

**Representative Hall, Atlanta, Georgia**

**Wednesday, March 14, 2012**

**Thirty-Third Legislative Day**

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

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

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

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

Representatives Casas of the 103rd, Channell of the 116th, Coomer of the 14th, Dobbs of the 53rd, Dukes of the 150th, Johnson of the 37th, Jordan of the 77th, Mosby of the 90th, Pruett of the 144th, Stephenson of the 92nd, Teasley of the 38th, Thomas of the 100th, and Willard of the 49th.

They wished to be recorded as present.

Prayer was offered by Reverend Ellynda Lipsey, Pastor, St. Timothy Methodist Church, Stone Mountain, Georgia.

The members pledged allegiance to the flag.

Representative Maddox of the 127th, Secretary of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

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

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

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

HB 1255. By Representatives Channell of the 116th, Kidd of the 141st and Hudson of the 124th:

A BILL to be entitled an Act to amend an Act creating the Eatonton-Putnam Water and Sewer Authority, approved May 10, 2005 (Ga. L. 2005, p. 4090), as amended, particularly by an Act approved May 11, 2009 (Ga. L. 2009, p. 4363), so as to change certain provisions relating to the composition of the authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1256. By Representatives Hembree of the 67th, Hightower of the 68th, Nix of the 69th, Smith of the 70th and Cooke of the 18th:

A BILL to be entitled an Act to amend an Act creating the Western Area Regional Radio System Authority, approved May 17, 2004 (Ga. L. 2004, p. 4521), so as to remove the City of Douglasville as a member of such authority; to add Coweta County as a member of such authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1257. By Representatives Burns of the 157th and Purcell of the 159th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Roads and Revenues for the County of Effingham, approved July 26, 1921 (Ga. L. 1921, p. 466), as amended, so as to revise the powers and duties of the chairperson of the board; to provide for meetings; to provide for quorum and voting; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1258. By Representatives Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, Buckner of the 130th and Smith of the 129th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the county-wide government of Columbus, Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to provide for certain notices to be made in the newspaper having the largest circulation in Columbus, Georgia; to correct certain clerical errors in such Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1259. By Representatives Knight of the 126th, Maddox of the 127th, Holmes of the 125th and Dickey of the 136th:

A BILL to be entitled an Act to provide a new charter for the City of Milner; to provide for reincorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms,

method of filling vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, suspension, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for the office of mayor and mayor pro tempore and certain duties and powers relative thereto; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1260. By Representatives Rice of the 51st, Thomas of the 100th, Floyd of the 99th, Marin of the 96th, Clark of the 104th and others:

A BILL to be entitled an Act to amend an Act to create and establish for the County of Gwinnett a court to be known as the Recorder's Court of Gwinnett County, approved March 27, 1972 (Ga. L. 1972, p. 3125), as amended, so as to authorize the Recorder's Court of Gwinnett County to impose and collect a technology fee for each criminal fine imposed; to authorize the county governing authority to specify the uses to which such technology fees may be put through the use of its annual budget development and adoption process; to provide for related matters; to provide for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1261. By Representatives Knight of the 126th and Yates of the 73rd:

A BILL to be entitled an Act to create and establish an airport authority in and for the County of Spalding and City of Griffin; to authorize such authority to acquire, construct, equip, maintain, operate, own, and improve airports and landing fields for the use of aircraft which shall include related buildings, equipment, and the usual and convenient facilities appertaining to such undertaking; to authorize the authority to acquire, lease, own, and hold a fee simple title, or any interest therein, to all necessary property therefor, both real and personal, within and outside the confines of Spalding County and to lease and sell any and all such facilities including real property; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1262. By Representatives Weldon of the 3rd, Neal of the 1st and Dickson of the 6th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Education of Catoosa County, Georgia, approved March 30, 1993 (Ga. L. 1993, p. 4258), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 4005), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1263. By Representatives Weldon of the 3rd, Neal of the 1st and Dickson of the 6th:

A BILL to be entitled an Act to amend an Act creating the office of commissioner of Catoosa County, approved February 23, 1943 (Ga. L. 1943, p. 858), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 4011), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1264. By Representatives Hembree of the 67th, Hightower of the 68th, Brooks of the 63rd and Bruce of the 64th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Douglasville, approved April 16, 1999 (Ga. L. 1999, p. 4559), as amended, so as to change the description of the election districts; to provide for definitions and inclusions; to provide for manner of election; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1265. By Representatives Beverly of the 139th, Randall of the 138th, Epps of the 140th, Dickey of the 136th and Peake of the 137th:

A BILL to be entitled an Act to create the Macon-Bibb County Community Enhancement Authority; to provide a statement of legislative findings; to define certain terms; to provide for a board of trustees, appointment of members, and meetings; to provide for powers and duties; to authorize the issuance of revenue bonds of the authority and to authorize the collection for the payment of such revenue bonds; to make the revenue bonds of the authority exempt from taxation; to fix and provide the venue and jurisdiction of actions relating to any provisions of this Act; to provide for the validation of bonds; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1266. By Representatives Setzler of the 35th, Carson of the 43rd, Morgan of the 39th, Evans of the 40th, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act creating the Acworth Lake Authority, approved February 19, 1951 (Ga. L. 1951, p. 265), as amended, so as to change membership requirements; to change the number required for a quorum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1267. By Representatives Setzler of the 35th, Carson of the 43rd, Morgan of the 39th, Evans of the 40th, Parsons of the 42nd and others:

A BILL to be entitled an Act to amend an Act to create the Acworth Area Convention and Visitors Bureau, approved April 4, 1997 (Ga. L. 1997, p. 3793), so as to change the name of the bureau to the Acworth Tourism Bureau Authority; to provide for change in membership, terms, and vacancy provisions; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1268. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the Board of Education of Bacon County," approved February 20, 1976 (Ga. L. 1976, p. 2713), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3707), 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 repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1269. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act to revise and reenact the law creating a Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3718), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1809. By Representatives Brockway of the 101st, Sheldon of the 105th, Dudgeon of the 24th, Casas of the 103rd, Coleman of the 97th and others:

A RESOLUTION urging Congress to enact the FairTax and expressing the State of Georgia's commitment to ratify the repeal of the 16th Amendment and to conform the existing state tax code accordingly; and for other purposes.

Referred to the Committee on Judiciary.

HR 1825. By Representative Purcell of the 159th:

A RESOLUTION celebrating the life of Hugh Carroll Butler and dedicating a bridge in his memory; repealing a certain resolution; repealing conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

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

HB 1270. By Representative Jackson of the 142nd:

A BILL to be entitled an Act to amend an Act providing for a Board of Commissioners of Jefferson County, approved February 23, 1984 (Ga. L. 1984, p. 3627), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1271. By Representatives Lane of the 167th, Atwood of the 179th and Spencer of the 180th:

A BILL to be entitled an Act to amend an Act creating the Brunswick-Glynn County Joint Water and Sewer Commission, approved April 19, 2006 (Ga. L. 2006, p. 3661), so as to provide for immunity for the commission and its officers, agents, and employees; to provide for changes to membership, appointment, election, terms, cooperation, quorum, salaries, and officers of the commission; to provide for notices and hearings to be conducted prior to any increase in rates, fees, tolls, or charges to customers for water or sewer system services; to provide for a performance audit or performance review; to provide for a referendum; to provide for submission of this Act to the United States Department of Justice for preclearance; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1272. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act re-creating the Board of Commissioners of Bacon County, approved April 4, 1991 (Ga. L. 1991, p. 4436), as amended, so as to limit the membership of the chairperson and commissioners on boards and authorities; to provide for the compensation of the chairperson; to provide for filling a vacancy in office; to limit the terms of the vice chairperson; to provide for a person to assume the position of chairperson in the event of a vacancy or disability; to provide for placing items on meeting agenda; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 1273. By Representative Jackson of the 142nd:

A BILL to be entitled an Act to amend an Act providing for the election of the chairperson and the members of the Board of Education of Jefferson County, approved March 20, 1990 (Ga. L. 1990, p. 4224), as amended, 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 provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 1826. By Representatives Smith of the 131st, Smith of the 129th, Hugley of the 133rd, Buckner of the 130th and Smyre of the 132nd:

A RESOLUTION recognizing Mr. Jim Wetherington and dedicating a road in his honor; and for other purposes.

Referred to the Committee on Transportation.

HR 1827. By Representatives Braddock of the 19th and Maxwell of the 17th:

A RESOLUTION recognizing Mrs. Glenda and Dr. John Covington and dedicating a road in their honor; and for other purposes

Referred to the Committee on Transportation.

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

HB 1239	HB 1240
HB 1241	HB 1242
HB 1243	HB 1244
HB 1245	HB 1246
HB 1247	HB 1248
HB 1249	HB 1250
HB 1251	HB 1252
HB 1253	HB 1254
HR 1737	HR 1738
HR 1808	SB 495

Representative McCall of the 30th District, Chairman of the Committee on Agriculture and Consumer Affairs, submitted the following report:

Mr. Speaker:

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

SB 324	Do Pass, by Substitute	SB 357	Do Pass
SB 367	Do Pass	SB 390	Do Pass, by Substitute

Respectfully submitted,  
/s/ McCall of the 30th  
Chairman

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

SB 412	Do Pass
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Respectfully submitted,  
/s/ Coleman of the 97th  
Chairman

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

Mr. Speaker:

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

SB 319	Do Pass, by Substitute
SB 464	Do Pass, by Substitute

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

Representative Hamilton of the 23rd District, Chairman of the Committee on Governmental Affairs, submitted the following report:

Mr. Speaker:

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

SB 371	Do Pass
SB 396	Do Pass
SB 446	Do Pass, by Substitute

Respectfully submitted,  
/s/ Hamilton of the 23rd  
Chairman

Representative Smith of the 131st District, Chairman of the Committee on Insurance, submitted the following report:

Mr. Speaker:

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

SB 331	Do Pass
SB 385	Do Pass, by Substitute
SB 416	Do Pass, by Substitute

Respectfully submitted,  
/s/ Smith of the 131st  
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 1225	Do Pass	HB 1226	Do Pass
HB 1227	Do Pass	HB 1230	Do Pass
HB 1231	Do Pass	HB 1232	Do Pass
HB 1235	Do Pass, by Substitute	HB 1236	Do Pass
HB 1238	Do Pass		

Respectfully submitted,  
/s/ Sims of the 169th  
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 Senate and has instructed me to report the same back to the House with the following recommendation:

SB 62      Do Pass, by Substitute

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

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

HR 1466    Do Pass  
HR 1747    Do Pass

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

Mr. Speaker:

Your Committee on State Institutions and Property has had under consideration the following Resolution of the Senate and has instructed me to report the same back to the House with the following recommendation:

SR 765      Do Pass

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

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

HOUSE RULES CALENDAR  
WEDNESDAY, MARCH 14, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 33rd Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

SB 300      Food Standards; to require proper labeling of bottles containing sugar cane or sorghum syrup (Substitute)(A&CA-Black-174th) Bulloch-11th

**Modified Structured Rule**

None

**Structured Rule**

None

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

Respectfully submitted,

/s/ Meadows of the 5th  
Chairman

By unanimous consent, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Intragovernmental Coordination - Local:

HB 1230. By Representatives Oliver of the 83rd, Mosby of the 90th, Gardner of the 57th, Holcomb of the 82nd, Parent of the 81st and others:

A BILL to be entitled an Act to amend an Act creating and establishing the Recorder's Court of DeKalb County, approved March 17, 1959 (Ga. L. 1959, p. 3093), as amended, particularly by an Act approved April 11, 1979 (Ga. L. 1979, p. 3565), so as to provide for the payment of costs in such court; to provide for a schedule of costs; to provide for related matters; to repeal conflicting laws; and for other purposes.

Representative Sims of the 119th moved that the following Bill of the House be removed from the local calendar and voted on separately:

HB 1235. By Representatives Murphy of the 120th, Howard of the 121st, Smith of the 122nd and Frazier of the 123rd:

A BILL to be entitled an Act to amend an Act providing for the consolidated government of Augusta-Richmond County, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide that certain departments, agencies, and authorities of the consolidated government and certain private entities which contract with the consolidated government for the provision of government services shall have periodic forensic accounting audits; to provide for sanctions for failure to do so; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

On the motion, the ayes were 98, nays 44.

The motion prevailed.

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.

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

HB 1235. By Representatives Murphy of the 120th, Howard of the 121st, Smith of the 122nd and Frazier of the 123rd:

A BILL to be entitled an Act to amend an Act providing for the consolidated government of Augusta-Richmond County, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide that certain departments, agencies, and authorities of the consolidated government and certain private entities which contract with the consolidated government for the provision of government services shall have periodic forensic accounting audits; to provide for sanctions for failure to do so; to provide a short title; 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 an Act providing for the consolidated government of Augusta-Richmond County, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide that certain departments, agencies, and authorities of the consolidated government and certain private entities which contract with the consolidated government for the provision of government services shall have periodic forensic accounting audits; to provide for sanctions for failure to do so; to provide a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

This Act shall be known and may be cited as the "Augusta-Richmond County Transparency in Government Act."

**SECTION 2.**

An Act providing for the consolidated government of Augusta-Richmond County, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by adding a new section to read as follows:

"SECTION 10A.

(a) Each department, agency, and authority of the consolidated government and any private entity which has contracted with the consolidated government for the provision of government services on behalf of the consolidated government that is responsible for \$500,000.00 or more in public funds or revenues annually shall have a forensic accounting audit at least every four years. Such audit shall be performed by an independent accounting firm that is not associated in any way with the consolidated government. The report of such audit shall be made available to the commission and to the public upon its completion.

(b) It shall be the duty of the commission to ensure that all affected departments, agencies, authorities, and private entities subject to the provisions of this section have a forensic accounting audit at least once every four years.

(c) The failure by the head of a department or agency or the board of an authority to have a forensic accounting audit performed for such department, agency, or authority at least once every four years as provided in this section shall be grounds for termination or removal. The failure by a private entity that has contracted with the consolidated government for the provision of government services on behalf of the consolidated government to have a forensic accounting audit performed for such entity at least once every four years as provided in this section with regard to such contracted services shall be grounds for termination of the contract and for being deemed ineligible for further contracts with the consolidated government."

**SECTION 2.**

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 53, nays 92.

The Bill, having failed to receive the requisite constitutional majority, was lost.

Representative Hatfield of the 177th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

HB 1225. By Representative Powell of the 171st:

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

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

HB 1226. By Representatives Burns of the 157th and Purcell of the 159th:

A BILL to be entitled an Act to provide a new charter for the City of Springfield; 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 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 1227. By Representatives Rogers of the 26th, Collins of the 27th, Benton of the 31st and Dunahoo of the 25th:

A BILL to be entitled an Act to provide a new charter for the City of Gainesville; to provide for reincorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for other matters relative to the foregoing; to provide for submission under the federal Voting Rights Act of 1965, as amended; 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 1231. By Representatives Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, Buckner of the 130th and Smith of the 129th:

A BILL to be entitled an Act to amend an Act creating the Muscogee County School District, approved February 25, 1949 (Ga. L. 1949, p. 1086), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

HB 1232. By Representatives Smyre of the 132nd, Hugley of the 133rd, Smith of the 131st, Buckner of the 130th and Smith of the 129th:

A BILL to be entitled an Act to amend an Act creating the Muscogee County School District, approved February 25, 1949 (Ga. L. 1949, p. 1086), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 4192), so as to change the maximum amount for which the superintendent of the board of education may make public works construction contracts; to change the maximum amount which may be expended for a public works construction contract without affording free competition; to provide that the superintendent of the board of education in an emergency may make certain contracts other than public works construction contracts; to provide for rules and regulations; to provide definitions; 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 1236. By Representatives Marin of the 96th and Rice of the 51st:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Norcross, Georgia, approved March 28, 1990 (Ga. L. 1990, p. 4934), as amended, particularly by an Act approved April 13, 2001 (Ga. L. 2001, p. 3729), and an Act approved May 6, 2005 (Ga. L. 2005, p. 3876), so as to change the corporate limits of the City of Norcross; 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 1238. By Representative Smith of the 129th:

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

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

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

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

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

On the passage of the Bills, the ayes were 146, nays 4.

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

Representative Howard of the 121st gave notice that at the proper time he would move that the House reconsider its action in failing to give the requisite constitutional majority to HB 1235.

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

Mr. Speaker:

The Senate by requisite unanimous consent has ordered the following House bill immediately transmitted to the Governor:

HB 741. By Representatives Ralston of the 7th, Jones of the 46th, O`Neal of the 146th and England of the 108th:

A BILL to amend an Act providing appropriations for the State Fiscal Year beginning July 1, 2011, and ending June 30, 2012, known as the "General Appropriations Act," House Bill 78, Act No. 223, approved May 12, 2011, (Ga. L. 2011, Vol. I, Book II).

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

SB 514. By Senator Rogers of the 21st:

A BILL to be entitled an Act to provide a homestead exemption from Cherokee County ad valorem taxes for county purposes in an amount as determined from the proceeds generated from the collection of the retail homestead option sales and use tax for residents of that county; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

SB 518. By Senators Jones of the 10th, Butler of the 55th, Henson of the 41st, Carter of the 42nd, Millar of the 40th and others:

A BILL to be entitled an Act to amend an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers

constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the description of commissioner districts; to provide for definitions and inclusions; to provide for election and terms of office of subsequent members; to revise provisions relating to amending the Act; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

SB 520. By Senators McKoon of the 29th and Crane of the 28th:

A BILL to be entitled an Act to create a board of elections and registration for Troup County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's ability to perform certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 642. By Representatives Collins of the 27th, Hamilton of the 23rd, England of the 108th, Meadows of the 5th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Titles 6, 12, 45, and 50 of the Official Code of Georgia Annotated, relating respectively to aviation, conservation and natural resources, public officers and employees, and state government, so as to provide for an extensive revision of the structure and functions of certain executive branch agencies; to create the Georgia Services Administration as a successor agency to the Department of Administrative Services; to amend numerous provisions of the Official Code of Georgia Annotated so as to make conforming amendments and correct cross references; to repeal specific laws; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 805. By Representative Collins of the 27th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to make conforming amendments and correct references relative to the abolition of the State Personnel Administration and the transfer of certain functions of such agency to the Department of Administrative Services as provided by a

separate Act; to provide an effective date; to provide for contingent automatic repeal; to repeal conflicting laws; and for other purposes.

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

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

HB 1119. By Representative Sims of the 169th:

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

HB 1120. By Representative Sims of the 169th:

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

HB 1121. By Representative Sims of the 169th:

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

HB 1188. By Representative Spencer of the 180th:

A BILL to be entitled an Act to create the Oak Grove Cemetery Authority; to provide for its purposes, funding, responsibilities, jurisdiction, membership, meetings, records, filling of vacancies, powers and duties, and application of conflicts of interest and ethics provisions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1193. By Representatives Dickey of the 136th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act entitled "Monroe County Public Facilities Authority Act," approved May 14, 2008 (Ga. L. 2008, p. 4432), so as to repeal certain provisions limiting such authority's authority to issue revenue bonds to four years; to repeal conflicting laws; and for other purposes.

HB 1202. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Scott of the 76th, Heckstall of the 62nd, Waites of the 60th and others:

A BILL to be entitled an Act to amend an Act creating the Clayton County board of commissioners, approved February 8, 1955 (Ga. L. 1955, p. 2064), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 4018), so as to revise the districts for the election of members of the board of commissioners; to provide for definitions and inclusions; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

HB 729. By Representative Knight of the 126th:

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

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

SB 514. By Senator Rogers of the 21st:

A BILL to be entitled an Act to provide a homestead exemption from Cherokee County ad valorem taxes for county purposes in an amount as determined from the proceeds generated from the collection of the retail homestead option sales and use tax for residents of that county; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 518. By Senators Jones of the 10th, Butler of the 55th, Henson of the 41st, Carter of the 42nd, Millar of the 40th and others:

A BILL to be entitled an Act to amend an Act establishing the form of government of DeKalb County and fixing the powers and duties of the officers constituting the governing authority of DeKalb County, approved April 9, 1981 (Ga. L. 1981, p. 4304), as amended, so as to change the description of commissioner districts; to provide for definitions and inclusions; to provide for election and terms of office of subsequent members; to revise provisions relating to amending the Act; to provide for related matters; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 520. By Senators McKoon of the 29th and Crane of the 28th:

A BILL to be entitled an Act to create a board of elections and registration for Troup County and to provide for its powers and duties; to provide for definitions; to provide for the composition of the board and the selection and appointment of members; to provide for certain expenditures of public funds; to provide for compensation of members of the board and personnel; to provide for offices and equipment; to provide for the board's ability to perform certain functions and duties for certain municipalities; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

Pursuant to HR 1466, the House recognized the Kingdom of Denmark and invited Ambassador Peter Taksøe-Jensen, Honorary Consul Christopher N. Smith, and Trade Commissioner Carsten Rosendahl to be recognized by the House of Representatives.

Pursuant to HR 1747, the House recognized the Morrill Act on the grand occasion of its 150th anniversary and invited University of Georgia President Dr. Michael F. Adams, Vice President of Public Service and Outreach Jennifer Frum, Fort Valley State University President Dr. Larry Rivers, and Dean of Agriculture Dr. Govindarajan Kannan to be recognized by the House of Representatives.

Pursuant to HR 1475, the House recognized and commended the Honorable Gene Maddox on the occasion of his retirement from the Georgia House of Representatives.

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

Representatives Hembree of the 67th, Gardner of the 57th, England of the 108th, Williams of the 165th, Maddox of the 172nd, Kaiser of the 59th, Meadows of the 5th, Benfield of the 85th, and Williams of the 113th.

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

HR 1466. By Representatives Peake of the 137th, Randall of the 138th, Dickey of the 136th, Epps of the 140th, Beverly of the 139th and others:

A RESOLUTION recognizing the Kingdom of Denmark and inviting Ambassador Peter Taksøe-Jensen, Honorary Consul Christopher N. Smith, and Trade Commissioner Carsten Rosendahl to be recognized by the House of Representatives; and for other purposes.

HR 1747. By Representatives Heard of the 114th, McKillip of the 115th, Williams of the 113th, James of the 135th, England of the 108th and others:

A RESOLUTION recognizing the Morrill Act on the grand occasion of its 150th anniversary and inviting University of Georgia President Dr. Michael F. Adams, Vice President of Public Service and Outreach Jennifer Frum, Fort Valley State University President Dr. Larry Rivers, and Dean of Agriculture Dr. Govindarajan Kannan to be recognized by the House of Representatives; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the Senate was taken up for consideration and read the third time:

SB 300. By Senator Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 26-2-21 of the Official Code of Georgia Annotated, relating to definitions relative to adulteration and misbranding of food, so as to exclude establishments selling sugar cane and sorghum syrup from the definition of "food sales establishment"; to require proper labeling of bottles containing sugar cane or sorghum syrup; 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 26-2-21 of the Official Code of Georgia Annotated, relating to definitions relative to adulteration and misbranding of food, so as to exclude establishments boiling, bottling, and selling sugar cane and sorghum syrup from the definition of "food sales establishment"; to require proper labeling of bottles containing sugar cane or sorghum syrup; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Code Section 26-2-21 of the Official Code of Georgia Annotated, relating to definitions relative to adulteration and misbranding of food, is amended by revising paragraph (5) of subsection (a) as follows:

"(5) 'Food sales establishment' means retail and wholesale grocery stores; retail seafood stores and places of business; food processing plants, except those food processing plants which are currently required to obtain a license from the Commissioner under any other provision of law; bakeries; confectioneries; fruit, nuts, and vegetable stores or roadside stands; wholesale sandwich and salad manufacturers, including vending machines and operations connected therewith; and places of business and similar establishments, mobile or permanent, engaged in the sale of food primarily for consumption off the premises. Within a food sales establishment, there may be a food service component, not separately operated, which may serve customers on site. This food service component shall be considered as part of the food sales establishment. The food sales component of any food service establishment defined in Code Section 26-2-370 shall not be included in this definition. This term shall not include 'food service establishments' as defined in Code Section 26-2-370. This term also shall not include establishments engaged in the sale of food primarily for consumption off the premises if such sale is an authorized part of and occurs upon the site of a fair or festival which:

(A) Is sponsored by a political subdivision of this state or by an organization exempt from taxes under paragraph (1) of subsection (a) of Code Section 48-7-25 or under Section 501(d) or paragraphs (1) through (8) or paragraph (10) of Section 501(c) of the Internal Revenue Code, as that code is defined in Code Section 48-1-2;

(B) Lasts 120 hours or less; and

(C) When sponsored by such an organization, is authorized to be conducted pursuant to a permit issued by the municipality or county in which it is conducted.

This term also shall not include establishments engaged in the boiling, bottling, and sale of sugar cane syrup or sorghum syrup within this state, provided that such bottles contain a label listing the producer's name and street address, all added ingredients, and the net weight or volume of the product."

## SECTION 2.

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

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

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

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

Y Clark, V	E Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	E Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	E Scott, M	Y Yates
E Crawford	Y Heard	Y Maxwell	Y Scott, S	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 Parsons of the 42nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

HB 477. By Representatives Shaw of the 176th, Meadows of the 5th, Maxwell of the 17th, Hembree of the 67th, James of the 135th and others:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters; to provide for adjustment of licensing fees as necessary to accommodate biennial licensing; to provide for promulgation of rules and regulations by the Commissioner; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the transition from an annual renewal to a biennial renewal of licenses of agents, agencies, subagents, counselors, and adjusters; to provide for promulgation of rules and regulations by the Commissioner; to provide for an effective date; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising Code Section 33-23-3, relating to agency licensing and annual renewal, transition from annual renewal to biennial renewal, and ownership restrictions, as follows:

"33-23-3.

(a) Each principal office and each branch office of an agency as defined in paragraph (2) of subsection (a) of Code Section 33-23-1 must obtain an agency license prior to commencement of operations and renew such license ~~annually~~ biennially and prior to December 31 by filing application forms prescribed by the Commissioner, ~~except as provided by subsection (a.1) of this Code section.~~

(a.1) ~~The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one half the biennial fee provided in Code Section 33-8-1. All agency licenses that were issued with an expiration date of December 31, 2012, shall expire on that date, but shall be renewed pursuant to subsection (a) of this Code section.~~

(b) An agency shall be subject to all penalties, fines, criminal sanctions, and other actions authorized for agents under this chapter.

(c) No person shall be an owner of an agency or, if the agency is a corporation, no person shall be an officer or director of such corporation or own 10 percent or more of the corporation if such person has had his or her license under this chapter refused, revoked, or suspended."

**SECTION 2.**

Said title is further amended by revising Code Section 33-23-18, relating to issuance of a license on a continuous basis, filing for continuation, continuing education requirements, and transition from annual renewal to biennial renewal, as follows:

"33-23-18.

(a) All resident agent, limited subagent, adjuster, and counselor licenses, with the exception of temporary or probationary licenses, shall be issued on a ~~continuous~~ biennial basis and shall expire on the last day of the licensee's birth month, except as provided in subsection (c.1) of this Code section.

(b) ~~Such resident~~ Resident agent, limited subagent, adjuster, and counselor licenses may be ~~continued~~ renewed upon receipt by the Commissioner of evidence of such continuing education as the Commissioner may establish by rule or regulation and payment of such fees as are provided by law.

(c) ~~Filings for continuation of the license on forms prescribed by rule or regulation must be made prior to the first December 31 following the initial issuance of the license and every December 31 thereafter, except as provided in subsection (h) of this Code section. Renewal of the license on forms prescribed by rule or regulation must be made prior to the last day of the licensee's birth month and biennially thereafter, except as provided in subsection (c.1) of this Code section.~~

(c.1) All licenses that expire on December 31, 2012, shall be transitioned to a biennial term and shall expire on the last day of the licensee's birth month, provided that, during the transition, the Commissioner may, as provided by rule or regulation, renew such licenses for a term greater or shorter than the biennial term and may prorate the license renewal fees.

(d) Continuing education requirements imposed by the Commissioner pursuant to this Code section shall not exceed 15 classroom hours for each licensed individual who has held a license for less than 20 years during the ~~calendar~~ year. For those individuals who have held a license for 20 years or more, the requirement shall be no more than ten classroom hours during the ~~calendar~~ year. However, the Commissioner may provide by rule or regulation for continuing education requirements on a biennial basis.

(e) Any individual who has been licensed as an agent for ten consecutive years or more and who does not perform any of the functions specified in paragraph (3) of subsection (a) of Code Section 33-23-1 other than receipt of renewal or deferred commissions shall be exempt from continuing education requirements; provided, however, that if such individual wishes to again perform any of the other functions specified in said paragraph, such individual must obtain approval from the Commissioner and comply with the requirements of this chapter, including without limitation the requirements for continuing education. The Commissioner may provide, by rule or regulation, for any other exemption to or reduction in continuing education required under this Code section.

(f) Every individual required to participate in a continuing education program pursuant to this Code section, ~~shall furnish~~ or such individual's insurer, shall furnish the Commissioner such information as the Commissioner deems necessary to verify compliance with the continuing education requirements.

(g) The Commissioner by rule or regulation may establish the following:

- (1) Staggered deadlines for the filing of forms for ~~continuation~~ renewal of licenses and the corresponding required fees; and
- (2) Penalties and procedures for licensees who fail to comply with subsection (c) of this Code section.

~~(h) The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one-half the biennial fee provided in Code Section 33-8-1."~~

### SECTION 3.

Said title is further amended by revising subsection (b) of Code Section 33-23-37, relating to licensing of a surplus lines broker, as follows:

"(b) Any person, while licensed as a resident agent as to property, casualty, and surety insurance and who is deemed by the Commissioner to be competent and trustworthy, may be licensed as a surplus lines broker as follows:

- (1) Application to the Commissioner for the license shall be on forms furnished by the Commissioner;

- (2) The license fee shall be in an amount as provided in Code Section 33-8-1;
- (3) Each license shall be issued ~~for a term expiring on December 31 next following the date of issuance~~ on a biennial basis and shall expire on the last day of the licensee's birth month and may be renewed ~~annually~~ by filing an application and paying the prescribed fee in accordance with this Code section except as provided in paragraph (3.1) of this subsection;
- (3.1) ~~The Commissioner by rule or regulation may provide for the transition from annual renewal to biennial renewal of licenses issued under this Code section by staggering the renewal periods in 2012 and 2013. Certain licenses may be required to renew one year at one half the biennial fee provided in Code Section 33-8-1~~ All licenses that expire on December 31, 2012, shall be transitioned to a biennial term, provided that, during the transition, the Commissioner may, as provided by rule or regulation, renew such licenses for a term greater or shorter than the biennial term and may prorate the license renewal fees;
- (4) Prior to the issuance of the license or any renewal of the license, the applicant shall file a bond with the Commissioner or his or her successor in office, for the benefit of any person injured by the violation of the conditions provided in this paragraph. The bond shall be executed by the applicant as principal and by a corporate surety authorized to do business in this state and shall be in the penal sum of \$50,000.00, conditioned that the applicant will comply with the following:
- (A) Place insurance only in compliance with Code Section 33-5-25;
  - (B) Remit promptly the taxes provided in Code Section 33-5-31;
  - (C) Account to any person requesting him or her to obtain insurance for funds or premiums collected in connection with such insurance; and
  - (D) Otherwise conduct business in accordance with this title.
- The bond shall not be terminated unless prior to such termination 30 days' written notice is filed with the Commissioner; and
- (5) Each applicant for a license to act as a surplus lines broker shall submit to a personal written examination to determine his or her competence, unless the applicant is licensed as a surplus lines broker in his or her home state."

#### **SECTION 4.**

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

#### **SECTION 5.**

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

Representative Shaw of the 176th moved that the House agree to the Senate substitute to HB 477.

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

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

On the motion, the ayes were 161, nays 0.

The motion prevailed.

HB 48. By Representatives Powell of the 171st, Lindsey of the 54th, Stephens of the 164th, England of the 108th, Allison of the 8th and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to revise and change certain provisions regarding applications for, waiver of, denial of, renewal of, and granting of freeport exemptions; to provide for level 1 and level 2 freeport exemptions; to provide for applicability to business inventory; to provide for procedures, conditions,

and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, so as to revise and change certain provisions regarding applications for, waiver of, denial of, renewal of, and granting of freepoint exemptions; to provide for level 1 and level 2 freepoint exemptions; to provide for applicability to business inventory; to provide for procedures, conditions, and limitations; to provide an effective date; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem tax exemptions, is amended by revising Code Section 48-5-48.1, relating to freepoint exemption applications, waivers, denials, and renewals, as follows:

"48-5-48.1.

(a) Any person, firm, or corporation seeking ~~an~~ a level 1 freepoint exemption from ad valorem taxation of certain tangible personal property inventory when such exemption has been authorized by the governing authority of any county or municipality after approval of the electors of such county or municipality pursuant to the authority of the Constitution of Georgia or Code Section 48-5-48.2 shall file a written application and schedule of property with the county board of tax assessors on forms furnished by such board. Such application shall be filed in the year in which exemption from taxation is sought no later than the date on which the tax receiver or tax commissioner of the county in which the property is located closes ~~his~~ the books for the return of taxes.

(b) The application for the ~~tangible personal property inventory~~ level 1 freepoint exemption shall provide for:

(1) A schedule of the inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in the State of Georgia;

(2) A schedule of the inventory of finished goods manufactured or produced within the State of Georgia in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods; and

(3) A schedule of the inventory of finished goods which on January 1 are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment outside the State of Georgia and the inventory of finished goods which are shipped into the State of Georgia from outside this state and which are stored for transshipment to a final destination outside this state. The information required by Code Section 48-5-48.2 to be contained in the official books and records of the warehouse, dock, or wharf where such property is being stored, which official books and records are required to be open to the inspection of taxing authorities of this state and political subdivisions thereof, shall not be required to be included as a part of or to accompany the application for such exemption.

(c)(1) For purposes of this subsection, the term 'file properly' shall mean and include the timely filing of the application and complete schedule of the inventory for which exemption is sought on or before the due date specified in subsection (a) of this Code section.

(2) The failure to file properly the application and schedule shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to make the application for such exemption for that year as follows:

(A) The failure to report any inventory for which such exemption is sought in the schedule provided for in the application shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to so report for that taxable year in an amount equal to the difference between fair market value of the inventory as reported and the fair market value finally determined to be applicable to the inventory for which the exemption is sought; and

(B) The failure to file timely such application and schedule shall constitute a waiver of the exemption until the first day of the month following the month such application and schedule are filed properly with the county tax assessor; provided, however, that unless the application and schedule are filed on or before June 1 of such year, the exemption shall be waived for that entire year.

(d) Upon receiving the application required by this Code section, the county board of tax assessors shall determine the eligibility of all types of tangible personal property listed on the application. If any property has been listed which the board believes is not eligible for the exemption, the board shall issue a letter notifying the applicant that all or a portion of the application has been denied. The denial letter shall list the type and total fair market value of all property listed on the application for which the exemption has been approved and the type and total fair market value of all property listed on the application for which the exemption has been denied. The applicant shall have the right to appeal from the denial of the exemption for any property listed and such appeal shall proceed as provided in Code Section 48-5-311. Except as otherwise provided in subparagraph (c)(2)(A) of this Code section, the county board of assessors shall not send a second letter of notification denying the exemption of all or a portion of such property listed on the application on new grounds that could and should have been discerned at the time the initial denial letter was issued.

(e) If the ~~tangible personal property inventory~~ level 1 freeport exemption has been granted to a taxpayer for a taxable year, the county board of tax assessors shall issue a notice of renewal to the taxpayer for the immediately following taxable year. Such notice of renewal shall be issued not later than January 15 of such immediately following taxable year to facilitate the filing of a timely application and schedule by the taxpayer for such taxable year."

## SECTION 2.

Said part is further amended by revising Code Section 48-5-48.2, relating to the freeport exemption, as follows:

"48-5-48.2.

(a) This Code section shall be known and may be cited as the 'Level 1 Freeport Exemption.'

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

(1) 'Destined for shipment to a final destination outside this state' ~~includes~~ means, for purposes of a level 1 freeport exemption, that portion or percentage of an inventory of finished goods which the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, is reasonably anticipated to be shipped to a final destination outside this state. Such other reasonable, documented method may only be utilized in the case of a new business, in the case of a substantial change in scope of an existing business, or in other unusual situations where a historical sales or shipment analysis does not adequately reflect future anticipated shipments to a final destination outside this state. It is not necessary that the actual final destination be known as of January 1 in order to qualify for the exemption.

(2) 'Finished goods' ~~shall mean~~ means, for purposes of a level 1 freeport exemption, goods, wares, and merchandise of every character and kind but shall not include unrecovered, unextracted, or unsevered natural resources or raw materials or goods in the process of manufacture or production or the stock in trade of a retailer.

(3) 'Foreign merchandise in transit' means, for purposes of a level 1 freeport exemption, any goods which are in international commerce where the title has passed to a foreign purchaser and the goods are temporarily stored in this state while awaiting shipment overseas.

~~(3)~~(4) 'Raw materials' ~~shall mean~~ means, for purposes of a level 1 freeport exemption, any material, whether crude or processed, that can be converted by manufacture, processing, or a combination thereof into a new and useful product but shall not include unrecovered, unextracted, or unsevered natural resources.

~~(4)~~(5) 'Stock in trade of a retailer' means, for purposes of a level 1 freeport exemption, finished goods held by one in the business of making sales of such goods at retail in this state, within the meaning of Chapter 8 of this title, when such goods are held or stored at a business location from which such retail sales are regularly made. Goods stored in a warehouse, dock, or wharf, including a warehouse or distribution center which is part of or adjoins a place of business from which retail

sales are regularly made, shall not be considered stock in trade of a retailer to the extent that the taxpayer can establish, through a historical sales or shipment analysis, either of which utilizes information from the preceding calendar year, or other reasonable, documented method, the portion or percentage of such goods which is reasonably anticipated to be shipped outside this state for resale purposes.

~~(b)~~(c) The governing authority of any county or municipality may, subject to the approval of the electors of such political subdivision, exempt from ad valorem taxation, including all such taxes levied for educational purposes and for state purposes, all or any combination of the following types of tangible personal property:

(1) Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this state. The exemption provided for in this paragraph shall apply only to tangible personal property which is substantially modified, altered, or changed in the ordinary course of the taxpayer's manufacturing, processing, or production operations in this state. For purposes of this paragraph, the cleaning, drying, pest control treatment, or segregation by grade of grain, peanuts or other oil seeds, or cotton shall constitute substantial modification in the course of processing or production operations. For purposes of this paragraph, remanufacture of aircraft engines or aircraft engine parts or components shall constitute manufacturing operations in this state. Remanufacture of aircraft engines or aircraft engine parts or components means the substantial overhauling or rebuilding of aircraft engines or aircraft engine parts or components;

(2) Inventory of finished goods manufactured or produced within this state in the ordinary course of the taxpayer's manufacturing or production business when held by the original manufacturer or producer of such finished goods. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is produced or manufactured; or

(3) Inventory of finished goods which, on January 1, are stored in a warehouse, dock, or wharf, whether public or private, and which are destined for shipment to a final destination outside this state and inventory of finished goods which are shipped into this state from outside this state and stored for transshipment to a final destination outside this state, including foreign merchandise in transit. The exemption provided for in this paragraph shall be for a period not exceeding 12 months from the date such property is stored in this state. Such period shall be determined based on application of a first-in, first-out method of accounting for the inventory. The official books and records of the warehouse, dock, or wharf where such property is being stored shall contain a full, true, and accurate inventory of all such property, including the date of the receipt of the property, the date of the withdrawal of the property, the point of origin of the property, and the point of final destination of the same, if known. The official books and records of any such warehouse, dock, or wharf, whether public or private, pertaining to any such property for which a freeport exemption has been claimed shall be at all times open to the inspection of all taxing authorities of this state and of any political subdivision of this state.

~~(e)~~(d) Whenever the governing authority of any county or municipality wishes to exempt such tangible property from ad valorem taxation, as provided in this Code section, the governing authority thereof shall notify the election superintendent of such political subdivision, and it shall be the duty of said election superintendent to issue the call for an election for the purpose of submitting to the electors of the political subdivision the question of whether such exemption shall be granted. The referendum ballot shall specify as separate questions the type or types of property as defined in this Code section which are being proposed to be exempted from taxation. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540.

~~(d)~~(e) The governing authority of any county or municipality wherein an exemption has been approved by the voters as provided in this Code section may, by appropriate resolution, a copy of which shall be immediately transmitted to the state revenue commissioner, exempt from taxation 20 percent, 40 percent, 60 percent, 80 percent or all of the value of such tangible personal property as defined in this Code section; provided, however, that once an exemption has been granted, no reduction in the percent of the value of such property to be exempted may be made until and unless such exemption is revoked or repealed as provided in this Code section. An increase in the percent of the value of the property to be exempted may be accomplished by appropriate resolution of the governing authority of such county or municipality, and a copy thereof shall be immediately transmitted to the state revenue commissioner, provided that such increase shall be in increments of 20 percent, 40 percent, 60 percent, or 80 percent of the value of such tangible personal property as defined in this Code section, within the discretion of such governing authority.

~~(e)(1)~~(f)(1) If more than one-half of the votes cast on such question are in favor of such exemption, then such exemption may be granted by the governing authority commencing on the first day of any ensuing calendar year; otherwise, such exemption may not be granted. This paragraph is intended to clearly provide that following approval of such exemption in such referendum, such exemption may be granted on the first day of any calendar year following the year in which such referendum was conducted. This paragraph shall not be construed to imply that the granting of such exemption could not previously be delayed to any such calendar year.

(2) Exemptions may only be revoked by a referendum election called and conducted as provided in this Code section, provided that the call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of said election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.

(g) Level 1 freeport exemptions effected pursuant to this Code section may be granted either in lieu of or in addition to level 2 freeport exemptions under Code Section 48-5-48.6.

~~(f)~~(h) The commissioner shall by regulation adopt uniform procedures and forms for the use of local officials in the administration of this Code section."

**SECTION 3.**

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

"48-5-48.5.

(a) Any person, firm, or corporation seeking a level 2 freeport exemption from ad valorem taxation of certain tangible personal property inventory when such exemption has been authorized by the governing authority of any county or municipality after approval of the electors of such county or municipality pursuant to the authority of the Constitution of Georgia and Code Section 48-5-48.6 shall file a written application and schedule of property with the county board of tax assessors on forms furnished by such board. Such application shall be filed in the year in which exemption from taxation is sought no later than the date on which the tax receiver or tax commissioner of the county in which the property is located closes the books for the return of taxes.

(b) The application for the level 2 freeport exemption shall provide for a schedule of the inventory of finished goods held by one in the business of making sales of such goods in this state.

(c)(1) For purposes of this subsection, the term 'file properly' shall mean and include the timely filing of the application and complete schedule of the inventory for which exemption is sought on or before the due date specified in subsection (a) of this Code section.

(2) The failure to file properly the application and schedule shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to make the application for such exemption for that year as follows:

(A) The failure to report any inventory for which such exemption is sought in the schedule provided for in the application shall constitute a waiver of the exemption on the part of the person, firm, or corporation failing to so report for that taxable year in an amount equal to the difference between fair market value of the inventory as reported and the fair market value finally determined to be applicable to the inventory for which the exemption is sought; and

(B) The failure to file timely such application and schedule shall constitute a waiver of the exemption until the first day of the month following the month such application and schedule are filed properly with the county tax assessor; provided, however, that unless the application and schedule are filed on or before June 1 of such year, the exemption shall be waived for that entire year.

(d) Upon receiving the application required by this Code section, the county board of tax assessors shall determine the eligibility of all types of tangible personal property listed on the application. If any property has been listed which the board believes is not eligible for the exemption, the board shall issue a letter notifying the applicant that all or a portion of the application has been denied. The denial letter shall list the type and total fair market value of all property listed on the application for which the exemption has been approved and the type and total fair market value of all property listed on the application for which the exemption has been denied. The applicant shall have the right to appeal from the denial of the exemption for any property listed, and such appeal shall proceed as provided in Code Section 48-5-311. Except as otherwise provided in

subparagraph (c)(2)(A) of this Code section, the county board of assessors shall not send a second letter of notification denying the exemption of all or a portion of such property listed on the application on new grounds that could and should have been discerned at the time the initial denial letter was issued.

(e) If the level 2 freeport exemption has been granted to a taxpayer for a taxable year, the county board of tax assessors shall issue a notice of renewal to the taxpayer for the immediately following taxable year. Such notice of renewal shall be issued not later than January 15 of such immediately following taxable year to facilitate the filing of a timely application and schedule by the taxpayer for such taxable year.

48-5-48.6.

(a) This Code section shall be known and may be cited as the 'Level 2 Freeport Exemption.'

(b) As used in this Code section, the term 'finished goods' means, for purposes of a level 2 freeport exemption, goods, wares, and merchandise of every character and kind constituting a business's inventory which would not otherwise qualify for a level 1 freeport exemption.

(c) The governing authority of any county or municipality may, subject to the approval of the electors of such political subdivision, exempt from ad valorem taxation, including all such taxes levied for educational purposes and for state purposes, inventory of finished goods.

(d) Whenever the governing authority of any county or municipality wishes to exempt such tangible property from ad valorem taxation, as provided in this Code section, the governing authority thereof shall notify the election superintendent of such political subdivision, and it shall be the duty of said election superintendent to issue the call for an election for the purpose of submitting to the electors of the political subdivision the question of whether such exemption shall be granted. The referendum ballot shall specify retail business inventory as the types of property as defined in this Code section which are being proposed to be exempted from taxation. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540.

(e) The governing authority of any county or municipality wherein an exemption has been approved by the voters as provided in this Code section may, by appropriate resolution, a copy of which shall be immediately transmitted to the state revenue commissioner, exempt from taxation 20 percent, 40 percent, 60 percent, 80 percent, or all of the value of such tangible personal property as defined in this Code section; provided, however, that once an exemption has been granted, no reduction in the percent of the value of such property to be exempted may be made until and unless such exemption is revoked or repealed as provided in this Code section. An increase in the percent of the value of the property to be exempted may be accomplished by appropriate resolution of the governing authority of such county or municipality, and a copy thereof shall be immediately transmitted to the state revenue commissioner, provided that such increase shall be in increments of 20 percent, 40 percent, 60 percent,

or 80 percent of the value of such tangible personal property as defined in this Code section, within the discretion of such governing authority.

(f)(1) If more than one-half of the votes cast on such question are in favor of such exemption, then such exemption may be granted by the governing authority commencing on the first day of any ensuing calendar year; otherwise, such exemption may not be granted. This paragraph is intended to clearly provide that following approval of such exemption in such referendum, such exemption may be granted on the first day of any calendar year following the year in which such referendum was conducted. This paragraph shall not be construed to imply that the granting of such exemption could not previously be delayed to any such calendar year.

(2) Exemptions may only be revoked by a referendum election called and conducted as provided in this Code section, provided that the call for such referendum shall not be issued within five years from the date such exemptions were first granted and, if the results of said election are in favor of the revocation of such exemptions, then such revocation shall be effective only at the end of a five-year period from the date of such referendum.

(g) Level 2 freeport exemptions effected pursuant to this Code section may be granted either in lieu of or in addition to level 1 freeport exemptions under Code Section 48-5-48.2.

(h) The commissioner shall by regulation adopt uniform procedures and forms for the use of local officials in the administration of this Code section."

#### **SECTION 4.**

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

#### **SECTION 5.**

If any one or more provisions, Code sections, subsections, sentences, clauses, phrases, or words of this Act is found to be unconstitutional, the same is declared to be severable, and the balance of this Act shall remain effective notwithstanding such unconstitutionality. The General Assembly declares that it would have enacted this Act and each Code section, subsection, sentence, clause, phrase, or word thereof irrespective of the fact that any one or more provisions, Code sections, subsections, sentences, clauses, phrases, or words would be declared unconstitutional.

#### **SECTION 6.**

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

Representative Powell of the 171st moved that the House agree to the Senate substitute to HB 48.

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

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

On the motion, the ayes were 164, nays 0.

The motion prevailed.

Representative Jones of the 44th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

HR 1828. By Representative Harden of the 147th:

A RESOLUTION commending the State YMCA of Georgia's Youth Assembly and inviting Executive Director Randall Trammel, Chairman of

the Board Scott Maxwell, Youth Governor Elizabeth Holland, Lt. Governor Nicole Futch, and Speaker of the House Jay Jones to be recognized by the House of Representatives; and for other purposes.

HR 1829. By Representatives Neal of the 75th, Jordan of the 77th and Scott of the 76th:

A RESOLUTION expressing regret at the passing of Deputy Sheriff Richard Joseph Daly and inviting the Daly family, Clayton County Sheriff Kem Kimbrough, and Deputy Chief Garland Watkins to be recognized by the House of Representatives; and for other purposes.

HR 1830. By Representatives Parent of the 81st, Jacobs of the 80th, Abrams of the 84th, Henson of the 87th, Brooks of the 63rd and others:

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

The following Resolutions of the House were read and adopted:

HR 1831. By Representative Jasperse of the 12th:

A RESOLUTION recognizing and commending Ms. Blanche Chastain on the occasion of her 100th birthday; and for other purposes.

HR 1832. By Representatives Martin of the 47th, Jones of the 46th and Riley of the 50th:

A RESOLUTION commending the Milton High School boys basketball team on winning the 2012 Class AAAAA State Championship; and for other purposes.

HR 1833. By Representatives Martin of the 47th, Jones of the 46th and Riley of the 50th:

A RESOLUTION recognizing and commending the 2011 Milton High School girls lacrosse team on winning their sixth State Championship in seven years; and for other purposes.

HR 1834. By Representatives Martin of the 47th, Jones of the 46th and Riley of the 50th:

A RESOLUTION recognizing and commending Fulton County's Webb Bridge Middle School academic bowl team on winning the state championship for the PAGE Academic Bowl for Middle Grades; and for other purposes.

HR 1835. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION recognizing and commending Major Julian Bowen on the occasion of his retirement; and for other purposes.

HR 1836. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION recognizing and commending Mr. Morris Oglesby; and for other purposes.

HR 1837. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION recognizing and commending Capitol Commission and Pastor Ron J. Bigalke; and for other purposes.

HR 1838. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION recognizing and commending Mr. James T. Sapp; and for other purposes.

HR 1839. By Representatives Frazier of the 123rd, Howard of the 121st, Murphy of the 120th, Smith of the 122nd, Randall of the 138th and others:

A RESOLUTION commending Mr. Hartley Gibbons, Jr.; and for other purposes.

HR 1840. By Representatives Frazier of the 123rd, Randall of the 138th, Kidd of the 141st, Smith of the 122nd, Murphy of the 120th and others:

A RESOLUTION recognizing and commending Reverend Rickey G. Dent; and for other purposes.

HR 1841. By Representatives Clark of the 98th, Coleman of the 97th, Clark of the 104th, Rice of the 51st and Harrell of the 106th:

A RESOLUTION honoring the life and memory of William Kenneth "Coach Mac" McDaniel, Sr.; and for other purposes.

HR 1842. By Representatives Beverly of the 139th and Randall of the 138th:

A RESOLUTION recognizing and commending Reverend David L. Stanley, Sr., on the occasion of his 25th pastoral anniversary; and for other purposes.

HR 1843. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Apostle Sanjay English; and for other purposes.

HR 1844. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Phi Theta Kappa; and for other purposes.

HR 1845. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Dionne Walker; and for other purposes.

HR 1846. By Representative Wilkinson of the 52nd:

A RESOLUTION recognizing and commending Alexis Carl Davidson; and for other purposes.

HR 1847. By Representatives Cooper of the 41st and Peake of the 137th:

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

Representative Maddox of the 172nd moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 19, 2012, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker announced the House adjourned until 10:00 o'clock, A.M., Monday, March 19, 2012.