State shall have the same legal force and validity as if duly served upon such nonresident carrier personally, provided that notice of such service and a copy of the process are immediately sent by registered or certified mail or statutory overnight delivery by the Secretary of State or his or her successor in office to such nonresident carrier, if its address be known. Service of such process upon the Secretary of State shall be made by delivering to his or her office two copies of such process with a fee of \$10.00.

(b) Except in those cases where the Constitution of Georgia requires otherwise, any action against any resident or nonresident motor carrier for damages by reason of any breach of duty, whether contractual or otherwise, or for any violation of this article or of any order, decision, rule, regulation, direction, demand, or other requirement established by the state revenue commissioner, may be brought in the county where the cause of action or some part thereof arose; and if the motor carrier or its agent shall not be found for service in the county where the action is instituted, a second original may issue and service be made in any other county where the service can be made upon the motor carrier or its agent. The venue prescribed by this Code section shall be cumulative of any other venue provided by law.

40-1-118.

The commissioner shall prescribe just and reasonable rates, fares, and charges for transportation by motor carriers of household goods and for all services rendered by motor carriers in connection therewith. The tariffs therefor shall be in such form and shall be filed and published in such manner and on such notice as the department may prescribe. Such tariffs shall also be subject to change on such notice and in such manner as the department may prescribe. In order to carry out the purposes of this Code section, including the publication and maintenance of just, reasonable, and nondiscriminatory rates and charges, the department shall establish a rate-making procedure for all carriers of household goods. Failure on the part of any motor carrier to comply with this Code section or the rules and regulations promulgated under this Code section may result in suspension or cancellation of said carrier's operating authority by the department.

40-1-119.

No motor carrier of household goods shall charge, demand, collect, or receive a greater or lesser or different compensation for the transportation of property or for any service rendered in connection therewith than the rates, fares, and charges prescribed or approved by order of the department; nor shall any such motor carrier unjustly discriminate against any person in its rates, fares, or charges for service. The commissioner may prescribe, by general order, to what persons motor carriers of household goods may issue passes or free transportation; may prescribe reduced rates for special occasions; and may fix and prescribe rates and schedules.

40-1-120.

Motor carriers of passengers shall not be compelled to carry baggage of passengers, except hand baggage, the character, amount, and size of which the motor carrier may limit by its rules and regulations, subject to the approval of the department; and the department may by rule or regulation limit the amount of the liability of the motor carrier therefor. If a motor carrier shall elect to carry the personal baggage of passengers, other than hand baggage, the department shall prescribe just and reasonable rates therefor and such other rules and regulations with respect thereto as may be reasonable and just, and may by rule or regulation limit the amount of the liability of the motor carrier therefor.

40-1-121.

The department shall prescribe the books and the forms of accounts to be kept by the holders of certificates under this part, which books and accounts shall be preserved for such reasonable time as may be prescribed by the department. The books and records of every certificate holder shall be at all times open to the inspection of any agent of the department for such purpose. The department shall have the power to examine the books and records of all motor carriers to whom it has granted certificates or permits to

operate under this part and to examine under oath the officers and agents of any motor carrier with respect thereto.

40-1-122.

Motor carriers shall observe the laws of this state in respect to size, weight, and speed of their vehicles. Intrastate motor carriers of passengers shall, and interstate motor carriers of passengers may, file with the department the schedules upon which they propose to operate their vehicles, which schedules shall be such that the net running time of vehicles between terminal points shall not exceed the lawful speed limit; and any motor carrier of passengers filing such a schedule shall be allowed to operate his or her vehicles on the highway at a rate of speed not exceeding the lawful speed limit in order to maintain a schedule so filed.

40-1-123.

Any motor carrier which operates on the public highways of this state without the required certificate or permit, or after such certificate or permit has been canceled, or without having registered its vehicle or vehicles as provided for in this part, or which operates otherwise than is permitted by the terms of such certificate or permit or the laws of this state may be enjoined from operating on the public highways of this state upon the bringing of a civil action by the department, by a competing motor carrier or rail carrier, or by any individual.

40-1-124.

Nothing in this part or any other law shall be construed to vest in the owner, holder, or assignee of any certificate or permit issued under this part any vested right to use the public highways of this state and shall not be construed to give to any motor carrier any perpetual franchise over such public highways.

40-1-125.

(a) Upon issuance by the commissioner of an order suspending or revoking a motor carrier certificate, such motor carrier shall be afforded a hearing to be held in accordance with the procedures set forth in Code Section 40-1-56.

(b) Any person whose motor carrier certificate has been suspended or revoked and who has exhausted all administrative remedies available within the Department of Public Safety is entitled to judicial review in accordance with Code Section 40-1-56.

40-1-126.

In circumstances where a motor carrier is engaged in both interstate and intrastate commerce, it shall nevertheless be subject to all the provisions of this part so far as it separately relates to commerce carried on exclusively in this state. It is not intended that the department shall have the power of regulating the interstate commerce of such motor carrier, except to the extent expressly authorized by this part as to such commerce. The provisions of this part do not apply to purely interstate commerce nor

to carriers exclusively engaged in interstate commerce. When a motor carrier is engaged in both intrastate and interstate commerce, it shall be subject to all the provisions of this part so far as they separately relate to commerce carried on in this state.

40-1-127.

(a) All actions at law against motor carriers operating in this state, which actions seek to recover overcharges accruing on intrastate shipments, shall be initiated within a period of three years after the time the cause of action accrues, and not thereafter, provided that, if a claim for the overcharge is presented in writing to the carrier within the three-year period of limitation, the period shall be extended to include six months from the time notice in writing is given by the carrier to the claimant of disallowance of the claim or any part thereof.

(b) A motor carrier of property may, upon notice to the commissioner of public safety, elect to be subject to the following requirements regarding rates, charges, and claims for loss or damage:

(1) A motor carrier of property shall provide to the shipper, upon request of the shipper, a written or electronic copy of the rate, classification, rules, and practices upon which any rate agreed to between the shipper and carrier may have been based. When the applicability or reasonableness of the rates and related provisions billed by a carrier is challenged by the person paying the freight charges, the commissioner of public safety shall determine whether such rates and provisions are reasonable or applicable based on the record before it. In cases where a carrier other than a carrier providing transportation of household goods seeks to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the commissioner of public safety determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the original bill in order to have the right to collect such charges;

(2) If a shipper seeks to contest the charges originally billed by a motor carrier of property, the shipper may request that the commissioner of public safety determine whether the charges originally billed must be paid. A shipper must contest the original bill within 180 days in order to have the right to contest such charges; and

(3) Claims for loss of or damage to property for which any motor carrier of property may be liable must be filed within nine months after the delivery of the property, except that claims for failure to make delivery must be filed within nine months after a reasonable time for delivery has elapsed.

(c) The commissioner of public safety shall adopt rules regarding rates, charges, and claims for loss or damage applicable to carriers of household goods.

40-1-128.

(a) Any officer, agent, or employee of any corporation, and any other person, who knowingly accepts or receives any rebate or drawback from the rates, fares, or charges

established or approved by the department for motor carriers of passengers or household goods, or who procures, aids, or abets therein, or who uses or accepts from such motor carrier any free pass or free transportation not authorized or permitted by law or by the orders, rules, or regulations of the department, or who procures, aids, or abets therein, shall be guilty of a misdemeanor.

(b) The possession of goods, wares, or merchandise loaded on a motor vehicle consigned to any person, firm, or corporation, being transported or having been transported over the public highways in this state, without the authority of a permit or certificate for so transporting having been issued by the department under this article, shall be prima-facie evidence that such transportation of such goods, wares, or merchandise was an intentional violation of the law regulating the transportation of persons and property over the public highways in this state.

(c) Any person claiming the benefit of any exception made in this article shall have the burden of proving that he or she falls within the exception.

40-1-129.

(a) Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person, firm, or corporation is operating as a household goods carrier for hire without a valid certificate issued by the department or is holding itself out as such a carrier without such a certificate in violation of this part, the department may impose a fine of not more than \$5,000.00 for each violation. The department may assess the person, firm, or corporation an amount sufficient to cover the reasonable expense of investigation incurred by the department. The department may also assess interest at the rate specified in Code Section 40-1-56 on any fine or assessment imposed, to commence on the day the fine or assessment becomes delinquent. All fines, assessments, and interest collected by the department shall be paid into the general fund of the state treasury. Any party aggrieved by a decision of the department under this subsection may seek judicial review as provided in Code section 40-1-56.

(b) Any person, firm, or corporation who knowingly and willfully issues, publishes, or affixes or causes or permits the issuance, publishing, or affixing of any oral or written advertisement, broadcast, or other holding out to the public, or any portion thereof, that the person, firm, or corporation is in operation as a household goods carrier for hire without having a valid certificate issued by the department is guilty of a misdemeanor. Any fine or assessment imposed by the department pursuant to the provisions of subsection (a) of this Code section shall not bar criminal prosecution pursuant to the provisions of this subsection.

40-1-130.

In any advertisement for a motor carrier, whether by print, radio, television, other broadcast, or electronic media including but not limited to Internet advertising and any listing or sites on any website, the motor carrier shall include the motor carrier authorization number issued to it by the Department of Public Safety. The

requirements of this Code section shall not apply to nonconsensual towing motor carriers providing services pursuant to Code Section 44-1-13. The department shall be required to issue a motor carrier authorization number to each registered motor carrier. Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person is advertising in violation of this Code section, the department may impose a fine of not more than \$500.00 for an initial violation and not more than \$15,000.00 for a second or subsequent violation.

Part 3

40-1-150.

This part shall be known and may be cited as the 'Georgia Limousine Carrier Act.'

40-1-151.

As used in this part, the term:

(1) 'Certificate' or 'limousine carrier certificate' means a certificate issued by the department for the operation of limousines or limousine services under this part and such certificates issued by the Public Service Commission on or before June 30, 2012.

(2) 'Chauffeur' means any person with a Georgia state driver's license who meets the qualifications as prescribed in this part and who is authorized by the commissioner of driver services to drive a motor vehicle of a limousine carrier as provided in paragraph (5) below.

(3) Department 'means the Department of Public Safety.

(4) 'Limousine' means any motor vehicle that meets the manufacturer's specifications for a luxury limousine with a designed seating capacity for no more than ten passengers and with a minimum of five seats located behind the operator of the vehicle, and which does not have a door at the rear of the vehicle designed to allow passenger entry or exit; further, no vehicle shall be permitted to be operated both as a taxicab and a limousine.

(5) 'Limousine carrier' means any person owning or operating a prearranged service regularly rendered to the public by furnishing transportation as a motor carrier for hire, not over fixed routes, by means of one or more unmetered:

(A) Limousines;

(B) Extended limousines;

(C) Sedans;

(D) Extended sedans;

(E) Sport utility vehicles;

(F) Extended sport utility vehicles;

(G) Other vehicles with a capacity for seating and transporting no more than 15 persons for hire including the driver; or

(H) Any combination of subparagraphs (A) through (G) of this paragraph on the basis of telephone contract or written contract. A limousine carrier shall not use per capita rates or charges.

(6) 'Person' means any individual, firm, partnership, private or public corporation, company, association, or joint-stock association, and includes any trustee, receiver, assignee, or personal representative thereof.

(7) 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

(8) 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commission.

40-1-152.

(a) No limousine carrier shall operate any motor vehicle owned or operated by a limousine carrier for the transportation of passengers for compensation on any public highway in this state except in accordance with the provisions of this article.

(b) No person may engage in the business of a limousine carrier over any public highway in this state without first having obtained from the department a certificate to do so.

40-1-153.

(a) The department shall prescribe the form of the application for a limousine carrier certificate and shall prescribe such reasonable requirements as to notice, publication, proof of service, maintenance of adequate liability insurance coverage, and information as may, in its judgment, be necessary and may establish fees as part of such certificate process.

(b) A limousine carrier certificate shall be issued to any qualified applicant, provided that such applicant is a limousine carrier business domiciled in this state, authorizing the operations covered by the application if it is found that the applicant is fit, willing, and able to perform properly the service and conform to the provisions of this part and the rules and regulations of the department and has not been convicted of any felony as such violation or violations are related to the operation of a motor vehicle.

40-1-154.

(a) It shall be the duty of the department to regulate limousine carriers with respect to the safety of equipment.

(b) The department shall require safety and mechanical inspections at least on an annual basis for each vehicle owned or operated by a limousine carrier. The department shall provide, by rule or regulation, for the scope of such inspections, the qualifications of persons who may conduct such inspections, and the manner by which the results of such inspections shall be reported to the department.

(c) In addition to the requirements of this Code section, limousine carriers shall comply with the applicable provisions of Code Section 40-1-8.

40-1-155.

No limousine carrier certificate issued under this part may be leased, assigned, or otherwise transferred or encumbered unless authorized by the department.

40-1-156.

(a) The department may cancel, revoke, or suspend any limousine carrier certificate issued under this part on any of the following grounds:

(1) The violation of any of the provisions of this part;

(2) The violation of an order, decision, rule, regulation, or requirement established by the department;

(3) Failure of a limousine carrier to pay a fee imposed on the carrier within the time required by law or by the department;

(4) Failure of a limousine carrier to maintain required insurance in full force and effect; and

(5) Failure of a limousine carrier to operate and perform reasonable services.

(b) After the cancellation or revocation of a certificate or during the period of its suspension, it is unlawful for a limousine carrier to conduct any operations as such a carrier.

40-1-157.

Limousine certificates shall be valid unless suspended, revoked, or cancelled by the commissioner, or surrendered to the commissioner by the holder.

40-1-158.

Pursuant to rules and regulations prescribed by the commissioner of driver services, each chauffeur employed by a limousine carrier shall secure from the Department of Driver Services a limousine chauffeur authorization and license endorsement.

40-1-159.

The commissioner shall collect the following one-time fees upon initial application of a limousine carrier pursuant to this part:

(1) A fee of \$75.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates fewer than six limousines;

(2) A fee of \$150.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates six to 15 limousines;

(3) A fee of \$200.00 to accompany each application for a certificate, or amendment to an existing certificate, where the applicant owns or operates more than 15 limousines; and

(4) A fee of \$75.00 to accompany each application for transfer of a certificate.

40-1-160.

Any limousine carrier subject to the jurisdiction of the commissioner that transports passengers shall comply with the provisions of paragraph (1) of subsection (a) of Code Section 3-3-23 and Code Section 3-9-6, concerning consumption of alcoholic beverages. The commissioner shall provide to all such limousine carriers, at the time of registration a certificate, an informational packet emphasizing the prohibition on alcohol consumption by persons under the age of 21 while being transported by the limousine carrier.

40-1-161.

(a) The commissioner may, at any time after notice and opportunity to be heard and for reasonable cause, revoke, alter, or amend any limousine certificate issued under this part, or under prior law, if it shall be made to appear that the holder of the certificate has willfully violated or refused to observe any of the lawful and reasonable orders, rules, or regulations prescribed by the commissioner or any of the provisions of this part or any other law of this state regulating or taxing motor vehicles, or both, or if in the opinion of the commissioner the holder of the certificate is not furnishing adequate service.

40-1-162.

The State of Georgia fully occupies and preempts the entire field of regulation over limousine carriers as regulated by this part; provided, however, that the governing authority of any county or municipal airport shall be authorized to permit any limousine carrier doing business at any such airport and may establish fees as part of such permitting process; provided, further, that such fees shall not exceed the airport's approximate cost of permitting and regulating limousine carriers; and provided, further, that such governing authorities of such airports shall accept a chauffeur's endorsement issued by the Department of Driver Services to the driver and evidence of a certificate issued to the limousine carrier by the Department of Public Safety as adequate evidence of sufficient criminal background investigations and shall not require any fee for any further criminal background investigation. The list of licensed limousine carriers on the website of the Department of Public Safety shall be sufficient evidence that a limousine carrier has a certificate issued by the Department of Public Safety.

40-1-163.

(a) Notwithstanding the powers granted to the department regarding tariffs of other motor carriers, the department is not authorized to set, adjust, or change rates or charges for transportation of passengers, property, or passengers and property by a vehicle of a type listed in Code Section 40-1-118 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier.

(b) Any tariff issued by the department that exists as of June 30, 2007, that regulates the rates or charges for transportation of passengers, property, or passengers and

property by a vehicle of a type listed in Code Section 40-1-118 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier shall be void.

40-1-164.

Before the department shall enter any order, regulation, or requirement directed against any limousine carrier, such carrier shall first be given reasonable notice and an opportunity to be heard on the matter.

40-1-165.

In any advertisement for a limousine carrier, whether by print, radio, television, other broadcast, or electronic media including but not limited to Internet advertising and any listing or sites on any website, the limousine carrier shall include the motor carrier authorization number issued to it by the Department of Public Safety. The department shall be required to issue a motor carrier authorization number to each registered limousine carrier. Whenever the department, after a hearing conducted in accordance with the provisions of Code Section 40-1-56, finds that any person is advertising in violation of this Code section, the department may impose a fine of not more than \$500.00 for an initial violation and not more than \$15,000.00 for a second or subsequent violation.

40-1-166.

Each limousine carrier shall obtain and maintain commercial indemnity and liability insurance with an insurance company authorized to do business in this state which policy shall provide for the protection of passengers and property carried and of the public against injury proximately caused by the negligence of the limousine carrier, its servants, and its agents. The minimum amount of such insurance shall be:

- (1) For capacity of 12 passengers or less, \$300,000.00 for bodily injuries to or death of all persons in any one accident with a maximum of \$100,000.00 for bodily injuries to or death of one person, and \$50,000.00 for loss of damage in any one accident to property of others, excluding cargo; or
- (2) For capacity of more than 12 passengers, \$500,000.00 for bodily injuries to or death of all persons in any one accident with a maximum of \$100,000.00 for bodily injuries to or death of one person, and \$50,000.00 for loss of damage in any one accident to property of others, excluding cargo.

40-1-167.

Each limousine carrier which registers any vehicle under this article shall, for each such certificated vehicle, affix to the center of the front bumper of each such certificated vehicle a standard size license plate bearing the following information: (1) limousine carrier name, (2) city and state of principal domicile, (3) company telephone number, and (4) the vehicle classification, IE-1. The cost for such license plate shall be the sole responsibility of the limousine carrier and must be placed on each certificated vehicle prior to said vehicle being placed in service.

40-1-168.

No subdivision of this state, including cities, townships, or counties, shall levy any excise, license, or occupation tax of any nature, on the right of a limousine carrier to operate equipment, or on the equipment, or on any incidents of the business of a limousine carrier.

40-1-169.

The department is authorized to enforce the provisions of this part. Additionally, the department may hear a petition by a third party asserting that a limousine carrier has violated 40-1-152 and may impose the penalties and seek the remedies set out in 40-1-56 of this title if the department finds such a violation.

40-1-170.

The provisions of this part and the powers granted to the department by this part to regulate limousine carriers shall apply to every vehicle of a type listed in Code Section 40-1-151 that is managed, operated, owned, leased, rented, or controlled by a limousine carrier."

SECTION 2.

Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new Code section to read as follows:

"40-5-39.

(a) The department shall endorse the driver's license of any approved limousine chauffeur employed by a limousine carrier. In order to be eligible for such endorsement, an applicant shall:

(1) Be at least 18 years of age;

(2) Possess a valid Georgia driver's license which is not limited as defined in Code Section 40-5-64;

(3) Not have been convicted, been on probation or parole, or served time on a sentence for a period of ten years previous to the date of application for any felony or any other crime of moral turpitude or a pattern of misdemeanors that evidences a disregard for the law unless he or she has received a pardon and can produce evidence of same. For the purposes of this paragraph, a plea of nolo contendere shall be considered to be a conviction, and a conviction for which a person has been free from custody and free from supervision for at least ten years shall not be considered a conviction unless the conviction is for a dangerous sexual offense which is contained in Code Section 42-1-12 or the criminal offense was committed against a victim who was a minor at the time of the offense;

(4) Submit at least one set of classifiable electronically recorded fingerprints to the department in accordance with the fingerprint system of identification established by the director of the Federal Bureau of Investigation. The department shall transmit the fingerprints to the Georgia Crime Information Center, which shall submit the fingerprints to the Federal Bureau of Investigation for a search of bureau records and

an appropriate report and promptly conduct a search of state records based upon the fingerprints. After receiving the report from the Georgia Crime Information Center and the Federal Bureau of Investigation, the department shall determine whether the applicant may be certified; and

(5) Be a United States citizen, or if not a citizen, present federal documentation verified by the United States Department of Homeland Security to be valid documentary evidence of lawful presence in the United States under federal immigration law.

(b) Such endorsement shall be valid for the same term as such person's driver's license, provided that each person seeking renewal of a driver's license with such endorsement shall submit to a review of his or her criminal history for verification of his or her continued eligibility for such endorsement prior to making application for such renewal using the same process set forth in subsection (a) of this Code section. If such person no longer satisfies the background requirements set forth herein, he or she shall not be eligible for the inclusion of such endorsement on his or her driver' license, and it shall be renewed without the endorsement.

(c) Every chauffeur employed by a limousine carrier shall have his or her Georgia driver's license with the prescribed endorsement in his or her possession at all times while operating a motor vehicle of a limousine carrier.

(d) The department is authorized to promulgate rules and regulations as necessary to implement this Code section."

PART II

Conformity of Cross-References.

SECTION 3.

Code Section 20-1-10 of the Official Code of Georgia Annotated, relating to certification by Public Service Commission required prior to contracting with motor or contract carrier, is amended by revising subsection (b) as follows:

"(b) No educational institution receiving state funds shall enter into an agreement with a motor carrier or contract carrier for the purpose of transporting students without first verifying that such carrier is certified by the ~~Public Service Commission~~ Department of Public Safety as required by ~~Article 1 of Chapter 7 of Title 46~~ Article 5 of Chapter 2 of Title 35, the Federal Motor Carrier Safety Administration, or any other similarly required certifying agency."

SECTION 4.

Code Section 27-5-4 of the Official Code of Georgia Annotated, relating to wild animal licenses and permits generally, is amended by revising subsection (d) as follows:

"(d) No wild animal license or permit shall be required for a carrier regulated either by the Interstate Commerce Commission, the Civil Aeronautics Board, or the ~~Public Service Commission~~ Department of Public Safety to import or transport any wild animal."

SECTION 5.

Code Section 34-8-35 of the Official Code of Georgia Annotated, relating to employment, is amended by revising subparagraph (n)(10)(B) as follows:

"(B) The employer exercises no general control over such commission agent but only such control as is necessary to assure compliance with its filed tariffs and with the laws of the United States and the State of Georgia and the rules and regulations of the ~~Public Service Commission~~ Department of Public Safety, the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration, and all other regulatory bodies having jurisdiction of the premises; and"

SECTION 6.

Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, is amended by revising Article 5, relating to the Motor Carrier Compliance Division, as follows:

"ARTICLE 5

35-2-100.

There ~~is~~ shall be created and established a division of the Department of Public Safety to be known as the Motor Carrier Compliance Division, and within the division shall be created a section to be known as the Motor Carrier Compliance Enforcement Section. Except as provided in Code Section 35-2-102, the members of the Motor Carrier Compliance ~~Division~~ Enforcement Section shall be known and designated as 'law enforcement officers.'

35-2-101.

(a) The Motor Carrier Compliance ~~Division~~ Enforcement Section of the department shall have jurisdiction throughout this state with such duties and powers as are prescribed by law.

(b) The primary duties of the Motor Carrier Compliance ~~Division~~ Enforcement Section shall be as follows:

- (1) Enforcement of laws and regulations relating to the size and the weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of Title 32;
- (2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements and the reporting of violations thereof to the Department of Revenue;
- (3) Enforcement of safety standards for motor vehicles and motor vehicle components;
- (4) Enforcement of laws relating to hazardous materials carriers;
- (5) Enforcement of all state laws on the following properties owned or controlled by the Department of Transportation or the State Road and Tollway Authority: rest areas, truck-weighing stations or checkpoints, wayside parks, parking facilities, toll facilities, and any buildings and grounds for public equipment and personnel used for

or engaged in administration, construction, or maintenance of the public roads or research pertaining thereto;

(6) Enforcement of Code Section 16-10-24, relating to obstructing or hindering law enforcement officers;

(7) Directing and controlling traffic on any public road which is part of the state highway system but only in areas where maintenance and construction activities are being performed and at scenes of accidents and emergencies until local police officers or Georgia State Patrol officers arrive and have the situation under control;

(8) Enforcement of Code Sections 32-9-4 and 40-6-54, relating to designation of restricted travel lanes;

(9) Enforcement of Code Section 16-11-43, relating to obstructing highways, streets, sidewalks, or other public passages, on any public road which is part of the state highway system;

(10) Enforcement of Code Section 16-7-43, relating to littering public or private property or waters, on any public road which is part of the state highway system;

(11) Enforcement of Code Section 16-7-24, relating to interference with government property, on any public road which is part of the state highway system; and

(12) Enforcement of any state law when ordered to do so by the commissioner.

(c) In performance of the duties specified in subsection (b) of this Code section, certified law enforcement officers employed by the department or designated by the commissioner shall:

(1) Be authorized to carry firearms;

(2) Exercise arrest powers;

(3) Have the power to stop, enter upon, and inspect all motor vehicles using the public highways for purposes of determining whether such vehicles have complied with and are complying with laws, the administration or enforcement of which is the responsibility of the department;

(4) Have the power to examine the facilities where motor vehicles are housed or maintained and the books and records of motor carriers for purposes of determining compliance with laws, the administration or enforcement of which is the responsibility of the department; and

(5) Exercise the powers generally authorized for law enforcement officers in the performance of their duties or otherwise to the extent needed to protect any life or property when the circumstances demand action.

(d) The commissioner shall authorize law enforcement officers of the Motor Carrier Compliance ~~Division~~ Enforcement Section to make use of dogs trained for the purpose of detection of drugs and controlled substances while such officers are engaged in the performance of their authorized duties. If such authorized use of such a dog indicates probable cause to indicate the presence of contraband, the officer or officers shall in those circumstances have the full authority of peace officers to enforce the provisions of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' and Article 3 of Chapter 13 of Title 16, the 'Dangerous Drug Act'; provided, however, that

the department must immediately notify the local law enforcement agency and district attorney of the jurisdiction where a seizure is made.

(e)(1) Certified law enforcement officers employed by the Motor Carrier Compliance ~~Division~~ Enforcement Section may use a department motor vehicle while working an approved off-duty job, provided that:

(A) The off-duty employment is of a general nature that is the subject of a contract between the off-duty employer and the department and is service in which the use of the department motor vehicle is a benefit to the department or is in furtherance of the department's mission;

(B) The off-duty employer agrees to pay and does pay to the department an amount determined by the commissioner to be sufficient to reimburse the department for the use of the vehicle and to pay the off-duty employee sufficient compensation. Pursuant to such contract, the department shall pay the employee of the department the compensation earned on off-duty employment whenever such employee performs such service in a department motor vehicle; and

(C) The commissioner has specifically approved, in writing, the individual use of the vehicle by the employee.

(2) At no time will an off-duty employee be allowed use of a department motor vehicle at any political function of any kind.

35-2-102.

(a) The commissioner is authorized to establish a position to be known as 'weight inspector' within the Motor Carrier Compliance ~~Division~~ Enforcement Section of the Department of Public Safety. Weight inspectors shall be assigned to fixed scales facilities and shall not be authorized to operate outside such facilities. The number of such positions shall be determined by the commissioner within the limits set by available appropriations. Weight inspectors may be divided into such ranks as the commissioner deems appropriate.

(b) The commissioner shall ensure that a weight inspector is properly trained regarding laws governing commercial motor vehicle weight, registration, size, and load, including, but not limited to, commercial motor vehicle provisions in Article 2 of Chapter 6 of Title 32 and safety standards for commercial motor vehicles and such motor vehicle components. The training required in the areas required by this subsection shall be equivalent to training provided to certified officers in the Motor Carrier Compliance ~~Division~~ Enforcement Section.

(c) A weight inspector, at the fixed scales facility, shall be authorized to:

(1) Enforce noncriminal provisions relating to commercial motor vehicle weight, registration, size, and load and assess a civil penalty for a violation of such provisions; and

(2) Detain a commercial motor vehicle that:

(A) Has a safety defect which is critical to the continued safe operation of the vehicle;

(B) Is being operated in violation of any criminal law; or

(C) Is being operated in violation of an out-of-service order as reported on the federal Safety and Fitness Electronic Records data base.

The detention authorized by this paragraph shall be for the purpose of contacting a certified member of the Motor Carrier Compliance ~~Division~~ Enforcement Section or Georgia State Patrol. A certified officer shall report to the scene of a detained vehicle and take any further action deemed appropriate including completing the inspection and investigation, making an arrest, or bringing criminal or civil charges.

(d) A weight inspector is not a peace officer and shall not be authorized to carry a firearm or exercise any power of arrest other than a citizen's arrest in accordance with Code Sections 17-4-60 and 17-4-61. At all times while a weight inspector is on duty, there shall be a supervisor over the weight inspector also on duty who shall be a certified peace officer.

SECTION 7.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended in Code Section 40-2-1, relating to definitions applicable to registration and licensing of motor vehicles, by revising paragraph (4) as follows:

"(4) 'Motor carrier' means:

(A) Any entity subject to the terms of the Unified Carrier Registration Agreement pursuant to 49 U.S.C. Section 14504a whether engaged in interstate or intrastate commerce, or both; or

(B) Any entity defined by the commissioner, or commissioner of public safety, ~~or~~ ~~Public Service Commission~~ who operates or controls commercial motor vehicles as defined in 49 C.F.R. Section 390.5, ~~Title 46,~~ or this chapter whether operated in interstate or intrastate commerce, or both."

SECTION 8.

Said title is further amended in Code Section 40-2-162, relating to formulas, rules, and apportionment of cost of annual license fees of motor buses to motor common carriers of passengers for hire operating partially outside state, by revising subsection (a) as follows:

"(a) The commissioner shall apportion the cost of the annual fees for the licensing of motor buses to motor common carriers of passengers for hire operating a fleet of two or more motor buses either interstate, or both interstate and intrastate, under the authority of the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration and the ~~Public Service Commission~~ Department of Public Safety of this state. The apportionment shall be done so that the total cost of the fees shall bear the same proportion to the annual fees for motor buses as the total number of miles traveled by the fleet of the carrier in this state in both interstate and intrastate operations during the preceding year bears to the total number of miles traveled by the fleet during the year in both interstate and intrastate operations."

SECTION 9.

Said title is further amended in Code Section 40-6-248.1, relating to securing loads on vehicles, by revising subsection (c) as follows:

"(c) Nothing in this Code section nor any regulations based thereon shall conflict with federal, ~~Georgia Public Service Commission~~, Georgia Department of Public Safety, or Georgia Board of Public Safety regulations applying to the securing of loads on motor vehicles."

SECTION 10.

Said title is further amended in Code Section 40-16-2, relating to the primary responsibilities of the Department of Driver Services, by revising subsection (b) as follows:

"(b) Responsibility for the following functions formerly exercised by the Department of Motor Vehicle Safety is transferred as follows:

- (1) Promulgation of regulations relating to the size and the weights of motor vehicles, trailers, and loads as provided for in Article 2 of Chapter 6 of Title 32 shall be vested in the Department of Transportation; and administrative enforcement of such regulations and the law enforcement function of apprehending and citing violators of such laws and regulations are transferred to the Department of Public Safety, as well as the function of promulgating regulations relative to its enforcement function;
- (2) Enforcement of laws and regulations relating to licensing and fuel tax registration requirements is transferred to the Department of Public Safety;
- (3) Administration of laws and regulations relating to certification of motor carriers and limousine carriers is transferred to the ~~Public Service Commission~~ Department of Public Safety and administration of laws and regulations relating to carrier registration and registration and titling of vehicles is transferred to the Department of Revenue;"

SECTION 11.

Title 44 of the Official Code of Georgia Annotated, relating to property, is amended by revising Code Section 44-1-13, relating to removal of improperly parked cars or trespassing on personal property, as follows:

"44-1-13.

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

(1) '~~Commission~~ Department' means the ~~Public Service Commission~~ Department of Public Safety.

(2) 'Private property' means any parcel or space of private real property.

(a.1) Any person or his or her authorized agent entitled to the possession of any private property shall have the right to remove or cause to be removed from the property any vehicle or trespassing personal property thereon which is not authorized to be at the place where it is found and to store or cause to be stored such vehicle or trespassing personal property, provided that there shall have been conspicuously posted on the private property notice that any vehicle or trespassing personal property which is not

authorized to be at the place where it is found may be removed at the expense of the owner of the vehicle or trespassing personal property. Such notice shall also include information as to the location where the vehicle or personal property can be recovered, the cost of said recovery, and information as to the form of payment; provided, however, that the owner of residential private property containing not more than four residential units shall not be required to comply with the posting requirements of this subsection. Only towing and storage firms issued permits or licenses by the local governing authority of the jurisdiction in which they operate or by the ~~commission~~ department, and having a secure impoundment facility, shall be permitted to remove trespassing property and trespassing personal property at the request of the owner or authorized agent of the private property.

(b)(1) The ~~commission~~ department shall have the authorization to regulate and control the towing of trespassing vehicles on private property if such towing is performed without the prior consent or authorization of the owner or operator of the vehicle, including the authority to set just and reasonable rates, fares, and charges for services related to the removal, storage, and required notification to owners of such towed vehicles. No storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section. The ~~commission~~ department is authorized to impose a civil penalty for any violation of this Code section in an amount not to exceed \$2,500.00.

(2) In accordance with subsection (d) of this Code section, the governing authority of a municipality may require towing and storage operators to charge lower maximum rates on traffic moving between points within such municipality than those provided by the ~~commission~~ department's maximum rate tariff and may require higher public liability insurance limits and cargo insurance limits than those required by the ~~commission~~ department. The governing authority of a municipality shall not provide for higher maximum costs of removal, relocation, or storage than is provided for by the commission department.

(c) In all municipalities, except a consolidated city-county government, having a population of 100,000 or more according to the United States decennial census of 1970 or any future such census a person entitled to the possession of an off-street parking area or vacant lot within an area zoned commercial by the municipality shall have the right to remove any vehicle or trespassing personal property parked thereon after the regular activity on such property is concluded for the day only if access to such property from the public way is blocked by a sturdy chain, cable, or rope stretched at least 18 inches above grade across all driveways or other ways providing access to the off-street parking area or vacant lot and there is conspicuously posted in the area a notice, the location of which must be approved by the municipality's police department, that any vehicle or trespassing personal property parked thereon which is not authorized to be in such area may be removed at the expense of the owner along with information

as to where the vehicle or trespassing personal property may be recovered, the cost of said recovery, and information regarding the form of payment.

(d)(1) In addition to the regulatory jurisdiction of the ~~commission~~ department, the governing authority of each municipality having towing and storage firms operating within its territorial boundaries may require and issue a license or permit to engage in private trespass towing within its corporate municipal limits pursuant to this Code section to any firm meeting the qualifications imposed by said governing authority. The fee for the license or permit shall be set by such governing authority. The maximum reasonable costs of removal, relocation, and storage pursuant to the provisions of this Code section shall be compensatory, as such term is used in the public utility rate-making procedures, and shall be established annually by the governing authority of each municipality having towing and storage firms operating within its territorial boundaries; provided, however, that no storage fees shall be charged for the first 24 hour period which begins at the time the vehicle is removed from the property, and no such fees shall be allowed for the removal and storage of vehicles removed by towing and storage firms found to be in violation of this Code section.

(2) Towing and storage firms operating within a municipality's corporate limits shall obtain a nonconsensual towing permit from the ~~commission~~ department and shall file its registered agent's name and address with the ~~commission~~ department.

(e) Any person who suffers injury or damages as a result of a violation of this Code section may bring an action in any court of competent jurisdiction for actual damages, which shall be presumed to be not less than \$100.00, together with court costs. A court shall award three times actual damages for an intentional violation of this Code section.

(f) It shall be unlawful and punishable by a fine of \$1,000.00 for any towing and storage firm, permitted or unpermitted, licensed or unlicensed, to enter into any agreement with any person in possession of private property to provide automatic or systematic surveillance of such property for purposes of removal and relocation of any such vehicle or trespassing personal property except upon call by such person in possession of such private property to such towing and storage firm for each individual case of trespass; provided, further, that it shall be unlawful and punishable by a fine of \$1,000.00 for any towing and storage firm to pay to any private property owner or one in possession of private property any fee or emolument, directly or indirectly, for the right to remove a vehicle or trespassing personal property from said private property."

SECTION 12.

Said title is further amended by revising Code Section 44-7-59, relating to removal of transportable housing from lands subject to writ of possession, as follows:

"44-7-59.

If the court issues a writ of possession to property upon which the tenant has placed a manufactured home, mobile home, trailer, or other type of transportable housing and the tenant does not move the same within ten days after a final order is entered, the landlord shall be entitled to have such transportable housing moved from the property

at the expense of the tenant by a motor common carrier licensed by the ~~Public Service Commission~~ Department of Public Safety for the transportation of manufactured housing. There shall be a lien upon such transportable housing to the extent of moving fees and storage expenses in favor of the person performing such services. Such lien may be claimed and foreclosed in the same manner as special liens on personalty by mechanics under Code Sections 44-14-363 and 44-14-550, except that storage fees not to exceed \$4.00 per day shall be expressly allowed."

SECTION 13.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities and public transportation, is amended by revising Code Section 46-1-1, relating to definitions, exclusions, and Georgia Forest Product Trucking Rules, as follows:

"46-1-1.

As used in this title, the term:

~~(1) 'Carrier' means a person who undertakes the transporting of goods or passengers for compensation.~~

~~(2)~~(1) 'Certificate' means a certificate of public convenience and necessity issued pursuant to this title.

~~(3)~~(2) 'Commission' means the Public Service Commission.

~~(4)~~(3) 'Company' shall include a corporation, a firm, a partnership, an association, or an individual.

~~(5)~~(4) 'Electric utility' means any retail supplier of electricity whose rates are fixed by the commission.

~~(5.1) 'Exempt rideshare' means:~~

~~(A) Government endorsed rideshare programs;~~

~~(B) Rideshare programs in which a rideshare driver seeks reimbursement for, or the rideshare participants pool or otherwise share, rideshare costs such as fuel; or~~

~~(C) The leasing or rental of a vehicle, in the ordinary course of the lessor's or rentor's business, for rideshare purposes as part of a government endorsed rideshare program, or for rideshare under a contract requiring compliance with subparagraph (B) of this paragraph.~~

~~(6) 'For compensation' or 'for hire' means an activity wherein for payment or other compensation a motor vehicle and driver are furnished to a person by another person, acting directly or knowingly and willfully acting with another to provide the combined service of the vehicle and driver, and includes every person acting in concert with, under the control of, or under common control with a motor carrier who shall offer to furnish transportation for compensation or for hire, provided that no exempt rideshare shall be deemed to involve any element of transportation for compensation or for hire.~~

~~(6.1)~~(5) 'Gas company' means any person certificated under Article 2 of Chapter 4 of this title to construct or operate any pipeline or distribution system, or any extension thereof, for the transportation, distribution, or sale of natural or manufactured gas.

~~(6.2) 'Government endorsed rideshare program' means a vanpool, carpool, or similar rideshare operation conducted by or under the auspices of a state or local governmental transit instrumentality, such as GRTA, a transportation management association, or a community improvement district, or conducted under the auspices of such transit agencies, including through any form of contract between such transit instrumentality and private persons or businesses.~~

~~(6.3) 'GRTA' means the Georgia Regional Transportation Authority, which is itself exempt from regulation as a carrier under Code Section 50-32-71.~~

~~(7) 'Household goods' means any personal effects and property used or to be used in a dwelling when a part of the equipment or supplies of such dwelling and such other similar property as the commission may provide for by regulation; provided, however, that such term shall not include property being moved from a factory or store except when such property has been purchased by a householder with the intent to use such property in a dwelling and such property is transported at the request of, and with transportation charges paid by, the householder.~~

~~(8) Reserved.~~

~~(9) 'Motor contract carrier and motor common carrier' means as follows:~~

~~(A) 'Motor contract carrier' means every person, except common carriers, owning, controlling, operating, or managing any motor propelled vehicle including the lessees or trustees of such persons or receivers appointed by any court used in the business of transporting persons or household goods or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13 for hire over any public highway in this state. Vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8.~~

~~(B) 'Motor common carrier' means every person owning, controlling, operating, or managing any motor propelled vehicle, and the lessees, receivers, or trustees of such person, used in the business of transporting for hire of persons or household goods, or both, or engaged in the activity of nonconsensual towing pursuant to Code Section 44-1-13, otherwise than over permanent rail tracks, on the public highways of Georgia as a common carrier. The term includes, but is not limited to, limousine carriers as defined in paragraph (5) of Code Section 46-7-85.1.~~

~~(C) Except as otherwise provided in this subparagraph, the terms 'motor common carrier' and 'motor contract carrier' shall not include:~~

~~(i) Motor vehicles engaged solely in transporting school children and teachers to and from public schools and private schools;~~

~~(ii) Taxicabs which operate within the corporate limits of municipalities and are subject to regulation by the governing authorities of such municipalities; the provisions of this division notwithstanding, vehicles and the drivers thereof operating within the corporate limits of any city shall be subject to the safety regulations adopted by the commissioner of public safety pursuant to Code Section 40-1-8;~~

~~(iii) Hotel passenger or baggage motor vehicles when used exclusively for patrons and employees of such hotel;~~

~~(iv) Motor vehicles operated not for profit with a capacity of 15 persons or less when they are used exclusively to transport elderly and disabled passengers or employees under a corporate sponsored van pool program, except that a vehicle owned by the driver may be operated for profit when such driver is traveling to and from his or her place of work provided each such vehicle carrying more than nine passengers maintains liability insurance in an amount of not less than \$100,000.00 per person and \$300,000.00 per accident and \$50,000.00 property damage. For the purposes of this division, elderly and disabled passengers are defined as individuals over the age of 60 years or who, by reason of illness, injury, age, congenital malfunction, or other permanent or temporary incapacity or disability, are unable to utilize mass transportation facilities as effectively as persons who are not so affected;~~

~~(v) Reserved;~~

~~(vi) Reserved;~~

~~(vii) Reserved;~~

~~(viii) Motor vehicles owned and operated exclusively by the United States government or by this state or any subdivision thereof;~~

~~(ix) Reserved;~~

~~(x) Reserved;~~

~~(xi) Reserved;~~

~~(xii) Reserved;~~

~~(xiii) Vehicles, owned or operated by the federal or state government, or by any agency, instrumentality, or political subdivision of the federal or state government, or privately owned and operated for profit or not for profit, capable of transporting not more than ten persons for hire when such vehicles are used exclusively to transport persons who are elderly, disabled, en route to receive medical care or prescription medication, or returning after receiving medical care or prescription medication. For the purpose of this division, elderly and disabled persons shall have the same meaning as in division (iv) of this subparagraph;~~

~~(xiv) Reserved; or~~

~~(xv) Ambulances.~~

~~(10) 'Passenger' means a person who travels in a public conveyance by virtue of a contract, either express or implied, with the carrier as to the payment of the fare or that which is accepted as an equivalent therefor. The prepayment of fare is not necessary to establish the relationship of passenger and carrier; although a carrier may demand prepayment of fare if persons enter his or her vehicle by his or her permission with the intention of being carried; in the absence of such a demand, an obligation to pay fare is implied on the part of the passenger, and the reciprocal obligation of carriage of the carrier arises upon the entry of the passenger.~~

~~(11) Reserved.~~

~~(12)~~(6) 'Person' means any individual, partnership, trust, private or public corporation, municipality, county, political subdivision, public authority, cooperative, association, or public or private organization of any character.

~~(13)~~ Reserved.

~~(14)~~ 'Public highway' means every public street, road, highway, or thoroughfare of any kind in this state.

~~(15)~~(7) 'Railroad corporation' or 'railroad company' means all corporations, companies, or individuals owning or operating any railroad in this state. This title shall apply to all persons, firms, and companies, and to all associations of persons, whether incorporated or otherwise, that engage in business as common carriers upon any of the lines of railroad in this state, as well as to railroad corporations and railroad companies as defined in this Code section.

~~(16)~~(8) 'Rate,' when used in this title with respect to an electric utility, means any rate, charge, classification, or service of an electric utility or any rule or regulation relating thereto.

~~(17)~~(9) 'Utility' means any person who is subject in any way to the lawful jurisdiction of the commission.

~~(18)~~ 'Vehicle' or 'motor vehicle' means any vehicle, machine, tractor, trailer, or semitrailer propelled or drawn by mechanical power and used upon the highways in the transportation of passengers or property, or any combination thereof, determined by the commission."

SECTION 14.

Said title is further amended by revising Code Section 46-3-38, relating to applicability of part to moving or transportation of houses or buildings, as follows:

"46-3-38.

In addition to the exceptions set forth in Code Section 46-3-37, this part shall not be construed as applying to and shall not apply to the moving or transportation of houses or buildings or parts thereof when such moving is under the jurisdiction of, and is undertaken pursuant to authority granted by, the ~~Georgia Public Service Commission~~ Department of Public Safety."

SECTION 15.

Said title is further amended by repealing Chapter 7, relating to motor carriers, and designating said chapter as reserved.

SECTION 16.

Said title is further amended by repealing Code Section 46-9-6, relating to limitations of actions against carriers for recovery of overcharges, requirements regarding rates, charges, and claims for loss or damage, and designating said Code section as reserved.

SECTION 17.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising division (5)(B)(ii) of Code Section 48-8-3, relating to exemptions from the state sales and use tax, as follows:

"(ii) 'Urban transit system' means a public transit system primarily urban in character which is operated by a street railroad company or a motor ~~common~~ carrier, is subject to the jurisdiction of the ~~Public Service Commission~~ Department of Public Safety, and whose fares and charges are regulated by the ~~Public Service Commission~~ Department of Public Safety, or is operated pursuant to a franchise contract with a municipality of this state so that its fares and charges are regulated by or are subject to the approval of the municipality. An urban transit system certificate shall be issued by the ~~Public Service Commission~~ Department of Public Safety, or by the municipality which has regulatory authority, upon an affirmative showing that the applicant operates an urban transit system. The certificate shall be obtained and filed with the commissioner and shall continue in effect so long as the holder of such certificate qualifies as an urban transit system. Any urban transit system certificate granted prior to January 1, 2002, shall be deemed valid as of the date it was issued;"

SECTION 18.

Said title is further amended by revising Code Section 48-8-93, relating to nonimposition of tax on property ordered by and delivered to a purchaser outside a special district and conditions of delivery, as follows:

"48-8-93.

No tax provided for in Code Section 48-8-82 shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the joint tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration or the Georgia ~~Public Service Commission~~ Department of Public Safety."

SECTION 19.

Said title is further amended by revising Code Section 48-8-107, relating to property ordered by and delivered to a purchaser at a point outside the geographical area of a special district in which tax is imposed, as follows:

"48-8-107.

No sales and use tax provided for in Code Section 48-8-102 shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the sales and use tax is imposed under this article regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal

Motor Carrier Safety Administration or the Georgia ~~Public Service Commission~~
Department of Public Safety."

SECTION 20.

Said title is further amended by revising Code Section 48-8-117, relating inapplicability of tax to certain sales of tangible personal property outside the taxing county, as follows:

"48-8-117.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the county in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Interstate Commerce Commission~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 21.

Said title is further amended by revising Code Section 48-8-208, relating to no tax on products ordered and delivered outside geographical area of a municipality, as follows:

"48-8-208.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the municipality in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Federal Highway Administration~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 22.

Said title is further amended by revising Code Section 48-8-253, relating to nonimposition of tax on property ordered by and delivered to purchaser outside special district and conditions on delivery, as follows:

"48-8-253.

No tax provided for in this article shall be imposed upon the sale of tangible personal property which is ordered by and delivered to the purchaser at a point outside the geographical area of the special district in which the tax is imposed regardless of the point at which title passes, if the delivery is made by the seller's vehicle, United States mail, or common carrier or by private or contract carrier licensed by the ~~Surface Transportation Board~~ Federal Motor Carrier Safety Administration or the ~~Georgia Public Service Commission~~ Georgia Department of Public Safety."

SECTION 23.

Said title is further amended by revising subsection (a) of Code Section 48-13-16, relating to excluded businesses or practitioners and other laws on occupation taxes or registration fees of local governments not repealed, as follows:

"(a) The following businesses or practitioners shall be excluded from occupation tax, registration fees, or regulatory fees under the provisions of this article but shall be subject to taxation and regulation as otherwise provided by general law and municipal charters:

- (1) Those businesses regulated by the Georgia Public Service Commission and the Georgia Department of Public Safety;
- (2) Those electrical service businesses organized under Chapter 3 of Title 46; and
- (3) Any farm operation for the production from or on the land of agricultural products, but not including any agribusiness."

SECTION 24.

Said title is further amended by revising subsection (b) of Code Section 48-13-18, relating to levy by municipalities of occupation taxes on licensed businesses, trades, and professions and prohibition of municipal licensing or taxation of businesses, trades, or operations operating registered vehicles, as follows:

"(b) Nothing contained in this Code section shall be construed to authorize the municipal licensing or taxation of businesses, trades, or occupations operating motor vehicles required to be registered with the ~~Public Service Commission~~ Department of Public Safety of this state."

PART III

Effective Date and Repealer.

SECTION 25.

This Act shall become effective on July 1, 2012.

SECTION 26.

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
Y 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	Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
E Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	E Drenner	Y Horne	Y Murphy	Y Smith, T
Y Beasley-Teague	N Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	N 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	E Jackson	Y Oliver	Y Stephenson
Y Black	Y England	E 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	E 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 Pruet	Y Waites
Y Carson	Y Geisinger	Kendrick	Y Purcell	Y Watson
Y Carter	E Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	E Greene	Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
E 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
Coomer	Y Hatcher	E Martin	E Scott, M	Y Williamson
Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 3.

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

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

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 Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 247 Do Pass, by Substitute

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

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

HB 183. By Representatives Maxwell of the 17th, Meadows of the 5th, Benton of the 31st, Greene of the 149th, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that all persons who become members of the General Assembly on or after July 1, 2012, shall become members of the Georgia Legislative Retirement System; to provide that persons who are members of the General Assembly on July 1, 2012, but who are not members of the retirement system may elect membership; to provide for creditable service and the payment of the full actuarial value; to repeal certain obsolete provisions relative to membership by certain staff members; to provide for notification of return to service; 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 Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that persons who first or again become members of the General Assembly on or after July 1, 2012, may elect to become members of the Georgia Legislative Retirement System; to provide that persons who are members of the General Assembly on July 1, 2012, but who are not members of the retirement system may elect membership; to provide for creditable service and the payment of the full actuarial value; to repeal certain obsolete provisions relative to membership by certain staff members; to provide for notification of return to service; 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.

Chapter 6 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Legislative Retirement System, is amended by revising Code Section 47-6-1, relating to definitions, as follows:

"47-6-1.

As used in this chapter, the term:

- (1) 'Accumulated contributions' means the sum of all amounts deducted from the compensation of a member or paid by the member to establish or reestablish credit for service, which amounts are credited to his or her individual account in the system, together with regular interest thereon. Beginning on January 12, 1981, this term shall include the amount of employee contributions paid by the employer on behalf of members, together with regular interest thereon, excluding employee contributions paid by the employer for group term life insurance coverage.
- (2) 'Beneficiary' means any person in receipt of a retirement allowance or other benefit as provided by the system.
- (3) 'Board' means the Board of Trustees of the Employees' Retirement System of Georgia; provided, however, that if any member of such board of trustees is an active or retired member or a beneficiary of this retirement system, he or she shall not serve as a member of the board of trustees of this retirement system.
- (4) 'Creditable service' means prior service and membership service for which credit is allowable under this chapter, but in no case shall more than one year of service be creditable for all service in one calendar year, nor shall it include any service which has been or may be credited to a member by any other public retirement system of this state.
- (5) 'Date of establishment' means July 1, 1967.
- (6) 'Member' means any person included in the membership of the system.
- (7) 'Membership service' means service as paid for by the member, as provided for in Code Section 47-6-60.
- (8) 'Prior service' means service rendered prior to January 1, 1954, as a Representative, Senator, or staff member of the General Assembly and service, day for day, on active duty in any component of the armed forces of the United States during wartime or during any conflict in which military personnel were committed by the President of the United States, provided that no such service in excess of five years shall be creditable.
- (8.1) 'Prior service' shall also include military service which is creditable under Code Section 47-6-70.1.
- (9) 'Retirement allowance' means monthly payments for life pursuant to Code Section 47-6-80.
- (10) ~~'Staff members' means the Secretary of the Senate, the Clerk of the House of Representatives, and the messenger and doorkeeper for each of the two houses of the General Assembly.~~
- (11) 'System' means the Georgia Legislative Retirement System."

SECTION 2.

Said chapter is further amended by revising Code Section 47-6-40, relating to qualifications for membership in the Georgia Legislative Retirement System,

membership of persons who cease to become members of the General Assembly before age 60, and termination of membership, as follows:

"47-6-40.

(a) ~~All persons who are members of the General Assembly on July 1, 1967, shall become members of the system as of such date, except that within six months from such date any such person may irrevocably elect not to be a member of the system. All other persons shall become members of the system on taking office as members of the General Assembly. Staff members shall have the option to become members of the system under the same conditions as elected members of the General Assembly. Each person who first or again becomes a member of the General Assembly on or after July 1, 2012, may make an irrevocable election at the beginning of each term of office to become a member of the Georgia Legislative Retirement System within two months of taking office as a member of the General Assembly. Any member of this retirement system who is elected to a consecutive term of office and who has elected membership in this retirement system shall be deemed to have continuous membership from term to term and shall not be required to reapply each term.~~

(b) If a member of the system ceases to be a member of the General Assembly before attaining age 60 and for reasons other than death, such member, unless he or she withdraws his or her contributions pursuant to Code Section 47-6-85, shall continue as a noncontributing member of the system. Any such noncontributing member shall not gain any additional membership service. If he or she again becomes a member of the General Assembly and a contributing member of the system, such member shall retain the membership service previously credited to him or her. If a member subject to this subsection withdraws his or her contributions upon ceasing to be a member of the General Assembly, any membership service credited to him or her at the time such contributions are withdrawn shall be forfeited and may not be reestablished if he or she again becomes a member of the General Assembly.

(c) Should any member of the system in any period of five consecutive years after becoming a member be absent from service more than four years, withdraw his or her contributions or become a beneficiary of such system, or die, he or she shall thereupon cease to be a member.

(d) A member of the General Assembly serving on July 1, 2012, may make an irrevocable election to become a member of this retirement system and may obtain creditable service for prior service as a member of the General Assembly as provided in this Code section. In order to obtain such additional creditable service, the member must:

(1) Make application to the board of trustees in such manner as the board deems appropriate not later than December 31, 2012. Such application and payment must be made in conjunction with and simultaneously with the member's application for membership; and

(2) Pay to the board of trustees an amount determined by the board of trustees to be sufficient to cover the full actuarial cost of granting the creditable service as provided in this Code section;

provided, however, that no creditable service shall be granted or obtained pursuant to this Code section if such service may be used to calculate creditable service under any other public retirement system created by this title.

(e) A member of the General Assembly may obtain creditable service for membership in the General Assembly only for the purposes of the Georgia Legislative Retirement System, and no service as a member of the General Assembly which is obtained after December 31, 1985, by any such member shall be creditable or used as creditable service for the purposes of any other public retirement or pension system of this state."

SECTION 3.

Said chapter is further amended by revising Code Section 47-6-84, relating to termination of retirement allowance upon return to service and retirement benefits for retired members returning to service in the General Assembly, by adding a new subsection to read as follows:

"(c)(1) As used in this subsection, the term 'public employer' means any branch of state government and any state agency, department, board, bureau, or other instrumentality. This term also includes the Board of Regents of the University System of Georgia and any public school system, including, but not limited to, primary, secondary, and postsecondary institutions operated by local or independent boards of education that receive any funds from the State of Georgia or any agency thereof.

(2) Any public employer that employs a retired plan member shall within 30 days of the employee's accepting employment notify the board of trustees in writing stating the name of the plan member and the number of hours the employee is expected to work annually and shall provide such other information as the board may request. Any employer that fails to notify the board of trustees as required by this subsection shall reimburse the retirement system for any benefits wrongfully paid. It shall be the duty of the retired plan member seeking employment by the employer to notify the employer of his or her retirement status prior to accepting such position. If a retired plan member fails to so notify the employer and the employer becomes liable to the retirement system, the plan member shall hold the employer harmless for all such liability."

SECTION 4.

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, this Act 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 5.

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y McBrayer	Y Shaw
Y 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	E Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
E Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	E Drenner	Y Horne	Y Murphy	Y Smith, T
N Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E 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	E Jackson	Y Oliver	Y Stephenson
Y Black	Y England	E 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	E Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	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	E Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Weldon
Y Channell	E 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	Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
E 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	E Martin	E Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
N Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 2.

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

Representative Peake of the 137th 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 879. By Representatives Ramsey of the 72nd, Cooper of the 41st, Watson of the 163rd, Coleman of the 97th, Sheldon of the 105th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to provide for the care of students with diabetes in school; to provide for legislative findings; to provide for definitions; to provide for the training of designated school personnel; to provide for the submission of a diabetes medical management plan by parents or guardians for a student; to delineate the functions that may be performed by school nurses or trained diabetes personnel; to authorize a student to perform independent monitoring and treatment; to provide for immunity from civil liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, so as to provide for the care of students with diabetes in school; to provide for legislative findings; to provide for definitions; to provide for the training of designated school personnel; to provide for the submission of a diabetes medical management plan by parents or guardians for a student; to delineate the functions that may be performed by school nurses or trained diabetes personnel; to authorize a student to perform independent monitoring and treatment; to provide for immunity from civil liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that:

(1) Diabetes is a serious, chronic disease that impairs the body's ability to use food. Diabetes must be managed 24 hours a day in order to avoid the potentially life-threatening consequences of blood glucose levels that are either too high (hyperglycemia) or too low (hypoglycemia), and to avoid or delay the serious long-term complications of high blood glucose levels which include blindness, amputation, heart disease, and kidney failure.

(2) In order to manage their disease, students with diabetes must have access to the means to balance food, medications, and physical activity levels while at school and at school related activities;

- (3) Diabetes is generally a self-managed disease, and many students with diabetes are able to perform most of their own diabetes care tasks. Such students should be permitted to do so in the school setting. However, some students, because of age, inexperience, or other factors, need help with some or all of diabetes care tasks, and all students will need help in the event of a diabetes emergency;
- (4) The school nurse is the preferred person in the school setting to provide or facilitate care for a student with diabetes. Many schools in Georgia, however, do not have a full-time nurse, or a school nurse may not always be available on site. Thus, even when a nurse is assigned to a school full time, he or she will not always be available to provide direct care during the school day;
- (5) Diabetes management is needed at all times. Additional school personnel, who have completed training coordinated by the school nurse or other health care professional and who provide care under the supervision of the school nurse or other health care professional, need to be prepared to perform diabetes care tasks at school when a school nurse or other health care professional is not available. Preparations are needed to ensure that students with diabetes will be medically safe and have the same access to educational opportunities as all students in Georgia; and
- (6) Due to the significant number of students with diabetes, the effect of diabetes upon a student's ability to learn, and the risk for serious long-term and short-term medical complications, legislation in this state is necessary to address this issue.

SECTION 2.

Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health in elementary and secondary education, is amended by adding a new Code section to read as follows:

"20-2-779.

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

(1) 'Diabetes medical management plan' means a document developed by the student's physician or other health care provider that sets out the health services, including the student's target range for blood glucose levels, needed by the student at school and is signed by the student's parent or guardian.

(2) 'School' means any primary or secondary public school located within this state.

(3) 'School employee' means any person employed by a local board of education or state chartered special school or any person employed by a local health department who is assigned to a public school.

(4) 'Trained diabetes personnel' means a school employee who volunteers to be trained in accordance with this Code section. Such employee shall not be required to be a health care professional.

(b)(1) No later than August 1, 2012, the Department of Education, in conjunction with the Georgia Association of School Nurses, shall develop guidelines for the training of school employees in the care needed for students with diabetes. The training guidelines shall include instruction in:

(A) Recognition and treatment of hypoglycemia and hyperglycemia;

- (B) Understanding the appropriate actions to take when blood glucose levels are outside of the target ranges indicated by a student's diabetes medical management plan;
 - (C) Understanding physician instructions concerning diabetes medication dosage, frequency, and the manner of administration;
 - (D) Performance of finger-stick blood glucose checking, ketone checking, and recording the results;
 - (E) Administration of insulin and glucagon, an injectable used to raise blood glucose levels immediately for severe hypoglycemia, and the recording of results;
 - (F) Performance of basic insulin pump functions;
 - (G) Recognizing complications that require emergency assistance; and
 - (H) Recommended schedules and food intake for meals and snacks, the effect of physical activity upon blood glucose levels, and actions to be implemented in the case of schedule disruption.
- (2) Each local board of education and state chartered special school shall ensure that the training outlined in paragraph (1) of this subsection is provided to a minimum of two school employees at each school attended by a student with diabetes.
- (3) A school employee shall not be subject to any penalty or disciplinary action for refusing to serve as trained diabetes personnel.
- (4) The training outlined in paragraph (1) of this subsection shall be coordinated and provided by a school nurse or may be contracted out to be provided by another health care professional with expertise in diabetes. Such training shall take place prior to the commencement of each school year, or as needed when a student with diabetes is newly enrolled at a school or a student is newly diagnosed with diabetes. The school nurse or other contracted health care professional shall provide follow-up training and supervision.
- (5) Each local school system and state chartered special school shall provide information in the recognition of diabetes related emergency situations to all bus drivers responsible for the transportation of a student with diabetes.
- (c) The parent or guardian of each student with diabetes who seeks diabetes care while at school shall submit to the school a diabetes medical management plan which upon receipt shall be reviewed and implemented by the school.
- (d)(1) In accordance with the request of a parent or guardian of a student with diabetes and the student's diabetes medical management plan, the school nurse or, in the absence of the school nurse, trained diabetes personnel shall perform functions including, but not limited to, responding to blood glucose levels that are outside of the student's target range; administering glucagon; administering insulin, or assisting a student in administering insulin through the insulin delivery system the student uses; providing oral diabetes medications; checking and recording blood glucose levels and ketone levels, or assisting a student with such checking and recording; and following instructions regarding meals, snacks, and physical activity.
- (2) The school nurse or at least one trained diabetes personnel shall be on site at each school and available during regular school hours and during field trips that occur

during school hours to provide care to each student with diabetes as identified pursuant to subsection (c) of this Code section.

(3) There shall be trained diabetes personnel at each school where a student with diabetes is enrolled, and a student's school choice shall in no way be restricted because the student has diabetes.

(4) The activities set forth in paragraph (1) of this subsection shall not constitute the practice of nursing and shall be exempted from all applicable statutory and regulatory provisions that restrict what activities can be delegated to or performed by a person who is not a licensed health care professional.

(e) Upon written request of a student's parent or guardian and if authorized by the student's diabetes medical management plan, a student with diabetes shall be permitted to perform blood glucose checks, administer insulin through the insulin delivery system the student uses, treat hypoglycemia and hyperglycemia, and otherwise attend to the monitoring and treatment of his or her diabetes in the classroom, in any area of the school or school grounds, and at any school related activity, and he or she shall be permitted to possess on his or her person at all times all necessary supplies and equipment to perform such monitoring and treatment functions.

(f) No physician, nurse, school employee, local school system, or state chartered special school shall be liable for civil damages or subject to disciplinary action under professional licensing regulations or school disciplinary policies as a result of the activities authorized or required by this Code section when such acts are committed as an ordinarily reasonably prudent physician, nurse, school employee, local school system, or state chartered special school would have acted under the same or similar circumstances.

(g) A private school which complies with the requirements of this Code section shall have the same limited liability for such school and its employees in the same manner as for public schools as provided for in subsection (f) of this Code section."

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
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
N Allison	Y Dempsey	Y Henson	Y McKillip	Y Sims, B
Y Amerson	Y Dickerson	N Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	N 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
E Baker	Y Dollar	N Holt	Y Mosby	Y Smith, R

Y Battles	E Drenner	Horne	Y Murphy	Y Smith, T
N Beasley-Teague	N Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	N Spencer
E Benfield	Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
N Benton	N Dutton	Y Hugley	N Nix	Y Stephens, R
Y Beverly	Y Ehrhart	E Jackson	Y Oliver	Y Stephenson
Y Black	Y England	E Jacobs	Y O'Neal	Y Talton
N 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	E Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	N Teasley
Y Buckner	Y Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	N Powell, J	VACANT
N Byrd	Y Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	E 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	E Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	N Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	N Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
E Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
N Collins	N Harden, M	Y Manning	N Rogers, T	Y Williams, E
N Cooke	N Harrell	Y Marin	N Rynders	Y Williams, R
Coomer	Y Hatchett	E Martin	E Scott, M	Y Williamson
Y Cooper	N Hatfield	Y Maxwell	N Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 136, nays 26.

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

Due to a mechanical malfunction, the vote of Representative Dunahoo of the 25th was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 434. By Representatives Dempsey of the 13th, Rynders of the 152nd, Purcell of the 159th, Kaiser of the 59th, Sims of the 119th and others:

A BILL to be entitled an Act to amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, relating to professional counselors, social workers, and marriage and family therapists, so as to revise a definition; to revise provisions relating to requirements for licensure in social work; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y McBrayer	Y Shaw
Y 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	N Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
E Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	E Drenner	Y Horne	Y Murphy	N Smith, T
N Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Y Smyre
Y Bell	Y Dukes	Y Howard	E 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	E Jackson	Y Oliver	Y Stephenson
Y Black	Y England	E 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	E 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
N Byrd	Y Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	E 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	E 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
E 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	E Martin	E Scott, M	Y Williamson
Y Cooper	N Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	E Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 156, nays 5.

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

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

HB 863. By Representatives Hatchett of the 143rd, Hamilton of the 23rd, Stephens of the 164th, Roberts of the 154th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to state purchasing, so as to change certain provisions relating to purchases without competitive bidding, central bid registry, procurement cards, rules and regulations, applicability to emergency purchases, and the Purchasing Advisory Council; to change a short title; to change certain provisions relating to definitions relative to small business assistance; to repeal conflicting laws; and for other purposes.

Representative Smith of the 70th moved that the following Bill of the House be withdrawn from the Committee on Natural Resources & Environment and recommitted to the Special Committee on Small Business Development and Job Creation:

HB 1102. By Representatives Smith of the 70th, Stephens of the 164th, Knight of the 126th, Manning of the 32nd, McCall of the 30th and others:

A BILL to be entitled an Act to amend Article 9 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to Georgia hazardous site reuse and redevelopment, so as to provide a 30 day grace period for buyers of qualifying property to seek a limitation of liability; to provide for automatic liability limitations to future recipients of qualified properties; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HR 1565. By Representatives Smith of the 70th and Horne of the 71st:

A RESOLUTION commending Dr. Bob Heaberlin for being selected as Georgia's 2011 National Distinguished Principal and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1566. By Representatives Dukes of the 150th, Heard of the 114th, Smyre of the 132nd, Randall of the 138th, Fullerton of the 151st and others:

A RESOLUTION recognizing and commending the 33rd anniversary of the designation of "Georgia On My Mind" as the official song of Georgia and inviting Sheila Raye Charles and her siblings to be recognized by the House of Representatives; and for other purposes.

HR 1567. By Representatives Dukes of the 150th, Heard of the 114th, Smyre of the 132nd, Randall of the 138th, Fullerton of the 151st and others:

A RESOLUTION commending Sheila Raye Charles and inviting her and her family to be recognized by the House of Representatives; and for other purposes.

HR 1568. By Representatives Parent of the 81st, Oliver of the 83rd, Benfield of the 85th, Stephenson of the 92nd, Kaiser of the 59th and others:

A RESOLUTION commending Dr. John C. Taylor and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1569. By Representatives Parent of the 81st, Benfield of the 85th, Kendrick of the 94th, Bell of the 58th, Evans of the 40th and others:

A RESOLUTION commending Kate's Club for its outstanding service to youth, recognizing March 1, 2012, as Kate's Club Grief Awareness Day at the capitol, and inviting Founder Kate Atwood and the Kate's Club board of directors to be recognized by the House of Representatives; and for other purposes.

HR 1570. By Representatives Parent of the 81st, Oliver of the 83rd, Bell of the 58th, Kaiser of the 59th, Mayo of the 91st and others:

A RESOLUTION recognizing the month of April, 2012, as Genocide Prevention and Awareness Month at the capitol and inviting the Georgia Coalition to Prevent Genocide to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1563. By Representatives Dukes of the 150th, Rynders of the 152nd and Fullerton of the 151st:

A RESOLUTION commending Kay H. Hind as the 2012 Distinguished Older Georgian; and for other purposes.

HR 1571. By Representatives Geisinger of the 48th, Lindsey of the 54th, Jones of the 46th, Riley of the 50th, Dobbs of the 53rd and others:

A RESOLUTION recognizing and commending the 2012 Atlanta Sports Awards Finalist for High School Scholar Athlete of the Year, Cyrus Carrier Wilson; and for other purposes.

HR 1572. By Representative Ralston of the 7th:

A RESOLUTION commending Grace Little, Fannin County High School's 2012 STAR Student; and for other purposes.

HR 1573. By Representatives Geisinger of the 48th, Kidd of the 141st, Riley of the 50th, Dobbs of the 53rd, Taylor of the 79th and others:

A RESOLUTION recognizing March 1, 2012, as Hemophilia of Georgia Day at the capitol; and for other purposes.

HR 1574. By Representatives Rogers of the 26th, Dunahoo of the 25th, Collins of the 27th and Benton of the 31st:

A RESOLUTION honoring the life and memory of J. Bradley Abernathy; and for other purposes.

HR 1575. By Representatives Rogers of the 26th, Dunahoo of the 25th, Collins of the 27th and Benton of the 31st:

A RESOLUTION honoring the life and memory of Dr. L. Wendell Carpenter; and for other purposes.

HR 1576. By Representative Anderson of the 117th:

A RESOLUTION recognizing and commending the Kelley Family; and for other purposes.

HR 1577. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 2012 Heart of the Community Award Winner Greg Sumner; and for other purposes.

HR 1578. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Kendrick of the 94th and Smyre of the 132nd:

A RESOLUTION recognizing and commending Bud Smith; and for other purposes.

HR 1579. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 2012 Heart of the Community Award Winner David Hunter; and for other purposes.

HR 1580. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 2012 Heart of the Community Award Winner Nancy Smith Hunter; and for other purposes.

HR 1581. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 2012 Young Heart of the Community Award Winner Rachel Rogers; and for other purposes.

HR 1582. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 26th Annual Heart of the Community Award Winner Bryan Shealy; and for other purposes.

HR 1583. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 26th Annual Heart of the Community Award Winner Shirley Miller Denmon; and for other purposes.

HR 1584. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 2012 Heart of the Community Award Winner Nina Lovel; and for other purposes.

HR 1585. By Representatives Dempsey of the 13th, Coomer of the 14th, Reece of the 11th and Crawford of the 16th:

A RESOLUTION recognizing and commending 26th Annual Heart of the Community Board of Governors' Award Winner Mr. Earl Tillman; and for other purposes.

HR 1586. By Representative Henson of the 87th:

A RESOLUTION recognizing and commending Hadassah on the occasion of its 100th anniversary; and for other purposes.

HR 1587. By Representatives Coleman of the 97th, Dudgeon of the 24th, Sims of the 119th, Casas of the 103rd, Benton of the 31st and others:

A RESOLUTION recognizing and commending Comcast for its Leaders and Achievers and Internet Essentials Programs; and for other purposes.

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

Mr. Speaker:

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

HB 541 Do Pass, by Substitute
HB 997 Do Pass

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

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

Mr. Speaker:

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

HB 829. By Representative Lane of the 167th:

A BILL to be entitled an Act to amend an Act to provide for the composition and number of state house districts, approved August 24, 2011 (Ga. L. 2011, Ex. Sess., p. 3), so as to revise the boundaries of certain state house districts; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Representative O'Neal of the 146th moved that the House do now adjourn until 9:00 o'clock, tomorrow morning, and the motion prevailed.

The Speaker announced the House adjourned until 9:00 o'clock, tomorrow morning.