

Representative Hall, Atlanta, Georgia

Thursday, March 22, 2012

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

Due to a mechanical malfunction, Representative Carson of the 43rd was not recorded on the attendance roll call. He wished to be recorded as present.

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

Representatives Coomer of the 14th, Dobbs of the 53rd, Fludd of the 66th, Horne of the 71st, Hudson of the 124th, Martin of the 47th, McKillip of the 115th, Purcell of the 159th, Riley of the 50th, and Taylor of the 79th.

They wished to be recorded as present.

Prayer was offered by Pastor Shaun D. Heckstall, Abundant Word Church, Riverdale, Georgia.

The members pledged allegiance to the flag.

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

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

The Journal was confirmed.

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

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

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

HB 1303. By Representative Kidd of the 141st:

A BILL to be entitled an Act to amend Code Section 43-34-103 of the Official Code of Georgia Annotated, relating to delegation of authority to physician assistants, so as to authorize a physician to delegate to a physician assistant the authority to prescribe Schedule II controlled substances; to

require health insurance providers to record the name of a physician assistant providing care and treatment to a patient; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 1977. By Representatives Geisinger of the 48th, Riley of the 50th, McCall of the 30th, Burns of the 157th, Stephens of the 164th and others:

A RESOLUTION creating the House Study Committee on the Horse Racing Industry; and for other purposes.

Referred to the Committee on Rules.

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

HB 1302	HB 1304
HR 1873	HR 1874
HR 1948	SB 462
SB 523	SB 525
SB 526	

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

Mr. Speaker:

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

HB 1275	Do Pass	HB 1281	Do Pass
HB 1282	Do Pass, by Substitute	HB 1283	Do Pass
HB 1284	Do Pass	HB 1285	Do Pass
HB 1286	Do Pass	HB 1287	Do Pass
HB 1291	Do Pass, by Substitute	HB 1293	Do Pass
HB 1294	Do Pass	HB 1295	Do Pass
HB 1296	Do Pass	HB 1297	Do Pass
HB 1299	Do Pass	HB 1301	Do Pass
SB 518	Do Pass		

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

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

HR 1604 Do Pass
HR 1745 Do Pass
HR 1810 Do Pass

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

HOUSE RULES CALENDAR
THURSDAY, MARCH 22, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

SB 227 Education; declarations of intent/attendance records for home study programs; submitted to Dept. of Education rather than local school superintendents (Substitute)(Ed-Smith-131st) Loudermilk-52nd
SB 351 Municipal Courts; require same training for all judges of courts exercising municipal court jurisdiction (Substitute)(Judy-Powell-171st)
SB 352 Prosecuting Attorneys; provide; probate courts, municipal courts, and courts exercising municipal court jurisdiction; process of such employment (Substitute)(JudyNC-Welch-110th) Crosby-13th
SB 489 Georgia Trauma Care Network Commission; report annually; House/Senate Committees on Health and Human Services; outcomes (H&HS-Rynders-152nd) Mullis-53rd

Modified Structured Rule

- SB 407 Health; repeal creation of the Health Strategies Council, Clinical Laboratory, Blood Bank, and Tissue Bank Committee (H&HS-Cooke-18th) Unterman-45th
- SB 412 County Boards of Education; homestead option sales and use tax; county sales and use tax for educational purposes; delay effective date of Code section (Ed-Taylor-79th) Millar-40th

Structured Rule

- SB 362 Submerged Cultural Resources; permits; authorization to contract for investigation, survey; change certain provisions (NR&E-Roberts-154th) Williams-19th

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

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

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

- HB 1275. By Representatives Stephens of the 164th, Bryant of the 160th, Gordon of the 162nd, Watson of the 163rd, Stephens of the 161st and others:

A BILL to be entitled an Act to amend an Act creating the Chatham Area Transit Authority, approved March 28, 1986 (Ga. L. 1986, p. 5082), as amended particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 3587), so as to provide for board membership and staggered terms; to provide for methods of transacting business; to provide for per diem allowances for members and chairperson of the board; to provide for the election of a chairperson; to provide for the audit of books and records of the authority; to repeal a provision providing for financial operations and administrative matters to be performed by Chatham County; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

HB 1281. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the Ware County Water and Sewer Authority, now known as the Satilla Regional Water and Sewer Authority, approved October 1, 2001 (Ga. L. 2001, Ex. Sess., p. 705), as amended, so as to allow members to be elected for unlimited consecutive terms; to repeal a provision relating to expansion of services and addition of members; to reduce the number of days of nonpayment beyond which the authority may disconnect service; to raise the maximum fee for reconnection of service; to exempt the authority from sales and use taxes; 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 1282. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to amend an Act creating the board of commissioners for Charlton County, approved August 4, 1927 (Ga. L. 1927, p. 529), as amended, so as to change provisions relating to the number of meetings to be held by the board; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act creating the board of commissioners for Charlton County, approved August 4, 1927 (Ga. L. 1927, p. 529), as amended, so as to change provisions relating to the number of meetings to be held by the board; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the board of commissioners for Charlton County, approved August 4, 1927 (Ga. L. 1927, p. 529), as amended, is amended by revising Section 7 to read as follows:

"Section 7. Be it further enacted by the authority aforesaid, that said Board of Commissioners shall hold a regular meeting in each month. At the first meeting each year, or as soon thereafter as practicable, the Board of Commissioners shall organize by setting the date and time for the regular monthly meetings to be held that year and by

electing one of the members as chairperson and one as vice-chairperson. Any chairperson or vice-chairperson shall hold his or her office until his or her successor is elected, and nothing herein shall prevent the re-election of any chairperson or vice-chairperson. The vice-chairperson shall, in the absence or disqualification of the chairperson or during the vacancy in office of chairperson, perform and discharge all of the duties of the chairperson, and in the event of a vacancy in the office of chairperson or vice-chairperson, the same shall be filled by the board at its next regular meeting after such vacancy becomes known. The chairperson shall be the chief executive of the board. He or she shall see that all orders, resolutions, and rules of said board are faithfully filled and impartially executed and enforced, and that all the officers, employees, and agents of said board faithfully and impartially discharge the duties required of them. He or she shall have the general supervision of the affairs of the county, acting under orders of the board, and shall preside at all meetings of the board. The chairperson shall have the power to convene the board in extra session upon his or her own motion or upon the written request of the other four members of the board, and shall do so whenever the other four members make such request in writing."

SECTION 2.

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

SECTION 3.

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

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

HB 1283. By Representative Hatfield of the 177th:

A BILL to be entitled an Act to repeal an Act providing for a nonstaggered four-month vehicle registration period for Charlton County, approved March 25, 1996 (Ga. L. 1996, p. 3608); to specify the vehicle registration period for Charlton County; 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 1284. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act changing the composition and method of election of the Board of Education of Appling County, approved February 2, 1988 (Ga. L. 1988, p. 3529), as amended, particularly by an Act approved March 4, 1994 (Ga. L. 1994, p. 3601), so as to change the

description of the education districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for conditional automatic repeal; 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 1285. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act creating the board of commissioners of Appling County, approved February 12, 1945 (Ga. L. 1945, p. 650), as amended, so as to change the description of the commissioner districts; to define certain terms; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for conditional automatic repeal; 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 1286. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend an Act creating a Board of Commissioners of Treutlen County, approved March 12, 1935 (Ga. L. 1935, p. 807), as amended, so as to change the description of the commissioner districts; to define certain terms; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for 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 1287. By Representative Morris of the 155th:

A BILL to be entitled an Act to amend an Act providing for the election of the members of the Treutlen County Board of Education, approved March 23, 1972 (Ga. L. 1972, p. 2340), as amended, so as to change the description of the education districts; to define certain terms; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for 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 1291. By Representatives Wilkinson of the 52nd, Geisinger of the 48th, Lindsey of the 54th and Willard of the 49th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), so as to modify provisions relating to the City of Sandy Springs and the executive and judicial officials of such city; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), so as to modify provisions relating to the City of Sandy Springs and the executive and judicial officials of such city; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for a new charter for the City of Sandy Springs in Fulton County, approved April 15, 2005 (Ga. L. 2005 p. 3515), is amended as follows:

"ARTICLE I
CREATION, INCORPORATION, POWERS

SECTION 1.01.

Incorporation.

This Act shall constitute the charter of the City of Sandy Springs, Georgia. The City of Sandy Springs, Georgia, in the County of Fulton, and the inhabitants thereof, are constituted and declared a body politic and corporate under the same name and style of the 'City of Sandy Springs' and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions whatsoever, and may have and use a common seal.

SECTION 1.02.

Corporate boundaries.

The boundaries of the City of Sandy Springs shall be as set forth and described in Appendix A of this charter, and said Appendix A is incorporated into and made a part of this charter. The city manager shall maintain a current map and written legal description of the corporate boundaries of the city, and such map and description shall incorporate any changes which may hereafter be made in such corporate boundaries.

SECTION 1.03.

Powers and construction.

(a) This city shall have all powers possible for a city to have under the present or future Constitution and laws of this state as fully and completely as though they were specifically enumerated in this Act. This city shall have all the powers of self-government not otherwise prohibited by this Act or by general law.

(b) The powers of this city shall be construed liberally in favor of the city. The specific mention or failure to mention particular powers shall not be construed as limiting in any way the powers of this city. These powers shall include, but not be limited to, the following:

(1) Animal regulations. To regulate and license or to prohibit the keeping or running at-large of animals and fowl, and to provide for the impoundment of same if in violation of any ordinance or lawful order; to provide for the disposition by sale, gift, or humane destruction of animals and fowl when not redeemed as provided by ordinance; and to provide punishment for violation of ordinances enacted hereunder;

(2) Appropriations and expenditures. To make appropriations for the support of the government of the city; to authorize the expenditure of money for any purposes authorized by this charter and for any purpose for which a municipality is authorized by the laws of the State of Georgia; and to provide for the payment of expenses of the city;

(3) Building regulation. To regulate and to license the erection and construction of buildings and all other structures; to adopt building, housing, plumbing, electrical, gas, and heating and air conditioning codes; and to regulate all housing, and building trades to the extent permitted by general law;

(4) Business regulation and taxation. To levy and to provide for the collection of regulatory fees and taxes on privileges, occupations, trades and professions as authorized by Title 48 of the O.C.G.A., or other such applicable laws as are or may hereafter be enacted; to permit and regulate the same; to provide for the manner and method of payment of such regulatory fees and taxes; and to revoke such permits after due process for failure to pay any city taxes or fees;

(5) Condemnation. To condemn property, inside or outside the corporate limits of the city, for present or future use and for any corporate purpose deemed necessary by

the city council, utilizing procedures enumerated in Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(6) Contracts. To enter into contracts and agreements with other governmental entities and with private persons, firms and corporations;

(7) Emergencies. To establish procedures for determining and proclaiming that an emergency situation exists within or without the city, and to make and carry out all reasonable provisions deemed necessary to deal with or meet such an emergency for the protection, safety, health or well-being of the citizens of the city;

(8) Environmental protection. To protect and preserve the natural resources, environment and vital areas of the city, the region, and the state through the preservation and improvement of air quality, the restoration and maintenance of water resources, the control of erosion and sedimentation, the management of stormwater and establishment of a stormwater utility, the management of solid and hazardous waste, and other necessary actions for the protection of the environment;

(9) Ethics. To adopt ethics ordinances and regulations governing the conduct of municipal elected officials, appointed officials, and employees, establishing procedures for ethics complaints and setting forth penalties for violations of such rules and procedures;

(10) Fire regulations. To fix and establish fire limits and from time to time to extend, enlarge, or restrict the same; to prescribe fire safety regulations not inconsistent with general law, relating to both fire prevention and detection and to fire fighting; and to prescribe penalties and punishment for violations thereof;

(11) Garbage fees. To levy, fix, assess, and collect a garbage, refuse, and trash collection and disposal, and other sanitary service charge, tax, or fee for such services as may be necessary in the operation of the city from all individuals, firms, and corporations residing in or doing business therein benefitting from such services; to enforce the payment of such charges, taxes or fees; and to provide for the manner and method of collecting such service charges;

(12) General health, safety, and welfare. To define, regulate, and prohibit any act, practice, conduct, or use of property which is detrimental to health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city, and to provide for the enforcement of such standards;

(13) Gifts. To accept or refuse gifts, donations, bequests, or grants from any source for any purpose related to powers and duties of the city and the general welfare of its citizens, on such terms and conditions as the donor or grantor may impose;

(14) Health and sanitation. To prescribe standards of health and sanitation and to provide for the enforcement of such standards;

(15) Jail sentences. To provide that persons given jail sentences in the city's court may work out such sentences in any public works or on the streets, roads, drains, and other public property in the city, to provide for commitment of such persons to any jail, to provide for the use of pretrial diversion and any alternative sentencing allowed by law, or to provide for commitment of such persons to any county work camp or county jail by agreement with the appropriate county officials;

- (16) Motor vehicles. To regulate the operation of motor vehicles and exercise control over all traffic, including parking upon or across the streets, roads, alleys, and walkways of the city;
- (17) Municipal agencies and delegation of power. To create, alter, or abolish departments, boards, offices, commissions, and agencies of the city, and to confer upon such agencies the necessary and appropriate authority for carrying out all the powers conferred upon or delegated to the same;
- (18) Municipal debts. To appropriate and borrow money for the payment of debts of the city and to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized by this charter or the laws of the State of Georgia;
- (19) Municipal property ownership. To acquire, dispose of, lease, and hold in trust or otherwise any real, personal, or mixed property, in fee simple or lesser interest, inside or outside the property limits of the city;
- (20) Municipal property protection. To provide for the preservation and protection of property and equipment of the city and the administration and use of same by the public; and to prescribe penalties and punishment for violations thereof;
- (21) Municipal utilities. To acquire, lease, construct, operate, maintain, sell, and dispose of public utilities, including but not limited to a system of waterworks, sewers and drains, sewage disposal, stormwater management, gas works, electric light plants, cable television and other telecommunications, transportation facilities, public airports, and any other public utility; to fix the taxes, charges, rates, fares, fees, assessments, regulations, and penalties; and to provide for the withdrawal of service for refusal or failure to pay the same;
- (22) Nuisance. To define a nuisance and provide for its abatement whether on public or private property;
- (23) Penalties. To provide penalties for violation of any ordinances adopted pursuant to the authority of this charter and the laws of the State of Georgia;
- (24) Planning and zoning. To provide comprehensive city planning for development by zoning; and to provide subdivision regulation and the like as the city council deems necessary and reasonable to insure a safe, healthy, and aesthetically pleasing community;
- (25) Police and fire protection. To exercise the power of arrest through duly appointed police officers, and to establish, operate, or contract for a police and a fire-fighting agency;
- (26) Public hazards: removal. To provide for the destruction and removal of any building or other structure which is or may become dangerous or detrimental to the public;
- (27) Public improvements. To provide for the acquisition, construction, building, operation, and maintenance of public ways, parks and playgrounds, recreational facilities, cemeteries, public buildings, libraries, public housing, parking facilities, or charitable, cultural, educational, recreational, conservation, sport, detentional, penal, and medical institutions, agencies, and facilities; and to provide any other public improvements, inside or outside the corporate limits of the city and to regulate the use

of public improvements; and for such purposes, property may be acquired by condemnation under Title 22 of the O.C.G.A., or such other applicable laws as are or may hereafter be enacted;

(28) Public peace. To provide for the prevention and punishment of loitering, disorderly conduct, drunkenness, riots, and public disturbances;

(29) Public transportation. To organize and operate such public transportation systems as are deemed beneficial;

(30) Public utilities and services. To grant franchises or make contracts for, or impose taxes on, public utilities and public services, and to prescribe the rates, fares, regulations, and standards and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission.

(31) Regulation of roadside areas. To prohibit or regulate and control the erection, removal, and maintenance of signs, billboards, trees, shrubs, fences, buildings, and any and all other structures or obstructions upon or adjacent to the rights of way of streets and roads or within view thereof, within or abutting the corporate limits of the city; and to prescribe penalties and punishment for violation of such ordinances;

(32) Retirement. To provide and maintain a retirement plan for officers and employees of the city;

(33) Roadways. To lay out, open, extend, widen, narrow, establish or change the grade of, abandon or close, construct, pave, curb, gutter, adorn with shade trees, or otherwise improve, maintain, repair, clean, prevent erosion of, and light the roads, alleys, and walkways within the corporate limits of the city; to grant franchises and rights of way throughout the streets and roads and over the bridges and viaducts for the use of public utilities; and to require real estate owners to repair and maintain in a safe condition the sidewalks adjoining their lots or lands and to impose penalties for failure to do so;

(34) Sewer and water fees. To levy a fee, charge, or sewer tax and water fees as necessary to assure the acquiring, constructing, equipping, operating, maintaining, and extending of a sewage disposal plant and sewerage system, and to levy on those to whom sewers and sewerage systems are made available a sewer service fee, charge, or sewer tax for the availability or use of the sewers; to provide for the manner and method of collecting such service charges and for enforcing payment of the same; and to charge, impose, and collect a sewer connection fee or fees to those connected with the system;

(35) Solid waste disposal. To provide for the collection and disposal of garbage, rubbish, and refuse and to regulate the collection and disposal of garbage, rubbish, and refuse by others; and to provide for the separate collection of glass, tin, aluminum, cardboard, paper, and other recyclable materials and to provide for the sale of such items;

(36) Special assessments. To levy and provide for the collection of special assessments to cover the costs for any public improvements;

(37) Taxes: ad valorem. To levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation; provided, however, that:

(A) For all years, the millage rate imposed for ad valorem taxes on real property shall not exceed 4.731 unless a higher limit is recommended by resolution of the city council and approved by the qualified voters of the City of Sandy Springs;

(B) For all years, the fair market value of all property subject to taxation shall be determined according to the tax digest of Fulton County, as provided in Code Section 48-5-352 of the O.C.G.A.; and

(C) For all years, the billing date or dates and due date or due dates for municipal ad valorem taxes shall be the same as for Fulton County ad valorem taxes;

(38) Taxes: other. To levy and collect such other taxes as may be allowed now or in the future by law;

(39) Taxicabs. To regulate and license vehicles operated for hire in the city; to limit the number of such vehicles; to require the operators thereof to be licensed; to require public liability insurance on such vehicles in the amounts to be prescribed by ordinance; and to regulate the parking of such vehicles;

(40) Urban redevelopment. To organize and operate an urban redevelopment program;

(41) Other powers. To exercise and enjoy all other powers, functions, rights, privileges, and immunities necessary or desirable to promote or protect the safety, health, peace, security, good order, comfort, convenience, or general welfare of the city and its inhabitants; to exercise all implied powers necessary or desirable to carry into execution all powers granted in this charter as fully and completely as if such powers were fully stated herein; and to exercise all powers now or in the future authorized to be exercised by other municipal governments under other laws of the State of Georgia; and any listing of particular powers in this charter shall not be held to be exclusive of others or restrictive of general words and phrases granting powers, but shall be held to be in addition to such powers unless expressly prohibited to municipalities under the Constitution or applicable laws of the State of Georgia.

SECTION 1.04.

Exercise of powers.

All powers, functions, rights, privileges, and immunities of the city, its officers, agencies, or employees shall be carried into execution as provided by this Act. If this charter makes no provision, such shall be carried into execution as provided by ordinance or as provided by the laws of the State of Georgia.

ARTICLE II GOVERNMENT STRUCTURE, ELECTIONS AND LEGISLATIVE BRANCH

SECTION 2.01.

City council creation; number; election.

(a) The legislative authority of the government of Sandy Springs, except as otherwise specifically provided in this Act, shall be vested in the mayor and a city council to be composed of six city councilmembers. References in this Act to the terms 'councilmember' shall not include the mayor.

(b) The mayor shall be elected by a majority vote of the qualified electors of the city at large voting at the elections of the city.

(c) Each city councilmember shall be elected by a majority vote of the qualified electors of his or her respective city council district voting at the elections of the city. For the purpose of electing the six city councilmembers, there shall be six city council districts, designated City Council Districts 1 through 6, as described in Appendix B of this Act and the accompanying Redistricting Plan Components Report, which are attached to and made a part of the charter of the City of Sandy Springs. Each person desiring to offer as a candidate for city councilmember shall designate the city council district for which he or she is offering.

SECTION 2.02.

Mayor and city councilmembers; election, terms, and qualifications for office.

(a) Except as otherwise provided in subsection (c) of this section, the mayor and members of the city council shall serve for terms of four years and until their respective successors are elected and qualified. No person shall be eligible to serve as mayor or city councilmember unless that person shall have been a resident of the area comprising the corporate limits of the City of Sandy Springs for a continuous period of at least 12 months immediately prior to the date of the election for mayor or city councilmember, shall continue to reside therein during that person's period of service, and shall continue to be registered and qualified to vote in municipal elections of the City of Sandy Springs. In addition to the above requirements, no person shall be eligible to serve as a city councilmember representing a city council district unless that person has been a resident of the district such person seeks to represent for a continuous period of at least six months immediately prior to the date of the election for city councilmember and continues to reside in such district during that person's period of service.

(b) General municipal elections shall be held on the Tuesday next following the first Monday in November of 2005 and quadrennially thereafter.

(c) The first mayor and the initial city councilmembers shall take office on December 1, 2005, and shall serve for terms which expire when their successors take office in January of 2010. Thereafter the mayor and city councilmembers shall take office as provided in Code Section 21-2-541.1 of the O.C.G.A. and serve for terms of four years. The initial members and future members of the governing authority shall serve until their successors are elected and qualified.

SECTION 2.03.

Vacancy; filling of vacancies; suspensions.

The office of mayor or city councilmember shall become vacant upon the incumbent's death, resignation, forfeiture of office, or removal from office in any manner authorized by this Act or the general laws of the State of Georgia. A vacancy in the office of mayor or city councilmember shall be filled for the remainder of the unexpired term by a special election if such vacancy occurs 12 months or more prior to the expiration of the term of that office. If such vacancy occurs within 12 months of the expiration of the term of that office, the city council or those members remaining shall appoint a successor for the remainder of the term. This provision shall also apply to a temporary vacancy created by the suspension from office of the mayor or any city councilmember.

SECTION 2.04.

Nonpartisan elections.

Political parties shall not conduct primaries for city offices and all names of candidates for city offices shall be listed without party designation.

SECTION 2.05.

Election by majority vote.

The candidates for mayor and city councilmember who receive a majority of the votes cast in the applicable election shall be elected to a term of office. In the event no candidate receives a majority of the votes cast in said election, a run-off election shall be held between the two candidates receiving the highest number of votes. Such run-off shall be held at the time specified by state election law, unless such run-off date is postponed by court order.

SECTION 2.06.

Applicability of general laws; qualifying; other provisions.

All primaries and elections shall be held and conducted in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended. Except as otherwise provided by this Act, the city council shall, by ordinance or resolution, prescribe such rules and regulations as it deems appropriate, including but not limited to the establishment of qualifying fees, to fulfill any options and duties under Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

SECTION 2.07.

Compensation and expenses.

Through December 31, 2012, the starting salary of the mayor shall be not less than \$25,000.00 and the starting salary for each city councilmember shall be not less than \$12,000.00. Effective January 1, 2013, the starting salary of the mayor shall not be less than \$40,000.00 and the starting salary for each city councilmember shall not be less than \$18,000.00. Such salary shall be paid from municipal funds in monthly installments. The city council shall have authority to vote annually to raise the mayor and city councilmembers' salaries in an amount consistent with the Consumer Price Index or similar inflationary index. The city council may provide by ordinance for the provision of insurance, retirement, workers' compensation, and other employee benefits to the mayor and members of the city council and may provide by ordinance for the reimbursement of expenses actually and necessarily incurred by the mayor and members of the city council in carrying out their official duties.

SECTION 2.08.

Inquiries and investigations.

The city council may make inquiries and investigations into the affairs of the city and conduct of any department, office, or agency thereof including inquiries and investigation into the services provided to the city by contractors or other persons doing business with the city. For such purpose, the city council may subpoena witnesses, administer oaths, take testimony, and require the production of evidence. Any person who fails or refuses to obey a lawful order issued in the exercise of these powers by the city council shall be punished as may be provided by ordinance.

SECTION 2.09.

Meetings and mayor pro tempore.

(a) The city council shall meet on the first working day in January immediately following each regular municipal election. The meeting shall be called to order by the mayor-elect and the oath of office shall be administered to the newly elected mayor and city councilmembers by a judicial officer authorized to administer oaths. The oath shall, to the extent that it comports with federal and state law, be as follows:

I do solemnly swear or affirm that I will faithfully execute the office of [city councilmember or mayor as the case may be] of the City of Sandy Springs, and will to the best of my ability support and defend the Constitution of the United States, the Constitution of Georgia, and the charter, ordinances, and regulations of the City of Sandy Springs. I am not the holder of any unaccounted for public money due this state or any political subdivision or authority thereof. I am not the holder of any office of trust under the government of the United States, any other state, or any foreign state which I by the laws of the State of Georgia am prohibited from holding.

I am otherwise qualified to hold said office according to the Constitution and laws of Georgia. I have been a resident of my district and the City of Sandy Springs for the time required by the Constitution and laws of this state and by the municipal charter. I will perform the duties of my office in the best interest of the City of Sandy Springs to the best of my ability without fear, favor, affection, reward, or expectation thereof.'

(b) Following the induction of the mayor and city councilmembers, the city council, by a majority vote of the city councilmembers, shall elect a city councilmember to be mayor pro tempore, who shall serve for a term of four years and until a successor is elected and qualified. The mayor pro tempore shall assume the duties and powers of the mayor during the mayor's disability or absence, except that the mayor pro tempore shall continue to vote as a city councilmember and may not exercise the mayor's prerogative to vote in the case of a tie. During the mayor's disability or absence, the mayor pro tempore may veto any action of city council. If the mayor pro tempore is absent because of sickness or disqualification, any one of the remaining city councilmembers, chosen by the members present, shall be clothed with all the rights and privileges of the mayor and shall perform the mayor's duties in the same manner as the mayor pro tempore.

(c) The city council shall, at least once a month, hold regular meetings at such times and places as prescribed by ordinance. The city council may recess any regular meeting and continue such meeting on any weekday or hour it may fix and may transact any business at such continued meeting as may be transacted at any regular meeting.

(d) Special meetings of the city council may be held on the call of the mayor or three members of the city council. Notice of such special meetings shall be delivered to all members of the city council and the mayor personally, by registered mail, or by electronic means, at least 24 hours in advance of the meeting. Such notice to city councilmembers shall not be required if the mayor and all city councilmembers are present when the special meeting is called. Such notice of any special meeting may be waived by the mayor or a city councilmember in writing before or after such a meeting and attendance at the meeting shall also constitute a waiver of notice. The notice of such special meeting shall state what business is to be transacted at the special meeting. Only the business stated in the call may be transacted at the special meeting.

SECTION 2.10.

Quorum; voting.

Four city councilmembers shall constitute a quorum and shall be authorized to transact business for the city council. Voting on the adoption of ordinances shall be taken by voice vote and the yeas and nays shall be recorded in the minutes, but on the request of any member there shall be a roll-call vote. In order for any ordinance, resolution, motion, or other action of the city council to be adopted, the measure must receive at least three affirmative votes and must receive the affirmative votes of a majority of those voting. No member of the city council shall abstain from voting on any matter properly brought before the city council for official action except when such member of city council has a

conflict of interest which is disclosed in writing prior to or at the meeting and made a part of the minutes. Any member of the city council present and eligible to vote on a matter and refusing to do so for any reason other than a properly disclosed and recorded conflict of interest shall be deemed to have acquiesced or concurred with the members of the majority who did vote on the question involved. The mayor shall vote only in the case of a tie or in the case where his or her vote will provide the third affirmative vote required for approval of a matter.

SECTION 2.11.

General power and authority of the city council.

(a) Except as otherwise provided by law or by this charter, the city council shall be vested with all the powers of government of the City of Sandy Springs as provided by Article I of this charter.

(b) In addition to all other powers conferred upon it by law, the city council shall have the authority to adopt and provide for the execution of such ordinances, resolutions, rules, and regulations, not inconsistent with this charter and the Constitution and the laws of the State of Georgia, which it shall deem necessary, expedient, or helpful for the peace, good order, protection of life and property, health, welfare, sanitation, comfort, convenience, prosperity, or well-being of the inhabitants of the City of Sandy Springs and may enforce such ordinances by imposing penalties for violation thereof.

SECTION 2.12.

Administrative and service departments.

(a) Except for the office of city manager, the city council, by ordinance, may establish, abolish, merge, or consolidate offices, positions of employment, departments, and agencies of the city as they shall deem necessary for the proper administration of the affairs and government of the city. The city council shall prescribe the functions and duties of existing departments, offices, and agencies or of any departments, offices, and agencies hereinafter created or established; may provide that the same person shall fill any number of offices and positions of employment; and may transfer or change the functions and duties of offices, positions of employment, departments, and agencies of the city.

(b) The operations and responsibilities of each department now or hereafter established in the city shall be distributed among such divisions or bureaus as may be provided by ordinance of the city council. Each department shall consist of such officers, employees, and positions as may be provided by this charter or by ordinance and shall be subject to the general supervision and guidance of the mayor and city council.

(c) Except for the services provided by the mayor, city council, and city manager, the city council may establish contracts for services with private or public entities for services authorized by this Act or the laws of this state.

SECTION 2.13.

Boards, commissions, and authorities.

- (a) All members of boards, commissions, and authorities of the city shall be nominated by the mayor and be confirmed by the city council for such terms of office and such manner of appointment as provided by ordinance, except where other appointing authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law.
- (b) No member of any board, commission, or authority of the city shall hold any elective office in the city. City councilmembers and the mayor, however, may serve as ex officio members of such boards, commissions, or authorities, without a vote.
- (c) Any vacancy in office of any member of a board, commission, or authority of the city shall be filled for the unexpired term in the manner prescribed for original appointment, except as otherwise provided by this charter or any applicable state law.
- (d) No member of any board, commission, or authority shall assume office until he or she shall have executed and filed with the designated officer of the city an oath obligating himself or herself to faithfully and impartially perform the duties of his or her office, such oath to be prescribed by ordinance of the city council and administered by the mayor.
- (e) Any member of a board, commission, or authority may be removed from office for cause by a vote of a majority of the members of the city council.
- (f) Members of boards, commissions, and authorities may receive such compensation and expenses in the performance of their official duties as prescribed by ordinance.
- (g) Except as otherwise provided by this charter or by applicable state law, each board, commission, or authority of the city government shall elect one of its members as chairperson and one member as vice chairperson for terms of one year and may elect as its secretary one of its own members or may appoint as secretary an employee of the city. Each board, commission, or authority of the city government may establish such bylaws, rules, and regulations not inconsistent with this charter, ordinances of the city, or applicable state law as it deems appropriate and necessary for the conduct of its affairs, copies of which shall be filed with the designated officer of the city.

SECTION 2.14.

Ordinance form; procedures.

- (a) Every proposed ordinance and resolution shall be introduced in writing, and the city council shall have the authority to approve, disapprove, or amend the same. After the title of any proposed resolution or ordinance is read at a city council meeting, it may be approved and passed at such time by the city council.
- (b) The catchlines of sections of this charter or any ordinance printed in boldface type, italics, or otherwise, are intended as mere catchwords to indicate the contents of the section, and:

(1) Shall not be deemed or taken to be titles of such sections or as any part of the section; and

(2) Shall not be so deemed when any of such sections, including the catchlines, are amended or reenacted unless expressly provided to the contrary.

Furthermore, the chapter, article, and section headings contained in this Act shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of the provisions of any chapter, article, or section hereof.

(c) The city council may, by ordinance or resolution, adopt rules and bylaws to govern the conduct of its business, including procedures and penalties for compelling the attendance of absent members. Such rules may include punishment for contemptuous behavior conducted in the presence of the city council.

SECTION 2.15.

Submission of ordinances to the mayor.

(a) Every ordinance, resolution, and other action adopted by the city council shall be presented promptly to the mayor. Except for city council approval of appointments to committees, boards, and commissions, the employment of any appointed officer, internal affairs, or matters which must be approved by the voters, the mayor may veto any action adopted by the city council.

(b) The veto must be exercised no later than the next regular city council meeting following the meeting at which the action was taken. If an action is disapproved, the mayor shall submit to the city council a written statement of the reasons for the mayor's veto.

(c) An action vetoed by the mayor shall automatically be on the agenda at the next regular meeting of the city council for reconsideration. If the minimum number of city councilmembers necessary to vote on overriding the veto are not present, the action may be continued until the next meeting at which the minimum number of city councilmembers are present. Such action shall not become effective unless it is readopted by the affirmative votes of at least four members of city council within 60 days of the veto. A veto may be overturned and a measure adopted by a vote of four or more city councilmembers.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance or resolution. The approved part or parts of any ordinance or resolution making appropriations shall become law, and the part or parts disapproved or reduced shall not become law unless subsequently passed by the city council over the mayor's veto as provided in this charter.

(e) If an ordinance or resolution has been signed by the mayor, it shall become effective. If an ordinance or resolution is neither approved nor disapproved by the mayor by the next regular meeting of the city council, it shall become effective.

ARTICLE III
EXECUTIVE BRANCH
SECTION 3.01.

Powers and duties of the mayor.

(a) The mayor shall be the chief executive officer of the city government, a member of and the presiding officer of the city council, and responsible for the efficient and orderly administration of the city's affairs. The mayor shall be responsible for the enforcement of laws, rules, regulations, ordinances, and franchises in the city. The mayor may conduct inquiries and investigations into the conduct of the city's affairs and shall have such powers and duties as specified in this charter or as may be provided by ordinance consistent with this charter.

(b) The mayor shall:

- (1) Preside at all meetings of the city council;
- (2) Be the head of the city for the purpose of service of process and for ceremonial purposes and be the official spokesperson for the city and the advocate of policy;
- (3) Sign as a matter of course on behalf of the city all written and approved contracts, ordinances, resolutions, and other instruments executed by the city which by law are required to be in writing;
- (4) See that all laws and ordinances of the city are faithfully executed;
- (5) Vote on any motion, resolution, ordinance, or other question before the city council only as provided in Section 2.10 of this charter and vote on any matter before a committee on which he or she serves;
- (6) Obtain short term loans in the name of the city when authorized by the city council to do so;
- (7) Appoint councilmembers to review the functions of the various departments of the city and report to the mayor and full city council regarding the same;
- (8) Require the city manager to meet with him or her at a time and place designated for consultation and advice upon the affairs of the city;
- (9) Name qualified residents of the city to boards and commissions with approval of the city council;
- (10) Make recommendations to the city council with respect to employment or termination decisions of city employees;
- (11) Prepare or have prepared an agenda for each meeting of the city council which shall include all business submitted by the mayor, any councilmember, the city manager, and the city attorney; and
- (12) Fulfill and perform such other duties as are imposed by this charter and duly adopted ordinances.

SECTION 3.02.

City manager; appointment, qualification, and compensation.

The mayor shall appoint, subject to confirmation by the city council, for an indefinite term an officer whose title shall be the 'city manager' and the city manager shall serve at the pleasure of the city council. The city manager shall be appointed without regard to political beliefs and solely on the basis of his or her executive and administrative qualifications with special reference to his or her educational background and actual experience in, and knowledge of, the duties of office as hereinafter prescribed.

SECTION 3.03.

City manager; chief administrative officer.

The city manager shall be the chief administrative officer of the government of the City of Sandy Springs. Except as approved by the mayor and city council, the city manager must devote all of his or her working time and attention to the affairs of the city and shall be responsible to the mayor and city council for the proper and efficient administration of the affairs of the city over which said officer has jurisdiction.

SECTION 3.04.

City manager; powers and duties enumerated.

The city manager shall have the power, and it shall be his or her duty to:(1) See that all laws and ordinances are enforced;

(2) Appoint and employ all necessary employees of the city, provided that excepted from the power of this appointment are those officers and employees who by this Act are appointed or elected by the city council or departments not under the jurisdiction of the city manager;

(3) Remove employees employed by said officer without the consent of the city council and without assigning any reason therefore;

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

(5) Attend all meetings of the city council with a right to take part in the discussions, but having no vote. The city manager shall be entitled to notice of all special meetings;

(6) Recommend to the city council, after prior review and comment by the mayor, for adoption such measures as the city manager may deem necessary or expedient;

(7) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise are faithfully kept and performed and upon knowledge of any violation thereof to call the same to the attention of the city attorney, whose duty it shall be forthwith to take such steps as are necessary to protect and enforce the same;

- (8) Make and execute all lawful contracts on behalf of the city as to matters within said officer's jurisdiction to the extent that such contracts are funded in the city's budget, except such as may be otherwise provided by law; provided, however, that no contract purchase or obligation requiring a budget amendment shall be valid and binding until after approval of the city council;
- (9) Act as budget officer to prepare and submit to the city council, after review and comment by the mayor, prior to the beginning of each fiscal year a budget of proposed expenditures for the ensuing year, showing in as much detail as practicable the amounts allotted to each department of the city government and the reasons for such estimated expenditures;
- (10) Keep the city council at all times fully advised as to the financial condition and needs of the city;
- (11) Make a full written report to the city council on the first of each month showing the operations and expenditures of each department of the city government for the preceding month, and a synopsis of such reports shall be published by the city clerk;
- (12) Fix all salaries and compensation of city employees in accordance with the city budget and the city pay and classification plan; and
- (13) Perform such other duties as may be prescribed by this Act or required by ordinance or resolution of the city council.

SECTION 3.05.

City council interference with administration.

Except for the purpose of inquiries and investigations under Section 2.08 of this charter, the city council or its members shall deal with city officers and employees who are subject to the direction or supervision of the city manager solely through the city manager, and neither the city council nor its members shall give orders to any such officer or employee, either publicly or privately.

SECTION 3.06.

City manager; removal.

- (a) The mayor and city council may remove the city manager from office in accordance with the following procedures:
 - (1) The city council shall adopt by affirmative vote of a majority of all its members a preliminary resolution removing the city manager and may suspend the city manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the city manager;
 - (2) Within five days after a copy of the resolution is delivered to the city manager, he or she may file with the city council a written request for a public hearing. This hearing shall be held at a city council meeting not earlier than 15 days nor later than 30 days after the request is filed. The city manager may file with the city council a written reply not later than five days before the hearing; and

- (3) The city council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of four of its members at any time after five days from the date when a copy of the preliminary resolution was delivered to the city manager, if he or she has not requested a public hearing, or at any time after the public hearing if he or she has requested one.
- (b) The city manager shall continue to receive his or her salary until the effective date of a final resolution of removal and, unless he or she has been convicted of a felony at that time, he or she shall be given not less than 60 days' severance pay. The action of the city council in suspending or removing the city manager shall not be subject to review by any court or agency.
- (c) If the city manager becomes disabled and is unable to carry out the duties of the office or if the city manager dies, the acting city manager shall perform the duties of the city manager until the city manager's disability is removed or until the city manager is replaced. Removal of the city manager because of disability shall be carried out in accordance with the provisions of subsection (a) of this section.

SECTION 3.07.

Acting city manager.

- (a) The city manager may designate in writing any administrative employee of the city who shall exercise all powers, duties, and functions of the city manager during the city manager's temporary absence from the city or during the city manager's disability. If such designation has not been made and the city manager is absent from the city or unable to perform the duties of the office or to make such designation, the city council may, by resolution, appoint any qualified administrative employee of the city to perform the powers, duties, and functions of the city manager until the city manager shall return to the city, the disability ceases, or the city council appoints a new city manager.
- (b) In the event of a vacancy in the office of city manager, the city council may designate a person as acting city manager, who shall exercise all powers, duties, and functions of the city manager until a city manager is appointed.

SECTION 3.08.

City attorney.

The mayor shall nominate and the city council shall confirm by majority vote of the city council a city attorney, together with such assistant city attorneys as may be deemed appropriate, and shall provide for the payment of such attorney or attorneys for services rendered to the city. The city attorney shall be responsible for representing and defending the city in all litigation in which the city is a party; may be the prosecuting officer in the municipal court; shall attend the meetings of the city council as directed; shall advise the city council, mayor, other officers, and employees of the city concerning legal aspects of the city's affairs; and shall perform such other duties as may

be required by virtue of his or her position as city attorney. The city attorney shall review all contracts of the city but shall not have the power to bind the city.

SECTION 3.09.

City clerk.

The mayor may appoint a city clerk, subject to confirmation by majority vote of the city council, to keep a journal of the proceedings of the city council; to maintain in a safe place all records and documents pertaining to the affairs of the city; and to perform such duties as may be required by law or ordinance or as the mayor or city manager may direct.

SECTION 3.10.

Tax collector.

The mayor may appoint a tax collector, subject to confirmation by majority vote of the city council, to collect all taxes, licenses, fees, and other moneys belonging to the city subject to the provisions of this charter and the ordinances of the city; and the tax collector shall diligently comply with and enforce all general laws of Georgia relating to the collection, sale, or foreclosure of taxes by municipalities.

SECTION 3.11.

City accountant.

The mayor may appoint a city accountant, subject to confirmation by majority vote of the city council, to perform the duties of an accountant.

SECTION 3.12.

Consolidation of functions.

The city manager, with the approval of the city council, may consolidate any two or more of the positions of city clerk, city tax collector, and city accountant, or any other positions or may assign the functions of any one or more of such positions to the holder or holders of any other positions. The city manager may also, with the approval of the city council, perform all or any part of the functions of any of the positions or offices in lieu of the appointment of other persons to perform the same.

SECTION 3.13.

Position classification and pay plans; employment at will.

The city manager shall be responsible for the preparation of a position classification and a pay plan which shall be submitted to the city council for approval. Said plan may apply to all employees of the City of Sandy Springs and any of its agencies and offices.

When a pay plan has been adopted by the city council, neither the city council nor the city manager shall increase or decrease the salaries of individual employees except in conformity with such pay plan or pursuant to an amendment of said pay plan duly adopted by the city council. Except as otherwise provided in this charter, all employees of the city shall be subject to removal or discharge, with or without cause, at any time.

ARTICLE IV
MUNICIPAL COURT
SECTION 4.01.
Creation.

There is established a court to be known as the Municipal Court of the City of Sandy Springs which shall have jurisdiction and authority to try offenses against the laws and ordinances of said city and to punish for a violation of the same. Such court shall have the power to enforce its judgments by the imposition of such penalties as may be provided by law, including ordinances of the city; to punish witnesses for nonattendance and to punish also any person who may counsel or advise, aid, encourage, or persuade another whose testimony is desired or material in any proceeding before said court to go or move beyond the reach of the process of the court; to try all offenses within the territorial limits of the city constituting traffic cases which, under the laws of Georgia, are placed within the jurisdiction of municipal courts to the extent of, and in accordance with, the provisions of such laws and all laws subsequently enacted amendatory thereof. When convened, the municipal court shall be presided over by a judge of the court.

SECTION 4.02.
Judge.

- (a) No person shall be qualified or eligible to serve as judge unless he or she shall have attained the age of 25 years and shall have been a member of the State Bar of Georgia for a minimum of three years.
- (b) All judges shall be appointed by resolution of the city council and shall serve for a term of four years. The compensation of the judge shall be fixed by the city council by adoption of a resolution. The position of judge created in this article shall not be a full-time position, and the person serving in said position may engage in the private practice of law; provided, however, a judge may not appear and represent a client before the court.
- (c) Before entering on duties of his or her office, the appointed judges shall take an oath before an officer duly authorized to administer oaths in this state declaring that he or she will truly, honestly, and faithfully discharge the duties of his or her office to the best of his or her ability without fear, favor, or partiality. The oath shall be entered upon the minutes of the city council.

(d) A judge of the municipal court shall serve for the designated term but may be removed from the position by a two-thirds vote of the entire membership of the city council or upon action taken by the State Judicial Qualifications Commission for:

- (1) Willful misconduct in office;
- (2) Willful and persistent failure to perform duties;
- (3) Habitual intemperance;
- (4) Conduct prejudicial to the administration of justice which brings the judicial office into disrepute; or
- (5) Disability seriously interfering with the performance of duties, which is, or is likely to become, of a permanent character.

SECTION 4.03.

Administration.

- (a) The position of clerk of the court is created. The clerk shall be appointed by the city manager and shall serve at the pleasure of the city manager.
- (b) The clerk of the court shall be responsible for all record keeping of the court and bill keeping and collection of all fines received by the court.
- (c) In addition, the clerk of the court shall serve as administrator of the court, supervising all personnel of the court, setting times and dates for convening of the court, preparing the court docket, scheduling of judges to preside over the court sessions, and for such other services as may be assigned by resolution or ordinance of the council.

SECTION 4.04.

Jurisdiction; and powers.

- (a) The municipal court shall try and punish for crimes against the City of Sandy Springs and for violation of its ordinances. The municipal court shall have authority to punish those in its presence for contempt, provided that such punishment shall not exceed \$200.00 or imprisonment for 15 days. The municipal court may impose punishment for offenses within its jurisdiction to the full extent allowed by state law.
- (b) The council shall have authority to establish a schedule of reasonable fees to defray the cost of operation.

SECTION 4.05.

Certiorari.

The right of certiorari from the decision and judgment of the municipal court shall exist in all criminal cases and ordinance violation cases, and such certiorari shall be obtained under the sanction of a judge of the Superior Court of Fulton County under the laws of the State of Georgia regulating the granting and issuance of writs of certiorari.

SECTION 4.06.

Rules for court.

The judges, by majority vote, shall have authority to make reasonable rules and regulations necessary and proper for addressing the operations of the municipal court. The clerk of the court, as administrator of the court, shall prepare reasonable rules and regulations necessary and proper to secure the efficient and successful administration of the municipal court. All rules shall be subject to the approval of the city council.

**ARTICLE V
FINANCE AND FISCAL****SECTION 5.01.**

Fiscal year.

The city council shall set the fiscal year by ordinance. Said fiscal year shall constitute the budget year and the year for financial accounting and reporting of each and every office, department or institution, agency, and activity of the city government, unless otherwise provided by state or federal law.

SECTION 5.02.

Preparation of budgets.

The city council shall provide, by ordinance, the procedures and requirements for the preparation and execution of an annual operating budget and a capital improvement program and a capital budget, including requirements as to the scope, content, and form of such budgets and programs.

SECTION 5.03.

Submission of operating budget to city council.

On or before a date fixed by the city council, but not later than 30 days prior to the beginning of each fiscal year, the city manager shall, after review and comment by the mayor, submit to the city council a proposed operating budget for the ensuing fiscal year. With the review of the mayor, the budget shall be accompanied by a message from the city manager containing a statement of the general fiscal policies of the city, the important features of the budget, explanations of major changes recommended for the next fiscal year, a general summary of the budget, and such other comments and information as he or she may deem pertinent. The operating budget and the capital improvements budget hereinafter provided for, the budget message, and all supporting documents shall be filed in the office of the city manager and shall be open to public inspection.

SECTION 5.04.

Action by city council on budget.

The city council may amend the operating budget proposed by the city manager, except that the budget, as finally amended and adopted, must provide for all expenditures required by law, or by other provisions of this charter, and for all debt service requirements for the ensuing fiscal year and the total appropriations from any fund shall not exceed the estimated fund balance, reserves, and revenues, constituting the fund availability of such fund.

SECTION 5.05.

Audits.

(a) There shall be an annual independent audit of all city accounts, funds, and financial transactions by a certified public accountant selected by the city council. The audit shall be conducted according to generally accepted accounting principles. Any audit of any funds by the state or federal government may be accepted as satisfying the requirements of this charter. Copies of all audit reports shall be available at printing cost to the public.

(b) As a minimum, all audits and budgets of the city shall satisfy the requirements of Chapter 81 of Title 36 of the O.C.G.A., relating to local government audits and budgets.

SECTION 5.06.

Homestead exemptions.

Any homestead exemptions applicable to ad valorem taxes levied by the city shall be as provided by Act of the General Assembly pursuant to Article VII, Section II, Paragraph II of the Georgia Constitution.

**ARTICLE VI
GENERAL PROVISIONS.****SECTION 6.01.**

Effective dates.

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

SECTION 6.02.

Charter commission.

At the first regularly scheduled city council meeting 15 years after the inception of the City of Sandy Springs, the mayor and city council shall call for a charter commission to review the city's experience and recommend to the General Assembly any changes to

the city charter. Members of the charter commission shall be appointed as follows: one by the mayor, one by the city council, and one by each member of the Georgia House of Representatives and Senate whose district lies wholly or partially within the corporate boundaries of Sandy Springs. All members of the charter commission must reside in Sandy Springs. The commission must complete the recommendations within six months of its creation.

SECTION 6.03.

Severability.

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

SECTION 6.06.

Repealer.

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

APPENDIX A

The corporate limits of the City of Sandy Springs shall consist of the following described territory of Fulton County:

Beginning at the northwest corner of the City of Atlanta, as the boundaries of said city existed on January 1, 2005, at the point where the northerly city limit line of said city intersects the westerly county line of Fulton County and the Chattahoochee River, running thence generally easterly along the said northerly city limit line of the City of Atlanta, following the meanderings thereof, to the point where said line intersects the Fulton-DeKalb County line; run thence northerly, generally easterly, and generally northerly along the easterly county line of Fulton County to the point where the Fulton-Gwinnett County line intersects the Chattahoochee River; run thence generally west and southwest along the southern bank of said river, following the meanderings thereof, to the point of beginning. The corporate limits of the City of Sandy Springs shall also consist of properties, if any, annexed by local ordinance.

APPENDIX B

City Council Districts 1 through 6 shall consist of the described territory of the City of Sandy Springs identified as 'Plan: sterling1R Plan Type: Local Administrator: Sandy Springs User: Gina'. When used in such plan, the terms 'Tract' and 'BG' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the City of Sandy Springs which is not included in any such district described in that plan shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the City of Sandy Springs which is described in that plan as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included with that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia.

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

HB 1293. By Representative Harden of the 147th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Crisp County, approved August 8, 1908 (Ga. L. 1908, p. 295), as amended, particularly by an Act approved April 23, 2002 (Ga. L. 2002, p. 4091), so as to change the descriptions of commissioner districts and posts for the election of members of the board of commissioners; to provide for definitions and inclusions; to provide for continuation in office of current members until the expiration of the terms of office to which they were elected; to provide for other matters; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

HB 1294. By Representative Maddox of the 127th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of Williamson," approved April 7, 1992 (Ga. L.

1992, p. 5651), so as to change the terms of office of the mayor and members of the city council; to provide for elections; to provide for the 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.

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

HB 1295. By Representative Harden of the 28th:

A BILL to be entitled an Act to amend an Act to divide the County of Stephens into school districts, approved March 23, 1977 (Ga. L. 1977, p. 3875), as amended, 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.

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

HB 1296. By Representative Harden of the 28th:

A BILL to be entitled an Act to authorize the governing authority of the City of Toccoa 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 1297. By Representatives Sims of the 169th, Smith of the 168th and Roberts of the 154th:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum by the electors of Jeff Davis County for the purpose of ascertaining whether the judge of the Probate Court of Jeff Davis County shall also serve as the chief magistrate judge of the Magistrate Court of Jeff Davis County; to provide for procedures and requirements relating thereto; 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 1299. By Representatives Drenner of the 86th, Henson of the 87th, Mayo of the 91st, Jacobs of the 80th, Gardner of the 57th and others:

A BILL to be entitled an Act to provide for a nonbinding, advisory referendum by the electors of DeKalb County for the purpose of ascertaining whether the local or independent school system in DeKalb County or charter school should place or operate a telecommunications tower on any elementary, middle, or high school property; to provide for procedures and requirements relating thereto; 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 1301. By Representatives Stephens of the 164th, Bryant of the 160th, Stephens of the 161st, Gordon of the 162nd, Purcell of the 159th and others:

A BILL to be entitled an Act to amend an Act making provisions for the Magistrate Court of Chatham County and abolishing the Municipal Court of Savannah, approved March 28, 1984 (Ga. L. 1984, p. 4422), as amended, so as to provide for qualifications for magistrates; to provide for applicability; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 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.

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

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

HB 962. By Representatives Randall of the 138th, Beverly of the 139th, Epps of the 140th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act establishing a board of commissioners of Bibb County, approved February 6, 1873 (Ga. L. 1873, p. 219), as amended, so as to change the descriptions of the four commissioner districts; to define certain terms; to provide for continuation in office of current members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act establishing a Board of Commissioners of Bibb County, approved February 6, 1873 (Ga. L. 1873, p. 219), as amended, so as to change the descriptions of the four commissioner districts; to define certain terms; to provide for continuation in office of current members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing a Board of Commissioners of Bibb County, approved February 6, 1873 (Ga. L. 1873, p. 219), as amended, is amended by striking subsection (a) of Section 1 and inserting in lieu thereof the following:

"(a)(1) There is created the board of commissioners of Bibb County to be elected as provided in this section. For the purpose of electing members of the board, Bibb County is divided into four commissioner districts. The four commissioner districts shall be and correspond to those numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: bibbccR-2012-s018-h137 Plan Type: Local Administrator: s018 User: Gina'.

(2) For the purposes of such plan:

(A) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

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

(3) Any part of Bibb County which is not included in any district described in paragraph (1) of subsection (a) of this section shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(4) Any part of Bibb County which is described in paragraph (1) of subsection (a) of this section as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia."

SECTION 2.

The Board of Commissioners of Bibb County which exists on December 31, 2012, is continued in existence but on and after January 1, 2013, shall be constituted as provided in this Act. The Board of Commissioners of Bibb County so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2013.

SECTION 3.

The Board of Commissioners of Bibb County shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, not later than 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

The provisions of this section and Section 1 of this Act relating to and necessary for the regular election in 2012 of members of the Board of Commissioners of Bibb County shall become effective upon its approval by the Governor or upon its becoming effective without such approval; and this Act shall otherwise become effective January 1, 2013.

SECTION 5.

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

Plan: bibbccR-2012-s018-h137

Plan Type: Local

Administrator: S018

User: Gina

District 001

Bibb County

VTD: 021EM1 - EAST MACON 1

VTD: 021EM2 - EAST MACON 2

VTD: 021EM3 - EAST MACON 3

VTD: 021EM5 - EAST MACON 5

VTD: 021EM6 - EAST MACON 6

VTD: 021GF1 - GODFREY 1

VTD: 021GF2 - GODFREY 2

VTD: 021GF4 - GODFREY 4

VTD: 021GF6 - GODFREY 6

012600:

2000 2001 2002 2003 2004 2005 2007 2008 2009 2010 2011 2012
 2013 2014 2015 2016 2020 2021 2022 2023 2024 2025 2026 2027
 2029 2030 2031 2032 3000 3001 3002 3003 3004 3005 3006 3007
 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019
 3020 3021 3022 3023 3024 3025 3026 3028 3029 3030 3031 3032
 3033 3035 3036 3037 3042 3043 3044 3045 3046 3047 3049

012700:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 2000 2001 2002 2003 2004
 2005 2008 2009 2011 2012

VTD: 021RU2 - RUTLAND 2

District 002

Bibb County

VTD: 021EM4 - EAST MACON 4

VTD: 021GF3 - GODFREY 3

VTD: 021GF5 - GODFREY 5

VTD: 021GF6 - GODFREY 6

012500:

3020 3021 3022 3023

012600:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023

1024 1025 1028 2028 3027 3034 3038 3039 3040 3041 3048 3050
4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023
4024 4025

013202:

2010 2011

VTD: 021HA5 - HAZZARD 5

VTD: 021VV1 - VINEVILLE 1

VTD: 021VV2 - VINEVILLE 2

VTD: 021VV3 - VINEVILLE 3

VTD: 021VV4 - VINEVILLE 4

VTD: 021VV5 - VINEVILLE 5

VTD: 021VV7 - VINEVILLE 7

VTD: 021VV8 - VINEVILLE 8

District 003

Bibb County

VTD: 021HA2 - HAZZARD 2

VTD: 021HA3 - HAZZARD 3

013201:

2000 2001 2002 2003 2005 2006 2008 2009 2011 2020 2021 2022
2028 2030 2031 2032 2034 2055

013410:

2022 2027

013605:

1005 1006 1007 1008 1010 1011

VTD: 021HO1 - HOWARD 1

VTD: 021HO2 - HOWARD 2

VTD: 021HO3 - HOWARD 3

VTD: 021HO4 - HOWARD 4

VTD: 021HO5 - HOWARD 5

VTD: 021HO6 - HOWARD 6

VTD: 021HO7 - HOWARD 7

VTD: 021HO8 - HOWARD 8

VTD: 021HO9 - HOWARD 9

VTD: 021VV6 - VINEVILLE 6

District 004

Bibb County

VTD: 021GF7 - GODFREY 7

VTD: 021HA1 - HAZZARD 1

VTD: 021HA3 - HAZZARD 3

013101:

1069 1070

013201:

2007 2010 2023 2024 2025 2026 2027 2029 2052 2053 2054 4003
4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015
4023 4024 4025 4032 4041 4042 4043

013603:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2036 2037
2038 2039 2040 2041 2042 2043 2044 2045

013604:

2000 2001 2019 2020 2028 2029 2030 3000 3001 3002 3005

013606:

1010 1011 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009
4010 4011 4012 4013 4014 4015 4016 4017 4019

VTD: 021HA4 - HAZZARD 4

VTD: 021HA6 - HAZZARD 6

VTD: 021HA7 - HAZZARD 7

VTD: 021RU1 - RUTLAND 1

VTD: 021WA1 - WARRIOR 1

VTD: 021WA2 - WARRIOR 2

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

A BILL to be entitled an Act to provide for the restructuring of the governments of the City of Macon, the City of Payne City, and Bibb County; to create and incorporate a new political body corporate under the name Macon-Bibb County; to provide for the status, boundaries, and powers of the restructured government; to provide for the form, administration, and affairs of the restructured government; to provide for officers and employees, elections, courts, authorities, taxation, and finance; to provide for related matters; to provide for severability; to provide for a referendum; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To provide for the restructuring of the governments of the City of Macon, the City of Payne City, and Bibb County; to create and incorporate a new political body corporate under the name Macon-Bibb County; to provide for the status, boundaries, and powers of

the restructured government; to provide for the form, administration, and affairs of the restructured government; to provide for officers and employees, elections, courts, authorities, taxation, and finance; to provide for related matters; to provide for severability; to provide for a referendum; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

(a) The governmental and corporate powers, duties, and functions now vested in the City of Macon, a municipal corporation created by an Act of the General Assembly, approved March 23, 1977 (Ga. L. 1977, p. 3776), as amended, are restructured with the governmental and corporate powers, duties, and functions of the County of Bibb and the City of Payne City, such restructuring of the governments of the City of Macon, the City of Payne City, and the County of Bibb being pursuant to the constitutional power granted by Article IX, Section III, Paragraph II of the Constitution of Georgia, as amended. Said restructuring shall result in the establishment of a single county-wide government with powers and jurisdiction throughout the territorial limits of Bibb County, which single government shall supersede and replace the governments of the City of Macon, the City of Payne City, and the County of Bibb, and, to the extent provided in this charter, shall also supersede and replace any public authorities and special service districts located and operating within Bibb County. Said county-wide government shall be a new political entity, a body politic and corporate, and a political subdivision of the State of Georgia, to be known as "Macon-Bibb County" (in this charter at times called "the restructured government"), having all of the governmental and corporate powers, duties, and functions heretofore held by and vested in the City of Macon, the City of Payne City, and Bibb County, and also the powers, duties, and functions provided in this charter. The restructured government shall be a public corporation; shall have perpetual existence; shall, without the necessity or formality of a deed, bill of sale, or other instrument of transfer, own, possess, and hold all properties of whatsoever kind or nature, assets, contracts, franchises, things, rights, privileges, immunities, and real and personal property theretofore owned, possessed, enjoyed, or held by the City of Macon, the City of Payne City, and the County of Bibb; by the name of Macon-Bibb County shall be able to contract and be contracted with, sue and be sued as provided by this charter, plead and be impleaded in all courts of this state, and do all other acts relating to its corporate capacity; and shall be able in law and equity to purchase, have and hold, receive, enjoy, accept, possess, and retain for the use and benefit of said Macon-Bibb County, in perpetuity or for any term of years, any estate or estates, real or personal, lands, tenements, or hereditaments of whatsoever kind or nature inside or outside the territorial limits of the restructured government, as may be devised, bequeathed, sold, or by any manner conveyed or dedicated to or otherwise acquired by the restructured government and to use, manage, improve, sell and convey, rent, or lease same; and to have and use a common seal. From and after the effective date of this charter, the political subdivision

known as Bibb County, Georgia, and the municipal corporations known as the City of Macon and the City of Payne City shall be merged into the said new political entity created in this charter.

(b) The territory embraced in the restructured government shall be the total area of Bibb County, as the same may be now or hereafter fixed and established by law. Any portion of the City of Macon as it exists on December 31, 2013, which extends in to any other county shall not be included in the territory of the restructured government and shall on January 1, 2014, become unincorporated land of the county in which it is located.

SECTION 2.

(a) The restructured government shall have and be vested with, to the same extent as if repeated in this charter, all rights, powers, duties, privileges, and authority that the City of Macon, the City of Payne City, or Bibb County, or all collectively, have under the Constitution and general and special laws of Georgia at the time of the adoption of this charter, except as expressly modified in this charter.

(b) In addition to the foregoing, the restructured government shall have all rights, powers, duties, privileges, and authority conferred or enlarged by this charter, and such other rights, powers, duties, privileges, and authority as may be necessary and proper for carrying the same into execution, and also all rights, powers, duties, privileges, and authority, whether express or implied, that may now be vested in or hereafter granted to counties or municipal corporations, or both, by the Constitution and laws of this state, including the powers vested in the restructured government by this charter.

(c) The restructured government, in addition to the rights, duties, powers, privileges, and authority expressly conferred upon it by this charter, shall have the right, duty, power, privilege, and authority to exercise and enjoy all other powers, duties, functions, rights, privileges, and immunities necessary and proper to promote or protect the safety, health, peace, security, and general welfare of said government and its inhabitants and to exercise all implied powers necessary to carry into execution all powers granted in this charter as fully and completely as if such powers were fully enumerated in this charter and to do and perform all of the acts pertaining to its local affairs, property, and government that are necessary or proper in the legitimate exercise of its corporate powers and governmental duties and functions.

(d) No enumeration of any right, power, privilege, or authority hereinafter made shall be construed as limiting or abolishing any right, power, privilege, or authority set forth in this charter.

(e) No repeal of any law under which the restructured government derives any right, power, privilege, or authority, except by amendment of this charter as provided in this charter, shall be construed as limiting or abolishing any such right, power, privilege, or authority set forth in this charter.

(f) The general laws of the State of Georgia of a criminal nature shall be applicable to and within the limits of the restructured government. General laws of local application through classification by population, not in conflict with this charter:

- (1) Which on the effective date of this charter apply to the City of Macon or Bibb County shall be applicable to the restructured government; and
 - (2) Which apply to the restructured government as either a city or a county at the time of their enactment or thereafter shall be effective, but those which did not apply to the City of Macon or Bibb County or the restructured government at the time of their enactment shall not become applicable to the restructured government except through the adoption of a resolution to that effect by the commission.
- (g) Local Acts of the State of Georgia which apply specifically to Bibb County, the City of Payne City, or the City of Macon, or all collectively, shall be applicable to the restructured government.
- (h) In construing the applicability of provisions of the Constitution and the general laws of Georgia which apply in general terms to either counties or municipalities, or both, and local Acts of the General Assembly that apply specifically to Bibb County, the City of Payne City, or the City of Macon, or all collectively, the following terms as used in such laws shall be construed to include the restructured government as follows:
- (1) "City," "town," "municipal corporation," or "municipality" shall be construed to include Macon-Bibb County;
 - (2) "County" shall be construed to include Macon-Bibb County;
 - (3) "Commissioners of roads and revenues" and "board of county commissioners" shall be construed to include the commission of Macon-Bibb County;
 - (4) "Council," "mayor and council," "aldermen," and "board of aldermen" shall be construed to include the commission of Macon-Bibb County, Georgia; and
 - (5) Any other terms and provisions as used in such Acts to refer specifically to Bibb County or the City of Macon, or both, and the officers, employees, departments, and agencies thereof shall be construed to mean Macon-Bibb County and its officers, employees, departments, and agencies.
- (i) In construing the applicability of laws in force to the restructured government, the following order shall prevail:
- (1) The Constitution of the State of Georgia;
 - (2) The general laws of uniform application now in force or hereafter enacted by the General Assembly, as distinguished from general laws of local application through classification by population, applicable to municipal corporations or counties, or both;
 - (3) The general laws of local application through classification by population as and to the extent provided in subsection (a) of this section;
 - (4) Special laws applicable to Bibb County, not in conflict with this charter;
 - (5) Special laws applicable to the City of Macon, not in conflict with this charter;
 - (6) Special laws applicable to the City of Payne City, not in conflict with this charter;
 - (7) This charter and all ordinances and resolutions passed pursuant thereto; and
 - (8) Existing ordinances and resolutions of the former City of Macon and City of Payne City and existing ordinances and resolutions of the former County of Bibb not in conflict with this charter.
- (j) The tort and nuisance liability of the restructured government shall follow the law and rules of tort liability applicable to counties in Georgia.

(k) For purposes of all applicable laws, the restructured government shall constitute a municipality and a county, or both. Except as otherwise provided by this charter, if a law applicable to municipalities and the same or another law applicable to counties are in conflict, the law applicable to municipalities shall prevail; provided, however, that the redistricting of commission districts shall be accomplished solely by local law.

(l) The restructured government shall have the power and authority to participate in, cooperate in, and take all necessary action with respect to any and all projects, programs, and undertakings of any nature authorized by any statute, rule, or regulation of the United States, the State of Georgia, or any federal or state agency or instrumentality, including, but not limited to, community development, highways, aviation, aviation terminals, airports, airport facilities, municipal area or regional development, sewer and sewage disposal, public housing, housing for the aged, and transportation or mass transit or any phase thereof; to borrow money and issue promissory notes, general obligation bonds, or revenue bonds, or a combination thereof, for any such purposes in accordance with the provisions of this charter; and to execute mortgages or deeds of trust in favor of any federal agency, secured by property of which the restructured government is the legal or beneficial or equitable owner, or in favor of any private agency where the loan is guaranteed by a federal agency.

SECTION 3.

(a) Prior to the effective date of this charter, all powers vested in Bibb County, the City of Macon, or the City of Payne City, or any of their respective officers, agents, or agencies shall remain in full force and effect. Upon such effective date, the board of commissioners of Bibb County, the mayor and council of the City of Macon, the mayor and council of the City of Payne City, and the offices of all members thereof shall stand abolished, and all emoluments appertaining thereto shall cease. Thereupon, the governments of Bibb County, the City of Macon, and the City of Payne City shall terminate as such separate political entities and be merged into the government created by this charter.

(b) When an agency of the City of Macon, the City of Payne City, or Bibb County is abolished or restructured by this charter, all books, papers, maps, charts, plans, records, other equipment, and personal property in possession of the same shall be delivered to the agency to which its rights, powers, duties, and obligations are transferred.

(c) Notwithstanding any other provision of this charter, any officer performing duties under the government of the City of Macon, the City of Payne City, or Bibb County may continue to perform the duties thereof until a successor, whether under the same title of office or another, shall be elected or appointed and qualified to perform the duties, it being the intention of this charter that no duty or service shall lapse or be abandoned because of lack of an officer to perform same.

SECTION 4.

(a) All contracts, orders, leases, bonds, and other obligations or instruments entered into by the City of Macon, the City of Payne City, or Bibb County or for its benefit prior to

the effective date of this charter shall continue in effect according to the terms thereof as obligations and rights of Macon-Bibb County.

(b) No action or proceeding of any nature, whether civil or criminal, judicial or administrative, or otherwise, pending on the effective date of this charter by or against the City of Macon or its departments and agencies, the City of Payne City or its departments and agencies, or Bibb County or its departments or agencies shall be abated or otherwise affected by the adoption of this charter.

(c) The departmental organization of the cities existing immediately prior to adoption of this charter shall continue in effect upon the effective date of this charter until such organization is changed or reorganized as provided by ordinance of the commission and administrative regulations consistent therewith.

(d) The provisions of this charter notwithstanding, the annual compensation of the mayor and councilmembers of the City of Macon and the City of Payne City for the remainder of their present terms of office shall be the same annual compensation as such officers received in the calendar year immediately preceding the date of adoption of this charter.

SECTION 5.

The governing authority of Macon-Bibb County shall consist of a commission of said county composed of a mayor and nine commissioners. Said board is designated as the Macon-Bibb County Commission, referred to in this charter as the "commission." The members of said commission are designated and referred to in this charter as "commissioners." The commission shall exercise and be subject to all of the rights, powers, duties, and obligations imposed by this charter or previously applicable to the governing authorities of the City of Macon, the City of Payne City, and Bibb County and to any general laws, local laws, or constitutional provisions applicable or effective within the former City of Macon, City of Payne City, and Bibb County. The commission shall constitute a county as well as a municipality for the purpose of the application of the general laws and Constitution of this state. The commission may exercise the powers vested in the governing authority of the municipality and municipalities generally as well as the powers vested in the former governing authority of the county and counties generally.

SECTION 6.

The governing authority shall exercise the jurisdiction, powers, and authorities vested in such body by this charter and perform and discharge the duties, obligations, and responsibilities imposed upon it by law, either directly or through such officers, agents, and employees as it may from time to time ordain, constitute, and appoint in addition to those created and provided for in this charter; and the governing authority shall, except as otherwise provided in this charter, prescribe by ordinances or resolutions the manners and methods in which such jurisdiction, powers, authorities, duties, obligations, and responsibilities shall be exercised, performed, and discharged, and the respective officers, agents, and employees by whom the several portions thereof shall be exercised, performed, and discharged.

SECTION 7.

On the effective date of this charter, the operations and employees of the Municipal Court of the City of Macon shall continue its operations without interruption resulting from the adoption of this charter. The employees of such court shall become employees of the restructured government of Macon-Bibb County. The court shall be known as the Municipal Court of Macon-Bibb County. The judge of the Municipal Court of the City of Macon shall be authorized to serve as the judge of said court. Vacancies in the office of judge of the Municipal Court of Macon-Bibb County shall be filled by appointment of the mayor. Such court shall have jurisdiction as provided by law for municipal courts for all covered offenses and all code and ordinance violations occurring in Macon-Bibb County.

SECTION 8.

Except as otherwise provided in this charter, the duties of the sheriff, the tax commissioner, the coroner, and the clerk of the superior court shall remain as such duties are presently imposed by law for such respective officers as county officers; provided, however, that such duties may be expanded and enlarged by the governing authority to include like duties and responsibilities in connection with the affairs of the restructured government. The compensation paid to any such officer shall be fixed as heretofore provided by law and may not be reduced during his or her term of office below the amount of such compensation as fixed at the commencement of such term, nor shall his or her compensation during his or her term of office in effect upon the effective date of this charter be reduced below the salary then being paid such officer. Such compensation as so fixed shall be the sole remuneration to such officers for their services and any and all other compensation for such services to Macon-Bibb County, the State of Georgia, or any agency thereof, including salaries, fees, commissions, fines, or forfeitures received from any source whatsoever, shall be the property of Macon-Bibb County and paid into its treasury.

SECTION 9.

(a) The territory of the restructured government shall consist of nine election districts to be designated as Commission Districts 1 through 9 and the boundaries of the initial districts shall be as described in the districting plan attached to and made a part of this charter and further identified as 'Plan: bibbcon12-hd139p2r-rev2 Plan Type: Local Administrator: Bibb Co. User: Gina'.

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

(2) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Macon-Bibb County which is not included in

any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

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

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

(c) The commission shall consist of nine members. The initial commissioners shall be elected at an election held on the Tuesday next following the first Monday in November, 2013, for terms of three years and until their successors are duly elected and qualified. A primary shall be conducted in accordance with law prior to such election. Their successors shall be elected for terms of four years. The members shall be elected from the nine districts specified in subsection (a) of this section by a majority of electors voting in such election from such district. All members of the commission shall be full voting members of the commission. The mayor shall be the presiding officer of the commission but shall not be a voting member of the commission; provided, however, that the mayor may cast a vote on any matter before the commission to break a tie. The mayor may propose ordinances in the same manner as a commissioner.

(d) No person shall be eligible to serve as a commissioner unless he or she:

(1) Has been a resident of Macon-Bibb County for a period of one year immediately prior to the date of the election;

(2) Continues to reside within the commission district from which elected during his or her term of office;

(3) Is a registered and qualified elector of Macon-Bibb County; and

(4) Meets the qualification standards required for members of the Georgia House of Representatives as are now or may in the future be prescribed by the Georgia Constitution.

(e)(1) Each commissioner shall be paid an annual salary of \$15,000.00. Future changes in the salary and expenses of the commissioners shall be effected in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A. and in accordance with the procedures of Code Section 36-5-24 of the O.C.G.A.; provided, however, that any increase in the salary or compensation of commissioners shall equal no more than one-half of the average percentage salary increase granted by such governing authority to the restructured government employees over the preceding three years.

(2) Any action to increase the salary of commissioners shall not become effective until the date of commencement of the terms of those commissioners elected at the next regular election following such action.

(3) In addition to salary and subject to appropriations, commissioners shall be reimbursed for all actual expenses reasonably and necessarily incurred in carrying out the duties and responsibilities of the restructured government as provided by rule or regulation.

(f) The commission shall elect from among its members in January of each year a member to serve as mayor pro tempore, who shall preside over meetings of the commission in the mayor's absence.

(g) For purposes of eligibility for employee benefits, the commissioners shall be deemed to be part-time employees.

SECTION 10.

(a) Those members of the board of commissioners of Bibb County elected to take office in January, 2013, and the mayor and those members of the commissions of the City of Macon and the City of Payne City who are serving as such on the second Monday of January, 2013, and any persons filling vacancies in such offices shall continue to serve as such members until the second Monday of January, 2014, and then all such offices shall be abolished and all terms of office shall expire. After the second Monday of January, 2013, no further elections shall be conducted to elect members of the board of commissioners of Bibb County and the mayor and members of the commission of the City of Macon and the City of Payne City and all elections for the mayor and the members of the commission shall be conducted pursuant to this charter.

(b) The initial mayor shall be elected in an election to be held on the Tuesday after the first Monday in November, 2013. A primary shall be conducted in accordance with law prior to such election. Candidates shall be nominated and elected by majority vote as provided in this section. The person elected as mayor at such election shall take office on the second Tuesday of January, 2014, for an initial term of three years and until a successor is elected is and qualified. Thereafter, each successor to the office of mayor shall be elected at the general election to be held on the Tuesday following the first Monday in November immediately preceding the expiration of a term of office, shall take office on the second Monday of January immediately following the date of the election, and shall have a term of office of four years and until a successor is elected and qualified. The mayor shall be elected by a majority vote on a county-wide basis by the electors of the entire county.

(c) To be eligible for election to the office of mayor, a person at the time of election shall:

- (1) Have attained the age of 27 years;
- (2) Have resided in Macon-Bibb County for at least one year;
- (3) Be a qualified elector of the restructured government; and
- (4) Meet any other requirements as may be established by general law.

(d) Except as otherwise provided in this section, all primaries and elections for the mayor and members of the commission shall be in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., known as the "Georgia Election Code," as now or hereafter

amended. Any person who is a registered voter of Macon-Bibb County shall be eligible to vote in any election under this section.

(e) The mayor shall be limited to serving a total of no more than two four-year terms. Each commission member shall be limited to serving a total of three four-year terms. An initial term of less than four years shall nevertheless be deemed a full term for purposes of this subsection. Prior service as an officer of the City of Macon or Bibb County shall not be computed for such limitations.

SECTION 11.

(a) The commission shall provide by ordinance for the execution of all powers, functions, rights, privileges, duties, and immunities of the restructured government and its officers, agencies, or employees as provided by this charter or general state law.

(b) Without limiting the general legislative powers of the commission, it is empowered to:

(1) Adopt all annual appropriations for the restructured government by ordinance and any supplements or amendments the commission deems necessary from time to time during the fiscal year;

(2) Adopt, by ordinance, a fiscal year for the restructured government and each of its departments, boards, or other agencies and any other ordinances for the regulation and management of the financial affairs of the restructured government it deems necessary;

(3) Adopt, by ordinance, provisions for governmental reorganization including the establishment, alteration, or abolishment of any and all nonelective offices, positions, departments, and agencies of the restructured government unless otherwise established or provided by this charter;

(4) Adopt ordinances establishing any and all personnel policies it deems necessary for an adequate and systematic handling of personnel affairs;

(5) Make adjustments, by ordinance, to the boundaries of commission districts of the restructured government as provided in Section 9 of this charter;

(6) Establish committees of its members for legislative, investigative, and study purposes without the need for approval of the mayor;

(7) Establish and appoint any board or commission of citizens to advise the commission as it deems necessary without the need for approval by the mayor; provided, however, that the term of such boards or commissions shall automatically expire at the end of the term of office of the commission who appointed same, if not earlier abolished by the commission;

(8) Grant franchises or make contract for, or impose taxes on public utilities and public service companies; and to prescribe the rates, fares, regulations and standards, and conditions of service applicable to the service to be provided by the franchise grantee or contractor, insofar as not in conflict with valid regulations of the Public Service Commission;

(9) Provide for the collection of residential solid waste throughout Macon-Bibb County; and

(10) Adopt any other ordinance, resolution, or amendment to this charter as is allowed or not denied now or hereafter under general state law or this charter and exercise any other power as may be provided now or hereafter under general state law, this charter, or ordinance.

SECTION 12.

The commission shall, upon the approval of the mayor and five commissioners or the approval of six commissioners, provide for an independent annual audit of all restructured government accounts and may provide for more frequent or continuing audits as it deems necessary. Audits shall be made by a certified public accountant or firm of certified public accountants who has no personal interest, direct or indirect, in the fiscal affairs of the restructured government or any of its officers. The commission may designate the accountant or firm annually, provided that the designation for any particular fiscal year shall be made no later than 30 days after the beginning of the fiscal year. The commission may also provide for special independent audits of any office, department, board, commission, or other agency of the restructured government without the need for approval by the mayor.

SECTION 13.

The commission, upon the approval of the mayor and five commissioners or upon the approval of six commissioners, may initiate inquiries and investigations into the affairs of the restructured government and the conduct of any department, office, or agency of the restructured government or any joint or independent commission, board, or authority of the restructured government. Any participant in any hearing authorized may request that such hearing be closed to the public and all reports to the commission of the result of any inquiry or investigation by an authorized committee may be closed to the public; provided, however, that all such hearings shall be subject to Chapter 14 of Title 50 of the O.C.G.A., relating to open and public meetings. Any action taken by the commission as a result of such inquiry or investigation shall be taken at and during an open meeting.

SECTION 14.

(a) All of the executive powers of the restructured government are vested in the mayor. The mayor shall be the chief executive officer of Macon-Bibb County and shall be responsible for execution of the laws and policies of the restructured government and applicable state and federal laws. The mayor shall possess and exercise the following executive and administrative powers and duties:

- (1) To see that the ordinances, resolutions, and regulations of the restructured government and laws of this state are faithfully executed and enforced;
- (2) To exercise supervision over the executive and administrative affairs of the restructured government and to provide for the coordination of executive and administrative activities;

- (3) In addition to the appointments provided for in Section 16 of this charter, to appoint department heads, subject to the approval of a majority of the commission, to serve at the pleasure of the mayor;
 - (4) To sign and approve deeds, bonds, contracts, and other instruments and documents in any case in which the legal instruments must be in writing or where the general laws of this state or ordinance or resolution of the commission so require;
 - (5) To submit to the commission annually a draft of the recommended appropriations ordinance, the budget message, and the budget report and to submit annually to the commission a capital improvement program;
 - (6) To conduct studies and investigations and to make recommendations to the commission for legislation concerning all matters relating to the restructured government and the welfare of its citizens;
 - (7) To represent the restructured government in its intergovernmental relations;
 - (8) To appoint the attorney, fire chief, municipal county judge, and county manager for the restructured government, with the approval of a majority of the commission, who shall serve at the pleasure of the mayor;
 - (9) To provide an annual financial audit of all authorities and provide a report of such audit to the commission; and
 - (10) To perform any other duties as may be required by law, ordinance, or resolution.
- (b)(1) Every ordinance adopted by the commissioners shall be presented promptly by the clerk of commission to the mayor after its adoption.
- (2) The mayor, within ten calendar days of receipt of an ordinance, shall return it to the clerk of commission with or without the mayor's approval or with the mayor's disapproval. If the ordinance has been approved by the mayor, it shall become law upon its return to the clerk of commission; if the ordinance is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption; if the ordinance is disapproved, the mayor shall submit to the commissioners through the clerk of commission a written statement of the reasons for the veto. The clerk of commission shall record upon the ordinance the date of its delivery to and receipt from the mayor.
 - (3) Ordinances vetoed by the mayor shall be presented by the clerk of commission to the commissioners at their next meeting. If the commissioners then or at their next meeting adopt the ordinance by an affirmative vote of at least six members, it shall become law.
 - (4) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the commissioners over the mayor's veto as provided in this subsection. The reduced part or parts shall be presented to the commissioners as though disapproved and shall not become law unless overridden by the commissioners as provided in paragraph (3) of this subsection.
- (c) The mayor shall be considered full time and he or she shall receive an annual salary of \$100,000.00. In addition, the mayor shall be reimbursed for all actual expenses

reasonably and necessarily incurred in the performance of his or her official duties, subject to appropriations. Future changes in the salary and expenses of the mayor shall be effected in accordance with the provisions of Code Section 36-35-4 of the O.C.G.A. and in accordance with the procedures of Code Section 36-5-24 of the O.C.G.A.; provided, however, that any increase in the salary or compensation of the mayor shall equal no more than one-half of the average percentage salary increase granted by the governing authority to restructured government employees over the last preceding three years.

(d) For purposes of eligibility to receive employee benefits, the mayor shall be deemed to be a full-time employee.

SECTION 15.

(a) In the event that the office of mayor or any commissioner shall become vacant for any cause whatsoever, the commission or those remaining shall, by resolution, order a special election to fill the balance of the unexpired term of that office.

(b) If, however, the vacancy in any commission seat occurs within 12 months of the expiration of the term of that office, the commission or those remaining may, within 20 days of the occurrence of the vacancy, appoint a successor for the remainder of the term.

(c) If, however, a vacancy in the office of the mayor occurs, the mayor pro tempore shall be acting mayor with all the powers and duties of that office until a successor is elected and qualified, and if the vacancy in the office of the mayor occurs within 12 months of expiration of the term of that office, the mayor pro tempore shall succeed to the office of the mayor for the remainder of the term and the commission seat of such person shall be filled in accordance with this section.

SECTION 16.

(a)(1) The mayor shall, subject to the approval of a majority of the commission, appoint an officer whose title shall be county manager who shall serve at the pleasure of the mayor. The county manager officer shall be appointed solely on the basis of executive and administrative qualifications. The county manager officer shall hold a master's degree in public or business administration or a related field and shall have at least four years' experience in public administration or in business management in the private sector or shall hold a bachelor's degree in public or business administration or a related field and shall have at least eight years' experience in public administration or in business management in the private sector. Such person need not be a resident of Macon-Bibb County or the State of Georgia at the time of appointment.

(2) The mayor shall, subject to a majority vote of all commissioners then serving, appoint a clerk of commission who shall serve at the pleasure of the mayor. The clerk of commission may also serve as clerk of the restructured government or on any other positions he or she may be appointed to in the restructured government.

(3) The clerk of the commission shall attend all meetings of the commission; keep the minutes, rules, and records of the commission; provide notice of meetings; and

perform other duties required by the commission or by ordinance. The compensation of the clerk shall be as fixed by the commission.

(4) The chief of the Macon-Bibb County Fire Department shall be appointed by the mayor with the approval of a majority of the commission, shall serve at the pleasure of the mayor, and shall perform his or her official duties as the chief firefighter throughout the entire limits of Macon-Bibb County.

(b) The county manager officer shall have the following powers, duties, and responsibilities:

(1) To serve as director of the department of administration;

(2) To advise and assist the mayor in the performance of designated duties;

(3) To coordinate the activities of the departments of the restructured government;

(4) To serve as a liaison between the mayor and the departments of the restructured government;

(5) To carry out the written directives of the mayor; provided, however, that the mayor shall not be authorized to delegate to the chief administrative officer any of the powers or duties conferred upon the mayor by charter or by ordinance;

(6) To make periodic reports with any recommendations to the mayor as required by the mayor or as he or she deems appropriate concerning the affairs of the restructured government; and

(7) To perform any other duties as shall be required by the mayor.

(c) Except for the purpose of inquiry and investigation, the commission shall deal with employees of the unified government other than those who are subject to appointment and removal by the mayor solely through the county manager and shall not give orders or directions to any such employee, either publicly or privately, directly or indirectly.

(d) There shall be an attorney for the restructured government who shall be appointed by the mayor with the approval of a majority of the commission and shall serve at the pleasure of the mayor. Such person shall be an active member of the State Bar of Georgia in good standing and shall have been engaged in the active practice of law for at least five years prior to the date of appointment. The attorney shall be legal counsel to the restructured government and perform any other duties as may be provided by ordinance. Such person shall be responsible to the mayor and to the commission. The compensation of the attorney shall be as prescribed by a duly adopted ordinance. The attorney shall recommend legal counsel to all authorities of the restructured government when needed except as otherwise instructed by the mayor.

(e)(1) There shall be a finance officer who shall be appointed by the mayor with the approval of a majority of the commission and shall serve at the pleasure of the mayor.

(2) The finance officer shall perform financial duties for the restructured government and any other duties as may be provided by ordinance. Such person shall be responsible to the mayor and to the commission.

SECTION 17.

(a) The newly elected mayor and commissioners shall take office and meet for organization and swearing-in ceremonies on the second Tuesday of January following

their election. There shall be a committee on committees made up of the mayor, the mayor pro tempore, and an additional commissioner appointed by the mayor and the mayor pro tempore. The committee on committees shall create, abolish, and appoint all committees and the membership thereof. The mayor and the mayor pro tempore shall not be a voting member of any committee established by the committee or committees. At this meeting, the newly organized commission shall make any appointments and selections as may be required by this charter.

(b) At the meeting provided for in subsection (a) of this section, the newly elected mayor and commissioners shall each qualify to take office by taking the oath of office for public officials as provided by state law and the following oath:

"I do solemnly swear or affirm that I will well and truly perform the duties of (mayor or commissioner, as the case may be) by adopting such measures as in my judgment shall be best calculated to promote the general welfare of the inhabitants of Macon-Bibb County and the common interest thereof."

SECTION 18.

No person shall fill a vacancy for an unexpired term by appointment of the commission unless that person receives a majority of the votes of all commissioners then serving.

SECTION 19.

(a) Six members of the commission shall constitute a quorum for the transaction of ordinary business, but the affirmative vote of at least five members shall be required for the commission to take official action. Official action of the commission shall be entered upon its minutes. Any member of the commission shall have the right to request a roll-call vote.

(b) The commission may fix the date and time of regular meetings in the commission rules of procedure but there shall be at least one regular meeting each month.

(c) Special meetings of the commission may be held on call of the mayor pro tempore or a majority of all members of the commission. The mayor shall also be authorized to call special meetings regarding fiscal affairs or emergencies involving public safety. Notice of a special meeting shall be served on all other members personally, or by telephone personally, at least 48 hours in advance of the meeting. If, after diligent effort, personal service is not possible, notice shall be deemed to have been served if delivered to the residence of record of the member by a law enforcement officer who certifies that such delivery was made at least 24 hours prior to the convening of the meeting. This notice to commissioners shall not be required if all commissioners are present when the special meeting is called. This notice of any special meeting may be waived by a commissioner in writing before or after such a meeting, and attendance at the meeting shall also constitute a waiver of notice on any business transacted in the commissioner's presence. Only the business stated in the call may be transacted at the special meeting.

(d) All meetings of the commission shall be public to the extent required by general state law and notice to the public of special meetings shall be made fully as is reasonably possible 48 hours prior to the meetings.

(e)(1) To meet a public emergency affecting life, health, property, or public peace, the commission may convene on call of the mayor, the mayor pro tempore, or a majority of all commissioners and promptly adopt an emergency ordinance, but this ordinance may not levy taxes; grant, renew, or extend a franchise; regulate the rate charged by any public utility for its services; or authorize the borrowing of money except for loans to be repaid within 30 days. An emergency ordinance shall be introduced in the form prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced. It shall become effective upon adoption and approval or at any later time as it may specify. Every emergency ordinance shall automatically stand repealed 30 days following the date upon which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

(2) Such emergency meetings shall be open to the public to the extent required by law and notice to the public of emergency meetings shall be made as fully as is reasonably possible in accordance with Code Section 50-14-1 of the O.C.G.A. or such other applicable laws as are or may hereafter be enacted.

SECTION 20.

(a) Elected and appointed officers and employees shall demonstrate by their example the highest standards of ethical conduct, to the end that the public may justifiably have trust and confidence in the integrity of government. They, as agents of public purpose, shall hold their offices or positions for the benefit of the public, shall recognize that the public interest is their primary concern, and shall faithfully discharge the duties of their offices regardless of personal consideration.

(b) No elected official, appointed officer, or employee of the restructured government, any authority of the restructured government, or any agency or political entity to which this charter applies shall knowingly:

(1) Engage in any business or transaction in which the person has a financial interest which is incompatible with the proper discharge of official duties;

(2) Disclose confidential information concerning the property, government, or affairs of the governmental body by which such person is engaged or is a member of without proper legal authorization or use that information to advance the financial or other private interest of such person or others;

(3) Accept any valuable gift from any person, firm, or corporation which to his or her knowledge is interested, directly or indirectly, in business dealings with the governmental body he or she is a member of or by which such person is engaged; provided, however, that an elected official who is a candidate for public office may accept campaign contributions and services in connection with any campaign;

(4) Represent private interests, other than his or her own, in any action or proceeding against the restructured government or any portion of its government; or

(5) Vote or otherwise actively participate in the negotiation or the making of any contract between the restructured government and any business or entity in which he or she has a substantial financial interest.

(c) Any elected or appointed officer or employee of the restructured government, any authority of the restructured government, or any agency or political entity to which this charter applies who possesses or who acquires any financial interest as might reasonably tend to create a conflict with the public interest shall make full disclosure in writing to the appointing authority or the commission, in the case of a member of the commission, at any time a conflict becomes apparent. The disclosure statement shall be made a matter of public record and be filed with the clerk of commission. Any member of the commission who has any personal or private interest, indirect, financial, or otherwise, in any proposal before the commission shall disclose the interest in writing to the commission. The disclosure shall be made a matter of public record prior to the taking of any vote on the proposal.

(d) No elected member of the governing authority of Macon-Bibb County nor any company or business in which such elected member or a member of his or her immediate family presently has an interest, direct or indirect, which is incompatible with the proper discharge of his or her official duties or which would tend to impair his or her independence of judgment or action in the performance of his or her official duties, shall do business with an authority associated with Macon-Bibb County nor an authority whose members in whole or in part are appointed by the governing authority of Macon-Bibb County nor shall any member of an authority of the restructured government do business with an authority associated with Macon-Bibb County or an authority whose members in whole or in part are appointed by the governing authority of Macon-Bibb County.

(e) No elected official, appointed officer, or employee of the restructured government, any authority of the restructured government, or any agency or entity to which this charter applies shall use property owned by the restructured government for financial benefit, convenience, or profit except in accordance with policies of the restructured government.

(f) Any violation of this charter which occurs with the knowledge, express or implied, of another party to a contract or sale shall render the contract or sale involved voidable and rescindable as to that party, at the option of the commission.

(g) Except where authorized by law, neither the mayor nor any commissioner shall hold any other elective or compensated appointive office in the government of Macon-Bibb County or otherwise be employed by Macon-Bibb County or any agency thereof during the term for which such official was elected, provided that the provisions of this section shall not apply to any elective office holder in office on the effective date of this charter.

(h) No person shall be hereafter appointed by the mayor, commission, or any member thereof, to any office, agency, or employment who is related within the third degree of consanguinity or affinity to the mayor or any member of the commission, nor shall any

other board created by this charter or the head of any department of the restructured government hereafter appoint or employ any person who is so related to any member of such board or head of such department; nor shall any person be hereafter appointed or employed in any capacity on behalf of the restructured government who is so related to the person so appointing or employing him or her.

(i) Employees of Macon-Bibb County may individually exercise their right to vote and privately express their views as citizens, but no employee of Macon-Bibb County shall:

(1) Use his or her official authority or capacity for the purpose of interfering with or affecting the result of an election or nomination for office; or

(2) Directly or indirectly coerce, attempt to coerce, or command a state or local officer or employee to pay, lend, or contribute anything of value to a party, committee, organization, agency, or person for political purposes.

(j)(1) A knowing violation of this section shall be a misdemeanor.

(2) Any officer or employee of Macon-Bibb County who knowingly violates any requirement of this section shall upon conviction be guilty of malfeasance in office or position and shall forfeit the office or position.

(3) The appointing authority may reprimand, put on probation, demote, suspend, or discharge an employee or appointed officer found to have violated the standards of conduct established by this section.

SECTION 21.

(a) The general obligation bonded indebtedness of the City of Macon which is outstanding on the effective date of this charter shall become the debt and obligation of a special tax district which shall correspond to and be coterminous with the corporate limits of the City of Macon as said corporate limits existed on the day immediately preceding the effective date of this charter. The ad valorem taxes imposed by the City of Macon prior to the effective date of this charter to retire such bonded indebtedness shall continue to be imposed within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Macon in accordance with the terms of the obligations of such bonded indebtedness. The commission, as the governing authority of Macon-Bibb County, shall be the successor to the previously existing governing authority of the City of Macon for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(b) The general obligation bonded indebtedness of the City of Payne City which is outstanding on the effective date of this charter shall become the debt and obligation of a special tax district which shall correspond to and be coterminous with the corporate limits of the City of Payne City as said corporate limits existed on the day immediately preceding the effective date of this charter. The ad valorem taxes imposed by the City of Payne City prior to the effective date of this charter to retire such bonded indebtedness shall continue to be imposed by the commission within the special tax district in the same manner and to the same extent that such ad valorem taxes were previously imposed by the City of Payne City in accordance with the terms of the obligations of such bonded

indebtedness. The commission, as the governing authority of Macon-Bibb County, shall be the successor to the previously existing governing authority of the City of Payne City for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(c) The general obligation bonded indebtedness of Bibb County outstanding on the effective date of this charter shall not be affected by this charter, and the commission, as the governing authority of Macon-Bibb County, shall become the successor to the previously existing governing authority of Bibb County for all purposes relating to such bonded indebtedness, including the enforcement of rights and remedies of bondholders.

(d) Each special tax district created by this section shall cease to exist upon the full satisfaction of all relative bonded indebtedness, but not later than July 1, 2019. At the time the final special tax district ceases to exist, this section shall stand repealed.

SECTION 22.

(a) Existing ordinances and resolutions of the board of commissioners of Bibb County and existing rules and regulations of departments or agencies thereof not inconsistent with the provisions of this charter shall continue to be effective as ordinances and resolutions of the commission and as rules and regulations of the appropriate department or agency thereof until they are modified or repealed.

(b) Existing ordinances and resolutions of the board of commissioners of Bibb County and existing rules and regulations of departments and agencies of Bibb County which, by their terms or by their operation, were applicable prior to the effective date of this charter throughout the territorial limits of Bibb County shall continue to be effective throughout the territorial limits of Bibb County until such time as the commission, by resolution or ordinance, modifies or repeals such ordinances, resolutions, or regulations.

(c) Existing ordinances and resolutions of the commission of the City of Macon which are not inconsistent with the provisions of this charter shall continue to be effective as ordinances and resolutions of the commission until they are modified or repealed.

(d) In the event of a conflict between any of the ordinances or resolutions continued by this section, the provisions thereof shall apply only to the territory of the restructured government that such ordinance or resolution applied to prior to the effective date of this charter and until such ordinance or resolution is repealed, changed, or amended to eliminate the conflict.

(e) Through December 1, 2013, all ordinances and resolutions shall apply uniformly throughout the area of the restructured government. Prior to this date, the transition task force created pursuant to Section 37 of this charter shall review all ordinances and resolutions and take whatever action is needed to remove any conflicts between ordinances and resolutions continued by this section in order to produce a uniform body of ordinances and resolutions free of any conflicts or contradictions between such provisions.

SECTION 23.

(a) Until July 1, 2014, the restructured government shall operate under the funds remaining from the fiscal year 2013-2014 of the combined budgets of the City of Macon, the City of Payne City, and Bibb County.

(b)(1) The first full 12 month budget of the unified government for fiscal year 2015 shall not exceed an amount equal to the combined fiscal year general operating budgets of the City of Macon, Payne City, and Bibb County, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds including, without limitation, special purpose local option sales tax and transportation special purpose local option sales tax funds.

(2) The 12 month budget of the unified government for fiscal year 2016 shall not exceed an amount equal to 95 percent of the fiscal year 2015 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(3) The 12 month budget of the unified government for fiscal year 2017 shall not exceed an amount equal to 90 percent of the fiscal year 2015 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(4) The 12 month budget of the unified government for fiscal year 2018 shall not exceed an amount equal to 85 percent of the fiscal year 2015 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(5) The 12 month budget of the unified government for fiscal year 2019 shall not exceed an amount equal to 80 percent of the fiscal year 2015 general operating budget, plus increases due to inflation as specified in the Consumer Price Index, but not including capital road improvement and other special revenue funds.

(c) The budget limits established by subsection (b) of this section may be exceeded by not more than 25 percent in any given year if extreme economic circumstances require or if additional expenditures for public safety purposes are needed but only by a vote of six of the nine commissioners at an open meeting after notice on the official website of Macon-Bibb County once a week for two consecutive weeks prior to the meeting and the hearing of public comments.

(d) The tax assessments made by the board of tax assessors of Bibb County and the City of Macon and the City of Payne City as of the effective date of this charter shall constitute the basis for the assessment and collection of taxes of the commission for the calendar year in which this charter becomes effective.

(e) It is the purpose of this section that property shall be subject to taxation in relation to services received.

(f) Within four years of the effective date of this charter, the restructured government shall adopt a service delivery plan.

SECTION 24.

The commission may create special services tax districts and shall assess, levy, and collect ad valorem taxes and collect service charges and fees for the provision of district services within a special services district only in accordance with the kind, character, type, and degree of district services provided by the commission within such special services tax district. The provisions of this section shall control ad valorem taxation and the collection of service charges and fees for the provision of district services within special services tax districts by the commission. District services shall mean and include all of those governmental services enumerated in Article IX, Section II, Paragraph III of the Constitution.

SECTION 25.

(a) All employees and former employees of Bibb County, the City of Payne City, and the City of Macon and of every agency, instrumentality, commission, or authority thereof shall retain those pension rights, if any, which had accrued to them prior to the effective date of this charter under any pension plan adopted by law or by ordinance or resolution by the board of commissioners of Bibb County, the mayor and commissions of the City of Macon, or the governing authority of the City of Payne City. The commission shall assume on the effective date of this charter all obligations arising under all such pension plans, but the assumption of such obligations by the commission shall not create any obligation on the part of the commission or create any right which did not exist prior to the effective date of this charter.

(b) The commission is authorized and empowered to establish and maintain a new pension system or pension systems affecting new employees and such other employees as desire to be covered thereby and to revise, combine, and consolidate any pension system in effect on the effective date of this charter; provided, however, that in no event shall any revision, combination, or unification of any existing pension system in effect when this charter is adopted result in the curtailment or diminishment of any right accrued under any existing pension system to any person heretofore employed by the City of Macon, the City of Payne City, Bibb County, or of any agency of such former governments.

SECTION 26.

(a)(1) The mayor shall submit to the commission at least six weeks prior to the start of the fiscal year a budget message and a budget report, accompanied by a draft of the recommended appropriations ordinance, in a form and manner as may be prescribed by ordinance, which shall provide for the appropriation of the funds necessary to operate all the various departments and to meet the current expenses of the restructured government for the next fiscal year. Such ordinance must be approved by a two-thirds' majority vote of the commissioners then serving.

(2) The commission shall annually appropriate the funds necessary to operate all the various departments and to meet the current expenses of the restructured government

for the next fiscal year. The fiscal year of Macon-Bibb County shall be as determined by ordinance.

(b)(1) Each appropriations ordinance, as enacted or as amended from time to time, shall continue in force and effect for the next fiscal year after adoption and it shall then expire except for any mandatory appropriations required to meet contractual obligations or the continued appropriation and authorization of state or federal grants.

(2) The commission shall not appropriate funds for any given fiscal year which, in aggregate, exceed a sum equal to the amount of unappropriated surplus expected to have accrued in the city treasury at the beginning of the fiscal year, together with an amount not greater than the total receipts from existing revenue sources anticipated to be collected in the fiscal year as determined by the mayor, less refunds as estimated in the budget report and amendments thereto.

(3) All appropriated funds, except for the mandatory appropriations required by law and those required to meet contractual obligations or the continued appropriation and authorization of state or federal grants, remaining unexpended and not contractually obligated at the expiration of the appropriations ordinance shall lapse.

(4) All state or federal funds received by Macon-Bibb County are by this charter continually appropriated in the exact amounts and for the purposes authorized and directed by the state or federal government in making the grant.

(c)(1) In addition to the appropriations made by the appropriations ordinance and amendments thereto, the commission may make additional appropriations in the same manner as provided in this charter, which shall be known as supplementary appropriations ordinances, provided that no supplementary appropriation shall be made unless there is an unappropriated surplus in the treasury of the restructured government or the revenue necessary to pay the appropriation has been collected into the general fund of the treasury as provided by law.

(2) In no event shall a supplementary appropriations ordinance continue in force and effect beyond the expiration of the appropriations ordinance in effect when the supplementary appropriations ordinance was adopted and approved.

(d)(1) The appropriation for each department, office, bureau, board, commission, function, or line item for which appropriation is made shall be for a specific amount of money and no appropriation shall allocate to any object the proceeds of any particular tax or fund or a part or percentage thereof. All appropriations by function or line item shall be lump sum by function or line item.

(2) Any appropriation made in conflict with the foregoing provisions shall be void.

SECTION 27.

(a) The commission shall prescribe, by ordinance, the procedures to be followed in the making of contracts which shall bind the restructured government. All contracts and all ordinances which shall make or authorize contracts shall be approved as to form by the attorney for the restructured government. The mayor shall sign and authorize all contracts; provided, however, the commission may authorize the mayor, by ordinance, to designate another appropriate official to sign any type of contract. The clerk of

commission shall authenticate all contracts. The original of all contracts shall be maintained on file in the office of the clerk of commission.

(b) The commission shall prescribe, by ordinance, the procedures for all purchases of real and personal property by the restructured government. Competitive bidding shall be required for purchases and contracts and awards shall be made to the lowest or best bidder; provided, however, that the commission by ordinance may authorize the purchase of goods, materials, supplies, equipment, and services without the receipt of formal sealed bids where the price does not exceed a specified dollar amount. Prior to the making of purchases and contracts, the availability of adequate funds shall be certified as provided by ordinance.

(c) The commission shall prescribe, by ordinance, the procedures for all sales and other disposition of real and personal property by restructured government.

SECTION 28.

(a) On the effective date of this charter, the Board of Public Education and Orphanage for Bibb County established pursuant to an Act approved August 23, 1872 (Ga. L. 1872, p. 388), as amended, shall continue in the exercise of its functions and duties, subject to the provisions of law applicable thereto and subject to the provisions of subsections (b) and (c) of this section.

(b) The Board of Public Education and Orphanage for Bibb County shall annually certify to the commission of Macon-Bibb County a school tax for the support and maintenance of education in Macon-Bibb County. The commission shall annually levy said tax upon the assessed value of all taxable property within Macon-Bibb County and collect the same like other taxes of the restructured government. The levy made by the board of education and certified to the commission shall not exceed 22 mills per dollar unless such mill limitation shall be increased or removed in the manner provided by law.

(c) Notwithstanding any contrary provisions of local law, the Board of Public Education and Orphanage for Bibb County shall not be required to submit to the commission of Macon-Bibb County a copy of the school budget which is prepared pursuant to the provisions of Part 4 of Article 6 of Chapter 2 of Title 20 of the O.C.G.A. as the same is now or hereafter amended.

SECTION 29.

(a) Macon-Bibb County shall have power and authority to levy and provide for the assessment, valuation, revaluation, and collection of taxes on all property subject to taxation and to levy and collect such other taxes as may be allowed now or in the future by law.

(b)(1) The commission, by ordinance, shall establish a millage rate within the limits provided in subsection (a) of this section for the restructured government property tax; a due date; and in what length of time these taxes must be paid.

(2) The commission, by ordinance, may provide for the payment of these taxes by installments or in one lump sum, as well as authorize the voluntary payment of taxes prior to the time when due and provide for interest on late installments.

(c)(1) Macon-Bibb County shall have the power to levy any occupation or business taxes as are not prohibited by general state law. These taxes may be levied on both individuals and corporations who transact business in Macon-Bibb County or who practice or offer to practice any profession or calling therein to the extent the persons have a constitutionally sufficient nexus to Macon-Bibb County to be so taxed. These taxes may be levied and imposed on a fixed rate or gross receipts basis or any combination thereof. The commission may classify businesses, occupations, professions, or callings for the purpose of these taxes in any manner as is reasonable and payment of these taxes may be compelled as provided in subsection (i) of this section.

(2) Notwithstanding any other provisions of this section, no occupation or business tax based on gross receipts shall be levied and imposed prior to the holding of a special public hearing thereon, and in no event shall the total revenue received from the imposition of an occupation or business tax based on gross receipts exceed in its first year the total revenue received the immediately preceding year from the occupation and business taxes levied.

(d) Macon-Bibb County shall have the power to require individuals or corporations who transact business in Macon-Bibb County or who practice or offer to practice any profession or calling therein to obtain a license or permit for these activities from Macon-Bibb County and to pay a reasonable fee for the license or permit where the activities are not now regulated by general state law in such a way as to preclude regulation by Macon-Bibb County. These fees may reflect the total cost to Macon-Bibb County of regulating the activity and if unpaid shall be collected as provided in subsection (i) of this section. The commission by ordinance may establish reasonable requirements for obtaining or keeping licenses as the public health, safety, and welfare necessitate.

(e) Macon-Bibb County shall have power and authority to impose and collect license fees and taxes on life insurance companies in the manner provided by Code Section 33-8-8.1 of the O.C.G.A. and on fire and casualty insurance companies in the manner provided by Code Section 33-8-8.2 of the O.C.G.A., as now or hereafter amended.

(f) Macon-Bibb County shall have the power to assess and collect fees, charges, and tolls for sewer, sanitary and health services, and garbage and solid waste collection and disposal services, or any other services rendered inside and outside the corporate limits of Macon-Bibb County for the total cost to Macon-Bibb County of providing these services. If unpaid, these charges or fees shall be collected as provided in subsection (i) of this section.

(g) Macon-Bibb County shall have the power to assess and collect the cost of constructing, reconstructing, widening, or improving any public way, street, sidewalk, curbing, gutters, sewers, or other utility mains and appurtenances from the abutting property owners under any terms and conditions as are reasonable. If unpaid, these charges shall be collected as provided in subsection (i) of this section.

(h) Macon-Bibb County shall be empowered to levy any other tax allowed now or hereafter by state law and the specific mention of any right, power, or authority in this

charter shall not be construed as limiting in any way the general powers of Macon-Bibb County to tax or otherwise govern its local affairs.

(i) The commission, by ordinance, may provide generally for the collection of delinquent taxes, fees, or other revenue due Macon-Bibb County under this charter or general state law by whatever reasonable means as are not precluded by general state law. This shall include providing for the dates when the taxes, fees, or other revenues are due; late penalties or interest; issuance and execution of fi.fa's.; creation and priority of liens; making delinquent taxes, fees, and other revenues personal debts of the persons required to pay the taxes, fees, or other revenues imposed; revoking licenses issued by Macon-Bibb County for failure to pay any Macon-Bibb County taxes, fees, or other revenues; allowing exceptions for hardship; providing for the assignment or transfer of executions and collection of transferred executions; providing for the billing and collecting of principal, interest, and costs of delinquent executions as an addition to and a part of the annual ad valorem tax bill issued by the Macon-Bibb County tax commissioner.

(j) The commission, by ordinance, shall prescribe the amount and terms of surety bonds conditioned upon the faithful performance of the duties of office of any officer or employee of Macon-Bibb County charged with the responsibility of handling moneys on a regular basis.

(k) Macon-Bibb County shall have all power granted by general law to issue general obligation bonds. Such issuance shall be accomplished in the manner provided by general law.

(l) Macon-Bibb County shall have the power to issue bonds for the purpose of raising revenue to carry out any project, program, or venture authorized under this charter or the general laws of the state. This bonding authority shall be exercised in accordance with the laws governing bond issuances by municipalities in effect at the item the issue is undertaken.

(m) Revenue bonds may be issued by Macon-Bibb County as state law now or hereafter provides. Such bonds are to be repaid out of any revenue produced by the project, program, or venture for which they were issued.

(n) Macon-Bibb County may issue short-term notes as now or hereafter provided by state law.

(o)(1) In order to facilitate the financing of any improvements authorized by law, Macon-Bibb County may issue bonds of Macon-Bibb County in the aggregate amount of assessments for the improvement then unpaid, which bond or bonds and the interest thereon shall in no event become a liability of Macon-Bibb County or the mayor and the commission issuing them.

(2) These bonds shall mature at a date and bear an interest rate as the commission may determine by ordinance but in no event shall the rate of interest exceed that which the assessments are to bear.

(3) These bonds shall be signed by the mayor and attested by the clerk of commission, shall have the impression of the corporate seal of Macon-Bibb County thereon, and shall be payable at a place designated by ordinance.

(4) These bonds shall be designated as improvement bonds and shall, on the face thereof, recite the nature and location of the improvement for which they have been issued and shall recite that they are payable solely from assessments which have been levied upon the lots and tracts of land abutting upon or being the situs of the improvement made.

(5) These bonds shall be sold at not less than par and the proceeds thereof applied to the payment of the costs and expense of the improvement for which the bonds were issued, or the bonds, in the amount that shall be necessary for that purpose, may be turned over and delivered to the contractor, in respect to the improvement at par value, in payment of the amount due on the contract, and the portion thereof which shall be necessary to pay other expenses, incident to and incurred in providing for the improvement, shall be sold or otherwise disposed of as the commission by ordinance shall direct.

SECTION 30.

(a) The sheriff of Bibb County in office upon the date the governing authority of the restructured government is installed shall become the sheriff and chief law enforcement officer of Macon-Bibb County. He or she shall serve for the same term and his or her compensation shall be fixed as heretofore provided by law. Subsequent elections for sheriff shall be upon the basis provided by state law for sheriffs generally. The sheriff of Macon-Bibb County shall execute the orders and processes of the courts, shall enforce executions issued by any officer or agency of Macon-Bibb County, shall maintain and operate the jail wherein state or federal prisoners are incarcerated, be responsible for the transport of prisoners, and shall perform such other duties as are provided for in Code Section 15-16-10 of the O.C.G.A. and the Constitution of this state.

(b)(1) The commission shall utilize the facilities, equipment, vehicles, records, and personnel of both the former Macon Police Department and the Bibb County Sheriff's Department in such manner as it shall deem necessary to ensure adequate protection of the lives and property of all of the citizens of Macon-Bibb County.

(2) The commission in cooperation with the chief shall utilize the facilities, equipment, vehicles, records, and personnel of both the former Macon Fire Department and the Bibb County Fire Department in such manner as it shall deem necessary to ensure the most advantageous rating classification of the commercial, residential, and public property in Macon-Bibb County.

(c) Except as otherwise provided by this charter or by law, the administrative and service departments of the restructured government shall be created and established by ordinance and shall perform such functions, duties, services, and responsibilities as enumerated therein and as prescribed by administrative regulations.

(d) The commission may by ordinance reorganize, combine, consolidate, or discontinue any department or agency of the restructured government subject to the jurisdiction of the commission and may by ordinance prescribe the functions and duties thereof and may establish, abolish, or alter all nonelective offices and positions of employment as necessary for the proper administration of the restructured government.

(e) Except as provided by this charter or prohibited by the general laws of this state, the terms of office of all members of all boards, commissions, committees, panels, authorities, or other entities who were appointed by the board of commissioners of Bibb County or the governing authority of the City of Macon and Payne City shall continue for not more than one year after the members of the commission take office under this charter unless extended by such commission. Each such member shall serve out the term of office to which such member was appointed. Except as provided by this charter or prohibited by the general laws of this state, the positions of director or administrative head, by whatever name known, of each department or entity of the governments of Bibb County and the City of Macon shall be abolished 90 days after the members of the commission take office under this charter. Such departments may be abolished, reestablished, reorganized, or restructured; new job descriptions shall be established as appropriate; and a director or administrative head shall be appointed for each department by the mayor. Any person who formerly occupied such position and any other person shall have the right to apply for any position thus created. The provisions of this subsection shall not result in the automatic termination from employment with the reorganized government of any such person and the provisions of Section 14 of this charter shall be applicable to any such person. On or after January 1, 2016, no person shall be eligible for appointment to any position as the administrative head of any department or agency of the restructured government unless such person meets such qualifications as may be established by the mayor. Each person serving as the administrative head of any department or agency of the restructured government shall serve at the pleasure of the mayor.

(f) Notwithstanding any provision of this charter to the contrary, the Macon-Bibb County Hospital Authority shall continue to exist as provided by Article 4 of Chapter 7 of Title 31 of the O.C.G.A., the "Hospital Authorities Law," as now or hereafter amended, and the ordinances and resolutions activating such authority on the effective date of this charter; provided, however, that appointments and the filling of vacancies on such authority shall be made by the commission of Macon-Bibb County in accordance with applicable laws, ordinances, and resolutions.

SECTION 31.

(a) The commission shall establish by ordinance a system of civil service for employees of the fire department which shall provide for the establishment of a civil service board to orally interview and pass upon the qualifications of applicants and promotional candidates. The sheriff may elect to include eligible employees of the sheriff's office in such civil service system. To provide for requirements for selections, training, promotion, physical condition, and appeal procedures and other related matters, the commission shall adopt civil service rules and regulations to govern and control the fire department.

(b) The commission shall establish by ordinance a personnel management system based on merit principles that meets the social, economic, and program needs of the people of Macon-Bibb County. This system shall provide means to recruit, select, train, develop,

and maintain an effective and responsive work force and shall include policies and guidelines for employing, hiring and advancement, training and career development, job classification, discharge, code of conduct, fringe benefits, and other related activities. All appointments and promotions in Macon-Bibb County shall be made without regard to sex, race, religion, national origin, age, or political affiliation and shall be based on merit and fitness.

(c) It is the intent of the General Assembly that as many employees of Bibb County, the City of Macon, and Payne City as feasible shall continue in the same or a substantially equal position with at least the same salary and benefit level, where possible within budget constraints, after the consolidation is complete. It is further the intent of the General Assembly that the integration of the sheriff's office and the city police department shall be seamless and cooperative and that where possible the rights and positions of all employees shall be respected.

SECTION 32.

(a) The commission shall afford equal opportunities for employment and promotion to all persons regardless of sex, race, religion, national origin, age, or political affiliation.

(b) It shall be the policy of the commission that all citizens shall have equal opportunity for employment, promotion, and appointment by the commission. It shall further be the express policy of the commission that all persons shall have equal opportunity for conducting business with the commission to the greatest extent possible.

(c) In furtherance of the policies stated in subsection (b) of this section, and subject to the availability of funds, there is created and established the Office of Small Business Affairs as an agency of the consolidated government.

(d) The purposes for which the Office of Small Business Affairs is established shall include the following:

(1) To promote, stimulate, develop, and advance the economic growth of small businesses within Macon-Bibb County and thereby promote, stimulate, develop, and advance the business, prosperity, and economic welfare of the entire county;

(2) To stimulate and assist in the expansion of all kinds of small business activity which will tend to promote small business development;

(3) To cooperate and act in conjunction with other organizations, public or private, in the promotion of small business development in Macon-Bibb County; and

(4) To promote economic literacy among low-wealth citizens of Macon-Bibb County.

(e) In furtherance of its purposes, the Office of Small Business Affairs shall have the following powers:

(1) To provide technical advice and assistance for both public and private sources of contract opportunities for small businesses;

(2) To monitor the progress and improvement of small business and minority business owners' access to business with local government authorities and other publicly financed entities;

(3) To implement procedures and promulgate rules and regulations to increase procurement opportunities extended to the small business and minority business

community and to provide direct assistance to small business and minority businesses on how government and private contracting processes work;

(4) To encourage small business and minority business participation in the public sector;

(5) To operate an economic development program designed to transition persons who are receiving public assistance to gainful employment;

(6) To construct or establish the necessary legal mechanism to be able to apply for and to accept any gifts, bequests, or grants or loans of funds or property or financial or other aid in any form from the federal government or agency or instrumentality thereof or from the state or any agency or instrumentality thereof or from any other source for any or all of the purposes specified in this section and to comply with the terms and conditions thereof;

(7) To review governmental policies and recommend changes to ensure fair participation by small businesses and minority businesses in contract bidding;

(8) To randomly and statistically review purchase orders and bids to ensure compliance with fair participation by small businesses and minority businesses in government contracts;

(9) To ensure that bid specifications do not discriminate against small businesses and minority businesses;

(10) To work with local agencies in assisting small businesses and minority businesses in bid application and funding available for doing business with the governing authority;

(11) To manage and recommend economic development assistance to small businesses and minority businesses from governing authority economic development funds;

(12) To work with local agencies in determining and coordinating all sources of education and financial assistance available to small business and minority business owners;

(13) To encourage contractors and large bidders to include small businesses and minority businesses among their subcontractors;

(14) To maintain statistical information to ensure that small business and minority business participation is improving in contracts with the commission and issue an annual report; and

(15) To establish a mentor program where proactive businesses which have pledged increased minority business relationships can assist minority businesses in doing business with government and the private sector.

(f) The Office of Small Business Affairs shall be under the direction and supervision of a director appointed by the mayor with the approval of a majority of the commissioners. The director shall have the following powers and duties:

(1) To appoint assistants, clerks, and other employees as the director may deem necessary within constraints of the budget;

(2) To furnish technical advice and assistance with respect to small business economic development to further the purposes of this section;

- (3) To render monthly written reports to the commission. The reports may contain recommendations of the director for legislative or other action to effectuate the purposes of this section;
- (4) To act as a liaison between community based groups, small businesses and minority businesses, government agencies, community development corporations, and the private sector; and
- (5) To request from any state or local governmental agency or department such reports and information at such times as it may deem reasonably necessary to carry out the purposes of this section.

SECTION 33.

- (a) Except as otherwise provided in this charter or applicable state law, all boards, commissions, and authorities of the City of Macon and Bibb County shall continue in the exercise of their functions and duties, subject to the provisions of laws applicable thereto and subject to the provisions of this charter. As used in the Acts and amendments creating the existing boards, commissions, and authorities of the City of Macon and Bibb County, the terms "Macon City Council" and "Bibb County Board of Commissioners" shall mean the commission of Macon-Bibb County and the term "mayor of Macon" shall mean the "mayor of Macon-Bibb County."
- (b) All boards, commissions, and authorities of the restructured government, including those boards, commissions, and authorities of the City of Macon and Bibb County which are continued under the restructured government pursuant to subsection (a) of this section, shall consist of seven members, three of whom shall be appointed by the commission and four of whom shall be appointed by the mayor, except where other appointment authority, term of office, or manner of appointment is prescribed by this charter or by applicable state law. Each member shall have been a resident of the area encompassed by Macon-Bibb County for a period of at least one year immediately prior to appointment.
- (c) Any vacancy in the office of any member of a board, commission, or authority of the restructured government shall be filled for the unexpired term in the manner prescribed in subsection (b) of this section for original appointment, except as otherwise provided in this charter or by applicable state law.
- (d) Members of all boards, commissions, and authorities of the restructured government shall be limited to two consecutive full terms of office on such boards, commissions, and authorities. Filling more than one-half of an unexpired term of office shall constitute a full term of office.
- (e) Members of all boards, commissions, and authorities of the restructured government shall serve four years terms of office unless otherwise provided in this charter or applicable state law, provided that such members are subject to removal at any time by the appointing authority.
- (f) No board, commission, or authority shall create any other entity or subsidiary whatsoever without first obtaining approval by a two-thirds' vote of the commission of Macon-Bibb County and approval by the mayor.

(g) The commission is authorized to review and dissolve at its discretion any entity to which this section is applicable that was created prior to the effective date of this charter by two-thirds' vote of the members then serving.

SECTION 34.

All officers, officials, and employees of the former City of Macon, City of Payne City, and Bibb County shall cooperate with and assist the commission, mayor, and other officers of Macon-Bibb County:

- (1) In planning the restructuring of departments, boards, commissions, and agencies of said former governments and in transferring the functions, duties, and responsibilities of such departments, boards, commissions, authorities, and agencies to the appropriate agencies of the restructured government of Macon-Bibb County; and
- (2) In all other respects in order that the transfer of the governments be accomplished in the most orderly manner possible. The officers of the restructured government shall be entitled to examine all records, files, and other data in the possession of the former governments and of all officers, officials, employees, and departments thereof. The former governments shall to the extent possible provide working areas and facilities for the officers of the restructured government.

SECTION 35.

This charter may be modified, rescinded, changed, or amended by only the following methods:

- (1) An Act of the General Assembly of Georgia; or
- (2) An ordinance adopted by the commission of Macon-Bibb County, Georgia, as provided for in Article IX, Section II, Paragraph I of the Constitution of the State of Georgia.

SECTION 36.

(a) Except as otherwise provided by this charter, all contracts, orders, leases, bonds, and other obligations or instruments entered into by Bibb County or for its benefit prior to the effective date of this charter shall continue in effect according to the terms thereof as obligations and rights of the restructured government; provided, however, any obligation created by Bibb County to become effective after the date of approval of this charter and prior to the effective date of this charter shall be subject to ratification and approval by the commission of the restructured government within six months following the effective date of this charter.

(b) Except as otherwise provided by this charter, contracts, orders, leases, bonds, and other obligations or instruments entered into by the City of Macon or the City of Payne City or for its benefit prior to the effective date of this charter shall continue in effect according to the terms thereof as obligations and rights of the restructured government; provided, however, any obligation created by the City of Macon or the City of Payne City to become effective after the date of approval of this charter and prior to the effective

date of this charter shall be subject to ratification and approval by the commission of the restructured government within six months following the effective date of this charter.

(c) No pending action or proceeding of any nature, whether civil, criminal, judicial, administrative, or other, by or against the City of Macon, the City of Payne City, or Bibb County or an agency or department thereof shall be abated or otherwise affected by the adoption of this charter, and the restructured government shall stand substituted as a party in lieu thereof.

SECTION 37.

(a) Effective September 1, 2012, there is created a transition task force for the purpose of planning and preparing for the assumption of governmental powers by the restructured governing authority. The transition task force shall be composed of members as follows:

- (1) The chairperson of the board of commissioners of Bibb County who shall be the co-chief executive officer of the task force;
- (2) The chairperson of the finance committee of the board of commissioners of Bibb County;
- (3) The chairperson of the finance committee of the city council of the City of Macon;
- (4) The mayor of the City of Macon who shall be the co-chief executive officer of the task force;
- (5) The president of the city council of the City of Macon;
- (6) The president of the Bibb County Chamber of Commerce;
- (7) The Macon City Police Chief;
- (8) The chairperson of the Bibb County delegation in the General Assembly who shall serve as chairperson of the transition task force;
- (9) The vice-chairperson of the Bibb County delegation in the General Assembly;
- (10) The sheriff of Bibb County; and
- (11) Five members appointed by the members of the General Assembly whose districts include all or any portion of Bibb County.

The transition task force shall meet upon the call of the chairperson of the transition task force for the purpose of planning and scheduling the initial organization of the government in accordance with the applicable provisions of this charter.

(b) The transition task force shall be authorized to make such recommendations as it deems appropriate for the assumption of governmental powers by the commission. The transition task force is specifically charged with the responsibility of developing proposed ordinances which should be considered for adoption by the commission at its first regular meeting held following the second Tuesday in September, 2012, or at a regular meeting of the commission held as soon thereafter as practicable.

(c) All officers, officials, including elected officials, and employees of Bibb County, the City of Macon, and the City of Payne City shall cooperate with and assist the transition task force. The transition task force shall be entitled to examine all records, files, and other data in the possession of Bibb County, the City of Macon, and the City of Payne City and all officers, officials, and employees and departments thereof. Bibb County, the

City of Macon, and the City of Payne City shall, to the extent possible, provide working areas and facilities for the transition task force.

(d) The transition task force shall be authorized to receive and expend appropriations from the board of commissioners of Bibb County and from the mayor and commission of the City of Macon and from the governing authority of the City of Payne City for the purpose of carrying out its duties, but members of the transition task force shall receive no compensation for their services as such members.

(e) During the period beginning on the date on which this charter is approved in the referendum provided for by Section 45 of this charter, it shall be the duty of the transition task force to recommend and the duty of the board of commissioners of Bibb County and the mayor and commission of the City of Macon to implement, where possible, such restructuring or reorganization of services, functions, powers, and duties as may be advantageous to the restructuring of such governments.

(f) The transition task force shall be abolished on the date specified by the commission.

SECTION 38.

On and after January 1, 2014, that portion of the City of Macon that is located in Jones County shall be treated as having been deannexed from the City of Macon and shall be an unincorporated area of Jones County.

SECTION 39.

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

SECTION 40.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Bibb County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Bibb County for approval or rejection. The election superintendent shall conduct that election on the date of the general primary in 2012 and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Bibb County. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act restructuring the governments of the City of Macon, the City of Payne City, and Bibb County and creating a single county-wide government to supersede and replace these governments and providing for the termination of the terms of office of members of the governing authorities of Bibb County, the City of Macon, and the City of Payne City and which cuts short the terms of sitting commission members and county commissioners to be approved?"
- () NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes in the county as a whole cast on such question are for approval of the Act and if more than one-half of the votes cast in the City of Macon on such question are for approval of the Act, this charter shall become of full force and effect on January 1, 2013. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date. The expense of such election shall be borne by Bibb County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 41.

- (a) Sections 37 and 40 of this Act and this section shall become effective upon the approval of this Act by the Governor or upon its becoming law without such approval.
- (b) Except as provided in Section 39 of this Act, the remaining provisions of this Act shall become effective on the second Monday in January, 2014.

SECTION 42.

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

Plan: bibbcon12-hd139p2r-rev2
 Plan Type: Local
 Administrator: Bibb Co.
 User: Gina

District 001
 Bibb County
 VTD: 021HO3 - HOWARD 3
 VTD: 021HO6 - HOWARD 6
 VTD: 021HO7 - HOWARD 7
 VTD: 021HO8 - HOWARD 8
 VTD: 021HO9 - HOWARD 9
 013408:
 1016 1017 1018 1030 1031
 013410:

1000 1001 1002 1003 1004 1005 1006 1007 1040 1041 1042 3029
 3030
 013411:
 2009 2010 2011 2012 2013 2014 2015 2021 2022 2036

District 002

Bibb County

VTD: 021EM1 - EAST MACON 1

VTD: 021EM4 - EAST MACON 4

011000:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 2000
 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 3000
 3004 3005 3010 3011 3012 3013 3014 3015 3016 3017 4003 4004
 4005 4006 4007 4008 4009

VTD: 021GF1 - GODFREY 1

010800:

1070 1071

011500:

1000 1001 1005

013700:

1059 1060 1061 1065 1066 1067 1070 1071 1072 1073 1074 1075
 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 1087 1088
 1089 1090 1098 1107 1110 1112 1117 1118 1120 1121 1122 1123
 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133 1134 1135
 1136 1137 1138 1139 1140 1141 1142 1143 1144 1145 1146 1147
 1148 1149 1150 1151 1152 1153 1154 1155 1156 1157 1158 1159
 1160 1161 1162 1163 1164 1165 1166 1167 1168 1169 1170 1171
 1172 1173 1174 1175 1176 1177 1178 1179 1180 1181 1182 1183
 1184 1185 1186 1187 1188 1189 1190 1191 1192 1193 1194 1195
 1196 1197 1198 1199 1200 1201 1202 1203 1204 1205 1206 1207
 1208 1209 1210 1211 1212 1213 1214 1215 1216 1217 1218 1219
 1220 1221 1222 1223 1224 1225 1226 1227 1228 1229 1230 1231
 1232 1233 1234 1235 1236 1237 1238 1239 1240 1241 1242 1243
 1244 1245 1246 1247 1248 1249 1250 1251 1252 1253 1254 2021
 2022 2023 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034
 3001 3002 3003 3004 3005 3006 3008 3009 3010 3011 3012 3013
 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023 3024 3025
 3026 3027

013900:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028

1029 1030 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040
 1041 1042 1043 1044 1045 1046 1047 1048 1049 1050 1051 1052
 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064
 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1076 1077
 1078 1079 1080 1081 1082 1083 1084 1085 1098 1203 1204 1205
 1206 1207 1208 1209 1210 1211 1212 1213 1224 1228 1229 1230
 1231 1232 1233 1234 1235 1236 1237 1238

VTD: 021GF2 - GODFREY 2

VTD: 021GF4 - GODFREY 4

012700:

2006 2007 2010 2013 2014 2015 2016 2017 2018 2019 2020 2021
 2022

012800:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020

012900:

1000 2007 2008 2012 2013 2015 2016

VTD: 021HO5 - HOWARD 5

District 003

Bibb County

VTD: 021EM2 - EAST MACON 2

VTD: 021EM3 - EAST MACON 3

VTD: 021EM4 - EAST MACON 4

011000:

3001 3002 3003 3006 3007 3008 3009 4000 4001 5001 5002 5003
 5006 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016 5017
 5018 5023 5024 5025 5026 5027

VTD: 021EM5 - EAST MACON 5

VTD: 021EM6 - EAST MACON 6

VTD: 021RU2 - RUTLAND 2

013502:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035
 1036 1037 1038 1039 1040 1041 1042 1043 1044 1045 1046 1047
 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1059
 1060 1061 1062 1063 1064 1065 1066 1067 1068 1069 1070 1071
 1072 1073 1074 1075 1076 1077 1078 1079 1080 1081 1082 1083
 1084 1085 1086 1087 1088 1089 1090 1091 1092 1093 1094 1095
 1096 1097 1098 1099 1100 2000 2001 2002 2003 2004 2005 2006
 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2017 2018
 2019 2020 2021 2022 2023 2024 2025 2026 2027 2028 2029

013504:

3017 3020 3021 3022 3023 3026 3027 4001 4002 4012 4013

013900:

1189 1192 1194 1195 1196 1197 1199 1200 1201 1214 1215 1216
1217 1218 1219

District 004

Bibb County

VTD: 021HA1 - HAZZARD 1

013201:

2004 2033 2035 2036 2047 2048 2049

VTD: 021HA2 - HAZZARD 2

VTD: 021HA3 - HAZZARD 3

013201:

2000 2001 2002 2003 2005 2006 2008 2009 2011 2020 2021 2022
2028 2030 2031 2032 2034 2055

013410:

2022 2027

013605:

1005 1006 1007 1008 1010 1011

VTD: 021HA7 - HAZZARD 7

013409:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2015 2016
2018 2019 2020 2021 2022

013605:

2015

VTD: 021HO1 - HOWARD 1

VTD: 021HO2 - HOWARD 2

VTD: 021HO4 - HOWARD 4

011800:

3000 3001 3002 3003 3007 3008 3010 3011 3012 3013 4003 4005
4009 4010 4011 4012 4013 4014 4015 4016 4017 4018

012200:

1000

VTD: 021HO9 - HOWARD 9

013410:

1029 3000 3001 3002 3003 3004 3013 3027 3028

013411:

2016 2017 2018 2019 2020 2037 2038 2039 2040 2041 2042 2043
2044 2045 2047

District 005

Bibb County

VTD: 021GF1 - GODFREY 1

010200:

3019

010300:

1006 1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017
1018 1019 1023 1024 1025 1026 1027 1028 1029 1030 1031 1032
1033 1034 1035 1036 1040 1041 1042 1047 1048 1049 1050 1051
1052 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063
1064 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075
1076 1078

VTD: 021GF3 - GODFREY 3

010400:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2022 2023 2024 3000 3001 3002 3003 3004 3005
3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017
3018 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010
4011 4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022
4023 4024 4025 4026 4027 4028 4029 4030 4031 4032 4033 4034
4035 4036 4037 4038 4039 4040 4041 4042 4043

012500:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3015 3016 3017 3018 3019 3024 3025 3028 3029
3030 3031 3032 3033

012600:

2006 2017 2018 2019

VTD: 021VV2 - VINEVILLE 2

VTD: 021VV3 - VINEVILLE 3

VTD: 021VV6 - VINEVILLE 6

VTD: 021VV7 - VINEVILLE 7

010200:

3006 3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017
3018

011800:

1007 1018

VTD: 021VV8 - VINEVILLE 8

District 006

Bibb County

VTD: 021HA1 - HAZZARD 1

013201:

2040 2041 2042 2043 2044 2045 2046 2050 2051

VTD: 021HA3 - HAZZARD 3

013101:

1069 1070

013201:

2007 2010 2023 2024 2025 2026 2027 2029 2052 2053 2054 4043

013603:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023
2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2036 2037
2038 2039 2040 2041 2042 2043 2044 2045

013604:

2000 2001 2019 2020 2028 2029 2030 3000 3001 3002 3005

013606:

1010 1011 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009
4010 4011 4012 4013 4014 4015 4016 4017 4019

VTD: 021HA4 - HAZZARD 4

VTD: 021HA7 - HAZZARD 7

013605:

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

VTD: 021WA1 - WARRIOR 1

VTD: 021WA2 - WARRIOR 2

013101:

1073 1074 1075

013603:

1000 1001 1002 1003 1004 1005 1015 1016 1017 1029 1031 2046

013604:

1010 1011 1012 1013 1014 1015 1016 1017 1020 3003 3004 3006
3007 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018

District 007

Bibb County

VTD: 021GF4 - GODFREY 4

012900:

1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011 1012
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
1025 2005 2006 2014 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026 2027 2028 2029 2030 2031 2032

013900:

1152 1153 1154 1170 1171 1179 1180 1181 1182 1183 1184 1185
1186 1187 1188 1191 1226

VTD: 021GF7 - GODFREY 7

VTD: 021RU1 - RUTLAND 1

VTD: 021RU2 - RUTLAND 2

013504:

3000 3001 3002 3003 3004 3005 3006 3024 3025 4000 4003 4004
4005 4006 4007 4008 4009 4010 4011 4014 4015 4016 4017 4018
4019 4020 4021 4022 4023 4024 4025 4026 4027 4028 4029 4030
4031 4032 4033

VTD: 021WA2 - WARRIOR 2

013603:

1006 1007 1008 1009 1010 1011 1012 1013 1014 1018 1019 1020
1021 1022 1023 1024 1025 1026 1027 1028 1030 1032 1033 1034
1035 1036 1037 1038

District 008

Bibb County

VTD: 021GF1 - GODFREY 1

010300:

1020 1021 1022 1037 1038 1039 1043 1044 1045 1046 1077

010400:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
1024 2034

010500:

1000 1001 1002 1003 1005 1006 1007 1008 1009 1010 1011 1012
1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023 1024
1025 1026 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
1037 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010
2011 2012 2013 2014 2015 2016 2017 2018 2019

011500:

1002 1003 1004 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015 1016 1017 1018 1019 1020 1021 1022 2036 2037 2038 2039
2040 2047 2048 2049 2056 2057

013700:

2009 2012 2017 2018 2019 2035 3000 3007

VTD: 021GF3 - GODFREY 3

010400:

2015 2016 2017 2018 2019 2020 2021 2025 2026 2027 2028 2029
2030 2031 2032 2033

VTD: 021GF5 - GODFREY 5

VTD: 021GF6 - GODFREY 6

VTD: 021HA6 - HAZZARD 6

013101:

3000 3013 3025

013102:

4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011

VTD: 021VV1 - VINEVILLE 1

District 009

Bibb County

VTD: 021HA1 - HAZZARD 1

012500:

2016 3026

013201:

1000 1001 1002 1003 1004 2012 2013 2017 2018 2019 2037 2038
2039 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010
3011 3012 4000 4001 4002 4016 4017 4018 4019 4020 4021 4022
4028 4029 4030 4031 4033 4034 4035 4036 4037 4038 4039 4045
4046

VTD: 021HA3 - HAZZARD 3

013201:

4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014
4015 4023 4024 4025 4032 4041 4042

VTD: 021HA5 - HAZZARD 5

VTD: 021HA6 - HAZZARD 6

013101:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 3001 3002 3003 3018
3022 3026

013202:

1010 1014 1015 1017 1020 3011

VTD: 021HO4 - HOWARD 4

011800:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2016 2017 2018 2019 3004 3005 3006 3009
4008 4019

012000:

3015 3016 3021 3022

VTD: 021VV4 - VINEVILLE 4

VTD: 021VV5 - VINEVILLE 5

VTD: 021VV7 - VINEVILLE 7

011800:

1000 1001 1002 1003 1004 1005 1006 1008 1009 1010 1011 1012
1013 1014 1015 1016 1017 1019 3014 3015 3016 3017 3018 3019
3020 3021

012200:

1001 1002 1003 1004 1005 1006 1007 1013

012300:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012

HB 1196. By Representatives Randall of the 138th, Peake of the 137th, Holmes of the 125th, Beverly of the 139th, Dickey of the 136th and others:

A BILL to be entitled an Act to amend an Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5363), so as to change the description of the electoral districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend an Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5363), so as to change the description of the electoral 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act known as the "Macon Water Authority Act," approved March 23, 1992 (Ga. L. 1992, p. 4991), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5363), is amended by revising paragraphs (2) and (3) of subsection (b) of Section 2 as follows:

"(2) For the purpose of electing members of the authority, Bibb County and parts of Jones County are divided into five electoral districts as follows:

(A) Districts 1 through 4 shall be and correspond to those numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: MWA-2012-s018 Plan Type: Local Administrator: s018 User: Gina'; and

(B) District 5 shall consist of all of Bibb County and all those parts of Jones County included in District 1.

(3)(A) For the purposes of such plan:

(i) The term 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a

district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia; and

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

(B) Any part of Bibb County which is not included in any district described in subparagraph (A) of paragraph (2) of this subsection shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia.

(C) Any part of Bibb County and those parts of Jones County which are described in subparagraph (A) of paragraph (2) of this subsection as being included in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia."

SECTION 2.

(a) Those elected members of the Macon Water Authority who are serving as such on the effective date of this Act and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors.

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

SECTION 3.

The Macon Water Authority shall through its legal counsel cause this Act to be submitted for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended, not later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 4.

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

Plan: MWA-2012-s018

Plan Type: Local

Administrator: S018

User: Gina

District 001

Bibb County

VTD: 021EM1 - EAST MACON 1

VTD: 021EM2 - EAST MACON 2

VTD: 021EM3 - EAST MACON 3

VTD: 021EM5 - EAST MACON 5

VTD: 021EM6 - EAST MACON 6

VTD: 021GF1 - GODFREY 1

VTD: 021GF2 - GODFREY 2

VTD: 021GF4 - GODFREY 4

VTD: 021GF6 - GODFREY 6

012600:

2000 2001 2002 2003 2004 2005 2007 2008 2009 2010 2011 2012
2013 2014 2015 2016 2020 2021 2022 2023 2024 2025 2026 2027
2029 2030 2031 2032 3000 3001 3002 3003 3004 3005 3006 3007
3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019
3020 3021 3022 3023 3024 3025 3026 3028 3029 3030 3031 3032
3033 3035 3036 3037 3042 3043 3044 3045 3046 3047 3049

012700:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 2000 2001 2002 2003 2004
2005 2008 2009 2011 2012

VTD: 021RU2 - RUTLAND 2

Jones County

VTD: 16910 - HAWKINS

030104:

1061 1062 1063 2019 2022

VTD: 1693 - ROBERTS

030104:

1029 1031 1037 1038 1039 1040 1041 1042 1043 1044 1074 1079
1081

District 002

Bibb County

VTD: 021EM4 - EAST MACON 4

VTD: 021GF3 - GODFREY 3

VTD: 021GF5 - GODFREY 5

VTD: 021GF6 - GODFREY 6

012500:

3020 3021 3022 3023

012600:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1016 1017 1018 1019 1020 1021 1022 1023
 1024 1025 1028 2028 3027 3034 3038 3039 3040 3041 3048 3050
 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4011
 4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023
 4024 4025

013202:

2010 2011

VTD: 021HA5 - HAZZARD 5

VTD: 021VV1 - VINEVILLE 1

VTD: 021VV2 - VINEVILLE 2

VTD: 021VV3 - VINEVILLE 3

VTD: 021VV4 - VINEVILLE 4

VTD: 021VV5 - VINEVILLE 5

VTD: 021VV7 - VINEVILLE 7

VTD: 021VV8 - VINEVILLE 8

Jones County

VTD: 1699 - FINNEY

030101:

1052

District 003

Bibb County

VTD: 021HA2 - HAZZARD 2

VTD: 021HA3 - HAZZARD 3

013201:

2000 2001 2002 2003 2005 2006 2008 2009 2011 2020 2021 2022
 2028 2030 2031 2032 2034 2055

013410:

2022 2027

013605:

1005 1006 1007 1008 1010 1011

VTD: 021HO1 - HOWARD 1

VTD: 021HO2 - HOWARD 2

VTD: 021HO3 - HOWARD 3

VTD: 021HO4 - HOWARD 4

VTD: 021HO5 - HOWARD 5

VTD: 021HO6 - HOWARD 6

VTD: 021HO7 - HOWARD 7

VTD: 021HO8 - HOWARD 8

VTD: 021HO9 - HOWARD 9

VTD: 021VV6 - VINEVILLE 6

District 004

Bibb County

VTD: 021GF7 - GODFREY 7

VTD: 021HA1 - HAZZARD 1

VTD: 021HA3 - HAZZARD 3

013101:

1069 1070

013201:

2007 2010 2023 2024 2025 2026 2027 2029 2052 2053 2054 4003

4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015

4023 4024 4025 4032 4041 4042 4043

013603:

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011

2012 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023

2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2036 2037

2038 2039 2040 2041 2042 2043 2044 2045

013604:

2000 2001 2019 2020 2028 2029 2030 3000 3001 3002 3005

013606:

1010 1011 4000 4001 4002 4003 4004 4005 4006 4007 4008 4009

4010 4011 4012 4013 4014 4015 4016 4017 4019

VTD: 021HA4 - HAZZARD 4

VTD: 021HA6 - HAZZARD 6

VTD: 021HA7 - HAZZARD 7

VTD: 021RU1 - RUTLAND 1

VTD: 021WA1 - WARRIOR 1

VTD: 021WA2 - WARRIOR 2

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

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

E Abdul-Salaam	Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	N Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Drenner	Y 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
Benfield	Y Dunahoo	Hudson	E Neal, Y	Y Spencer

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

On the passage of the Bills, and on the agreement to the Senate substitutes, the ayes were 150, nays 5.

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

Due to a mechanical malfunction, the vote of Representative Carson of the 43rd was not recorded on the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

Mr. Speaker:

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

HB 237. By Representatives Golick of the 34th, Morris of the 155th, Hatfield of the 177th, Ramsey of the 72nd and Setzler of the 35th:

A BILL to be entitled an Act to amend Article 5 of Chapter 8 of Title 16 of the Official Code of Georgia Annotated, relating to residential mortgage fraud, so

as revise the definition of "mortgage lending process"; to provide for investigative and subpoena powers of district attorneys and the Attorney General relative to residential mortgage fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 839. By Representatives Maxwell of the 17th and Braddock of the 19th:

A BILL to be entitled an Act to amend an Act to provide for the election of the members of the Paulding County Board of Education, approved March 21, 1968 (Ga. L. 1968, p. 2381), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4151), so as to revise the districts for the election of members of the board of education; 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 effective dates and for automatic repeal under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 93. By Representatives Taylor of the 79th, Jacobs of the 80th, Parent of the 81st, Huckaby of the 113th, Lindsey of the 54th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 74 of Title 36 of the Official Code of Georgia Annotated, relating to local government code enforcement boards created on or after January 1, 2003, so as to change a definition for purposes of said article; to change certain references to "code inspectors" to "code enforcement officers" in said article; to amend Code Section 41-2-7 of the Official Code of Georgia Annotated, relating to power of counties and municipalities to repair, close, or demolish unfit buildings or structures, health hazards on private property, and properties affected, so as to provide for findings by code enforcement officers; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that all persons who become members of the General Assembly on or after July 1, 2012, shall become members of the Georgia Legislative Retirement System; to provide that persons who are members of the General Assembly on July 1, 2012, but who are not members of the retirement system may elect

membership; to provide for creditable service and the payment of the full actuarial value; to repeal certain obsolete provisions relative to membership by certain staff members; to provide for notification of return to service; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 208. By Representative Maxwell of the 17th:

A BILL to be entitled an Act to amend Code Section 47-2-1 of the Official Code of Georgia Annotated, relating to definitions relative to the Employees' Retirement System of Georgia, so as to define a certain term; to repeal conflicting laws; and for other purposes.

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

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

HB 711. By Representatives Lindsey of the 54th, Atwood of the 179th, Houston of the 170th, Benfield of the 85th and Jacobs of the 80th:

A BILL to be entitled an Act to amend Chapter 5 of the Title 24 of the Official Code of Georgia Annotated, relating to privileges, so as to change provisions relating to spousal privilege in criminal proceedings; to provide certain exceptions to the general rule of privilege; to provide for confidentiality of communications between a family violence or sexual assault victim and agents providing services to such victims at family violence shelters and rape crisis centers; to provide for definitions; to provide for a waiver of confidentiality; to provide for admissibility of certain information; to provide for exceptions; to provide for procedure; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 785. By Representatives Peake of the 137th, Watson of the 163rd, Sheldon of the 105th, Maxwell of the 17th, Cooper of the 41st and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for limitations on licensure requirements for certain health care providers; to prohibit the conditioning of certain licensing for health care providers on the

participation in health insurance plans and other activities; to provide for related matters; to repeal conflicting laws; and for other purposes.

- HB 845. By Representatives Watson of the 163rd, Cooper of the 41st, Purcell of the 159th, Ramsey of the 72nd and Lindsey of the 54th:

A BILL to be entitled an Act to amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, so as to require early care and education programs to provide information on the influenza vaccine; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

- 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.

- 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.

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.

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.

Pursuant to HR 1798, the House recognized and commended the Honorable Hugh Lee McDaniel.

Pursuant to HR 1604, the House commended Monica Pearson and invited her to be recognized by the House of Representatives.

Pursuant to HR 1745, the House commended Rear Admiral Annie B. Andrews and invited her to be recognized by the House of Representatives.

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

HB 742. By Representatives Ralston of the 7th, Jones of the 46th, O'Neal of the 146th and England of the 108th:

A BILL to make and provide appropriations for the State Fiscal year beginning July 1, 2012, and ending June 30, 2013.

Representative England of the 108th moved that the House insist on its position in disagreeing to the Senate substitute to HB 742 and that a Committee of Conference be

appointed on the part of the House to confer with a like committee on the part of the Senate.

The motion prevailed.

The Speaker appointed as a Committee of Conference on the part of the House the following members:

Representatives England of the 108th, O`Neal of the 146th and Jones of the 46th.

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

Representatives Jones of the 44th, Abdul-Salaam of the 74th, Pruett of the 144th, Martin of the 47th, Buckner of the 130th, Holmes of the 125th, Cheokas of the 134th, Smyre of the 132nd, Howard of the 121st, Bell of the 58th, McBrayer of the 153rd, Dobbs of the 53rd, Smith of the 168th, Brockway of the 101st, Geisinger of the 48th, Parent of the 81st, Taylor of the 173rd, and Waites of the 60th.

Pursuant to HR 1810, the House commended Mr. Lannie Southwell Jarrell III and Ms. Stacye Jarrell and invited them to be recognized by the House of Representatives.

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

Mr. Speaker:

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

SB 380	Do Pass, by Substitute
SB 470	Do Pass, by Substitute
SB 506	Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 41st
Chairman

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

Mr. Speaker:

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

SB 31	Do Pass, by Substitute	SB 136	Do Pass
SB 234	Do Pass, by Substitute	SB 257	Do Pass, by Substitute
SB 292	Do Pass, by Substitute	SB 312	Do Pass, by Substitute

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

The following Resolution of the House was read:

HR 1978. By Representative O`Neal of the 146th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2012 regular session of the General Assembly for the period of Friday, March 23, 2012, through Thursday, March 29, 2012, shall be as follows:

Friday, March 23 through Sunday, March 25	in adjournment
Monday, March 26	in session for legislative day 38
Tuesday, March 27	in session for legislative day 39
Wednesday, March 28	in adjournment
Thursday, March 29	in session for legislative day 40

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y 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	Y Morgan	Y Smith, K
Y Baker	E Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	E Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	E 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	E Fullerton	E Jordan	Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Carson	Y 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	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	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	E Maddox, B	Y Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, the ayes were 164, nays 0.

The Resolution was adopted.

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

HR 1604. By Representatives Bruce of the 64th, Fludd of the 66th, Williams of the 89th, Willard of the 49th, Stephenson of the 92nd and others:

A RESOLUTION commending Monica Pearson and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 1745. By Representatives Williams of the 165th, Wilkinson of the 52nd, Abrams of the 84th, Hugley of the 133rd and Brooks of the 63rd:

A RESOLUTION commending Rear Admiral Annie B. Andrews and inviting her to be recognized by the House of Representatives; and for other purposes.

HR 1810. By Representatives Pruett of the 144th, Stephens of the 164th and Watson of the 163rd:

A RESOLUTION commending Mr. Lannie Southwell Jarrell III and Ms. Stacye Jarrell and inviting them to be recognized by the House of Representatives; and for other purposes.

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

Mr. Speaker:

The Senate adheres to its substitute and has appointed a Committee of Conference on the following bill of the House:

HB 742. By Representatives Ralston of the 7th, Jones of the 46th, O`Neal of the 146th and England of the 108th:

A BILL to make and provide appropriations for the State Fiscal year beginning July 1, 2012, and ending June 30, 2013.

The President has appointed as a Committee of Conference on the part of the Senate the following Senators: Hill of the 4th, Goggans of the 7th, and Golden of the 8th.

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 227. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to amend Subpart 2 of Part 1 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to compulsory attendance for students in elementary and secondary education, so as to provide that declarations of intent and attendance records for home study programs are submitted to the Department of Education rather than local school superintendents; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to adopt the "Interstate Compact on Educational Opportunity for Military Children"; to provide for a short title; to provide for the purpose and policy of said compact; to define the terminology used in said compact; to provide for applicability; to provide for educational records and enrollment; to provide for placement and attendance; to provide for eligibility; to provide for graduation; to provide for state coordination services; to create the Interstate Commission on Educational Opportunity for Military Children; to provide for the members of the interstate commission and their service; to provide for an executive committee and its membership and duties; to provide for the powers, duties, organization, and operations of the commission; to provide for oversight, enforcement, and dispute resolution; to provide for financing of the interstate commission; to provide for member states, an effective date, and amendments; to provide for withdrawal and dissolution; to provide for binding effect and other laws; to repeal certain laws; to provide for other related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by adding a new chapter to read as follows:

"CHAPTER 17

20-17-1.

This chapter shall be known and may be cited as the 'Interstate Compact on Educational Opportunity for Military Children.'

20-17-2.

'The Interstate Compact on Educational Opportunity for Military Children' is enacted into law and entered into by the State of Georgia with any and all states legally joining therein in the form substantially as follows:

'Interstate Compact on Educational Opportunity for Military Children

The Contracting States solemnly agree that:

ARTICLE I

PURPOSE

It is the purpose of this compact to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

- A. Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school district or variations in entrance or age requirements;
- B. Facilitating the student placement process through which children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content, or assessment;
- C. Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
- D. Facilitating the on-time graduation of children of military families;
- E. Providing for the promulgation and enforcement of administrative rules implementing the provisions of this compact;
- F. Providing for the uniform collection and sharing of information between and among member states, schools, and military families under this compact;
- G. Promoting coordination between this compact and other compacts affecting military children; and
- H. Promoting flexibility and cooperation between the educational system, parents, and the student in order to achieve educational success for the student.

ARTICLE II DEFINITIONS

As used in this compact, unless the context clearly requires a different construction:

- A. "Active duty" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211.
- B. "Children of military families" means school-aged children in the household of an active duty member enrolled in kindergarten through grade 12.
- C. "Compact commissioner" means the voting representative of each compacting state appointed pursuant to Article VIII of this compact.
- D. "Deployment" means the period one month prior to the service members' departure from their home station on military orders though six months after return to their home station.
- E. "Educational records" means those official records, files, and data directly related to a student and maintained by the school or local education agency, including, but not limited to, records encompassing all the material kept in the student's cumulative folder, such as general identifying data; records of attendance and of academic work completed; records of achievement and results of evaluative tests; health data; disciplinary status; test protocols; and individualized education programs.
- F. "Extracurricular activities" means a voluntary activity sponsored by the school or local education agency or an organization sanctioned by the local education agency. Extracurricular activities include, but are not limited to, preparation for and

involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities.

G. "Interstate Commission on Educational Opportunity for Military Children" or "Interstate Commission" means the commission that is created under Article IX of this compact.

H. "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade 12 public educational institutions.

I. "Member state" means a state that has enacted this compact.

J. "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense, including any leased facility, which is located within any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States Territory. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

K. "Nonmember state" means a state that has not enacted this compact.

L. "Receiving state" means the state to which a child of a military family is sent, brought, or caused to be sent or brought.

M. "Rule" means a written statement by the Interstate Commission promulgated pursuant to Article XII of this compact that is of general applicability, implements, interprets, or prescribes a policy or provision of the compact, or an organizational, procedural, or practice requirement of the Interstate Commission, and includes the amendment, repeal, or suspension of an existing rule.

N. "Sending state" means the state from which a child of a military family is sent, brought, or caused to be sent or brought.

O. "State" means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Northern Marianas Islands, and any other United States Territory.

P. "Student" means the child of a military family for whom the local education agency receives public funding and who is formally enrolled in kindergarten through grade 12.

Q. "Transition" means the formal and physical process of transferring from school to school or the period of time in which a student moves from one school in the sending state to another school in the receiving state.

R. "Uniformed service" means the Army, Navy, Air Force, Marine Corps, or Coast Guard as well as the Commissioned Corps of the National Oceanic and Atmospheric Administration and Public Health Services.

S. "Veteran" means a person who served in the uniformed services and who was discharged or released therefrom under conditions other than dishonorable.

ARTICLE III APPLICABILITY

A. Except as otherwise provided in Section B of this article, this compact shall apply to the children of:

(1) Active duty members of the uniformed services as defined in this compact, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Sections 1209 and 1211;

(2) Members or veterans of the uniformed services who are severely injured and medically discharged or retired for a period of one year after medical discharge or retirement; and

(3) Members of the uniformed services who die on active duty or as a result of injuries sustained on active duty for a period of one year after death.

B. The provisions of this interstate compact shall only apply to local education agencies as defined in this compact.

C. The provisions of this compact shall not apply to the children of:

(1) Inactive members of the national guard and military reserves;

(2) Members of the uniformed services now retired, except as provided in Section A of this article;

(3) Veterans of the uniformed services, except as provided in Section A of this article; and

(4) Other United States Department of Defense personnel and other federal agency civilian and contract employees not defined as active duty members of the uniformed services.

ARTICLE IV EDUCATIONAL RECORDS & ENROLLMENT

A. Unofficial or "hand-carried" education records — In the event that official education records cannot be released to the parents for the purpose of transfer, the custodian of the records in the sending state shall prepare and furnish to the parent a complete set of unofficial educational records containing uniform information as determined by the Interstate Commission. Upon receipt of the unofficial education records by a school in the receiving state, the school shall enroll and appropriately place the student based on the information provided in the unofficial records pending validation by the official records, as quickly as possible.

B. Official education records and transcripts — Simultaneous with the enrollment and conditional placement of the student, the school in the receiving state shall request the student's official education record from the school in the sending state. Upon receipt of this request, the school in the sending state will process and furnish the official education records to the school in the receiving state within ten days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

C. Immunizations — Compacting states shall give 30 days from the date of enrollment or within such time as is reasonably determined under the rules promulgated by the Interstate Commission for students to obtain any immunization

required by the receiving state. For a series of immunizations, initial vaccinations must be obtained within 30 days or within such time as is reasonably determined under the rules promulgated by the Interstate Commission.

D. Kindergarten and first grade entrance age — Students shall be allowed to continue their enrollment at grade level in the receiving state commensurate with their grade level, including kindergarten, from a local education agency in the sending state at the time of transition, regardless of age. A student who has satisfactorily completed the prerequisite grade level in the local education agency in the sending state shall be eligible for enrollment in the next highest grade level in the receiving state, regardless of age. A student transferring after the start of the school year in the receiving state shall enter the school in the receiving state on their validated level from an accredited school in the sending state.

ARTICLE V PLACEMENT & ATTENDANCE

A. Course placement — When the student transfers before or during the school year, the receiving state school shall initially honor placement of the student in educational courses based on the student's enrollment in the sending state school or educational assessments conducted at the school in the sending state if the courses are offered. Course placement includes, but is not limited to, honors, international baccalaureate, advanced placement, vocational, technical, and career pathways courses. Continuing the student's academic program from the previous school and promoting placement in academically and career challenging courses should be paramount when considering placement. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement and continued enrollment of the student in the course.

B. Educational program placement — The receiving state school shall initially honor placement of the student in educational programs based on current educational assessments conducted at the school in the sending state or participation or placement in like programs in the sending state. Such programs include, but are not limited to, gifted and talented programs and English as a second language. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

C. Special education services.

(1) In compliance with the federal requirements of the Individuals with Disabilities Education Act, 20 U.S.C.A. Section 1400 et seq, the receiving state shall initially provide comparable services to a student with a disability based on his or her current Individualized Education Program.

(2) In compliance with the requirements of Section 504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the receiving state shall make reasonable accommodations and modifications to address the needs of incoming students with

disabilities, subject to an existing 504 or Title II Plan, to provide the student with equal access to education. This does not preclude the school in the receiving state from performing subsequent evaluations to ensure appropriate placement of the student.

D. Placement flexibility — Local education agency administrative officials shall have flexibility in waiving course or program prerequisites or other preconditions for placement in courses or programs offered under the jurisdiction of the local education agency.

E. Absence as related to deployment activities — A student whose parent or legal guardian is an active duty member of the uniformed services, as defined by the compact, and has been called to duty for, is on leave from, or immediately returned from deployment to a combat zone or combat support posting shall be granted additional excused absences at the discretion of the local education agency superintendent to visit with his or her parent or legal guardian relative to such leave or deployment of the parent or guardian.

ARTICLE VI ELIGIBILITY

A. Eligibility for enrollment.

(1) Special power of attorney, relative to the guardianship of a child of a military family and executed under applicable law, shall be sufficient for the purposes of enrollment and all other actions requiring parental participation and consent.

(2) A local education agency shall be prohibited from charging local tuition to a transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(3) A transitioning military child placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

B. Eligibility for extracurricular participation — State and local education agencies shall facilitate the opportunity for transitioning military children's inclusion in extracurricular activities, regardless of application deadlines, to the extent they are otherwise qualified.

ARTICLE VII GRADUATION

In order to facilitate the on-time graduation of children of military families, states and local education agencies shall incorporate the following procedures:

A. Waiver requirements — Local education agency administrative officials shall waive specific courses required for graduation if similar course work has been

satisfactorily completed in another local education agency or shall provide reasonable justification for denial. Should a waiver not be granted to a student who would qualify to graduate from the sending school, the local education agency shall provide an alternative means of acquiring required coursework so that graduation may occur on time.

B. Exit exams — States shall accept exit or end-of-course exams required for graduation from the sending state, national norm-referenced achievement tests, or alternative testing in lieu of testing requirements for graduation in the receiving state. In the event the above alternatives cannot be accommodated by the receiving state for a student transferring in his or her senior year, then the provisions of Section C of this article shall apply.

C. Transfers during Senior year — Should a military student transferring at the beginning or during his or her senior year be ineligible to graduate from the receiving local education agency after all alternatives have been considered, the sending and receiving local education agencies shall ensure the receipt of a diploma from the sending local education agency if the student meets the graduation requirements of the sending local education agency. In the event that one of the states in question is not a member of this compact, the member state shall use best efforts to facilitate the on-time graduation of the student in accordance with Sections A and B of this article.

ARTICLE VIII STATE COORDINATION

A. Each member state shall, through the creation of a state council or use of an existing body or board, provide for the coordination among its agencies of government, local education agencies, and military installations concerning the state's participation in, and compliance with, this compact and Interstate Commission activities. While each member state may determine the membership of its own state council, its membership must include at least the state superintendent of education, a superintendent of a school district with a high concentration of military children, a representative from a military installation, one representative from the executive branch of government, and other offices and stakeholder groups the state council deems appropriate. A member state that does not have a school district deemed to contain a high concentration of military children may appoint a superintendent from another school district to represent local education agencies on the state council.

B. The state council of each member state shall appoint or designate a military family education liaison to assist military families and the state in facilitating the implementation of this compact.

C. The compact commissioner responsible for the administration and management of the state's participation in the compact shall be appointed by the Governor or as otherwise determined by each member state.

D. The compact commissioner and the military family education liaison designated herein shall be ex-officio members of the state council, unless either is already a full voting member of the state council.

ARTICLE IX
INTERSTATE COMMISSION ON EDUCATIONAL
OPPORTUNITY FOR MILITARY CHILDREN

The member states hereby create the "Interstate Commission on Educational Opportunity for Military Children." The activities of the Interstate Commission are the formation of public policy and are a discretionary state function. The Interstate Commission shall:

(1) Be a body corporate and joint agency of the member states and shall have all the responsibilities, powers, and duties set forth herein and such additional powers as may be conferred upon it by a subsequent concurrent action of the respective legislatures of the member states in accordance with the terms of this compact;

(2) Consist of one Interstate Commission voting representative from each member state who shall be that state's compact commissioner and:

A. Each member state represented at a meeting of the Interstate Commission is entitled to one vote;

B. A majority of the total member states shall constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the Interstate Commission;

C. A representative shall not delegate a vote to another member state. In the event the compact commissioner is unable to attend a meeting of the Interstate Commission, the Governor or state council may delegate voting authority to another person from their state for a specified meeting; and

D. The bylaws may provide for meetings of the Interstate Commission to be conducted by telecommunication or electronic communication;

(3) Consist of ex-officio, nonvoting representatives who are members of interested organizations. Such ex-officio members, as defined in the bylaws, may include, but not be limited to, members of the representative organizations of military family advocates, local education agency officials, parent and teacher groups, the United States Department of Defense, the Education Commission of the States, the Interstate Agreement on the Qualification of Educational Personnel, and other interstate compacts affecting the education of children of military members;

(4) Meet at least once each calendar year. The chairperson may call additional meetings and, upon the request of a simple majority of the member states, shall call additional meetings;

(5) Establish an executive committee, whose members shall include the officers of the Interstate Commission and such other members of the Interstate Commission as determined by the bylaws. Members of the executive committee shall serve a one-year term. Members of the executive committee shall be entitled to one vote each.

The executive committee shall have the power to act on behalf of the Interstate Commission, with the exception of rulemaking, during periods when the Interstate Commission is not in session. The executive committee shall oversee the day-to-day activities of the administration of the compact, including enforcement and compliance with the provisions of the compact and its bylaws and rules, and other such duties as deemed necessary. The United States Department of Defense, shall serve as an ex-officio, nonvoting member of the executive committee;

(6) Establish bylaws and rules that provide for conditions and procedures under which the Interstate Commission shall make its information and official records available to the public for inspection or copying. The Interstate Commission may exempt from disclosure information or official records to the extent they would adversely affect personal privacy rights or proprietary interests;

(7) Give public notice of all meetings, and all meetings shall be open to the public, except as set forth in the rules or as otherwise provided in the compact. The Interstate Commission and its committees may close a meeting, or portion thereof, where it determines by two-thirds vote that an open meeting would be likely to:

A. Relate solely to the Interstate Commission's internal personnel practices and procedures;

B. Disclose matters specifically exempted from disclosure by federal and state statute;

C. Disclose trade secrets or commercial or financial information which is privileged or confidential;

D. Involve accusing a person of a crime, or formally censuring a person;

E. Disclose information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

F. Disclose investigative records compiled for law enforcement purposes; or

G. Specifically relate to the Interstate Commission's participation in a civil action or other legal proceeding;

(8) For a meeting, or portion of a meeting, closed pursuant to this provision, the Interstate Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exemptible provision. The Interstate Commission shall keep minutes which shall fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed and the record of a roll-call vote. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Interstate Commission;

(9) Collect standardized data concerning the educational transition of the children of military families under this compact as directed through its rules which shall specify the data to be collected, the means of collection, and data exchange and reporting requirements. Such methods of data collection, exchange, and reporting shall, in so far as is reasonably possible, conform to current technology and coordinate its

information functions with the appropriate custodian of records as identified in the bylaws and rules; and

(10) Create a process that permits military officials, education officials, and parents to inform the Interstate Commission if and when there are alleged violations of the compact or its rules or when issues subject to the jurisdiction of the compact or its rules are not addressed by the state or local education agency. This section shall not be construed to create a private right of action against the Interstate Commission or any member state.

ARTICLE X

POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

- (1) To provide for dispute resolution among member states;
- (2) To promulgate rules and take all necessary actions to effect the goals, purposes, and obligations as enumerated in this compact. The rules shall be binding in the compact states to the extent and in the manner provided in this compact;
- (3) To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules, and actions;
- (4) To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including, but not limited to, the use of judicial process;
- (5) To establish and maintain offices which shall be located within one or more of the member states;
- (6) To purchase and maintain insurance and bonds;
- (7) To borrow, accept, hire, or contract for services of personnel;
- (8) To establish and appoint committees, including, but not limited to, an executive committee as required by Article IX, Section (5) of this compact which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder;
- (9) To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties, and determine their qualifications; and to establish the Interstate Commission's personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel;
- (10) To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of it;
- (11) To lease, purchase, accept contributions or donations of, or otherwise to own, hold, improve, or use any property, real, personal, or mixed;
- (12) To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;
- (13) To establish a budget and make expenditures;
- (14) To adopt a seal and bylaws governing the management and operation of the Interstate Commission;

(15) To report annually to the legislatures, governors, judiciary, and state councils of the member states concerning the activities of the Interstate Commission during the preceding year. Such reports shall also include any recommendations that may have been adopted by the Interstate Commission;

(16) To coordinate education, training, and public awareness regarding the compact, its implementation, and operation for officials and parents involved in such activity;

(17) To establish uniform standards for the reporting, collecting, and exchanging of data;

(18) To maintain corporate books and records in accordance with the bylaws;

(19) To perform such functions as may be necessary or appropriate to achieve the purposes of this compact; and

(20) To provide for the uniform collection and sharing of information between and among member states, schools, and military families under this compact.

ARTICLE XI

ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall, by a majority of the members present and voting, within 12 months after the first Interstate Commission meeting, adopt bylaws to govern its conduct as may be necessary or appropriate to carry out the purposes of the compact, including, but not limited to:

(1) Establishing the fiscal year of the Interstate Commission;

(2) Establishing an executive committee, and such other committees as may be necessary;

(3) Providing for the establishment of committees and for governing any general or specific delegation of authority or function of the Interstate Commission;

(4) Providing reasonable procedures for calling and conducting meetings of the Interstate Commission, and ensuring reasonable notice of each such meeting;

(5) Establishing the titles and responsibilities of the officers and staff of the Interstate Commission;

(6) Providing a mechanism for concluding the operations of the Interstate Commission and the return of surplus funds that may exist upon the termination of the compact after the payment and reserving of all of its debts and obligations; and

(7) Providing "start up" rules for initial administration of the compact.

B. The Interstate Commission shall, by a majority of the members, elect annually from among its members a chairperson, a vice chairperson, and a treasurer, each of whom shall have such authority and duties as may be specified in the bylaws. The chairperson or, in the chairperson's absence or disability, the vice chairperson shall preside at all meetings of the Interstate Commission. The officers so elected shall serve without compensation or remuneration from the Interstate Commission; provided, however, that subject to the availability of budgeted funds, the officers shall be reimbursed for ordinary and necessary costs and expenses incurred by them in the performance of their responsibilities as officers of the Interstate Commission.

C. Executive Committee, Officers, and Personnel.

(1) The executive committee shall have such authority and duties as may be set forth in the bylaws, including, but not limited to:

(i) Managing the affairs of the Interstate Commission in a manner consistent with the bylaws and purposes of the Interstate Commission;

(ii) Overseeing an organizational structure within, and appropriate procedures for, the Interstate Commission to provide for the creation of rules, operating procedures, and administrative and technical support functions; and

(iii) Planning, implementing, and coordinating communications and activities with other state, federal, and local government organizations in order to advance the goals of the Interstate Commission.

(2) The executive committee may, subject to the approval of the Interstate Commission, appoint or retain an executive director for such period, upon such terms and conditions and for such compensation, as the Interstate Commission may deem appropriate. The executive director shall serve as secretary to the Interstate Commission, but shall not be a member of the Interstate Commission. The executive director shall hire and supervise such other persons as may be authorized by the Interstate Commission.

D. The Interstate Commission's executive director and its employees shall be immune from suit and liability, either personally or in their official capacity, for a claim for damage to or loss of property or personal injury or other civil liability caused or arising out of or relating to an actual or alleged act, error, or omission that occurred, or that such person had a reasonable basis for believing occurred, within the scope of Interstate Commission employment, duties, or responsibilities; provided, however, that such person shall not be protected from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(1) The liability of the Interstate Commission's executive director and employees or Interstate Commission representatives, acting within the scope of such person's employment or duties for acts, errors, or omissions occurring within such person's state, may not exceed the limits of liability set forth under the Constitution and laws of that state for state officials, employees, and agents. The Interstate Commission is considered to be an instrumentality of the states for the purposes of any such action. Nothing in this subsection shall be construed to protect such person from suit or liability for damage, loss, injury, or liability caused by the intentional or willful and wanton misconduct of such person.

(2) The Interstate Commission shall defend the executive director and its employees and, subject to the approval of the Attorney General or other appropriate legal counsel of the member state represented by an Interstate Commission representative, shall defend such Interstate Commission representative in any civil action seeking to impose liability arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that the defendant had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or

responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such person.
(3) To the extent not covered by the state involved, member state, or the Interstate Commission, the representatives or employees of the Interstate Commission shall be held harmless in the amount of a settlement or judgment, including attorney's fees and costs, obtained against such persons arising out of an actual or alleged act, error, or omission that occurred within the scope of Interstate Commission employment, duties, or responsibilities, or that such persons had a reasonable basis for believing occurred within the scope of Interstate Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from intentional or willful and wanton misconduct on the part of such persons.

ARTICLE XII

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

A. Rulemaking Authority — The Interstate Commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purposes of this compact; provided however, that in the event the Interstate Commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of this compact, or the powers granted hereunder, then such an action by the Interstate Commission shall be invalid and have no force or effect.

B. Rulemaking Procedure — Rules shall be made pursuant to a rulemaking process that substantially conforms to the "Model State Administrative Procedure Act," of 1981 Act, Uniform Laws Annotated, Vol. 15, p. 1 (2000) as amended, as may be appropriate to the operations of the Interstate Commission.

C. Not later than 30 days after a rule is promulgated, any person may file a petition for judicial review of the rule, provided that the filing of such a petition shall not stay or otherwise prevent the rule from becoming effective unless the court finds that the petitioner has a substantial likelihood of success. The court shall give deference to the actions of the Interstate Commission consistent with applicable law and shall not find the rule to be unlawful if the rule represents a reasonable exercise of the Interstate Commission's authority.

D. If a majority of the legislatures of the compacting states rejects a rule by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any compacting state.

ARTICLE XIII

OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION

A. Oversight.

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and shall take all actions necessary and

appropriate to effectuate the compact's purposes and intent. The provisions of this compact shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Interstate Commission.

(3) The Interstate Commission shall be entitled to receive all service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the Interstate Commission shall render a judgment or order void as to the Interstate Commission, this compact, or promulgated rules.

B. Default, Technical Assistance, Suspension, and Termination — If the Interstate Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact, or the bylaws or promulgated rules, the Interstate Commission shall:

(1) Provide written notice to the defaulting state and other member states of the nature of the default, the means of curing the default, and any action taken by the Interstate Commission. The Interstate Commission shall specify the conditions by which the defaulting state must cure its default;

(2) Provide remedial training and specific technical assistance regarding the default;

(3) If the defaulting state fails to cure the default, the defaulting state shall be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact shall be terminated from the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of the default;

(4) Suspension or termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Interstate Commission to the Governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states;

(5) The state which has been suspended or terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of suspension or termination, including obligations, the performance of which extends beyond the effective date of suspension or termination;

(6) The Interstate Commission shall not bear any costs relating to any state that has been found to be in default or which has been suspended or terminated from the compact unless otherwise mutually agreed upon in writing between the Interstate Commission and the defaulting state; and

(7) The defaulting state may appeal the action of the Interstate Commission by petitioning the United States District Court for the District of Columbia or the federal district where the Interstate Commission has its principal offices. The

prevailing party shall be awarded all costs of such litigation including reasonable attorney's fees.

C. Dispute Resolution.

(1) The Interstate Commission shall attempt, upon the request of a member state, to resolve disputes which are subject to the compact and which may arise among member states and between member and nonmember states.

(2) The Interstate Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

(1) The Interstate Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) The Interstate Commission may, by majority vote of the members, initiate legal action in the United State District Court for the District of Columbia or, at the discretion of the Interstate Commission, in the federal district where the Interstate Commission has its principal offices, to enforce compliance with the provisions of the compact, its promulgated rules, and bylaws against a member state in default. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney's fees.

(3) The remedies herein shall not be the exclusive remedies of the Interstate Commission. The Interstate Commission may avail itself of any other remedies available under state law or the regulation of a profession.

ARTICLE XIV

FINANCING OF THE INTERSTATE COMMISSION

A. The Interstate Commission shall pay or provide for the payment of the reasonable expenses of its establishment, organization, and ongoing activities.

B. The Interstate Commission may levy on and collect an annual assessment from each member state to cover the cost of the operations and activities of the Interstate Commission and its staff which must be in a total amount sufficient to cover the Interstate Commission's annual budget as approved each year. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Interstate Commission, which shall promulgate a rule binding upon all member states.

C. The Interstate Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Interstate Commission pledge the credit of any of the member states.

D. The Interstate Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Interstate Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Interstate Commission shall be audited yearly by a certified or licensed public accountant, and

the report of the audit shall be included in and become part of the annual report of the Interstate Commission.

ARTICLE XV
MEMBER STATES, EFFECTIVE DATE, AND AMENDMENT

A. Any state is eligible to become a member state.

B. This compact shall become effective and binding upon legislative enactment of this compact into law by no less than ten of the states. The effective date shall be no earlier than December 1, 2011. Thereafter, it shall become effective and binding as to any other member state upon enactment of the compact into law by that state. The Governors of nonmember states or their designees shall be invited to participate in the activities of the Interstate Commission on a nonvoting basis prior to adoption of the compact by all states.

C. The Interstate Commission may propose amendments to the compact for enactment by the member states. No amendment shall become effective and binding upon the Interstate Commission and the member states unless and until it is enacted into law by unanimous consent of the member states.

ARTICLE XVI
WITHDRAWAL AND DISSOLUTION

A. Withdrawal.

(1) Once effective, the compact shall continue in force and remain binding upon each and every member state, provided that a member state may withdraw from the compact by specifically repealing the statute which enacted the compact into law.

(2) Withdrawal from this compact shall be by the enactment of a statute repealing the same.

(3) The withdrawing state shall immediately notify the chairperson of the Interstate Commission in writing upon the introduction of legislation repealing this compact in the withdrawing state. The Interstate Commission shall notify the other member states of the withdrawing state's intent to withdraw within 60 days of its receipt thereof.

(4) The withdrawing state is responsible for all assessments, obligations, and liabilities incurred through the effective date of withdrawal, including obligations, the performance of which extend beyond the effective date of withdrawal.

(5) Reinstatement following withdrawal of a member state shall occur upon the withdrawing state reenacting the compact or upon such later date as determined by the Interstate Commission.

B. Dissolution of Compact.

(1) This compact shall dissolve effective upon the date of the withdrawal or default of the member state which reduces the membership in the compact to one member state.

(2) Upon the dissolution of this compact, the compact becomes null and void and shall be of no further force or effect, and the business and affairs of the Interstate Commission shall be concluded and surplus funds shall be distributed in accordance with the bylaws.

ARTICLE XVII
SEVERABILITY AND CONSTRUCTION

A. The provisions of this compact shall be severable, and if any phrase, clause, sentence, or provision is deemed unenforceable, the remaining provisions of the compact shall be enforceable.

B. The provisions of this compact shall be liberally construed to effectuate its purposes.

C. Nothing in this compact shall be construed to prohibit the applicability of other interstate compacts to which the states are members.

ARTICLE XVIII
BINDING EFFECT OF COMPACT AND OTHER LAWS

A. Other Laws.

(1) Nothing herein shall prevent the enforcement of any other law of a member state that is not inconsistent with this compact.

(2) All member states' laws conflicting with this compact are superseded to the extent of the conflict.

B. Binding Effect of the Compact.

(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.

(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.

(3) In the event any provision of this compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state."

SECTION 2.

On the date this Act becomes effective as provided in Article XV of this compact, Article 35 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to education of military dependents, shall be repealed in its entirety.

SECTION 3.

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

An amendment by Representative Jerguson of the 22nd was ruled out of order because it failed to meet the time requirements pursuant to Rule 33.2(b).

The Committee substitute was adopted.

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

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

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

On the passage of the Bill, by substitute, the ayes were 137, nays 23.

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

Representatives Frazier of the 123rd, Peake of the 137th, and Roberts of the 154th stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representatives Dobbs of the 53rd and Teasley of the 38th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

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

AFTERNOON SESSION

The Speaker called the House to order.

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

Mr. Speaker:

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

SB 98 Do Pass, by Substitute

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

The following Resolution of the House was read and referred to the Committee on Rules:

HR 1979. By Representatives Smith of the 129th, Ralston of the 7th, Wilkinson of the 52nd, Holmes of the 125th and Harbin of the 118th:

A RESOLUTION commending Mr. Howard H. "Bo" Callaway and inviting him to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 1980. By Representative Clark of the 98th:

A RESOLUTION recognizing and commending Chip Ness; and for other purposes.

HR 1981. By Representatives Williams of the 165th, Abrams of the 84th, Stephens of the 161st, Talton of the 145th and Hugley of the 133rd:

A RESOLUTION honoring the life and memory of Dr. Lorenzo P. McNeal; and for other purposes.

HR 1982. By Representatives Jordan of the 77th, Scott of the 76th, Baker of the 78th, Brooks of the 63rd and Waites of the 60th:

A RESOLUTION recognizing and commending Ms. Iris B. Jessie; and for other purposes.

HR 1983. By Representatives Morris of the 155th, Meadows of the 5th, Ehrhart of the 36th, Wilkinson of the 52nd, Hill of the 21st and others:

A RESOLUTION recognizing the Siege of Beirut on the occasion of its 30th anniversary and honoring the life and memory of its lost veterans; and for other purposes.

HR 1984. By Representatives Williams of the 113th, Holt of the 112th, Parrish of the 156th, McCall of the 30th, Holmes of the 125th and others:

A RESOLUTION recognizing and commending Mr. Fred W. Greer, Jr., on the occasion of his retirement; and for other purposes.

HR 1985. By Representatives Dudgeon of the 24th, Brockway of the 101st, Benton of the 31st, Riley of the 50th and Taylor of the 79th:

A RESOLUTION recognizing and commending the 2011-2012 Georgia Tech women's basketball team; and for other purposes.

HR 1986. By Representatives Harrell of the 106th and Kirby of the 107th:

A RESOLUTION recognizing and commending Mrs. Runell "Nell" Brooks Foster on the occasion of her 106th birthday; and for other purposes.

HR 1987. By Representatives Atwood of the 179th, Wilkinson of the 52nd and Lane of the 167th:

A RESOLUTION recognizing and commending Golden Isles Aviation for being named the ConocoPhillips Aviation Fixed Base Operator of the Month; and for other purposes.

HR 1988. By Representative Holmes of the 125th:

A RESOLUTION recognizing and commending Central Georgia Electric Membership Corporation on the occasion of its 75th anniversary; and for other purposes.

HR 1989. By Representative Holmes of the 125th:

A RESOLUTION recognizing and commending Piedmont Academy's football team on their 2011 GISA State AA Championship; and for other purposes.

HR 1990. By Representative Holmes of the 125th:

A RESOLUTION commending Troy Chitty II, Jones County High School's 2012 STAR Student; and for other purposes.

HR 1991. By Representative Holmes of the 125th:

A RESOLUTION commending Cheryl Scamihorn, Jones County High School's 2012 STAR Teacher; and for other purposes.

HR 1992. By Representative Holmes of the 125th:

A RESOLUTION recognizing and commending the students of Piedmont Academy's One-Act Play on their 2011 Georgia Independent School Association AA State One-Act Play Championship; and for other purposes

HR 1993. By Representatives Jackson of the 142nd, Williams of the 89th and Frazier of the 123rd:

A RESOLUTION recognizing and commending Mrs. Annie Burns Johnson on the occasion of her 100th birthday; and for other purposes.

HR 1994. By Representative Jasperse of the 12th:

A RESOLUTION recognizing and commending Mr. William Dilbeck and Mrs. Gail Dilbeck; and for other purposes.

HR 1995. By Representatives Powell of the 29th, Ralston of the 7th, Meadows of the 5th, O'Neal of the 146th, Lindsey of the 54th and others:

A RESOLUTION recognizing and commending Mr. John Henry Chamlee; and for other purposes.

HR 1996. By Representative Scott of the 2nd:

A RESOLUTION honoring the life and memory of Mr. Alvin Leon Scott; and for other purposes.

HR 1997. By Representative Scott of the 2nd:

A RESOLUTION recognizing and commending Mr. Joseph "Joe" Burton Johnson and Mrs. Ruby Elizabeth Johnson on the occasion of their 71st wedding anniversary; and for other purposes.

HR 1998. By Representatives Mayo of the 91st, Williams of the 89th and Dickerson of the 95th:

A RESOLUTION recognizing and commending Mother Clara Georgia Sims on the occasion of her 100th birthday; and for other purposes.

HR 1999. By Representatives Shaw of the 176th, Hanner of the 148th, Parrish of the 156th, Houston of the 170th, Smyre of the 132nd and others:

A RESOLUTION honoring the life and memory of Honorable Harry D. Dixon, Sr.; and for other purposes.

HR 2000. By Representative Parsons of the 42nd:

A RESOLUTION recognizing and commending Sprayberry High School for being named one of the 2011 Georgia Schools of Excellence; and for other purposes.

HR 2001. By Representative Waites of the 60th:

A RESOLUTION recognizing and commending Forrest Hill Academy; and for other purposes.

HR 2002. By Representative Baker of the 78th:

A RESOLUTION recognizing and commending Clayton County Family Care, Inc., on the occasion of its 60th anniversary; and for other purposes.

HR 2003. By Representatives Stephens of the 161st, Gordon of the 162nd, Bryant of the 160th, Spencer of the 180th and Williams of the 165th:

A RESOLUTION honoring the life and memory of Mr. Aspinwall Hodge "Pat" Redd; and for other purposes.

HR 2004. By Representatives Purcell of the 159th, Ralston of the 7th, Parsons of the 42nd, Davis of the 109th, Neal of the 1st and others:

A RESOLUTION recognizing and commending Representative Amos Amerson; and for other purposes.

HR 2005. By Representative Rogers of the 10th:

A RESOLUTION recognizing and commending the Gainesville High School Academic Bowl team on their 2012 Academic Bowl State Championship; and for other purposes.

HR 2006. By Representatives Rogers of the 26th, Collins of the 27th, Dunahoo of the 25th and Benton of the 31st:

A RESOLUTION recognizing and commending the Gainesville High School Academic Bowl team on their 2012 Academic Bowl State Championship; and for other purposes.

HR 2007. By Representatives Williams of the 113th, Heard of the 114th and McKillip of the 115th:

A RESOLUTION recognizing and commending Mr. Steve Middlebrooks; and for other purposes.

HR 2008. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION commending Emilia Truluck, Effingham County School System and South Effingham High School's 2012 STAR Student; and for other purposes.

HR 2009. By Representatives Purcell of the 159th and Burns of the 157th:

A RESOLUTION commending Ms. Daphne Sherman, Effingham County School System and South Effingham High School's 2012 STAR Teacher; and for other purposes.

HR 2010. By Representatives Scott of the 76th, Brooks of the 63rd, Waites of the 60th, Dawkins-Haigler of the 93rd, Stephenson of the 92nd and others:

A RESOLUTION honoring the life and memory of Mrs. Ardena Miles Beasley; and for other purposes.

HR 2011. By Representatives Hamilton of the 23rd, Dudgeon of the 24th and Amerson of the 9th:

A RESOLUTION honoring the life and memory of Mr. Everett Bennett; and for other purposes.

HR 2012. By Representatives Hamilton of the 23rd, Dudgeon of the 24th and Amerson of the 9th:

A RESOLUTION honoring the life and memory of Mr. James Goodman Baker; and for other purposes.

HR 2013. By Representative Kirby of the 107th:

A RESOLUTION recognizing and commending the Grayson High School football team on their 2011 Georgia High School Association Class AAAAA State Football Championship; and for other purposes.

HR 2014. By Representatives Davis of the 109th and Welch of the 110th:

A RESOLUTION recognizing and commending Mr. Shane Thompson on the occasion of Shane's Rib Shack's tenth anniversary; and for other purposes.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
THURSDAY, MARCH 22, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 37th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

None

Modified Structured Rule

None

Structured Rule

- HB 1176 2011 Special Council on Criminal Justice Reform for Georgians; enact recommended provisions (Substitute)(SJCCJR-Golick-34th)
- SB 473 License Plates; veterans awarded Purple Hearts; include persons still serving in the armed services (MotV-McBrayer-153rd) Harbison-15th

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

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

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

- HB 1176. By Representatives Golick of the 34th, Neal of the 1st, Willard of the 49th, Lindsey of the 54th, Oliver of the 83rd and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 15 and Title 16 of the O.C.G.A., relating to general provisions relative to courts and crimes and offenses, respectively, so as to enact provisions recommended by the 2011 Special Council on Criminal Justice Reform for Georgians and enact other criminal justice reforms; to amend Title 17 of the O.C.G.A., relating to criminal procedure, so as to extend certain statutes of limitations; to amend Code Section 19-7-5 of the O.C.G.A., relating to reporting of child abuse, so as to expand mandatory reporting requirements; to amend Article 2 of Chapter 3 of Title 35 of the O.C.G.A., relating to the Georgia Crime Information Center, so as to change provisions relating to inspection, purging, modifying, or supplementing of criminal records; to amend Title 42 of the O.C.G.A., relating to penal institutions, so as to provide for the use of evidence based practices in supervising inmates, probationers, and parolees; to amend certain Titles of the O.C.G.A., so as to conform provisions and correct cross-references.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 5-7-2 of the Official Code of Georgia Annotated, relating to certification required for immediate review of nonfinal orders, decisions, or judgments

and exceptions, so that the state does not have to seek a certificate of immediate review for orders setting aside or dismissing any indictment, accusation, or petition alleging that a child has committed a delinquent act; to amend Titles 15, 16, 17, 35, and 42 of the Official Code of Georgia Annotated, relating to courts, crimes and offenses, criminal procedure, law enforcement officers and agencies, and penal institutions, respectively, so as to enact provisions recommended by the 2011 Special Council on Criminal Justice Reform for Georgians and enact other criminal justice reforms; to change provisions relating to drug and mental health court divisions; to provide for performance measures and best practices; to provide for certification; to provide for funding; to provide for oversight by the Judicial Council of Georgia; to increase the fees for pretrial intervention and diversion programs; to revise provisions relating to additional criminal penalties for purposes of drug abuse treatment and education programs; to expand the list of offenses with respect to which such additional penalties shall be imposed; to provide that funds from such penalties may be used for drug court division purposes; to substantially revise punishment provisions and the elements of the crimes of burglary, theft, shoplifting, counterfeit Universal Product Codes, forgery, deposit account fraud, controlled substances, and marijuana; to provide for and change definitions; to extend the statute of limitations for the prosecutions of the offenses of cruelty to children in the first degree, rape, aggravated sodomy, child molestation, aggravated child molestation, enticing a child for indecent purposes, and incest; to change provisions relating to recidivist punishment; to amend Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse, so as to expand mandatory reporting requirements and provide for exceptions; to change provisions relating to inspection, purging, modifying, or supplementing of criminal records; to provide for definitions; to provide for time frames within which certain actions must be taken with respect to restricting access to records or modifying, correcting, supplementing, or amending criminal records; to provide for procedure; to provide for individuals who have not been convicted to have their arrest records restricted; to provide for having the arrest records of individuals convicted of certain misdemeanor offenses restricted under certain circumstances; to provide that the Board of Corrections adopt certain rules and regulations; to change provisions relating to the administration of supervision of felony probationers; to provide for the use of graduated sanctions in disciplining probationers who violate the terms of their probation; to change provisions relating to terms and conditions of probation; to provide for a maximum stay in probation detention centers; to clarify provisions relating to probation supervision and provide for early termination of a sentence; to amend Titles 5, 15, 16, 17, 31, 36, and 42 of the Official Code of Georgia Annotated, relating to appeal and error, courts, crimes and offenses, criminal procedure, health, local government, and penal institutions, respectively, so as to conform provisions and correct cross-references; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

PART I
APPEAL BY THE STATE
SECTION 1-1.

Code Section 5-7-2 of the Official Code of Georgia Annotated, relating to certification required for immediate review of nonfinal orders, decisions, or judgments and exceptions, is amended by revising subsection (b) as follows:

"(b) A certificate of immediate review shall not be required from an:

- (1) Order, decision, or judgment suppressing or excluding illegally seized evidence;
or
- (2) Order, decision, or judgment described in paragraph (1) or (7) of subsection (a) of Code Section 5-7-1."

PART II
DRUG AND MENTAL HEALTH COURT DIVISIONS,
DIVERSION PROGRAMS, AND THE COUNTY DRUG
ABUSE TREATMENT AND EDUCATION FUND
SECTION 2-1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising subsection (a) of Code Section 15-1-15, relating to drug court divisions, as follows:

"(a)(1) Any court that has jurisdiction over any criminal case which arises from the use, sale, possession, delivery, distribution, purchase, or manufacture of a controlled substance, noncontrolled substance, dangerous drug, or other drug may establish a drug court division to provide an alternative to the traditional judicial system for disposition of such cases.

(2) In any case which arises from the use, addiction, dependency, sale, possession, delivery, distribution, purchase, or manufacture of a controlled substance, noncontrolled substance, dangerous drug, or other drug or is ancillary to such conduct and the defendant meets the eligibility criteria for the drug court division, the court may assign the case to the drug court division:

- (A) Prior to the entry of the sentence, if the prosecuting attorney consents;
- (B) As part of a sentence in a case; or
- (C) Upon consideration of a petition to revoke probation.

(3) Each drug court division shall establish a planning group to develop a work plan. The planning group shall include the judges, prosecuting attorneys, public defenders, probation officers, and persons having expertise in the field of substance abuse. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the drug court division. The work plan shall include eligibility criteria for the drug court division policies and practices related to

implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that drug court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The drug court division shall combine judicial supervision, treatment of drug court division participants, and drug testing.

(4)(A) On or before January 1, 2013, the The Judicial Council of Georgia shall adopt standards for the drug court divisions. Each drug court division shall adopt standards that are consistent with the standards of the Judicial Council of Georgia. The standards are to serve as a flexible framework for developing effective drug court divisions and to provide a structure for conducting research and evaluation for program accountability. The standards are not intended to be a certification or regulatory checklist establish standards and practices for drug court divisions taking into consideration guidelines and principles based on current research and findings published by the National Drug Court Institute and the Substance Abuse and Mental Health Services Administration, relating to practices shown to reduce recidivism of offenders with drug abuse problems. Standards and practices shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Judicial Council of Georgia shall update its standards and practices to incorporate research, findings, and developments in the drug court field. Each drug court division shall adopt policies and practices that are consistent with the standards and practices published by the Judicial Council of Georgia.

(B) On and after January 1, 2013, the Judicial Council of Georgia shall provide technical assistance to drug court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in drug court divisions.

(C) On or before July 1, 2013, the Judicial Council of Georgia shall create and manage a certification and peer review process to ensure drug court divisions are adhering to the Judicial Council of Georgia's standards and practices and shall create a waiver process for drug court divisions to seek an exception to the Judicial Council of Georgia's standards and practices. In order to receive state appropriated funds, any drug court division established on and after July 1, 2013, shall be certified pursuant to this subparagraph or, for good cause shown to the Judicial Council of Georgia, shall receive a waiver from the Judicial Council of Georgia.

(D) On and after July 1, 2013, the award of any state funds for a drug court division shall be conditioned upon a drug court division attaining certification or a waiver by the Judicial Council of Georgia. On or before September 1, the Judicial Council of Georgia shall publish an annual report listing certified drug court divisions.

(E) Pursuant to Code Section 15-5-24, the Administrative Office of the Courts shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format

from all drug court divisions. The Judicial Council of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism, the number of moderate-risk and high-risk participants in a drug court division, drug testing results, drug testing failures, participant employment, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2015, and every three years thereafter, the Judicial Council of Georgia shall conduct a performance peer review of the drug court divisions for the purpose of improving drug court division policies and practices and the certification and recertification process.

(5) The court instituting the drug court division may request the prosecuting attorney for the jurisdiction to designate one or more prosecuting attorneys to serve in the drug court division and may request the public defender, if any, to designate one or more assistant public defenders to serve in the drug court division.

(6) The clerk of the court instituting the drug court division or such clerk's designee shall serve as the clerk of the drug court division.

(7) The court instituting the drug court division may request probation officers and other employees of the court to perform duties for the drug court division. Such employees shall perform duties as directed by the judges of the drug court division.

(8) The court instituting the drug court division may enter into agreements with other courts and agencies for the assignment of personnel from other courts and agencies to the drug court division.

(9) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such drug court division, federal grant funds, and funds from private donations.

(10) As used in this Code section, the term 'risk and needs assessment' means an actuarial tool, approved by the Judicial Council of Georgia and validated on a targeted population, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior."

SECTION 2-2.

Said title is further amended by revising subsection (b) of Code Section 15-1-16, relating to mental health court divisions, as follows:

"(b)(1) To achieve a reduction in recidivism and symptoms of mental illness among mentally ill offenders in criminal cases and to increase their likelihood of successful rehabilitation through early, continuous, and intense judicially supervised treatment, any court that has jurisdiction over a criminal case in which a defendant has a mental illness or developmental disability, or a co-occurring mental illness and substance abuse disorder, may establish a mental health court division to provide an alternative to the traditional judicial system for disposition of such cases. A mental health court

division will bring together mental health professionals, local social programs, and intensive judicial monitoring.

(2) In any criminal case in which a defendant suffers from a mental illness or developmental disability, or a co-occurring mental illness and substance abuse disorder, and the defendant meets the eligibility criteria for the mental health court division, the court may refer the case to the mental health court division:

(A) Prior to the entry of the sentence, if the prosecuting attorney consents;

(B) As part of a sentence in a case; or

(C) Upon consideration of a petition to revoke probation.

(3) Each mental health court division shall establish a planning group to develop a written work plan. The planning group shall include judges, prosecuting attorneys, sheriffs or their designees, public defenders, probation officers, and persons having expertise in the field of mental health. The work plan shall address the operational, coordination, resource, information management, and evaluation needs of the mental health court division. The work plan shall include written eligibility criteria for the mental health court division policies and practices related to implementing the standards and practices developed pursuant to paragraph (4) of this subsection. The work plan shall ensure a risk and needs assessment is used to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The work plan shall ensure that mental health court division eligibility shall be focused on moderate-risk and high-risk offenders as determined by a risk and needs assessment. The mental health court division shall combine judicial supervision, treatment of mental health court division participants, and drug and mental health testing. Defendants charged with murder, armed robbery, rape, aggravated sodomy, aggravated sexual battery, aggravated child molestation, or child molestation shall not be eligible for entry into the mental health court division, except in the case of a separate court supervised reentry program designed to more closely monitor mentally ill offenders returning to the community after having served a term of incarceration. Any such court supervised community reentry program for mentally ill offenders shall be subject to the work plan as provided for in this paragraph.

(4)(A) On or before January 1, 2013, the The Judicial Council of Georgia shall adopt standards for the mental health court divisions. Each mental health court division shall adopt standards that are consistent with the standards of the Judicial Council of Georgia. The standards shall serve as a flexible framework for developing effective mental health court divisions and provide a structure for conducting research and evaluation for division accountability. The standards are not intended to be a certification or regulatory checklist establish standards and practices for mental health court divisions taking into consideration guidelines and principles based on current research and findings published by expert organizations, including, but not limited to, the United States Substance Abuse and Mental Health Services Administration, the Council of State Governments Consensus Project, and the National GAINS Center, relating to practices shown to reduce recidivism of offenders with mental illness or developmental disabilities. Standards and practices

shall include, but shall not be limited to, the use of a risk and needs assessment to identify the likelihood of recidivating and identify the needs that, when met, reduce recidivism. The Judicial Council of Georgia shall update its standards and practices to incorporate research, findings, and developments in the mental health court field. Each mental health court division shall adopt policies and practices that are consistent with the standards and practices published by the Judicial Council of Georgia.

(B) On and after January 1, 2013, the Judicial Council of Georgia shall provide technical assistance to mental health court divisions to assist them with the implementation of policies and practices, including, but not limited to, guidance on the implementation of risk and needs assessments in mental health court divisions.

(C) On or before July 1, 2013, the Judicial Council of Georgia shall create and manage a certification and peer review process to ensure mental health court divisions are adhering to the Judicial Council of Georgia's standards and practices and shall create a waiver process for mental health court divisions to seek an exception to the Judicial Council of Georgia's standards and practices. In order to receive state appropriated funds, any mental health court division established on and after July 1, 2013, shall be certified pursuant to this subparagraph or, for good cause shown to the Judicial Council of Georgia, shall receive a waiver from the Judicial Council of Georgia.

(D) On and after July 1, 2013, the award of any state funds for a mental health court division shall be conditioned upon a mental health court division attaining certification or a waiver by the Judicial Council of Georgia. On or before September 1, the Judicial Council of Georgia shall publish an annual report listing of certified mental health court divisions.

(E) Pursuant to Code Section 15-5-24, the Administrative Office of the Courts shall develop and manage an electronic information system for performance measurement and accept submission of performance data in a consistent format from all mental health court divisions. The Judicial Council of Georgia shall identify elements necessary for performance measurement, including, but not limited to, recidivism, the number of moderate-risk and high-risk participants in a mental health court division, drug testing results, drug testing failures, the number of participants who successfully complete the program, and the number of participants who fail to complete the program.

(F) On or before July 1, 2015, and every three years thereafter, the Judicial Council of Georgia shall conduct a performance peer review of the mental health court divisions for the purpose of improving mental health court division policy and practices and the certification and recertification process.

(5) The court instituting the mental health court division may request the district attorney for the judicial circuit or solicitor-general for the state court for the jurisdiction to designate one or more prosecuting attorneys to serve in the mental health court division and may request the circuit public defender, if any, to designate one or more assistant public defenders to serve in the mental health court division.

(6) The clerk of the court instituting the mental health court division or such clerk's designee shall serve as the clerk of the mental health court division.

(7) The court instituting the mental health court division may request other employees of the court to perform duties for the mental health court division. Such employees shall perform duties as directed by the judges of the mental health court division.

(8) The court instituting the mental health court division may enter into agreements with other courts and agencies for the assignment of personnel from other courts and agencies to the mental health court division, including probation supervision.

(9) Expenses for salaries, equipment, services, and supplies incurred in implementing this Code section may be paid from state funds, funds of the county or political subdivision implementing such mental health court division, federal grant funds, and funds from private donations.

(10) As used in this Code section, the term 'risk and needs assessment' means an actuarial tool, approved by the Judicial Council of Georgia and validated on a targeted population, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior."

SECTION 2-3.

Said title is further amended by revising subsection (f) of Code Section 15-18-80, relating to policy and procedure for pretrial intervention and diversion programs, as follows:

"(f) The prosecuting attorney shall be authorized to assess and collect from each offender who enters the program a fee not to exceed ~~\$300.00~~ \$1,000.00 for the administration of the program. Such fee may be waived in part or in whole or made payable in monthly increments upon a showing of good cause to the prosecuting attorney. Any fee collected under this subsection shall be made payable to the general fund of the political subdivision in which the case is being prosecuted."

SECTION 2-4.

Said title is further amended by revising Article 6 of Chapter 21, relating to the County Drug Abuse Treatment and Education Fund, as follows:

"ARTICLE 6

15-21-100.

(a) In every case in which any court shall impose a fine, which shall be construed to include costs, for any offense prohibited by Code Section 16-13-30, 16-13-30.1, ~~or 16-13-30.2, 16-13-30.3, 16-13-30.5, 16-13-31, which offenses relate to certain activities regarding marijuana, controlled substances, and noncontrolled substances~~ 16-13-31.1, 16-13-32, 16-13-32.1, 16-13-32.2, 16-13-32.3, 16-13-32.4, 16-13-32.5, or 16-13-32.6, there shall be imposed as an additional penalty a sum equal to 50 percent of the original

fine. The additional 50 percent penalty shall also be imposed in every case in which a fine is imposed for violation of:

- (1) Code Section 3-3-23.1;
- (2) Code Section 40-6-391; or
- (3) Code Section 40-6-393 or 40-6-394 if the offender was also charged with a violation of Code Section 40-6-391.

If no fine is provided for in the applicable Code section, and the judge places the defendant on probation, the fine authorized by Code Section 17-10-8 shall be applicable.

(b) The sums required by subsection (a) of this Code section shall be in addition to the amount required by Code Section 47-17-60 to be paid into the Peace Officers' Annuity and Benefit Fund or Code Section 47-11-51 concerning the Judges of the Probate Courts Retirement Fund of Georgia.

15-21-101.

(a) The sums provided for in Code Section 15-21-100 shall be collected by the clerk or court officer charged with the duty of collecting moneys arising from fines and forfeited bonds and shall be paid over to the governing authority of the county in which the court is located upon receipt of the fine and assessment if paid in full at the time of sentencing or upon receipt of the final payment if the fine is paid in installments. Those sums paid over to the governing authority shall be deposited thereby into a special account to be known as the 'County Drug Abuse Treatment and Education Fund.'

(b) Moneys collected pursuant to this article and placed in the 'County Drug Abuse Treatment and Education Fund' shall be expended by the governing authority of the county for which the fund is established solely and exclusively:

- (1) For drug abuse treatment and education programs relating to controlled substances, alcohol, and marijuana; and
- (2) If a drug court division has been established in the county under Code Section 15-1-15, for purposes of the drug court division.

This article shall not preclude the appropriation or expenditure of other funds by the governing authority of any county or by the General Assembly for the purpose of drug abuse treatment or education programs or drug court divisions."

PART III CRIMES AND OFFENSES SECTION 3-1.

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising Code Section 16-7-1, relating to burglary, as follows:

"16-7-1.

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

- (1) 'Dangerous weapon' means any weapon commonly known as a rocket launcher, bazooka, or recoilless rifle which fires explosive or nonexplosive rockets designed to

injure or kill personnel or destroy heavy armor or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a mortar which fires high explosive from a metallic cylinder and which is commonly used by the armed forces as an antipersonnel weapon or similar weapon used for such purpose. The term shall also mean a weapon commonly known as a hand grenade.

(2) 'Dwelling' means any building, structure, or portion thereof which is designed or intended for occupancy for residential use.

(3) 'Explosive' means any chemical compound or other substance or mechanical system intended for the purpose of producing an explosion capable of causing injury to persons or damage to property or containing oxidizing and combustible units or other ingredients in such proportions or quantities that ignition, fire, friction, concussion, percussion, or detonation may produce an explosion capable of causing injury to persons or damage to property, including, but not limited to, the substances designated in Code Section 16-7-81; provided, however, that the term explosive shall not include common fireworks as defined by Code Section 25-10-1, model rockets and model rocket engines designed, sold, and used for the purpose of propelling recoverable aero models, or toy pistol paper caps in which the explosive content does not average more than 0.25 grains of explosive mixture per paper cap for toy pistols, toy cannons, toy canes, toy guns, or other devices using such paper caps unless such devices are used as a component of a destructive device.

(4) 'Firearm' means any handgun, rifle, shotgun, or similar device or weapon which will or can be converted to expel a projectile by the action of an explosive or electrical charge and includes stun guns and tasers as defined by subsection (a) of Code Section 16-11-106.

(5) 'Railroad car' shall also include trailers on flatcars, containers on flatcars, trailers on railroad property, or containers on railroad property.

(6) 'Weapon' means an object, device, or instrument which when used against a person is likely to or actually does result in serious bodily injury or death or any replica, article, or device having the appearance of such a weapon, including, but not limited to, a firearm, dangerous weapon, or any object defined as a weapon by Code Section 16-11-127.1.

(a)(b) A person commits the offense of burglary in the first degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within the an occupied, unoccupied, or vacant dwelling house of another or any building, vehicle, railroad car, watercraft, aircraft, or other such structure designed for use as the dwelling of another or enters or remains within any other building, railroad car, aircraft, or any room or any part thereof and the conduct:

(1) Occurs while such person is in possession of a weapon or explosive;

(2) Causes physical harm to any person other than the accused or any person party to a crime; or

(3) Is committed by an accused who has been convicted of burglary in any degree on two or more prior occasions.

(c) A person commits the offense of burglary in the second degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within an occupied, unoccupied, or vacant dwelling house of another or any building, vehicle, railroad car, watercraft, aircraft, or other such structure designed for use as the dwelling of another and the conduct does not occur under the circumstances described in paragraphs (1) through (3) of subsection (b) of this Code section.

(d) A person commits the offense of burglary in the third degree when, without authority and with the intent to commit a felony or theft therein, he or she enters or remains within an occupied, unoccupied, or vacant building, structure, vehicle, railroad car, watercraft, or aircraft.

~~(e)(1) A person convicted of who commits the offense of burglary, for the first such offense in the first degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one five nor more than 20 30 years. For the purposes of this Code section, the term 'railroad car' shall also include trailers on flatcars, containers on flatcars, trailers on railroad property, or containers on railroad property.~~

(2) A person who commits the offense of burglary in the second degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 20 years. Upon the second conviction for burglary in the second degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than two nor more that 20 years. Upon the third and all subsequent convictions for burglary in the second degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than five years nor more than 20 years.

(3) A person who commits the offense of burglary in the third degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years. Upon the second and all subsequent convictions for burglary in the third degree, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one year nor more than eight years.

~~(b) Upon a second conviction for a crime of burglary occurring after the first conviction, a person shall be punished by imprisonment for not less than two nor more than 20 years. Upon a third conviction for the crime of burglary occurring after the first conviction, a person shall be punished by imprisonment for not less than five nor more than 20 years.~~

(f) Adjudication of guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld for any offense punishable under this subsection burglary in the first degree."

SECTION 3-2.

Said title is further amended by revising Code Section 16-8-12, relating to penalties for theft in violation of Code Sections 16-8-2 through 16-8-9, as follows:

"16-8-12.

(a) A person convicted of a violation of Code Sections 16-8-2 through 16-8-9 shall be punished as for a misdemeanor except:

(1)(A) If the property which was the subject of the theft exceeded \$500.00 \$24,999.99 in value, by imprisonment for not less than ~~one~~ two nor more than ten 20 years or, in the discretion of the trial judge, as for a misdemeanor;

(B) If the property which was the subject of the theft was at least \$5,000.00 in value but was less than \$25,000.00 in value, by imprisonment for not less than one nor more than ten years and, in the discretion of the trial judge, as for a misdemeanor;

(C) If the property which was the subject of the theft was at least \$1,500.01 in value but was less than \$5,000.00 in value, by imprisonment for not less than one nor more than five years and, in the discretion of the trial judge, as for a misdemeanor;
and

(D) If the defendant has two prior misdemeanor convictions for a violation of Code Sections 16-8-2 through 16-8-9, upon a third conviction or subsequent conviction, such defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years and, in the discretion of the trial judge, as for a misdemeanor;

(2) If the property was any amount of anhydrous ammonia, as defined in Code Section 16-11-111, by imprisonment for not less than one nor more than ten years, a fine not to exceed the amount provided by Code Section 17-10-8, or both;

(3) If the property was taken by a fiduciary in breach of a fiduciary obligation or by an officer or employee of a government or a financial institution in breach of his or her duties as such officer or employee, by imprisonment for not less than one nor more than 15 years, a fine not to exceed the amount provided by Code Section 17-10-8, or both;

(4) If the crime committed was a violation of Code Section 16-8-2 and if the property which was the subject of the theft was a memorial to the dead or any ornamentation, flower, tree, or shrub placed on, adjacent to, or within any enclosure of a memorial to the dead, by imprisonment for not less than one nor more than three years. Nothing in this paragraph shall be construed as to cause action taken by a cemetery, cemetery owner, lessee, trustee, church, religious or fraternal organization, corporation, civic organization, or club legitimately attempting to clean, maintain, care for, upgrade, or beautify a grave, gravesite, tomb, monument, gravestone, or other structure or thing placed or designed for a memorial of the dead to be a criminal act;

(5)(A) The provisions of paragraph (1) of this subsection notwithstanding, ~~if the property which was the subject of the theft was a motor vehicle or was a motor vehicle part or component which exceeded \$100.00 in value or~~ if the theft or unlawful activity was committed in violation of subsection (b) of Code Section 10-1-393.5 or in violation of subsection (b) of Code Section 10-1-393.6 or while engaged in telemarketing conduct in violation of Chapter 5B of Title 10, by imprisonment for not less than one nor more than ten years or, in the discretion of the trial judge, as for a misdemeanor; provided, however, that any person who is

convicted of a second or subsequent offense under this paragraph shall be punished by imprisonment for not less than one year nor more than 20 years.

(B) Subsequent offenses committed under this paragraph, including those which may have been committed after prior felony convictions unrelated to this paragraph, shall be punished as provided in Code Section 17-10-7;

(6)(A) As used in this paragraph, the term:

(i) 'Destructive device' means a destructive device as such term is defined by Code Section 16-7-80.

(ii) 'Explosive' means an explosive as such term is defined by Code Section 16-7-80.

(iii) 'Firearm' means any rifle, shotgun, pistol, or similar device which propels a projectile or projectiles through the energy of an explosive.

(B) If the property which was the subject of the theft offense was a destructive device, explosive, or firearm, by imprisonment for not less than one nor more than ten years;

(7) If the property which was the subject of the theft is a grave marker, monument, or memorial to one or more deceased persons who served in the military service of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, or a monument, plaque, marker, or memorial which is dedicated to, honors, or recounts the military service of any past or present military personnel of this state, the United States of America or any of the states thereof, or the Confederate States of America or any of the states thereof, and if such grave marker, monument, memorial, plaque, or marker is privately owned or located on privately owned land, by imprisonment for not less than one nor more than three years if the value of the property which was the subject of the theft is ~~\$300.00~~ \$1,000.00 or less, and by imprisonment for not less than three years and not more than five years if the value of the property which was the subject of the theft is more than ~~\$300.00~~ \$1,000.00;

(8) If the property that was the subject of the theft was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, including, without limitation, any such trailer, semitrailer, container, or other associated equipment, or the cargo being transported therein or thereon, by imprisonment for not less than three years nor more than ten years, a fine not less than \$5,000.00 nor more than \$50,000.00, and, if applicable, the revocation of the defendant's commercial driver's license in accordance with Code Section 40-5-151, or any combination of such penalties. For purposes of this paragraph, the term 'vehicle' includes, without limitation, any railcar; or

(9) Notwithstanding the provisions of paragraph (1) of this subsection, if the property of the theft was ferrous metals or regulated metal property, as such terms are defined in Code Section 10-1-350, and the sum of the aggregate amount of such property, in its original and undamaged condition, plus any reasonable costs which are or would be incurred in the repair or the attempt to recover any property damaged in the theft or

removal of such regulated metal property, exceeds \$500.00, by imprisonment for not less than one nor more than five years, a fine of not more than \$5,000.00, or both.

(b) Except as otherwise provided in paragraph (5) of subsection (a) of this Code section, any person who commits the offense of theft by deception when the property which was the subject of the theft exceeded \$500.00 in value and the offense was committed against a person who is 65 years of age or older shall, upon conviction thereof, be punished by imprisonment for not less than five nor more than ten years.

(c) Where a violation of Code Sections 16-8-2 through 16-8-9 involves the theft of a growing or otherwise unharvested commercial agricultural product which is being grown or produced as a crop, such offense shall be punished by a fine of not less than ~~\$500.00~~ \$1,000.00 and not more than the maximum fine otherwise authorized by law. This minimum fine shall not in any such case be subject to suspension, stay, or probation. This minimum fine shall not be required in any case in which a sentence of confinement is imposed and such sentence of confinement is not suspended, stayed, or probated; but this subsection shall not prohibit imposition of any otherwise authorized fine in such a case."

SECTION 3-3.

Said title is further amended by revising Code Section 16-8-14, relating to theft by shoplifting, as follows:

"16-8-14.

(a) A person commits the offense of theft by shoplifting when ~~he~~ such person alone or in concert with another person, with the intent of appropriating merchandise to his or her own use without paying for the same or to deprive the owner of possession thereof or of the value thereof, in whole or in part, does any of the following:

- (1) Conceals or takes possession of the goods or merchandise of any store or retail establishment;
- (2) Alters the price tag or other price marking on goods or merchandise of any store or retail establishment;
- (3) Transfers the goods or merchandise of any store or retail establishment from one container to another;
- (4) Interchanges the label or price tag from one item of merchandise with a label or price tag for another item of merchandise; or
- (5) Wrongfully causes the amount paid to be less than the merchant's stated price for the merchandise.

(b)(1) A person convicted of the offense of theft by shoplifting, as provided in subsection (a) of this Code section, when the property which was the subject of the theft is ~~\$300.00~~ \$500.00 or less in value shall be punished as for a misdemeanor; provided, however, that:

- (A) Upon conviction of a second offense for shoplifting, where the first offense is either a felony or a misdemeanor, as defined by this Code section, in addition to or in lieu of any imprisonment which might be imposed, the defendant shall be fined not less than ~~\$250.00~~ \$500.00, and the fine shall not be suspended or probated;

(B) Upon conviction of a third offense for shoplifting, where the first two offenses are either felonies or misdemeanors, or a combination of a felony and a misdemeanor, as defined by this Code section, in addition to or in lieu of any fine which might be imposed, the defendant shall be punished by imprisonment for not less than 30 days or confinement in a 'special alternative incarceration-probation boot camp,' probation detention center, diversion center, or other community correctional facility of the Department of Corrections for a period of 120 days or shall be sentenced to monitored house arrest for a period of 120 days and, in addition to either such types of confinement, may be required to undergo psychological evaluation and treatment to be paid for by the defendant; and such sentence of imprisonment or confinement shall not be suspended, probated, deferred, or withheld; and

(C) Upon conviction of a fourth or subsequent offense for shoplifting, where the prior convictions are either felonies or misdemeanors, or any combination of felonies and misdemeanors, as defined by this Code section, the defendant commits a felony and shall be punished by imprisonment for not less than one nor more than ten years; and the first year of such sentence shall not be suspended, probated, deferred, or withheld.

(2) A person convicted of the offense of theft by shoplifting, as provided in subsection (a) of this Code section, when the property which was the subject of the theft exceeds ~~\$300.00~~ \$500.00 in value commits a felony and shall be punished by imprisonment for not less than one nor more than ten years.

(3) A person convicted of the offense of theft by shoplifting, as provided in subsection (a) of this Code section, when the property which was the subject of the theft is taken from three separate stores or retail establishments within one county during a period of seven days or less and when the aggregate value of the property which was the subject of each theft exceeds \$100.00 \$500.00 in value, commits a felony and shall be punished by imprisonment for not less than one nor more than ten years.

(4) A person convicted of the offense of theft by shoplifting, as provided in subsection (a) of this Code section, when the property which was the subject of the theft is taken during a period of 180 days and when the aggregate value of the property which was the subject of each theft exceeds \$500.00 in value, commits a felony and shall be punished by imprisonment for not less than one nor more than ten years.

(c) In all cases involving theft by shoplifting, the term 'value' means the actual retail price of the property at the time and place of the offense. The unaltered price tag or other marking on property, or duly identified photographs thereof, shall be prima-facie evidence of value and ownership of the property.

(d) Subsection (b) of this Code section shall in no way affect the authority of a sentencing judge to provide for a sentence to be served on weekends or during the nonworking hours of the defendant as provided in Code Section 17-10-3, relative to punishment for misdemeanors."

SECTION 3-4.

Said title is further amended by revising Code Section 16-8-17, relating to counterfeit Universal Product Codes, as follows:

"16-8-17.

(a)(1) Except as provided in paragraph (2) of this subsection, a person who, with intent to cheat or defraud a retailer, possesses, uses, utters, transfers, makes, alters, counterfeits, or reproduces a retail sales receipt or a Universal Product Code label which results in a theft of property which exceeds ~~\$300.00~~ \$500.00 in value commits a felony and shall be punished by imprisonment for not less than one nor more than three years or by a fine or both.

(2) A person convicted of a violation of paragraph (1) of this subsection, when the property which was the subject of the theft resulting from the unlawful use of retail sales receipts or Universal Product Code labels is taken from three separate stores or retail establishments within one county during a period of seven days or less and when the aggregate value of the property which was the subject of each theft exceeds ~~\$100.00~~ \$500.00 in value, commits a felony and shall be punished by imprisonment for not less than one nor more than ten years.

(b) A person who, with intent to cheat or defraud a retailer, possesses 15 or more fraudulent retail sales receipts or Universal Product Code labels or possesses a device the purpose of which is to manufacture fraudulent retail sales receipts or Universal Product Code labels ~~will~~ shall be guilty of a felony and punished by imprisonment for not less than one nor more than ten years."

SECTION 3-5.

Said title is further amended by revising Code Sections 16-9-1, 16-9-2, and 16-9-3, relating to forgery in the first degree, forgery in the second degree, and "writing" defined, respectively, as follows:

"16-9-1.

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

(1) 'Bank' means incorporated banks, savings banks, banking companies, trust companies, credit unions, and other corporations doing a banking business.

(2) 'Check' means any instrument for the payment or transmission of money payable on demand and drawn on a bank.

(3) 'Writing' includes, but shall not be limited to, printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification.

(b) A person commits the offense of forgery in the first degree when with the intent to defraud he or she knowingly makes, alters, or possesses any writing, other than a check, in a fictitious name or in such manner that the writing as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority and utters or delivers such writing.

~~(b) A person convicted of the offense of forgery in the first degree shall be punished by imprisonment for not less than one nor more than ten years.~~

(c) A person commits the offense of forgery in the second degree when with the intent to defraud he or she knowingly makes, alters, or possesses any writing, including a check, in a fictitious name or in such manner that the writing as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority.

(d) A person commits the offense of forgery in the third degree when with the intent to defraud he or she knowingly makes, alters, or possesses any check written in the amount of \$1,500.00 or more in a fictitious name or in such manner that the check as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority and utters or delivers such check.

(e) A person commits the offense of forgery in the fourth degree when with the intent to defraud he or she knowingly makes, alters, or possesses any check written in the amount of less than \$1,500.00 in a fictitious name or in such manner that the check as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority and utters or delivers such check.

16-9-2.

(a) A person who commits the offense of forgery in the first degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than 15 years. ~~A person commits the offense of forgery in the second degree when with the intent to defraud he knowingly makes, alters, or possesses any writing in a fictitious name or in such manner that the writing as made or altered purports to have been made by another person, at another time, with different provisions, or by authority of one who did not give such authority.~~

(b) A person ~~convicted of~~ who commits the offense of forgery in the second degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(c) A person who commits the offense of forgery in the third degree shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one nor more than five years.

(d) A person who commits the offense of forgery in the fourth degree shall be guilty of a misdemeanor; provided, however, that upon the third and all subsequent convictions for such offense, the defendant shall be guilty of a felony and shall be punished by imprisonment for not less than one nor more than five years.

16-9-3.

~~For purposes of Code Sections 16-9-1 and 16-9-2, the word 'writing' includes, but is not limited to, printing or any other method of recording information, money, coins, tokens, stamps, seals, credit cards, badges, trademarks, and other symbols of value, right, privilege, or identification. Reserved."~~

SECTION 3-6.

Said title is further amended by revising subsection (b) of Code Section 16-9-20, relating to deposit account fraud, as follows:

"(b)(1) Except as provided in paragraphs (2) and (3) of this subsection and subsection (c) of this Code section, a person convicted of the offense of deposit account fraud shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished as follows:

(A) When the instrument is for less than ~~\$100.00~~ \$500.00, a fine of not more than \$500.00 or imprisonment not to exceed 12 months, or both;

(B) When the instrument is for ~~\$100.00~~ \$500.00 or more but less than ~~\$300.00~~ \$1,000.00, a fine of not more than \$1,000.00 or imprisonment not to exceed 12 months, or both; or

(C) When more than one instrument is involved and such instruments were drawn within 90 days of one another and each is in an amount less than ~~\$100.00~~ \$500.00, the amounts of such separate instruments may be added together to arrive at and be punishable under subparagraph (B) of this paragraph.

(2) Except as provided in paragraph (3) of this subsection and subsection (c) of this Code section, a person convicted of the offense of deposit account fraud, when the instrument is for an amount of not less than ~~\$300.00~~ \$1,000.00 nor more than ~~\$499.99~~ \$1,499.99, shall be guilty of a misdemeanor of a high and aggravated nature. When more than one instrument is involved and such instruments were given to the same entity within a 15 day period and the cumulative total of such instruments is not less than ~~\$300.00~~ \$1,000.00 nor more than ~~\$499.99~~ \$1,499.00, the person drawing and giving such instruments shall upon conviction be guilty of a misdemeanor of a high and aggravated nature.

(3) Except as provided in subsection (c) of this Code section, a person convicted of the offense of deposit account fraud, when the instrument is for ~~\$500.00~~ \$1,500.00 or more, shall be guilty of a felony and, upon conviction thereof, shall be punished by a fine of not less than \$500.00 nor more than \$5,000.00 or by imprisonment for not more than three years, or both.

(4) Upon conviction of a first or any subsequent offense under this subsection or subsection (c) of this Code section, in addition to any other punishment provided by this Code section, the defendant shall be required to make restitution of the amount of the instrument, together with all costs of bringing a complaint under this Code section. The court may require the defendant to pay as interest a monthly payment equal to 1 percent of the amount of the instrument. Such amount shall be paid each month in addition to any payments on the principal until the entire balance, including the principal and any unpaid interest payments, is paid in full. Such amount shall be paid without regard to any reduction in the principal balance owed. Costs shall be determined by the court from competent evidence of costs provided by the party causing the criminal warrant or citation to issue; provided, however, that the minimum costs shall not be less than \$25.00. Restitution may be made while the defendant is serving a probated or suspended sentence."

SECTION 3-7A.

Said title is further amended by revising Code Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana and penalties, as follows:

"16-13-30.

(a) Except as authorized by this article, it is unlawful for any person to purchase, possess, or have under his or her control any controlled substance.

(b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.

(c) Except as otherwise provided, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule I or a narcotic drug in Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than ~~two years~~ one year nor more than 15 years. ~~Upon conviction of a second or subsequent offense, he shall be imprisoned for not less than five years nor more than 30 years.~~

(d) Except as otherwise provided, any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule I or Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense; provided, however, that the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(e) Any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than ~~two years~~ one year nor more than 15 years. ~~Upon conviction of a second or subsequent offense, he shall be punished by imprisonment for not less than five years nor more than 30 years.~~

(f) Upon a third or subsequent conviction for a violation of subsection (a) of this Code section with respect to a controlled substance in Schedule I or II or subsection (i) of this Code section, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime. Reserved.

(g) Except as provided in subsection (l) of this Code section, any ~~Any~~ person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~five~~ three years. Upon conviction of a ~~second~~ third or subsequent offense, he or she shall be imprisoned for not less than one year nor more than ~~ten~~ five years.

(h) Any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon

conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(i)(1) Except as authorized by this article, it is unlawful for any person to possess, or have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this ~~subsection~~ paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~ten~~ two years.

(2) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(j)(1) It ~~is~~ shall be unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute marijuana.

(2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code Section 16-13-2, any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 years, in any manner, for the purpose of manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana unless the manufacturing, distribution, or dispensing is otherwise allowed by law. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years or by a fine not to exceed \$20,000.00, or both.

(1)(1) Any person who violates subsection (a) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than ~~two~~ one year nor more than 15 years. ~~Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than five years nor more than 30 years.~~

(2) Any person who violates subsection (b) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense, but that subsection and the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense."

SECTION 3-7B.

Said title is further amended by revising Code Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana and penalties, as follows:

"16-13-30.

(a) Except as authorized by this article, it is unlawful for any person to purchase, possess, or have under his or her control any controlled substance.

(b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.

(c) Except as otherwise provided, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule I or a narcotic drug in Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished ~~by imprisonment for not less than two years nor more than 15 years. Upon conviction of a second or subsequent offense, he shall be imprisoned for not less than five years nor more than 30 years~~ as follows:

(1) If the aggregate weight, including any mixture, is less than one gram of a solid substance, less than one milliliter of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than one gram, by imprisonment for not less than one nor more than three years;

(2) If the aggregate weight, including any mixture, is at least one gram but less than four grams of a solid substance, at least one milliliter but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least one gram but less than four grams, by imprisonment for not less than one nor more than eight years; and

(3)(A) Except as provided in subparagraph (B) of this paragraph, if the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

(B) This paragraph shall not apply to morphine, heroin, or opium or any salt, isomer, or salt of an isomer; rather, the provisions of Code Section 16-13-31 shall control these substances.

(d) Except as otherwise provided, any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule I or Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense; provided, however, that the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(e) Any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two years nor more than 15 years. Upon conviction of a second or subsequent offense, he shall be punished by imprisonment for not less than five years nor more than 30 years as follows:

(1) If the aggregate weight, including any mixture, is less than two grams of a solid substance, less than two milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;

(2) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and

(3) If the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

(f) Upon a third or subsequent conviction for a violation of subsection (a) of this Code section with respect to a controlled substance in Schedule I or II or subsection (i) of this Code section, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime. Reserved.

(g) Except as provided in subsection (l) of this Code section, any ~~Any~~ person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~five~~ three years. Upon conviction of a ~~second~~ third or subsequent offense, he or she shall be imprisoned for not less than one year nor more than ~~ten~~ five years.

(h) Any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(i)(1) Except as authorized by this article, it is unlawful for any person to possess, or have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this subsection paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~ten~~ two years.

(2) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this paragraph shall be

guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(j)(1) It is shall be unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute marijuana.

(2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code Section 16-13-2, any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 years, in any manner, for the purpose of manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana unless the manufacturing, distribution, or dispensing is otherwise allowed by law. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years or by a fine not to exceed \$20,000.00, or both.

(l)(1) Any person who violates subsection (a) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than ~~two~~ one year nor more than 15 years. ~~Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than five years nor more than 30 years.~~

(2) Any person who violates subsection (b) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense, but that subsection and the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(m) As used in this Code section, the term 'solid substance' means tablets, pills, capsules, caplets, or any variant of such items."

SECTION 3-7C.

Said title is further amended by revising Code Section 16-13-30, relating to purchase, possession, manufacture, distribution, or sale of controlled substances or marijuana and penalties, as follows:

"16-13-30.

(a) Except as authorized by this article, it is unlawful for any person to purchase, possess, or have under his or her control any controlled substance.

(b) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, sell, or possess with intent to distribute any controlled substance.

(c) Except as otherwise provided, any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule I or a narcotic drug in Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished ~~by imprisonment for not less than two years nor more than 15 years. Upon conviction of a second or subsequent offense, he shall be imprisoned for not less than five years nor more than 30 years~~ as follows:

(1) If the aggregate weight, including any mixture, is less than one gram of a solid substance, less than one milliliter of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than one gram, by imprisonment for not less than one nor more than three years;

(2) If the aggregate weight, including any mixture, is at least one gram but less than four grams of a solid substance, at least one milliliter but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least one gram but less than four grams, by imprisonment for not less than one nor more than eight years; and

(3)(A) Except as provided in subparagraph (B) of this paragraph, if the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.

(B) This paragraph shall not apply to morphine, heroin, or opium or any salt, isomer, or salt of an isomer; rather, the provisions of Code Section 16-13-31 shall control these substances.

(d) Except as otherwise provided, any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule I or Schedule II shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, he or she shall be imprisoned for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense; provided, however, that the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(e) Any person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule II, other than a narcotic drug, shall be guilty of a felony and, upon conviction thereof, shall be punished ~~by imprisonment for not less than two years nor more than 15 years. Upon conviction of a second or subsequent offense, he shall be punished by imprisonment for not less than five years nor more than 30 years~~ as follows:

- (1) If the aggregate weight, including any mixture, is less than two grams of a solid substance, less than two milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;
- (2) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance, at least two milliliters but less than four milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years; and
- (3) If the aggregate weight, including any mixture, is at least four grams but less than 28 grams of a solid substance, at least four milliliters but less than 28 milliliters of a liquid substance, or if the substance is placed onto a secondary medium with a combined weight of at least four grams but less than 28 grams, by imprisonment for not less than one nor more than 15 years.
- (f) Upon a third or subsequent conviction for a violation of subsection (a) of this Code section with respect to a controlled substance in Schedule I or II or subsection (i) of this Code section, such person shall be punished by imprisonment for a term not to exceed twice the length of the sentence applicable to the particular crime. Reserved.
- (g) Except as provided in subsection (l) of this Code section, any ~~Any~~ person who violates subsection (a) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~five~~ three years. Upon conviction of a ~~second~~ third or subsequent offense, he or she shall be imprisoned for not less than one year nor more than ~~ten~~ five years.
- (h) Any person who violates subsection (b) of this Code section with respect to a controlled substance in Schedule III, IV, or V shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.
- (i)(1) Except as authorized by this article, it is unlawful for any person to possess, or have under his or her control, ~~manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute~~ a counterfeit substance. Any person who violates this ~~subsection~~ paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ~~ten~~ two years.
- (2) Except as authorized by this article, it is unlawful for any person to manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute a counterfeit substance. Any person who violates this paragraph shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.
- (j)(1) It ~~is~~ shall be unlawful for any person to possess, have under his or her control, manufacture, deliver, distribute, dispense, administer, purchase, sell, or possess with intent to distribute marijuana.

(2) Except as otherwise provided in subsection (c) of Code Section 16-13-31 or in Code Section 16-13-2, any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than ten years.

(k) It shall be unlawful for any person to hire, solicit, engage, or use an individual under the age of 17 years, in any manner, for the purpose of manufacturing, distributing, or dispensing, on behalf of the solicitor, any controlled substance, counterfeit substance, or marijuana unless the manufacturing, distribution, or dispensing is otherwise allowed by law. Any person who violates this subsection shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 20 years or by a fine not to exceed \$20,000.00, or both.

(1)(1) Any person who violates subsection (a) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than two years nor more than 15 years. ~~Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than five years nor more than 30 years as follows:~~

(A) If the aggregate weight, including any mixture, is less than two grams of a solid substance of flunitrazepam, less than two milliliters of liquid flunitrazepam, or if flunitrazepam is placed onto a secondary medium with a combined weight of less than two grams, by imprisonment for not less than one nor more than three years;

(B) If the aggregate weight, including any mixture, is at least two grams but less than four grams of a solid substance of flunitrazepam, at least two milliliters but less than four milliliters of liquid flunitrazepam, or if the flunitrazepam is placed onto a secondary medium with a combined weight of at least two grams but less than four grams, by imprisonment for not less than one nor more than eight years;
and

(C) If the aggregate weight, including any mixture, is at least four grams of a solid substance of flunitrazepam, at least four milliliters of liquid flunitrazepam, or if the flunitrazepam is placed onto a secondary medium with a combined weight of at least four grams, by imprisonment for not less than one nor more than 15 years.

(2) Any person who violates subsection (b) of this Code section with respect to flunitrazepam, a Schedule IV controlled substance, shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than five years nor more than 30 years. Upon conviction of a second or subsequent offense, such person shall be punished by imprisonment for not less than ten years nor more than 40 years or life imprisonment. The provisions of subsection (a) of Code Section 17-10-7 shall not apply to a sentence imposed for a second such offense, but that subsection and the remaining provisions of Code Section 17-10-7 shall apply for any subsequent offense.

(m) As used in this Code section, the term 'solid substance' means tablets, pills, capsules, caplets, or any variant of such items."

SECTION 3-8.

Said title is further amended by revising subsection (h) of Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine and penalties, as follows:

"(h) Any person who violates any provision of this Code section ~~in regard to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine~~ shall be punished ~~by imprisonment for not less than five years nor~~ as provided for in the applicable mandatory minimum punishment and for not more than 30 years of imprisonment and by a fine not to exceed \$1 million."

**PART IV
CRIMINAL PROCEDURE
SECTION 4-1.**

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising Code Section 17-3-1, relating to limitation on prosecutions generally, as follows:

"17-3-1.

(a) A prosecution for murder may be commenced at any time.

(b) Except as otherwise provided in Code Section 17-3-2.1, prosecution ~~Prosecution~~ for other crimes punishable by death or life imprisonment ~~must~~ shall be commenced within seven years after the commission of the crime except as provided by subsection ~~(e-1)~~ (d) of this Code section; provided, however, that prosecution for the crime of forcible rape ~~must~~ shall be commenced within 15 years after the commission of the crime.

(c) Except as otherwise provided in Code Section 17-3-2.1, prosecution ~~Prosecution~~ for felonies other than those specified in subsections (a), (b), and ~~(e-1)~~ (d) of this Code section ~~must~~ shall be commenced within four years after the commission of the crime, provided that prosecution for felonies committed against victims who are at the time of the commission of the offense under the age of 18 years ~~must~~ shall be commenced within seven years after the commission of the crime.

~~(e-1)~~(d) A prosecution for the following offenses may be commenced at any time when deoxyribonucleic acid (DNA) evidence is used to establish the identity of the accused:

- (1) Armed robbery, as defined in Code Section 16-8-41;
- (2) Kidnapping, as defined in Code Section 16-5-40;
- (3) Rape, as defined in Code Section 16-6-1;
- (4) Aggravated child molestation, as defined in Code Section 16-6-4;
- (5) Aggravated sodomy, as defined in Code Section 16-6-2; or
- (6) Aggravated sexual battery, as defined in Code Section 16-6-22.2;

provided, however, that a sufficient portion of the physical evidence tested for DNA is preserved and available for testing by the accused and provided, further, that, if the DNA evidence does not establish the identity of the accused, the limitation on prosecution shall be as provided in subsections (b) and (c) of this Code section.

~~(d)~~(e) Prosecution for misdemeanors ~~must~~ shall be commenced within two years after the commission of the crime."

SECTION 4-2.

Said title is further amended by revising Code Section 17-3-2.1, relating to limitation on prosecution of certain offenses involving a victim under 16 years of age, as follows:

"17-3-2.1.

(a) For crimes committed during the period beginning on July 1, 1992, and ending on June 30, 2012, if ~~If~~ the victim of a violation of:

- (1) Cruelty to children, as defined in Code Section 16-5-70, ~~relating to cruelty to children;~~
- (2) Rape, as defined in Code Section 16-6-1, ~~relating to rape;~~
- (3) Sodomy or aggravated sodomy, as defined in Code Section 16-6-2, ~~relating to sodomy and aggravated sodomy;~~
- (4) Statutory rape, as defined in Code Section 16-6-3, ~~relating to statutory rape;~~
- (5) Child molestation or aggravated child molestation, as defined in Code Section 16-6-4, ~~relating to child molestation and aggravated child molestation;~~
- (6) Enticing a child for indecent purposes, as defined in Code Section 16-6-5, ~~relating to enticing a child for indecent purposes;~~ or
- (7) Incest, as defined in Code Section 16-6-22, ~~relating to incest,~~

is under 16 years of age on the date of the violation, the applicable period within which a prosecution ~~must~~ shall be commenced under Code Section 17-3-1 or other applicable statute shall not begin to run until the victim has reached the age of 16 or the violation is reported to a law enforcement agency, prosecuting attorney, or other governmental agency, whichever occurs earlier. Such law enforcement agency or other governmental agency shall promptly report such allegation to the appropriate prosecuting attorney.

(b) For crimes committed on and after July 1, 2012, if the victim of a violation of:

- (1) Cruelty to children in the first degree, as defined in Code Section 16-5-70;
- (2) Rape, as defined in Code Section 16-6-1;
- (3) Aggravated sodomy, as defined in Code Section 16-6-2;
- (4) Child molestation or aggravated child molestation, as defined in Code Section 16-6-4;
- (5) Enticing a child for indecent purposes, as defined in Code Section 16-6-5; or
- (6) Incest, as defined in Code Section 16-6-22,

is under 16 years of age on the date of the violation and the violation is not subject to punishment as provided in paragraph (2) of subsection (b) of Code Section 16-6-4, paragraph (2) of subsection (d) of Code Section 16-6-4, or subsection (c) of Code Section 16-6-5, a prosecution may be commenced at any time. This Code section shall apply to any offense designated in paragraphs (1) through (7) of subsection (a) of this Code section occurring on or after July 1, 1992."

SECTION 4-3.

Said title is further amended by revising paragraphs (2) and (5) of subsection (a) of Code Section 17-10-1, relating to fixing of sentence, as follows:

"(2) Active probation ~~Probation~~ supervision shall terminate in all cases no later than two years from the commencement of active probation supervision unless specially extended or reinstated by the sentencing court upon notice and hearing and for good cause shown; provided, however, that in those cases involving the collection of fines, restitution, or other funds, the period of active probation supervision shall remain in effect for so long as any such obligation is outstanding, or until termination of the sentence, whichever first occurs, and for those cases involving a conviction under the 'Georgia Street Gang Terrorism and Prevention Act,' the period of active probation supervision shall remain in effect until the termination of the sentence, but shall not exceed five years unless as otherwise provided in this paragraph. Active probation ~~Probation~~ supervision shall not be required for defendants sentenced to probation while the defendant is in the legal custody of the Department of Corrections or the State Board of Pardons and Paroles. As used in this paragraph, the term 'active probation supervision' shall have the same meaning as the term 'active supervision' as set forth in Code Section 42-1-1."

"(5)(A) Where a defendant has been sentenced to probation, the court shall retain jurisdiction throughout the period of the probated sentence as provided for in subsection (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court may shorten the period of active probation supervision or administrative probation supervision on motion of the defendant or on its own motion, or upon the request of a probation supervisor, if the court determines that probation is no longer necessary or appropriate for the ends of justice, the protection of society, and the rehabilitation of the defendant. Prior to entering any order for shortening a period of probation, the court shall afford notice to the victim or victims of all sex related offenses or violent offenses resulting in serious bodily injury or death, and, upon request of the victim or victims so notified, shall afford notice and an opportunity for hearing to the defendant and the prosecuting attorney.

(B) The Department of Corrections shall establish a form document which shall include the elements set forth in this Code section concerning notification of victims and shall make copies of such form available to prosecuting attorneys in ~~the~~ this state. When requested by the victim, the form document shall be provided to the victim by the prosecuting attorney. The form shall include the address of the probation office having jurisdiction over the case and contain a statement that the victim must maintain a copy of his or her address with the probation office and must notify the office of any change of address in order to maintain eligibility for notification by the Department of Corrections as required in this Code section.

(C) As used in this paragraph, the terms 'active probation supervision' and 'administrative probation supervision' shall have the same meanings as the terms 'active supervision' and 'administrative supervision,' respectively, as set forth in Code Section 42-1-1."

SECTION 4-4.

Said title is further amended by revising subsections (a) and (c) of Code Section 17-10-7, relating to punishment of repeat offenders, and by adding a new subsection (b.1) to read as follows:

"(a) Except as otherwise provided in subsection (b) or (b.1) of this Code section, any person who, after having been convicted of a felony offense in this state or having been convicted under the laws of any other state or of the United States of a crime which if committed within this state would be a felony and sentenced to confinement in a penal institution, ~~who shall afterwards commit~~ commits a felony punishable by confinement in a penal institution; shall be sentenced to undergo the longest period of time prescribed for the punishment of the subsequent offense of which he or she stands convicted, provided that, unless otherwise provided by law, the trial judge may, in his or her discretion, probate or suspend the maximum sentence prescribed for the offense."

"(b.1) Subsections (a) and (c) of this Code section shall not apply to a second or any subsequent conviction for any violation of subsection (a), paragraph (1) of subsection (i), or subsection (j) of Code Section 16-13-30.

(c) Except as otherwise provided in subsection (b) or (b.1) of this Code section, any person who, after having been convicted under the laws of this state for three felonies or having been convicted under the laws of any other state or of the United States of three crimes which if committed within this state would be felonies, commits a felony within this state shall, upon conviction for such fourth offense or for subsequent offenses, serve the maximum time provided in the sentence of the judge based upon such conviction and shall not be eligible for parole until the maximum sentence has been served."

PART V
MANDATORY REPORTING OF CHILD ABUSE
SECTION 5-1.

Code Section 19-7-5 of the Official Code of Georgia Annotated, relating to reporting of child abuse, is amended by revising subsections (b), (c), and (g) as follows:

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

(1) 'Abortion' shall have the same meaning as set forth in Code Section 15-11-111.

~~(1)(2)~~ (2) 'Abused' means subjected to child abuse.

~~(2)(3)~~ (3) 'Child' means any person under 18 years of age.

~~(3)(4)~~ (4) 'Child abuse' means:

(A) Physical injury or death inflicted upon a child by a parent or caretaker thereof by other than accidental means; provided, however, that physical forms of discipline may be used as long as there is no physical injury to the child;

(B) Neglect or exploitation of a child by a parent or caretaker thereof;

(C) Sexual abuse of a child; or

(D) Sexual exploitation of a child.

However, no child who in good faith is being treated solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to be an 'abused' child.

(5) 'Child service organization personnel' means persons employed by or volunteering at a business or an organization, whether public, private, for profit, not for profit, or voluntary, that provides care, treatment, education, training, supervision, coaching, counseling, recreational programs, or shelter to children.

(6) 'Clergy' means ministers, priests, rabbis, imams, or similar functionaries, by whatever name called, of a bona fide religious organization.

(7) 'Pregnancy resource center' means an organization or facility that:

(A) Provides pregnancy counseling or information as its primary purpose, either for a fee or as a free service;

(B) Does not provide or refer for abortions;

(C) Does not provide or refer for FDA approved contraceptive drugs or devices;
and

(D) Is not licensed or certified by the state or federal government to provide medical or health care services and is not otherwise bound to follow federal Health Insurance Portability and Accountability Act of 1996, P.L. 104-191, or other state or federal laws relating to patient confidentiality.

(8) 'Reproductive health care facility' means any office, clinic, or any other physical location that provides abortions, abortion counseling, abortion referrals, or gynecological care and services.

(9) 'School' means any public or private pre-kindergarten, elementary school, secondary school, technical school, vocational school, college, university, or institution of postsecondary education.

~~(3.1)~~(10) 'Sexual abuse' means a person's employing, using, persuading, inducing, enticing, or coercing any minor who is not that person's spouse to engage in any act which involves:

(A) Sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between persons of the same or opposite sex;

(B) Bestiality;

(C) Masturbation;

(D) Lewd exhibition of the genitals or pubic area of any person;

(E) Flagellation or torture by or upon a person who is nude;

(F) Condition of being fettered, bound, or otherwise physically restrained on the part of a person who is nude;

(G) Physical contact in an act of apparent sexual stimulation or gratification with any person's clothed or unclothed genitals, pubic area, or buttocks or with a female's clothed or unclothed breasts;

(H) Defecation or urination for the purpose of sexual stimulation; or

(I) Penetration of the vagina or rectum by any object except when done as part of a recognized medical procedure.

'Sexual abuse' shall not include consensual sex acts involving persons of the opposite sex when the sex acts are between minors or between a minor and an adult who is not more than five years older than the minor. This provision shall not be deemed or construed to repeal any law concerning the age or capacity to consent.

~~(4)~~(11) 'Sexual exploitation' means conduct by any person who allows, permits, encourages, or requires that child to engage in:

(A) Prostitution, as defined in Code Section 16-6-9; or

(B) Sexually explicit conduct for the purpose of producing any visual or print medium depicting such conduct, as defined in Code Section 16-12-100.

(c)(1) The following persons having reasonable cause to believe that a child has been abused shall report or cause reports of that abuse to be made as provided in this Code section:

(A) Physicians licensed to practice medicine, interns, or residents;

(B) Hospital or medical personnel;

(C) Dentists;

(D) Licensed psychologists and persons participating in internships to obtain licensing pursuant to Chapter 39 of Title 43;

(E) Podiatrists;

(F) Registered professional nurses or licensed practical nurses licensed pursuant to Chapter 24 of Title 43 or nurse's aides;

(G) Professional counselors, social workers, or marriage and family therapists licensed pursuant to Chapter 10A of Title 43;

(H) School teachers;

(I) School administrators;

(J) School guidance counselors, visiting teachers, school social workers, or school psychologists certified pursuant to Chapter 2 of Title 20;

(K) Child welfare agency personnel, as that agency is defined pursuant to Code Section 49-5-12;

(L) Child-counseling personnel;

(M) Child service organization personnel; ~~or~~

(N) Law enforcement personnel; or

(O) Reproductive health care facility or pregnancy resource center personnel and volunteers.

(2) If a person is required to report child abuse pursuant to this subsection because that person attends to a child pursuant to such person's duties as a member of the staff of a hospital, school, social agency, or similar facility, that person shall notify the person in charge of the facility, or the designated delegate thereof, and the person so notified shall report or cause a report to be made in accordance with this Code section. A staff member who makes a report to the person designated pursuant to this paragraph shall be deemed to have fully complied with this subsection. Under no circumstances shall any person in charge of such hospital, school, agency, or facility, or the designated delegate thereof, to whom such notification has been made exercise any control, restraint, modification, or make other change to the information provided

by the reporter, although each of the aforementioned persons may be consulted prior to the making of a report and may provide any additional, relevant, and necessary information when making the report."

"(g) Suspected child abuse which is required to be reported by any person pursuant to this Code section shall be reported notwithstanding that the reasonable cause to believe such abuse has occurred or is occurring is based in whole or in part upon any communication to that person which is otherwise made privileged or confidential by law; provided, however, that a member of the clergy shall not be required to report child abuse reported solely within the context of confession or other similar communication required to be kept confidential under church doctrine or practice. When a clergy member receives information about child abuse from any other source, the clergy member shall comply with the reporting requirements of this Code section, even though the clergy member may have also received a report of child abuse from the confession of the perpetrator."

PART VI
RESTRICTING RECORDS
SECTION 6-1.

Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, is amended by revising paragraph (1) of subsection (a) of Code Section 35-3-34, relating to disclosure and dissemination of criminal records to private persons and businesses, by deleting "and" at the end of subparagraph (B), by replacing "or" with "and" at the end of subparagraph (C), and by adding a new subparagraph to read as follows:

"(D) The center shall not provide records of arrests, charges, or dispositions when access has been restricted pursuant to Code Section 35-3-37; or"

SECTION 6-2.

Said title is further amended by repealing Code Section 35-3-37, relating to inspection, purging, modifying, or supplementing of criminal records, and enacting a new Code Section 35-3-37 to read as follows:

"35-3-37.

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

(1) 'Drug court treatment program' means a treatment program operated by a drug court division in accordance with the provisions of Code Section 15-1-15.

(2) 'Entity' means the arresting law enforcement agency, including county and municipal jails and detention centers.

(3) 'Mental health treatment program' means a treatment program operated by a mental health court division in accordance with the provisions of Code Section 15-1-16.

(4) 'Nonserious traffic offense' means any offense in violation of Title 40 which is not prohibited by Article 15 of Chapter 6 of Title 40 and any similar such offense under

the laws of a state which would not be considered a serious traffic offense under the laws of this state if committed in this state.

(5) 'Prosecuting attorney' means the Attorney General, a district attorney, or the solicitor-general who had jurisdiction where the criminal history record information is sought to be modified, corrected, supplemented, amended, or restricted. If the offense was a violation of a criminal law of this state which, by general law, may be tried by a municipal, magistrate, probate, or other court that is not a court of record, the term 'prosecuting attorney' shall include the prosecuting officer of such court or, in the absence of such prosecuting attorney, the district attorney of the judicial circuit in which such court is located.

(6) 'Restrict,' 'restricted,' or 'restriction' means that the criminal history record information of an individual relating to a particular charge shall be available only to judicial officials and criminal justice agencies for law enforcement or criminal investigative purposes or to criminal justice agencies for purposes of employment in accordance with procedures established by the center and shall not be disclosed or otherwise made available to any private persons or businesses pursuant to Code Section 35-3-34.

(7) 'Serious violent felony' shall have the same meaning as set forth in Code Section 17-10-6.1.

(8) 'State' includes any state, the United States or any district, commonwealth, territory, or insular possession of the United States, and the Trust Territory of the Pacific Islands.

(9) 'Youthful offender' means any offender who was less than 21 years of age at the time of his or her conviction.

(b) Nothing in this article shall be construed so as to authorize any person, agency, corporation, or other legal entity of this state to invade the privacy of any citizen as defined by the General Assembly or as defined by the courts other than to the extent provided in this article.

(c) The center shall make an individual's criminal history record information available for review by such individual or his or her designee upon written application to the center.

(d) If an individual believes his or her criminal history record information to be inaccurate, incomplete, or misleading, he or she may request a criminal history record information inspection at the center. The center at which criminal history record information is sought to be inspected may prescribe reasonable hours and places of inspection and may impose such additional procedures or restrictions, including fingerprinting, as are reasonably necessary to assure the security of the criminal history record information, to verify the identities of those who seek to inspect such information, and to maintain an orderly and efficient mechanism for inspection of criminal history record information. The fee for inspection of criminal history record information shall not exceed \$15.00, which shall not include the cost of the fingerprinting.

(e) If the criminal history record information is believed to be inaccurate, incomplete, or misleading, the individual may request that the entity having custody or control of the challenged information modify, correct, supplement, or amend the information and notify the center of such changes within 60 days of such request. In the case of county and municipal jails and detention centers, such notice to the center shall not be required. If the entity declines to act within 60 days of such request or if the individual believes the entity's decision to be unsatisfactory, within 30 days of the end of the 60 day period or of the issuance of the unsatisfactory decision, whichever occurs last, the individual shall have the right to appeal to the court with original jurisdiction of the criminal charges in the county where the entity is located.

(f) An appeal pursuant to subsection (e) of this Code section shall be to acquire an order from the court with original jurisdiction of the criminal charges that the subject information be modified, corrected, supplemented, or amended by the entity with custody of such information. Notice of the appeal shall be provided to the entity and the prosecuting attorney. A notice sent by registered or certified mail or statutory overnight delivery shall be sufficient service on the entity having custody or control of the disputed criminal history record information. The court shall conduct a de novo review and, if requested by a party, the proceedings shall be recorded.

(g)(1) Should the court find by a preponderance of the evidence that the criminal history record information in question is inaccurate, incomplete, or misleading, the court shall order such information to be appropriately modified, corrected, supplemented, or amended as the court deems appropriate. Any entity with custody, possession, or control of any such criminal history record information shall cause each and every copy thereof in its custody, possession, or control to be altered in accordance with the court's order within 60 days of the entry of the order.

(2) To the extent that it is known by the requesting individual that an entity has previously disseminated inaccurate, incomplete, or misleading criminal history record information, he or she shall, by written request, provide to the entity the name of the individual, agency, or company to which such information was disseminated. Within 60 days of the written request, the entity shall disseminate the modification, correction, supplement, or amendment to the individual's criminal history record information to such individual, agency, or company to which the information in question has been previously communicated, as well as to the individual whose information has been ordered so altered.

(h) Access to an individual's criminal history record information, including any fingerprints or photographs of the individual taken in conjunction with the arrest, shall be restricted by the center for the following types of dispositions:

(1) Prior to indictment, accusation, or other charging instrument:

(A) The case was never referred for further prosecution to the proper prosecuting attorney by the arresting law enforcement agency and:

(i) The offense against such individual is closed by the arresting law enforcement agency. It shall be the duty of the head of the arresting law enforcement agency to notify the center whenever a record is to be restricted pursuant to this division. A

copy of the notice shall be sent to the accused and the accused's attorney, if any, by mailing the same by first-class mail; or

(ii) The center does not receive notice from the arresting law enforcement agency that the offense has been referred to the prosecuting attorney or transferred to another law enforcement or prosecutorial agency of this state, any other state or a foreign nation, or any political subdivision thereof for prosecution and the following period of time has elapsed from the date of the arrest of such individual:

(I) If the offense is a misdemeanor or a misdemeanor of a high and aggravated nature, two years;

(II) If the offense is a felony, other than a serious violent felony or a felony sexual offense specified in Code Section 17-3-2.1 involving a victim under 16 years of age, four years; or

(III) If the offense is a serious violent felony or a felony sexual offense specified in Code Section 17-3-2.1 involving a victim under 16 years of age, seven years.

If the center receives notice of the filing of an indictment subsequent to the restriction of a record pursuant to this division, the center shall make such record available in accordance with Code Section 35-3-34.

(B) The case was referred to the prosecuting attorney but was later dismissed; or

(C) The grand jury returned two no bills; and

(2) After indictment or accusation:

(A) Except as provided in subsection (i) of this Code section, all charges were dismissed or nolle prossed;

(B) The individual pleaded guilty to or was found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug and was sentenced in accordance with the provisions of Code Section 16-13-2, and the individual successfully completed the terms and conditions of his or her probation;

(C) The individual successfully completed a drug court treatment program or mental health treatment program, the individual's case has been dismissed or nolle prossed, and he or she has not been arrested for at least five years, excluding any arrest for a nonserious traffic offense; or

(D) The individual was acquitted of all of the charges by a judge or jury unless, within ten days of the verdict, the prosecuting attorney demonstrates to the trial court through clear and convincing evidence that the harm otherwise resulting to the individual is clearly outweighed by the public interest in the criminal history record information being publicly available because either:

(i) The prosecuting attorney was barred from introducing material evidence against the individual on legal grounds, including, without limitation, the granting of a motion to suppress or motion in limine; or

(ii) The individual has been formally charged with the same or similar offense within the previous five years.

(i) After the filing of an indictment or accusation, an individual's criminal history record information shall not be restricted if:

(1) The charges were nolle prossed or otherwise dismissed because:

- (A) Of a plea agreement resulting in a conviction of the individual for an offense arising out of the same underlying transaction or occurrence as the conviction;
- (B) The prosecuting attorney was barred from introducing material evidence against the individual on legal grounds, including, without limitation, the granting of a motion to suppress or motion in limine;
- (C) The conduct which resulted in the arrest of the individual was part of a pattern of criminal activity which was prosecuted in another court of the state or a foreign nation; or
- (D) The individual had diplomatic, consular, or similar immunity or inviolability from arrest or prosecution;
- (2) The charges were tried and some but not all of the charges resulted in an acquittal; or
- (3) The individual was acquitted of all charges but it is later determined that the acquittal was the result of jury tampering or judicial misconduct.
- (j)(1) When an individual had felony charges dismissed or nolle prossed or was found not guilty of felony charges but was convicted of a misdemeanor offense or offenses arising out of the same underlying transaction or occurrence, such individual may petition the superior court in the county where the arrest occurred to restrict access to criminal history record information for such felony charges within four years of the arrest. Such court shall maintain jurisdiction over the case for this limited purpose and duration. Such petition shall be served on the arresting law enforcement agency and the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall grant an order restricting such criminal history record information if the court determines the charges in question did not arise out of the same underlying transaction or occurrence.
- (2) When an individual was convicted of an offense and was sentenced to punishment other than the death penalty, but such conviction was vacated by the trial court or reversed by an appellate court or other post-conviction court, the decision of which has become final by the completion of the appellate process, and the prosecuting attorney has not retried the case within two years of the date the order vacating or reversing the conviction became final, such individual may petition the superior court in the county where the conviction occurred to restrict access to criminal history record information for such offense. Such court shall maintain jurisdiction over the case for this limited purpose and duration. Such petition shall be served on the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall determine whether granting an order restricting such criminal history record information is appropriate, giving due consideration to the reason the judgment was reversed or vacated, the reason the prosecuting attorney has not retried the case, and the public's interest in the criminal history record information being publicly available.
- (3) When an individual's case has remained on the dead docket for more than 12 months, such individual may petition the superior court in the county where the case

is pending to restrict access to criminal history record information for such offense. Such petition shall be served on the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall determine whether granting an order restricting such criminal history record information is appropriate, giving due consideration to the reason the case was placed on the dead docket; provided, however, that the court shall not grant such motion if an active warrant is pending for such individual

(4)(A) When an individual was convicted in this state of a misdemeanor or a series of misdemeanors arising from a single incident, and at the time of such conviction such individual was a youthful offender, provided that such individual successfully completed the terms of his or her sentence and, since completing the terms of his or her sentence, has not been arrested for at least five years, excluding any arrest for a nonserious traffic offense, and provided, further, that he or she was not convicted in this state of a misdemeanor violation or under any other state's law with similar provisions of one or more of the offenses listed in subparagraph (B) of this paragraph, he or she may petition the superior court in the county where the conviction occurred to restrict access to criminal history record information. Such court shall maintain jurisdiction over the case for this limited purpose and duration. Such petition shall be served on the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall determine whether granting an order restricting such criminal history record information is appropriate, giving due consideration to the individual's conduct and the public's interest in the criminal history record information being publicly available.

(B) Record restriction shall not be appropriate if the individual was convicted of:

- (i) Child molestation in violation of Code Section 16-6-4;
- (ii) Enticing a child for indecent purposes in violation of Code Section 16-6-5;
- (iii) Sexual assault by persons with supervisory or disciplinary authority in violation of Code Section 16-6-5.1;
- (iv) Keeping a place of prostitution in violation of Code Section 16-6-10;
- (v) Pimping in violation of Code Section 16-6-11;
- (vi) Pandering by compulsion in violation of Code Section 16-6-14;
- (vii) Masturbation for hire in violation of Code Section 16-6-16;
- (viii) Giving massages in a place used for lewdness, prostitution, assignation, or masturbation for hire in violation of Code Section 16-6-17;
- (ix) Sexual battery in violation of Code Section 16-6-22.1;
- (x) Any offense related to minors generally in violation of Part 2 of Article 3 of Chapter 12 of Title 16;
- (xi) Theft in violation of Chapter 8 of Title 16; provided, however, that such prohibition shall not apply to a misdemeanor conviction of shoplifting in violation of Code Section 16-8-14; or
- (xii) Any serious traffic offense in violation of Article 15 of Chapter 6 of Title 40.

(5) Any party may file an appeal of an order entered pursuant to this subsection as provided in Code Section 5-6-34.

(k)(1) The center shall notify the arresting law enforcement agency of any criminal history record information, access to which has been restricted pursuant to this Code section, within 30 days of the date access to such information is restricted. Upon receipt of notice from the center that access to criminal history record information has been restricted, the arresting law enforcement agency or other law enforcement agency shall, within 30 days, restrict access to all such information maintained by such arresting law enforcement agency or other law enforcement agency for such individual's charge.

(2) An individual who has had criminal history record information restricted pursuant to this Code section may submit a written request to the appropriate county or municipal jail or detention center to have all records for such individual's charge maintained by the appropriate county or municipal jail or detention center restricted. Within 30 days of such request, the appropriate county or municipal jail or detention center shall restrict access to all such criminal history record information maintained by such appropriate county or municipal jail or detention center for such individual's charge.

(3) The center shall be authorized to unrestrict criminal history record information based on the receipt of a disposition report showing that the individual was convicted of an offense arising out of an arrest of which the information was restricted pursuant to this Code section.

(l) If criminal history record information is restricted pursuant to this Code section and if the entity declines to restrict access to such information, the individual may file a civil action in the superior court where the entity is located. A copy of the civil action shall be served on the entity and prosecuting attorney for the jurisdiction where the civil action is filed, and they may become parties to the action. A decision of the entity shall be upheld only if it is determined by clear and convincing evidence that the individual did not meet the criteria set forth in subsection (h) or (j) of this Code section.

(m)(1) For criminal history record information maintained by the clerk of court, an individual who has a record restricted pursuant to this Code section may petition the court with original jurisdiction over the charges in the county where the clerk of court is located for an order to seal all criminal history record information maintained by the clerk of court for such individual's charge. Notice of such petition shall be sent to the clerk of court and the prosecuting attorney. A notice sent by registered or certified mail or statutory overnight delivery shall be sufficient notice.

(2) The court shall order all criminal history record information in the custody of the clerk of court, including within any index, to be restricted and unavailable to the public if the court finds by a preponderance of the evidence that:

(A) The criminal history record information has been restricted pursuant to this Code section; and

(B) The harm otherwise resulting to the privacy of the individual clearly outweighs the public interest in the criminal history record information being publicly available.

(3) Within 60 days of the court's order, the clerk of court shall cause every document, physical or electronic, in its custody, possession, or control to be restricted.

(4) The person who is the subject of such sealed criminal history record information may petition the court for inspection of the criminal history record information included in the court order. Such information shall always be available for inspection, copying, and use by criminal justice agencies and the Judicial Qualifications Commission.

(n)(1) As to arrests occurring before July 1, 2013, an individual may, in writing, request the arresting law enforcement agency to restrict the criminal history record information of an arrest, including any fingerprints or photographs taken in conjunction with such arrest. Reasonable fees shall be charged by the arresting law enforcement agency and the center for the actual costs of restricting such records, provided that such fee shall not exceed \$50.00.

(2) Within 30 days of receipt of such written request, the arresting law enforcement agency shall provide a copy of the request to the prosecuting attorney. Within 90 days of receiving the request, the prosecuting attorney shall review the request to determine if he or she agrees to record restriction, and the prosecuting attorney shall notify the arresting law enforcement agency of his or her decision within such 90 day period. The arresting law enforcement agency shall inform the individual of the prosecuting attorney's decision, and, if record restriction is approved by the prosecuting attorney, the arresting law enforcement agency shall restrict the criminal history record information within 30 days of receipt of the prosecuting attorney's decision.

(3) If a prosecuting attorney declines an individual's request to restrict access to criminal history record information, such individual may file a civil action in the superior court where the entity is located. A copy of the civil action shall be served on the entity and prosecuting attorney for the jurisdiction where the civil action is filed, and they may become parties to the action. A decision of the prosecuting attorney shall not be upheld if it is determined by clear and convincing evidence that the harm otherwise resulting to the privacy of the individual clearly outweighs the public interest in the criminal history record information being publicly available.

(4) To restrict criminal history record information at the center, an individual shall submit a prosecuting attorney's approved record restriction request or a court order issued pursuant to paragraph (3) of this subsection to the center. The center shall restrict access to such criminal history record information within 30 days from receiving such information.

(o) Nothing in this Code section shall give rise to any right which may be asserted as a defense to a criminal prosecution or serve as the basis for any motion that may be filed in any criminal proceeding. The modification, correction, supplementation,

amendment, or restriction of criminal history record information shall not abate or serve as the basis for the reversal of any criminal conviction.

(p) Any application to the center for access to or restriction of criminal history record information made pursuant to this Code section shall be made in writing on a form approved by the center. The center shall be authorized to develop and publish such procedures as may be necessary to carry out the provisions of this Code section. In adopting such procedures and forms, the provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall not apply.

(q) It shall be the duty of the entity to take such action as may be reasonable to prevent disclosure of information to the public which would identify any individual whose criminal history record information is restricted pursuant to this Code section.

(r) If the center has notified a firearms dealer that an individual is prohibited from purchasing or possessing a handgun pursuant to Part 5 of Article 4 of Chapter 11 of Title 16 and if the prohibition is the result of such individual being involuntarily hospitalized within the immediately preceding five years, upon such individual or his or her attorney making an application to inspect his or her records, the center shall provide the record of involuntary hospitalization and also inform the individual or attorney of his or her right to a hearing before the judge of the probate court or superior court relative to such individual's eligibility to possess or transport a handgun."

**PART VII
PENAL INSTITUTIONS
SECTION 7-1.**

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising Code Section 42-1-1, relating to giving information to or receiving money from an inmate in a penal institution, as follows:

"42-1-1.

Except as specifically provided otherwise, as used in this title, the term:

(1) 'Active supervision' means the period of a probated sentence in which a probationer actively reports to his or her probation supervisor or is otherwise under the direct supervision of a probation supervisor.

(2) 'Administrative supervision' means the period of probation supervision that has reduced supervision and reporting requirements commensurate with and that follows active supervision but that is prior to the termination of a sentence.

(3) 'Board' means the Board of Corrections.

(4) 'Case plan' means an individualized accountability and behavior change strategy for a probationer, as applicable.

(5) 'Commissioner' means the commissioner of corrections.

(6) 'Criminal risk factors' means characteristics and behaviors that affect a person's risk for committing future crimes and include, but are not limited to, antisocial behavior, antisocial personality, criminal thinking, criminal associates, having a

dysfunctional family, having low levels of employment or education, poor use of leisure and recreation time, and substance abuse.

(7) 'Department' means the Department of Corrections.

(8) 'Graduated sanctions' means:

(A) Verbal and written warnings;

(B) Increased restrictions and reporting requirements;

(C) Community service or work crews;

(D) Referral to substance abuse or mental health treatment or counseling programs in the community;

(E) Increased substance abuse screening and monitoring;

(F) Electronic monitoring, as such term is defined in Code Section 42-8-151; and

(G) An intensive supervision program.

(9) 'Risk and needs assessment' means an actuarial tool, approved by the board and validated on a targeted population, scientifically proven to determine a person's risk to recidivate and to identify criminal risk factors that, when properly addressed, can reduce that person's likelihood of committing future criminal behavior.

~~(a) No employee of a penal institution may give advice to an inmate regarding the name or the employment of an attorney at law in any case where the inmate is confined in a penal institution or receive any sum of money paid as fees or otherwise to attorneys at law in a criminal case or cases against any inmate with which they may be connected in any capacity.~~

~~(b) Any person who violates this Code section shall be guilty of a misdemeanor."~~

SECTION 7-2.

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

"42-1-11.2.

(a) No employee of a penal institution shall give advice to an inmate regarding the name or the employment of an attorney at law in any case where the inmate is confined in a penal institution or receive any sum of money paid as fees or otherwise to attorneys at law in a criminal case or cases against any inmate with which they may be connected in any capacity.

(b) Any person who violates this Code section shall be guilty of a misdemeanor."

SECTION 7-3.

Said title is further amended by revising Code Section 42-2-1, relating to definitions, as follows:

"42-2-1.

As used in this chapter, the term:

(1) 'Board' means the Board of Corrections.

(2) 'Commissioner' means the commissioner of corrections.

(3) 'Department' means There is created the Department of Corrections."

SECTION 7-4.

Said title is further amended by revising subsection (c) of Code Section 42-2-11, relating to the powers and duties of the Board of Corrections, as follows:

"(c)(1) The board shall adopt rules governing the assignment, housing, working, feeding, clothing, treatment, discipline, rehabilitation, training, and hospitalization of all inmates coming under its custody.

(2)(A) As used in this paragraph, the term:

(i) 'Evidence based practices' means supervision policies, procedures, programs, and practices that scientific research demonstrates reduce recidivism among individuals who are under some form of correctional supervision.

(ii) 'Recidivism' means returning to prison or jail within three years of being placed on probation or being discharged or released from a department or jail facility.

(B) The board shall adopt rules and regulations governing the management and treatment of inmates and probationers to ensure that evidence based practices, including the use of a risk and needs assessment and any other method the board deems appropriate, guide decisions related to preparing inmates for release into the community and managing probationers in the community. The board shall require the department to collect and analyze data and performance outcomes relevant to the level and type of treatment given to an inmate or probationer and the outcome of the treatment on his or her recidivism and prepare an annual report regarding such information which shall be submitted to the Governor, the Lieutenant Governor, the Speaker of the House of Representatives, and the chairpersons of the House Committee on State Institutions and Property and the Senate State Institutions and Property Committee."

SECTION 7-5.

Said title is further amended by revising subsection (a) of Code Section 42-5-50, relating to the transmittal of information on convicted persons, as follows:

"(a) The clerk of the court shall notify the commissioner of a sentence within 30 working days following the receipt of the sentence and send other documents set forth in this Code section. Such notice shall be ~~mailed within such time period by first class mail and shall be accompanied by two complete and certified sentence packages containing~~ submitted electronically and shall contain the following documents:

(1) A certified copy of the sentence;

(2) A complete history of the convicted person, including a certified copy of the indictment, accusation, or both and such other information as the commissioner may require;

(3) An affidavit of the custodian of such person indicating the total number of days the convicted person was incarcerated prior to the imposition of the sentence. It shall be the duty of the custodian of such person to transmit the affidavit provided for in this paragraph to the clerk of the superior court within ten days following the date on which the sentence is imposed;

- (4) Order of probation revocation or tolling of probation; and
- (5) A copy of the sentencing information report is required in all jurisdictions with an options system day reporting center certified by the ~~Department of Corrections~~ department. The failure to provide the sentencing information report shall not cause an increase in the 15 day time period for the department to assign the inmate to a correctional institution as set forth in subsection (b) of this Code Section.

All of the aforementioned documents ~~will~~ shall be submitted on forms provided by the commissioner. The commissioner shall file one copy of each such document with the State Board of Pardons and Paroles within 30 working days of receipt of such documents from the clerk of the court. Except where the clerk is on a salary, the clerk shall receive from funds of the county the fee prescribed in Code Section 15-6-77 for such service."

SECTION 7-6.

Said title is further amended by revising Code Section 42-8-21, relating to definitions for the state-wide probation system, as follows:

"42-8-21.

~~As used in this article, the term:~~

- (1) ~~'Board' means the Board of Corrections.~~
- (2) ~~'Commissioner' means the commissioner of corrections.~~
- (3) ~~'Department' means the Department of Corrections~~ Reserved."

SECTION 7-7.

Said title is further amended by revising Code Section 42-8-23, relating to the administration of supervision of probationers by the Department of Corrections, as follows:

"42-8-23.

(a) As used in this Code section, the term 'chief probation officer' means the highest ranking field probation officer in each judicial circuit who does not have direct supervision of the probationer who is the subject of the hearing.

(b) The department shall administer the supervision of felony probationers.

(c) If graduated sanctions have been made a condition of probation by the court and if a probationer violates the conditions of his or her probation, other than for the commission of a new offense, the department may impose graduated sanctions as an alternative to judicial modification or revocation of probation, provided that such graduated sanctions are approved by a chief probation officer.

(d) The failure of a probationer to comply with the graduated sanction or sanctions imposed by the department shall constitute a violation of probation.

(e) A probationer may at any time voluntarily accept the graduated sanctions proposed by the department.

(f)(1) The department's decision shall be final unless the probationer files an appeal in the sentencing court. Such appeal shall be filed within 30 days of the issuance of the decision by the department.

(2) Such appeal shall first be reviewed by the judge upon the record. At the judge's discretion, a de novo hearing may be held on the decision. The filing of the appeal shall not stay the department's decision.

(3) When the sentencing judge does not act on the appeal within 30 days of the date of the filing of the appeal, the department's decision shall be affirmed by operation of law.

(g) Nothing contained in this Code section shall alter the relationship between judges and probation supervisors prescribed in this article nor be construed as repealing any power given to any court of this state to place offenders on probation or to supervise offenders."

SECTION 7-8.

Said title is further amended by revising Code Section 42-8-35, relating to terms and conditions of probation, as follows:

"42-8-35.

(a) The court shall determine the terms and conditions of probation and may provide that the probationer shall:

(1) Avoid injurious and vicious habits;

(2) Avoid persons or places of disreputable or harmful character;

(3) Report to the probation supervisor as directed;

(4) Permit the supervisor to visit the probationer at the probationer's home or elsewhere;

(5) Work faithfully at suitable employment insofar as may be possible;

(6) Remain within a specified location; provided, however, that the court shall not banish a probationer to any area within the state:

(A) That does not consist of at least one entire judicial circuit as described by Code Section 15-6-1; or

(B) In which any service or program in which the probationer must participate as a condition of probation is not available;

(7) Make reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense, in an amount to be determined by the court. Unless otherwise provided by law, no reparation or restitution to any aggrieved person for the damage or loss caused by the probationer's offense shall be made if the amount is in dispute unless the same has been adjudicated;

(8) Make reparation or restitution as reimbursement to a municipality or county for the payment for medical care furnished the person while incarcerated pursuant to the provisions of Article 3 of Chapter 4 of this title. No reparation or restitution to a local governmental unit for the provision of medical care shall be made if the amount is in dispute unless the same has been adjudicated;

(9) Repay the costs incurred by any municipality or county for wrongful actions by an inmate covered under the provisions of paragraph (1) of subsection (a) of Code Section 42-4-71;

(10) Support the probationer's legal dependents to the best of the probationer's ability;

- (11) Violate no local, state, or federal laws and be of general good behavior;
- (12) If permitted to move or travel to another state, agree to waive extradition from any jurisdiction where the probationer may be found and not contest any effort by any jurisdiction to return the probationer to this state; ~~and~~
- (13) Submit to evaluations and testing relating to rehabilitation and participate in and successfully complete rehabilitative programming as directed by the department;
- (14) Wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning satellite systems. The department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department;
- (15) Complete a residential or nonresidential program for substance abuse or mental health treatment as indicated by a risk and needs assessment; and
- (16) Agree to the imposition of graduated sanctions when, in the discretion of the probation supervisor, the probationer's behavior warrants a graduated sanction.
- (b) In determining the terms and conditions of probation for a probationer who has been convicted of a criminal offense against a victim who is a minor or dangerous sexual offense as those terms are defined in Code Section 42-1-12, the court may provide that the probationer shall be:
- (1) Prohibited from entering or remaining present at a victim's school, place of employment, place of residence, or other specified place at times when a victim is present or from loitering in areas where minors congregate, child care facilities, churches, or schools as those terms are defined in Code Section 42-1-12;
- ~~(2) Required to wear a device capable of tracking the location of the probationer by means including electronic surveillance or global positioning systems. The department shall assess and collect fees from the probationer for such monitoring at levels set by regulation by the department;~~
- ~~(3)~~(2) Required, either in person or through remote monitoring, to allow viewing and recording of the probationer's incoming and outgoing e-mail, history of websites visited and content accessed, and other Internet based communication;
- ~~(4)~~(3) Required to have periodic unannounced inspections of the contents of the probationer's computer or any other device with Internet access, including the retrieval and copying of all data from the computer or device and any internal or external storage or portable media and the removal of such information, computer, device, or medium; and
- ~~(5)~~(4) Prohibited from seeking election to a local board of education.
- (c) The supervision provided for under subsection (b) of this Code section shall be conducted by a probation officer, law enforcement officer, or computer information technology specialist working under the supervision of a probation officer or law enforcement agency."

SECTION 7-9.

Said title is further amended by revising subsection (a) of Code Section 42-8-35.4, relating to confinement in probation detention centers, as follows:

"(a) In addition to any other terms and conditions of probation provided for in this article, the trial judge may require that a defendant convicted of a felony and sentenced to a period of not less than one year on probation or a defendant who has been previously sentenced to probation for a forcible misdemeanor as defined in paragraph (7) of Code Section 16-1-3 or a misdemeanor of a high and aggravated nature and has violated probation or other probation alternatives and is subsequently sentenced to a period of not less than one year on probation shall complete satisfactorily, as a condition of that probation, a program of confinement, not to exceed 180 days, in a probation detention center. Probationers so sentenced ~~will~~ shall be required to serve the period of confinement, not to exceed 180 days, specified in the court order."

SECTION 7-10.

Said title is further amended by revising Code Section 42-8-37, relating to the effect of termination of the period of probation, as follows:

"42-8-37.

(a) Upon the termination of the ~~period of probation~~ probated portion of a sentence, the probationer shall be released from probation and shall not be liable to sentence for the crime for which probation was allowed; provided, however, that the foregoing shall not be construed to prohibit the conviction and sentencing of the probationer for the subsequent commission of the same or a similar offense or for the subsequent continuation of the offense for which he or she was previously sentenced.

(b) The court may at any time cause the probationer to appear before it to be admonished or commended and, when satisfied that its action would be for the best interests of justice and the welfare of society, may discharge the probationer from further supervision.

~~(b)(c) The Upon the request of the chief judge of the court from which said person was sentenced, the~~ case of each person receiving a probated sentence of more than two years shall be reviewed by the probation supervisor responsible for that case after service of two years on probation, and a written report of the probationer's progress shall be submitted to the sentencing court along with the supervisor's recommendation as to early termination. ~~Upon the request of the chief judge of the court from which said person was sentenced, each~~ Each such case shall be reviewed and a written report submitted annually thereafter, ~~or more often if required~~, until the termination, expiration, or other disposition of the case."

SECTION 7-11.

Said title is further amended by revising subsection (a) of Code Section 42-8-38, relating to the arrest of the probationer for a violation of the terms of probation, as follows:

"(a) Whenever, within the period of probation, a probation supervisor believes that a probationer under his or her supervision has violated his or her probation in a material respect, he if graduated sanctions have been made a condition of probation by the court, the probation supervisor may impose graduated sanctions as set forth in Code Section 42-8-23 to address the specific conduct leading to such violation or, if the

circumstances warrant, may arrest the probationer without warrant, wherever found, and return ~~him~~ the probationer to the court granting the probation or, if under supervision in a county or judicial circuit other than that of conviction, to a court of equivalent original criminal jurisdiction within the county wherein the probationer resides for purposes of supervision. Any officer authorized by law to issue warrants may issue a warrant for the arrest of the probationer upon the affidavit of one having knowledge of the alleged violation, returnable forthwith before the court in which revocation proceedings are being brought."

PART VIII
CROSS-REFERENCES
SECTION 8-1.

Title 5 of the Official Code of Georgia Annotated, relating to appeal and error, is amended

in subsection (a) of Code Section 5-6-34, relating to judgments and rulings deemed directly appealable, by deleting "and" at the end of paragraph (10), by replacing the period with "; and" at the end of paragraph (11), and by adding a new paragraph to read as follows:

"(12) All judgments or orders entered pursuant to Code Section 35-3-37."

SECTION 8-2.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising Code Section 15-10-260, relating to jurisdiction for magistrate courts, as follows:

"15-10-260.

(a) This article governs trials of misdemeanor violations of Code Sections 16-13-30 and 16-13-2, relating to possession of less than one ounce of marijuana; Code Section 16-8-14, relating to misdemeanor theft by shoplifting ~~of \$300.00 or less~~; Code Section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age; and Code Section 16-7-21, relating to criminal trespass.

(b) Magistrate courts are authorized to conduct trials and impose sentences for violations of misdemeanors specified in subsection (a) of this Code section; provided, however, that the violation must have occurred in the unincorporated area of the county.

(c) A person convicted of violation of a misdemeanor specified in subsection (a) of this Code section shall be punished as provided in paragraphs (1) through (4) of this subsection as follows:

(1) For possession of less than one ounce of marijuana, as provided in subsection (b) of Code Section 16-13-2;

(2) For misdemeanor theft by shoplifting, as provided in paragraph (1) of subsection (b) of Code Section 16-8-14;

(3) For furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age, as provided in Code Section 3-3-23.1; and

(4) For criminal trespass, as provided in subsection (d) of Code Section 16-7-21.

(d) The jurisdiction of magistrate courts to try and dispose of the misdemeanor violations enumerated in subsection (a) of this Code section shall be concurrent with the jurisdiction of any other courts having jurisdiction to try and dispose of such cases."

SECTION 8-3.

Said title is further amended by revising subsection (a) of Code Section 15-11-30.3, relating to commission of designated felony act of burglary by a child 15 years of age or older, as follows:

"(a) After a petition has been filed alleging that a child 15 years of age or older has committed a designated felony act, the court shall follow the procedure specified in this Code section if the designated felony act alleged to have been committed would have constituted the crime of burglary in any degree if done by an adult and the child has been found at separate court appearances to have committed acts which would have constituted the crime of burglary in any degree if done by an adult on three or more previous occasions."

SECTION 8-4.

Said title is further amended by revising subsection (e) of Code Section 15-11-83, relating to when a child may be fingerprinted or photographed and confidentiality of information, as follows:

"(e) Upon application of the child, fingerprints and photographs of a child shall be removed from the file and destroyed if a petition alleging delinquency is not filed or the proceedings are dismissed after either a petition is filed or the case is transferred to the juvenile court as provided in Code Section 15-11-30.4 or the child is adjudicated not to be a delinquent child. The court shall notify the deputy director of the Georgia Crime Information Center when fingerprints and photographs are destroyed pursuant to this subsection, and the Georgia Bureau of Investigation shall treat such records in the same manner as ~~expunged records~~ criminal history record information restricted pursuant to ~~subsection (e) of~~ Code Section 35-3-37."

SECTION 8-5

Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, is amended by revising subsection (e) of Code Section 16-11-131, relating to possession of firearms by convicted felons and first offender probationers, as follows:

"(e) As used in this Code section, the term 'forcible felony' means any felony which involves the use or threat of physical force or violence against any person and further includes, without limitation, murder; felony murder; burglary in any degree; robbery; armed robbery; kidnapping; hijacking of an aircraft or motor vehicle; aggravated stalking; rape; aggravated child molestation; aggravated sexual battery; arson in the

first degree; the manufacturing, transporting, distribution, or possession of explosives with intent to kill, injure, or intimidate individuals or destroy a public building; terroristic threats; or acts of treason or insurrection."

SECTION 8-6.

Said title is further amended by revising division (9)(A)(viii) of Code Section 16-14-3, relating to definitions for the "Georgia RICO (Racketeer Influenced and Corrupt Organizations) Act," as follows:

"(viii) Code Section 16-9-1, relating to forgery in ~~the first~~ any degree;"

SECTION 8-7.

Said title is further amended by revising Code Section 16-16-1, relating to definitions regarding forfeiture of property used in burglary or armed robbery, as follows:

"16-16-1.

As used in this chapter, the term:

- (1) 'Armed robbery' means the offense defined in subsection (a) of Code Section 16-8-41.
- (2) 'Burglary' means the offense defined in ~~subsection (a) of~~ Code Section 16-7-1 in any degree."

SECTION 8-8.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising paragraph (11) of subsection (a) of Code Section 17-6-1, relating to where offenses bailable, procedure, schedule of bails, and appeal bonds, as follows:

"(11) Kidnapping, arson, aggravated assault, or burglary in any degree if the person, at the time of the alleged kidnapping, arson, aggravated assault, or burglary in any degree, had previously been convicted of, was on probation or parole with respect to, or was on bail for kidnapping, arson, aggravated assault, burglary in any degree, or one or more of the offenses listed in paragraphs (1) through (10) of this subsection;"

SECTION 8-9.

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 17-7-70.1, relating to trial upon accusations in certain felony and misdemeanor cases, as follows:

"(1) In felony cases involving violations of the following:

- (A) Code Sections 16-8-2, 16-8-14, 16-8-18, 16-9-1, ~~16-9-2~~, 16-9-20, 16-9-31, 16-9-33, 16-9-37, 16-10-52, and 40-5-58;
- (B) Article 1 of Chapter 8 of Title 16, relating to theft;
- (C) Chapter 9 of Title 16, relating to forgery and fraudulent practices;
- (D) Article 3 of Chapter 10 of Title 16, relating to escape and other offenses related to confinement; or
- (E) Code Section 16-11-131, relating to possession of a firearm by a convicted felon or first offender probationer,

in which defendants have either been bound over to the superior court based on a finding of probable cause pursuant to a commitment hearing under Article 2 of this chapter or have expressly or by operation of law waived a commitment hearing, the district attorney shall have authority to prefer accusations, and the defendants shall be tried on such accusations according to the same rules of substantive and procedural laws relating to defendants who have been indicted by a grand jury."

SECTION 8-10.

Said title is further amended by revising paragraph (10) of subsection (a) of Code Section 17-10-9.1, relating to voluntary surrender to county jail or correctional institution, as follows:

"(10) Kidnapping, arson, or burglary in any degree if the person, at the time such person was charged, has previously been convicted of, was on probation or parole with respect to, or was on bail for kidnapping, arson, aggravated assault, burglary in any degree, or one or more of the offenses listed in paragraphs (1) through (9) of this subsection;"

SECTION 8-11.

Said title is further amended by revising paragraph (2) of subsection (b) of Code Section 17-10-30, relating to procedure for imposition of the death penalty generally, as follows:

"(2) The offense of murder, rape, armed robbery, or kidnapping was committed while the offender was engaged in the commission of another capital felony or aggravated battery, or the offense of murder was committed while the offender was engaged in the commission of burglary in any degree or arson in the first degree;"

SECTION 8-12.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by revising subparagraph (G) of paragraph (2) of Code Section 31-7-250, relating to definitions for personal care home licensing and employee record checks, as follows:

"(G) A felony violation of Code Section 16-9-1 ~~or 16-9-2, relating to forgery in the first and second degree, respectively;~~"

SECTION 8-13.

Said title is further amended by revising subparagraph (K) of paragraph (2) of Code Section 31-7-350, relating to definitions for nursing home employee record checks, as follows:

"(K) A felony violation of Code Section 16-9-1, ~~relating to forgery in the first degree; a violation of Code Section 16-9-2, relating to forgery in the second degree;~~"

SECTION 8-14.

Title 36 of the Official Code of Georgia Annotated, relating to local government, is amended by revising Code Section 36-32-9, relating to the jurisdiction of shoplifting of \$300.00 in municipal courts, as follows:

"36-32-9.

(a) The municipal court is granted jurisdiction to try and dispose of cases in which a person is charged with a ~~first, second, or third offense of~~ misdemeanor theft by shoplifting ~~when the property which was the subject of the theft was valued at \$300.00 or less,~~ if the offense occurred within the corporate limits of the municipality. The jurisdiction of such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases.

(b) Any ~~defendant~~ person charged in a municipal court with a ~~first, second, or third offense of~~ misdemeanor theft by shoplifting ~~property valued at \$300.00 or less~~ shall be entitled upon request to have the case against him or her transferred to the court having general misdemeanor jurisdiction in the county in which the alleged offense occurred.

(c) A person convicted in a municipal court of a ~~first, second, or third offense of~~ misdemeanor theft by shoplifting ~~property valued at \$300.00 or less~~ shall be punished as provided in paragraph (1) of subsection (b) of Code Section 16-8-14, provided that nothing in this Code section or Code Section 16-8-14 shall be construed to give any municipality the right to impose a fine or punishment by imprisonment in excess of the limits as set forth in the municipality's charter.

(d) Any fines and forfeitures arising from the prosecution of such cases in such municipal court shall be retained by the municipality and shall be paid into the treasury of such municipality.

(e) It shall be the duty of the appropriate agencies of the municipality in which an offense under subsection (a) of this Code section is charged to make any reports to the Georgia Crime Information Center required under Article 2 of Chapter 3 of Title 35."

SECTION 8-15.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended by revising paragraph (2) of subsection (a) of Code Section 42-5-85, relating to delegation of authority to issue limited leave privileges, as follows:

"(2) The murder was committed while the offender was engaged in the commission of another capital felony, aggravated battery, burglary in any degree, or arson in the first degree;"

PART IX**EFFECTIVE DATE, APPLICABILITY, AND REPEALER****SECTION 9-1.**

(a) Except as provided in subsections (b) and (c) of this section, this Act shall become effective on July 1, 2012, and shall apply to offenses which occur on or after that date. Any offense occurring before July 1, 2012, shall be governed by the statute in effect at

the time of such offense and shall be considered a prior conviction for the purpose of imposing a sentence that provides for a different penalty for a subsequent conviction for the same type of offense, of whatever degree or level, pursuant to this Act.

(b)(1) Section 3-7B of this Act shall become effective on July 1, 2013, at which time, Section 3-7A of this Act shall be superceded and repealed in its entirety, and Section 3-7B of this Act shall apply to offenses which occur on or after July 1, 2013. Any offense occurring before July 1, 2013, shall be governed by the statute in effect at the time of such offense and shall be considered a prior conviction for the purpose of imposing a sentence that provides for a different penalty for a subsequent conviction for the same type of offense, of whatever degree or level, pursuant to this Act.

(2) Section 3-7C of this Act shall become effective on July 1, 2014, at which time, Section 3-7B of this Act shall be superceded and repealed in its entirety, and Section 3-7C of this Act shall apply to offenses which occur on or after July 1, 2014. Any offense occurring before July 1, 2014, shall be governed by the statute in effect at the time of such offense and shall be considered a prior conviction for the purpose of imposing a sentence that provides for a different penalty for a subsequent conviction for the same type of offense, of whatever degree or level, pursuant to this Act.

(c) Part VI and Sections 8-1 and 8-4 of this Act shall become fully effective on July 1, 2013; provided, however, that for the purpose of preparing for implementation of Part VI of this Act, said part shall become effective on July 1, 2012.

SECTION 9-2.

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y 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	Y McKillip	E 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	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	E Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	E Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E 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	Y Harbin	N Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
E Collins	Y Harden, M	Y Maddox, G	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Sims of the 119th was excused on the preceding roll call. She wished to be recorded as voting "aye" thereon.

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

Representative Golick of the 34th asked unanimous consent that HB 1176 be immediately transmitted to the Senate.

It was so ordered.

By unanimous consent, the following Bill of the Senate, having been previously postponed, was again postponed until the next legislative day:

SB 492. By Senator Mullis of the 53rd:

A BILL to be entitled an Act to amend Code Section 50-5-67 of the Official Code of Georgia Annotated, relating to state purchasing through competitive bidding, so as to require that state contract awards for heavy equipment follow certain specific procedures; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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 351. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to require the same training for all judges of courts exercising municipal court jurisdiction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to require the same training for all judges of courts exercising municipal court jurisdiction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, is amended by revising Code Section 36-32-11, relating to required training for judges, as follows:

"36-32-11.

(a) All judges of the municipal courts, and all judges of courts exercising municipal court jurisdiction, shall periodically satisfactorily complete a training course as provided in Article 2 of this chapter.

(b) The Georgia Municipal Courts Training Council shall keep records of training completed by municipal judges and judges of courts exercising municipal court jurisdiction.

(c) If any municipal judge, or any judge of a court exercising municipal court jurisdiction, does not satisfactorily complete the required training in any year, the Georgia Municipal Courts Training Council shall promptly notify the Judicial Qualifications Commission, which shall may remove the ~~municipal~~ judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the ~~municipal~~ judge.

(d) The reasonable costs and expenses of such training shall be paid by the governing authority of the ~~municipality from municipal funds~~ jurisdiction where the judge presides.

(e) This Code section shall not apply to any magistrate judge, probate judge, or any judge of a court of record who presides in a court exercising municipal court jurisdiction."

SECTION 2.

Said chapter is further amended by revising Code Section 36-32-27, relating to mandatory training of municipal court judges, as follows:

"36-32-27.

(a) Any person who becomes a municipal judge on or after January 1, 1991, shall satisfactorily complete 20 hours of training in the performance of his or her duties, ~~prior to December 31, 1991, and shall attend the first scheduled training session held within one year~~ after the date of his or her election or appointment in order to become certified under this article. Any person serving as a municipal judge prior to January 1, 1991, shall be exempt from completing these 20 hours of training.

(b) Except as provided in subsection (d) of this Code section, any person who becomes a judge of a court exercising municipal court jurisdiction on or after July 1, 2012, who is not subject to subsection (a) of this Code section, shall satisfactorily complete 20 hours of training in the performance of his or her duties within one year after the date of his or her election or appointment in order to become certified under this article. Any person serving as a judge of a court exercising municipal court jurisdiction prior to July 1, 2012, who is not subject to subsection (a) of this Code section, shall be exempt from completing these 20 hours of training.

~~(b)~~(c) Except as provided in subsection (d) of this Code section, in order to maintain the status of a certified municipal judge or a certified judge of a court exercising municipal court jurisdiction, each person certified as such he or she shall complete 12 hours of additional training per annum during each calendar year after the year of his or

her initial certification in which he or she serves as municipal judge or as judge of a court exercising municipal court jurisdiction.

(d) This Code section shall not apply to any magistrate judge, probate judge, or any judge of a court of record who presides in a court exercising municipal court jurisdiction."

SECTION 3.

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	E Horne	Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	E Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Kaiser	Y Powell, J	Y Waites
Y Carson	Y 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	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	Y Maddox, B	Y Roberts	Y Williams, C
E Collins	Y Harden, M	Y Maddox, G	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 158, nays 0.

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

Representative Kaiser of the 59th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "aye" thereon.

Representative Channell of the 116th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

Your Committee on Ways and Means 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 284 Do Pass, by Substitute
SB 332 Do Pass, by Substitute

Respectfully submitted,
/s/ Channell of the 116th
Chairman

The Speaker Pro Tem assumed the Chair.

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

SB 489. By Senators Mullis of the 53rd, Unterman of the 45th, Albers of the 56th, Rogers of the 21st, Gooch of the 51st and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to require the Georgia Trauma Care Network Commission to report annually to the House and Senate Committees on Health and Human Services documenting certain outcomes and verifying certain expenditures of funds; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	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	Y McKillip	E Sims, B
Y Anderson	Y Dickey	Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y 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	E Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y 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	Y 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	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

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

SB 412. By Senator Millar of the 40th:

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

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y 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	E Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y 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	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 158, nays 0.

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

SB 352. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, so as to provide for prosecuting attorneys in probate courts, municipal courts, and

courts exercising municipal court jurisdiction; to provide for the process of such employment; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

**A BILL TO BE ENTITLED
AN ACT**

To amend Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, so as to authorize district attorneys and solicitors-general to bring actions to enforce Code Section 40-6-163, relating to vehicles overtaking school buses; to provide for an acting solicitor-general of a state court in the event of the death or resignation of a solicitor-general; to provide for prosecuting attorneys in municipal courts, and courts exercising municipal court jurisdiction; to provide for the appointment, compensation, oath of office, duties, and authority of such prosecuting attorneys; to authorize the appointment of staff; to amend Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, so as to provide for jurisdiction in transactions in drug objects in violation of Code Section 16-13-32; to provide for disposition of fines and the transfer of cases; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to prosecuting attorneys, is amended by revising paragraph (5) of Code Section 15-18-6, relating to the duties of district attorneys, as follows:

"(5) To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 and to prosecute or defend any other civil action in the prosecution or defense of which the state is interested, unless otherwise specially provided for;"

SECTION 2.

Said chapter is further amended by revising paragraph (4) of subsection (b) of Code Section 15-18-66, relating to duties of solicitors-general of state courts, as follows:

"(4) ~~When authorized by law,~~ To prosecute civil actions to enforce any civil penalty set forth in Code Section 40-6-163 and when authorized by law to prosecute or defend any civil action in the state court in the prosecution or defense of which the state is interested, unless otherwise specially provided for;"

SECTION 3.

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

"15-18-70.1.

(a) Upon the death or resignation of a solicitor-general, the chief assistant solicitor-general or, if there is no chief assistant solicitor-general, the assistant solicitor-general senior in time of service shall perform the duties of the deceased or resigned solicitor-general until such official's successor is appointed or elected and qualified. An assistant solicitor-general performing the duties of a deceased or resigned solicitor-general shall be compensated as provided for acting solicitor-generals in subsection (b) of Code Section 15-18-70.

(b) If there is no assistant solicitor-general available to perform the duties of the deceased or resigned solicitor-general as provided in subsection (a) of this Code section, the presiding judge may request the assistance of the district attorney of the judicial circuit in which such county is located or another solicitor-general of a state court to prosecute cases until a solicitor-general is appointed or elected and qualified as provided by subsection (b) of Code Section 15-18-60. Any such district attorney or solicitor-general who is acting pursuant to this subsection shall be reimbursed by the county governing authority for actual expenses incurred while assisting in the state court pursuant to this subsection."

SECTION 4.

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

"ARTICLE 5

15-18-90.

The provisions of this article shall apply to a municipality authorized by the provisions of Article 1 of Chapter 32 of Title 36 to establish and maintain a municipal court, including a municipality for which a county is furnishing municipal court services pursuant to a contract authorized by Article 9 of Chapter 10 of this title.

15-18-91.

(a) Subject to the provisions of this article, the governing authority of a municipality shall be authorized to create the office of prosecuting attorney of the municipal court. A copy of the resolution or ordinance creating the office of prosecuting attorney of the municipal court shall be provided to the Prosecuting Attorneys' Council of the State of Georgia.

(b) Unless provided by the charter of such municipality or other local law, the prosecuting attorney of a municipal court shall be appointed by the governing authority of such municipality in the same manner as is the city attorney or, if there is no city attorney, the city manager. It shall be the duty of the municipal court clerk to notify the Prosecuting Attorneys' Council of the State of Georgia of the name of any person appointed to be the prosecuting attorney of a municipal court within 30 days of such appointment.

(c) Unless otherwise provided by the charter of such municipality or other local law, the prosecuting attorney of the municipal court shall serve a term of office to be determined by the governing authority of such municipality.

(d) The governing authority of a municipality shall also be authorized to contract with the district attorney of the judicial circuit in which such municipality is located or the solicitor-general of the state court of the county in which such municipality is located for such officer to perform the duties of the prosecuting attorney in such municipal court. Any district attorney or solicitor-general entering into any such contract may assign such other members of his or her staff to prosecute in the municipal court.

15-18-92.

(a) Any person appointed as the prosecuting attorney of a municipal court shall be a member in good standing of the State Bar of Georgia and admitted to practice before the appellate courts of this state.

(b) Notwithstanding the provisions of subsection (a) of Code Section 15-18-21 or subsection (b) of 15-18-72, an assistant district attorney or assistant solicitor-general may be appointed as the prosecuting attorney of a municipal court with the prior written consent of the district attorney or solicitor-general who employs such assistant district attorney or assistant solicitor-general. Such consent may be withdrawn at any time by the employing district attorney or solicitor-general. Notice that consent for such appointment is being withdrawn shall be done in writing to the governing authority of such municipality not less than 30 days prior to the day that such assistant district attorney or assistant solicitor-general shall cease to serve as the prosecuting attorney of a municipal court.

15-18-93.

In addition to the oaths prescribed by Chapter 3 of Title 45, relating to official oaths, the prosecuting attorney of a municipal court shall take and subscribe to the following oath: 'I swear (or affirm) that I will well, faithfully, and impartially and without fear, favor, or affection discharge my duties as prosecuting attorney of the (City) (Town) of (here state the municipality).'

15-18-94.

(a) Unless otherwise provided by local law, the governing authority of the municipality shall determine whether the prosecuting attorney of a municipal court shall be a full-time or part-time prosecuting attorney.

(b) Any full-time prosecuting attorney of a municipal court and any full-time employees of the prosecuting attorney of a municipal court shall not engage in the private practice of law.

(c) Any part-time prosecuting attorney of a municipal court and any part-time assistant prosecuting attorney of a municipal court may engage in the private practice of law, but shall not practice in the municipal court or appear in any matter in which that prosecuting attorney has exercised jurisdiction.

15-18-95.

If the prosecuting attorney of a municipal court is disqualified from engaging in the prosecution of a particular case or is unable to perform the duties of said office due to illness or incapacity, the governing authority shall provide for the appointment of a substitute prosecuting attorney.

15-18-96.

(a) The prosecuting attorney of a municipal court shall have the duty and authority to represent the municipality:

(1) In the municipal court:

(A) In the prosecution of any violation of the laws or ordinances of such municipality which is within the jurisdiction of such municipal court and punishable by confinement or a fine or both or by a civil penalty authorized by Code Section 40-6-163; and

(B) In the prosecution of any violation of state laws which by general law municipal courts have been granted jurisdiction to try and dispose of such offenses, specifically including those offenses described in Chapter 32 of Title 36 and Code Section 40-13-21;

(2) In the appeal of any case prosecuted in the municipal court to the superior court or the appellate courts of this state;

(3) In any case in which the defendant was convicted in the municipal court and is challenging such conviction through habeas corpus;

(4) To attend each session of the state court when municipal ordinance cases are to be heard unless excused by the judge thereof and to remain until the business of the municipality is disposed of;

(5) To administer the oaths required by law to the bailiffs or other officers of the court and otherwise to aid the presiding judge in organizing the court as may be necessary; and

(6) To perform such other duties as are or may be required by law or ordinance or which necessarily appertain to such prosecuting attorney's office.

(b) The prosecuting attorney of a municipal court shall have the authority to:

(1) File, amend, and prosecute any citation, accusation, summons, or other form of charging instrument authorized by law for use in the municipal court;

(2) Dismiss, amend, or enter a nolle prosequi on any accusation, citation, or summons filed in the municipal court as provided by law, except that the prosecuting attorney of a municipal court shall not have the authority to dismiss or enter a nolle prosequi in any case in which the accused is charged with a violation of state law other than one which the municipal court has jurisdiction to try and dispose of such offense without the consent of the proper prosecuting officer having jurisdiction to try and dispose of such offense. As used in this paragraph, the term 'proper prosecuting officer' means, in the case of felonies, the district attorney and, in the case of misdemeanors, the solicitor-general in counties where there is a state court, or in counties where there is no solicitor-general, the district attorney;

(3) Reduce to judgment any fine, forfeiture, or restitution imposed by the municipal court as part of a sentence in an ordinance case or forfeiture of a recognizance which is not paid in accordance with the order of the court. A prosecuting attorney of a municipal court may institute such civil action in the courts of this state or of the United States or any of the several states to enforce such judgment against the property of the defendant; and

(4) Request and utilize the assistance of any other municipal prosecutor, solicitor-general, assistant solicitor-general, district attorney, assistant district attorney, or other attorney employed by an agency of this state or its political subdivisions or authorities in the prosecution of any criminal action.

(c) The provisions of this Code section shall not be deemed to restrict, limit, or diminish any authority or power of the district attorney or any solicitor-general to represent this state in any criminal case in which the accused is charged with a felony or misdemeanor, when the municipal court is acting as a court of inquiry pursuant to Article 2 of Chapter 7 of Title 17 or setting bail for any such offense, other than one which the municipal court has, by law, jurisdiction to try and dispose of.

15-18-97.

The prosecuting attorney of a municipal court shall be compensated by the municipality as provided by local law or, in the absence of such local law, as provided by the governing authority of such municipality. The prosecuting attorney of a municipal court shall be entitled to be reimbursed for actual expenses incurred in the performance of his or her official duties in the same manner and rate as other municipal employees.

15-18-98.

The prosecuting attorney of a municipal court may employ such additional assistant prosecuting attorneys and other employees or independent contractors as may be provided for by local law or as may be authorized by the governing authority of the municipality. The prosecuting attorney of a municipal court shall define the duties and fix the title of any attorney or other employee of the prosecuting attorney's office. Personnel employed pursuant to this Code section shall be compensated by the municipality.

15-18-99.

Any assistant prosecuting attorney or other attorney at law employed by the prosecuting attorney of a municipal court shall be a member in good standing of the State Bar of Georgia, shall serve at the pleasure of the prosecuting attorney, and shall have such authority, powers, and duties as may be assigned by the prosecuting attorney of the municipal court."

SECTION 5.

Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts, is amended by adding a new Code section to read as follows:

"36-32-6.1.

(a) The municipal court of any municipality shall be granted jurisdiction to try and dispose of cases where a person is charged with transactions in drug related objects in violation of Code Section 16-13-32 if the offense occurred within the corporate limits of such municipality. The jurisdiction of any such court shall be concurrent with the jurisdiction of any other courts within the county having jurisdiction to try and dispose of such cases.

(b) Any fines arising from the prosecution of such cases shall be retained by the municipality and shall be paid into the treasury of such municipality.

(c) Any defendant charged with transactions in drug related objects in violation of Code Section 16-13-32 in a municipal court shall be entitled, upon request, to have the case against him or her transferred to the court having general misdemeanor jurisdiction in the county where the alleged offense occurred.

(d) Nothing in this Code section shall be construed to give any municipality the right to impose a fine or punish by imprisonment in excess of the limits as set forth in the municipality's charter."

SECTION 6.

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

SECTION 7.

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

The following amendment was read and adopted:

Representative Welch of the 110th offers the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to SB 352 (LC 29 5249ERS) by replacing lines 59 through 62 as follows:

(b) It shall be the duty of the municipal court clerk, or such other person designated by the governing authority of a municipality, to notify the Prosecuting

By inserting at the end of line 108 the following:

At any time in which a substitute prosecuting attorney is not available or an appointment has not been made, the city attorney of the applicable municipality may serve as the substitute prosecuting attorney until such time as a prosecuting attorney or substitute prosecuting attorney is available or appointed.

By deleting lines 124 through 126.

By renumbering current paragraphs (5) and (6) as new paragraphs (4) and (5), respectively, on lines 127 and 129.

By replacing lines 173 through 177 as follows:

Any assistant prosecuting attorney or other attorney at law employed by the municipality for the purposes of prosecuting in the municipal court shall be a member in good standing of the State Bar of Georgia or satisfy the provisions of Code Section 15-18-22."

The Committee substitute, as amended, was adopted.

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E 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	Y 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	E Murphy	E Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	E Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Channell	Y Greene	Y Knight	Y Randall	Y Weldon
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y 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	Y Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 154, nays 0.

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

SB 407. By Senators Unterman of the 45th, Chance of the 16th and Miller of the 49th:

A BILL to be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to repeal the creation of the Health Strategies Council and the Clinical Laboratory, Blood Bank, and Tissue Bank Committee; to correct a cross-reference; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E 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	Y 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	E Murphy	Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	E Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Wildon
Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y 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	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

SB 473. By Senators Harbison of the 15th, Jeffares of the 17th and Hill of the 4th:

A BILL to be entitled an Act to amend Code Section 40-2-84 of the Official Code of Georgia Annotated, relating to the issuance of license plates to veterans awarded Purple Hearts, so as to include persons still serving in the armed services; to amend Code Section 48-5-478.2 of the Official Code of Georgia Annotated, relating to veterans awarded Purple Heart exempt from ad valorem taxes provided license plate issued under Code Section 40-2-84, so as to provide for a refund of ad valorem taxes; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E 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	Y 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	E Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	E Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	E 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	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites

Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Weldon
Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y 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	Maddox, G	Y 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
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 154, nays 0.

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

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

HB 110. By Representatives Jacobs of the 80th, Willard of the 49th, Lindsey of the 54th, Powell of the 171st, Welch of the 110th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for a vacant property registry; to provide for a definition; to provide for required elements of a form for such registration; to provide for exemptions and maximum fees for such registration and for removal from the registry; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, so as to provide for vacant and foreclosed real property registries; to provide for definitions; to provide for required elements of a form for such registrations; to provide for exemptions from registration; to provide for maximum fees and penalties for registration and failure to register; to provide for appellate rights; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating generally to mortgages, conveyances to secure debt, and liens, is amended by adding a new Code section to read as follows:

"44-14-14.

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

(1) 'Agent' means an individual with a place of business in this state at which he or she is authorized to accept inquiries, notices, and service of process on behalf of a vacant or foreclosed real property owner.

(2) 'Department' means the Department of Community Affairs.

(3) 'Foreclosed real property' means improved or unimproved real property for which a land disturbance permit has been issued by a county or municipal corporation and is held pursuant to a judicial or nonjudicial foreclosure of a mortgage, deed of trust, security deed, deed to secure debt, or other security instrument securing a debt or obligation owed to a creditor or a deed in lieu of foreclosure in full or partial satisfaction of a debt or obligation owed to a creditor.

(4) 'Street address' means the street or route address. Such term shall not mean or include a post office box.

(5) 'Vacant real property' means real property that:

(A) Is intended for habitation, has not been lawfully inhabited for at least 60 days, and has no evidence of utility usage within the past 60 days; or

(B) Is partially constructed or incomplete, without a valid building permit.

Such term shall not include a building or structure containing multiple units with common ownership that has at least one unit occupied with evidence of utility usage.

(b) Effective July 1, 2012:

(1) A county or municipal corporation may establish by ordinance or resolution for the requirement of registration of vacant or foreclosed real property as provided in this Code section;

(2) Notwithstanding county or municipal ordinances or resolutions that require registration for repeated ordinance violations that remain uncorrected for at least 90 days, no county or municipal corporation shall require registration of vacant property or real property that is unoccupied, uninhabited, abandoned, foreclosed, or advertised for foreclosure on any basis other than as set forth in this Code section or as may be otherwise authorized by general law; and

(3) No county or municipal corporation shall require for purposes of a vacant or foreclosed real property registry established pursuant to this Code section any information or documentation other than as set forth in this Code section.

Any requirements of a vacant or foreclosed real property registry established by a county or municipal ordinance or resolution in effect as of July 1, 2012, that are in conflict with the requirements of this Code section shall be hereby preempted.

(c) Each registrant shall be required to file with a specifically identified office or officer a registration form, in paper or electronic format, as required by the county or municipal corporation, requiring submission of only the following information:

(1) The real property owner's name, street address, mailing address, phone number, facsimile number, and e-mail address;

(2) The agent's name, street address, mailing address, phone number, facsimile number, and e-mail address;

(3) The real property's street address and tax parcel number;

(4) The transfer date of the instrument conveying the real property to the owner; and

(5) At such time as it becomes available, recording information, including deed book and page numbers, of the instrument conveying the real property to the owner.

(d) The department may promulgate a standard vacant or foreclosed real property registry form that requires only the information set forth in subsection (c) of this Code section, in paper and electronic format. If such form is promulgated by the department, all counties and municipal corporations with a vacant or foreclosed real property registry shall use such form.

(e)(1) When any real property is acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure and:

(A) The deed under power of sale or deed in lieu of foreclosure contains the information specified in paragraphs (1) through (5) of subsection (c) of this Code section;

(B) The deed is filed with the clerk of superior court within 60 days of the transfer; and

(C) Proof of the following is provided to the office or officer in charge of the county or municipal foreclosed real property registry:

(i) A filing date stamp or a receipt showing payment of the applicable filing fees; and

(ii) The entire deed under power of sale or entire deed in lieu of foreclosure, a county or municipal corporation shall not require the transferee to register such foreclosed real property pursuant to this Code section or the payment of any administrative fees pursuant to subsection (h) of this Code section.

(2) No county or municipal corporation may require registration of vacant or foreclosed real property pursuant to this Code section within 90 days of such real property's transfer:

(A) Pursuant to a deed under power of sale or deed in lieu of foreclosure; or

(B) To the first subsequent transferee after the vacant real property has been acquired by foreclosure under power of sale pursuant to Code Section 44-14-160 or acquired pursuant to a deed in lieu of foreclosure.

(f) An ordinance or resolution establishing a registry pursuant to this Code section may require a vacant or foreclosed real property owner to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section within 30 days after any change in such required information regardless of whether the information

provided to the registry was in the deed under power of sale or deed in lieu of foreclosure.

(g) A vacant or foreclosed real property owner, or the agent of such owner, may apply to remove such vacant or foreclosed real property from the registry at such time as the real property no longer constitutes vacant or foreclosed real property. The county or municipal corporation shall grant or deny such application within 30 days, and if no such determination is made within 30 days, the application shall be deemed granted.

(h) An ordinance or resolution establishing a vacant or foreclosed real property registry may require the payment of administrative fees for registration which shall reasonably approximate the cost to the county or municipal corporation of the establishment, maintenance, operation, and administration of the registry. Such fees shall not exceed \$100.00 per registration.

(i) An ordinance or resolution establishing a vacant or foreclosed real property registry may require penalties for failure to register or failure to update the information specified in paragraphs (1) through (5) of subsection (c) of this Code section, provided that such penalties shall not exceed \$1,000.00.

(j) A county or municipal ordinance or resolution requiring the registration of vacant or foreclosed real property shall provide for administrative procedures. The administrative procedures shall include the right to appeal to the municipal or recorder's court in the city where the vacant or foreclosed real property is located or to the magistrate or recorder's court of the county in which the vacant or foreclosed real property is located, subject to applicable jurisdictional requirements. Any vacant or foreclosed real property owner affected by a county or municipal ordinance or resolution requiring vacant or foreclosed real property registration may challenge any determination made pursuant to such ordinance or resolution.

(k) An ordinance or resolution adopted by the governing authority of a county to establish a registry pursuant to this Code section may, subject to and in accordance with the requirements of this Code section, require registration of vacant or foreclosed real property within the entire territory of the county, except territory located within the boundaries of any municipal corporation, unless otherwise allowed by intergovernmental agreement between the county and municipal corporation.

(l) Nothing in this Code section shall be construed to prohibit a county or municipal ordinance or resolution requiring the registration of vacant or foreclosed real property from providing for exemptions from such registration.

(m) Nothing in this Code section shall be construed to impair, limit, or preempt in any way the power of a county or municipal corporation to enforce any applicable codes, as defined in Code Section 42-2-8, or to define or declare nuisances and to cause their removal or abatement by summary proceedings or otherwise.

(n) Notwithstanding Code Section 36-74-30, an ordinance or resolution establishing a vacant or foreclosed real property registry may require the registration of residential rental property if such property is vacant or foreclosed real property."

SECTION 2.

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

Representative Jacobs of the 80th moved that the House agree to the Senate substitute to HB 110.

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	N McCall	Y Sheldon
Y Amerson	Y Dickerson	Y Hightower	Y McKillip	E Sims, B
Y Anderson	Y Dickey	N Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	Y Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y 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	Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Y Neal, Y	N Spencer
Y Benton	N Dutton	Y Hugley	E Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	E Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
N Brockway	Y Epps, J	Y Jasperse	E 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	Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Jones, S	Y Peake	Y Teasley
Y Burns	E Fullerton	E Jordan	Y Powell, A	Y Thomas
N Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Channell	Y Greene	Y Knight	Y Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
N Clark, J	Y Hanner	Y Lindsey	Y Rice	Willard
Y Clark, V	Y Harbin	Y Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	N Maddox, B	N Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	Y 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	N Hatfield	N Martin	E Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the motion, the ayes were 145, nays 12.

The motion prevailed.

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

Mr. Speaker:

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

SB 373 Do Pass, by Substitute
SR 843 Do Pass, by Substitute

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

Representative Hanner of the 148th moved that the House do now adjourn until 10:00 o'clock, A.M., Monday, March 26, 2012, and the motion prevailed.

Pursuant to the adjournment Resolution previously adopted by the House and Senate, the Speaker Pro Tem announced the House adjourned until 10:00 o'clock, A.M., Monday, March 26, 2012.