

Representative Hall, Atlanta, Georgia

Monday, March 5, 2012

Twenty-Ninth Legislative Day

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

Prayer was offered by Dr. James Flanagan, President, Luther Rice Seminary & University, Lithonia, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

The following communication was received:

House of Representatives
332 State Capitol
Atlanta, Georgia 30334

February 29, 2012

Ms. Robyn Underwood
Legislative Fiscal Officer
434 State Capitol
Atlanta, Georgia 30334

Dear Robyn:

The following committees were assigned to newly elected Keisha Waites, District 60.

Children and Youth
Interstate Cooperation
Special Rules

If you have any question, please feel free to contact me.

Sincerely,

/s/ David Ralston
David Ralston, Speaker
Georgia House of Representatives

DR/dh

cc: Clerk's Office
Representative
Committee Office

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

HB 1203. By Representatives Smith of the 122nd, Howard of the 121st, Frazier of the 123rd and Murphy of the 120th:

A BILL to be entitled an Act to amend an Act creating the Augusta-Richmond County Coliseum Authority, approved April 17, 1973 (Ga. L. 1973, p. 3042), as amended, particularly by an Act approved May 11, 2009 (Ga. L. 2009, p. 3873), so as to provide that appointed members of the authority may be reappointed to succeed themselves; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1204. By Representatives Coleman of the 97th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Duluth, Georgia, approved March 25, 1958 (Ga. L. 1958, p. 3148), as amended, particularly by an Act approved June 3, 2003 (Ga. L. 2003, p. 4048), so as to change the corporate limits of the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1205. By Representatives Brockway of the 101st and Clark of the 104th:

A BILL to be entitled an Act to amend an Act to create a new Charter for the City of Lawrenceville, Georgia, approved March 28, 1986 (Ga. L. 1986, p. 4961), as amended, so as to change the term of office for the mayor; to change the term of office for city councilmembers; to provide for a transition to the new terms of office; to provide for term limits for the mayor; to provide for term limits for city councilmembers; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1206. By Representatives Randall of the 138th, Peake of the 137th, Dickey of the 136th, Epps of the 140th, Beverly of the 139th and others:

A BILL to be entitled an Act to amend an Act known as the "Macon-Bibb County Transit Authority Act of 1980," approved March 26, 1980, (Ga. L. 1980, p. 4313), as amended, so as to provide for the power of the authority to enter into contracts with counties and municipal corporations to provide public transportation services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1210. By Representatives Mitchell of the 88th, Stephens of the 161st, Jordan of the 77th and Marin of the 96th:

A BILL to be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions applicable to state government, so as to require that state employees reside in this state; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 1211. By Representatives Mitchell of the 88th, Stephens of the 161st and Marin of the 96th:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the death penalty generally, so as to prohibit the imposition of the death penalty under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 1212. By Representatives Johnson of the 37th, Cooper of the 41st, Manning of the 32nd, Oliver of the 83rd, Dickson of the 6th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions relative to adoption, so as to change the period for withdrawing a surrender of parental rights; to provide for related matters, to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HR 1642. By Representatives Benton of the 31st and McCall of the 30th:

A RESOLUTION recognizing the song "Highway 98" by Ricky Fitzpatrick and dedicating a portion of the road in its honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1643. By Representatives Howard of the 121st, Smith of the 122nd, Frazier of the 123rd and Murphy of the 120th:

A RESOLUTION recognizing Mrs. Ruth B. Crawford and dedicating a road in her honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1644. 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 Judiciary.

HR 1645. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd and others:

A RESOLUTION urging President Obama and Congress to propose an overtime initiative be added to the Fair Labor Standards Act that would qualify home care workers for federal wage and overtime protection; and for other purposes.

Referred to the Committee on Industrial Relations.

HR 1672. By Representatives Taylor of the 173rd, Carter of the 175th, McCall of the 30th, Roberts of the 154th, England of the 108th and others:

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

Referred to the Committee on Judiciary Non-Civil.

HR 1673. By Representatives Sims of the 119th, Howard of the 121st and Smith of the 122nd:

A RESOLUTION honoring the life of Deputy James D. Paugh and dedicating an interchange in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1674. By Representative Murphy of the 120th:

A RESOLUTION honoring the life of Deputy James D. Paugh and dedicating an interchange in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 1675. By Representatives Hugley of the 133rd, Abrams of the 84th and Williams of the 165th:

A RESOLUTION creating the House Study Committee on Compensation for the Convicted Innocent; and for other purposes.

Referred to the Committee on Judiciary.

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 1223. By Representatives Hamilton of the 23rd, Byrd of the 20th, Hill of the 21st and Jerguson of the 22nd:

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.

Referred to the Committee on Intragovernmental Coordination - Local.

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

HB 1188	HB 1189
HB 1190	HB 1191
HB 1192	HB 1193
HB 1194	HB 1195
HB 1196	HB 1197
HB 1199	HB 1200
HB 1201	HB 1202
HB 1207	HB 1208
HB 1209	HR 1640
HR 1676	SB 176
SB 293	SB 365
SB 371	SB 430
SB 446	

Representative Coleman of the 97th District, Chairman of the Committee on Education, submitted the following report:

Mr. Speaker:

Your Committee on Education 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 651	Do Pass
HB 797	Do Pass, by Substitute
HB 1178	Do Pass

Respectfully submitted,
/s/ Coleman of the 97th
Chairman

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

Mr. Speaker:

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

HB 1097	Do Pass, by Substitute	HB 1171	Do Pass
HB 1172	Do Pass	HB 1177	Do Pass
HB 1183	Do Pass	HB 1184	Do Pass
HB 1185	Do Pass	HB 1187	Do Pass

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

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

Mr. Speaker:

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

HB 512	Do Pass, by Substitute	HB 685	Do Pass, by Substitute
HB 872	Do Pass, by Substitute	HB 1093	Do Pass

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

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

HOUSE RULES CALENDAR
MONDAY, MARCH 5, 2012

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Open Rule

- HB 871 Violations of traffic laws; additional penalty to be assessed for driver education purposes; extend expiration date (JudyNC-Battles-15th)
- HB 928 Peace Officer's Annuity and Benefit Fund; board of trustees authorized to employ a hearing officer; provide (Ret-Riley-50th)
- HB 931 Insurance; state domestic farmers' mutual fire insurance companies; update provisions (Ins-Shaw-176th)
- HB 945 Banks and trust companies; issuance of non-cash valued shares with approval; provide (B&B-Teasley-38th)
- HB 987 Peace Officers' Annuity and Benefit Fund; member who ceases to be employed shall notify the retirement fund immediately; provide (Ret-Riley-50th)
- HB 991 Sheriffs; how vacancies are filled; change provisions (Substitute)(GAff-Maddox-127th)
- HB 997 Crimes and offenses; new crime of false lien statements against public officers; provide (JudyNC-Pak-102nd)

Modified Structured Rule

- HB 648 Legal services for indigents; certain fees to fund accused; change provisions (JudyNC-Golick-34th)
- HB 673 Georgia's Return to Play Act of 2012; enact (Substitute)(H&HS-Mitchell-88th)
- HB 825 Education; time frame relative to hearings before administrative law judges; eliminate (Substitute)(Ed-Nix-69th)
- HB 897 Georgia Workforce Investment Board; revise provisions (IndR-Harden-28th)

- HB 899 Primaries and elections; dates of nonpartisan elections; provide (Substitute)(GAff-Brockway-101st)
- HB 934 State agencies; guaranteed energy savings performance contracts; change certain provisions (Substitute)(EU&T-Parsons-42nd)
- HB 972 Georgia Pain Management Clinic Act; enact (Substitute)(H&HS-Weldon-3rd)
- HB 986 Insurance; dispute or complaint involving material not in English, the English version shall control the resolution; provide (Substitute)(Ins-Hembree-67th)
- HB 1024 Budget commission; certain counties; population and census application; revise and change (IGC-Rice-51st)
- HB 1026 Municipalities; law enforcement contracts; population brackets and census; change provisions (IGC-Sheldon-105th)
- HB 1065 Alcoholic beverages; tax payment and reporting by licensees; change certain provisions (RegI-Williams-4th)
- HB 1069 Pharmacists and pharmacies; revise definition of security paper (Substitute)(H&HS-Weldon-3rd)
- HB 1102 Georgia hazardous site reuse and redevelopment; 30 day grace period for buyers of qualifying property to seek limitation of liability; provide (SCSBDJ-Smith-70th)
- HB 1117 Local government; approval of bonded debt by election; population brackets and the census; change certain provisions (IGC-Clark-104th)
- HB 1166 Insurance; individual health insurance coverage to children through child-only health plans; provide (Substitute)(Ins-Atwood-179th)
- HR 977 Legal services for indigent; dedicate existing fees; provide - CA (Substitute)(JudyNC-Golick-34th)
- HR 1150 Sales and use tax; educational purposes; only distributed on basis of full-time equivalent student counts - CA (Substitute)(Ed-Coleman-97th)

Structured Rule

- HB 732 Special license plates; Purple Hearts; include persons serving in armed services (Substitute)(MotV-McBrayer-153rd)
- HB 808 Taxation; exclusion to certain income of certain disabled veterans; provide (W&M-Yates-73rd)
- HB 896 Sales tax; distribution for educational purposes; change certain provisions (W&M-Coleman-97th)
- HB 916 Bona fide conservation use property; covenants; change certain qualifications and restrictions (Substitute)(W&M-Knight-126th)
- HB 1056 Ad valorem taxation; motor vehicles; clarify application to be consistent with federal provisions (W&M-Battles-15th)
- HB 1160 Public Service Commission; term and manner of election of chairperson; change (Substitute)(EU&T-Roberts-154th)

HR 1177 Veterans Memorial Highway; Oglethorpe County; dedicate
(Substitute)(Trans-Williams-113th)

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

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

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

Mr. Speaker:

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

SB 238. By Senators James of the 35th, Davenport of the 44th, Tate of the 38th, Seay of the 34th, Orrock of the 36th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to general provisions relative to handicapped persons, so as to provide that any motorized wheelchair or scooter operated on public ways and sidewalks after dark shall be equipped with reflectors; to provide that any such wheelchairs and scooters sold in this state shall be equipped with reflectors; to repeal conflicting laws; and for other purposes.

SB 321. By Senators Unterman of the 45th, McKoon of the 29th, Stone of the 23rd and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts; to provide for additional changes to said Code section, relating to the use of a form to transfer title to a motor vehicle to

be sold or disposed of as scrap metal or parts, subject to a contingency; and for other purposes.

SB 346. By Senators Balfour of the 9th, Carter of the 1st and Henson of the 41st:

A BILL to be entitled an Act to amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to change certain provisions relating to selling, distributing, and delivering prescription drugs by mail or other common carriers; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 381. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Hill of the 4th, Stone of the 23rd, Crane of the 28th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to local government general provisions, so as to change certain definitions relating to the electronic transmission of budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 403. By Senators Millar of the 40th, Stoner of the 6th, Ligon, Jr. of the 3rd, Shafer of the 48th and Carter of the 42nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise provisions relating to school health nurse programs; to include school nurses in state formula funding based on full-time equivalent student counts; to provide for grants for supplies for school health nurse programs; to provide for a state-level coordinator for school health nurse programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 404. By Senators Millar of the 40th, Stoner of the 6th, Ligon, Jr. of the 3rd, Shafer of the 48th and Carter of the 42nd:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to provide for the development of category-level expenditure controls for staff development funds; to include school level administrators in professional development funding under the Quality Basic Education Formula; to provide for state-wide strategic initiatives for professional development; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 405. By Senators Miller of the 49th, Jackson of the 24th, Wilkinson of the 50th, Orrock of the 36th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the office of student achievement, so as to provide that a private college that submits confidential student data and records to the Department of Education shall not be liable for the breach of the confidentiality of such data and records by the Department of Education; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 412. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Code Section 20-2-52.1 of the Official Code of Georgia Annotated, relating to composition and election of county boards of education in counties in which there is a homestead option sales and use tax and a county sales and use tax for educational purposes and terms of service, so as to delay the effective date of such Code section until January 1, 2015; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

- SB 424. By Senators Heath of the 31st, Loudermilk of the 52nd, Wilkinson of the 50th, Williams of the 19th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Division of Archives and History, so as to revise the provisions of law regarding Foundations of American Law and Government displays; to extend the locations in which such displays may appear; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 427. By Senators Tolleson of the 20th, Davis of the 22nd, Rogers of the 21st, Millar of the 40th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 50-13-18 of the Official Code of Georgia Annotated, relating to procedure upon grant, denial, renewal, revocation, suspension, annulment, or withdrawal of licenses, so as to require agency procedures for timely processing of and status reports regarding applications for issuance or renewal of licenses; to repeal conflicting laws; and for other purposes.

- SB 429. By Senators Tolleson of the 20th, Chance of the 16th, Rogers of the 21st, Millar of the 40th, Davis of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to financial affairs relative to the General Assembly, so as to change certain provisions relating to fiscal notes for bills changing compensation; to change certain provisions relating to introduction of bills having significant impact upon anticipated revenues or expenditures and furnishing of fiscal notes; to change certain provisions relating to state and local government partnership; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the State Employees' Health Insurance Plan, so as to change certain provisions relating to fiscal notes required for bills impacting employees' health insurance plans; to repeal conflicting laws; and for other purposes.

SB 494. By Senators Cowsert of the 46th and Ginn of the 47th:

A BILL to be entitled an Act to amend an Act providing for the unification of the existing governments of the City of Athens and Clarke County and providing a charter for the unified government of Athens-Clarke County, approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4246), so as to change the composition and description of the districts from which the members of the Commission of Athens-Clarke County are elected; to provide for terms of office and manner of election; to provide for definitions and inclusions; to provide for the manner of redistricting; 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 an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

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.

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.

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.

HB 1059. By Representatives Frazier of the 123rd, Jackson of the 142nd and Burns of the 157th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Burke County, approved August 21, 1911 (Ga. L. 1911, p. 390), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3986), so as to change the description of 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.

HB 1060. By Representatives Frazier of the 123rd, Jackson of the 142nd and Burns of the 157th:

A BILL to be entitled an Act to amend an Act creating the Burke County Board of Education, approved March 27, 1985 (Ga. L. 1985, p. 4481), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5156), 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.

HB 1074. By Representative Lane of the 167th:

A BILL to be entitled an Act to amend an Act to re-create and establish the Board of Commissioners of Long County, approved March 10, 1988 (Ga. L. 1988, p. 3755), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1075. By Representative Lane of the 167th:

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

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

A BILL to be entitled an Act to amend an Act establishing a Board of Commissioners of Talbot County, approved February 16, 1876 (Ga. L. 1876, p. 291), as amended, particularly by an Act approved June 4, 2003 (Ga. L. 2003, p. 4692), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for related matters; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

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

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

HB 1083. By Representative Houston of the 170th:

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

HB 1084. By Representative Houston of the 170th:

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

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

A BILL to be entitled an Act to amend an Act re-creating the Board of Commissioners of Colquitt County, approved March 24, 1974 (Ga. L. 1974, p. 3078), as amended, particularly by an Act approved April 1, 2002 (Ga. L. 2002, p. 3691), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend an Act relating to the Board of Education of Colquitt County, approved March 12, 1970 (Ga. L. 1970, p.

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

HB 1091. By Representative Maddox of the 127th:

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

HB 1092. By Representative Parrish of the 156th:

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

HB 1100. By Representatives Houston of the 170th and Shaw of the 176th:

A BILL to be entitled an Act to amend an Act to establish an airport authority for Berrien County, approved March 20, 1985 (Ga. L. 1985, p. 3873), so as to increase the membership of the board of such authority; to provide for terms of office for such additional members; to provide for a quorum; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The Senate has adopted by the requisite constitutional majority the following resolution of the House:

HR 1103. By Representatives Sims of the 119th, Murphy of the 120th, Howard of the 121st, Smith of the 122nd and Frazier of the 123rd:

A RESOLUTION honoring the life of Deputy James D. Paugh and dedicating a road in his memory; and for other purposes.

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

SB 238. By Senators James of the 35th, Davenport of the 44th, Tate of the 38th, Seay of the 34th, Orrock of the 36th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 30 of the Official Code of Georgia Annotated, relating to general provisions relative to handicapped persons, so as to provide that any motorized wheelchair or scooter operated on public ways and sidewalks after dark shall be equipped with reflectors; to provide that any such wheelchairs and scooters sold in this state shall be equipped with reflectors; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

SB 321. By Senators Unterman of the 45th, McKoon of the 29th, Stone of the 23rd and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to selling and other trade practices, so as to provide for the comprehensive revision of provisions regarding secondary metals recyclers; to amend Code Section 40-3-36 of the Official Code of Georgia Annotated, relating to cancellation of certificate of title for scrap, dismantled, or demolished vehicles, salvage certificate of title, administrative enforcement, and removal of license plates, so as to revise certain provisions relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts; to provide for additional changes to said Code section, relating to the use of a form to transfer title to a motor vehicle to be sold or disposed of as scrap metal or parts, subject to a contingency; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

SB 346. By Senators Balfour of the 9th, Carter of the 1st and Henson of the 41st:

A BILL to be entitled an Act to amend Code Section 26-4-60 of the Official Code of Georgia Annotated, relating to grounds for suspension, revocation, or refusal to grant licenses by the State Board of Pharmacy, so as to change certain provisions relating to selling, distributing, and delivering prescription

drugs by mail or other common carriers; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

SB 381. By Senators Ligon, Jr. of the 3rd, Albers of the 56th, Hill of the 4th, Stone of the 23rd, Crane of the 28th and others:

A BILL to be entitled an Act to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to local government general provisions, so as to change certain definitions relating to the electronic transmission of budgets; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Science and Technology.

SB 403. By Senators Millar of the 40th, Stoner of the 6th, Ligon, Jr. of the 3rd, Shafer of the 48th and Carter of the 42nd:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to revise provisions relating to school health nurse programs; to include school nurses in state formula funding based on full-time equivalent student counts; to provide for grants for supplies for school health nurse programs; to provide for a state-level coordinator for school health nurse programs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

SB 404. By Senators Millar of the 40th, Stoner of the 6th, Ligon, Jr. of the 3rd, Shafer of the 48th and Carter of the 42nd:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the "Quality Basic Education Act," so as to provide for the development of category-level expenditure controls for staff development funds; to include school level administrators in professional development funding under the Quality Basic Education Formula; to provide for state-wide strategic initiatives for professional development; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- SB 405. By Senators Miller of the 49th, Jackson of the 24th, Wilkinson of the 50th, Orrock of the 36th, Albers of the 56th and others:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 14 of Title 20 of the Official Code of Georgia Annotated, relating to the office of student achievement, so as to provide that a private college that submits confidential student data and records to the Department of Education shall not be liable for the breach of the confidentiality of such data and records by the Department of Education; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

- SB 412. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Code Section 20-2-52.1 of the Official Code of Georgia Annotated, relating to composition and election of county boards of education in counties in which there is a homestead option sales and use tax and a county sales and use tax for educational purposes and terms of service, so as to delay the effective date of such Code section until January 1, 2015; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Education.

- SB 424. By Senators Heath of the 31st, Loudermilk of the 52nd, Wilkinson of the 50th, Williams of the 19th, Hill of the 32nd and others:

A BILL to be entitled an Act to amend Article 3 of Chapter 13 of Title 45 of the Official Code of Georgia Annotated, relating to the Division of Archives and History, so as to revise the provisions of law regarding Foundations of American Law and Government displays; to extend the locations in which such displays may appear; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Governmental Affairs.

- SB 427. By Senators Tolleson of the 20th, Davis of the 22nd, Rogers of the 21st, Millar of the 40th, Chance of the 16th and others:

A BILL to be entitled an Act to amend Code Section 50-13-18 of the Official Code of Georgia Annotated, relating to procedure upon grant, denial, renewal, revocation, suspension, annulment, or withdrawal of licenses, so as

to require agency procedures for timely processing of and status reports regarding applications for issuance or renewal of licenses; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

SB 429. By Senators Tolleson of the 20th, Chance of the 16th, Rogers of the 21st, Millar of the 40th, Davis of the 22nd and others:

A BILL to be entitled an Act to amend Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to financial affairs relative to the General Assembly, so as to change certain provisions relating to fiscal notes for bills changing compensation; to change certain provisions relating to introduction of bills having significant impact upon anticipated revenues or expenditures and furnishing of fiscal notes; to change certain provisions relating to state and local government partnership; to amend Part 1 of Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the State Employees' Health Insurance Plan, so as to change certain provisions relating to fiscal notes required for bills impacting employees' health insurance plans; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Appropriations.

SB 494. By Senators Cowser of the 46th and Ginn of the 47th:

A BILL to be entitled an Act to amend an Act providing for the unification of the existing governments of the City of Athens and Clarke County and providing a charter for the unified government of Athens-Clarke County, approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4246), so as to change the composition and description of the districts from which the members of the Commission of Athens-Clarke County are elected; to provide for terms of office and manner of election; to provide for definitions and inclusions; to provide for the manner of redistricting; 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 an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Morgan of the 39th, Wilkinson of the 52nd, Williams of the 89th, Fullerton of the 151st, Wilkerson of the 33rd, Sheldon of the 105th, and Waites of the 60th.

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

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

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

Representatives Bruce of the 64th, Dollar of the 45th, Mosby of the 90th, Pak of the 102nd, and Willard of the 49th.

They wished to be recorded as present.

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

HB 1097. By Representative Battles of the 15th:

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in the City of Emerson; to provide for a short title; to provide for the purposes of said districts; to provide for definitions; to provide for boards to administer said districts; to provide for taxes, fees, and assessments; to provide for the boundaries of said districts; to provide for general obligation bonds, notes, and other obligations of said districts; to provide for construction; to provide that Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Securities Act of 1973" shall not apply to the offer, sale, or issuance of the board's bonds, notes, or other obligations; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for dissolutions; to provide the procedures connected with all of the foregoing; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To provide for the creation of one or more community improvement districts in the City of Emerson; to provide for a short title; to provide for the purposes of said districts; to provide for definitions; to provide for boards to administer said districts; to provide for appointment or election of members of said boards; to provide for taxes, fees, and assessments; to provide for the boundaries of said districts; to provide procedures for the determination of the specifications for projects to be undertaken by the district and the manner of levying taxes, fees, and assessments with respect thereto; to provide for the debt of said districts; to provide for cooperation with local governments; to provide for powers of said boards; to provide for general obligation bonds, notes, and other obligations of said districts; to provide for the form of bonds, provisions for exchange and transfer, certificates of validation, and specification of interest rates in notice to the district attorney or the Attorney General and in notice of validation hearings; to provide for definition of the terms "cost of the project" and "cost of any project" as used in bond resolutions and elsewhere; to provide for authorized contents of agreements and instruments of the boards generally; to provide for use of proceeds of sale of bonds, notes, and other instruments; to provide for subsequent issues of bonds, notes, and other instruments; to provide for construction; to provide that Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008," shall not apply to the offer, sale, or issuance of the bonds, notes, or other obligations; to provide that no notice, proceeding, publication, or referendum shall be required; to provide the procedures connected with all of the foregoing; to provide for the termination of districts under certain conditions; to provide for severability; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Short title.

This Act shall be known and may be cited as the "City of Emerson Community Improvement Districts Act."

SECTION 2.

Purpose.

The purpose of this Act shall be to provide for the creation of one or more community improvement districts within the City of Emerson, and such districts shall be created for the provision of such of the following governmental services and facilities as may be provided for in the resolution activating each district created under this Act or any supplemental resolution amending same:

- (1) Street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic on streets and roads;
- (2) Parks and recreational areas and facilities;
- (3) Storm-water and sewage collection and disposal systems;
- (4) Development, storage, treatment, purification, and distribution of water;
- (5) Public transportation including, but not limited to, services intended to reduce the volume of traffic or to transport two or more persons in common vehicles or conveyances;
- (6) Terminal and dock facilities and parking facilities; and
- (7) Such other services and facilities as may be provided for by general law.

SECTION 3.

Definitions.

As used in this Act, the term:

- (1) "Agricultural" means the growing of crops for sale or raising of animals for sale or use, including the growing of field crops, fruit or nut trees, the raising of livestock or poultry, and the operation of dairies, horse-boarding facilities, and riding stables.
- (2) "Board" means the governing body created for the governance of each community improvement district authorized by this Act.
- (3) "Bonds" or "general obligation bonds" means any bonds of a district which are authorized to be issued under the Constitution and laws of Georgia, including refunding bonds but not including notes or other obligations of a district.
- (4) "Caucus of electors" means for each district the meeting of electors at which the elected board members of the district are elected. A quorum at such caucus shall consist of those electors present, and a majority of those present and voting is necessary to elect board members. No proxy votes may be cast.

- (5) "Cost of the project" or "cost of any project" means and includes:
- (A) All costs of acquisition (by purchase or otherwise), construction, assembly, installation, modification, renovation, or rehabilitation incurred in connection with any project or any part of any project;
 - (B) All costs of real property, fixtures, or personal property used in or in connection with or necessary for any project or for any facilities related thereto, including, but not limited to, the cost of all land, estates for years, easements, rights, improvements, water rights, connections for utility services, fees, franchises, permits, approvals, licenses, and certificates; the cost of securing any such franchises, permits, approvals, licenses, or certificates; and the cost of preparation of any application therefor and the cost of all fixtures, machinery, equipment (including all transportation equipment and rolling stock), furniture, and other property used in or in connection with or necessary for any project;
 - (C) All interest and other financing charges and loan fees and all interest on bonds, notes, or other obligations of a district which accrue or are paid prior to and during the period of construction of a project and during such additional period as the board may reasonably determine to be necessary to place such project in operation;
 - (D) All costs of engineering, surveying, and architectural and legal services and all expenses incurred by engineers, surveyors, architects, and attorneys in connection with any project;
 - (E) All expenses for inspection of any project;
 - (F) All fees of fiscal agents, paying agents, and trustees for bondholders under any trust agreement, indenture of trust, or similar instrument or agreement; all expenses incurred by any such fiscal agents, paying agents, and trustees; and all other costs and expenses incurred relative to the issuance of any bonds, notes, or other obligations for any projects;
 - (G) All expenses of or incidental to determining the feasibility or practicability of any project;
 - (H) All costs of plans and specifications for any project;
 - (I) All costs of title insurance and examinations of title with respect to any project;
 - (J) Repayment of any loans made for the advance payment of any part of any of the foregoing costs, including interest thereon and any other expenses of such loans;
 - (K) Administrative expenses of the board and such other expenses as may be necessary or incidental to any project or the financing thereof or the placing of any project in operation; and
 - (L) The establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project and as may be authorized by any bond resolution, trust agreement, indenture of trust, or similar instrument or agreement pursuant to the provisions of which the issuance of any bonds, notes, or other obligations of the district may be authorized.

Any cost, obligation, or expense incurred for any of the foregoing purposes shall be a part of the cost of the project and may be paid or reimbursed as such out of proceeds of bonds, notes, or other obligations issued by the district.

(6) "District" means the geographical area designated as such by the resolution of the governing body consenting to the creation of the community improvement district or as thereafter modified by any subsequent resolution of the governing body within which the district is or is to be located, or a body corporate and politic being a community improvement district created and activated pursuant hereto, as the context requires or permits.

(7) "Electors" means the owners of real property used nonresidentially within the district which is then subject to taxes, fees, and assessments levied by the board, as they appear on the most recent ad valorem real property tax return records of Bartow County, or one officer or director of a corporate elector, one trustee of a trust which is an elector, one partner of a partnership elector, or one designated representative of an elector whose designation is made in writing. An owner of property subject to taxes, fees, or assessments levied by the board shall have one vote for an election based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the owner's property for an election based on value majority. An owner of multiple parcels has one vote, not one vote per parcel, for an election based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the aggregate of the owner's properties subject to taxes, fees, or assessments levied by the board for an election based on value majority. Multiple owners of one parcel have one vote for elections based on numerical majority, and one vote for each \$1,000.00 (or fraction thereof) in assessed value of the owner's property for elections based on value majority, which must be cast by one of their number who is designated in writing.

(8) "Equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property," with reference to taxes, fees, and assessments levied by the board, means that the burden of the taxes, fees, and assessments shall be apportioned among the properties subject thereto based upon the values established in the most recent ad valorem tax reassessment of such properties certified by the chairperson of the Bartow County Board of Tax Assessors or may be apportioned among the properties subject thereto in direct or approximate proportion to the receipt of services or benefits derived from the improvements or other activities for which the taxes, fees, or assessments are to be expended or may be apportioned in any other manner or combination of manners deemed equitable by the board, including, but not limited to, the recognition of differential benefits which may reasonably be expected to accrue to new land development in contrast to lands and improvements already in existence at the time of creation of the community improvement district.

(9) "Forestry" means the planting and growing of trees for sale in a program which includes reforestation of harvested trees, regular underbrush and undesirable growth

clearing, fertilizing, pruning, thinning, cruising, and marking which indicate an active tree-farming operation; it does not include the casual growing of trees on land otherwise idle or held for investment, even though some harvesting of trees may occur thereon.

(10) "Project" means the acquisition, construction, installation, modification, renovation, or rehabilitation of land, interests in land, buildings, structures, facilities, or other improvements located or to be located within the district or in another community improvement district immediately adjoining the district as to directly benefit the district, such benefit to be determined by the board, and the acquisition, installation, modification, renovation, rehabilitation, or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with any such land, interest in land, building, structure, facility, or other improvement, for all the essential public purposes set forth in Section 2 of this Act so long as the project is described in the project specifications for the district.

(11) "Project specifications" means a description of the project or projects to be undertaken by the district. The project specifications shall include the rates for taxes, fees, and assessments that the district may levy. The project specifications may also include as a matter of election any or all of the following:

(A) The maximum amounts that may be raised for any annual period by taxes, fees, and assessments;

(B) The maximum period of time during which such taxes, fees, and assessments may be levied; and

(C) A method for the equitable apportionment of such taxes, fees, and assessments.

(12) "Property owner" or "owner of real property" means any entity or person shown as a taxpayer for one or more parcels of real estate on the most recent ad valorem tax records of Bartow County within the district as certified by the Bartow County Tax Commissioner. Multiple owners of one parcel shall constitute one property owner and shall designate in writing one of their number to represent the whole.

(13) "Property used nonresidentially" means property or any portion thereof used for neighborhood shopping, planned shopping center, general commercial, transient lodging facilities, tourist services, office or institutional, office services, light industry, heavy industry, central business district, parking, or other commercial or business use, as well as vacant land zoned or approved for any of the uses listed in this paragraph which does not include residential.

(14) "Residential" means a specific work or improvement undertaken primarily to provide single-family or multifamily dwelling accommodations for persons and families and such community facilities as may be incidental or appurtenant thereto.

(15) "Taxpayer" means any entity or person paying ad valorem taxes on real property, whether on one or more parcels of property within the district. Multiple owners of one parcel shall constitute one taxpayer and shall designate in writing one of their number to represent the whole.

SECTION 4.

Creation.

(a) Pursuant to Article IX, Section VII of the Constitution of the State of Georgia, there is created one or more community improvement districts to be located in the City of Emerson, wholly within the incorporated area thereof, each of which shall be activated upon compliance with the conditions provided in this Act and which shall be governed by a board as constituted pursuant to this Act. The conditions for such activation shall be:

(1) The delivery of a petition by any taxpayer containing the project specifications for the proposed district to the governing body of the City of Emerson;

(2) The adoption of a resolution consenting to the creation of each community improvement district by the governing body of the City of Emerson which states that the district is created pursuant to this Act and to the project specifications;

(3) Written consent to the creation of the community improvement district and the project specifications by:

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

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

(4) If the proposed district is to lie in an area wholly or partially coexistent with one or more community improvement districts, then the board of the newly created district and the board of the preexisting district or districts shall have entered into a cooperative agreement whereby the collection of taxes and the provision of services in the overlapping areas of such districts shall be specified.

(b) The written consents provided for in paragraph (3) of subsection (a) of this section and the cooperative agreement, if required, provided for in paragraph (4) of subsection (a) of this section shall be submitted to the Bartow County Tax Commissioner, who shall certify whether paragraphs (3) and (4) of subsection (a), as applicable, have been satisfied with respect to each such proposed district.

(c) No district or board created under this Act shall transact any business or exercise any powers under this Act until the foregoing conditions of this section are met. A copy of such resolutions shall be filed with the Secretary of State, who shall maintain a record of all districts activated under this Act, and a second copy shall be filed with the Department of Community Affairs.

(d) The project specifications may be amended, changed, or expanded from time to time, but not so as to reduce taxes, fees, and assessments pledged to holders of bonds or other indebtedness of the district without such holders' written consent, by the adoption, certification, and filing of a resolution and consents as described in paragraphs (2) and (3) of subsection (a) of this section.

SECTION 5.

Administration, appointment, and election of board members.

(a) Each district created pursuant to this Act shall be administered by a board composed of five members to be appointed and elected as provided in this section. Two board members shall be appointed by the governing body of the City of Emerson and the remaining board members shall be elected by the electors. The appointed board members shall serve at the pleasure of the governing body of the City of Emerson. The initial elected board members shall serve for terms of office as follows: one shall serve for two years, and the remaining board members shall serve for four years. Thereafter, all terms of office shall be for four years, except the appointed members who serve at the pleasure of the governing body of the City of Emerson.

(b) The initial board members to be elected by the electors as provided in subsection (a) of this section shall be elected in a caucus of electors, which shall be held within 90 days after the adoption of the resolutions and obtaining the written consents provided for in this Act at such time and place within the district as the governing body of the City of Emerson shall designate after notice thereof shall have been given to said electors by publishing notice in the legal organ of Bartow County as provided in this Act and by contacting each elector by United States mail at the address indicated in the property tax rolls. The mayor of the City of Emerson or the mayor's designee shall convene the initial caucus of electors. Thereafter, there shall be conducted biennially, not later than 60 days following the last day for filing ad valorem real property tax returns in Bartow County, a caucus of said electors at such time and place within the district as the board shall designate in such notice for the purpose of electing board members to those positions which have terms expiring or are vacant. If a vacancy occurs in an elected position on the board, the board shall, within 60 days thereafter, call a special election to fill the same to be held within 60 days of the call unless such vacancy occurs within 180 days of the next regularly scheduled election, in which case a special election may, but need not, be called. For any election held under the provisions of this Act, notice of such election shall be given to the electors by:

- (1) Publishing notice thereof in the legal organ of Bartow County on four dates at least 45 days, 31 days, 17 days, and ten days, respectively, prior to such election; and
- (2) Contacting each elector at least 31 days prior to such election by United States mail at the address indicated in the property tax rolls.

(c) One board member shall be elected by majority vote of the electors present and voting at the caucus on the basis of one vote for each elector. Such board member shall be elected to a term of office of two years at the initial caucus of electors when the board is first formed and to terms of office of four years thereafter. Two board members shall be elected by majority of the votes cast by the electors present and voting at the caucus, with each elector having one vote for each \$1,000.00 or fraction thereof in assessed value of the property owned by the elector subject to taxes, fees, or assessments levied by the board. All vacancies to be filled through election shall be filled by majority vote in the same manner as the board member previously holding the seat.

- (d) The elected board members shall be subject to recall as any other elected public official by the electors.
- (e) Board members elected by the electors shall be electors within the district. If such board member ceases to be an elector, such board member's position shall be declared vacant as of the date of the event terminating such status.
- (f) The board members shall receive no compensation for their services but shall be reimbursed for actual expenses incurred in the performance of their duties. They shall elect one of their members as chairperson and another as vice chairperson and shall also elect a secretary and a treasurer or a secretary-treasurer, either of whom may, but need not be, a member of the board.

SECTION 6.

Taxes, fees, and assessments.

- (a) The board may levy taxes, fees, and assessments within the district only on real property used nonresidentially, specifically excluding all property exempt from ad valorem taxation under the Constitution or laws of the State of Georgia and all property used for residential, agricultural, or forestry purposes and specifically excluding tangible personal property and intangible property. Any tax, fee, or assessment so levied shall not exceed 2 1/2 percent of the aggregate assessed value of all such real property; provided, however, that no tax, fee, or assessment so levied shall exceed any lesser limitation designated in the project specifications and that no tax, fee, or assessment shall be levied beyond any time limitation designated as provided in the project specifications. The taxes, fees, and assessments levied by the board shall be equitably apportioned among the properties subject to such taxes, fees, and assessments according to the need for governmental services and facilities created by the degree of density of development of each such property. The proceeds of taxes, fees, and assessments levied by the board shall be used only for the purpose of providing governmental services and facilities which are specially required by the degree of density of development within the applicable district and not for the purpose of providing those governmental services and facilities provided to the county or municipality as a whole. Any tax, fee, or assessment so levied shall be collected by Bartow County in the same manner as taxes, fees, and assessments are levied by the county. Delinquent taxes shall bear the same interest and penalties as Bartow County ad valorem taxes and may be enforced and collected in the same manner. The proceeds of taxes, fees, and assessments so levied, less a fee to cover the costs of collection of 1 percent thereof, but not more than \$25,000.00 in any one calendar year, shall be transmitted by Bartow County to the board and shall be expended by the board only for the purposes authorized by this Act.
- (b) The board shall levy the taxes, fees, and assessments provided for in subsection (a) of this section subsequent to the report of the assessed taxable values for the current calendar year and shall notify in writing the collecting governing body so it may include the levy on its regular ad valorem tax bills.

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

SECTION 7.

Boundaries of the districts.

(a) The boundaries of each district shall be as designated as such by the governing body of the City of Emerson and shall lie wholly within the incorporated area of the City of Emerson as set forth in the resolutions required in Section 4 of this Act, or as may thereafter be added as provided in this Act.

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

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

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

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

(4) The adoption of a resolution consenting to the annexation by the governing body of the City of Emerson.

SECTION 8.

Debt.

Each district may incur debt without regard to the requirements of Article IX, Section V of the Constitution of Georgia, or any other provision of law prohibiting or restricting the borrowing of money or the creation of debt by political subdivisions of the State of Georgia, and the debt shall be backed by the full faith, credit, and taxing power of the district, but shall not be an obligation of the State of Georgia, the City of Emerson, or any other unit of government of the State of Georgia other than the district.

SECTION 9.

Cooperation with local governments.

The services and facilities provided pursuant to this Act shall be provided for in a cooperation agreement executed jointly by the board and the governing body of the City of Emerson. If the parties to the cooperation agreement so agree, the cooperation

agreement may provide that such private persons as are designated by the district perform the actual construction or improvement of the services and facilities provided by the district. The provisions of this section shall in no way limit the authority of the City of Emerson to provide services or facilities within the district; and the City of Emerson shall retain full and complete authority and control over any of its facilities located within its respective areas of any district. Such control shall include, but not be limited to, the modification of, access to, and degree and type of services provided through or by facilities of the municipality. Nothing contained in this section shall be construed to limit or preempt the application of any governmental laws, ordinances, resolutions, or regulations to the district or the services or facilities provided within the district.

SECTION 10.

Powers.

(a) Each district and its board created pursuant to this Act shall have all of the powers necessary or convenient to carry out and effectuate the purposes and provisions of this Act, including, without limiting the generality of the foregoing, the power:

- (1) To bring and defend actions;
- (2) To adopt and amend a corporate seal;
- (3) To make and execute contracts, agreements, and other instruments necessary or convenient to exercise the powers of the board or to further the public purposes for which the district is created, including, but not limited to, contracts for construction of projects, leases of projects, contracts for sale of projects, agreements for loans to finance projects, contracts with respect to the use of projects, and agreements with other jurisdictions or community improvement districts regarding multijurisdictional projects or services or for other cooperative endeavors to further the public purposes of the district;
- (4) To acquire by purchase, lease, or otherwise and to hold, lease, and dispose of real and personal property of every kind and character, or any interest therein, in furtherance of the public purposes of the district;
- (5) To finance by loan, grant, lease, or otherwise and to construct, erect, assemble, purchase, acquire, own, repair, remodel, renovate, rehabilitate, modify, maintain, extend, improve, install, sell, equip, expand, add to, operate, or manage projects and to pay the cost of any project from the proceeds of bonds, notes, or other obligations of the district or any other funds of the district, or from any contributions or loans by persons, corporations, partnerships, whether limited or general, or other entities, all of which the board is authorized to receive, accept, and use;
- (6) To borrow money to further or carry out its public purposes and to execute bonds, notes, other obligations, leases, trust indentures, trust agreements, agreements for the sale of its bonds, notes, or other obligations, loan agreements, security agreements, assignments, and such other agreements or instruments as may be necessary or desirable, in the judgment of the board, to evidence and to provide security for such borrowing;

(7) To issue bonds, notes, or other obligations of the district and use the proceeds thereof for the purpose of paying all or any part of the cost of any project and otherwise to further or carry out the public purposes of the district and to pay all costs of the board incidental to, or necessary and appropriate to, furthering or carrying out such purposes;

(8) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, whether public or private, for loans, grants, guarantees, or other financial assistance in furtherance of the district's public purposes and to accept and use the same upon such terms and conditions as are prescribed by such federal, state, county, or municipal government or agency or other source;

(9) To enter into agreements with the federal government or any agency thereof to use the facilities or services of the federal government or any agency thereof in order to further or carry out the public purposes of the district;

(10) To contract for any period, not exceeding 50 years, with the State of Georgia, state institutions, or any municipal corporation, county, or political subdivision of this state for the use by the district of any facilities or services of the state or any such state institution, municipal corporation, county, or political subdivision of this state, or for the use by any state institution or any municipal corporation, county, or political subdivision of the state of any facilities or services of the district, provided that such contracts shall deal with such activities and transactions as the district and any such political subdivision with which the district contracts are authorized by law to undertake;

(11) The district shall have the power and is authorized, whenever bonds of the district have been validated as provided in this Act, to issue, from time to time, its notes in anticipation of the issuance of such bonds as validated and to renew, from time to time, any such notes by the issuance of new notes, whether the notes to be renewed have or have not matured. The district may issue notes only to provide funds which would otherwise be provided by the issuance of the bonds as validated. The notes may be authorized, sold, executed, and delivered in the same manner as bonds. As with its bonds, the district may sell such notes at public or private sale. Any resolution or resolutions authorizing notes of the district or any issue thereof may contain any provisions which the district is authorized to include in any resolution or resolutions authorizing bonds of the district or any issue thereof; and the district may include in any notes any terms, covenants, or conditions which it is authorized to include in any bonds. Validation of such bonds shall be a condition precedent to the issuance of the notes, but it shall not be required that such notes be judicially validated. Bond anticipation notes shall not be issued in an amount exceeding the par value of the bonds in anticipation of which they are to be issued;

(12) To grant, mortgage, convey, assign, or pledge its property, revenues or taxes, fees, or assessments to be received as security for its bonds, notes, or other indebtedness and obligations;

- (13) To invest its funds, whether derived from the issuance of its bonds or otherwise, in such manner as it may deem prudent and appropriate, without further restriction;
 - (14) To receive and use the proceeds of any tax levied by any county or any municipal corporation to pay the costs of any project or for any other purpose for which the board may use its own funds pursuant to this Act;
 - (15) To receive and administer gifts, grants, and devises of money and property of any kind and to administer trusts;
 - (16) To use any real property, personal property, or fixtures or any interest therein or to rent or lease such property to or from others or make contracts with respect to the use thereof or to sell, lease, exchange, transfer, assign, pledge, or otherwise dispose of or grant options for any such property in any manner as it deems to be to the best advantage of the district and the public purposes thereof;
 - (17) To appoint, select, and employ engineers, surveyors, architects, urban or city planners, fiscal agents, attorneys, and others and to fix their compensation and pay their expenses;
 - (18) To encourage and promote the improvement and development of the district and to make, contract for, or otherwise cause to be made long-range plans or proposals for the district in cooperation with the City of Emerson;
 - (19) To adopt bylaws governing the conduct of business by the board, the election and duties of officers of the board, and other matters which the board determines to deal with in its bylaws;
 - (20) To exercise any power granted by the laws of this state to public or private corporations which is not in conflict with the public purposes of the district; and
 - (21) To do all things necessary or convenient to carry out the powers conferred by this Act.
- (b) The powers enumerated in this section are cumulative of and in addition to those powers enumerated elsewhere in this Act; and no such power shall limit or restrict any other power of the board.

SECTION 11.

Bonds - generally.

- (a) Notes or other obligations issued by a district, other than general obligation bonds, shall be paid solely from the property pledged to pay such notes or other obligations. General obligation bonds issued by any district shall constitute a general obligation of the district to the repayment of which the full faith, credit, and taxing power of the district shall be pledged, subject to the power of the district to tax only in accordance with any limitations established by the project specifications.
- (b) All bonds, notes, and other obligations of any district shall be authorized by resolution of its board, adopted by a majority vote of the board members at a regular or special meeting.
- (c) Bonds, notes, or other obligations shall bear such date or dates, shall mature at such time or times but not more than 40 years from their respective dates, shall bear interest at

such rate or rates which may be fixed or may fluctuate or otherwise change from time to time, shall be subject to redemption on such terms, and shall contain such other terms, provisions, covenants, assignments, and conditions as the resolution authorizing the issuance of such bonds, notes, or other obligations may permit or provide. The terms, provisions, covenants, assignments, and conditions contained in or provided or permitted by any resolution of the board authorizing the issuance of such bonds, notes, or other obligations shall bind the board members of the district then in office and their successors. The provisions of any such resolution or resolutions shall be a contract with every holder of such bonds, notes, or other obligations, and the duties of the district, the board, and the officers of the district under any such resolution or resolutions shall be enforceable by any holder of such bonds, notes, or other obligations by mandamus or other appropriate action or proceeding at law or in equity.

(d) The board shall have power from time to time and whenever it deems it expedient to refund any bonds by the issuance of new bonds, whether or not the bonds to be refunded have matured, and may issue bonds partly to refund bonds then outstanding and partly for any other purpose permitted by this Act. The refunding bonds may be exchanged for the bonds to be refunded, with such cash adjustments as may be agreed upon, or may be sold and the proceeds applied to the purchase or redemption of the bonds to be refunded.

(e) There shall be no limitation upon the interest rates or any maximum interest rate or rates on any bonds, notes, or other obligations of the district; and the usury laws of this state shall not apply to bonds, notes, or other obligations of these districts.

(f) Bonds issued by a district may be in such form, either coupon or fully registered, or both coupon and fully registered, and may be subject to such exchangeability and transferability provisions as the bond resolution authorizing the issuance of such bonds or any indenture or trust agreement may provide.

(g) Bonds issued by a district shall be validated under and in accordance with Article 3 of Chapter 82 of Title 36 of the O.C.G.A., known as the "Revenue Bond Law," or in accordance with such other successor provision governing bond validation generally as may be provided by law. Bonds shall bear a certificate of validation. The signature of the clerk of the Superior Court of Bartow County shall be made on the certificate of validation of such bonds by facsimile or by manual execution, stating the date on which such bonds were validated, and such entry shall be original evidence of the fact of judgment and shall be received as original evidence in any court in this state.

(h) In lieu of specifying the rate or rates of interest which such bonds are to bear, and the principal amount and maturities of such bonds, the notice to the district attorney or the Attorney General, the notice to the public of the time, place, and date of the validation hearing, and the petition and complaint for validation may state that the bonds when issued will bear interest at a rate not exceeding a maximum per annum rate of interest, which may be fixed or may fluctuate or otherwise change from time to time, and that the principal amount will not exceed and the final maturity date will not be later than as specified in such notices and petition and complaint or may state that, in the event the bonds are to bear different rates of interest for different maturity dates, none of such rates will exceed the maximum rate, which may be fixed or may fluctuate or otherwise change

from time to time, so specified; provided, however, that nothing in this section shall be construed as prohibiting or restricting the right of a board to sell such bonds at a discount, even if in doing so the effective interest cost resulting therefrom would exceed the maximum per annum interest rate specified in such notices and in the petition and complaint.

(i) The terms "cost of the project" and "cost of any project" shall have the meaning prescribed by this Act whenever those terms are referred to in bond resolutions of a board, in bonds, notes, or other obligations of the districts, or in notices of proceedings to validate such bonds of a district.

SECTION 12.

Authorized contents of agreements and instruments of the board generally; use of proceeds of sale of bonds, notes, and other obligations; subsequent issues of bonds, notes, and other obligations.

(a) Subject to the limitations and procedures provided by this section and Section 11 of this Act, the agreements or instruments executed by a board may contain such provisions not inconsistent with law as shall be determined by such board.

(b) The proceeds derived from the sale of all bonds, notes, and other obligations issued by a district shall be held and used for the ultimate purpose of paying, directly or indirectly as permitted by this Act, all or part of the cost of any project, or for the purpose of refunding any bonds, notes, or other obligations issued in accordance with this Act.

(c) Issuance by a board of one or more series of bonds, notes, or other obligations for one or more purposes shall not preclude it from issuing other bonds, notes, or obligations in connection with the same project or with any other project; but the proceeding wherein any subsequent bonds, notes, or other obligations are issued shall recognize and protect any prior loan agreement, security agreement, or other agreement or instrument made for any prior issue of bonds, notes, or other obligations, unless in the resolution authorizing such prior issue the right is expressly reserved to the board to issue subsequent bonds, notes, or other obligations on a parity with such prior issue.

SECTION 13.

Construction; applicability of Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008"; notice, proceeding, publication, referendum.

This Act shall be liberally construed to effect the purposes hereof. The offer, sale, or issuance of bonds, notes, or other obligations by a district shall not be subject to regulation under Chapter 5 of Title 10 of the O.C.G.A., the "Georgia Uniform Securities Act of 2008." No notice, proceeding, or publication, except those required by this Act, shall be necessary to the performance of any act authorized by this Act, nor shall any such act be subject to referendum.

SECTION 14.

Dissolution.

Any district activated under the provisions of this Act may be dissolved. So long as a district has no debt outstanding, the board of a district may terminate and dissolve the district as of a certain date, and on such date all property, rights, and obligations of the district shall devolve to the City of Emerson.

SECTION 15.

Severability.

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

SECTION 16.

Effective date.

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

SECTION 17.

Repealer.

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.

HB 1171. By Representatives Randall of the 138th, Epps of the 140th, Dickey of the 136th, Beverly of the 139th, Holmes of the 125th and others:

A BILL to be entitled an Act to provide for the restructuring of the governments of the City of Macon, the City of Payne City, and Bibb County; to create and incorporate a new political body corporate under the name Macon-Bibb County; to provide for the status, boundaries, and powers of the restructured government; to provide for the form, administration, and affairs of the restructured government; to provide for officers and employees,

elections, courts, authorities, taxation, and finance; to provide for related matters; to provide for severability; to provide for a referendum; 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 1172. By Representatives Epps of the 128th and James of the 135th:

A BILL to be entitled an Act to amend an Act incorporating the City of Manchester, approved August 16, 1909 (Ga. L. 1909, p. 1071), as amended, particularly by an Act approved March 30, 1989 (Ga. L. 1989, p. 4813), so as to provide for election districts to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

HB 1177. By Representatives Ehrhart of the 36th, Wilkerson of the 33rd, Evans of the 40th, Johnson of the 37th, Dollar of the 45th and others:

A BILL to be entitled an Act to amend an Act providing for the Magistrate Court of Cobb County, approved March 24, 1988 (Ga. L. 1988, p. 4451), as amended, so as to provide for the collection of law library fees; 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 1183. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend an Act relating to the Montgomery County Board of Education, approved March 21, 1979 (Ga. L. 1979, p. 3151), as amended, so as to change the description of the education districts; to provide for the manner of election; 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 1184. By Representative Horne of the 71st:

A BILL to be entitled an Act to amend an Act creating a new charter for the Town of Moreland, approved March 28, 1985 (Ga. L. 1985, p. 5053), as amended, particularly by an Act approved March 30, 1993 (Ga. L. 1993, p. 4213), so as to change the terms and dates of election of the mayor and aldermen; to provide for a referendum; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

HB 1185. By Representative Pruettt of the 144th:

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

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

HB 1187. By Representatives Braddock of the 19th and Maxwell of the 17th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Hiram, approved February 27, 1956 (Ga. L. 1956, p. 2620), as amended, so as to create the position of city manager and define the powers and duties of said position; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

On the passage of the Bills, the ayes were 151, nays 0.

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

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

HB 1065. By Representative Williams of the 4th:

A BILL to be entitled an Act to amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to change certain provisions relating to tax payment and reporting by licensees; to provide a date by which taxes must be paid for distilled spirits sold by the package or disposed of by wholesale dealers; to provide for electronic record keeping; to declare certain distilled spirits to be contraband; to change certain provisions relating to authorization of the levy of tax on the sale of distilled spirits by the package and imposition of tax by both counties and municipalities; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	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, the ayes were 156, nays 0.

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

Representative Murphy of the 120th 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 1026. By Representatives Sheldon of the 105th, Rice of the 51st and Brockway of the 101st:

A BILL to be entitled an Act to amend Code Section 15-16-13 of the Official Code of Georgia Annotated, relating to authorization of law enforcement contracts with municipalities, reimbursement, employment and expenditures, and exception, so as to change the provisions relative to population brackets and the census regarding the exception to such Code section; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

On the passage of the Bill, the ayes were 160, nays 0.

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

The following Bill of the House, having previously been read, was again taken up for consideration:

HB 986. By Representatives Hembree of the 67th, Smith of the 131st, Maxwell of the 17th, Meadows of the 5th and Dollar of the 45th:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions of insurance, so as to provide that in the event of a dispute or complaint arising involving material not in English, the English version of the material shall control the resolution of the dispute or complaint; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions of insurance, so as to provide that in the event of a dispute or complaint arising involving material not in English, the English version of the material shall control the resolution of the dispute or complaint; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions of insurance, is amended by adding a new Code section to read as follows:

"33-1-22.

In the event of a dispute or complaint wherein an insurer provided any material in a language other than English, the English language version of the policy as that term is defined in paragraph (1) of Code Section 33-24-1 shall control the resolution of such dispute or complaint; provided, however, that nothing contained in this Code section shall abrogate or supercede the provisions set forth in Chapter 6 of Title 33, relating to unfair trade practices."

SECTION 2.

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

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

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

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

Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	N Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 4.

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

Representative Smith of the 70th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 934. By Representatives Parsons of the 42nd, Williams of the 4th, Horne of the 71st and Baker of the 78th:

A BILL to be entitled an Act to amend Code Section 50-37-3 of the Official Code of Georgia Annotated, relating to state agencies entering into guaranteed energy savings performance contracts, so as to change certain provisions relating to the process of implementing guaranteed energy savings performance contracts for governmental units; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 36-91-2 of the Official Code of Georgia Annotated, relating to definitions relative to public works construction projects, so as to define "public works construction"; to amend Chapter 37 of Title 50 of the Official Code of Georgia Annotated, relating to guaranteed energy savings performance contracts, so as to clarify that the authority of counties and municipal corporations to enter into such contracts is in addition to and does not change or conflict with any otherwise existing authority to enter into such contracts; to provide for definitions; to change certain provisions relating to government units entering into guaranteed energy savings performance contracts; to change certain provisions relating to guaranteed energy savings contracts provisions; to change certain provisions relating to review of capital improvement projects; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-91-2 of the Official Code of Georgia Annotated, relating to definitions relative to public works construction projects, is amended by revising paragraph (12) as follows:

"(12) 'Public works construction' means the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to any public real property other than those projects covered by Chapter 4 of Title 32 or by Chapter 37 of Title 50. Such term does not include the routine operation, repair, or maintenance of existing structures, buildings, or real property, or any energy savings performance contract or any improvements or installations performed as part of an energy savings performance contract."

SECTION 2.

Chapter 37 of Title 50 of the Official Code of Georgia Annotated, relating to guaranteed energy savings performance contracts, is amended by revising paragraph (6) of Code Section 50-37-2, relating to definitions relative to guaranteed energy savings performance contracts, as follows:

"(6) 'Governmental unit' means any ~~officer, employee,~~ authority, board, bureau, commission, department, agency, or institution of a state or local government agency, including, but not limited to, any ~~state agency,~~ state-aided institution, or any county, ~~city, district,~~ municipal corporation, ~~municipality, municipal authority, political subdivision,~~ consolidated government, or school district, ~~educational institution, incorporated town, county institution district, other incorporated district, or other public instrumentality~~ which has the authority to contract for the construction, reconstruction, alteration, or repair of any public building or other public work."

SECTION 3.

Said chapter is further amended by revising Code Section 50-37-3, relating to governmental units entering into guaranteed energy savings performance contracts, as follows:

"50-37-3.

(a) A Where not otherwise authorized by another provision of general law or local Act, a governmental unit may enter into a guaranteed energy savings performance contract with a qualified provider in accordance with the provisions of this chapter. The provisions of this chapter shall apply only to contracts entered into by a governmental unit pursuant to the authority granted by this chapter ~~or in accordance with another statutorily authorized procurement process.~~

(b) ~~If in accordance with applicable law the award of a contract by a governmental unit requires action at a public meeting, a governmental unit may award a guaranteed energy savings performance contract at a public meeting, if it has provided public notice in the manner prescribed under applicable law relating to open meetings, and the notice shall include the names of the parties to the contract and the purpose of the contract. For governmental units that are not required to take actions on contracts at public meetings,~~

~~the governmental unit may award a guaranteed energy savings performance contract in accordance with the procedures adopted by the governmental unit and the requirements of all applicable laws~~ Reserved.

(c) ~~**Selection of qualified energy services provider.**~~ The ~~When a governmental unit is acting pursuant to the power granted by this chapter and not under any otherwise applicable law, the process of implementing guaranteed energy savings performance contracts for governmental units shall include~~ be subject to the following:

"(1) ~~**Prequalification of qualified energy services providers.**~~ The authority shall be authorized to assemble a list of prequalified energy services providers. The director shall attempt to use objective criteria in the selection process. The criteria for evaluation shall include the following factors to assess the capability of the qualified energy services provider in the areas of design, engineering, installation, maintenance, and repairs associated with guaranteed energy savings performance contracts; ~~post-installation~~ postinstallation project monitoring, data collection, and verification of and reporting of savings; overall project experience and qualifications; management capability; ability to access long-term sources of project financing; experience with projects of similar size and scope; and other factors determined by the director to be relevant and appropriate and relate to the ability to perform the project. The prequalification term of the established list of qualified energy ~~service services~~ providers shall be three years. The director ~~shall again assemble a~~ may add additional qualified energy services providers to the list of prequalified qualified energy service services providers ~~every three years from the commencement of each~~ at any time during the prequalification term. A qualified energy services provider may be removed from the list upon a determination by the director that said qualified energy services provider fails to meet the criteria for continued inclusion; and

(2) ~~**Request for proposals.**~~ Before entering into a guaranteed energy savings performance contract under this chapter, a governmental unit may and a state agency shall issue a request for proposals from at least three qualified energy services providers on the prequalifications list prepared and maintained by the director. A governmental unit may thereafter award the guaranteed energy savings performance contract to the qualified energy services provider that best meets the needs of the governmental unit, which need not be the lowest cost provided. A preliminary technical proposal shall be prepared by the qualified energy services provider in response to the request for proposals. Factors to be included in selecting the most qualified energy services provider for award of the guaranteed energy savings performance contract shall include, but not be limited to, the comprehensiveness of the proposal, comprehensiveness of cost-saving measures, experience, quality of technical approach, overall benefits to the governmental unit, and other factors determined by the governmental unit to be relevant to the implementation of the project.

(d) The governmental unit shall select the qualified energy services provider that best meets the needs of the governmental unit in accordance with criteria established by the governmental unit. ~~For governmental units that are not required to take actions on~~

~~contracts at public meetings, the governmental unit shall provide public notice of the award of the guaranteed energy savings performance contract within 30 days. The notice shall include the names of the parties to the contract and the purpose of the contract. For governmental units that are required to take actions on contracts at public meetings, the public notice shall be made at least ten days prior to the meeting. After reviewing the proposals pursuant to subsection (e) of this Code section, a governmental unit may enter into an investment grade energy audit agreement with the selected qualified energy services provider for the provision of the energy audit report described in subsection (e) of this Code section.~~

(e) Before executing the guaranteed energy savings performance contract, the qualified energy services provider shall provide the governmental unit with an energy audit report summarizing recommendations for energy conservation measures based on anticipated energy, operational water, or waste-water cost savings or revenue increases resulting from the energy conservation measures. The energy audit report shall include estimates of all costs of installation, maintenance, repairs, and debt service and estimates of the amounts by which energy or operating costs will be reduced.

~~(f) Notwithstanding any other provision of law governing the letting of public contracts,~~ a A governmental unit may enter into guaranteed energy savings performance contracts with each qualified energy services provider selected in accordance with the provisions of this chapter. The governmental unit may elect to implement the energy conservation measures in one or more phases with the selected qualified energy services provider."

SECTION 4.

Said chapter is further amended by revising subsection (g) of Code Section 50-37-4, relating to guaranteed energy savings contracts provisions, as follows:

"(g) **Reporting.** Upon execution of a guaranteed energy savings performance contract that reduces the governmental unit's annual electric usage by more than 100 megawatt hours, the governmental unit shall provide written notice to its utility providers describing the energy conservation measures to be installed. Additionally, the authority shall make publicly available an annual list of all guaranteed energy savings performance contracts that are signed in each calendar year."

SECTION 5.

Said chapter is further amended by revising Code Section 50-37-6, relating to review of capital improvement projects, as follows:

"50-37-6.

Every ~~governmental unit~~ state agency shall periodically review all proposed capital improvement projects for potential applicability of this chapter and shall first consider proceeding with a guaranteed energy savings performance contract under this chapter where appropriate."

SECTION 6.

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

SECTION 7.

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	E Shaw
Y Abrams	E Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Y Allison	Y Dempsey	E 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	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	E Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	E Hugley	Y Nix	Y Stephens, R
Y Beverly	Y Ehrhart	Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	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	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Y Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
Y Byrd	Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

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

HB 808. By Representatives Yates of the 73rd, Collins of the 27th, Black of the 174th, Holcomb of the 82nd, Hatchett of the 143rd and others:

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of Georgia taxable net income, so as to provide for an exclusion applicable to certain income of certain disabled veterans; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

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

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

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

Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 1.

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

Representative Sims of the 119th stated that she inadvertently voted "nay" on the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

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

The following Committee substitute was read:

A RESOLUTION

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

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by adding a new subparagraph (o) to read as follows:

"(o) The General Assembly may provide by general law that certain existing fees and assessments be dedicated for the purpose of funding legal services for indigent persons accused of crimes and delinquent acts. Revenues dedicated pursuant to this subparagraph shall not lapse as required by Article III, Section IX, Paragraph IV(c) and shall not be subject to the limitations of subparagraph (a) of this Paragraph or of Article VII, Section III, Paragraph II."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

- "() YES Shall the Constitution of Georgia be amended so as to authorize the General Assembly to provide by law that certain EXISTING fees and assessments
 () NO be dedicated for funding legal services for indigent persons accused of crimes and delinquent acts in compliance with the United States Constitution?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

The following amendment was read and adopted:

Representative Golick of the 34th et al. offer the following amendment:

Amend the House Committee on Judiciary Non-civil substitute to HR 977 (LC 29 5071S) by deleting "to provide that such funds shall not be subject to lapse;" from lines 3 and 4.

By deleting "shall not lapse as required by Article III, Section IX, Paragraph IV(c) and" from line 13.

The Committee substitute, as amended, was adopted.

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

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

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

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

On the adoption of the Resolution, by substitute, as amended, the ayes were 164, nays 1.

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

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

A BILL to be entitled an Act to amend Title 15 and Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to courts and legal defense for indigents, respectively, so as to change certain provisions so that certain fees and assessments are dedicated to funding legal services for indigent persons accused of crimes and delinquent acts; to change provisions relating to the budget of the council; to provide a contingent effective date; to provide for automatic repeal under certain conditions; to repeal conflicting laws; and for other purposes.

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

On the passage of the Bill, the ayes were 167, nays 1.

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

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

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

Y Abdul-Salaam	N Davis	Y Heckstall	Y McBrayer	E Shaw
Y Abrams	E Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
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	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Y Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	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	E Evans	Y Jerguson	Y Parrish	Taylor, R
Y Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E 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	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 1.

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

HB 871. By Representatives Battles of the 15th, Coomer of the 14th, Meadows of the 5th and Powell of the 171st:

A BILL to be entitled an Act to amend Code Section 15-21-179 of the Official Code of Georgia Annotated, relating to the additional penalty for violations of traffic laws or ordinances to be assessed for driver education purposes, so as to extend the expiration date of the Code section; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 149, nays 16.

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

HB 991. By Representatives Maddox of the 127th, Baker of the 78th and Talton of the 145th:

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 change provisions relating to how vacancies are filled; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to sheriffs, so as to change provisions relating to how vacancies are filled; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions relative to sheriffs, is amended by revising Code Section 15-16-8, relating to how vacancies are filled, as follows:

"15-16-8.

(a) Except as otherwise provided by local law, vacancies in the office of sheriff shall be filled ~~and the proceedings thereafter shall be as in cases of vacancies in the office of clerk of the superior court, subject to the exception provided in subsection (b) of this Code section by the chief deputy sheriff if a chief deputy has been appointed. In any county in which a chief deputy sheriff has not been appointed, the probate judge shall, within three days of the vacancy, appoint a qualified person to serve as the interim sheriff.~~

~~(b)(1) In case there is a failure to appoint, as set forth in Code Section 15-6-54, the coroner of the county shall act as sheriff. If there is no coroner, the sheriff of any adjoining county is authorized to act as sheriff until the judge of the probate court makes the appointment or an election is held. If less than six months of the sheriff's term of office remains at the time the vacancy occurs, the chief deputy sheriff or the interim sheriff, as the case may be, shall hold office for the unexpired term of the sheriff.~~

~~(2) If more than six months of the sheriff's term of office remains at the time the vacancy occurs, the election superintendent for the county shall call a special election to fill such vacancy. Such official shall give notice in one or more of the public newspapers of the county, if any; in the official legal organ of the county; at the courthouse; and at three or more of the most public places of the county at least 30 days prior to the date of such special election. Such special election shall be held at the next available special election date provided in Code Section 21-2-540 that is at least 60 days after the date the vacancy occurred. The person elected at such special~~

election shall hold office for the unexpired term. The election shall be conducted in accordance with Chapter 2 of Title 21.

(c) Notwithstanding the provisions of Code Section 45-5-1, the office of sheriff shall by operation of law be deemed vacant upon certification by the Georgia Peace Officer Standards and Training Council to the judge of the probate court of the county that the certification required to be a peace officer has been revoked for the sheriff of said county. Such vacancy shall be filled as provided in this Code section."

SECTION 2.

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

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

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

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

Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 1.

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

Representative Dickerson of the 95th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 997. By Representatives Pak of the 102nd, Atwood of the 179th, Tankersley of the 158th, Hightower of the 68th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide for the new crime of false lien statements against public officers or public employees; to provide for definitions; to provide for penalties; to provide a cross-reference; 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	E Shaw
Y Abrams	E Dawkins-Haigler	Y Hembree	Y McCall	Sheldon
Y Allison	Y Dempsey	Y Henson	Y McKillip	Y Sims, B
Y Amerson	E Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Neal, J	Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
N Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	Y Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Y Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E 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	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Martin	Y Scott, M	Y Williamson
Y Cooper	N Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 3.

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

Representative Neal of the 1st 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 1069. By Representatives Weldon of the 3rd, Harden of the 147th, Holt of the 112th, Dollar of the 45th, Taylor of the 79th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions regarding pharmacists and pharmacies, so as to revise the definition of "security paper"; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions regarding pharmacists and pharmacies, so as to revise the definition of "security paper"; to revise a requirement relating to a seal; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to general provisions regarding pharmacists and pharmacies, is amended by revising paragraph (38.5) of Code Section 26-4-5, relating to definitions, as follows:

"(38.5) 'Security paper' means:

(A) A a prescription pad or paper that has been approved by the board for use and contains the following characteristics:

~~(A)~~(i) One or more industry recognized features designed to prevent unauthorized copying of a completed or blank prescription form;

~~(B)~~(ii) One or more industry recognized features designed to prevent the erasure or modification of information written on the prescription form by the practitioner; and

~~(C)~~(iii) One or more industry recognized features designed to prevent the use of counterfeit prescription forms.

Where security paper is in the form of a prescription pad, each pad shall bear an identifying lot number, and each piece of paper in the pad shall be numbered sequentially beginning with the number one; or

(B) A prescription pad or paper that has been approved by the Centers for Medicare and Medicaid Services."

SECTION 2.

Said article is further amended by revising subsections (c) and (f) of Code Section 26-4-80.1, relating to the use of security paper for hard copy prescription drug orders, as follows:

"(c) If a hard copy of an electronic data prescription drug order for any Schedule II controlled substance is given directly to the patient, the manually signed hard copy prescription drug order must be on ~~approved~~ security paper approved by the board that meets the requirements of subparagraph (A) of paragraph (38.5) of Code Section 26-4-5 or security paper that meets the requirements of subparagraph (B) of paragraph (38.5) of Code Section 26-4-5."

"(f) The board shall create a seal of approval that confirms that security paper contains all three industry recognized characteristics required by subparagraph (A) of paragraph (38.5) of Code Section 26-4-5. The seal shall be affixed to all security paper used in this state; provided, however, that security paper which meets the requirements of subparagraph (B) of paragraph (38.5) of Code Section 26-4-5 shall not be required to have such affixed seal."

SECTION 3.

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

SECTION 4.

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

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

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

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

HB 1024. By Representatives Rice of the 51st and Harrell of the 106th:

A BILL to be entitled an Act to amend an Act providing for a budget commission in certain counties based upon classification by population, approved March 2, 1953 (Ga. L. 1953, Jan.-Feb. Sess. p. 2815), as amended, so as to revise and change the population and census application; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y McBrayer	E Shaw
Y Abrams	E Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Allison	Y Dempsey	Y Henson	Y McKillip	Y Sims, B
Amerson	E Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	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	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Y Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Fludd	Y Jones, J	Y Peake	Teasley
Y Buckner	E 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	Pruett	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatcher	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 160, nays 0.

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

HB 928. By Representatives Riley of the 50th, Greene of the 149th, Maddox of the 172nd, Wilkerson of the 33rd, Anderson of the 117th and others:

A BILL to be entitled an Act to amend Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to the Peace Officers' Annuity and Benefit Fund, so as to provide that the board of trustees of such fund shall be authorized to employ a hearing officer; to provide for dispute resolution; to provide for powers and duties of the hearing officer; to provide for hearings; to provide for a record of hearings; to provide for judicial review; 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	E Shaw
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
Allison	Y Dempsey	Y Henson	Y McKillip	Y Sims, B
Y Amerson	E Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	E Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	Y Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Y Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
Y Byrd	Y Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Y Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	Y Williams, A

Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	Y Mayo	Y Setzler	Ralston, Speaker

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

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

HB 987. By Representatives Riley of the 50th and Maxwell of the 17th:

A BILL to be entitled an Act to amend Article 7 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to miscellaneous provisions relative to the Peace Officers' Annuity and Benefit Fund, so as to provide that a member of the fund who ceases to be employed as a peace officer shall have a duty to so notify the retirement fund immediately; to provide for a cessation of membership; 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	E 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	E Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Dukes	Y Howard	E Neal, Y	Y Spencer
Y 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	Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	Y Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
Y Byrd	Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch

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

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

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

HB 945. By Representatives Teasley of the 38th, Morris of the 155th, Williamson of the 111th, Dutton of the 166th, Dawkins-Haigler of the 93rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to banks and trust companies, so as to provide for the issuance of non-cash valued shares by a bank or trust company with approval from the Department of Banking and Finance; to provide for the issuance of dividends from sources other than retained earnings with prior approval from the department; 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	E 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	E Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	N Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Baker	Dollar	Y Holt	N Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Y Dukes	Y Howard	E Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Y Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	N James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	N Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	N Taylor, R

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

On the passage of the Bill, the ayes were 154, nays 11.

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

HR 1150. By Representatives Coleman of the 97th, England of the 108th, Dickson of the 6th, Kaiser of the 59th, Abrams of the 84th and others:

A RESOLUTION proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the sales and use tax for educational purposes shall only be distributed on the basis of full-time equivalent student counts when proceeds are distributed between a county school district and the independent school districts located in such county; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article VIII, Section VI, Paragraph IV of the Constitution is amended by revising subparagraph (g) as follows:

"(g) The net proceeds of the tax shall be distributed between the county school district and the independent school districts, or portion thereof, located in such county according to the ratio the student enrollment in each school district, or portion thereof, bears to the total student enrollment of all school districts in the county ~~or upon such other formula for distribution as may be authorized by local law.~~ For purposes of this subparagraph, student enrollment shall be based on the latest ~~FTE~~ full-time equivalent count prior to the referendum on imposing the tax."

SECTION 2.

The above proposed amendment to the Constitution shall be published and submitted as provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the above proposed amendment shall have written or printed thereon the following:

"() YES Shall the Constitution of Georgia be amended to assure that any one cent sales and use tax for educational purposes is distributed equally to a
() NO school system on a per student basis?"

All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes." All persons desiring to vote against ratifying the proposed amendment shall vote "No." If such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall become a part of the Constitution of this state.

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y 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	E Dickerson	Y Hightower	Y Meadows	Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y 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	Y Neal, Y	Y Spencer
Y Benfield	Y Dunahoo	Y Hudson	Y Nimmer	Y Stephens, M
Y Benton	Y Dutton	Y Hugley	Y Nix	Y Stephens, R
Y Beverly	Y Ehrhart	Y Jackson	Y Oliver	Y Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	Y Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
Bruce	E Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas

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

On the adoption of the Resolution, by substitute, the ayes were 166, nays 1.

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

HB 732. By Representatives McBrayer of the 153rd, Yates of the 73rd, Collins of the 27th, Rice of the 51st, Setzler of the 35th and others:

A BILL to be entitled an Act to amend Code Section 40-2-84 of the Official Code of Georgia Annotated, relating to the issuance of license plates to veterans awarded Purple Hearts, so as to include persons still serving in the armed services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to provide that temporary plates or "drive-out tags" may be issued for trailers; to provide that temporary transporter plates issued to motor vehicles may also be issued for the temporary transport of trailers; to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to allow for veterans deemed partially disabled to qualify for a free license plate and annual revalidation decal; to include persons still serving in the armed services; to provide for images to disabled veterans license plates; to add veterans who served in certain wars; to provide for special license plates for veterans and service members awarded certain distinguished service medals; to provide for license plates to promote

prostate cancer awareness; to provide for procedures; to provide that persons issued special license plates as certified firefighters shall be exempt from paying an annual special license plate renewal fee; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, is amended by revising Code Section 40-2-38.1, relating to transporter license plate, as follows:

"40-2-38.1.

(a) A person engaged in the business of the limited operation of a motor vehicle or trailer for any of the following purposes may obtain a transporter plate authorizing the movement of the vehicle for the specific purpose:

(1) To facilitate the delivery of new or used motor vehicles, trucks, trailers, or buses between manufacturers, distributors, dealers, sellers, or purchasers;

(2) To move a mobile office, a mobile classroom, a mobile or manufactured home, or a house trailer;

(3) To drive a motor vehicle or pull a trailer that is part of the inventory of a dealer to and from a motor vehicle or trailer trade show or exhibition or to, during, and from a parade in which the motor vehicle or trailer is used; or

(4) To drive special mobile equipment in any of the following circumstances:

(A) From the manufacturer of the equipment to a facility of a dealer; or

(B) From one facility of a dealer to another facility of a dealer.

(b) This Code section shall not be construed to require a motor vehicle or trailer dealer to obtain transporter plates in order to transport vehicles for sale or lease.

(c) A person may obtain a transporter plate by filing an application with the Department of Revenue and paying the required fee. The fee for an initial transporter plate shall be \$62.00 and the fee for all additional plates shall be \$12.00. An application for a transporter plate must be on a form provided by the department and must contain the information required by the department. The department is authorized to promulgate regulations consistent with this Code section.

(d) Transporter plates issued under this Code section shall be distinguishable from dealer, wholesaler, manufacturer, or distributor plates, as provided for in Code Section 40-2-38.

(e) During the year for which it is issued, a person may transfer a transporter plate from one vehicle to another so long as the vehicle is driven or pulled only for a purpose authorized by subsection (a) of this Code section. In order to obtain a transporter plate, an applicant must demonstrate to the department compliance with all applicable federal and state laws.

(f) The license plates issued pursuant to this Code section shall be revoked and confiscated upon a determination after a hearing that an applicant has unlawfully used

such license plates for purposes other than those expressly permitted by this Code section.

(g) If a license plate issued pursuant to this Code section is lost or stolen, the dealer, manufacturer, distributor, or other party to whom the license plate was issued must immediately report the lost or stolen plate to local law enforcement agencies. If a replacement license plate is sought, the dealer, manufacturer, distributor, or other party to whom the license plate was issued shall file a notarized affidavit with the department requesting a replacement plate. Such affidavit shall certify under penalty of perjury that the license plate has been lost or stolen and that the loss has been reported to a local law enforcement agency.

(h) This Code section shall not in any way apply to farm tractors.

(i)(1) The expiration of a license plate issued pursuant to this Code section shall be the last day of the registration period as provided in division (a)(1)(A)(ii) of Code Section 40-2-21, except that for the purposes of this subsection, the registration period shall be determined by the first letter of the legal name of the business listed on the application for registration or renewal of registration. An application for renewal of registration shall not be submitted earlier than 90 days prior to the last day of the registration period. A penalty of 25 percent of the total registration fees due shall be assessed any person registering pursuant to this Code section who, prior to the expiration of such person's registration period, fails to apply for renewal or if having applied fails to pay the required fees.

(2) A transition period shall commence on October 1, 2007, and conclude on December 31, 2007, for all existing registrations and any new registration applications presented prior to January 1, 2008. On or after January 1, 2008, new applications for registration shall be submitted and remain valid until the expiration of such registration as specified in paragraph (1) of this subsection.

(j) The commissioner shall adopt rules and regulations for the implementation of this Code section."

SECTION 2.

Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, is amended by revising Code Section 40-2-70, relating to free license plates and revalidation decals for disabled veterans, as follows:

"40-2-70.

(a) Any citizen and resident of the State of Georgia who has been discharged from the armed forces under conditions other than dishonorable or who is currently serving in the armed forces, who is disabled to any degree specified and enumerated in Code Section 40-2-69, and who is the owner of a private passenger motor vehicle, but who cannot qualify under Code Section 40-2-69, shall be entitled to a special and distinctive automobile license plate. Such license plate shall be transferred to another vehicle acquired by such veteran or jointly by such veteran and his or her spouse as provided in Code Section 40-2-80. Such veteran shall be entitled to such plate regardless of

whether he or she is suffering from a service connected or nonservice connected disability.

(b) Such veteran must apply for such license plate and, upon compliance with the state motor vehicle laws for licensing of motor vehicles and without payment of the regular license fee for plates as prescribed under Article 7 of this chapter, such veteran shall be issued similar license plates as prescribed in Code Section 40-2-71 for private passenger cars. There shall be no charge for the additional plate issued such veteran under this Code section. There shall be no charge for revalidation decals for such plates.

(c) If a veteran has not been certified as disabled by the United States Department of Veterans Affairs, such veteran may submit to the Department of Veterans Service such veteran's discharge papers and a certified statement from a physician, licensed under Chapter 34 of Title 43, certifying that in the opinion of such physician such veteran is disabled to a degree enumerated in Code Section 40-2-69. If the certificate from the physician indicates the qualifying disabilities which meet the standards of the United States Department of Veterans Affairs, the commissioner of veterans service shall submit a letter to the state revenue commissioner indicating that the veteran meets the requirements of this Code section and qualifies for a special license plate as provided in this Code section."

SECTION 3.

Said article is further amended by revising Code Section 40-2-71, relating to design of disabled veteran plates and restrictions on issuance and transfer, as follows:

"40-2-71.

(a) The commissioner is directed to furnish the license plates provided for in Code Sections 40-2-69 and 40-2-70. Such plates shall be printed in three colors: red, white, and blue. The commissioner is authorized and directed to design the license plate. Each plate shall contain, in bold characters, the name of the state, or abbreviation thereof, the year, the serial number, ~~and~~ either the words 'Disabled Veteran' or 'Disabled ~~Vet.~~ Vet,' and an image of the International Symbol of Access which is at least one inch in height and is white on a blue background.

(b) Such license plates so issued shall be transferred to another vehicle as provided in Code Section 40-2-80.

(c) No disabled veteran shall be entitled to own or operate more than one vehicle with the free license plates provided by Code Sections 40-2-69, 40-2-70, and this Code section."

SECTION 4.

Said article is further amended by revising subsection (a) of Code Section 40-2-84, relating to the issuance of license plates to veterans awarded Purple Hearts, as follows:

"(a)(1) Motor vehicle or motorcycle owners who are veterans of the armed forces of the United States who have been awarded the Purple Heart citation shall be eligible to receive a special and distinctive vehicle license plate for a private passenger car,

motorcycle, trailer, or truck used for personal transportation, provided that the requisite number of applications ~~are~~ is received by the commissioner as provided in subsection (b) of this Code section. Such license plate shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(2) For purposes of this Code section, the term 'veteran' shall include a member of the armed forces or reserves who is still serving on active duty after being awarded the Purple Heart citation."

SECTION 5.

Said article is further amended by revising Code Section 40-2-85.1, relating to special and distinctive license plates for veterans, as follows:

"40-2-85.1.

(a) For purposes of this Code section, the term:

(1) 'Military medal award' means the following medals, decorations, or other recognition of honor for military service awarded by a branch of the United States military:

(A) Medal of Honor;

(B) Bronze Star Medal;

(C) Silver Star Medal;

(D) Distinguished Service Cross;

(E) Navy Cross;

(F) Air Force Cross;

(G) Defense Distinguished Service Medal;

(H) Homeland Security Distinguished Service Medal;

(I) Distinguished Service Medal;

(J) Navy Distinguished Service Medal;

(K) Air Force Distinguished Service Medal;

(L) Coast Guard Distinguished Service Medal;

(M) Defense Superior Service Medal;

(N) Legion of Merit;

(O) Distinguished Flying Cross;

(P) Purple Heart; and

(Q) Air Medal.

(2) 'Served during active military combat' means active duty service in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, the Global War on Terrorism as defined by Presidential Executive Order 13289, Section 2, the war in Afghanistan, or the war in Iraq, which includes either Operation Iraqi Freedom or Operation Enduring Freedom.

(b)(1) Motor vehicle and trailer owners who are retired veterans of the armed forces of the United States, or who have received a military medal award, or persons who served during active military combat ~~World War I, World War II, the Korean War, the Vietnam War, or Operation Desert Storm~~ shall be eligible to receive special and

distinctive vehicle license plates for private passenger cars, trucks, or recreational vehicles used for personal transportation. Eligibility to receive a special and distinctive vehicle license plate for persons who are no longer serving in the United States military shall be conditioned on such person having been discharged from military service under honorable conditions. Such license plates shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter.

(2)(A) Motor vehicle and trailer owners who retired from active duty with the armed forces of the United States or have received a military medal award or served during active military combat shall be issued upon application for and upon compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles a retired veteran's license plate, military medal award recipient license plate, or commemorative service license plate for service during active military combat. One such ~~retired veteran's~~ license plate shall be issued without the requisite registration fee, manufacturing fee, or annual registration fee.

(B) Each ~~retired~~ member or former member of the armed forces listed in subsection (b) of this Code section shall be entitled to no more than one such free license plate at a time; provided, however, that upon payment of a manufacturing fee of \$25.00, a member shall be entitled to one additional such license plate. For each additional license plate for which a \$25.00 manufacturing fee is required, there shall be an additional annual registration fee of \$25.00 which fee shall be collected by the county tag agent at the time of collection of other registration fees and shall be remitted to the state as provided in Code Section 40-2-34.

~~(b)(c)~~ (c) The commissioner shall design a retired veteran's license plate, a military medal award recipient license plate, and ~~or a distinctive~~ license plate to commemorate service ~~by~~ with the United States armed forces ~~in wars~~ during active military combat listed in subsection (a) of this Code section. The commissioner shall promulgate such rules and regulations as may be necessary to enforce compliance with all state license laws relating to the use and operation of private passenger cars, ~~and~~ trucks, and trailers before issuing these license plates in lieu of the regular Georgia license plates. The manufacturing fee for such special and distinctive license plates shall be \$25.00. The commissioner is specifically authorized to promulgate all rules and regulations necessary to ensure compliance in instances where such vehicles have been transferred or sold. Except as provided in subsection (d) of this Code section, such plates shall be nontransferable.

~~(e)(d)~~ (d) The special and distinctive vehicle license plates shall be as prescribed in Article 2 of this chapter for private passenger cars, ~~and~~ trucks, and trailers used for personal transportation. Such plates shall contain such words or symbols, in addition to the numbers and letters prescribed by law, so as to identify distinctively the owners as retired veterans of the armed forces of the United States, or recipients of a military medal award, or persons who served during active military combat ~~World War I, World War II, the Korean War, the Vietnam War, or Operation Desert Storm~~ and shall additionally, for such plates manufactured after July 1, 2001, identify distinctly the

owner as a veteran of one of the following branches of the armed forces: Army, Navy, Marines, Air Force, or Coast Guard.

~~(d)~~(e) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80. The spouse of a deceased ~~retired~~ veteran of the armed forces of the United States or of a deceased person who received a military medal award or who served during active military combat ~~World War I, World War II, the Korean War, the Vietnam War, or Operation Desert Storm~~ shall continue to be eligible to be issued a distinctive personalized license plate as provided in this Code section for any vehicle owned by such veteran ownership of which is transferred to the surviving spouse or for any other vehicle owned by such surviving spouse either at the time of the qualifying veteran's death or acquired thereafter, so long as such person does not remarry.

~~(e)~~(f) Special license plates issued under this Code section, except as provided in subparagraph (a)(2)(A) of this Code section, shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 without payment of an additional \$25.00 annual registration fee. It shall be a requirement that a county name decal shall be affixed and displayed on license plates issued under this Code section."

SECTION 6.

Said article is further amended by revising paragraph (2) of subsection (a) and by adding a new paragraph to subsection (m) of Code Section 40-2-86, relating to special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations, to read as follows:

"(2) In accordance with Article III, Section IX, Paragraph VI(n) of the Constitution, the General Assembly has determined that the issuance of special license plates to support an agency or fund or a program beneficial to the people of this state that is administered by a nonprofit corporation organized under Section 501(c)(3) of Title 26 of the Internal Revenue Code and dedicating a portion of the funds raised from the sale of these special license plates is in the best interests of the people of this state. ~~Any new special license plates adopted on or after July 1, 2010, that share a portion of the revenue raised with any agency, fund, nonprofit organization, or other similar entity shall allocate the revenue in accordance with the formula contained in subsection (l) of this Code section."~~

"(10) A special license plate to support prostate cancer related awareness and research programs. The provisions of paragraph (1) of this subsection notwithstanding, from the additional \$35.00 special license plate fee or special license plate renewal fee charged for the issuance and renewal of prostate cancer license plates authorized under this paragraph, \$13.00 shall be deposited in the general fund and \$22.00 shall be disbursed to the Georgia Prostate Cancer Coalition to fund prostate cancer awareness, research, screening, and treatment related programs."

SECTION 7.

Said article is further amended by revising subsection (d) of Code Section 40-2-86.1, relating to special license plates promoting certain beneficial projects and supporting certain worthy agencies, funds, or nonprofit corporations, as follows:

"(d) Any Georgia resident who is the owner of a motor vehicle, except a vehicle registered under the International Registration Plan, upon complying with the motor vehicle laws relating to registration and licensing of motor vehicles and upon the payment of a manufacturing fee of \$25.00 and a special license plate fee of \$35.00, in addition to the regular motor vehicle registration fee, shall be able to apply for a special license plate listed in subsection (l) of this Code section. Revalidation decals shall be issued for special license plates in the same manner as provided for general issue license plates, with the addition of a \$35.00 special license plate renewal fee, provided that special license plates issued pursuant to paragraph (9) of subsection (l) of this Code section shall be exempt from such special license plate renewal fee."

SECTION 8.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 166, nays 1.

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

HB 931. By Representatives Shaw of the 176th, Meadows of the 5th, Jasperse of the 12th, Smith of the 131st, Maxwell of the 17th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to update this state's domestic farmers' mutual fire insurance companies provisions; to provide that the companies are organized for the purpose of insuring property; to provide for minimum surplus requirements for the issuance of a certificate of authority; to provide that certain changes to a plan of operation require filing and approval by the Commissioner; to provide for bylaw amendment at least 30 days prior to adoption; to provide for minimum surplus requirements; to provide for limitations on amount that may be retained on any subject of insurance; 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	E Dickerson	Y Hightower	Y Meadows	Sims, C
Y Anderson	Y Dickey	Y Hill	Y Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y Drenner	Y Horne	Y Murphy	Y Smith, T
E Beasley-Teague	Y Dudgeon	Y Houston	Y Neal, J	Smyre
Y Bell	Y Dukes	Y Howard	Y Neal, Y	Y Spencer

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

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

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

HB 896. By Representatives Coleman of the 97th, Casas of the 103rd, Dudgeon of the 24th, Dickson of the 6th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to sales tax for educational purposes, so as to change certain provisions regarding distribution of the sales tax for educational purposes; to provide for related matters; to provide for contingent effectiveness; to provide for automatic repeal under certain conditions; 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	E Dickerson	Y Hightower	Y Meadows	Sims, C

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

On the passage of the Bill, the ayes were 164, nays 1.

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

The Speaker announced the House in recess until 2:00 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

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

HB 534	Do Pass, by Substitute	HB 748	Do Pass, by Substitute
HB 861	Do Pass, by Substitute	HB 1089	Do Pass
HB 1132	Do Pass, by Substitute	HB 1198	Do Pass, by Substitute

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

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

HR 1678. By Representatives James of the 135th and Williams of the 165th:

A RESOLUTION commending Curtis Lee Atkinson and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 1679. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION commending Dr. Beverly A. Scott and inviting her to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1680. By Representative Smith of the 70th:

A RESOLUTION recognizing and commending Ms. Barbara Landreth; and for other purposes.

HR 1681. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending the 94th birthday of Ms. Adele Mercier; and for other purposes.

HR 1682. By Representatives O`Neal of the 146th, Talton of the 145th and Harden of the 147th:

A RESOLUTION recognizing and commending Major General Robert McMahon on the occasion of his retirement; and for other purposes.

HR 1683. By Representatives Lindsey of the 54th, Ashe of the 56th and Gardner of the 57th:

A RESOLUTION recognizing and commending Ms. Evonne Yancey on the occasion of her retirement; and for other purposes.

HR 1684. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Coach Gary Varner; and for other purposes.

HR 1685. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Mr. Richard McKee on being named the Acworth Middle School 2011-2012 Teacher of the Year; and for other purposes.

HR 1686. By Representative Setzler of the 35th:

A RESOLUTION recognizing and commending Coy J. Dunn, Jr., Kennesaw Mountain High School 2011-2012 Teacher of the Year and Cobb County 2011-2012 Teacher of the Year; and for other purposes.

HR 1687. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending the Luther Judson Price Middle School football team on their 2011 Atlanta Public Schools Middle School Football Championship; and for other purposes.

HR 1688. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Helene S. Mills; and for other purposes.

HR 1689. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Chairman Eldrin Bell; and for other purposes.

HR 1690. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Reverend Timothy McDonald III; and for other purposes.

HR 1691. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Vernell Mosley; and for other purposes.

HR 1692. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Geri Chatmon; and for other purposes.

HR 1693. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Ruthie Garrett Walls; and for other purposes.

HR 1694. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Mr. Arthur Queen; and for other purposes.

HR 1695. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION recognizing and commending Ms. Deborah Mack; and for other purposes.

HR 1696. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Stephenson of the 92nd and Dawkins-Haigler of the 93rd:

A RESOLUTION recognizing and commending Dr. Sherry Blake; and for other purposes.

HR 1697. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION recognizing and commending Dr. Pauline Knight-Ofosu; and for other purposes.

HR 1698. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Jones of the 44th and Stephenson of the 92nd:

A RESOLUTION recognizing and commending Representative Nikki Randall; and for other purposes.

HR 1699. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Stephenson of the 92nd and Dawkins-Haigler of the 93rd:

A RESOLUTION recognizing and commending the Honorable Georgia Montgomery Davis Powers; and for other purposes.

HR 1701. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Brooks of the 63rd and Taylor of the 55th:

A RESOLUTION recognizing and commending Ms. Dana Lemon; and for other purposes.

HR 1702. By Representatives Beasley-Teague of the 65th, Jones of the 44th, Dickerson of the 95th, Kendrick of the 94th, Dawkins-Haigler of the 93rd and others:

A RESOLUTION recognizing and commending Ms. Sherry Rochelle Hopkins; and for other purposes.

HR 1703. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Jones of the 44th, Dawkins-Haigler of the 93rd and others:

A RESOLUTION recognizing and commending Representative Sharon Cooper; and for other purposes.

HR 1704. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION honoring Marcia Anderson on the occasion of her promotion to Major General in the United States Army; and for other purposes.

HR 1705. By Representatives Beasley-Teague of the 65th, Dickerson of the 95th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Brooks of the 63rd and others:

A RESOLUTION recognizing and commending Ms. Angie Bates; and for other purposes.

HR 1706. By Representatives Beasley-Teague of the 65th, Brooks of the 63rd, Randall of the 138th, Abrams of the 84th, Parrish of the 156th and others:

A RESOLUTION recognizing and commending the Honorable William C. Randall; and for other purposes.

HR 1707. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION honoring the life and memory of the Honorable Grace Wilkerson Davis; and for other purposes.

HR 1708. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION recognizing and commending Ms. Janulyn Yvette Lennon; and for other purposes.

HR 1709. By Representatives Beasley-Teague of the 65th, Kendrick of the 94th, Dickerson of the 95th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION honoring the life and memory of the Honorable Betty Jean Clark; and for other purposes.

HR 1710. By Representatives Brooks of the 63rd, Smyre of the 132nd, Stephenson of the 92nd, Beasley-Teague of the 65th and Bruce of the 64th:

A RESOLUTION honoring the life and memory of Mr. James E. Young; and for other purposes.

HR 1711. By Representatives Dudgeon of the 24th, Cooper of the 41st, Gardner of the 57th and Harden of the 28th:

A RESOLUTION recognizing March 7, 2012, as Amyotrophic Lateral Sclerosis Awareness Day at the capitol; and for other purposes.

HR 1712. By Representative Hembree of the 67th:

A RESOLUTION recognizing and commending the Douglas County Chamber Singers on the occasion of their tenth anniversary celebration; and for other purposes.

HR 1713. By Representatives Yates of the 73rd, England of the 108th, Black of the 174th, Collins of the 27th, Smith of the 168th and others:

A RESOLUTION recognizing the Veterans Remembered Flag; and for other purposes.

HR 1714. By Representatives Taylor of the 79th, Parent of the 81st and Jacobs of the 80th:

A RESOLUTION recognizing and commending Mr. Robert Wittenstein; and for other purposes.

HR 1715. By Representatives Taylor of the 79th, Jacobs of the 80th and Riley of the 50th:

A RESOLUTION recognizing and commending Mr. Danny Ross; and for other purposes.

HR 1716. By Representatives Taylor of the 79th, Parent of the 81st and Jacobs of the 80th:

A RESOLUTION recognizing and commending Mr. Ken Wright; and for other purposes.

HR 1717. By Representatives Johnson of the 37th, Heard of the 114th, Cooper of the 41st, Hugley of the 133rd, Wilkerson of the 33rd and others:

A RESOLUTION recognizing and commending ViaCyte; and for other purposes.

HR 1718. By Representatives Holcomb of the 82nd and Parent of the 81st:

A RESOLUTION commending the Northlake Community Alliance, Inc.; and for other purposes.

HR 1719. By Representatives McCall of the 30th, Burns of the 157th and England of the 108th:

A RESOLUTION commending the Georgia peanut industry and recognizing March 6, 2012, as Peanut Butter and Jelly Day at the capitol; and for other purposes.

HR 1720. By Representatives Smith of the 131st and Meadows of the 5th:

A RESOLUTION recognizing and commending Blue Cross and Blue Shield of Georgia on the occasion of its 75th anniversary; and for other purposes.

HR 1721. By Representative Channell of the 116th:

A RESOLUTION recognizing and commending Dr. William H. Rhodes, Jr.; and for other purposes.

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

HB 916. By Representatives Knight of the 126th, England of the 108th, McCall of the 30th, Roberts of the 154th and Buckner of the 130th:

A BILL to be entitled an Act to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to change certain qualifications and restrictions regarding covenants; to provide for exceptions; to provide for a definition; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to change certain qualifications and restrictions

regarding covenants; to provide for exceptions; to provide for a definition; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, is amended by revising subsections (a), (b), and (i) as follows:

"(a) For purposes of this article, the term 'bona fide conservation use property' means property described in and meeting the requirements of paragraph (1) or (2) and paragraph (3) of this subsection, as follows:

(1) Not more than 2,000 acres of tangible real property of a single person, the primary purpose of which is any good faith production, including but not limited to subsistence farming or commercial production, from or on the land of agricultural products or timber, subject to the following qualifications:

(A) Such property includes the value of tangible property permanently affixed to the real property which is directly connected to such owner's production of agricultural products or timber and which is devoted to the storage and processing of such agricultural products or timber from or on such real property;

(A.1) In the application of the limitation contained in the introductory language of this paragraph, the following rules shall apply to determine beneficial interests in bona fide conservation use property held in a family owned farm entity as described in division (1)(C)(iv) of this subsection:

(i) A person who owns an interest in a family owned farm entity as described in division (1)(C)(iv) of this subsection shall be considered to own only the percent of the bona fide conservation use property held by such family owned farm entity that is equal to the percent interest owned by such person in such family owned farm entity; and

(ii) A person who owns an interest in a family owned farm entity as described in division (1)(C)(iv) of this subsection may elect to allocate the lesser of any unused portion of such person's 2,000 acre limitation or the product of such person's percent interest in the family owned farm entity times the total number of acres owned by the family owned farm entity subject to such bona fide conservation use assessment, with the result that the family owned farm entity may receive bona fide conservation use assessment on more than 2,000 acres;

(B) Such property excludes the entire value of any residence ~~located on the~~ and its underlying property; as used in this subparagraph, the term 'underlying property' means the minimum lot size required for residential construction by local zoning ordinances or two acres, whichever is less. This provision for excluding the underlying property of a residence from eligibility in the conservation use covenant shall only apply to property that is first made subject to a covenant or is subject to the renewal of a previous covenant on or after the effective date of this subparagraph;

(C) Except as otherwise provided in division (vii) of this subparagraph, such property must be owned by:

- (i) One or more natural or naturalized citizens;
- (ii) An estate of which the devisees or heirs are one or more natural or naturalized citizens;
- (iii) A trust of which the beneficiaries are one or more natural or naturalized citizens;
- (iv) A family owned farm entity, such as a family corporation, a family partnership, a family general partnership, a family limited partnership, a family limited corporation, or a family limited liability company, all of the interest of which is owned by one or more natural or naturalized citizens related to each other by blood or marriage within the fourth degree of civil reckoning, except that, solely with respect to a family limited partnership, a corporation, limited partnership, limited corporation, or limited liability company may serve as a general partner of the family limited partnership and hold no more than a 5 percent interest in such family limited partnership, an estate of which the devisees or heirs are one or more natural or naturalized citizens, or a trust of which the beneficiaries are one or more natural or naturalized citizens and which family owned farm entity derived 80 percent or more of its gross income from bona fide conservation uses, including earnings on investments directly related to past or future bona fide conservation uses, within this state within the year immediately preceding the year in which eligibility is sought; provided, however, that in the case of a newly formed family farm entity, an estimate of the income of such entity may be used to determine its eligibility;
- (v) A bona fide nonprofit conservation organization designated under Section 501(c)(3) of the Internal Revenue Code;
- (vi) A bona fide club organized for pleasure, recreation, and other nonprofitable purposes pursuant to Section 501(c)(7) of the Internal Revenue Code; or
- (vii) In the case of constructed storm-water wetlands, any person may own such property;

(D) Factors which may be considered in determining if such property is qualified may include, but not be limited to:

- (i) The nature of the terrain;
- (ii) The density of the marketable product on the land;
- (iii) The past usage of the land;
- (iv) The economic merchantability of the agricultural product; and
- (v) The utilization or nonutilization of recognized care, cultivation, harvesting, and like practices applicable to the product involved and any implemented plans thereof; and

(E) Such property shall, if otherwise qualified, include, but not be limited to, property used for:

- (i) Raising, harvesting, or storing crops;
- (ii) Feeding, breeding, or managing livestock or poultry;

- (iii) Producing plants, trees, fowl, or animals, including without limitation the production of fish or wildlife by maintaining not less than ten acres of wildlife habitat either in its natural state or under management, which shall be deemed a type of agriculture; provided, however, that no form of commercial fishing or fish production shall be considered a type of agriculture; or
 - (iv) Production of aquaculture, horticulture, floriculture, forestry, dairy, livestock, poultry, and apiarian products; or
- (2) Not more than 2,000 acres of tangible real property, excluding the value of any improvements thereon, of a single owner of the types of environmentally sensitive property specified in this paragraph and certified as such by the Department of Natural Resources, if the primary use of such property is its maintenance in its natural condition or controlling or abating pollution of surface or ground waters of this state by storm-water runoff or otherwise enhancing the water quality of surface or ground waters of this state and if such owner meets the qualifications of subparagraph (C) of paragraph (1) of this subsection:
- (A) Environmentally sensitive areas, including any otherwise qualified land area 1,000 feet or more above the lowest elevation of the county in which such area is located that has a percentage slope, which is the difference in elevation between two points 500 feet apart on the earth divided by the horizontal distance between those two points, of 25 percent or greater and shall include the crests, summits, and ridge tops which lie at elevations higher than any such area;
 - (B) Wetland areas that are determined by the United States Army Corps of Engineers to be wetlands under their jurisdiction pursuant to Section 404 of the federal Clean Water Act, as amended, or wetland areas that are depicted or delineated on maps compiled by the Department of Natural Resources or the United States Fish and Wildlife Service pursuant to its National Wetlands Inventory Program;
 - (C) Significant ground-water recharge areas as identified on maps or data compiled by the Department of Natural Resources;
 - (D) Undeveloped barrier islands or portions thereof as provided for in the federal Coastal Barrier Resources Act, as amended;
 - (E) Habitats as certified by the Department of Natural Resources as containing species that have been listed as either endangered or threatened under the federal Endangered Species Act of 1973, as amended;
 - (F) River or stream corridors or buffers which shall be defined as those undeveloped lands which are:
 - (i) Adjacent to rivers and perennial streams that are within the 100 year flood plain as depicted on official maps prepared by the Federal Emergency Management Agency; or
 - (ii) Within buffer zones adjacent to rivers or perennial streams, which buffer zones are established by law or local ordinance and within which land-disturbing activity is prohibited; or

(G)(i) Constructed storm-water wetlands of the free-water surface type certified by the Department of Natural Resources under subsection (k) of Code Section 12-2-4 and approved for such use by the local governing authority.

(ii) No property shall maintain its eligibility for current use assessment as a bona fide conservation use property as defined in this subparagraph unless the owner of such property files an annual inspection report from a licensed professional engineer certifying that as of the date of such report the property is being maintained in a proper state of repair so as to accomplish the objectives for which it was designed. Such inspection report and certification shall be filed with the county board of tax assessors on or before the last day for filing ad valorem tax returns in the county for each tax year for which such assessment is sought; and,

~~(3) The governing authority of a county in which the property that otherwise meets the requirements for current use assessment is located may establish a minimum number of acres as a condition for qualifying for the current use assessment. Such minimum shall be up to 25 acres and shall apply exclusively to qualified property that is first made subject to a covenant required by subsection (d) of this Code section or is subject to the renewal of a previous covenant required by subsection (d) of this Code section on or after January 1, 2012."~~

"(b) Except in the case of the underlying portion of a tract of real property on which is actually located a constructed storm-water wetlands, the following additional rules shall apply to the qualification of conservation use property for current use assessment:

(1) When one-half or more of the area of a single tract of real property is used for a qualifying purpose, then such tract shall be considered as used for such qualifying purpose unless some other type of business is being operated on the unused portion; provided, however, that such unused portion must be minimally managed so that it does not contribute significantly to erosion or other environmental or conservation problems. The lease of hunting rights or the use of the property for hunting purposes shall not constitute another type of business. The charging of admission for use of the property for fishing purposes shall not constitute another type of business;

(2) The owner of a tract, lot, or parcel of land totaling less than ~~ten~~ 25 acres shall be required by the tax assessor to submit additional relevant records regarding proof of bona fide conservation use for qualified property that on or after the effective date of this paragraph is either first made subject to a covenant or is subject to a renewal of a previous covenant. If the owner of the subject property provides proof that such owner has filed with the Internal Revenue Service a Schedule E, reporting farm related income or loss, or a Schedule F, with Form 1040, or, if applicable, a Form 4835, pertaining to such property, the provisions of this paragraph, requiring additional relevant records regarding proof of bona fide conservation use, shall not apply to such property. Prior to a denial of eligibility under this paragraph, the tax assessor shall conduct and provide proof of a visual on-site inspection of the property;

(3) No property shall qualify as bona fide conservation use property if such current use assessment would result in any person who has a beneficial interest in such property, including any interest in the nature of stock ownership, receiving in any tax

year any benefit of current use assessment as to more than 2,000 acres. If any taxpayer has any beneficial interest in more than 2,000 acres of tangible real property which is devoted to bona fide conservation uses, such taxpayer shall apply for current use assessment only as to 2,000 acres of such land;

(4) No property shall qualify as bona fide conservation use property if it is leased to a person or entity which would not be entitled to conservation use assessment;

(5) No property shall qualify as bona fide conservation use property if such property is at the time of application for current use assessment subject to a restrictive covenant which prohibits the use of the property for the specific purpose described in subparagraph (a)(1)(E) of this Code section for which bona fide conservation use qualification is sought; and

(6) No otherwise qualified property shall be denied current use assessment on the grounds that no soil map is available for the county in which such property is located; provided, however, that if no soil map is available for the county in which such property is located, the owner making an application for current use assessment shall provide the board of tax assessors with a certified soil survey of the subject property unless another method for determining the soil type of the subject property is authorized in writing by such board."

"(i)(1) If ownership of all or a part of the property is acquired during a covenant period by a person or entity qualified to enter into an original covenant, then the original covenant may be continued by such acquiring party for the remainder of the term, in which event no breach of the covenant shall be deemed to have occurred.

(2)(A) As used in this paragraph, the term 'contiguous' means real property within a county that abuts, joins, or touches and has the same undivided common ownership. If an applicant's tract is divided by a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track, then the applicant has, at the time of the initial application, a one-time election to declare the tract as contiguous irrespective of a county boundary, public roadway, public easement, public right of way, natural boundary, land lot line, or railroad track.

(B) If a qualified owner has entered into an original bona fide conservation use covenant and subsequently acquires additional qualified property contiguous to the property in the original covenant, the qualified owner may elect to enter the subsequently acquired qualified property into the original covenant for the remainder of the ten-year period of the original covenant; provided, however, that such subsequently acquired qualified property shall be less than 50 acres."

SECTION 2.

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

SECTION 3.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 157, nays 1.

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

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

Representatives Dempsey of the 13th, Dobbs of the 53rd, and Hatfield of the 177th 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.

HR 1177. By Representatives Williams of the 113th and Channell of the 116th:

A RESOLUTION recognizing United States military veterans and dedicating a highway in their honor; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; and for other purposes.

PART I

WHEREAS, our nation's security continues to rely on patriotic men and women who put their personal lives on hold in order to place themselves in harm's way to protect the freedoms that all United States citizens cherish; and

WHEREAS, United States military veterans have demonstrated a deep personal commitment to protecting democracy and a willingness to sacrifice their own personal safety and comfort to ensure the well-being of their fellow man; and

WHEREAS, they have served as guardians of this nation's freedom and liberty and have diligently and conscientiously undergone intensive and rigorous training in order to serve their country with honor and distinction during times of war and peace; and

WHEREAS, it is important that veterans are thanked for their selfless service to this nation and honored for their unyielding commitment to protecting the people and ideals of the United States; and

WHEREAS, veterans embody the spirit of service, willing to find meaning in something greater than themselves, and it is abundantly fitting and proper that the outstanding accomplishments and sacrifices of these remarkable and distinguished Americans be honored appropriately.

PART II

WHEREAS, Herman E. Black was highly regarded by the citizens of the City of Gray and by local government officials as a person of substance; and

WHEREAS, he was the son of William and Maggie Black, both pillars of the community; and

WHEREAS, he spent 76 years of his life as a citizen of Jones County; and

WHEREAS, he was the father of four children, a husband, and a friend; and

WHEREAS, he gave a lifetime of service and commitment to his community by serving on the Jones County Board of Equalization, was a founding member of the Jones County Men's Club, and was a member of the Optimist Club; and

WHEREAS, it is fitting and proper to dedicate State Route 22 in the City of Gray from the eastern city limit to its intersection with State Route 11 as the Herman E. Black Memorial Highway as an appropriate tribute to this outstanding Georgian.

PART III

WHEREAS, Sgt. Carlton "Dan" Jenkins was shot and killed after making a traffic stop of a robbery suspect on I-95 shortly after midnight on August 28, 2000; and

WHEREAS, Sgt. Jenkins had been with the Camden County Sheriff's Department for 7 years, and had been in law enforcement for 11 years; and

WHEREAS, the Camden County Sheriff's Department named him Officer of the Year in 1999; and

WHEREAS, in August of 2010, the 28th of August was declared to be Sergeant Carlton Daniel Jenkins Day in Camden County; and

WHEREAS, he is survived by his wife and five children; and

WHEREAS, it is only fitting and proper that a permanent memorial to this outstanding officer's life and service be established by dedicating an interchange on I-95 in his honor.

PART IV

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. J. Dixon Hays on November 21, 2010; and

WHEREAS, Mr. Hays was born in Mansfield, Georgia, a beloved son of the late James Dixon and Ruth Ewing Hays; and

WHEREAS, a dairy farmer in Newton County for 50 years, Mr. Hays served on the boards of the Newton County Dairy Association, Newton County Farm Bureau, and Gold Kist Co-op and earned the Atlanta Farmers Club's Distinguished Agri-Business Leader Award in 1982; and

WHEREAS, Mr. Hays was an active community leader, serving on the Newton Medical Center Authority for 32 years, the Snapping Shoals Electric Trust Board for 13 years, and treasurer and board member of the Mansfield Community Center; and

WHEREAS, a man of deep and abiding faith, Mr. Hays was a lifelong member of Luther Hays Presbyterian Church where he served as an elder and treasurer for 26 years; and

WHEREAS, Mr. Hays was united in love and marriage for 59 wonderful years to Marilyn Harris Hays and was blessed with the adoration and support of his children, Melinda and Jim Lord and Julius and Jamie Hays; and

WHEREAS, he was the proud grandfather of Jennifer Lord and Eric Wilson, Mary Beth Lord and Rich Zamor, Rebecca Lord, and Jessie Hays; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Hays will long be remembered for his love of family and friendship, and this loyal husband, father, grandfather, and friend will be missed by all who had the great fortune of knowing him.

PART V

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of the Honorable Jimmie Hodge Timmons, Jr., on April 5, 2011; and

WHEREAS, Mr. Timmons was born on June 11, 1939, in Edison, Georgia, a beloved son of Lucille Daniels Timmons and Jimmie Hodge "Red" Timmons, Sr.; and

WHEREAS, a graduate of Damascus High School, Mr. Timmons earned an associate's degree from Abraham Baldwin Agricultural College, a bachelor's degree from the University of Georgia, a master's degree from Auburn University, and a specialist's degree from the University of Georgia; and

WHEREAS, Mr. Timmons served as an esteemed member of the Georgia State Senate from 1974 to 1992, adeptly representing the citizens of Senate District 11 and earning the respect and admiration of his colleagues; and

WHEREAS, a distinguished educator for 40 years, Mr. Timmons served as an agriculture teacher at Bainbridge High School, principal of Damascus Elementary School, principal and Title I coordinator in the Calhoun County School System, and superintendent of the Calhoun County School System; and

WHEREAS, he was an active member of Arlington Baptist Church, the Demosthenian Literary Society of the University of Georgia, and the Calhoun Rifles Sons of Confederate Veterans Edison-Calhoun County; and

WHEREAS, Mr. Timmon's leadership and guidance were instrumental during his service as president of the Abraham Baldwin Agricultural College Alumni Association and president and secretary of the Arlington and Edison's Lions Clubs; and

WHEREAS, he was united in love and marriage to "his honey," Lorraine Kavakos Timmons, and was blessed with four remarkable stepchildren, Tommy, Laura, Bill, and Glynda, and two wonderful grandchildren, Will and Marin; and

WHEREAS, he gave inspiration to many through his high ideals, morals, and deep concern for his fellow citizens, and the devotion, patience, and understanding he demonstrated to his family and friends were admired by others; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness and, by the example he made of his life, he made this world a better place in which to live; and

WHEREAS, a compassionate and generous man, Mr. Timmons will long be remembered for his love of family and friendship, and this loyal brother, husband, stepfather, grandfather, and friend will be missed by all who had the great fortune of knowing him.

PART VI

WHEREAS, Mr. Clarence Williams, Sr., has long been recognized by the citizens of this state for the vital role that he has played in leadership and his deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, he has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service with the University of Georgia Cooperative Extension; and

WHEREAS, Mr. Williams's significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of this state have earned him great respect and admiration; and

WHEREAS, a man of deep and abiding faith, Mr. Williams is an active member of St. Peter's AME Church in Midway, Georgia; and

WHEREAS, he has served as an uplifting and inspirational mentor to countless young people and has worked tirelessly throughout his lifetime to improve housing conditions in Liberty County; and

WHEREAS, Mr. Williams is a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, it is abundantly fitting and proper that the outstanding accomplishments of this remarkable and distinguished Georgian be appropriately recognized with a lasting tribute.

PART VII

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the tragic passing of Trooper Chadwick T. LeCroy on December 23, 2011; and

WHEREAS, Trooper LeCroy joined the Georgia State Patrol in January, 2008, and was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, a member of the Crime Suppression Unit within Georgia State Patrol Troop C, Trooper LeCroy was killed in the line of duty after tracking down a fleeing suspect who he had attempted to stop for a headlight violation in Atlanta; and

WHEREAS, in recognition of the ultimate sacrifice made for the call of duty, Trooper LeCroy was posthumously promoted to the rank of corporal by Commissioner of the Georgia Department of Public Safety Colonel Bill Hitchens; and

WHEREAS, Trooper LeCroy's promotion marks only the second time in the Georgia State Patrol's 74 year history that an officer has received such an honor; and

WHEREAS, he was united in love and marriage to his supportive wife, Keisha Yearwood LeCroy, and was blessed with two remarkable sons, Bret and Deaton; and

WHEREAS, he was the beloved son of Donna and Sam Houston and Bill and Tonya LeCroy, son-in-law of Ken and Vicki Yearwood, and brother of Bill, Jamie, Jack, and Jake; and

WHEREAS, Trooper LeCroy loved sports, hunting, and spending time with his family and friends; and

WHEREAS, he truly loved his career and law enforcement and wore his Georgia State Patrol uniform with pride, exhibiting extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, a compassionate and generous man, Trooper LeCroy will long be remembered for his love of family and friendship, and this loyal husband, father, brother, uncle, and friend will be missed by all who had the great fortune of knowing him.

PART VIII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Explosive Ordnance Disposal Technician First Class Joseph Adam McSween; and

WHEREAS, Adam McSween was born on August 11, 1980, in Montgomery, Alabama, the beloved son of Robert and Florence McSween; and

WHEREAS, a graduate of Georgia Christian High School in Valdosta, Georgia, and York College in Nebraska, Adam enlisted in the United States Navy in 2001; and

WHEREAS, he completed extensive training in explosive ordnance disposal and earned qualifications as a Naval Parachutist, Scuba Diving Supervisor, and Senior Explosive Ordnance Disposal Technician; and

WHEREAS, he was valiantly serving as a guardian of freedom and liberty in his second tour to Iraq when he was killed on April 6, 2007, near Kirkuk in northern Iraq when a rocket hit his vehicle; and

WHEREAS, during his service to this nation, he was awarded an Army Commendation Medal, Combat Action Ribbon, Navy Good Conduct Medal, Armed Forces Expeditionary Medal, National Defense Service Medal, Global War on Terrorism Service Medal, Expert Marksmanship Rifle Medal, Expert Marksmanship Pistol Medal, two Iraq Campaign Medals, and three Sea Service Deployment Ribbons; and

WHEREAS, Adam leaves behind many who will cherish his memory, including his parents, his wife Erin, his daughters Lilly and Gwyneth, his brothers Kyle and Robert, and his sister Angela; and

WHEREAS, it is only fitting and proper that a lasting memorial to EOD Technician First Class Joseph Adam McSween's life of service to his country be established.

PART IX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens and most dedicated law enforcement officers with the passing of Patrolman Donald J. Mander; and

WHEREAS, Patrolman Mander served with honor and distinction with the Macon Police Department; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, Patrolman Mander was tragically killed in the line of duty on August 23, 1986; and

WHEREAS, a compassionate and generous man, Patrolman Mander will long be remembered for his love of family and friendship, and this dedicated officer and loyal friend will be missed by all who had the great fortune of knowing him; and

WHEREAS, it is only fitting and proper that a lasting memorial to Patrolman Mander's life and service to this state be established.

PART X

WHEREAS, the State of Georgia lost one of its finest citizens and most dedicated law enforcement officers with the passing of Deputy Richard Daniels on June 22, 2010; and

WHEREAS, Deputy Daniels began his career in law enforcement in August, 2006, as a jailer and was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, Deputy Daniels was mandated as a certified deputy for the Twiggs County Sheriff's Office on September 14, 2007, and was killed while on patrol when his vehicle hit a fallen tree covering the highway; and

WHEREAS, he was united in love and marriage to his supportive wife, Carrie, and was blessed with a beautiful daughter, Lena; and

WHEREAS, Deputy Daniels exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, which were continually recognized by his peers; and

WHEREAS, a compassionate and generous man, Deputy Daniels will long be remembered for his love of family and friendship, and this loyal husband, father, and friend will be missed by all who had the great fortune of knowing him.

PART XI

WHEREAS, Mr. Louie Clark was born November 25, 1924, in Mitchell County, Georgia, and has spent his life serving others; and

WHEREAS, Mr. Clark served as a guardian of this nation's freedom and liberty with the United States Navy from 1943 to 1946, was stationed aboard the destroyer USS *Haynsworth*, and survived kamikaze attacks and numerous battles while defending the principles and ideals of America during World War II; and

WHEREAS, after the war, Mr. Clark returned home and attended Florida State College on the GI Bill; and

WHEREAS, Mr. Clark served on the Madison County School Board for several years before being elected to the General Assembly in 1974; and

WHEREAS, he devoted two decades to the public as a member of the Georgia House of Representatives, where he was known for his keen wit, gutsy disposition, and independent spirit about government and public service; and

WHEREAS, a knowledgeable historian, Mr. Clark was awarded the highest award from the United Daughters of the Confederacy; and

WHEREAS, he is united in love and marriage to his adoring wife Ann and has been blessed with four amazing children; and

WHEREAS, it is abundantly fitting and proper that the extraordinary accomplishments of this distinguished Georgian be appropriately recognized.

PART XII

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

- (1) This body hereby joins in honoring military veterans and dedicates State Route 22 in Oglethorpe County from U.S. Route 78/State Route 10 in Lexington to the Madison County line as Veterans Memorial Highway;
- (2) The members of this body honor the life and contributions of Herman E. Black and his dedicated service to and sacrifice for his community and this state and that State Route 22 in the City of Gray from the eastern city limit to its intersection with State Route 11 is dedicated as the Herman E. Black Memorial Highway;

- (3) The members of this body honor Sgt. Carlton "Dan" Jenkins for his effective, unselfish, and dedicated public service to the State of Georgia, extend to his family their most sincere condolences, and dedicate the interchange at Horsestamp Church Road and I-95 between mile markers 18 and 22 is dedicated as the Sgt. Carlton "Dan" Jenkins Memorial Interchange;
- (4) The portion of SR 142 in Newton County between SR 11 and SR 278 is dedicated as the J. Dixon Hays Memorial Highway;
- (5) State Route 62 from the county line between Early County and Calhoun County in Arlington to Blakley is designated as the Jimmie Hodge Timmons, Jr., Highway;
- (6) The members of this body join to commend Mr. Clarence Williams, Sr., for his efficient, effective, unselfish, and dedicated service to the State of Georgia and dedicate the bridge on U.S. Route 84/State Route 38 over the CSX railroad tracks in Liberty County as the Clarence Williams, Sr., Overpass;
- (7) The bridge on State Route 280 over the Chattahoochee River in Cobb/Fulton County is dedicated as the Trooper Chadwick T. LeCroy Memorial Bridge;
- (8) This body hereby joins in honoring the life and memory of Explosive Ordinance Disposal Technician First Class Joseph Adam McSween and dedicates the intersection of State Route 7/North Valdosta Road and Veterans Memorial Parkway in Lowndes County as the EOD Technician First Class Joseph Adam McSween Memorial Intersection;
- (9) This body hereby joins in honoring the life and memory of Patrolman Donald J. Mander and dedicates the underpass at State Route 19/Forsyth Road and Napier Avenue in the City of Macon as the Patrolman Donald J. Mander Memorial Underpass;
- (10) The bridge on State Route 96 over Interstate 16 in Twiggs County is dedicated as the Deputy Richard Daniels Memorial Bridge;
- (11) State Route 98 in Madison County from its intersection with U.S. Route 29 in Danielsville to State Route 106 in Ila is dedicated as the Louie Clark Highway;
- (12) The Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution; and
- (13) The Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, the family of Herman E. Black, the family of Sgt. Carlton "Dan" Jenkins, the family of J. Dixon Hays, the family of Jimmie Hodge Timmons, Jr., Clarence Williams, Sr., the family of Trooper Chadwick T. LeCroy, the family of EOD Technician First Class Joseph Adam McSween, the family of Patrolman Donald J. Mander, the family of Deputy Richard Daniels, and Mr. Louie Clark.

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

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

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

On the adoption of the Resolution, by substitute, the ayes were 163, nays 0.

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

Representative Rogers of the 10th 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 1117. By Representatives Clark of the 104th, Clark of the 98th, Thomas of the 100th, Dickerson of the 95th, Pak of the 102nd and others:

A BILL to be entitled an Act to amend Code Section 36-82-1 of the Official Code of Georgia Annotated, relating to elections for approval of bonded debt, so as to change certain provisions relating to population brackets and

the census; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

On the passage of the Bill, the ayes were 164, nays 0.

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

HB 897. By Representatives Harden of the 28th, England of the 108th, Coomer of the 14th, Neal of the 1st, Powell of the 29th and others:

A BILL to be entitled an Act to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to extensively revise the Georgia Workforce Investment Board provisions; to authorize the board to promulgate rules and regulations; to add provisions relating to soft skills programs; to repeal provisions providing for the utilization of the Governor's discretionary funds; to repeal the Georgia Work Ready program; 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:

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

On the passage of the Bill, the ayes were 153, nays 9.

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

Representative Hatfield of the 177th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

HB 825. By Representatives Nix of the 69th, Ashe of the 56th, Coleman of the 97th and Kaiser of the 59th:

A BILL to be entitled an Act to amend Code Section 20-2-751.7 of the Official Code of Georgia Annotated, relating to the process for students to follow in reporting instances of alleged inappropriate behavior by teachers, so as to eliminate a time frame relative to hearings before administrative law judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 20-2-751.7 of the Official Code of Georgia Annotated, relating to the process for students to follow in reporting instances of alleged inappropriate behavior by teachers, so as to eliminate a time frame relative to hearings before administrative law judges; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-2-751.7 of the Official Code of Georgia Annotated, relating to the process for students to follow in reporting instances of alleged inappropriate behavior by teachers, is amended by revising paragraph (3) of subsection (d) as follows:

"(3) If the Professional Standards Commission's review of the investigative report results in a sanction against the educator, the educator shall have the right to appeal. the Commission decision to a hearing before shall be appealed to and heard by an administrative law judge within 90 days of such sanction."

SECTION 2.

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

The following amendment was read and adopted:

Representatives Nix of the 69th, Lindsey of the 54th, and Abrams of the 84th offer the following amendment:

Amend the House Committee on Education substitute to HB 825 (LC 33 4626S) by striking lines 1 through 15 and inserting in lieu thereof the following:

To amend Code Section 20-2-751.7 of the Official Code of Georgia Annotated, relating to the process for students to follow in reporting instances of alleged inappropriate behavior by teachers, so as to revise a provision relating to appeals; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 20-2-751.7 of the Official Code of Georgia Annotated, relating to the process for students to follow in reporting instances of alleged inappropriate behavior by teachers, is amended by revising paragraph (3) of subsection (d) as follows:

"(3) If the Professional Standards Commission's review of the investigative report results in a sanction against the educator, the educator shall have the right to appeal the commission decision to a hearing before an administrative law judge, and if appealed, such hearing shall be held within 90 180 days of such ~~sanction~~ appeal."

SECTION 2.

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

The Committee substitute, as amended, was adopted.

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

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

Abdul-Salaam	Y Davis	E Heckstall	Y McBrayer	Y Shaw
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McCall	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	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Dobbs	Y Holmes	E Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R

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

On the passage of the Bill, by substitute, as amended, the ayes were 160, nays 3.

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

HB 899. By Representatives Brockway of the 101st, Hamilton of the 23rd, Williamson of the 111th, Powell of the 29th, Morgan of the 39th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for the dates of nonpartisan elections; to provide a minimum number of members for local boards of election; to provide for the form of petitions to qualify as a pauper; to provide for certification of write-in candidates; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, so as to provide for the dates of nonpartisan elections; to provide a minimum number of members for local boards of election; to provide for the form of petitions to qualify as a pauper; to provide for certification of write-in candidates; to provide that, if the disqualification of a candidate is the result of an error or negligence and not the result of any action of the candidate and such error or negligence is verified in writing by the Secretary of State, the qualifying fee paid by the candidate may be refunded to the candidate; to provide that candidates in special elections may choose to designate their political affiliation on the ballot but may not change such affiliation after the close of qualifying; to provide for qualifications for registrars and deputy registrars; to provide for the manner of counting of certain absentee ballots; to provide for the close of voter registration prior to a special election or special primary; to provide for the maintenance of voter registration lists regarding deceased electors; to provide for the manner of storing certain election records and data; to provide for the time by which absentee ballots shall be available prior to a primary or election; to limit the use of certain electronic devices and photographic devices in polling places; to provide that election superintendents shall furnish the Secretary of State copies of ballots used in elections; to provide for the timing of the call for special elections to be held in conjunction with the presidential preference primary; to provide for the manner of filling vacancies in the General Assembly; to provide for certain manner of use of provisional and challenged ballots; to provide alternative dates for political body and independent candidates to qualify for office; to provide an exemption for incumbents from filing nomination petitions; to provide that the State Election Board shall prescribe the form of nomination petitions; to provide for nonpartisan municipal qualifying periods; to provide for municipal qualifying times in even-numbered years; to provide that an absentee ballot may be used to update an elector's name under certain circumstances; to remove the authorization for political parties to elect their officials in primaries; to provide deadlines for individuals and organizations to transmit voter registration cards; to authorize electronic voter registration; to allow the use of United States Postal Service change of address information and confirmation cards to transfer the registration of voters who move from county to county; to remove a special election date; to provide for the electronic storage and safekeeping of certain voter registration records; to provide for the use of the most recent voter registration updates in verifying absentee ballots; to provide for extended retention of certain absentee ballot documentation; to provide restrictions on the use of photographic and electronic devices in polling places; to provide for the posting of certain information regarding elections at the election superintendent's office; to provide for related matters; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, so as to authorize the use of certain driver's licensing information for voter registration purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, is amended by revising Code Section 21-2-9, relating to date of election for offices, as follows:

"21-2-9.

(a) The Governor, Lieutenant Governor, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, Commissioner of Labor, members of Congress, ~~Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts,~~ district attorneys, members of the General Assembly, and county officers not elected pursuant to Code Section 21-2-139 shall be elected in the November election next preceding the expiration of the term of office.

(b) Justices of the Supreme Court, Judges of the Court of Appeals, judges of the superior courts, and county judicial officers, offices of local school boards, and nonpartisan offices elected pursuant to Code Section 21-2-139 shall be elected in the nonpartisan general election next preceding the expiration of the term of office.

~~(b)~~(c) All general municipal elections to fill municipal offices shall be held on the Tuesday next following the first Monday in November in each odd-numbered year. Public notice of such elections shall be published by the governing authority of the municipality in a newspaper of general circulation in the municipality at least 30 days prior to the elections. In addition, the municipality shall immediately transmit a copy of such notice to the Secretary of State.

(d) Whenever a municipal general primary or election is held in conjunction with the general primary or November general election in even-numbered years, the time specified for the closing of the registration list, the time within which candidates must qualify for the municipal primary or election, and the time specified for the holding of any runoff necessary shall be the same as specified for general elections."

SECTION 2.

Said chapter is further amended by revising Code Section 21-2-40, relating to General Assembly authorization to create board of elections and board of elections and registration in any county, as follows:

"21-2-40.

(a) The General Assembly may by local Act create a board of elections in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections. Such board shall consist of not fewer than three members.

(b) The General Assembly may by local Act create a board of elections and registration in any county of this state and empower the board with the powers and duties of the election superintendent relating to the conduct of primaries and elections and with the powers and duties of the board of registrars relating to the registration of voters and

absentee-balloting procedures. Such board shall consist of not fewer than three members."

SECTION 3.

Said Act is further amended by revising subsections (a) and (b) of Code Section 21-2-45, relating to authorization to create joint county-municipal boards of elections and boards of elections and registration and authorization for county to conduct elections, as follows:

"(a) The General Assembly may by local Act create a joint county-municipal board of elections in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections. Such board shall consist of not fewer than three members.

(b) The General Assembly may by local Act create a joint county-municipal board of elections and registration in any county of this state for that county and any municipality located wholly or partially within that county and empower the board with the powers and duties of the election superintendent of that county and municipality with regard to the conduct of primaries and elections and empower the board with the powers and duties of the registrars and board of registrars of that municipality and county with regard to the registration of voters and absentee-balloting procedures. Such board shall consist of not fewer than three members."

SECTION 4.

Said chapter is further amended by revising Code Section 21-2-90, relating to appointment of chief manager and assistant managers, as follows:

"21-2-90.

All elections and primaries shall be conducted in each polling place by a board consisting of a chief manager, who shall be chairperson of such board, and two assistant managers assisted by clerks. The managers of each polling place shall be appointed by the superintendent ~~or, in the case of municipal elections, by the municipal governing authority~~. If the political parties involved elect to do so, they may submit to the superintendent ~~or municipal governing authority~~, for consideration in making such appointment, a list of qualified persons. When such lists are submitted to the appropriate office, the superintendent ~~or municipal governing authority~~, insofar as practicable, shall make appointments so that there shall be equal representation on such boards for the political parties involved in such elections or primaries. The superintendent ~~or municipal governing authority~~ shall make each appointment by entering an order which shall remain of record in the appropriate office and shall make such order available for public inspection upon request. The order shall include the name and address of the appointee, his or her title, and a designation of the precinct and primary or election in which he or she is to serve."

SECTION 5.

Said chapter is further amended by revising subsections (c), (d), (e), (h), and (i) of Code Section 21-2-132, relating to filing notice of candidacy, nomination petition, and affidavit; payment of qualifying fee; pauper's affidavit and qualifying petition for exemption from qualifying fee; and military service, as follows:

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

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

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

(3) Each candidate for a nonpartisan municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's nonpartisan qualifying period. Each municipal superintendent shall designate the days of such qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Nonpartisan qualifying periods shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal nonpartisan qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election.

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

(1) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy,

giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State either during the period beginning at 9:00 A.M. on the fourth Monday in April immediately prior to the election and ending at 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays, or during the period beginning at ~~no earlier than~~ 9:00 A.M. on the fourth Monday in June immediately prior to the election and ~~no later than~~ ending at 12:00 Noon on the Friday following the fourth Monday in June, notwithstanding the fact that any such days may be legal holidays, in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(2) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county either during the period beginning at 9:00 A.M. on the fourth Monday in April immediately prior to the election and ending at 12:00 Noon on the Friday following the fourth Monday in April, notwithstanding the fact that any such days may be legal holidays, or during the period beginning at ~~no earlier than~~ 9:00 A.M. on the fourth Monday in June immediately prior to the election and ~~no later than~~ ending at 12:00 Noon on the Friday following the fourth Monday in June, notwithstanding the fact that any such days may be legal holidays, in the case of a general election and no earlier than the date of the call of the election and no later than 25 days prior to the election in the case of a special election;

(3) Each candidate for municipal office or a designee shall file a notice of candidacy in the office of the municipal superintendent of such candidate's municipality during the municipality's qualifying period. Each municipal superintendent shall designate the days of the qualifying period, which shall be no less than three days and no more than five days. The days of the qualifying period shall be consecutive days. Qualifying periods shall commence no earlier than 8:30 A.M. on the last Monday in August immediately preceding the general election and shall end no later than 4:30 P.M. on the following Friday; and, in the case of a special election, the municipal qualifying period shall commence no earlier than the date of the call and shall end no later than 25 days prior to the election; and

(4)(A) In extraordinary circumstances as described in Code Section 21-2-543.1, each candidate, or his or her agent, desiring to have his or her name placed on the election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, with the Office of the Secretary of State no earlier than the date of the call of the special election and not later than ten days after the announcement of such extraordinary circumstances.

(B) The provisions of this subsection shall not apply where, during the 75 day period beginning on the date of the announcement of the vacancy:

- (i) A regularly scheduled general election for the vacant office is to be held; or
- (ii) Another special election for the vacant office is to be held pursuant to a writ for a special election issued by the Governor prior to the date of the announcement of the vacancy.

The hours of qualifying each day shall be from 8:30 A.M. until 4:30 P.M. with one hour allowed for the lunch break; provided, however, that municipalities which have normal business hours which cover a lesser period of time shall conduct qualifying during normal business hours for each such municipality. Except in the case of a special election, notice of the opening and closing dates and the hours for candidates to qualify shall be published at least two weeks prior to the opening of the qualifying period.

(e) Except as provided in subsection (i) of this Code section, each candidate required to file a notice of candidacy by this Code section shall, no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the second Tuesday in July immediately prior to the election, file with the same official with whom he or she filed his or her notice of candidacy a nomination petition in the form prescribed in Code Section 21-2-170, except that such petition shall not be required if such candidate is:

- (1) A nominee of a political party for the office of presidential elector when such party has held a national convention and therein nominated candidates for President and Vice President of the United States;
- (2) Seeking office in a special election;
- (3) An incumbent qualifying as a candidate to succeed ~~such incumbent if, prior to the election in which such incumbent was originally elected to the office for which such incumbent seeks reelection, such incumbent filed a notice of candidacy and a nomination petition as required by this chapter~~ himself or herself;
- (4) A candidate seeking election in a nonpartisan election; or
- (5) A nominee for a state-wide office by a duly constituted political body convention, provided that the political body making the nomination has qualified to nominate candidates for state-wide public office under the provisions of Code Section 21-2-180."

"(h) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-138 unless such candidate has filed a qualifying petition which complies with the following requirements:

- (1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such

office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected;

(2) Each person signing a qualifying petition shall declare therein that he or she is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, which shall be subscribed and sworn to by such circulator before a notary public and shall set forth:

(A) His or her residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;

(3) A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board ~~on one or more sheets of uniform size and different sheets must be used by signers resident in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the candidate to be supported by the petition, his or her profession, business, or occupation, if any, his or her place of residence with street and number, if any, the name of the office he or she is seeking, his or her political party or body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one qualifying petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, which affidavit must be subscribed and sworn to by such circulator before a notary public and shall set forth:~~

~~(A) His or her residence address, giving municipality with street and number, if any;~~

~~(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;~~

~~(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and~~

~~(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;~~

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing.

No notary public may sign the petition as an elector or serve as a circulator of any petition which he or she notarized. Any and all sheets of a petition that have the circulator's affidavit notarized by a notary public who also served as a circulator of one or more sheets of the petition or who signed one of the sheets of the petition as an elector shall be disqualified and rejected.

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

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

(A) Each candidate for the office of judge of the superior court, Judge of the Court of Appeals, or Justice of the Supreme Court, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy, giving his or her name, residence address, and the office sought, in the office of the Secretary of State at the same time as candidates for party nomination in the general primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county judicial office, a local school board office, or an office of a consolidated government, or the candidate's agent, desiring to have his or her name placed on the nonpartisan election ballot shall file a notice of candidacy in the office of the superintendent at the same time as candidates for party nomination in the general primary as provided in paragraph (1) of subsection (c) of Code Section 21-2-153, notwithstanding the fact that any such days may be legal holidays;

(2) All political body and independent candidates shall file their notice of candidacy and pay the prescribed qualifying fee by the date prescribed in this paragraph in order

to be eligible to have their names placed on the general election ballot by the Secretary of State or election superintendent, as the case may be, in the following manner:

(A) Each candidate for federal or state office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file a notice of his or her candidacy, giving his or her name, residence address, and the office he or she is seeking, in the office of the Secretary of State ~~no earlier than~~ either during the period beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in May immediately prior to such election and ending at 12:00 Noon on the Friday immediately following the Wednesday immediately following the third Monday in May, notwithstanding the fact that any such days may be legal holidays, or during the period beginning at 9:00 A.M. on the last Monday in July immediately prior to the election and no later than ending at 12:00 Noon on the Friday following the last Monday in July, notwithstanding the fact that any such days may be legal holidays; and

(B) Each candidate for a county office, or his or her agent, desiring to have his or her name placed on the general election ballot shall file notice of his or her candidacy in the office of the superintendent of his or her county ~~no earlier than~~ either during the period beginning at 9:00 A.M. on the Wednesday immediately following the third Monday in May immediately prior to such election and ending at 12:00 Noon on the Friday immediately following the Wednesday immediately following the third Monday in May, notwithstanding the fact that any such days may be legal holidays, or during the period beginning at 9:00 A.M. on the last Monday in July immediately prior to the election and no later than ending at 12:00 Noon on the Friday following the last Monday in July, notwithstanding the fact that any such days may be legal holidays; and

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

SECTION 6.

Said chapter is further amended by revising subsection (e) of Code Section 21-2-133, relating to giving notice of intent of write-in candidacy, filing of affidavit, limitations on candidacy, and certification of candidates, as follows:

"(e)(1) The Secretary of State ~~or appropriate municipal official~~ shall certify and transmit to the election superintendent of each county affected at least ten days prior to the within five days following the deadline for the submission by write-in candidates of the notice and documentation required by this Code section to be a write-in candidate in a general or special election the names of all persons who have filed notices of intention to be write-in candidates with the Secretary of State or appropriate municipal official for such general or special election.

(2) The county election superintendent shall certify within five days following the deadline for the submission by write-in candidates for county offices of the notice and documentation required by this Code section to be a write-in candidate in a general or special election the names of all persons who have filed notices of intention to be write-in candidates with the county election superintendent for county offices for such general or special election.

(3) The municipal election superintendent shall certify within five days following the deadline for the submission by write-in candidates for municipal offices of the notice and documentation required by this Code section to be a write-in candidate in a general or special election the names of all persons who have filed notices of intention to be write-in candidates with the municipal election superintendent for municipal offices for such general or special election."

SECTION 7.

Said chapter is further amended by revising subsection (e) of Code Section 21-2-134, relating to withdrawal, death, or disqualification of candidate for office and nomination certificate, as follows:

"(e) The qualifying fee shall be returned to the candidate in the event such candidate withdraws, dies, or is disqualified prior to the close of the qualifying period; however, after the close of the qualifying period, the qualifying fee shall not be returned to the candidate for any reason including withdrawal, death, or disqualification; provided, however, that, if such disqualification is the result of an error or negligence of the officer with whom such candidate qualified and not the result of any action of the candidate and such error or negligence is verified in writing by the Secretary of State, such fee may be refunded to the candidate."

SECTION 8.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-151, relating to authorization for political party primaries, as follows:

"(a) A political party ~~may elect its officials and~~ shall nominate its candidates for public office in a primary. Except for substitute nominations as provided in Code Section 21-2-134 and nomination of presidential electors, all nominees of a political party for public office shall be nominated in the primary preceding the general election in which the candidates' names will be listed on the ballot."

SECTION 9.

Said chapter is further amended by revising subsection (a.1) of Code Section 21-2-153, relating to qualification of candidates for party nomination in a state or county primary, posting of list of all qualified candidates, filing of affidavit with political party by each qualifying candidate, and performance of military service does not create vacancy, as follows:

"(a.1) No candidate shall be authorized to file a pauper's affidavit in lieu of paying the qualifying fee otherwise required by this Code section and Code Section 21-2-131

unless such candidate has filed a qualifying petition which complies with the following requirements:

(1) A qualifying petition of a candidate seeking an office which is voted upon state wide shall be signed by a number of voters equal to one-fourth of 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. A qualifying petition of a candidate for any other office shall be signed by a number of voters equal to 1 percent of the total number of registered voters eligible to vote in the last election for the filling of the office the candidate is seeking and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected. However, in the case of a candidate seeking an office for which there has never been an election or seeking an office in a newly constituted constituency, the percentage figure shall be computed on the total number of registered voters in the constituency who would have been qualified to vote for such office had the election been held at the last general election and the signers of such petition shall be registered and eligible to vote in the election at which such candidate seeks to be elected;

(2) Each person signing a qualifying petition shall declare therein that he or she is a duly qualified and registered elector of the state entitled to vote in the next election for the filling of the office sought by the candidate supported by the petition and shall add to his or her signature his or her residence address, giving municipality, if any, and county, with street and number, if any. No person shall sign the same petition more than once. Each petition shall support the candidacy of only a single candidate. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petition to the appropriate officer for filing, but such a request shall be disregarded if made after such presentation. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:

(A) His or her residence address, giving municipality with street and number, if any;

(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;

(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and

(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of this state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;

(3) A qualifying petition shall be in the form and manner determined by the Secretary of State and approved by the State Elections Board ~~on one or more sheets of uniform size and different sheets must be used by signers resident in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the officer with whom the petition will be filed, the name of the~~

~~candidate to be supported by the petition, his or her profession, business, or occupation, if any, his or her place of residence with street and number, if any, the name of the office he or she is seeking, his or her political party or body affiliation, if any, and the name and date of the election in which the candidate is seeking election. If more than one sheet is used, they shall be bound together when offered for filing if they are intended to constitute one qualifying petition, and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page. Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet, setting forth:~~

~~(A) His or her residence address, giving municipality with street and number, if any;~~

~~(B) That each signer manually signed his or her own name with full knowledge of the contents of the qualifying petition;~~

~~(C) That each signature on such sheet was signed within 180 days of the last day on which such petition may be filed; and~~

~~(D) That, to the best of the affiant's knowledge and belief, the signers are registered electors of the state qualified to sign the petition, that their respective residences are correctly stated in the petition, and that they all reside in the county named in the affidavit;~~

(4) No qualifying petition shall be circulated prior to 180 days before the last day on which such petition may be filed, and no signature shall be counted unless it was signed within 180 days of the last day for filing the same; and

(5) A qualifying petition shall not be amended or supplemented after its presentation to the appropriate officer for filing."

SECTION 10.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-214, relating to qualifications of registrars and deputy registrars, prohibited political activities, oath of office, privilege from arrest, and duties conducted in public, as follows:

"(a) Members of the board of registrars shall be electors of the state and county in which they serve, and any deputy registrars shall be electors of the state. All registrars shall be able to read, write, and speak the English language. Municipal registrars shall be registered Georgia voters and shall be able to read, write, and speak the English language. Registrars and deputy registrars shall have never been convicted of a felony or of any crime involving fraud or moral turpitude unless such person's civil rights have been restored and at least ten years have elapsed from the date of the completion of the sentence without a subsequent conviction of another felony involving moral turpitude, and the appointing authority shall be authorized to investigate the applicant's criminal history before making such appointment."

SECTION 11.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-218, relating to cancellation of registration in former state or county and address changes and corrections, as follows:

"(c) In the event that an elector moves to a residence within the county or municipality and has a different address from the address contained on the person's registration card, it shall be the duty of such elector to notify the board of registrars of such fact by the fifth Monday prior to the primary or election in which such elector wishes to vote by submitting the change of address in writing. The board of registrars shall then correct the elector's record to reflect the change of address and place the elector in the proper precinct and voting districts. The board of registrars may accept a properly submitted application for an absentee ballot for this purpose for electors who move to an address within the county or municipality which is different from the address contained on the person's registration card. The board of registrars may also accept a properly submitted application for an absentee ballot to correct an elector's name on the voter registration list if all necessary information to complete such a change is included with the application."

SECTION 12.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-219, relating to registration cards, as follows:

"(a) The registration cards for use by persons in making application to register to vote shall be in a form as specified by the Secretary of State, which shall include printed forms, forms made available through electronic means, or otherwise. Except as provided in subsection (b) of this Code section and Code Section 21-2-221.2, only registration cards issued or authorized for use by the Secretary of State or the national voter registration card promulgated ~~by the Federal Election Commission~~ under the provisions of the National Voter Registration Act of 1993, 42 U.S.C. Section 1973gg-7, shall be accepted for purposes of voter registration."

SECTION 13.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-220, relating to application for registration, as follows:

"(a) Any person desiring to register as an elector shall apply to do so by making application to a registrar or deputy registrar of such person's county of residence in person, by submission of the federal post card application form as authorized under Code Section 21-2-219, by making application through the Department of Driver Services as provided in Code Section 21-2-221, by making application through the Department of Natural Resources as provided in Code Section 21-2-221.1, by making application online as provided in Code Section 21-2-221.2, by making application through designated offices as provided in Code Section 21-2-222, or by making application by mail as provided in Code Section 21-2-223."

SECTION 14.

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

"21-2-221.2.

(a) A person who is qualified to register to vote in this state and who has a valid Georgia driver's license or identification card may submit a voter registration application on the Internet website of the Secretary of State. The Secretary of State shall, in conjunction with the Department of Driver Services, design and implement a system to allow for such electronic voter registration.

(b) An application submitted pursuant to this Code section shall contain:

(1) The applicant's name and residence address;

(2) The applicant's driver's license or identification card number;

(3) The applicant's date of birth;

(4) An affirmation by the applicant that the applicant is a citizen of the State of Georgia and of the United States;

(5) An affirmation by the applicant that the information provided is truthful and that the applicant is eligible to vote in the State of Georgia;

(6) An assent by the applicant to the use of his or her signature from his or her driver's license or identification card; and

(7) Such other information the Secretary of State deems necessary to establish the identity of the applicant.

(c) Upon the submission of an application through the website pursuant to this Code section, the software used by the Secretary of State for processing applications through the website shall provide for immediate verification of all of the following:

(1) That the applicant has a valid Georgia driver's license or identification card and that the number for that driver's license or identification card provided by the applicant matches the number for the applicant's driver's license or identification card that is on file with the Department of Driver Services;

(2) That the date of birth provided by the applicant matches the date of birth that is on file with the Department of Driver Services; and

(3) That the applicant is a citizen of the State of Georgia and of the United States and that the information provided by the applicant matches the information on file with the Department of Driver Services.

If any of these items does not match or if the application is incomplete, the application shall be void and shall be rejected and the applicant shall be notified of such rejection either electronically or by mail within five days after such application is rejected.

(d) If all of the items enumerated in subsection (c) of this Code section are verified, the Secretary of State shall obtain an electronic copy of the applicant's signature from the applicant's driver's license or identification card on file with the Department of Driver Services. The application shall then be processed in the same manner as applications under Code Section 21-2-221. Except as otherwise provided by this Code section, the application shall be deemed to have been made as of the date that the information was provided by the applicant through the Internet website.

(e) The matching of information pursuant to subsection (c) of this Code section shall satisfy the requirements of subsection (g) of Code Section 21-2-216.

(f) The Secretary of State shall employ security measures to ensure the accuracy and integrity of voter registration applications submitted electronically pursuant to this Code section."

SECTION 15.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-224, relating to registration deadlines, restrictions on voting in primaries, official list of electors, and voting procedure when portion of county changed from one county to another, and adding a new subsection to read as follows:

"(b) If any person whose name is not on the list of registered electors maintained by the Secretary of State under this article desires to vote at any special primary or special election, such person shall make application as provided in this article no later than either the close of business on the fifth day after the date of the call for the special primary or special election, excluding Saturdays, Sundays, and legal holidays of this state or the close of business on the fifth Monday prior to the date of the special primary or special election or, if such Monday is a legal holiday, by the close of business on the following business day, whichever is later; except that:

(1) If such special primary or special election is held in conjunction with a general primary, general election, or presidential preference primary, the registration deadline for such special primary or special election shall be the same as the registration deadline for the general primary, general election, or presidential preference primary in conjunction with which the special primary or special election is being conducted; or

(2) If such special primary or special election is not held in conjunction with a general primary, general election, or presidential preference primary but is held on one of the dates specified in Code Section 21-2-540 for the conduct of special elections to present a question to the voters or special primaries or elections to fill vacancies in elected county or municipal offices, the registration deadline for such a special primary or election shall be at the close of business on the fifth Monday prior to the date of the special primary or election or, if such Monday is a legal holiday, by the close of business on the following business day."

"(c.1) An individual or organization shall promptly transmit all completed voter registration applications to the Secretary of State or the appropriate board of registrars within ten days after receiving such application or by the close of registration, whichever period is earlier. If an individual or organization receives a completed voter registration application 14 or fewer days before the close of registration, the individual or organization shall transmit the application to the Secretary of State or the appropriate board of registrars within 72 hours of the date of the execution of the application or by midnight on the close of registration, whichever period is earlier."

SECTION 16.

Said chapter is further amended by revising subsection (i) of Code Section 21-2-230, relating to challenge of persons on list of electors by other electors, procedure, hearing, and right of appeal, as follows:

"(i) If the challenged elector appears at the polls to vote and it is not practical to conduct a hearing prior to the close of the polls or if the registrars begin a hearing and subsequently find that a decision on the challenge cannot be rendered within a reasonable time, the challenged elector shall be permitted to vote by casting a challenged ballot on the same type of ballot that is used by the county or municipality for ~~mail-in-absentee~~ provisional ballots. Such challenged ballot shall be sealed in double envelopes as provided in subsection (a) of Code Section 21-2-384 21-2-419 and, after having the word 'Challenged,' ~~and the elector's name, and the alleged cause of the challenge~~ written across the back of the outer envelope, the ballot shall be deposited by the person casting such ballot in a secure, sealed ballot box notwithstanding the fact that the polls may have closed prior to the time the registrars make such a determination, provided that the elector proceeds to vote immediately after such determination of the registrars. In such cases, if the challenge is based upon the grounds that the challenged elector is not qualified to remain on the list of electors, the registrars shall proceed to finish the hearing prior to the certification of the consolidated returns of the election by the election superintendent. If the challenge is based on other grounds, no further action shall be required by the registrars. The election superintendent shall not certify such consolidated returns until such hearing is complete and the registrars have rendered their decision on the challenge. If the registrars deny the challenge, the superintendent shall proceed to certify the consolidated returns. If the registrars uphold the challenge, the name of the challenged elector shall be removed from the list of electors and the ballot of the challenged elector shall be rejected and not counted and, if necessary, the returns shall be adjusted to remove any votes cast by such elector. The elector making the challenge and the challenged elector may appeal the decision of the registrars in the same manner as provided in subsection (e) of Code Section 21-2-229."

SECTION 17.

Said chapter is further amended by revising Code Section 21-2-231, relating to lists of persons convicted of felonies, persons identified as noncitizens, persons declared mentally incompetent, and deceased persons provided to Secretary of State; removal of names from list of electors; timing; and list of inactive voters provided to Council of Superior Court Clerks, by adding a new subsection to read as follows:

"(e.1) County registrars may obtain information about persons who died from obituaries published by local newspapers, death certificates, verifiable knowledge of the death, and information provided in writing and signed by a family member or members of the deceased person. County registrars shall determine if such deceased person's name appears on the list of electors and, if so, shall remove such name from the list of

electors and shall send by first class mail to the mailing address shown on the elector's voter registration records a notice of such action and the reason therefor."

SECTION 18.

Said chapter is further amended by revising subsections (c) and (d) of Code Section 21-2-233, relating to comparison of change of address information supplied by United States Postal Service with electors list, removal from list of electors, and notice to electors, as follows:

"(c) If it appears from the change of address information supplied by the licensees of the United States Postal Service that an elector whose name appears on the official list of electors has moved to a different address outside of the boundaries of the county or municipality in which the elector is presently registered, such elector shall be sent a confirmation notice as provided in Code Section 21-2-234 at the old address of the elector. The registrars may also send a confirmation notice to the elector's new address. ~~If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered~~ State of Georgia, the elector's name shall be removed from the appropriate list of electors. If the elector confirms the change of address to an address outside of the boundaries of the county or municipality in which the elector is presently registered, but still within the State of Georgia, the elector's registration shall be transferred to the new county or municipality. The Secretary of State or the registrars shall forward the confirmation card to the registrars of the county in which the elector's new address is located and the registrars of the county of the new address shall update the voter registration list to reflect the change of address. If the elector responds to the notice and affirms that the elector has not moved, the elector shall remain on the list of electors at the elector's current address. If the elector fails to respond to the notice within 30 days after the date of the notice, the elector shall be transferred to the inactive list provided for in Code Section 21-2-235.

(d) Whenever an elector's name is removed from the list of electors by the county registrars because the elector has furnished in writing to the registrar a residence address that is located outside of the ~~elector's present county of registration~~ State of Georgia, the registrars shall notify the elector in writing at the elector's new address that the elector's name is being deleted from the list of electors ~~for that county and that the elector must reregister in the new county of residence in order to be eligible to vote. The registrars shall provide the person with the appropriate form for registration at the time of such notice.~~ Whenever an elector's registration is transferred by the county registrars to another county in this state because the elector has furnished in writing to the registrar a residence address that is located in this state outside of the elector's present county of registration in accordance with subsection (c) of this Code section, the registrars of the county of the elector's former residence shall notify the elector in writing at the elector's new address that the elector's registration is being transferred to the new address. The registrars of the county of the elector's new address shall provide the elector with a new registration card pursuant to Code Section 21-2-226."

SECTION 19.

Said chapter is further amended by revising Code Section 21-2-236, relating to periods of retention of registration cards, applications, and records of list maintenance activities, as follows:

"21-2-236.

(a) The voter registration cards of electors whose names appear on either the official list of electors or the list of inactive electors shall be retained on file as long as the elector remains on such lists and for a period of two years following the removal from the lists; provided, however, that an original voter registration card may be destroyed if an image of the face of the card is stored electronically.

(b) The registration applications of persons whose applications were rejected and all related material and records, or electronic facsimiles thereof, shall be retained on file for a period of two years after the date of the rejection.

(c) All records concerning list maintenance activities under Code Sections 21-2-233 and 21-2-234 shall be maintained for a period of two years and shall be available for public inspection and copying, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular elector is registered. Such records shall contain the name and address of all electors to whom confirmation notices are sent and information concerning whether each such elector has responded to such notice.

(d) The State Election Board shall adopt rules and regulations regarding the safekeeping and maintenance of electronic records of voter registration records maintained under this Code section."

SECTION 20.

Said chapter is further amended by revising subsections (e), (f), and (g) of Code Section 21-2-379.11, relating to procedure for tabulation of votes by DRE machines, as follows:

"(e) The manager shall collect and retain the zero tape and the results tape for each DRE unit and place such tapes with the memory card for each unit, and ~~enclose~~ all such items for all of the DRE units used in the precinct ~~in one envelope which~~ shall be sealed in an envelope or container and initialed or signed by the manager so that it cannot be opened without breaking the seal.

(f) The manager and one poll worker shall then deliver the envelope or container to the tabulating center for the county or municipality or to such other place designated by the superintendent and shall receive a receipt therefor. The copies of the recap forms, unused ballots, records, and other materials shall be returned to the designated location and retained as provided by law.

(g) Upon receipt of the sealed envelope or container containing the zero tapes, results tapes, and memory cards, the election superintendent shall verify the initials or signatures on the envelope. Once verified, the superintendent shall break the seal of the envelope or container and remove its contents. The superintendent shall then download the results stored on the memory card from each DRE unit into the election

management system located at the central tabulation point of the county in order to obtain election results for certification."

SECTION 21.

Said chapter is further amended by revising subsection (a) of Code Section 21-2-384, relating to preparation and delivery of supplies, mailing of ballots, oath of absentee electors and persons assisting absentee electors, master list of ballots sent, challenges, and electronic transmission of ballots, as follows:

"(a)(1) The superintendent shall, ~~at least 45 days prior to any general primary or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election~~ in consultation with the board of registrars or absentee ballot clerk, prepare, obtain, and deliver before the date specified in paragraph (2) of this subsection an adequate supply of official absentee ballots to the board of registrars or absentee ballot clerk for use in the primary or election or as soon as possible prior to a runoff. Envelopes and other supplies as required by this article may be ordered by the superintendent, the board of registrars, or the absentee ballot clerk for use in the primary or election.

(2) The board of registrars or absentee ballot clerk shall, ~~within two days after the receipt of such ballots and supplies,~~ mail or issue official absentee ballots to all eligible applicants not more than 49 days but not less than 45 days prior to any presidential preference primary, general primary other than a municipal general primary, general election other than a municipal general election, or special primary or special election in which there is a candidate for a federal office on the ballot; 22 days prior to any municipal general primary or municipal general election; and as soon as possible prior to any runoff. In the case of all other special primaries or special elections, the board of registrars or absentee ballot clerk shall mail or issue official absentee ballots to all eligible applicants within three days after the receipt of such ballots and supplies, but no earlier than 22 days prior to the election; provided, however, that should any elector of the jurisdiction be permitted to vote by absentee ballot beginning 49 days prior to a primary or election, all eligible applicants of such jurisdiction shall be entitled to vote by absentee ballot beginning 49 days prior to such primary or election. As additional applicants are determined to be eligible, the board or clerk shall mail or issue official absentee ballots to such additional applicants immediately upon determining their eligibility; provided, however, that no absentee ballot shall be mailed by the registrars or absentee ballot clerk on the day prior to a primary or election and provided, further, that no absentee ballot shall be issued on the day prior to a primary or election. The board of registrars shall, ~~at least 45 days prior to any general primary, or general election other than a municipal general primary or general election, as soon as possible prior to a runoff, and at least 21 days prior to any municipal general primary or general election,~~ mail or within the same time periods specified in this subsection, electronically transmit official absentee ballots to all electors who have requested to receive their official absentee ballot

electronically and are entitled to vote ~~by~~ such absentee ballot under the federal Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. Section 1973ff, et seq., as amended.

(3) The date a ballot is voted in the registrar's or absentee ballot clerk's office or the date a ballot is mailed or issued to an elector and the date it is returned shall be entered on the application record therefor.

(4) The delivery of an absentee ballot to a person confined in a hospital may be made by the registrar or clerk on the day of a primary or election or during a five-day period immediately preceding the day of such primary or election.

(5) In the event an absentee ballot which has been mailed by the board of registrars or absentee ballot clerk is not received by the applicant, the applicant may notify the board of registrars or absentee ballot clerk and sign an affidavit stating that the absentee ballot has not been received. The board of registrars or absentee ballot clerk shall then issue a second absentee ballot to the applicant and cancel the original ballot issued. The affidavit shall be attached to the original application. A second application for an absentee ballot shall not be required."

SECTION 22.

Said chapter is further amended by revising subparagraphs (a)(1)(B) and (a)(1)(C) of Code Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots; rejection of ballot; delivery of ballots to manager; duties of managers; precinct returns; and notification of challenged elector, as follows:

"(B) Upon receipt of each ballot, a registrar or clerk shall write the day and hour of the receipt of the ballot on its envelope. The registrar or clerk shall then compare the identifying information on the oath with the information on file in his or her office, shall compare the signature or mark on the oath with the signature or mark on the absentee elector's voter registration card or the most recent update to such absentee elector's voter registration card and application for absentee ballot or a facsimile of said signature or mark taken from said card or application, and shall, if the information and signature appear to be valid and other identifying information appears to be correct, so certify by signing or initialing his or her name below the voter's oath. Each elector's name so certified shall be listed by the registrar or clerk on the numbered list of absentee voters prepared for his or her precinct.

(C) If the elector has failed to sign the oath, or if the signature does not appear to be valid, or if the elector has failed to furnish required information or information so furnished does not conform with that on file in the registrar's or clerk's office, or if the elector is otherwise found disqualified to vote, the registrar or clerk shall write across the face of the envelope 'Rejected,' giving the reason therefor. The board of registrars or absentee ballot clerk shall promptly notify the elector of such rejection, a copy of which notification shall be retained in the files of the board of registrars or absentee ballot clerk for at least ~~one year~~ two years."

SECTION 23.

Said chapter is further amended by revising subsection (e) of Code Section 21-2-386, relating to safekeeping, certification, and validation of absentee ballots; rejection of ballot; delivery of ballots to manager; duties of managers; precinct returns; and notification of challenged elector, as follows:

"(e) If an absentee elector's right to vote has been challenged for cause, a poll officer shall ~~open the envelopes and~~ write 'Challenged,' the elector's name, and the alleged cause of challenge on the ~~back of the ballot, without disclosing the markings on the face thereof,~~ outer envelope and shall deposit the ballot in ~~the~~ a secure, sealed ballot box; and it shall be counted as other challenged ballots are counted. Where direct recording electronic voting systems are used for absentee balloting and a challenge to an elector's right to vote is made prior to the time that the elector votes, the elector shall vote on a paper or optical scanning ballot and such ballot shall be handled as provided in this subsection. The board of registrars or absentee ballot clerk shall promptly notify the elector of such challenge."

SECTION 24.

Said chapter is further amended by revising Code Section 21-2-411, relating to return of checked list of electors and voter's certificates to superintendent and disposition of list and certificates by registrars, as follows:

"21-2-411.

The chief manager in each precinct shall return a checked list of electors, reflecting those who voted, and the voter's certificates to the superintendent, to be deposited with the registrars. The board of registrars shall keep such voter's certificates for at least 24 months and such electors lists for at least five years, ~~and the same shall be available for public inspection.~~"

SECTION 25.

Said chapter is further amended by revising subsection (e) of Code Section 21-2-413, relating to conduct of voters, campaigners, and others at polling places generally, as follows:

"(e) No ~~elector~~ person shall use photographic or other electronic monitoring or recording devices, cameras, or cellular telephones while such ~~elector~~ person is ~~within the enclosed space~~ in a polling place while voting is taking place; provided, however, that a poll manager, in his or her discretion, may allow the use of photographic devices in the polling place under such conditions and limitations as the election superintendent finds appropriate, and provided, further, that no photography shall be allowed of a ballot or the face of a voting machine or DRE unit while an elector is voting such ballot or machine or DRE unit and no photography shall be allowed of an electors list, electronic electors list, or the use of an electors list or electronic electors list. This subsection shall not prohibit the use of photographic or other electronic monitoring or recording devices, cameras, or cellular telephones by poll officials for official purposes."

SECTION 26.

Said chapter is further amended by revising subsection (c) of Code Section 21-2-414, relating to restrictions on campaign activities and public opinion polling within the vicinity of a polling place, cellular phone use prohibited; prohibition of candidates from entering certain polling places, and penalty, as follows:

~~"(c) No person shall use a cellular telephone or other electronic communication device once such person has been issued a ballot or, in the case of precincts using voting machines or electronic recording voting systems, once the person has entered the voting machine or voting enclosure or booth. This subsection shall not prohibit the use of cellular telephones by poll officials~~ Reserved."

SECTION 27.

Said chapter is further amended by revising subsection (b) of Code Section 21-2-433, relating to admission of electors to enclosed space, detachment of ballots from stubs and distribution of ballots to electors, and return of canceled ballots to superintendent, as follows:

"(b) As soon as an elector has been admitted within the enclosed space, the poll officer having charge of the ballots in precincts in which ballots are used shall detach a ballot from the stub and give it to the elector, first folding it so that the words and figures printed on the face shall not be visible, and no ballots shall be deposited in the ballot box unless folded in the same manner. If an elector's right to vote has been challenged for cause under Code Section 21-2-230, ~~the poll officer shall write the word 'Challenged' and the alleged cause of challenge on the back of the ballot~~ elector shall be entitled to vote a challenged ballot. Not more than one ballot shall be detached from its stub in any book of ballots at any one time. Not more than one ballot shall be given to an elector; but, if an elector inadvertently spoils a ballot, such elector may obtain another upon returning the spoiled one. The ballots thus returned shall be immediately canceled and at the close of the polls shall be enclosed in an envelope, which shall be sealed and returned to the superintendent."

SECTION 28.

Said chapter is further amended by revising subsection (d) of Code Section 21-2-435, relating to procedure as to marking and depositing of ballots, as follows:

"(d) Before leaving the voting compartment, the elector shall fold his or her ballot, without displaying the markings thereon, in the same way it was folded when received by him or her; and he or she shall then leave the compartment and exhibit the number strip of the ballot to a poll officer who shall ascertain by an inspection of the number appearing thereon whether the ballot so exhibited to him or her is the same ballot which the elector received before entering the voting compartment. If it is the same, the poll officer shall direct the elector, without unfolding the ballot, to remove the perforated portion containing the number, and the elector shall immediately deposit the ballot in the ballot box. The number strip shall be deposited in the stub box provided for such purpose and the number strips shall be retained with the ballots and other stubs. ~~If the~~

~~ballot is marked 'Challenged,' the numbered perforated portion shall not be removed and the ballot shall be deposited with it attached. Any ballot, other than one marked 'Challenged,' which has been challenged for cause under Code Section 21-2-230, deposited in a ballot box at any primary or election without having such number removed shall be void and shall not be counted."~~

SECTION 29.

Said chapter is further amended by revising Code Section 21-2-492, relating to computation and canvassing of returns, notice of when and where returns will be computed and canvassed, blank forms for making statements of returns, and swearing of assistants, as follows:

"21-2-492.

The superintendent shall arrange for the computation and canvassing of the returns of votes cast at each primary and election at his or her office or at some other convenient public place at the county seat or municipality with accommodations for those present insofar as space permits. An interested candidate or his or her representative shall be permitted to keep or check his or her own computation of the votes cast in the several precincts as the returns from the same are read, as directed in this article. The superintendent shall give at least one week's notice prior to the primary or election by publishing same in a conspicuous place in the ~~county courthouse or city hall~~ superintendent's office, of the time and place when and where he or she will commence and hold his or her sessions for the computation and canvassing of the returns; and he or she shall keep copies of such notice posted in his or her office during such period. The superintendent shall procure a sufficient number of blank forms of returns made out in the proper manner and headed as the nature of the primary or election may require, for making out full and fair statements of all votes which shall have been cast within the county or any precinct therein, according to the returns from the several precincts thereof, for any person voted for therein, or upon any question voted upon therein. The assistants of the superintendent in the computation and canvassing of the votes shall be first sworn by the superintendent to perform their duties impartially and not to read, write, count, or certify any return or vote in a false or fraudulent manner."

SECTION 30.

Said chapter is further amended by revising Code Section 21-2-496, relating to preparation and filing by superintendent of four copies of consolidated return of primary and electronic filing, by adding a new subsection to read as follows:

"(c) Each county and municipal superintendent shall, upon certification, furnish to the Secretary of State in a manner determined by the Secretary of State a final copy of each ballot used for such primary."

SECTION 31.

Said chapter is further amended by revising paragraph (1) of subsection (a) of Code Section 21-2-496, relating to preparation and filing by superintendent of four copies of consolidated return of primary and electronic filing, as follows:

"(1) One copy to be posted at the ~~county courthouse or, in the case of a municipal election, at the city hall~~ office of the election superintendent for the information of the public;"

SECTION 32.

Said chapter is further amended by revising Code Section 21-2-497, relating to preparation and filing by superintendent of four copies of consolidated return of elections, as follows:

"21-2-497.

(a) Each county and municipal superintendent shall prepare four copies of the consolidated return of the election to be certified by the superintendent on forms furnished by the Secretary of State, such consolidated returns to be filed immediately upon certification as follows:

(1) One copy to be posted at the ~~county courthouse or, in the case of a municipal election, at the city hall~~ office of the election superintendent for the information of the public;

(2) One copy to be filed and recorded as a permanent record in the minutes of the superintendent's office;

(3) One copy to be sealed and filed with the clerk of the superior court, in the case of a county election, or with the city clerk, in the case of a municipal election, as required by Code Section 21-2-500; and

(4) One copy to be returned immediately to the Secretary of State unless required as follows:

(A) In the case of election of federal and state officers, a separate return showing totals of the votes cast for each of such officers respectively shall be forwarded by the superintendent to the Secretary of State on forms furnished by the Secretary of State;

(B) In the case of referendum elections provided for by an Act of the General Assembly, the returns shall immediately be certified by the authority holding such election to the Secretary of State, along with the precinct returns and numbered list of voters for each precinct. In addition thereto, the official citation of the Act involved and the purpose of such election shall be sent to the Secretary of State at the same time. The Secretary of State shall maintain a permanent record of such certifications;

(C) In the case of elections on constitutional amendments, the returns shall be certified immediately to the Secretary of State. Upon receiving the certified returns from the various superintendents, the Secretary of State shall immediately proceed to canvass and tabulate the votes cast on such amendments and certify the results to the Governor; and

- (D) In the case of election for presidential electors, a separate return shall be prepared by each superintendent and certified immediately to the Secretary of State.
- (b) Each county and municipal superintendent shall, upon certification, furnish to the Secretary of State in a manner determined by the Secretary of State a final copy of each ballot used for such election."

SECTION 33.

Said chapter is further amended by revising Code Section 21-2-499, relating to duty of Secretary of State as to tabulation, computation, and canvassing of votes for state and federal officers and certification of presidential electors by Governor, as follows:

"21-2-499.

(a) Upon receiving the certified returns of any election from the various superintendents, the Secretary of State shall immediately proceed to tabulate, compute, and canvass the votes cast for all candidates described in subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall thereupon certify and file in his or her office the tabulation thereof. In the event an error is found in the certified returns presented to the Secretary of State or in the tabulation, computation, or canvassing of votes as described in this Code section, the Secretary of State shall notify the county submitting the incorrect returns and direct the county to correct and recertify such returns. Upon receipt by the Secretary of State of the corrected certified returns of the county, the Secretary of State shall issue a new certification of the results and shall file the same in his or her office.

(b) The Secretary of State shall also, upon receiving the certified returns for presidential electors, proceed to tabulate, compute, and canvass the votes cast for each slate of presidential electors and shall immediately lay them before the Governor. Not later than 5:00 P.M. on the fourteenth day following the date on which such election was conducted, the Secretary of State shall certify the votes cast for all candidates described in subparagraph ~~(A) of paragraph (4)~~ (a)(4)(A) of Code Section 21-2-497 and upon all questions voted for by the electors of more than one county and shall no later than that same time lay the returns for presidential electors before the Governor. The Governor shall enumerate and ascertain the number of votes for each person so voted and shall certify the slates of presidential electors receiving the highest number of votes. The Governor shall certify the slates of presidential electors no later than 5:00 P.M. on the fifteenth day following the date on which such election was conducted. Notwithstanding the deadlines specified in this Code section, such times may be altered for just cause by an order of a judge of superior court of this state.

(c) The Secretary of State shall not count, tabulate, or publish the names of any write-in candidates for whom the notice of intention of candidacy has not been provided in compliance with Code Section 21-2-133."

SECTION 34.

Said chapter is further amended by repealing Code Section 21-2-501.1, relating to timing whenever a municipal general primary is held in conjunction with the general primary in even-numbered years, in its entirety.

SECTION 35.

Said chapter is further amended by revising subsections (b) and (e) of Code Section 21-2-540, relating to conduct of special elections generally, as follows:

"(b) At least 29 days shall intervene between the call of a special primary and the holding of same, and at least 29 days shall intervene between the call of a special election and the holding of same. The period during which candidates may qualify to run in a special primary or a special election shall remain open for a minimum of two and one-half days. Special elections which are to be held in conjunction with the presidential preference primary, a state-wide general primary, or state-wide general election shall be called at least 90 days prior to the date of such presidential preference primary, state-wide general primary, or state-wide general election; provided, however, that this requirement shall not apply to special elections held on the same date as such presidential preference primary, state-wide general primary, or state-wide general election but conducted completely separate and apart from such state-wide general primary or state-wide general election using different ballots or voting equipment, facilities, poll workers, and paperwork."

"(e) Candidates in special elections for partisan offices shall be listed alphabetically on the ballot ~~according to~~ and may choose to designate on the ballot their party affiliation. The party affiliation selected by a candidate shall not be changed following the close of qualifying."

SECTION 36.

Said chapter is further amended by revising subparagraph (c)(1)(B) of Code Section 21-2-540, relating to the conduct of special elections, as follows:

- "(B) In even-numbered years, any such special election shall only be held on:
- (i) The third Tuesday in March; provided, however, that in the event that a special election is to be held under this provision in a year in which a presidential preference primary is to be held, then any such special election shall be held on the date of and in conjunction with the presidential preference primary;
 - (ii) The date of the general primary; or
 - ~~(iii) The third Tuesday in September; or~~
 - ~~(iv)~~(iii) The Tuesday after the first Monday in November."

SECTION 37.

Said chapter is further amended by revising Code Section 21-2-544, relating to special election for General Assembly vacancy, as follows:

"21-2-544.

~~Whenever a vacancy shall occur or exist in either house of the General Assembly, during a session of the General Assembly or whenever such vacancy shall occur or exist at a time when the members of the General Assembly shall be required to meet, at any time previous to the next November election, the Governor shall issue, within ten days after the occurrence of such vacancy, or after the calling of an extraordinary session of the General Assembly during the existence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy, which election shall be held on the date named in the writ, which shall not be less than 30 nor more than 60 days after its issuance. such vacancy shall be filled as follows:~~

(1) If such vacancy shall occur during a session of the General Assembly, the Governor shall issue, within ten days after the occurrence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy which shall be held on the date named in the writ, which shall not be fewer than 30 nor more than 60 days after its issuance;

(2) Except as provided in paragraph (4) of this Code section, if such vacancy shall occur after the conclusion of the regular session which is held during the first year of the term of office of members of the General Assembly, but more than 60 days prior to the Tuesday following the first Monday in November of the first year of the term of office of members of the General Assembly, the Governor may issue at any time but no later than 60 days prior to the Tuesday following the first Monday in November of the first year of the term of office of members of the General Assembly a writ of election to the Secretary of State for a special election to fill such vacancy which shall be held not fewer than 30 days after its issuance nor later than 60 days prior to the Tuesday following the first Monday in November of the first year of the term of office of members of the General Assembly;

(3) If such vacancy shall occur after the conclusion of the regular session of the General Assembly held during the first year of the term of office of members of the General Assembly during the period beginning 60 days prior to the Tuesday following the first Monday in November of such year and ending on the day prior to the beginning of the regular session of the General Assembly held during the second year of the term of office of members of the General Assembly, the Governor shall issue, within ten days after the occurrence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy which shall be held on the date named in the writ, which shall not be fewer than 30 nor more than 60 days after its issuance;

(4) If such vacancy shall occur following the election of a member of the General Assembly but prior to such member taking office, such vacancy shall be filled in accordance with Code Section 21-2-504, but such election shall be called within ten days of such vacancy and shall be held not fewer than 30 nor more than 60 days following the date of such call;

(5) If such vacancy shall occur following the conclusion of the regular session of the General Assembly during the second year of the term of office of members of the

General Assembly, the issuance of a writ of election to fill such vacancy shall be in the discretion of the Governor except as otherwise provided in paragraph (6) of this Code section and if the Governor chooses to issue such writ of election to fill such vacancy, such election shall be held on the date named in the writ, which shall not be fewer than 30 nor more than 60 days after its issuance; or

(6)(A) If such vacancy shall exist at a time when the members of the General Assembly shall be required to meet in special session, the Governor shall issue, within two days after the calling of an extraordinary session of the General Assembly during the existence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy which shall be held on the date named in the writ, which shall not be fewer than 30 nor more than 60 days after its issuance; or

(B) If such vacancy shall occur after the issuance by the Governor of a call for an extraordinary session of the General Assembly, but prior to the conclusion of such extraordinary session, the Governor shall issue, within five days after the occurrence of such vacancy, a writ of election to the Secretary of State for a special election to fill such vacancy which shall be held on the date named in the writ, which shall not be fewer than 30 nor more than 60 days after its issuance.

Upon receiving the writ of election from the Governor, the Secretary of State shall then transmit the writ of election to the superintendent of each county involved and shall publish the call of the election. ~~In all other cases any such special election to fill any such vacancy shall be held if the Governor issues his or her writ of election therefor. In such cases the writ of election shall be issued to the Secretary of State who shall transmit the writ of election to the superintendent of each county involved and shall publish the call of the election."~~

SECTION 38.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by revising paragraph (6) of subsection (f) of Code Section 40-5-2, relating to driving records, as follows:

"(6)(A) The information required to be made available regarding voter registration pursuant to Code ~~Section~~ Sections 21-2-221 and 21-2-221.2 and for the purposes set forth in such Code ~~section~~ sections; and

(B) Information sufficient for use in verifying a registered voter's identity or the identity of an applicant for voter registration by the Secretary of State, the county election superintendent, or the county registrar, including name, address, date of birth, gender, driver identification number, photograph, and signature; and"

SECTION 39.

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

On the passage of the Bill, by substitute, the ayes were 129, nays 37.

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

The following Resolution of the House was read:

HR 1700. By Representative O'Neal of the 146th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2012 regular session of the General Assembly for the period of Tuesday, March 13, 2012, through Thursday, March 22, 2012, shall be as follows:

Tuesday, March 13in session for legislative day 32
 Wednesday, March 14in session for legislative day 33
 Thursday, March 15 through Sunday, March 18.....in adjournment
 Monday, March 19in session for legislative day 34
 Tuesday, March 20in session for legislative day 35
 Wednesday, March 21in session for legislative day 36
 Thursday, March 22in session for legislative day 37

BE IT FURTHER RESOLVED that on and after March 22, 2012, the periods of adjournment of the 2012 session, if any, shall be as specified by subsequent resolution of the General Assembly; provided that unless otherwise specified by subsequent resolution the General Assembly shall be in adjournment on each Saturday and Sunday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

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

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

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

On the adoption of the Resolution, the ayes were 162, nays 0.

The Resolution was adopted.

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 972. By Representatives Weldon of the 3rd, Lane of the 167th, Dollar of the 45th, Benton of the 31st, Parrish of the 156th and others:

A BILL to be entitled an Act to amend Chapter 34 of Title 43 of the O.C.G.A., relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to provide for additional powers of the Georgia Composite Medical Board relating to pain management; to enact the "Georgia Pain Management Clinic Act"; to amend Article 2 of Chapter 16 of Title 45 of the O.C.G.A., relating to death investigations by coroners, so as to require coroners to report to the board when a death may be the result of medication administered or prescribed; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, so as to provide for additional powers of the Georgia Composite Medical Board relating to pain management;

to enact the "Georgia Pain Management Clinic Act"; to provide for legislative intent; to require the licensure of pain management clinics; to provide for definitions; to provide for requirements for licensure; to provide for denial, suspension, and revocation of licenses; to provide for notice to the board upon the occurrence of certain events; to provide for renewal of licenses; to provide for a penalty for violation of the Act; to amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations by coroners, so as to require coroners to report to the board when a death may be the result of medication administered or prescribed at a pain management clinic; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physicians, acupuncture, physician assistants, cancer and glaucoma treatment, respiratory care, clinical perfusionists, and orthotics and prosthetics practice, is amended by revising subsection (c) of Code Section 43-34-5, relating to powers and duties of the Georgia Composite Medical Board, as follows:

"(c) The board shall have the following powers and duties:

- (1) To adopt, amend, and repeal such rules and regulations in accordance with this chapter necessary for the proper administration and enforcement of this chapter;
- (2) To adopt a seal by which the board shall authenticate the acts of the board;
- (3) To establish a pool of qualified physicians to act as peer reviewers and expert witnesses and to appoint or contract with physicians professionally qualified by education and training, medical associations, or other professionally qualified organizations to serve as peer reviewers; provided, however, that no licensing, investigative, or disciplinary duties or functions of the board may be delegated to any medical association or related entity by contract or otherwise;
- (4) To employ a medical director and other staff to implement this chapter and provide necessary and appropriate support who shall be subject to the same confidentiality requirements of the board;
- (5) To keep a docket of public proceedings, actions, and filings;
- (6) To set its office hours;
- (7) To set all reasonable fees by adoption of a schedule of fees approved by the board. The board shall set such fees sufficient to cover costs of operation;
- (8) To establish rules regarding licensure and certification status, including, but not limited, to inactive status, as the board deems appropriate;
- (9) To issue, deny, or reinstate the licenses, certificates, or permits of duly qualified applicants for licensure, certification, or permits under this chapter;
- (10) To revoke, suspend, issue terms and conditions, place on probation, limit practice, fine, require additional medical training, require medical community service, or otherwise sanction licensees, certificate holders, or permit holders;

- (11) To renew licenses, certificates, and permits and set renewal and expiration dates and application and other deadlines;
- (12) To approve such examinations as are necessary to determine competency to practice under this chapter;
- (13) To set examination standards, approve examinations, and set passing score requirements;
- (14) To adopt necessary rules concerning proceedings, hearings, review hearings, actions, filings, depositions, and motions related to uncontested cases;
- (15) To initiate investigations for the purposes of discovering violations of this chapter;
- (16) To administer oaths, subpoena witnesses and documentary evidence including medical records, and take testimony in all matters relating to its duties;
- (17) To conduct hearings, reviews, and other proceedings according to Chapter 13 of Title 50;
- (18) To conduct investigative interviews;
- (19) To issue cease and desist orders to stop the unlicensed practice of medicine or other profession licensed, certified, or permitted under this chapter and impose penalties for such violations;
- (20) To request injunctive relief or refer cases for criminal prosecution to appropriate enforcement authorities;
- (21) To release investigative or applicant files to another enforcement agency or lawful licensing authority in another state;
- (22) To sue and be sued in a court of competent jurisdiction; ~~and~~
- (23) To enter into contracts;
- (24) To license and regulate pain management clinics;
- (25) To establish minimum standards for prescribing controlled substances for pain management; and
- (26) To accept any gifts, grants, donations, and other funds, including funds from the disposition of forfeited property to the extent permitted by applicable law, to assist in enforcing this chapter."

SECTION 2.

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

"ARTICLE 10

43-34-280.

This article shall be known and may be cited as the 'Georgia Pain Management Clinic Act.'

43-34-281.

This article is enacted for the purpose of safeguarding the public health, safety, and welfare by providing for state administrative control, supervision, and regulation of

pain management clinics. It is the intention of the General Assembly that people be able to obtain appropriate and safe medical care to treat conditions in which the control of pain is an element. However, the illegal and improper distribution of controlled substances is a growing problem in this state. Licensure and regulation of pain management clinics will better protect the public from criminal activities associated with the illegal distribution of controlled substances as well as provide for a safer place for people to obtain appropriate medical treatment by requiring certain minimum training of practitioners and by the regulation of pain management clinics.

43-34-282.

As used in this article, the term:

(1) 'Annual patient population' means persons seen by a clinic or practice in a 12 month calendar year but shall not include persons that are patients of a nursing home, home health agency, or hospice licensed pursuant to Chapter 7 of Title 31.

(2) 'Board' means the Georgia Composite Medical Board created by Code Section 43-34-2.

(3) 'Chronic pain' means physical pain treated for a period of 90 days or more in a year but shall not include perioperative pain, which shall mean pain immediately preceding and immediately following a surgical procedure, when such perioperative pain is being treated in connection with a surgical procedure by a licensed health care professional acting within the scope of his or her license.

(4) 'License' means a valid and current certificate of registration issued by the board pursuant to this article which shall give the person to whom it is issued authority to engage in the practice prescribed thereon.

(5) 'Licensee' means any person holding a license under this article.

(6) 'Nonterminal condition' means a medical condition which is reversible, where there is a reasonable hope of recovery, and where the patient's medical prognosis is a life expectancy of two years or more.

(7) 'Pain management clinic' means a medical practice advertising 'treatment of pain' or utilizing 'pain' in the name of the clinic or a medical practice or clinic with greater than 50 percent of its annual patient population being treated for chronic pain for nonterminal conditions by the use of Schedule II or III controlled substances. This term shall not include any clinic or practice owned, in whole or in part, or operated by a hospital licensed pursuant to Chapter 7 of Title 31 or by a health system or any ambulatory surgical center, hospice, or home health agency licensed pursuant to Chapter 7 of Title 31.

(8) 'Person' means a natural person.

(9) 'Physician' means a person who possesses a current, unrestricted license to practice medicine in the State of Georgia pursuant to Article 2 of this chapter; who, during the course of his or her practice, has not been denied the privilege of prescribing, dispensing, administering, supplying, or selling any controlled substance; and who has not, during the course of his or her practice, had board action taken against his or her medical license as a result of dependency on drugs or alcohol.

43-34-283.

(a) All pain management clinics shall be licensed by the board and shall biennially renew their license with the board. In the event that physicians in a pain management clinic practice at more than one location, each such location shall be licensed by the board, and such license shall be nontransferable.

(b) All pain management clinics shall be wholly owned by physicians licensed in this state. If a pain management clinic is incorporated, all shares shall be owned by, and all members shall be, physicians licensed in this state. No physician who has been convicted of a felony as defined in paragraph (3) of subsection (a) of Code Section 43-34-8 shall own or have any ownership interest in a pain management clinic. This subsection shall not apply to any pain management clinic in existence on June 30, 2012, which is jointly owned by one or more physician assistants or advanced practice registered nurses and one or more physicians; provided, however, that any physician assistant or advanced practice registered nurse shall be subject to all requirements which owners of pain management clinics are subject to under this article.

(c) The board may establish minimum standards of continuing medical education for all physicians owning and all licensed health care professionals practicing in a pain management clinic, minimum standards for any licensed health care professional employed therein, and minimum standards for pain management clinic facilities.

(d) Upon the filing of an application for a license, the board may cause a thorough investigation of the applicant to be made and, if satisfied that the applicant possesses the necessary qualifications, shall issue a license. However, the board may issue licenses with varying restrictions to such persons where the board deems it necessary for the purpose of safeguarding the public health, safety, and welfare.

(e) Whenever an applicable rule requires or prohibits action by a pain management clinic, responsibility shall be that of the owner and the physicians practicing in the pain management clinic, whether the owner is a sole proprietor, partnership, association, corporation, or otherwise.

(f) The board may deny or refuse to renew a pain management clinic license if it determines that the granting or renewing of such license would not be in the public interest.

(g) No pain management clinic shall provide medical treatment or services, as defined by the board, unless a physician, a physician assistant authorized to prescribe controlled substances under an approved job description, or an advanced practice registered nurse authorized to prescribe controlled substances pursuant to a physician protocol is on-site at the pain management clinic.

(h) The board may enter into agreements with other states or with third parties for the purpose of exchanging information concerning licensure of any pain management clinic.

43-34-284.

In addition to the authority granted in Code Section 43-34-8, a license obtained pursuant to this article may be denied, suspended, or revoked by the board upon finding that the licensee or a physician practicing at a licensed pain management clinic has:

- (1) Furnished false or fraudulent material information in any application filed under this chapter;
- (2) Been convicted of a crime under any state or federal law relating to any controlled substance;
- (3) Had his or her federal registration to prescribe, distribute, or dispense controlled substances suspended or revoked; or
- (4) Violated the provisions of this chapter, Chapter 13 of Title 16, or Chapter 4 of Title 26.

43-34-285.

The board shall be notified immediately upon the occurrence of any of the following:

- (1) Permanent closing of a licensed pain management clinic;
- (2) Change of ownership, management, or location of a licensed pain management clinic;
- (3) Change of the physicians practicing in a licensed pain management clinic;
- (4) Any theft or loss of drugs or devices of a licensed pain management clinic;
- (5) Any known conviction of any employee of a licensed pain management clinic of any state or federal drug laws;
- (6) Any known conviction based upon charges of fraud of any employee of a licensed pain management clinic;
- (7) Disasters, accidents, theft, destruction, or loss of records of a licensed pain management clinic required to be maintained by state or federal law or the rules of the board; or
- (8) Any and all other matters and occurrences as the board may require by rule.

43-34-286.

All pain management clinics that dispense controlled substances or dangerous drugs shall be registered with the Georgia State Board of Pharmacy as required by Chapter 4 of Title 26.

43-34-287.

(a) All licenses shall expire biennially unless renewed. All applications for renewal of a license shall be filed with the board prior to the expiration date, accompanied by the biennial renewal fee prescribed by the board. A license which has expired for failure of the holder to renew may be late renewed after application and payment of the prescribed late renewal fee within the time period established by the board and provided the applicant meets such requirements as the board may establish by rule. Any license which has not been renewed by the end of the late renewal period shall be considered revoked and subject to reinstatement at the discretion of the board after meeting such requirements as the board may establish.

(b) As a condition of license renewal, the board shall require the owners of the pain management clinic and any physicians practicing in the pain management clinic to meet such continuing education and training requirements as may be required by rule.

43-34-288.

Any person who operates a pain management clinic in the State of Georgia without a license in violation of this article shall be guilty of a felony."

SECTION 3.

Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations by coroners, is amended by revising Code Section 45-16-32, relating to reports of examination and investigation, as follows:

"45-16-32.

The medical examiner and coroner shall complete a report of each medical examiner's inquiry and coroner's investigation and shall maintain permanent records of such reports. The coroner or county medical examiner may file all original reports with the clerk of the superior court of the county. In cases where such report indicates a suspicion of foul play, the medical examiner and peace officer in charge shall transmit any specimens, samples, or other evidence to a forensic laboratory for analysis. In cases where reports indicating foul play are verified by the forensic laboratory, the laboratory shall provide a completed lab report to the appropriate prosecuting attorney where the acts or events leading to the death occurred. Law enforcement officers, coroners, county medical examiners, the Georgia Drugs and Narcotics Agency, and the Georgia Bureau of Investigation Medical Examiner's Office when investigating deaths related to prescription drug overdose are authorized to send pertinent records on such deaths to the Georgia Composite Medical Board. In cases where such report indicates the death may be the result of medication administered or prescribed or a procedure conducted at a pain management clinic as defined by Paragraph (7) of Code Section 43-34-282 either by an individual licensed under Chapter 34 of Title 43 or by an individual under the supervision or delegated authority of such person, the coroner or county medical examiner shall promptly provide a certified copy of such report and any supporting evidence to the Georgia Composite Medical Board. Such report shall be confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and shall not be disclosed without the approval of the board."

SECTION 4.

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

The following amendment was read and adopted:

Representatives Weldon of the 3rd and Cooper of the 41st offer the following amendment:

Amend the House Committee on Health and Human Services substitute to HB 972 (LC 33 4683S) by inserting after "Act;" on line 9 "to provide for reports to the Georgia Composite Medical Board;".

By striking the quotation mark at the end of line 207 and by inserting after line 207 the following:

43-34-289.

Law enforcement officers, the Georgia Drugs and Narcotics Agency, and the Georgia Bureau of Investigation Medical Examiner's Office, when investigating deaths which may be the result of medication administered or prescribed or a procedure conducted at a pain management clinic as defined by paragraph (7) of Code Section 43-34-282 either by an individual licensed under Chapter 34 of Title 43 or by an individual under the supervision or delegated authority of such person, are authorized to send pertinent records on such deaths to the board. Such records shall be confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and shall not be disclosed without the approval of the board."

By striking lines 221 through 232 and inserting in lieu thereof the following:

death occurred. In cases where such report indicates the death may be the result of medication administered or prescribed or a procedure conducted at a pain management clinic as defined by paragraph (7) of Code Section 43-34-282 either by an individual licensed under Chapter 34 of Title 43 or by an individual under the supervision or delegated authority of such person, the coroner or county medical examiner shall promptly provide a certified copy of such report and any supporting evidence to the Georgia Composite Medical Board. Such report shall be confidential, not subject to Article 4 of Chapter 18 of Title 50, relating to open records, and shall not be disclosed without the approval of the Georgia Composite Medical Board."

The Committee substitute, as amended, was adopted.

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

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

Abdul-Salaam	Y Davis	E Heckstall	Y McBrayer	Y Shaw
Y Abrams	N Dawkins-Haigler	Y Hembree	Y McCall	Y Sheldon
N Allison	Y Dempsey	N Henson	Y McKillip	Y Sims, B
Y Amerson	Y Dickerson	Y Hightower	Y Meadows	Y Sims, C
Y Anderson	Y Dickey	N Hill	N Mitchell	E Smith, E
Y Ashe	Y Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	E Morris	Y Smith, L
Y Baker	Y Dollar	N Holt	N Mosby	Y Smith, R
Y Battles	N Drenner	N Horne	Y Murphy	N Smith, T

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

On the passage of the Bill, by substitute, as amended, the ayes were 124, nays 38.

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

Representative Clark of the 98th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Rogers of the 10th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

By unanimous consent, the following Resolution of the House was ordered immediately transmitted to the Senate:

HR 1700. By Representative O'Neal of the 146th:

A RESOLUTION relative to adjournment; and for other purposes.

Representative Mitchell of the 88th moved that the following Bill of the House be withdrawn from the Rules Calendar and recommitted to the Committee on Rules:

HB 673. By Representatives Mitchell of the 88th, Clark of the 104th, Cooper of the 41st and Stephens of the 161st:

A BILL to be entitled an Act to enact "Georgia's Return to Play Act of 2012"; to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to establish a return to play policy for student athletes suffering from concussions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The motion prevailed.

The Speaker announced the House in recess until 4:00 o'clock, this afternoon.

The Speaker called the House to order.

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 1159 Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 41st
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 Bill of the House and has instructed me to report the same back to the House with the following recommendation:

HB 398 Do Pass, by Substitute

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

The following Resolutions of the House were read and adopted:

HR 1723. By Representatives Lane of the 167th and Atwood of the 179th:

A RESOLUTION recognizing and commending Jeffrey Lyndon Chapman; and for other purposes.

HR 1724. By Representatives Dudgeon of the 24th, Hamilton of the 23rd, Amerson of the 9th, Gardner of the 57th and Cooper of the 41st:

A RESOLUTION recognizing and commending Brian Duffy; and for other purposes.

HR 1725. By Representatives Nimmer of the 178th, Houston of the 170th, Powell of the 171st and Collins of the 27th:

A RESOLUTION recognizing the need to raise awareness of Down syndrome; and for other purposes.

HR 1726. By Representatives Jordan of the 77th, Davis of the 109th, Welch of the 110th and Scott of the 76th:

A RESOLUTION recognizing and commending Henry County Middle School's art classes; and for other purposes.

HR 1727. By Representatives Stephens of the 161st, Gordon of the 162nd, Mitchell of the 88th, Marin of the 96th and Scott of the 76th:

A RESOLUTION recognizing and commending Joseph N. Bell; and for other purposes.

HR 1728. By Representatives Taylor of the 55th and Morgan of the 39th:

A RESOLUTION honoring the life and memory of Ms. Whitney Houston; and for other purposes.

HR 1729. By Representatives Taylor of the 55th and Morgan of the 39th:

A RESOLUTION commending the National Association of Black Social Workers on its 44th annual conference; 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 1056. By Representatives Battles of the 15th, Ehrhart of the 36th, Hanner of the 148th, Amerson of the 9th, Williams of the 165th and others:

A BILL to be entitled an Act to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to clarify the application of ad valorem taxation provisions consistent with the federal provisions in the Service Members Civil Relief Act; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Cooke	Y Harrell	Y Marin	Y Rynders	Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	E Mayo	E Setzler	Ralston, Speaker

On the passage of the Bill, the ayes were 153, nays 0.

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

Representatives Hembree of the 67th, Houston of the 170th, and Sims of the 119th 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 1166. By Representatives Atwood of the 179th, Smith of the 131st, Meadows of the 5th, Maxwell of the 17th, Williams of the 113th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for individual health insurance coverage to children through child-only health plans; to provide for legislative intent; to establish a mandatory, uniform open enrollment period; to provide for definitions; to provide for guaranteed-issue coverage regardless of health status; to provide for special enrollment periods for loss of coverage because of a qualifying event; to provide for a list of qualifying events; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for individual health insurance coverage to children through child-only health policies; to provide for legislative intent; to establish a mandatory, uniform open enrollment period; to provide for definitions; to provide for guaranteed-issue coverage regardless of health status; to provide for special enrollment periods for loss of coverage because of a qualifying event; to provide for a list of qualifying events; to provide effective dates for coverage purchased during an open enrollment period or after a qualifying event; to provide notice and marketing requirements; to provide for rules and regulations; to provide for an automatic repealer; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by adding a new chapter to read as follows:

"CHAPTER 29B**33-29B-1.**

(a) It is the intention of this chapter to restore access to creditable health care coverage for Georgia's children, and that in order to do so, it is important to bring insurance providers into the market to offer individual health insurance coverage to children through child-only policies.

(b) For the protection of the public, particularly children and families, and for the protection of insurers required by federal law to guarantee the issue of individual health policies to children who are less than 19 years of age without imposing any preexisting condition exclusions, it is the intent of the General Assembly to accomplish this goal by establishing that as a condition of issuing health insurance coverage in the individual market until January 1, 2014, insurers offer child-only policies during open enrollment periods specified by this chapter.

33-29B-2.

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

(1) 'Child-only policy' means individual health insurance coverage for a qualified individual who is less than 19 years of age. Such term shall not include dependent health insurance for a qualified individual under another person's health insurance.

(2) 'Creditable coverage' means medical expense coverage under any of the following:

(A) Medicare or Medicaid;

(B) An employer based accident and sickness insurance or health benefit arrangement;

(C) An individual accident and sickness insurance policy, including coverage issued by a health maintenance organization, nonprofit hospital or nonprofit medical service corporation, health care corporation, or fraternal benefit society;

(D) A spouse's benefits or coverage under medicare or Medicaid or an employer based health insurance or health benefit arrangement;

(E) A conversion policy;

(F) A franchise policy issued on an individual basis to a member of a true association as defined in subsection (b) of Code Section 33-30-1;

(G) A health policy formed pursuant to 10 U.S.C. Chapter 55;

(H) A health policy provided through the Indian Health Service or a tribal organization program or both;

(I) A state health benefits risk pool;

(J) A health policy formed pursuant to 5 U.S.C. Chapter 89;

(K) A public health policy; or

(L) A Peace Corps Act health benefit policy.

(3) 'Health insurance' has the same meaning as accident and sickness policy as defined in Code Section 33-29-1. Such term shall not include:

(A) Any policy of workers' compensation insurance or any policy of workers' insurance or any policy of liability insurance with or without supplementary expense coverage on the policy;

(B) Any policy or contract of reinsurance;

(C) Any policy, the renewal of which is subject to continuation of employment with a specified employer, any blanket or group policy of insurance, or any policy issued pursuant to the exercise of conversion privileges provided for in group insurance policies;

(D) Life insurance, endowment or annuity contracts, or contracts supplemental thereto which contain only such provisions relating to accident and sickness insurance which provide additional benefits in case of death or dismemberment or loss of sight by accident, or which operate to safeguard such contracts against lapse or give a special surrender value or special benefit or an annuity in the event that the insured or annuitant becomes totally and permanently disabled as defined by the contract or supplemental contract;

(E) Companies, organizations, or associations provided for in Chapters 18 and 19 of this title; or

(F) Any policy of accident, sickness, or hospitalization insurance issued prior to January 1, 1961; long-term care, disability income, short-term, accident, dental-only, vision-only, fixed indemnity, limited-benefit, or credit insurance; coverage issued as a supplement to liability insurance; insurance arising out of workers' compensation or similar law; automobile medical payment insurance; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

(4) 'Insurer' means an insurance company, insurance service, or insurance organization licensed to engage in the business of insurance in Georgia and which is subject to this title. Such term shall not include a group health policy.

(5) 'Open enrollment period' means January 1, 2013, through January 31, 2013.

(6) 'Qualified individual' means a resident of this state who is less than 19 years of age.

(7) 'Qualifying event' means the loss of employer sponsored health insurance or the involuntary loss of other existing health insurance for any reason other than fraud, misrepresentation, or failure to pay a premium if the applicant is a qualified individual when the qualifying event occurs.

33-29B-3.

(a) All insurers that deliver or issue for delivery individual health insurance in this state shall be subject to the provisions of this chapter. As a condition of issuing coverage in the individual health market, an insurer shall ensure that at least one policy design

issued pursuant to Code Section 33-29A-3 and this chapter shall be available to individuals applying for a child-only policy.

(b) Insurers shall offer guaranteed-issue coverage to primary subscribers under the age of 19 years during open enrollment periods during which insurers shall accept applications for child-only policies.

(c) During the open enrollment period set forth in subsection (b) of this Code section and within 30 days of a qualifying event, an insurer shall accept and grant an application to insure a qualified individual for a child-only policy on a guaranteed-issue basis without any limitations or exclusions of policy benefits based upon the applicant's health status pursuant to federal law.

(d) Insurers shall not offer child-only policies outside of the open enrollment period, except insurers shall permit a child under the age of 19 years to apply and enroll for coverage during a special enrollment period under the terms of the health benefit policy if the child has experienced a qualifying event.

(e) A special enrollment period shall last 30 days from the date the insurer receives notice of loss of coverage if:

(1) Such notice is provided to the insurer no later than the sixtieth day after the loss of coverage;

(2) The loss of other coverage results from:

(A) Birth;

(B) Adoption;

(C) Marriage;

(D) Dissolution of marriage;

(E) Loss of employer sponsored insurance;

(F) Loss of eligibility under Code Section 49-4-1 or 49-5-273;

(G) Entry of a valid court or administrative order mandating the child be covered;

or

(H) Involuntary loss of other existing coverage for any reason other than fraud, misrepresentation, or failure to pay premium; or

(3) The person under 19 years of age is not eligible for creditable coverage.

(f) Coverage under individual policies applied for during the open enrollment period shall become effective within 30 days following the end of such period. Coverage under individual policies applied for during a special enrollment period shall become effective within 30 days following the end of the special enrollment period.

(g) Nothing in this Code section shall prohibit an insurer from setting a premium rate for individuals based upon medical underwriting so long as such rate is in compliance with the applicable product's rate filing on record with the department. An insurer may impose a surcharge for up to 12 months if an individual enrolls in a child-only policy without prior creditable coverage in the 63 day period preceding the date of application. The amount of the surcharge may be up to an additional 50 percent of the premium rate that would be charged if an individual enrolls in a child-only policy with prior creditable coverage in the 63 day period preceding the date of application.

33-29B-4.

In the event that an individual under the age of 19 years is a dependent on a policy with a primary subscriber who is over the age of 19 years and such primary subscriber drops the policy, all dependents shall lose coverage as a result of the termination of coverage of the primary subscriber. Such individuals under the age of 19 years may apply for child-only policies during the open enrollment period or, in the case of a qualifying event, during a special enrollment period.

33-29B-5.

An insurance carrier may deny coverage to an applicant for enrollment in a child-only policy if other creditable coverage is available. For purposes of this Code section, the term 'creditable coverage' shall not include eligibility for a high-risk pool insurance policy, but shall include current enrollment in a high-risk pool insurance policy.

33-29B-6.

(a) Insurers currently covering subscribers or dependents under the age of 19 years on individual policies shall continue to renew such policies in accordance with Code Section 33-29-21.

(b) Notice of the open enrollment opportunity, open enrollment dates for new applicants, the opportunity to enroll due to a qualifying event, and instructions on how to enroll a child in a child-only policy shall be displayed continuously and prominently on the insurer's website throughout the year.

33-29B-7.

Each insurer that participates in the individual market in Georgia shall submit to the Commissioner the following information at the time the insurer submits the information pertaining to 2013 that is required in Code Section 33-3-21:

- (1) The number of applicants for a child-only policy during open enrollment period;
- (2) The number of individuals who enrolled in a child-only policy during the open enrollment period; and
- (3) The number of applicants denied enrollment in a child-only policy during the open enrollment period and the reasons for the denials.

33-29B-8.

(a) The Commissioner shall adopt rules to implement and administer this chapter.

(b) This chapter and the rules adopted by the Commissioner to administer this chapter shall stand repealed on January 1, 2014."

SECTION 2.

This Act shall become effective on January 1, 2013.

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

On the passage of the Bill, by substitute, the ayes were 161, nays 1.

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

Representative Coleman of the 97th 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.

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

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.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 5, 2012

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Modified Open Rule

HB 535 War veterans homes; Veterans Service Board establish residency fee; authorize (Substitute)(D&VA-Oliver-83rd)

Modified Structured Rule

HB 397 State government; open meetings and records; revise provisions (Substitute)(Judy-Powell-171st)

HB 717 Dogs; criminal penalties for certain owners failing to secure; provide (Substitute)(JudyNC-Houston-170th)

HB 745 Public Health, Department of; study pulse oximetry screening for newborns to detect congenital heart defects; require (Substitute)(H&HS-Welch-110th)

Structured Rule

HB 318 Sales and use tax exemptions; donated food for hunger relief; extend (Substitute)(W&M-Stephens-164th)

- HB 334 Sales and use tax exemptions; food and beverages to food bank; extend (Substitute)(W&M-Stephens-164th)
- HB 743 Motor fuel tax; expiration date for exemption for certain public transit and public campus transportation systems; extend (W&M-Rice-51st)
- HB 846 Revenue, Department of; various administrative and procedural requirements; change (Substitute)(W&M-Knight-126th)
- HB 1049 Georgia Emergency Telephone Number 9-1-1 Service Act of 1977; change applicability and requirements; change certain definitions (Substitute)(EU&T-Willard-49th)

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

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

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

HB 846. By Representatives Knight of the 126th and Peake of the 137th:

A BILL to be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change various administrative and procedural requirements of the Department of Revenue; to provide procedures with respect to the publication of letter rulings; to define the term "ruling"; to substantially modernize the provisions governing the commissioner's levy and sale of personal property; to authorize the commissioner to electronically store, retrieve, and transmit tax executions; to provide that the executions so stored are treated as originals for all purposes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to change various administrative and procedural requirements of the Department of Revenue; to provide procedures with respect to the publication of letter rulings; to define the term "ruling"; to substantially modernize the provisions governing

the commissioner's levy and sale of personal property; to authorize the commissioner to electronically store, retrieve, and transmit tax executions; to provide that the executions so stored are treated as originals for all purposes; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by adding a new Code section to read as follows:

"48-2-15.2.

(a) As used in this Code section, the term 'ruling' means a written determination that is issued to a person by the commissioner pursuant to regulations promulgated for that purpose, in response to such person's written inquiry about his or her status for tax purposes or the tax effects of acts or transactions, and is based on applying the tax statutes, regulations, or other legal authority to such person's specific set of facts. Such term thus does not include, for example, notices of proposed or final assessment or decisions thereon, decisions on claims for refund, decisions to accept or reject offers in compromise, voluntary disclosure or closing agreements, and responses to petitions or applications under Code sections permitting the commissioner to waive penalty or interest.

(b) The commissioner is authorized to promulgate regulations prescribing guidelines and procedures for the submission of rulings, issuance or denial of issuance of rulings, and the redaction and disclosure of rulings to the public. The commissioner may not disclose a ruling to the public without first deleting the name, address, and other identifying details of the person to whom the ruling was issued.

(c) A ruling shall have no precedential value except to the person to whom the ruling was issued and then only for the specific transaction addressed in the ruling."

SECTION 2.

Said title is further amended by revising subsection (d) of Code Section 48-2-55, relating to the power of the state revenue commissioner to collect unpaid taxes via attachment, garnishment, levy, and sale, as follows:

"(d)(1) The commissioner or his or her authorized representative may levy and conduct judicial sales in the manner provided by law for sales by sheriffs and constables.

(2)(A) ~~Levy, in the case of~~ In the event the levy is upon personal property, the sale of such property shall be advertised ten days before the date of sale. Advertisements of sales shall designate the time, ~~and~~ place, and manner of the sale, shall give a reasonable description of the property to be sold, shall be posted in three public places in the county, and shall be inserted at least one time in the newspaper in which sheriff's sales in the county are advertised. The commissioner may

prescribe by regulation methods for providing notice of sale in addition to the provisions of this subparagraph.

(B) The commissioner or his or her authorized representative may conduct the sale of such personal property via public auction, public Internet auction, or via sealed bids. If the sale is conducted via public auction, the sale shall be conducted within the county in which the property levied on is situated and shall be held between the hours of 10:00 A.M. and 4:00 P.M. eastern standard time or eastern daylight time, whichever is applicable. In the event the levy is upon personal property, the sale shall be conducted within the county in which the property levied on is situated, except that if it appears to the commissioner that substantially higher bids may be obtained for the property if the sale is held at a place outside such county, he may order that the sale be held in such other place. If the location of the sale is in a county other than the county in which the levy was made, notice of the sale as required by this Code section shall be made in both counties. The commissioner may prescribe by regulation the manner or other conditions for sales by public auction, public Internet auction, or sealed bids, including whether payment in full is required at the time of acceptance of the bid, under what circumstances the sale may be adjourned, and whether, and under what circumstances, multiple items of property may be sold separately, in groups, or in the aggregate.

(C) For each sale of personal property conducted pursuant to this paragraph, the commissioner or his or her authorized representative shall determine a minimum bid price of the sale, and, in the absence of a bid equal to or greater than the minimum bid price, the commissioner shall retain possession of the property. In determining the minimum bid price, the commissioner or his or her authorized representative shall take into account the expense of making the levy and sale. In his discretion, the commissioner or his or her representative may delay disclosure of the minimum bid price until the receipt of the highest bid.

(3) In the event the levy is upon real property, the commissioner or his or her authorized representative, after making the levy, shall return the levy on the execution to the sheriff of the county in which the property is located. After the return, the sheriff shall proceed to advertise and sell the property as required by law."

SECTION 3.

Said title is further amended by revising Code Section 48-3-7, relating to the issuance of alias tax executions, by adding a new subsection to read as follows:

"(c) The commissioner or his or her duly appointed representative shall be authorized to convert regularly issued original or alias tax executions into electronic form for indexing, storage, archival, retrieval, or transmittal purposes, and any tax execution so converted, whether or not subsequently reduced to paper or other tangible medium, shall be treated as a regularly issued original for all purposes, and the commissioner shall not thereafter be required to maintain an original of such tax execution. Tax

executions so converted, when reduced to paper or other tangible medium, shall fully reflect any and all entries or notations made on such tax executions."

SECTION 4.

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

(b) Section 1 of this Act shall only be applied to rulings requested after the effective date of this Act.

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:

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	Henson	Y McKillip	Y Sims, B
Y Amerson	Y Dickerson	Y Hightower	Y Meadows	E Sims, C
Y Anderson	Y Dickey	Y Hill	E Mitchell	E Smith, E
Y Ashe	E Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y 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
Y 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	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	E Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
E Bruce	Y Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT
Y Byrd	Y Gardner	Y Kaiser	Y Pruett	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Y Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Maddox, B	Y Roberts	E Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E

Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	E Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 0.

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

Representative Dobbs of the 53rd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

HB 743. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend Code Section 48-9-3 of the Official Code of Georgia Annotated, relating to the motor fuel tax, so as to extend the expiration date for the exemption from the motor fuel tax for certain public transit and public campus transportation systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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	Dickerson	Y Hightower	Y Meadows	E Sims, C
Y Anderson	Y Dickey	Y Hill	E Mitchell	E Smith, E
Y Ashe	E Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y 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
Y 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	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	E Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
E Bruce	Y Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E Frazier	Y Jones, S	Y Powell, A	Y Thomas
Y Burns	Y Fullerton	Y Jordan	Y Powell, J	VACANT

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

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

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

HB 318. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption with respect to the use of food which is donated to a qualified nonprofit agency and which is used for hunger relief purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by revising subparagraph (A) of paragraph (57.2) as follows:

"(57.2)(A) For the period commencing July 1, ~~2007~~ 2012, and ending on June 30, ~~2014~~ 2015, the use of prepared food which is donated to a qualified nonprofit agency and which are used for hunger relief purposes."

SECTION 2.

This Act shall become effective on July 1, 2012.

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	Y Hembree	Y McCall	Y Sheldon
Y Allison	Y Dempsey	Y Henson	Y McKillip	Y Sims, B
Y Amerson	Y Dickerson	Y Hightower	Meadows	E Sims, C
Y Anderson	Y Dickey	Y Hill	E Mitchell	E Smith, E
Y Ashe	E Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y 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
Y 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	England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	E Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
E Bruce	Y Floyd	Y Johnson	Y Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E 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	Y Kendrick	Y Purcell	Y Watson
Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Long	Y Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	E Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	E Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

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

HB 334. By Representative Stephens of the 164th:

A BILL to be entitled an Act to amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to extend for a limited period of time an exemption with respect to certain sales of eligible food and beverages to a qualified food bank; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, so as to provide a new exemption with respect to certain sales of eligible food and beverages to a qualified food bank; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-8-3 of the Official Code of Georgia Annotated, relating to exemptions from sales and use tax, is amended by revising subparagraph (A) of paragraph (57.1) as follows:

"(57.1)(A) From July 1, ~~2006~~ 2012, until June 30, ~~2010~~ 2015, sales of food and food ingredients to a qualified food bank."

SECTION 2.

This Act shall become effective on July 1, 2012.

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	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	E Sims, C
Y Anderson	Y Dickey	Y Hill	E Mitchell	E Smith, E
Y Ashe	E Dickson	Y Holcomb	Y Morgan	Y Smith, K
Y Atwood	Y Dobbs	Y Holmes	Y Morris	Y Smith, L
Y Baker	Y Dollar	Y Holt	Y Mosby	Y Smith, R
Y Battles	Y 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
Y 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	Stephenson
Y Black	Y England	Y Jacobs	Y O'Neal	Y Talton
Y Braddock	Y Epps, C	Y James	Y Pak	Y Tankersley
Y Brockway	Y Epps, J	Y Jasperse	E Parent	Y Taylor, D
Y Brooks	E Evans	Y Jerguson	Y Parrish	Y Taylor, R
E Bruce	Floyd	Y Johnson	Parsons	Y Taylor, T
Y Bryant	Y Fludd	Y Jones, J	Y Peake	Y Teasley
Y Buckner	E 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
Carson	Y Geisinger	Y Kendrick	Y Purcell	Y Watson
Carter	Y Golick	Y Kidd	Y Ramsey	Y Welch
Y Casas	Y Gordon	Y Knight	Y Randall	Y Weldon
Y Channell	Y Greene	Y Lane	Y Reece	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lindsey	Y Rice	Y Wilkinson
Y Clark, J	Y Hanner	Long	Riley	Y Willard
Y Clark, V	Y Harbin	Y Maddox, B	Y Roberts	E Williams, A
Y Coleman	Y Harden, B	Y Maddox, G	Y Rogers, C	Y Williams, C
Y Collins	Y Harden, M	Y Manning	Y Rogers, T	Y Williams, E
Y Cooke	Y Harrell	Y Marin	Y Rynders	Y Williams, R
Y Coomer	Y Hatchett	Y Martin	Y Scott, M	Y Williamson
Y Cooper	Y Hatfield	Y Maxwell	Y Scott, S	Y Yates
Y Crawford	Y Heard	E Mayo	Y Setzler	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 157, nays 0.

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

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

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

regulations; to authorize the acceptance of certain assignment of benefits; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to war veterans homes, is amended by adding a new Code section to read as follows:

"38-4-56.

(a) The Veterans Service Board is authorized to provide by rule and regulation for a reasonable fee for residency in and services provided by a facility of the Georgia State War Veterans' Home. The board is authorized to provide by rule and regulation for a full or partial waiver of such fees based on economic need. Such fee waiver shall be established on a sliding scale based on established criteria, including, without limitation, consideration of assets, income, and other resources.

(b) The Department of Veterans Service is authorized to receive, as full or partial payment of any fees charged by a facility of the Georgia State War Veterans' Home, the assignment of any state or federal benefit including, without limitation, aid and attendance benefits paid by the United States Department of Veterans Affairs."

SECTION 2.

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 147, nays 13.

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

Representative Holcomb of the 82nd 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 397. By Representatives Powell of the 171st, Bearden of the 68th, Powell of the 29th, Greene of the 149th, Baker of the 78th and others:

A BILL to be entitled an Act to amend Title 50 of the O.C.G.A., relating to state government, so as to comprehensively revise the provisions of law

regarding open meetings and open records; to provide definitions relating to open meetings; to provide for the manner of closing meetings; to provide for open meetings; to provide for remedies for improperly closing meetings; to provide for exceptions and exemptions; to provide for sanctions; to provide for related matters; to conform certain cross references; 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 50 of the Official Code of Georgia Annotated, relating to state government, so as to comprehensively revise the provisions of law regarding open meetings and open records; to provide definitions relating to open meetings; to provide for the manner of closing meetings; to provide for open meetings; to provide for remedies for improperly closing meetings; to provide for notice of meetings; to provide for exceptions; to provide for certain privileges; to provide for sanctions; to provide for related matters; to provide for legislative intent regarding open records; to provide for definitions relating to open records; to provide for applicability; to provide for procedures regarding disclosure and enforcement of disclosure provisions; to provide for fees and the amount and manner of collection thereof; to provide for exceptions and exemptions; to provide for sanctions; to provide for related matters; to conform certain cross references; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising Chapter 14, relating to open and public meetings, as follows:

"CHAPTER 14

50-14-1.

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

(1) 'Agency' means:

(A) Every state department, agency, board, bureau, office, commission, public corporation, and authority;

(B) Every county, municipal corporation, school district, or other political subdivision of this state;

(C) Every department, agency, board, bureau, office, commission, authority, or similar body of each such county, municipal corporation, or other political subdivision of the state;

(D) Every city, county, regional, or other authority established pursuant to the laws of this state; and

(E) Any nonprofit organization to which there is a direct allocation of tax funds made by the governing ~~authority~~ body of any agency as defined in this paragraph ~~and which allocation~~ constitutes more than 33 1/3 percent of the funds from all sources of such organization; provided, however, that this subparagraph shall not include hospitals, nursing homes, dispensers of pharmaceutical products, or any other type organization, person, or firm furnishing medical or health services to a citizen for which they receive reimbursement from the state whether directly or indirectly; nor shall this term include a subagency or affiliate of such a nonprofit organization from or through which the allocation of tax funds is made.

(2) 'Executive session' means a portion of a meeting lawfully closed to the public.

(3)(A) 'Meeting' means the:

(i) The gathering of a quorum of the members of the governing body of an agency at which any official business, policy, or public matter of the agency is formulated, presented, discussed, or voted upon; or

(ii) The gathering of a quorum of any committee of its the members of the governing body of an agency or a quorum of any committee created by such the governing body, whether standing or special, pursuant to schedule, call, or notice of or from such governing body or committee or an authorized member, at a designated time and place at which any public matter, official business, or policy of the agency is to be discussed or presented or at which official action is to be taken or, in the case of a committee, recommendations on any public matter, at which any official business, or policy to the governing body are to be, or public matter of the committee is formulated, presented, or discussed, or voted upon.

(B) 'Meeting' shall not include:

(i) The assembling together gathering of a quorum of the members of a governing body or committee for the purpose of making inspections of physical facilities or property under the jurisdiction of such agency or for the purposes of meeting with the governing bodies, officers, agents, or employees of other agencies at places outside the geographical jurisdiction of an agency and at which no final other official business of the agency is to be discussed or official action is to be taken shall not be deemed a 'meeting.';

(ii) The gathering of a quorum of the members of a governing body or committee for the purpose of attending state-wide, multijurisdictional, or regional meetings to participate in seminars or courses of training on matters related to the purpose of the agency or to receive or discuss information on matters related to the purpose of the agency at which no official action is to be taken by the members;

(iii) The gathering of a quorum of the members of a governing body or committee for the purpose of meeting with officials of the legislative or executive branches of the state or federal government at state or federal offices and at which no official action is to be taken by the members;

(iv) The gathering of a quorum of the members of a governing body of an agency for the purpose of traveling to a meeting or gathering as otherwise authorized by this subsection so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum; or

(v) The gathering of a quorum of the members of a governing body of an agency at social, ceremonial, civic, or religious events so long as no official business, policy, or public matter is formulated, presented, discussed, or voted upon by the quorum.

This subparagraph's exclusions from the definition of the term 'meeting' shall not apply if it is shown that the primary purpose of the gathering or gatherings is to evade or avoid the requirements for conducting a meeting while discussing or conducting official business.

(b)(1) Except as otherwise provided by law, all meetings as defined in subsection (a) of this Code section shall be open to the public. All votes at any meeting shall be taken in public after due notice of the meeting and compliance with the posting and agenda requirements of this chapter.

(2) Any resolution, rule, regulation, ordinance, or other official action of an agency adopted, taken, or made at a meeting which is not open to the public as required by this chapter shall not be binding. Any action contesting a resolution, rule, regulation, ordinance, or other formal action of an agency based on an alleged violation of this provision must shall be commenced within 90 days of the date such contested action was taken, provided that or, if the meeting was held in a manner not permitted by law, within 90 days from the date the party alleging the violation knew or should have known about the alleged violation so long as such date is not more than six months after the date the contested action was taken.

(3) Notwithstanding the provisions of paragraph (2) of this subsection, any action under this chapter contesting a zoning decision of a local governing authority shall be commenced within the time allowed by law for appeal of such zoning decision.

(c) The public at all times shall be afforded access to meetings declared open to the public pursuant to subsection (b) of this Code section. Visual, sound, and visual and sound recording during open meetings shall be permitted.

(d)(1) Every agency subject to this chapter shall prescribe the time, place, and dates of regular meetings of the agency. Such information shall be available to the general public and a notice containing such information shall be posted at least one week in advance and maintained in a conspicuous place available to the public at the regular meeting place of the an agency or committee meeting subject to this chapter as well as on the agency's website, if any. Meetings shall be held in accordance with a regular schedule, but nothing in this subsection shall preclude an agency from canceling or postponing any regularly scheduled meeting.

(2) For any meeting, other than a regularly scheduled meeting of the agency for which notice has already been provided pursuant to this chapter, Whenever any meeting required to be open to the public is to be held at a time or place other than at the time and place prescribed for regular meetings, the agency shall give due notice

thereof. ~~'Due notice' shall be the posting of a written notice for at least 24 hours at the place of regular meetings and giving of written or oral notice shall be given~~ at least 24 hours in advance of the meeting to the legal organ in which notices of sheriff's sales are published in the county where regular meetings are held or at the option of the agency to a newspaper having a general circulation in ~~said~~ such county at least equal to that of the legal organ; provided, however, that, in counties where the legal organ is published less often than four times weekly ~~'due notice',~~ sufficient notice shall be the posting of a written notice for at least 24 hours at the place of regular meetings and, upon written request from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone ~~or,~~ facsimile, or e-mail to that requesting media outlet at least 24 hours in advance of the called meeting. Whenever notice is given to a legal organ or other newspaper, that publication shall immediately or as soon as practicable make the information available upon inquiry to any member of the public. Upon written request from any local broadcast or print media outlet, a copy of the meeting's agenda shall be provided by facsimile, e-mail, or mail through a self-addressed, stamped envelope provided by the requestor.

(3) When special circumstances occur and are so declared by an agency, that agency may hold a meeting with less than 24 hours' notice upon giving such notice of the meeting and subjects expected to be considered at the meeting as is reasonable under the circumstances, including notice to ~~said~~ the county legal organ or a newspaper having a general circulation in the county at least equal to that of the legal organ, in which event the reason for holding the meeting within 24 hours and the nature of the notice shall be recorded in the minutes. ~~Whenever notice is given to a legal organ or other newspaper, that publication shall immediately make the information available upon inquiry to any member of the public. Any oral notice required or permitted by this subsection may be given by telephone. Such reasonable notice shall also include, upon written request within the previous calendar year from any local broadcast or print media outlet whose place of business and physical facilities are located in the county, notice by telephone, facsimile, or e-mail to that requesting media outlet.~~

(e)(1) Prior to any meeting, the agency or committee holding such meeting shall make available an agenda of all matters expected to come before the agency or committee at such meeting. The agenda shall be available upon request and shall be posted at the meeting site, as far in advance of the meeting as reasonably possible, but shall not be required to be available more than two weeks prior to the meeting and shall be posted, at a minimum, at some time during the two-week period immediately prior to the meeting. Failure to include on the agenda an item which becomes necessary to address during the course of a meeting shall not preclude considering and acting upon such item.

(2)(A) A summary of the subjects acted on and those members present at a meeting of any agency shall be written and made available to the public for inspection within two business days of the adjournment of a meeting ~~of any agency.~~

(B) The regular minutes of a meeting of any agency subject to this chapter shall be promptly recorded and such records shall be open to public inspection once approved as official by the agency or its committee, but in no case later than immediately following the its next regular meeting of the agency; provided, however, that nothing contained in this chapter shall prohibit the earlier release of minutes, whether approved by the agency or not. Such Said minutes shall, as at a minimum, include the names of the members present at the meeting, a description of each motion or other proposal made, the identity of the persons making and seconding the motion or other proposal, and a record of all votes. In the case of a roll-call vote the The name of each person voting for or against a proposal shall be recorded and in all other cases it. It shall be presumed that the action taken was approved by each person in attendance unless the minutes reflect the name of the persons voting against the proposal or abstaining.

(C) Minutes of executive sessions shall also be recorded but shall not be open to the public. Such minutes shall specify each issue discussed in executive session by the agency or committee. In the case of executive sessions where matters subject to the attorney-client privilege are discussed, the fact that an attorney-client discussion occurred and its subject shall be identified, but the substance of the discussion need not be recorded and shall not be identified in the minutes. Such minutes shall be kept and preserved for in camera inspection by an appropriate court should a dispute arise as to the propriety of any executive session.

(f) An agency with state-wide jurisdiction or committee of such an agency shall be authorized to conduct meetings by ~~telecommunications conference~~ teleconference, provided that any such meeting is conducted in compliance with this chapter.

(g) Under circumstances necessitated by emergency conditions involving public safety or the preservation of property or public services, agencies or committees thereof not otherwise permitted by subsection (f) of this Code section to conduct meetings by teleconference may meet by means of teleconference so long as the notice required by this chapter is provided and means are afforded for the public to have simultaneous access to the teleconference meeting. On any other occasion of the meeting of an agency or committee thereof, and so long as a quorum is present in person, a member may participate by teleconference if necessary due to reasons of health or absence from the jurisdiction so long as the other requirements of this chapter are met. Absent emergency conditions or the written opinion of a physician or other health professional that reasons of health prevent a member's physical presence, no member shall participate by teleconference pursuant to this subsection more than twice in one calendar year.

50-14-2.

This chapter shall not be construed so as to repeal in any way:

(1) The attorney-client privilege recognized by state law to the extent that a meeting otherwise required to be open to the public under this chapter may be closed in order to consult and meet with legal counsel pertaining to pending or potential litigation,

settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee or in which the agency or any officer or employee may be directly involved; provided, however, the meeting may not be closed for advice or consultation on whether to close a meeting; and
(2) Those tax matters which are otherwise made confidential by state law.

50-14-3.

(a) This chapter shall not apply to the following:

(1) Staff meetings held for investigative purposes under duties or responsibilities imposed by law;

(2) The deliberations and voting of the State Board of Pardons and Paroles; and in addition ~~said~~ such board may close a meeting held for the purpose of receiving information or evidence for or against clemency or in revocation proceedings if it determines that the receipt of such information or evidence in open meeting would present a substantial risk of harm or injury to a witness;

(3) Meetings of the Georgia Bureau of Investigation or any other law enforcement or prosecutorial agency in the state, including grand jury meetings;

(4) Adoptions and proceedings related thereto;

(5) Gatherings involving an agency and one or more neutral third parties in mediation of a dispute between the agency and any other party. In such a gathering, the neutral party may caucus jointly or independently with the parties to the mediation to facilitate a resolution to the conflict, and any such caucus shall not be subject to the requirements of this chapter. Any decision or resolution agreed to by an agency at any such caucus shall not become effective until ratified in a public meeting and the terms of any such decision or resolution are disclosed to the public. Any final settlement agreement, memorandum of agreement, memorandum of understanding, or other similar document, however denominated, in which an agency has formally resolved a claim or dispute shall be subject to the provisions of Article 4 of Chapter 18 of this title;

(6) Meetings:

(A) Of any medical staff committee of a public hospital;

(B) Of the governing authority of a public hospital or any committee thereof when performing a peer review or medical review function as set forth in Code Section 31-7-15, Articles 6 and 6A of Chapter 7 of Title 31, or under any other applicable federal or state statute or regulation; and

(C) Of the governing authority of a public hospital or any committee thereof in which the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law is discussed, considered, or voted upon;

(7) Incidental conversation unrelated to the business of the agency; or

(8) E-mail communications among members of an agency; provided, however, that such communications shall be subject to disclosure pursuant to Article 4 of Chapter 18 of this title.

(b) Subject to compliance with the other provisions of this chapter, executive sessions shall be permitted for:

~~(4)(1)~~ Meetings when any agency is discussing the future acquisition, disposal, or lease of real estate, ~~except that such meetings shall be subject to the requirements of this chapter for the giving of the notice of such a meeting to the public and preparing the minutes of such a meeting; provided, however, the disclosure of such portions of the minutes as would identify real estate to be acquired may be delayed until such time as the acquisition of the real estate has been completed, terminated, or abandoned or court proceedings with respect thereto initiated;.~~ It shall not be a violation of this chapter for an agency to vote in executive session to:

(A) Authorize the settlement of any matter which may be properly discussed in executive session in accordance with paragraph (1) of Code Section 50-14-2;

(B) Authorize negotiations to purchase, dispose of, or lease property;

(C) Authorize the ordering of an appraisal related to the acquisition of real estate;

(D) Enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or

(E) Enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote.

No vote in executive session to acquire, dispose of, or lease real estate, or to settle litigation, claims, or administrative proceedings, shall be binding on an agency until a subsequent vote is taken in an open meeting where the identity of the property and the terms of the acquisition, disposal, or lease are disclosed before the vote or where the parties and principal settlement terms are disclosed before the vote;

~~(5) Meetings of the governing authority of a public hospital or any committee thereof when discussing the granting, restriction, or revocation of staff privileges or the granting of abortions under state or federal law;~~

~~(6)(2)~~ Meetings when discussing or deliberating upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee ~~but not when receiving evidence or interviewing applicants for the position of the executive head of an agency. This exception shall not apply to the receipt of evidence or when hearing argument on charges filed to determine personnel matters, including whether to impose disciplinary action or dismissal of dismiss a public officer or employee or when considering or discussing matters of policy regarding the employment or hiring practices of the agency.~~ The vote on any matter covered by this paragraph shall be taken in public and minutes of the meeting as provided in this chapter shall be made available. Meetings by an agency to discuss or take action on the filling of a vacancy in the membership of the agency itself shall at all times be open to the public as provided in this chapter;

~~(7) Adoptions and proceedings related thereto;~~

~~(8)(3)~~ Meetings of the board of trustees or the investment committee of any public retirement system created by or subject to Title 47 when such board or committee is discussing matters pertaining to investment securities trading or investment portfolio positions and composition; and

~~(9)(4) Portions of meetings during which that portion of a record made Meetings when discussing any records that are exempt from public inspection or disclosure pursuant to paragraph (15) of subsection (a) of Code Section 50-18-72, when discussing any information a record of which would be exempt from public inspection or disclosure under said paragraph, or when reviewing or discussing any security plan under consideration pursuant to paragraph (10) of subsection (a) of Code Section 15-16-10 Article 4 of Chapter 18 of this title is to be considered by an agency and there are no reasonable means by which the agency can consider the record without disclosing the exempt portions if the meeting were not closed.~~

50-14-4.

(a) When any meeting of an agency is closed to the public pursuant to any provision of this chapter, the specific reasons for such closure shall be entered upon the official minutes, the meeting shall not be closed to the public except by a majority vote of a quorum present for the meeting, the minutes shall reflect the names of the members present and the names of those voting for closure, and that part of the minutes shall be made available to the public as any other minutes. Where a meeting of an agency is devoted in part to matters within the exceptions provided by law, any portion of the meeting not subject to any such exception, privilege, or confidentiality shall be open to the public, and the minutes of such portions not subject to any such exception shall be taken, recorded, and open to public inspection as provided in subsection (e) of Code Section 50-14-1.

~~(b)(1) When any meeting of an agency is closed to the public pursuant to subsection (a) of this Code section, the chairperson or other person presiding over such meeting or, if the agency's policy so provides, each member of the governing body of the agency attending such meeting, shall execute and file with the official minutes of the meeting a notarized affidavit stating under oath that the subject matter of the meeting or the closed portion thereof was devoted to matters within the exceptions provided by law and identifying the specific relevant exception.~~

~~(2) In the event that one or more persons in an executive session initiates a discussion that is not authorized pursuant to Code Section 50-14-3, the presiding officer shall immediately rule the discussion out of order and all present shall cease the questioned conversation. If one or more persons continue or attempt to continue the discussion after being ruled out of order, the presiding officer shall immediately adjourn the executive session.~~

50-14-5.

(a) The superior courts of this state shall have jurisdiction to enforce compliance with the provisions of this chapter, including the power to grant injunctions or other equitable relief. In addition to any action that may be brought by any person, firm, corporation, or other entity, the Attorney General shall have authority to bring enforcement actions, either civil or criminal, in his or her discretion as may be appropriate to enforce compliance with this chapter.

(b) In any action brought to enforce the provisions of this chapter in which the court determines that an agency acted without substantial justification in not complying with this chapter, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(c) Any agency or person who provides access to information in good faith reliance on the requirements of this chapter shall not be liable in any action on account of having provided access to such information.

50-14-6.

Any person knowingly and willfully conducting or participating in a meeting in violation of this chapter shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed ~~\$500.00~~ \$1,000.00. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this chapter against any person who violates the terms of this chapter in an amount not to exceed \$1,000.00 for the first violation. A civil penalty or criminal fine not to exceed \$2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date that the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions."

SECTION 2.

Said title is further amended by revising Article 4 of Chapter 18, relating to inspection of public records, as follows:

"ARTICLE 4

50-18-70.

(a) The General Assembly finds and declares that the strong public policy of this state is in favor of open government; that open government is essential to a free, open, and democratic society; and that public access to public records should be encouraged to foster confidence in government and so that the public can evaluate the expenditure of public funds and the efficient and proper functioning of its institutions. The General Assembly further finds and declares that there is a strong presumption that public records should be made available for public inspection without delay. This article shall be broadly construed to allow the inspection of governmental records. The exceptions set forth in this article, together with any other exception located elsewhere in the Code, shall be interpreted narrowly to exclude only those portions of records addressed by such exception.

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

(1) 'Agency' shall have the same meaning as in Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization that has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state, their officers, or any combination thereof and derives more than 33 1/3 percent of its general operating budget from payments from such political subdivisions.

(2) 'Public record' means 'public record' shall mean all documents, papers, letters, maps, books, tapes, photographs, computer based or generated information, data, data fields, or similar material prepared and maintained or received by an agency or by a private person or entity in the performance of a service or function for or on behalf of an agency or when such documents have been transferred to a private person or entity by an agency for storage or future governmental use. in the course of the operation of a public office or agency. 'Public record' shall also mean such items received or maintained by a private person or entity on behalf of a public office or agency which are not otherwise subject to protection from disclosure; provided, however, this Code section shall be construed to disallow an agency's placing or causing such items to be placed in the hands of a private person or entity for the purpose of avoiding disclosure. Records received or maintained by a private person, firm, corporation, or other private entity in the performance of a service or function for or on behalf of an agency, a public agency, or a public office shall be subject to disclosure to the same extent that such records would be subject to disclosure if received or maintained by such agency, public agency, or public office. As used in this article, the term 'agency' or 'public agency' or 'public office' shall have the same meaning and application as provided for in the definition of the term 'agency' in paragraph (1) of subsection (a) of Code Section 50-14-1 and shall additionally include any association, corporation, or other similar organization which: (1) has a membership or ownership body composed primarily of counties, municipal corporations, or school districts of this state or their officers or any combination thereof; and (2) derives a substantial portion of its general operating budget from payments from such political subdivisions.

~~(b) All public records of an agency as defined in subsection (a) of this Code section, except those which by order of a court of this state or by law are prohibited or specifically exempted from being open to inspection by the general public, shall be open for a personal inspection by any citizen of this state at a reasonable time and place; and those in charge of such records shall not refuse this privilege to any citizen.~~

~~(c) Any computerized index of a county real estate deed records shall be printed for purposes of public inspection no less than every 30 days and any correction made on such index shall be made a part of the printout and shall reflect the time and date that said index was corrected.~~

~~(d) No public officer or agency shall be required to prepare reports, summaries, or compilations not in existence at the time of the request.~~

~~(e) In a pending proceeding under Chapter 13 of this title, the 'Georgia Administrative Procedure Act,' or under any other administrative proceeding authorized under Georgia law, a party may not access public records pertaining to the subject of the proceeding~~

~~pursuant to this article without the prior approval of the presiding administrative law judge, who shall consider such open record request in the same manner as any other request for information put forth by a party in such a proceeding. This subsection shall not apply to any proceeding under Chapter 13 of this title, relating to the revocation, suspension, annulment, withdrawal, or denial of a professional education certificate, as defined in Code Section 20-2-200, or any personnel proceeding authorized under Part 7 and Part 11 of Article 17 and Article 25 of Chapter 2 of Title 20.~~

~~(f) The individual in control of such public record or records shall have a reasonable amount of time to determine whether or not the record or records requested are subject to access under this article and to permit inspection and copying. In no event shall this time exceed three business days. Where responsive records exist but are not available within three business days of the request, a written description of such records, together with a timetable for their inspection and copying, shall be provided within that period; provided, however, that records not subject to inspection under this article need not be made available for inspection and copying or described other than as required by subsection (h) of Code Section 50-18-72, and no records need be made available for inspection or copying if the public officer or agency in control of such records shall have obtained, within that period of three business days, an order based on an exception in this article of a superior court of this state staying or refusing the requested access to such records.~~

~~(g) At the request of the person, firm, corporation, or other entity requesting such records, records maintained by computer shall be made available where practicable by electronic means, including Internet access, subject to reasonable security restrictions preventing access to nonrequested or nonavailable records.~~

50-18-71.

~~(a) All public records shall be open for personal inspection and copying, except those which by order of a court of this state or by law are specifically exempted from disclosure. Records shall be maintained by agencies to the extent and in the manner required by Article 5 of this chapter. In all cases where an interested member of the public has a right to inspect or take extracts or make copies from any public records, instruments, or documents, any such person shall have the right of access to the records, documents, or instruments for the purpose of making photographs or reproductions of the same while in the possession, custody, and control of the lawful custodian thereof, or his authorized deputy. Such work shall be done under the supervision of the lawful custodian of the records, who shall have the right to adopt and enforce reasonable rules governing the work. The work shall be done in the room where the records, documents, or instruments are kept by law. While the work is in progress, the custodian may charge the person making the photographs or reproductions of the records, documents, or instruments at a rate of compensation to be agreed upon by the person making the photographs and the custodian for his services or the services of a deputy in supervising the work.~~

(b)(1)(A) Agencies shall produce for inspection all records responsive to a request within a reasonable amount of time not to exceed three business days of receipt of a request; provided, however, that nothing in this chapter shall require agencies to produce records in response to a request if such records did not exist at the time of the request. In those instances where some, but not all, records are available within three business days, an agency shall make available within that period those records that can be located and produced. In any instance where records are unavailable within three business days of receipt of the request, and responsive records exist, the agency shall, within such time period, provide the requester with a description of such records and a timeline for when the records will be available for inspection or copying and provide the responsive records or access thereto as soon as practicable. ~~Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply.~~

(B) A request made pursuant to this article may be made to the custodian of a public record orally or in writing. An agency may, but shall not be obligated to, require that all written requests be made upon the responder's choice of one of the following: the agency's director, chairperson, or chief executive officer, however denominated; the senior official at any satellite office of an agency; a clerk specifically designated by an agency as the custodian of agency records; or a duly designated open records officer of an agency; provided, however, that the absence or unavailability of the designated agency officer or employee shall not be permitted to delay the agency's response. At the time of inspection, any person may make photographic copies or other electronic reproductions of the records using suitable portable devices brought to the place of inspection. Notwithstanding any other provision of this chapter, an agency may, in its discretion, provide copies of a record in lieu of providing access to the record when portions of the record contain confidential information that must be redacted.

(2) Any agency that designates one or more open records officers upon whom requests for inspection or copying of records may be delivered shall make such designation in writing and shall immediately provide notice to any person upon request, orally or in writing, of those open records officers. If the agency has elected to designate an open records officer, the agency shall so notify the legal organ of the county in which the agency's principal offices reside and, if the agency has a website, shall also prominently display such designation on the agency's website. In the event an agency requires that requests be made upon the individuals identified in subparagraph (B) of paragraph (1) of this subsection, the three-day period for response to a written request shall not begin to run until the request is made in writing upon such individuals. An agency shall permit receipt of written requests by e-mail or facsimile transmission in addition to any other methods of transmission approved by the agency, provided such agency uses e-mail or facsimile in the normal course of its business.

(3) The enforcement provisions of Code Sections 50-18-73 and 50-18-74 shall be available only to enforce compliance and punish noncompliance when a written

request is made consistent with this subsection and shall not be available when such request is made orally.

(c)(1) An agency may impose a reasonable charge for the search, retrieval, redaction, and production or copying costs for the production of records pursuant to this article. An agency shall utilize the most economical means reasonably calculated to identify and produce responsive, nonexcluded documents. Where fees for certified copies or other copies or records are specifically authorized or otherwise prescribed by law, such specific fee shall apply when certified copies or other records to which a specific fee may apply are sought. In all other instances, the charge for the search, retrieval, or redaction of records shall not exceed the prorated hourly salary of the lowest paid full-time employee who, in the reasonable discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour. ~~Where no fee is otherwise provided by law, the agency may charge and collect a uniform copying fee not to exceed 25¢ per page.~~

(2) In addition to a charge for the search, retrieval, or redaction of records, an agency may charge a fee for the copying of records or data, not to exceed 10¢ per page for letter or legal size documents or, in the case of other documents or electronic records, the actual cost of the media on which the documents, records, or data are produced.

(3) Whenever any person has requested to inspect or copy a public record and does not pay the cost for search, retrieval, redaction, or copying of such records when such charges have been lawfully estimated and agreed to pursuant to this article, and the agency has incurred the agreed-upon costs to make the records available, regardless of whether the requester inspects or accepts copies of the records, the agency shall be authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments by such agency.

(d) In any instance in which an agency is required to or has decided to withhold all or part of a requested record, the agency shall notify the requester of the specific legal authority exempting the requested record or records from disclosure by Code section, subsection, and paragraph within a reasonable amount of time not to exceed three business days or in the event the search and retrieval of records is delayed pursuant to this paragraph or pursuant to subparagraph (b)(1)(A) of this Code section, then no later than three business days after the records have been retrieved. In any instance in which an agency will seek costs in excess of \$25.00 for responding to a request, the agency shall notify the requester within a reasonable amount of time not to exceed three business days and inform the requester of the estimate of the costs, and the agency may defer search and retrieval of the records until the requester agrees to pay the estimated costs unless the requester has stated in his or her request a willingness to pay an amount that exceeds the search and retrieval costs. In any instance in which the estimated costs for production of the records exceeds \$500.00, an agency may insist on prepayment of the costs prior to beginning search, retrieval, review, or production of the records. Whenever any person who has requested to inspect or copy a public record has not paid the cost for search, retrieval, redaction, or copying of such records when such charges

have been lawfully incurred, an agency may require prepayment for compliance with all future requests for production of records from that person until the costs for the prior production of records have been paid or the dispute regarding payment resolved. In addition, a reasonable charge may be collected for search, retrieval, and other direct administrative costs for complying with a request under this Code section. The hourly charge shall not exceed the salary of the lowest paid full-time employee who, in the discretion of the custodian of the records, has the necessary skill and training to perform the request; provided, however, that no charge shall be made for the first quarter hour.

(e) Requests by civil litigants for records that are sought as part of or for use in any ongoing civil or administrative litigation against an agency shall be made in writing and copied to counsel of record for that agency contemporaneously with their submission to that agency. The agency shall provide, at no cost, duplicate sets of all records produced in response to the request to counsel of record for that agency unless the counsel of record for that agency elects not to receive the records. An agency shall utilize the most economical means available for providing copies of public records.

(f) As provided in this subsection, an agency's use of electronic record-keeping systems must not erode the public's right of access to records under this article. Agencies shall produce electronic copies of or, if the requester prefers, printouts of electronic records or data from data base fields that the agency maintains using the computer programs that the agency has in its possession. An agency shall not refuse to produce such electronic records, data, or data fields on the grounds that exporting data or redaction of exempted information will require inputting range, search, filter, report parameters, or similar commands or instructions into an agency's computer system so long as such commands or instructions can be executed using existing computer programs that the agency uses in the ordinary course of business to access, support, or otherwise manage the records or data. A requester may request that electronic records, data, or data fields be produced in the format in which such data or electronic records are kept by the agency, or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) format, if the agency's existing computer programs support such an export format. In such instance, the data or electronic records shall be downloaded in such format onto suitable electronic media by the agency. No public officer or agency shall be required to prepare new reports, summaries, or compilations not in existence at the time of the request. ~~Where information requested is maintained by computer, an agency may charge the public its actual cost of a computer disk or tape onto which the information is transferred and may charge for the administrative time involved as set forth in subsection (d) of this Code section.~~

(g) Requests to inspect or copy electronic messages, whether in the form of e-mail, text message, or other format, should contain information about the messages that is reasonably calculated to allow the recipient of the request to locate the messages sought, including, if known, the name, title, or office of the specific person or persons whose electronic messages are sought and, to the extent possible, the specific data bases

~~to be searched for such messages. Whenever any person has requested one or more copies of a public record and such person does not pay the copying charges and charges for search, retrieval, or other direct administrative costs in accordance with the provisions of this Code section:~~

~~(1) A county or a department, agency, board, bureau, commission, authority, or similar body of a county is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county;~~

~~(2) A municipal corporation or a department, agency, board, bureau, commission, authority, or similar body of a municipal corporation is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation;~~

~~(3) A consolidated government or a department, agency, board, bureau, commission, authority, or similar body of a consolidated government is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the consolidated government;~~

~~(4) A county school board or a department, agency, board, bureau, commission, authority, or similar body of a county school board is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county;~~

~~(5) An independent school board or a department, agency, board, bureau, commission, authority, or similar body of an independent school board is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation; and~~

~~(6) A joint or regional authority or instrumentality which serves one or more counties and one or more municipal corporations, two or more counties, or two or more municipal corporations is authorized to collect such charges in any manner authorized by law for the collection of taxes, fees, or assessments owed to the county if a county is involved with the authority or instrumentality or in any manner authorized by law for the collection of taxes, fees, or assessments owed to the municipal corporation if a municipal corporation is involved with the authority or instrumentality.~~

~~This subsection shall apply whether or not the person requesting the copies has appeared to receive the copies.~~

(h) In lieu of providing separate printouts or copies of records or data, an agency may provide access to records through a website accessible by the public. However, if an agency receives a request for data fields, an agency shall not refuse to provide the responsive data on the grounds that the data is available in whole or in its constituent parts through a website if the requester seeks the data in the electronic format in which it is kept. Additionally, if an agency contracts with a private vendor to collect or maintain public records, the agency shall ensure that the arrangement does not limit public access to those records.

(i) Any computerized index of county real estate deed records shall be printed for purposes of public inspection no less than every 30 days, and any correction made on

such index shall be made a part of the printout and shall reflect the time and date that such index was corrected.

~~50-18-71.1.~~

~~(a) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case or, if no judge has been assigned, approval of the chief judge or, if no judge has been designated chief judge, approval of the judge most senior in length of service on the court.~~

~~(b) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following representations of the exhibit:~~

- ~~(1) A photograph;~~
- ~~(2) A photocopy;~~
- ~~(3) A facsimile; or~~
- ~~(4) Another reproduction.~~

~~(c) The provisions of subsections (b), (c), (d), and (e) of Code Section 50-18-71 shall apply to fees, costs, and charges for providing a photocopy of such an exhibit. Fees for providing a photograph, facsimile, or other reproduction of such an exhibit shall not exceed the cost of materials or supplies and a reasonable charge for time spent producing the photograph, facsimile, or other reproduction, in accordance with subsections (d) and (e) of Code Section 50-18-71.~~

~~(d) Any physical evidence that is evidence of a violation of Part 2 of Article 3 of Chapter 12 of Title 16, that is used as an exhibit in a criminal or civil trial, shall not be open to public inspection except as provided in subsection (a) of this Code section. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the location where such physical evidence may be inspected, which location shall be in a facility owned or operated by an agency of state or local government. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years and by a fine of not more than \$100,000.00, or both.~~

~~50-18-71.2.~~

~~Any agency receiving a request for public records shall be required to notify the party making the request of the estimated cost of the copying, search, retrieval, and other administrative fees authorized by Code Section 50-18-71 as a condition of compliance with the provisions of this article prior to fulfilling the request as a condition for the assessment of any fee; provided, however, that no new fees other than those directly attributable to providing access shall be assessed where records are made available by electronic means.~~

50-18-72.

(a) Public disclosure shall not be required for records that are:

(1) Specifically required by federal statute or regulation to be kept confidential;

(2) Medical or veterinary records and similar files, the disclosure of which would be an invasion of personal privacy;

(3) Except as otherwise provided by law, records compiled for law enforcement or prosecution purposes to the extent that production of such records ~~would~~ is reasonably likely to disclose the identity of a confidential source, disclose confidential investigative or prosecution material which would endanger the life or physical safety of any person or persons, or disclose the existence of a confidential surveillance or investigation;

(4) Records of law enforcement, prosecution, or regulatory agencies in any pending investigation or prosecution of criminal or unlawful activity, other than initial police arrest reports and initial incident reports; provided, however, that an investigation or prosecution shall no longer be deemed to be pending when all direct litigation involving ~~said~~ such investigation and prosecution has become final or otherwise terminated; and provided, further, that this paragraph shall not apply to records in the possession of an agency that is the subject of the pending investigation or prosecution;

~~(4.1)(5)~~ Individual Georgia Uniform Motor Vehicle Accident Reports, except upon the submission of a written statement of need by the requesting party, ~~such statement~~ to be provided to the custodian of records and to set forth the need for the report pursuant to this Code section; provided, however, that any person or entity whose name or identifying information is contained in a Georgia Uniform Motor Vehicle Accident Report shall be entitled, either personally or through a lawyer or other representative, to receive a copy of such report; and provided, further, that Georgia Uniform Motor Vehicle Accident Reports shall not be available in bulk for inspection or copying by any person absent a written statement showing the need for each such report pursuant to the requirements of this Code section. For the purposes of this subsection, the term 'need' means that the natural person or legal entity who is requesting in person or by representative to inspect or copy the Georgia Uniform Motor Vehicle Accident Report:

(A) Has a personal, professional, or business connection with a party to the accident;

(B) Owns or leases an interest in property allegedly or actually damaged in the accident;

(C) Was allegedly or actually injured by the accident;

(D) Was a witness to the accident;

(E) Is the actual or alleged insurer of a party to the accident or of property actually or allegedly damaged by the accident;

(F) Is a prosecutor or a publicly employed law enforcement officer;

(G) Is alleged to be liable to another party as a result of the accident;

(H) Is an attorney stating that he or she needs the requested reports as part of a criminal case, or an investigation of a potential claim involving contentions that a roadway, railroad crossing, or intersection is unsafe;

(I) Is gathering information as a representative of a news media organization;

(J) Is conducting research in the public interest for such purposes as accident prevention, prevention of injuries or damages in accidents, determination of fault in an accident or accidents, or other similar purposes; provided, however, that this subparagraph ~~will~~ shall apply only to accident reports on accidents that occurred more than 30 days prior to the request and which shall have the name, street address, telephone number, and driver's license number redacted; or

(K) Is a governmental official, entity, or agency, or an authorized agent thereof, requesting reports for the purpose of carrying out governmental functions or legitimate governmental duties;

~~(4.2)~~(6) Jury list data, including, but not limited to, persons' names, dates of birth, addresses, ages, race, gender, telephone numbers, social security numbers, and when it is available, the person's ethnicity, and other confidential identifying information that is collected and used by the Council of Superior Court Clerks of Georgia for creating, compiling, and maintaining state-wide master jury lists and county master jury lists for the purpose of establishing and maintaining county jury source lists pursuant to the provisions of Chapter 12 of Title 15; provided, however, that when ordered by the judge of a court having jurisdiction over a case in which a challenge to the array of the grand or trial jury has been filed, the Council of Superior Court Clerks of Georgia or the clerk of the county board of jury commissioners of any county shall provide data within the time limit established by the court for the limited purpose of such challenge. Neither the Council of Superior Court Clerks of Georgia nor the clerk of a county board of jury commissioners shall be liable for any use or misuse of such data;

~~(5)~~(7) Records ~~that consist~~ consisting of confidential evaluations submitted to, or examinations prepared by, a governmental agency and prepared in connection with the appointment or hiring of a public officer or employee; ~~and records~~

(8) Records consisting of material obtained in investigations related to the suspension, firing, or investigation of complaints against public officers or employees until ten days after the same has been presented to the agency or an officer for action or the investigation is otherwise concluded or terminated, provided that this paragraph shall not be interpreted to make such investigatory records privileged;

~~(6)~~(A)(9) Real estate appraisals, engineering or feasibility estimates, or other records made for or by the state or a local agency relative to the acquisition of real property until such time as the property has been acquired or the proposed transaction has been terminated or abandoned; ~~and~~

~~(B)~~(10) Pending Engineers' cost estimates and pending, rejected, or deferred sealed bids or sealed proposals and cost estimates related thereto until such time as the final award of the contract is made or the project is terminated or abandoned. ~~The provisions of this subparagraph shall apply whether the bid or proposal is received or~~

~~prepared by the Department of Transportation pursuant to Article 4 of Chapter 2 of Title 32, by a county pursuant to Article 3 of Chapter 4 of Title 32, by a municipality pursuant to Article 4 of Chapter 4 of Title 32, or by a governmental entity pursuant to Article 2 of Chapter 91 of Title 36, or the sealed bids or proposals are publicly opened, whichever first occurs;~~

~~(7)(11) Records which~~ Notwithstanding any other provision of this article, an agency shall not be required to release those portions of records which would identify persons applying for or under consideration for employment or appointment as executive head of an agency as that term is defined in paragraph (1) of subsection (a) of Code Section 50-14-1, or of a unit of the University System of Georgia; provided, however, that at least 14 calendar days prior to the meeting at which final action or vote is to be taken on the position, ~~the agency shall release all documents which came into its possession with respect to as many as~~ concerning as many as three persons under consideration whom the agency has determined to be the best qualified for the position ~~and from among whom the agency intends to fill the position~~ shall be subject to inspection and copying. Prior to the release of these documents, an agency may allow such a person to decline being considered further for the position rather than have documents pertaining to ~~the~~ such person released. In that event, the agency shall release the documents of the next most qualified person under consideration who does not decline the position. If an agency has conducted its hiring or appointment process ~~open to the public~~ without conducting interviews in executive session in a manner otherwise consistent with Chapter 14 of this title, it shall not be required to delay 14 days to take final action on the position. The agency shall not be required to release such records ~~with respect to~~ of other applicants or persons under consideration, except at the request of any such person. Upon request, the hiring agency shall furnish the number of applicants and the composition of the list by such factors as race and sex. The agency shall not be allowed to avoid the provisions of this paragraph by the employment of a private person or agency to assist with the search or application process;

~~(8)(12)~~ Related to the provision of staff services to individual members of the General Assembly by the Legislative and Congressional Reapportionment Office, the Senate Research Office, or the House Budget and Research Office, provided that this exception shall not have any application ~~with respect to~~ records related to the provision of staff services to any committee or subcommittee or to any records which are or have been previously publicly disclosed by or pursuant to the direction of an individual member of the General Assembly;

~~(9)(13)~~ Records that are of historical research value which are given or sold to public archival institutions, public libraries, or libraries of a unit of the Board of Regents of the University System of Georgia when the owner or donor of such records wishes to place restrictions on access to the records. No restriction on access, however, may extend more than 75 years from the date of donation or sale. This exemption shall not apply to any records prepared in the course of the operation of state or local governments of the State of Georgia;

~~(10)~~(14) Records that contain information from the Department of Natural Resources inventory and register relating to the location and character of a historic property or of historic properties as those terms are defined in Code Sections 12-3-50.1 and 12-3-50.2 if the Department of Natural Resources through its Division of Historic Preservation determines that disclosure will create a substantial risk of harm, theft, or destruction to the property or properties or the area or place where the property or properties are located;

~~(10.1)~~(15) Records of farm water use by individual farms as determined by water-measuring devices installed pursuant to Code Section 12-5-31 or 12-5-105; provided, however, that compilations of such records for the 52 large watershed basins as identified by the eight-digit United States Geologic Survey hydrologic code or an aquifer that do not reveal farm water use by individual farms shall be subject to disclosure under this article;

~~(10.2)~~(16) Agricultural or food system records, data, or information that are considered by the Georgia Department of Agriculture to be a part of the critical infrastructure, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term 'critical infrastructure' shall have the same meaning as in 42 U.S.C. Section 5195c(e). Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

~~(10.3)~~(17) Records, data, or information collected, recorded, or otherwise obtained that is deemed confidential by the Georgia Department of Agriculture for the purposes of the national animal identification system, provided that nothing in this paragraph shall prevent the release of such records, data, or information to another state or federal agency if the release of such records, data, or information is necessary to prevent or control disease or to protect public health, safety, or welfare. As used in this paragraph, the term 'national animal identification program' means a national program intended to identify animals and track them as they come into contact with or commingle with animals other than herd mates from their premises of origin. Such records, data, or information shall be subject to disclosure only upon the order of a court of competent jurisdiction;

~~(11)~~(18) Records that contain ~~site-specific~~ site-specific information regarding the occurrence of rare species of plants or animals or the location of sensitive natural habitats on public or private property if the Department of Natural Resources determines that disclosure will create a substantial risk of harm, theft, or destruction to the species or habitats or the area or place where the species or habitats are located; provided, however, that the owner or owners of private property upon which rare species of plants or animals occur or upon which sensitive natural habitats are located shall be entitled to such information pursuant to this article;

~~(11.1)~~ An individual's social security number and insurance or medical information in personnel records, which may be redacted from such records;

~~(11.2)~~(19) Records that ~~would~~ reveal the names, home addresses, telephone numbers, security codes, e-mail addresses, or any other data or information developed, collected, or received by counties or municipalities in connection with neighborhood watch or public safety notification programs or with the installation, servicing, maintaining, operating, selling, or leasing of burglar alarm systems, fire alarm systems, or other electronic security systems; provided, however, that initial police reports and initial incident reports shall remain subject to disclosure pursuant to paragraph (4) of this subsection;

~~(11.3)~~(20)(A) Records that reveal an An individual's social security number, mother's birth name, credit card information, debit card information, bank account information, account number, including a utility account number, password used to access his or her account, financial data or information, and insurance or medical information in all records, and unlisted telephone number if so designated in a public record, personal e-mail address or cellular telephone number, if technically feasible at reasonable cost, day and month of birth, which and information regarding public utility, television, Internet, or telephone accounts held by private customers, provided that nonitemized bills showing amounts owed and amounts paid shall be available. Items exempted by this subparagraph shall be redacted prior to disclosure of any record requested pursuant to this article; provided, however, that such information shall not be redacted from such records if the person or entity requesting such records requests such information in a writing signed under oath by such person or a person legally authorized to represent such entity which states that such person or entity is gathering information as a representative of a news media organization for use in connection with news gathering and reporting; and provided, further, that such access shall be limited to social security numbers and day and month of birth; and provided, further, that ~~this~~ the news media organization exception for access to social security numbers and day and month of birth and the other protected information set forth in this subparagraph shall not apply to teachers, employees of a public school, or public employees as set forth in paragraph (13.1) (21) of this subsection. For purposes of this subparagraph, the term 'public employee' means any nonelected employee of the State of Georgia or its agencies, departments, or commissions or any county or municipality or its agencies, departments, or commissions.

(B) This paragraph shall have no application to:

- (i) The disclosure of information contained in the records or papers of any court or derived therefrom including without limitation records maintained pursuant to Article 9 of Title 11;
- (ii) The disclosure of information to a court, prosecutor, or publicly employed law enforcement officer, or authorized agent thereof, seeking records in an official capacity;
- (iii) The disclosure of information to a public employee of this state, its political subdivisions, or the United States who is obtaining such information for administrative purposes, in which case, subject to applicable laws of the United

States, further access to such information shall continue to be subject to the provisions of this paragraph;

(iv) The disclosure of information as authorized by the order of a court of competent jurisdiction upon good cause shown to have access to any or all of such information upon such conditions as may be set forth in such order;

(v) The disclosure of information to the individual in respect of whom such information is maintained, with the authorization thereof, or to an authorized agent thereof; provided, however, that the agency maintaining such information shall require proper identification of such individual or such individual's agent, or proof of authorization, as determined by such agency;

(vi) The disclosure of the day and month of birth and mother's birth name of a deceased individual;

(vii) The disclosure by an agency of credit or payment information in connection with a request by a consumer reporting agency as that term is defined under the federal Fair Credit Reporting Act (15 U.S.C. Section 1681, et seq.);

(viii) The disclosure by an agency of information in its records in connection with the agency's discharging or fulfilling of its duties and responsibilities, including, but not limited to, the collection of debts owed to the agency or individuals or entities whom the agency assists in the collection of debts owed to the individual or entity;

(ix) The disclosure of information necessary to comply with legal or regulatory requirements or for legitimate law enforcement purposes; or

(x) The disclosure of the date of birth within criminal records.

(C) Records and information disseminated pursuant to this paragraph may be used only by the authorized recipient and only for the authorized purpose. Any person who obtains records or information pursuant to the provisions of this paragraph and knowingly and willfully discloses, distributes, or sells such records or information to an unauthorized recipient or for an unauthorized purpose shall be guilty of a misdemeanor of a high and aggravated nature and upon conviction thereof shall be punished as provided in Code Section 17-10-4. Any person injured thereby shall have a cause of action for invasion of privacy. ~~Any prosecution pursuant to this paragraph shall be in accordance with the procedure in subsection (b) of Code Section 50-18-74.~~

(D) In the event that the custodian of public records protected by this paragraph has good faith reason to believe that a pending request for such records has been made fraudulently, under false pretenses, or by means of false swearing, such custodian shall apply to the superior court of the county in which such records are maintained for a protective order limiting or prohibiting access to such records.

(E) This paragraph shall supplement and shall not supplant, overrule, replace, or otherwise modify or supersede any provision of statute, regulation, or law of the federal government or of this state as now or hereafter amended or enacted requiring, restricting, or prohibiting access to the information identified in

subparagraph (A) of this paragraph and shall constitute only a regulation of the methods of such access where not otherwise provided for, restricted, or prohibited;

(21) Records concerning public employees that reveal the public employee's home address, home telephone number, day and month of birth, social security number, insurance or medical information, mother's birth name, credit card information, debit card information, bank account information, account number, utility account number, password used to access his or her account, financial data or information other than compensation by a government agency, unlisted telephone number if so designated in a public record, and the identity of the public employee's immediate family members or dependents. This paragraph shall not apply to public records that do not specifically identify public employees or their jobs, titles, or offices. For the purposes of this paragraph, the term 'public employee' means any officer or employee of:

(A) The State of Georgia or its agencies, departments, or commissions;

(B) Any county or municipality or its agencies, departments, or commissions;

(C) Other political subdivisions of this state;

(D) Teachers in public and charter schools and nonpublic schools; or

(E) Early care and education programs administered through the Department of Early Care and Learning;

(22) Records of the Department of Early Care and Learning that contain the:

(A) Names of children and day and month of each child's birth;

(B) Names, addresses, telephone numbers, or e-mail addresses of parents, immediate family members, and emergency contact persons; or

(C) Names or other identifying information of individuals who report violations to the department;

~~(12)~~(23) Public records containing information that would disclose or might lead to the disclosure of any component in the process used to execute or adopt an electronic signature, if such disclosure would or might cause the electronic signature to cease being under the sole control of the person using it. For purposes of this paragraph, the term 'electronic signature' has the same meaning as that term is defined in Code Section 10-12-2;

~~(13) Records that would reveal the home address or telephone number, social security number, or insurance or medical information of employees of the Department of Revenue, law enforcement officers, firefighters as defined in Code Section 25-4-2, judges, emergency medical technicians and paramedics, scientists employed by the Division of Forensic Sciences of the Georgia Bureau of Investigation, correctional employees, and prosecutors or identification of immediate family members or dependents thereof;~~

~~(13.1) Records that reveal the home address, the home telephone number, the e-mail address, or the social security number of or insurance or medical information about public employees or teachers and employees of a public school. For the purposes of this paragraph, the term 'public school' means any school which is conducted within this state and which is under the authority and supervision of a duly elected county or independent board of education. Public disclosure shall also not be required for~~

~~records that reveal the home address, the home telephone number, the e-mail address, or the social security number of or insurance or medical information about employees or teachers of a nonpublic school;~~

~~(13.2) Records that are kept by the probate court pertaining to guardianships and conservatorships except as provided in Code Section 29-9-18;~~

~~(14)(24) Records acquired~~ Acquired by an agency for the purpose of establishing or implementing, or assisting in the establishment or implementation of, a carpooling or ridesharing program, ~~to the extent such records would reveal the name, home address, employment address, home telephone number, employment telephone number, or hours of employment of any individual or would otherwise identify any individual who is participating in, or who has expressed an interest in participating in, any such program. As used in this paragraph, the term 'carpooling or ridesharing program' means and includes~~ including, but is not limited to, the formation of carpools, vanpools, or buspools, the provision of transit routes, rideshare research, and the development of other demand management strategies such as variable working hours and telecommuting;

~~(15)(25)(A)~~ Records; the disclosure of which would compromise security against sabotage or criminal or terrorist acts and the nondisclosure of which is necessary for the protection of life, safety, or public property, which shall be limited to the following:

(i) Security plans and vulnerability assessments for any public utility, technology infrastructure, building, facility, function, or activity in effect at the time of the request for disclosure or pertaining to a plan or assessment in effect at such time;

(ii) Any plan for protection against terrorist or other attacks, ~~which plan that~~ depends for its effectiveness in whole or in part upon a lack of general public knowledge of its details;

(iii) Any document relating to the existence, nature, location, or function of security devices designed to protect against terrorist or other attacks, ~~which devices that~~ depend for their effectiveness in whole or in part upon a lack of general public knowledge;

(iv) Any plan, blueprint, or other material which if made public could compromise security against sabotage, criminal, or terroristic acts; and

(v) Records of any government sponsored programs concerning training relative to governmental security measures which would identify persons being trained or instructors or would reveal information described in divisions (i) through (iv) of this subparagraph.

(B) In the event of litigation challenging nondisclosure pursuant to this paragraph by an agency of a document covered by this paragraph, the court may review the documents in question in camera and may condition, in writing, any disclosure upon such measures as the court may find to be necessary to protect against endangerment of life, safety, or public property.

(C) As used in ~~divisions~~ division (i) and ~~(iv)~~ of subparagraph (A) of this paragraph, the term 'activity' means deployment or surveillance strategies, actions mandated by

changes in the federal threat level, motorcades, contingency plans, proposed or alternative motorcade routes, executive and dignitary protection, planned responses to criminal or terrorist actions, after-action reports still in use, proposed or actual plans and responses to bioterrorism, and proposed or actual plans and responses to requesting and receiving the National Pharmacy Stockpile;

~~(16)~~(26) Unless the request is made by the accused in a criminal case or by his or her attorney, public records of an emergency 9-1-1 system, as defined in paragraph (3) of Code Section 46-5-122, containing information which would reveal the name, address, or telephone number of a person placing a call to a public safety answering point, ~~which.~~ Such information may be redacted from such records if necessary to prevent the disclosure of the identity of a confidential source, to prevent disclosure of material which would endanger the life or physical safety of any person or persons, or to prevent the disclosure of the existence of a confidential surveillance or investigation;

~~(17)~~(27) Records of athletic or recreational programs, available through the state or a political subdivision of the state, that include information identifying a child or children 12 years of age or under by name, address, telephone number, or emergency contact, unless such identifying information has been redacted;

~~(18)~~(28) Records of the State Road and Tollway Authority which would reveal the financial accounts or travel history of any individual who is a motorist upon ~~such~~ any toll project. ~~Such financial records shall include but not be limited to social security number, home address, home telephone number, e-mail address, credit or debit card information, and bank account information but shall not include the user's name;~~

~~(19)~~(29) Records maintained by public postsecondary educational institutions in this state and associated foundations of such institutions that contain personal information concerning donors or potential donors to such institutions or foundations; provided, however, that the name of any donor and the amount of donation made by such donor shall be subject to disclosure if such donor or any entity in which such donor has a substantial interest transacts business with the public postsecondary educational institution to which the donation is made within three years of the date of such donation. As used in this paragraph, the term 'transact business' means to sell or lease any personal property, real property, or services on behalf of oneself or on behalf of any third party as an agent, broker, dealer, or representative in an amount in excess of \$10,000.00 in the aggregate in a calendar year; and the term 'substantial interest' means the direct or indirect ownership of more than 25 percent of the assets or stock of an entity;

~~(20)~~(30) Records of the Metropolitan Atlanta Rapid Transit Authority or of any other transit system that is connected to that system's TransCard, ~~or~~ SmartCard, or successor or similar system which would reveal the financial records or travel history of any individual who is a purchaser of a TransCard, ~~or~~ SmartCard, or successor or similar fare medium. Such financial records shall include, but not be limited to, social security number, home address, home telephone number, e-mail address, credit or

debit card information, and bank account information but shall not include the user's name;

~~(21)~~(31) Building mapping information produced and maintained pursuant to Article 10 of Chapter 3 of Title 38;

~~(22)~~(32) Notwithstanding the provisions of paragraph (4) of this subsection, any physical evidence or investigatory materials that are evidence of an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16, ~~which~~ and are in the possession, custody, or control of law enforcement, prosecution, or regulatory agencies; ~~or~~

~~(23)~~(33) Records that are expressly exempt from public inspection pursuant to Code Sections 47-1-14 and 47-7-127.;

(34) Any trade secrets obtained from a person or business entity that are required by law, regulation, bid, or request for proposal to be submitted to an agency. An entity submitting records containing trade secrets that wishes to keep such records confidential under this paragraph shall submit and attach to the records an affidavit affirmatively declaring that specific information in the records constitute trade secrets pursuant to Article 27 of Chapter 1 of Title 10. If such entity attaches such an affidavit, before producing such records in response to a request under this article, the agency shall notify the entity of its intention to produce such records as set forth in this paragraph. If the agency makes a determination that the specifically identified information does not in fact constitute a trade secret, it shall notify the entity submitting the affidavit of its intent to disclose the information within ten days unless prohibited from doing so by an appropriate court order. In the event the entity wishes to prevent disclosure of the requested records, the entity may file an action in superior court to obtain an order that the requested records are trade secrets exempt from disclosure. The entity filing such action shall serve the requestor with a copy of its court filing. If the agency makes a determination that the specifically identified information does constitute a trade secret, the agency shall withhold the records, and the requester may file an action in superior court to obtain an order that the requested records are not trade secrets and are subject to disclosure;

~~(b) This article shall not be applicable to:~~

~~(1)~~(35) ~~Data Any trade secrets obtained from a person or business entity which are of a privileged or confidential nature and required by law to be submitted to a government agency or to data,~~ records, or information of a proprietary nature, produced or collected by or for faculty or staff of state institutions of higher learning, or other governmental agencies, in the conduct of, or as a result of, study or research on commercial, scientific, technical, or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or private concern, where such data, records, or information has not been publicly released, published, copyrighted, or patented;

~~(2)~~(36) Any data, records, or information developed, collected, or received by or on behalf of faculty, staff, employees, or students of an institution of higher education or any public or private entity supporting or participating in the activities of an institution of higher education in the conduct of, or as a result of, study or research on

medical, scientific, technical, scholarly, or artistic issues, whether sponsored by the institution alone or in conjunction with a governmental body or private entity, until such information is published, patented, otherwise publicly disseminated, or released to an agency whereupon the request must be made to the agency. ~~This subsection applies~~ paragraph shall apply to, but is shall not be limited to, information provided by participants in research, research notes and data, discoveries, research projects, methodologies, protocols, and creative works; or

(37) Any record that would not be subject to disclosure, or the disclosure of which would jeopardize the receipt of federal funds, under 20 U.S.C. Section 1232g or its implementing regulations;

~~(3)(38)~~ Unless otherwise provided by law, contract, bid, or proposal, records consisting of questions, scoring keys, and other materials; constituting a test that derives value from being unknown to the test taker prior to administration; which is to be administered by an agency, including, but not limited to, any public school, any unit of the Board of Regents of the University System of Georgia, any public technical school, the State Board of Education, the Office of Student Achievement, the Professional Standards Commission, or a local school system, if reasonable measures are taken by the owner of the test to protect security and confidentiality; provided, however, that the State Board of Education may establish procedures whereby a person may view, but not copy, such records if viewing will not, in the judgment of the board, affect the result of administration of such test. These limitations shall not be interpreted by any court of law to include or otherwise exempt from inspection the records of any athletic association or other nonprofit entity promoting intercollegiate athletics;

~~(c)(1) All public records of hospital authorities shall be subject to this article except for those otherwise excepted by this article or any other provision of law.~~

~~(2)(39) Records disclosing All state officers and employees shall have a privilege to refuse to disclose the identity or personally identifiable information of any person participating in research on commercial, scientific, technical, medical, scholarly, or artistic issues conducted by the Department of Community Health, the Department of Public Health, the Department of Behavioral Health and Developmental Disabilities, or a state institution of higher education whether sponsored by the institution alone or in conjunction with a governmental body or private entity. Personally identifiable information shall mean any information which if disclosed might reasonably reveal the identity of such person including but not limited to the person's name, address, and social security number. The identity of such informant shall not be admissible in evidence in any court of the state unless the court finds that the identity of the informant already has been disclosed otherwise;~~

~~(d)(40) Any This article shall not be applicable to any application submitted to or any permanent records maintained by a judge of the probate court pursuant to Code Section 16-11-129, relating to weapons carry licenses, or pursuant to any other requirement for maintaining records relative to the possession of firearms.—This subsection shall not preclude law enforcement agencies from obtaining, except to the~~

extent that such records relating to licensing and possession of firearms are sought by law enforcement agencies as provided by law;

~~(e) This article shall not be construed to repeal:~~

~~(1)(41) Records containing communications subject to the The attorney-client privilege recognized by state law to the extent that a record pertains to the requesting or giving of legal advice or the disclosure of facts concerning or pertaining to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; provided, however, attorney client information; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to the attorney-client privilege. Attorney-client communications, however, may be obtained in a proceeding under Code Section 50-18-73 to prove justification or lack thereof in refusing disclosure of documents under this Code section provided the judge of the court in which said such proceeding is pending shall first determine by an in camera examination that such disclosure would be relevant on that issue. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld;~~

~~(2)(42) Confidential The confidentiality of attorney work product; provided, however, that this paragraph shall not apply to the factual findings, but shall apply to the legal conclusions, of an attorney conducting an investigation on behalf of an agency so long as such investigation does not pertain to pending or potential litigation, settlement, claims, administrative proceedings, or other judicial actions brought or to be brought by or against the agency or any officer or employee; and provided, further, that such investigations conducted by hospital authorities to ensure compliance with federal or state law, regulations, or reimbursement policies shall be exempt from disclosure if such investigations are otherwise subject to confidentiality as attorney work product. In addition, when an agency withholds information subject to this paragraph, any party authorized to bring a proceeding under Code Section 50-18-73 may request that the judge of the court in which such proceeding is pending determine by an in camera examination whether such information was properly withheld; or~~

~~(3)(43) Records containing State laws making certain tax matters or tax information that is confidential- under state or federal law; or~~

~~(f)(1) As used in this article, the term:~~

~~(A) 'Computer program' means a set of instructions, statements, or related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.~~

~~(B) 'Computer software' means one or more computer programs, existing in any form, or any associated operational procedures, manuals, or other documentation.~~

~~(2)(44) Records consisting of This article shall not be applicable to any computer program or computer software used or maintained in the course of operation of a public office or agency; provided, however, that data generated, kept, or received by an agency shall be subject to inspection and copying as provided in this article.~~

~~(g)(b) This Code section shall be interpreted narrowly so as to exclude from disclosure only that portion of a public record to which an exclusion is directly applicable. It shall be the duty of the agency having custody of a record to provide all other portions of a record for public inspection or copying.~~

~~(h) Within the three business days applicable to response to a request for access to records under this article, the public officer or agency having control of such record or records, if access to such record or records is denied in whole or in part, shall specify in writing the specific legal authority exempting such record or records from disclosure, by Code section, subsection, and paragraph. No addition to or amendment of such designation shall be permitted thereafter or in any proceeding to enforce the terms of this article; provided, however, that such designation may be amended or supplemented one time within five days of discovery of an error in such designation or within five days of the institution of an action to enforce this article, whichever is sooner; provided, further, that the right to amend or supplement based upon discovery of an error may be exercised on only one occasion. In the event that such designation includes provisions not relevant to the subject matter of the request, costs and reasonable attorney's fees may be awarded pursuant to Code Section 50-18-73.~~

~~(c)(1) Notwithstanding any other provision of this article, an exhibit tendered to the court as evidence in a criminal or civil trial shall not be open to public inspection without approval of the judge assigned to the case.~~

~~(2) Except as provided in subsection (d) of this Code section, in the event inspection is not approved by the court, in lieu of inspection of such an exhibit, the custodian of such an exhibit shall, upon request, provide one or more of the following:~~

~~(A) A photograph;~~

~~(B) A photocopy;~~

~~(C) A facsimile; or~~

~~(D) Another reproduction.~~

~~(3) The provisions of this article regarding fees for production of a record, including, but not limited to, subsections (c) and (d) of Code Section 50-18-71, shall apply to exhibits produced according to this subsection.~~

~~(d) Any physical evidence that is used as an exhibit in a criminal or civil trial to show or support an alleged violation of Part 2 of Article 3 of Chapter 12 of Title 16 shall not be open to public inspection except by court order. If the judge approves inspection of such physical evidence, the judge shall designate, in writing, the facility owned or~~

operated by an agency of the state or local government where such physical evidence may be inspected. If the judge permits inspection, such property or material shall not be photographed, copied, or reproduced by any means. Any person who violates the provisions of this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years, a fine of not more than \$100,000.00, or both.

50-18-73.

(a) The superior courts of this state shall have jurisdiction in law and in equity to entertain actions against persons or agencies having custody of records open to the public under this article to enforce compliance with the provisions of this article. Such actions may be brought by any person, firm, corporation, or other entity. In addition, the Attorney General shall have authority to bring such actions, ~~either civil or criminal,~~ in his or her discretion as may be appropriate to enforce compliance with this article and to seek either civil or criminal penalties or both.

(b) In any action brought to enforce the provisions of this chapter in which the court determines that either party acted without substantial justification either in not complying with this chapter or in instituting the litigation, the court shall, unless it finds that special circumstances exist, assess in favor of the complaining party reasonable attorney's fees and other litigation costs reasonably incurred. Whether the position of the complaining party was substantially justified shall be determined on the basis of the record as a whole which is made in the proceeding for which fees and other expenses are sought.

(c) Any agency or person who provides access to information in good faith reliance on the requirements of this chapter shall not be liable in any action on account of ~~having provided access to such information~~ such decision.

50-18-74.

~~(a)~~ Any person or entity knowingly and willfully violating the provisions of this article by failing or refusing to provide access to records not subject to exemption from this article, ~~or~~ by knowingly and willingly failing or refusing to provide access to such records within the time limits set forth in this article, or by knowingly and willingly frustrating or attempting to frustrate the access to records by intentionally making records difficult to obtain or review shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000.00 for the first violation. Alternatively, a civil penalty may be imposed by the court in any civil action brought pursuant to this article against any person who violates the terms of this article in an amount not to exceed \$100.00 \$1,000.00 for the first violation. A civil penalty or criminal fine not to exceed \$2,500.00 per violation may be imposed for each additional violation that the violator commits within a 12 month period from the date the first penalty or fine was imposed. It shall be a defense to any criminal action under this Code section that a person has acted in good faith in his or her actions. In addition,

persons or entities that destroy records for the purpose of preventing their disclosure under this article may be subject to prosecution under Code Section 45-11-1.

~~(b) A prosecution under this Code section may only be commenced by issuance of a citation in the same manner as an arrest warrant for a peace officer pursuant to Code Section 17-4-40, which citation shall be personally served upon the accused. The defendant shall not be arrested prior to the time of trial, except that a defendant who fails to appear for arraignment or trial may thereafter be arrested pursuant to a bench warrant and required to post a bond for his or her future appearance.~~

50-18-75.

Communications between the Office of Legislative Counsel and the following persons shall be privileged and confidential: members of the General Assembly, the Lieutenant Governor, and persons acting on behalf of such public officers; and such communications, and records and work product relating to such communications, shall not be subject to inspection or disclosure under this article or any other law or under judicial process; provided, however, that this privilege shall not apply where it is waived by the affected public officer or officers. The privilege established under this Code section is in addition to any other constitutional, statutory, or common law privilege.

50-18-76.

No form, document, or other written matter which is required by law or rule or regulation to be filed as a vital record under the provisions of Chapter 10 of Title 31, which contains information which is exempt from disclosure under Code Section 31-10-25, and which is temporarily kept or maintained in any file or with any other documents in the office of the judge or clerk of any court prior to filing with the Department of Public Health shall be open to inspection by the general public, even though the other papers or documents in such file may be open to inspection.

50-18-77.

The procedures and fees provided for in this article shall not apply to public records, including records that are exempt from disclosure pursuant to Code Section 50-18-72, which are requested in writing by a state or federal grand jury, taxing authority, law enforcement agency, or prosecuting attorney in conjunction with an ongoing administrative, criminal, or tax investigation. The lawful custodian shall provide copies of such records to the requesting agency unless such records are privileged or disclosure to such agencies is specifically restricted by law."

SECTION 3.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (c) of Code Section 15-12-11, relating to appointment of court personnel in certain counties, juror questionnaires, and construction with other laws, as follows:

"(c) Juror questionnaires shall be confidential and shall be exempt from public disclosure pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50; provided, however, that jury questionnaires shall be provided to the court and to the parties at any stage of the proceedings, including pretrial, trial, appellate, or post-conviction proceedings, and shall be made a part of the record under seal. The information disclosed to a party pursuant to this subsection shall only be used by the parties for purposes of pursuing a claim, defense, or other issue in the case."

SECTION 4.

Said title is further amended by revising paragraph (10) of subsection (a) of Code Section 15-16-10 of the Official Code of Georgia Annotated, relating to duties of sheriffs, as follows:

"(10) To develop and implement a comprehensive plan for the security of the county courthouse and any courthouse annex. Prior to the implementation of any security plan, the plan shall be submitted to the chief judge of the superior court of the circuit wherein the courthouse or courthouse annex is located for review. The chief judge shall have 30 days to review the original or any subsequent security plan. The chief judge may make modifications to the original or any subsequent security plan. The sheriff shall provide to the county governing authority the estimated cost of any security plan and a schedule for implementation 30 days prior to adoption of any security plan. A comprehensive plan for courthouse security shall be considered a confidential matter of public security. Review of a proposed security plan by the governing authority shall be excluded from the requirements of Code Section 50-14-1 and any such review shall take place as provided in Code Section 50-14-3. Such security plan shall also be excluded from public disclosure pursuant to paragraph ~~(15)~~ (25) of subsection (a) of Code Section 50-18-72. The sheriff shall be the official custodian of the comprehensive courthouse security plan and shall determine who has access to such plan and any such access and review shall occur in the sheriff's office or at a meeting of the county governing authority held as provided in paragraph ~~(9)~~ (4) of subsection (b) of Code Section 50-14-3; provided, however, that the sheriff shall make the original security plan available upon request for temporary, exclusive review by any judge whose courtroom or chambers is located within the courthouse or courthouse annex or by any commissioner of the county in which the courthouse or courthouse annex is located. The sheriff shall be responsible to conduct a formal review of the security plan not less than every four years."

SECTION 5.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising paragraph (2) of subsection (a) of Code Section 20-2-55, relating to per diem, insurance, and expenses of local board members, as follows:

"(2) In any local school system for which no local Act is passed, members of the local board of education shall, when approved by the local board affected, receive a per diem of \$50.00 for each day of attendance at a meeting, as defined in paragraph

~~(2)~~ (3) of subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual expenses necessarily incurred in connection therewith; provided, however, that in any independent school system with a full-time equivalent (FTE) program count of less than 4,000 students for which no local Act is passed, members of the local board of education may, when approved by the affected local board, receive a per diem of not less than \$50.00 and not more than \$100.00 for each day of attendance at a meeting, as defined in paragraph ~~(2)~~ (3) of subsection (a) of Code Section 50-14-1, of the board, plus reimbursement for actual expenses. The accounts for such service and expenses shall be submitted for approval to the local school superintendent. In all school districts, the compensation of members of local boards shall be paid only from the local tax funds available to local boards for educational purposes. This paragraph shall apply only to local board of education members elected or appointed on or after July 1, 2010."

SECTION 6.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising subsection (b) of Code Section 31-7-402, relating to content and form of notice to Attorney General, retention of experts, and payment of costs and expenses, as follows:

"(b) The Attorney General may prescribe a form of notice to be utilized by the seller or lessor and the acquiring entity and may require information in addition to that specified in this article if the disclosure of such information is determined by the Attorney General to be in the public interest. The notice to the Attorney General required by this article and all documents related thereto shall be considered public records pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 7.

Said title is further amended by revising subsection (a) of Code Section 31-7-405, relating to public hearing, expert or consultant required to testify, testimony, and representative of acquiring entity to testify, as follows:

"(a) Within 60 days after receipt of the notice under this article, the Attorney General shall conduct a public hearing regarding the proposed transaction in the county in which the main campus of the hospital is located. At such hearing, the Attorney General shall provide an opportunity for those persons in favor of the transaction, those persons opposed to the transaction, and other interested persons to be heard. The Attorney General shall also receive written comments regarding the transaction from any interested person, and such written comments shall be considered public records pursuant to ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 8.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsection (c) of Code Section 33-2-8.1, relating to purpose of Code section, preparation by Commissioner of supplemental report on property and casualty insurance, contents of report, and request for information, as follows:

"(c) The Commissioner shall investigate every licensed property and casualty insurer that is designated by the National Association of Insurance Commissioners as needing immediate or targeted regulatory attention and shall include in his report the number of such insurers which his investigation confirms are in need of immediate or targeted regulatory attention and the names of such insurers which are in formal rehabilitation, liquidation, or conservatorship. The Commissioner shall obtain from the National Association of Insurance Commissioners the necessary information to implement this subsection and, notwithstanding the provisions of ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50, shall withhold from public inspection any such information received from the National Association of Insurance Commissioners under an expectation of confidentiality."

SECTION 9.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising subsection (d) of Code Section 36-76-6, relating to franchise fees, as follows:

"(d) The statements made pursuant to subsection (b) of this Code section and any records or information furnished or disclosed by a cable service provider or video service provider to an affected local governing authority pursuant to subsection (c) of this Code section shall be exempt from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 10.

Code Section 38-3-152 of the Official Code of Georgia Annotated, relating to creation and operation of building mapping information system, availability to government agencies, rules and regulations, federal funding sources, exemption of information from public disclosure, recommendations for training guidelines, and limitations, is amended by revising subsection (f) as follows:

"(f) Information provided to the agency under this article shall be exempt from public disclosure to the extent provided in paragraph ~~(24)~~ (31) of subsection (a) of Code Section 50-18-72."

SECTION 11.

Code Section 40-5-2 of the Official Code of Georgia Annotated, relating to keeping of records of applications for licenses and information on licensees and furnishing of information, is amended by revising subsection (b) as follows:

"(b) The records maintained by the department on individual drivers are exempt from any law of this state requiring that such records be open for public inspection; provided, however, that initial arrest reports, incident reports, and the records pertaining to investigations or prosecutions of criminal or unlawful activity shall be subject to disclosure pursuant to paragraph (4) of subsection (a) of Code Section 50-18-72 and related provisions. Georgia Uniform Motor Vehicle Accident Reports shall be subject to disclosure pursuant to paragraph ~~(4.1)~~ (5) of subsection (a) of Code Section 50-18-

72. The department shall not make records or personal information available on any driver except as otherwise provided in this Code section or as otherwise specifically required by 18 U.S.C. Section 2721."

SECTION 12.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by revising paragraph (4) of Code Section 43-34-7, relating to maintenance of roster by Georgia Composite Medical Board and confidentiality, as follows:

"(4) The deliberations of the board with respect to an application, an examination, a complaint, an investigation, or a disciplinary proceeding, except as may be contained in official board minutes; provided, however, that such deliberations may be released only to another state or federal enforcement agency or lawful licensing authority. Releasing the documents pursuant to this paragraph shall not subject any otherwise privileged documents to the provisions of ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50."

SECTION 13.

Code Section 45-6-6 of the Official Code of Georgia Annotated, relating to office property kept by officers subject to inspection by citizens, is amended by revising such Code section as follows:

"45-6-6.

All books, papers, and other office property kept by any public officer under the laws of this state ~~shall be subject to the inspection of all the citizens of this state within office hours every day except Sundays and holidays~~ may be copied or inspected subject to the requirements of Article 4 of Chapter 18 of Title 50."

SECTION 14.

Title 46 of the Official Code of Georgia Annotated, relating to public utilities, is amended by revising paragraph (13) of subsection (b) of Code Section 46-5-1, relating to exercise of power of eminent domain by telephone and telegraph companies; placement of posts and other fixtures; regulation of construction of fixtures, posts, and wires near railroad tracks; liability of telegraph and telephone companies for damages; required information; and due compensation, as follows:

"(13) The information provided pursuant to paragraph (1) of this subsection and any records or information furnished or disclosed by a telegraph or telephone company to an affected municipal authority pursuant to paragraph (12) of this subsection shall be exempt from public inspection under ~~Code Section 50-18-70~~ Article 4 of Chapter 18 of Title 50. It shall be the duty of such telegraph or telephone company to mark all such documents as exempt from ~~Code Section 50-18-70, et seq.~~ Article 4 of Chapter 18 of Title 50, and the telegraph or telephone company shall defend, indemnify, and hold harmless any municipal authority and any municipal officer or employee in any request for, or in any action seeking, access to such records."

SECTION 15.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by revising subsection (b) of Code Section 50-1-5, relating to meetings by teleconference or other similar means, as follows:

"(b) Nothing in this Code section shall eliminate any otherwise applicable requirement for giving notice of any meeting. Likewise, nothing in this Code section shall create a requirement for giving notice of any meeting where it does not otherwise exist. The notice shall list each location where any member of the board, body, or committee plans to participate in the meeting if the meeting is otherwise open to the public; provided, however, it shall not be grounds to contest any actions of the board, body, or committee as provided in Code Section 50-14-1 if a member participates from a location other than the location listed in the notice. At a minimum, the notice shall list one specific location where the public can participate in the meeting if the meeting is otherwise open to the public. The notice shall further conform with the notice provisions of ~~'due notice'~~ ~~as provided in~~ Code Section 50-14-1. Any meeting which is otherwise required by law to be open to the public shall be open to the public at each location listed in the notice or where any member of the board, body, or committee participates in the meeting."

SECTION 16.

Said title is further amended by revising subsection (c) of Code Section 50-17-22, relating to the State Financing and Investment Commission, as follows:

"(c) **Meetings.** The commission shall hold regular meetings as it deems necessary, but, in any event, not less than one meeting shall be held in each calendar quarter. The commission shall meet at the call of the chairperson, vice chairperson, or secretary and treasurer or a majority of the members of the commission. Meetings of the commission shall be subject to Chapter 14 of this title, and its records shall be subject to ~~Code Sections 50-18-70 and 50-18-71~~ Article 4 of Chapter 18 of Title 50. The commission shall approve the issuance of public debt, as hereinafter provided, adopt and amend bylaws, and establish salaries and wages of employees of the commission only upon the affirmative vote of a majority of its members; all other actions of the commission may be taken upon the affirmative vote of a majority of a quorum present. A quorum shall consist of a majority of the members of the commission. If any vote is less than unanimous, the vote shall be recorded in the minutes of the commission."

SECTION 17.

Said title is further amended by revising subsection (a) of Code Section 50-29-2, relating to authority of public agencies that maintain geographic information systems to contract for the provision of services, fees, and contract provisions, as follows:

"(a) Notwithstanding ~~subsection (f) of Code Section 50-18-71 or Code Section 50-18-71.2~~ the provisions of Article 4 of Chapter 18 of Title 50, a county or municipality of the State of Georgia, a regional commission, or a local authority created by local or general law that has created or maintains a geographic information system in electronic form may contract to distribute, sell, provide access to, or otherwise market records or

information maintained in such system and may license or establish fees for providing such records or information or providing access to such system."

SECTION 18.

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

On the passage of the Bill, by substitute, the ayes were 154, nays 5.

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

Representative Clark of the 98th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 717. By Representatives Houston of the 170th, Carter of the 175th, Purcell of the 159th, Meadows of the 5th and Drenner of the 86th:

A BILL to be entitled an Act to amend Article 2 of Chapter 8 of Title 4 of the Official Code of Georgia Annotated, relating to dangerous dog control, so as to provide for criminal penalties for certain owners who fail to secure their dog resulting in the dog inflicting severe injury or death on a human being; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 4-8-43 of the Official Code of Georgia Annotated, relating to penalties for violations of provisions relative to vicious dog ownership, so as to change provisions relating to criminal penalties for failure to comply with law, resulting in the vicious dog inflicting severe injury or death on a human being; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 4-8-43 of the Official Code of Georgia Annotated, relating to penalties for violations of provisions relative to vicious dog ownership, is amended as follows:

"4-8-43.

(a) The owner of a vicious dog who violates Code Section 4-8-42 shall be guilty of a misdemeanor. In addition to any confinement that might be imposed for a conviction under this subsection, for the second conviction a fine of not less than \$300.00 shall be imposed and for a third or subsequent conviction a fine of not less than \$500.00 shall be imposed.

(b) If an owner ~~who has a previous conviction for a violation of this article knowingly and willfully~~ fails to comply with the provisions of this article, and such failure results in the vicious dog attacking another human being and causing severe injury or death, such owner shall be guilty of a ~~misdemeanor of high and aggravated nature if the~~

~~owner's vicious dog attacks, bites, causes severe injury, or causes the death of a human being under circumstances constituting another violation of this article felony and, upon conviction, shall be punished by imprisonment for not less than one nor more than three years and a fine of not more than \$20,000.00.~~

(c) In addition to the penalties for violations under subsection (b) of this Code section, the vicious dog involved shall be immediately confiscated by the dog control officer or by a law enforcement officer or another person authorized by the dog control officer and placed in quarantine for the proper length of time as determined by the county board of health, and thereafter, the vicious dog shall be destroyed in an expeditious and humane manner."

SECTION 2.

This Act shall become effective on July 1, 2012, and shall apply to offenses committed on and after such date.

SECTION 3.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 82, nays 73.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Sheldon of the 105th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Houston of the 170th gave notice that at the proper time she would move that the House reconsider its action in failing to give the requisite constitutional majority to HB 717.

Representative England of the 108th District, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

Your Committee on Appropriations has had under consideration the following Bill and Resolutions of the House and has instructed me to report the same back to the House with the following recommendations:

HB 742	Do Pass, by Substitute
HR 1160	Do Pass, by Substitute
HR 1161	Do Pass, by Substitute

Respectfully submitted,
/s/ England of the 108th
Chairman

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

Mr. Speaker:

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

HB 665 Do Pass, by Substitute

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

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

HB 745. By Representatives Welch of the 110th, Ramsey of the 72nd, Cooper of the 41st, Manning of the 32nd, Watson of the 163rd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to provide for legislative findings relating to newborn screening for congenital heart defects; to require the Department of Public Health to study whether pulse oximetry screening should be a standard test for all newborns for the detection of congenital heart defects; to provide for a report to legislative committees; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, so as to provide for legislative findings relating to newborn screening for congenital heart defects; to require the Department of Public Health to study whether pulse oximetry screening should be a standard test for all newborns for the detection of congenital heart defects; to provide for a report to legislative committees; to provide for automatic repeal; 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 and declares that:

- (1) Congenital heart defects (CHDs) are structural abnormalities of the heart that are present at birth; CHDs range in severity from simple problems, such as holes between chambers of the heart, to severe malformations, such as the complete absence of one or more chambers or valves; some critical CHDs can cause severe and life-threatening symptoms which require intervention within the first days of life;
- (2) According to the United States Secretary of Health and Human Services' Advisory Committee on Heritable Disorders in Newborns and Children, congenital heart disease affects approximately seven to nine of every 1,000 live births in the United States and Europe; the federal Centers for Disease Control and Prevention states that CHD is the leading cause of infant death due to birth defects;
- (3) Current methods for detecting CHDs generally include prenatal ultrasound screening and repeated clinical examinations, but while prenatal ultrasound screenings can detect some major CHDs, these screenings, alone, identify less than one-half of all CHD cases, and critical CHD cases are often missed during routine clinical exams performed prior to a newborn's discharge from a birthing facility;
- (4) Pulse oximetry is a noninvasive test that estimates the percentage of hemoglobin in blood that is saturated with oxygen; when performed on a newborn a minimum of 24 hours after birth, pulse oximetry screening is often more effective at detecting critical, life-threatening CHDs which otherwise go undetected by current screening methods; newborns with abnormal pulse oximetry results require immediate confirmatory testing and intervention; and
- (5) Many newborn lives could potentially be saved by earlier detection and treatment of CHDs if birthing facilities were required to perform this simple, noninvasive newborn screening in conjunction with current CHD screening methods.

SECTION 2.

Article 1 of Chapter 1 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions relative to health, is amended by adding a new Code section to read as follows:

"31-1-3.3.

(a) The Department of Public Health shall undertake a study to determine whether pulse oximetry screening should be implemented as a standard test for newborn infants in this state to aid in detecting congenital heart defects.

(b) The study undertaken by the department shall include the review of available data and research findings on this issue to determine whether pulse oximetry screening should be performed as a standard test in conjunction with other current screening methods for congenital heart defects. Said study shall evaluate the fiscal impacts of implementing pulse oximetry screening in Georgia. The department shall complete and submit a report to the Senate Health and Human Services Committee and the House Committee on Health and Human Services no later than the fifth day of the 2013 regular session of the General Assembly. Such report shall include the results, conclusions, and recommendations of the department, including whether proposed legislation should be introduced.

(c) This Code section shall stand repealed on January 31, 2013."

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

On the passage of the Bill, by substitute, the ayes were 135, nays 26.

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

Representative Teasley of the 38th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

HB 1049. By Representative Willard of the 49th:

A BILL to be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements; to change certain definitions; to correct certain cross-references; to require that Voice over Internet Protocol service suppliers register certain information with the director of emergency management; to require that such information be updated; to provide for notices of delinquency to be sent by the director under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," so as to change its applicability and requirements; to change certain definitions; to correct certain cross-references; to require that Voice over Internet Protocol service suppliers register certain information with the director of emergency management; to require that such information be updated; to change certain provisions relating to subscriber billing and liability and the use of proceeds in the Emergency Telephone System Fund; to provide for notices of delinquency to be sent by the director under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number 9-1-1 Service Act of 1977," is amended by revising paragraph (12.1) of Code Section 46-5-122, relating to definitions, as follows:

"(12.1) 'Prepaid wireless service' means ~~any method pursuant to which a customer pays a wireless service provider in advance for a wireless telecommunications connection. Such term shall include, without limitation, calling or usage privileges~~

~~included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a wireless communication, or an Internet transaction~~ a service where a telephone subscriber pays a wireless service supplier in advance for a wireless telecommunications connection:

(A) That is sold in predetermined units or dollars:

- (i) The number of which declines with use in a known amount; and
- (ii) Which expire without an additional retail purchase of units or dollars;

(B) That is not offered in conjunction with other communications services for which the terms permit payment in arrears; and

(C) The charges for which are:

(i) Not billed to any telephone subscriber or other person; or

(ii) Not provided to a telephone subscriber or other person in a monthly statement.

Such term shall include, without limitation, calling or usage privileges included with the purchase of a wireless telephone as well as additional calling or usage privileges purchased by any means, including, without limitation, a calling card, a call, or an Internet transaction."

SECTION 2.

Said part is further amended by revising Code Section 46-5-124.1, relating to the requirement that service suppliers register certain information with the director of emergency management, updating certain information, and notices of delinquency, as follows:

"46-5-124.1.

(a) Any service supplier or Voice over Internet Protocol service supplier doing business in Georgia shall register the following information with the director:

(1) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier to whom the resolution adopted pursuant to Code Section 46-5-133 or other notification of intent to provide automatic number identification or automatic location identification, or both, of a telephone service connection should be submitted;

(2) The name, address, and telephone number of the representative of the service supplier or Voice over Internet Protocol service supplier with whom a local government must coordinate to implement automatic number identification or automatic location identification, or both, of a telephone service connection;

(3) The counties in Georgia in which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service at the time the filing is made; and

(4) Every corporate name under which the service supplier or Voice over Internet Protocol service supplier is authorized to provide telephone service in Georgia.

(b) After the initial submission by each service supplier or Voice over Internet Protocol service supplier doing business in this state, the information required by subsection (a) of this Code section shall be updated and submitted to the director by the tenth day of

January and the tenth day of July of each year or such other semiannual schedule as the director may establish.

(c) The director shall send a notice of delinquency to any service supplier or Voice over Internet Protocol service supplier which fails to comply with subsection (b) of this Code section. Such notice shall be sent by certified mail or statutory overnight delivery. Any service supplier ~~which~~ or Voice over Internet Protocol service supplier that fails to register and provide the information required by this Code section within 30 days after receipt of a notice of delinquency shall not be eligible to receive cost recovery funds as provided in subsection (e) of Code Section 46-5-134 until the service supplier or Voice over Internet Protocol service supplier is in compliance with subsection (b) of this Code section."

SECTION 3.

Said part is further amended by revising subsection (e) of Code Section 46-5-134, relating to subscriber billing and liability, taxes on service, establishment of and the use of proceeds in the Emergency Telephone System Fund, and records, as follows:

"(e)(1) A wireless service supplier may recover its costs expended on the implementation and provision of wireless enhanced 9-1-1 services to subscribers in an amount not to exceed 30¢ of each 9-1-1 charge collected from a place of primary use that is within the geographic area that is served by the local government or would be served by the local government for the purpose of such emergency 9-1-1 system; provided, however, that such amount may be increased to 45¢ upon implementation of step two of the state plan governing 9-1-1 enhanced communications as provided in subsection (g) of this Code section. Such cost recovery amount shall be based on the actual cost incurred by the wireless service supplier in providing wireless enhanced 9-1-1 services.

(2) A wireless service supplier shall not be authorized to recover any costs under paragraph (1) of this subsection with respect to any prepaid wireless services."

SECTION 4.

Said part is further amended by revising Code Section 46-5-134.2, relating to prepaid wireless 9-1-1 charge, definitions, imposition of fee by localities, collection and remission of charges, and distribution of funds, as follows:

"46-5-134.2.

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

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

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

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

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

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

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

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

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

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

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

(2) Where a county or municipality that operates a 9-1-1 public safety answering point fails to comply with the requirements of paragraph (1) of subsection (j) of this Code section by December 31, 2011, on and after that date, the prepaid wireless 9-1-1 charge authorized by paragraph (1) of this subsection shall be imposed within the jurisdiction of such counties and municipalities as a state fee for state purposes.

(c) Where a county or municipality imposes a prepaid wireless 9-1-1 charge as authorized by paragraph (1) of subsection (b) of this Code section, or the prepaid wireless 9-1-1 charge is imposed by the State of Georgia by paragraph (2) of subsection (b) of this Code section, the prepaid wireless 9-1-1 charge shall be collected by the seller from the consumer with respect to each retail transaction occurring in this state. The amount of the prepaid wireless 9-1-1 charge shall be either separately stated on an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the consumer.

(d) For the purposes of subsection (c) of this Code section, a retail transaction that is effected in person by a consumer at a business location of the seller shall be treated as occurring in this state if that business location is in this state, and any other retail transaction shall be treated as occurring in this state if the retail transaction is treated as occurring in this state for purposes of a prepaid wireless calling service as provided in paragraph (3) of subsection (e) of Code Section 48-8-77.

(e) The prepaid wireless 9-1-1 charge shall be the liability of the consumer and not of the seller or of any provider, except that the seller shall be liable to remit all prepaid wireless 9-1-1 charges that the seller collects from consumers as provided in this Code section, including all such charges that the seller is deemed to collect where the amount

of the charge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller.

(f) The amount of the prepaid wireless 9-1-1 charge that is collected by a seller from a consumer, if such amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political subdivision of this state, or any intergovernmental agency.

(g) If a minimal amount of prepaid wireless ~~telecommunications~~ service is sold with a prepaid wireless device for a single, nonitemized price, then the seller may elect not to apply the amount specified in subsection (b) of this Code section to such transaction. For purposes of this subsection, the term 'minimal' means an amount of service denominated as ten minutes or less; or \$5.00 or less.

(h) Prepaid wireless 9-1-1 charges collected by sellers shall be remitted to the commissioner at the times and in the manner provided by Chapter 8 of Title 48 with respect to the sales and use tax imposed on prepaid wireless calling service. The commissioner shall establish registration and payment procedures that substantially coincide with the registration and payment procedures that apply to the sale of prepaid wireless calling service under Chapter 8 of Title 48. Audit and appeal procedures applicable under Chapter 8 of Title 48 shall apply to the prepaid wireless 9-1-1 charge. The commissioner shall establish procedures by which a seller of prepaid wireless ~~telecommunications~~ service may document that a sale is not a retail transaction, which procedures shall substantially coincide with the procedures for documenting sale for resale transactions under Chapter 8 of Title 48. Nothing in this Code section shall authorize the commissioner to require that sellers of prepaid wireless ~~calling services~~ services identify, report, or specify the jurisdiction within which the retail sale of such services occurred.

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

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

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

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

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

(C) For the purposes of this paragraph, population shall be measured by the United States decennial census of 2010 or any future such census plus any corrections or revisions contained in official statements by the United States Bureau of the Census made prior to the first day of September immediately preceding the distribution of the proceeds of such charges by the commissioner and any official census data received by the commissioner from the United States Bureau of the Census or its successor agency pertaining to any newly incorporated municipality. Such corrections, revisions, or additional data shall be certified to the commissioner by the Office of Planning and Budget on or before August 31 of each year.;

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

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

(5) Funds distributed to a county or municipality pursuant to this Code section shall be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund, maintained by the local government pursuant to paragraph (2) of subsection (d) of Code Section 46-5-134. The commissioner shall deposit all funds received pursuant to paragraph (2) of subsection (b) of this Code section, other than the funds received pursuant to paragraph (4) of this subsection, into the general fund of the state treasury in compliance with Article 4 of Chapter 12 of Title 45, the 'Budget Act.' It is the intention of the General Assembly, subject to

the appropriation process, that an amount equal to the amount deposited into the general fund of the state treasury as provided in this paragraph be appropriated each year to a program of state grants to counties and municipalities administered by the department for the purpose of supporting the operations of public safety answering points in the improvement of 9-1-1 service delivery. The department shall promulgate rules and regulations for the administration of the 9-1-1 grant program; and

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

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

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

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

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

SECTION 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:

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

On the passage of the Bill, by substitute, the ayes were 160, nays 0.

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

Representative O'Neal of the 146th moved that the House do now adjourn until 9:30 o'clock, A.M., Wednesday, March 7, 2012, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 9:30 o'clock, A.M., Wednesday, March 7, 2012.