

Representative Hall, Atlanta, Georgia**Monday, March 26, 2012****Thirty-Eighth 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:

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

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

Representatives Abdul-Salaam of the 74th, Benfield of the 85th, Bruce of the 64th, Channell of the 116th, Coomer of the 14th, Dollar of the 45th, Epps of the 128th, Frazier of the 123rd, Geisinger of the 48th, Howard of the 121st, Hudson of the 124th, Jackson of the 142nd, Jacobs of the 80th, Knight of the 126th, Maddox of the 172nd, McCall of the

30th, Parsons of the 42nd, Roberts of the 154th, Sims of the 169th, and Willard of the 49th.

They wished to be recorded as present.

Prayer was offered by Pastor Jack Varnell, Unity United Methodist Church, Lakeland, 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 1305. By Representatives Geisinger of the 48th, Lindsey of the 54th, Riley of the 50th, McCall of the 30th, Pruett of the 144th and others:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to provide for pari-mutuel wagering or betting on horse racing in this state; to provide for the comprehensive regulation of such activities; to provide for legislative intent;

to provide for definitions; to provide for the establishment of the Georgia Racing Commission; to provide for the membership, terms of office, filling of vacancies, qualifications, duties, and responsibilities of the members of such commission; to provide for the legal representation of such commission; to provide for commission staff and employees; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HR 2015. By Representatives Kidd of the 141st, Sims of the 169th, Powell of the 29th, Rynders of the 152nd, Oliver of the 83rd and others:

A RESOLUTION creating the House Public Utility Unit Closure, Contracts, and Rates Study Committee; and for other purposes.

Referred to the Committee on Energy, Utilities & Telecommunications.

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

HB 1303

HR 1977

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

Mr. Speaker:

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

SB 448 Do Pass, by Substitute

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

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

Mr. Speaker:

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

SB 34 Do Pass

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

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

Mr. Speaker:

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

SB 447 Do Pass
SB 469 Do Pass, by Substitute

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

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

Mr. Speaker:

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

HB 1290	Do Pass, by Substitute	HB 1298	Do Pass
HB 1300	Do Pass, by Substitute	HB 1304	Do Pass
SB 354	Do Pass, by Substitute	SB 462	Do Pass
SB 523	Do Pass		

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

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

Mr. Speaker:

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

SB 493 Do Pass, by Substitute

Respectfully submitted,
/s/ Golick of the 34th
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 1876 Do Pass
HR 1979 Do Pass

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

HOUSE RULES CALENDAR
MONDAY, MARCH 26, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 38th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

SB 143 Massage Therapy Practice; provide that an applicant for a license by endorsement shall provide certain information (Substitute)(RegI-Harrell-106th) Henson-41st

- SB 324 Veterinary Medicine; clarify a certain definition (Substitute)(A&CA-Neal-1st) Mullis-53rd
- SB 357 Agriculture; repeal the "Georgia Treated Timber Products Act of 1973" (A&CA-Tankersley-158th) Wilkinson-50th
- SB 365 Property; collected funds; change prov.; residential real property; provide form Acknowledgment and Waiver of Borrower's Rights (Substitute)(Judy-McKillip-115th) Hamrick-30th
- SB 367 Agriculture Commissioner; authorized to require persons incurring civil penalties to obtain a surety bond (A&CA-McCall-30th) Bulloch-11th
- SB 371 Aviation; provide for local governments' ability to accept community improvement district funds (GAff-Manning-32nd) Tippins-37th
- SB 383 'Georgia International Commercial Arbitration Code'; repeal Part 2, relating to international arbitration (Judy-Willard-49th) Hamrick-30th
- SB 446 Fire Protection and Safety; buildings; transfer certain functions; Dept. of Labor and Commissioner of Labor to the Office of Safety Fire Commissioner and Safety Fire Commissioner (Substitute)(GAff-Carter-175th) Mullis-53rd
- SB 464 Fish and Fishing; limit the number of commercial crabbing licenses issued (Substitute)(GF&P-Atwood-179th) Ligon, Jr.-3rd

Modified Structured Rule

- SB 225 Criminal Offenses; provide for new offense of transmitting a false report; penalties (Substitute)(JudyNC-Collins-27th) Miller-49th
- SB 289 Education; require students; one course containing online learning (Substitute)(Ed-Dudgeon-24th) Rogers-21st
- SB 319 State Parks; use of boats; revise certain provisions (Substitute)(GF&P-Pruett-144th) Jeffares-17th
- SB 337 Insurance; limitations on licensure requirements for certain health care providers (Substitute)(Ins-Taylor-173rd) Goggans-7th
- SB 356 Superior Courts; provide additional judge of the Bell-Forsyth Judicial Circuit; initial appointment; election and term of office (Substitute)(Judy-Hamilton-23rd) Murphy-27th
- SB 385 Insurance Commissioner; provide for confidentiality of certain records; exceptions; premium taxes and rate; manner of collection (Substitute)(Ins-Golick-34th) Shafer-48th
- SB 396 Herty Advanced Materials Development Center; change prov.; rename and transfer governance to Board of Regents (GAff-Carter-175th) Chance-16th

Structured Rule

- SB 368 Nurses; provide for continuing competency requirements; renewal of licenses (Substitute)(H&HS-Cooper-41st) Carter-1st

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 1290. By Representatives Mosby of the 90th, Oliver of the 83rd, Bell of the 58th, Benfield of the 85th, Jacobs of the 80th and others:

A BILL to be entitled an Act to amend an Act establishing in DeKalb County districts from which members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for certain terms of office; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend an Act establishing in DeKalb County districts from which members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for certain terms of office; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act establishing in DeKalb County districts from which members of the county board of education shall be elected, approved April 12, 1963 (Ga. L. 1963, p. 3424), as

amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4536), is amended by revising Section 1 as follows:

"SECTION 1.

(a) There is created the board of education of DeKalb County. The board of education shall consist of nine members elected as provided in subsection (b) of this section.

(b)(1) For purposes of electing members of the board of education, the DeKalb County School District is divided into nine education districts. One member of the board shall be elected from each such district.

(2)(A) Education Districts 1, 2, 3, 4, 5, 6, and 7 shall be and correspond to those seven numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: dekalbsb-legdel-p2-2012 Plan Type: Local Administrator: dekalb User: Gina'.

(B) For the purposes of such plan described in subparagraph (A) of this paragraph:

(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.

(C) Any part of the DeKalb County School District which is not included in any district described in subparagraph (A) of this paragraph 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.

(D) Any part of the DeKalb County School District which is described in subparagraph (A) of this paragraph 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.

(3)(A) Education Districts 8 and 9 shall be and correspond to those two numbered districts described in and attached to and made a part of this Act and further identified as 'Plan Name: deksup2re Plan Type: local User: Shantee Administrator: Dekalb'.

(B) When used in such plan described in subparagraph (A) of this paragraph, the terms 'Tract' and 'BG' (Block Group) 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.

(C) Any part of the DeKalb County School District which is not included in any such district described in subparagraph (A) of this paragraph 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.

(D) Any part of the DeKalb County School District which is described in subparagraph (A) of this paragraph 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 2000 for the State of Georgia. Except as otherwise provided in the description of any education district in the plan described in subparagraph (A) of this paragraph, 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 maps for the United States decennial census of 2000 for the State of Georgia."

SECTION 2.

Said Act is further amended by revising Section 2 as follows:

"SECTION 2.

(a) Successors to the members from Education Districts 2, 4, 6, and 8 shall be elected in the 2012 nonpartisan election to be held and conducted in accordance with Code Section 21-2-139 of the O.C.G.A. Those members of the board elected thereto from Education Districts 2, 4, 6, and 8 in 2012 shall take office the first day of January immediately following that election and shall serve for terms of office which expire December 31, 2014.

(b) Successors to the members of the board shall be elected in the 2014 nonpartisan election to be held and conducted in accordance with Code Section 21-2-139. Those members of the board elected thereto shall take office the first day of January immediately following that election and shall serve for terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors.

(c) All future successors to members of the board whose terms of office are to expire shall be elected at the nonpartisan election held and conducted in accordance with Code Section 21-2-139 of the O.C.G.A. immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each and until their respective successors are elected and qualified."

SECTION 3.

(a) Those members of the Board of Education of DeKalb County 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) Education Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9, as they exist immediately prior to the effective date of this Act, shall continue to be designated as Education Districts 1, 2, 3, 4, 5, 6, 7, 8, and 9, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former education districts shall be deemed to be serving from their respective districts as newly described under this Act.

SECTION 4.

The Board of Education of DeKalb 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, no later than 30 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 5.

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

SECTION 6.

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

Plan: dekalbsb-legdel-p2-2012
Plan Type: Local
Administrator: dekalb
User: Gina

District 001
DeKalb County
VTD: 089AD - AUSTIN
VTD: 089AG - ASHFORD DUNWOOD
VTD: 089AH - ASHFORD PARKSIDE
VTD: 089CE - CHAMBLEE (CHA)
VTD: 089CH - CHESNUT ELEMENTARY
VTD: 089DA - DORAVILLE NORTH
VTD: 089DB - DORAVILLE SOUTH
VTD: 089DF - DUNWOODY
VTD: 089DG - DUNWOODY HIGH SCHOOL
VTD: 089DI - DUNWOODY LIBRARY

VTD: 089GD - GEORGETOWN SQ

VTD: 089HB - HAWTHORNE ELEM

021308:

1002 1003 1004 1006 1007 1008 1009 1010 1011 1012 1013 1014
1015

VTD: 089HF - HUNTLEY HILLS ELEM

VTD: 089KB - KINGSLEY ELEM

VTD: 089MQ - MOUNT VERNON EAST

VTD: 089MS - MOUNT VERNON WEST

VTD: 089MU - MONTGOMERY ELEM

VTD: 089NA - NANCY CREEK ELEM

VTD: 089NF - NORTH PEACHTREE

VTD: 089PB - PEACHTREE MIDDLE SCHOOL

VTD: 089SE - SILVER LAKE

021102:

1000 1001 1002 1003 1004 1005 1006 2000 2001 2002 2003 2004
2005 2006 2007 2008 2009 2010 2011 2013 2014 2015 2016 2017
2018 2019 2020 3001 3002 3003 3004 3005 3006 4000 4001 4002
4003 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014
4015 4016 4017 4018 4019 4020 4021

021209:

3011 3016

VTD: 089TG - TILLY MILL ROAD

VTD: 089WI - WARREN TECH

021308:

1000 1001 1005 2000 2001 2002 2003 2005 2006 2007 2008 3018
3019

VTD: 089WL - WINTERS CHAPEL

District 002

DeKalb County

VTD: 089AB - ASHFORD PARK ELEMENTARY

VTD: 089AM - AVONDALE MIDDLE

VTD: 089BC - BRIAR VISTA ELEMENTARY

020100:

1003 1004 1014

021502:

2004 2007 2008 2009 2010 2011 2012 2013 2014 3000 3001 3002
3003 3004 3005 3006 3007 3008 3009 3010 3011 3012 3013 3014
3015 3016 3017 3018 3019 3020

021504:

1000 1001 1002 1003 1004 1005 1006 1007

VTD: 089BE - BRIARWOOD

VTD: 089BG - BRIARCLIFF

VTD: 089BI - BROOKHAVEN

VTD: 089CJ - CLAIRMONT HILLS

VTD: 089CO - CROSS KEYS HIGH

VTD: 089CW - CORALWOOD

VTD: 089DH - DRUID HILLS HIGH SCHOOL

VTD: 089EG - EMORY SOUTH

VTD: 089ER - EMORY ROAD

VTD: 089FB - FERNBANK ELEM

022401:

3008 3012 3014

022403:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1012
1013 1014 1015 1016 1017 1018 1019 1020 1022 1023 1024 1025
1027 1028 1029 1030 1035 2010 2011 2012 2014 2015 2016 2018
2019 2020 2021 2022 2023 3006 3007 3008 3009 3010 3011 3012
3013 3014

VTD: 089LB - LAVISTA ROAD

VTD: 089LC - LAVISTA

VTD: 089ME - MCLENDON ELEM

VTD: 089MG - MEDLOCK ELEM

VTD: 089MJ - MONTCLAIR ELEM

VTD: 089MP - MARGARET HARRIS

VTD: 089NB - NORTH DECATUR

022203:

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 1027 1028 1029 1030 1031 1032 1033 1034 1035 1036
1038 1043

022204:

2018 2019 2020 3001 3002 3003 3004 4014

022600:

1019

023000:

1000 1001 1007

VTD: 089SA - SAGAMORE HILLS

021604:

2017 2018 2022

VTD: 089SB - SCOTT

022301:

1022 1023 1024 1025 1026 1027 2000 2001 2002 2003 2004 2005
2006 2007 2008 2009 2010 3006 3007 3008 3009 3010 3011 3012
3013 3014 3015 3016 3017 3018 3019 3020 4004 4008 4009 4010

4011 4012 4013 4014 4015 5000 5001 5002 5003 5004 5005 5006
 5007 5008 5009 5010 5011
 VTD: 089SC - SCOTTDALE
 VTD: 089SN - SHAMROCK MIDDLE
 VTD: 089WJ - WOODWARD ELEM

District 003
 DeKalb County

VTD: 089AE - AVONDALE (AVO)
 VTD: 089AF - HOOPER ALEXANDER

022900:

2000 2001 2002 2003 2004 3003 3004 3005 3006 3007 3009 3010
 3012 3013 3014 3015 3016 3017 3018 3019 3020 3021 3022 3023
 3024 3025 3026 3027 3028 3030 3031

023101:

2002 2003 2013 2014
 VTD: 089BL - BOULDERCREST RD
 VTD: 089CA - COLUMBIA DRIVE
 VTD: 089CC - COLUMBIA ELEMENTARY
 VTD: 089CD - CEDAR GROVE ELEMENTARY
 VTD: 089CL - CLIFTON ELEMENTARY
 VTD: 089CM - COLUMBIA MIDDLE
 VTD: 089CQ - CANDLER
 VTD: 089CR - CEDAR GROVE MIDDLE
 VTD: 089CS - CEDAR GROVE SOUTH

023424:

1017 1023 1024 1025
 VTD: 089CT - COVINGTON HWY L
 VTD: 089EB - EASTLAND
 VTD: 089FC - FLAT SHOALS ELEM
 VTD: 089FD - FORREST HILLS ELEM

022203:

1040

022900:

1000 1001 1002 1003 1004 1005 1007 1009 1012 1013 1015 1017
 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1030 1031
 1032 1033 1034 1035 1036 1037 1038 1039 1040

023000:

1026 1027 1028 1029 1040 1041
 VTD: 089FJ - FLAT SHOALS
 VTD: 089GC - GRESHAM PARK ELEM
 VTD: 089GE - GLENHAVEN ELEM
 VTD: 089KA - KELLEY LAKE ELEM

VTD: 089KE - KNOLLWOOD ELEM
 VTD: 089ML - MEADOWVIEW ELEM
 VTD: 089MO - MIDWAY ELEM
 VTD: 089MP - MCNAIR MIDDLE
 VTD: 089OV - OAK VIEW ELEM
 VTD: 089PA - PEACHCREST ELEM
 VTD: 089PN - PINEY GROVE
 VTD: 089SG - SNAPFINGER ELEM
 VTD: 089TA - TERRY MILL ELEM
 VTD: 089TB - TILSON ELEM
 VTD: 089TC - TONEY ELEM
 VTD: 089WA - WADSWORTH ELEM

District 004

DeKalb County

VTD: 089BD - BRIARLAKE ELEMENTARY
 VTD: 089BF - BROCKETT ELEMENTARY
 VTD: 089BH - BROCKETT
 VTD: 089DC - DRESDEN ELEM
 VTD: 089EC - EMBRY HILLS
 VTD: 089EF - EVANSDALE ELEM
 VTD: 089HB - HAWTHORNE ELEM

021308:

1016 1017

021705:

3006 3007 3010 3011 3012 3013

021706:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 2000
 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011 2012
 2013 2014 2015 2016 4008 4009

VTD: 089HC - HENDERSON MILL
 VTD: 089HD - HERITAGE ED
 VTD: 089HG - HUGH HOWELL
 VTD: 089LA - LAKESIDE HIGH
 VTD: 089LV - LAWRENCEVILLE HIGH SCHOOL
 VTD: 089MH - MIDVALE ELEM
 VTD: 089MK - MONTREAL
 VTD: 089MW - MIDVALE ROAD
 VTD: 089ND - NORTHLAKE
 VTD: 089OA - OAK GROVE ELEM
 VTD: 089OB - OAKCLIFF ELEM
 VTD: 089PF - PLEASANTDALE ELEM
 VTD: 089PK - PLEASANTDALE ROAD

VTD: 089RD - REHOBOTH

VTD: 089SA - SAGAMORE HILLS

021604:

1006 1007 1008 1009 1010 1011 1013 1014 1015 1016 1017 1018
1019 1020 1021 2000 2001 2002 2003 2004 2005 2006 2007 2008
2009 2010 2011 2012 2013 2014 2015 2016 2019 2020

021704:

3001 3002 3003 3004 3005 3006 3007 3008 3009

VTD: 089SF - SKYLAND

VTD: 089SH - SMOKE RISE

VTD: 089TF - TUCKER

VTD: 089TH - TUCKER LIBRARY

VTD: 089VB - VALLEY BROOK

VTD: 089WI - WARREN TECH

021307:

2044 2045 2056 2058

021705:

1004 1005 1006 1007 1008 1009 1010 1011 1012 1013 1014 1015
2012 2013 2014 2015 2016 2017 2018 2019 2027 2028 2029 2030
2031 2032 2033 2034

021808:

2024

District 005

DeKalb County

VTD: 089BJ - BROWN'S MILL ELEMENTARY

VTD: 089CB - CANBY LANE ELEMENTARY

VTD: 089CF - MURPHEY CANDLER

VTD: 089CG - CHAPEL HILL ELEMENTARY

VTD: 089CS - CEDAR GROVE SOUTH

023422:

1004 1005 1006 1007 1008 1009 2022 2023

023423:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1016 1017

VTD: 089FA - FAIRINGTON ELEM

VTD: 089FE - FLAT SHOALS PARKWAY

VTD: 089FG - FLAT ROCK ELEM

VTD: 089FK - FLAKES MILL FIRE

VTD: 089FL - FLAT SHOALS LIBRARY

VTD: 089HH - NARVIE J HARRIS

VTD: 089KC - KELLEY CHAPEL

VTD: 089KD - ML KING JR HIGH

VTD: 089LD - LITHONIA (LIT)

VTD: 089MF - MCWILLIAMS

VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

023214:

2002 2008 2009 2012 2013 2014 2015 2016 2017 2018 2019 2020

2021 2022 2023 2024

023416:

1000 1001 1014 1015

VTD: 089MR - BOB MATHIS ELEM

VTD: 089MV - MILLER GROVE ROAD

VTD: 089MZ - MILLER GROVE HIGH

VTD: 089PR - PANOLA ROAD

VTD: 089RA - RAINBOW ELEM

VTD: 089SL - STONEVIEW ELEM

VTD: 089SM - SALEM MIDDLE

VTD: 089SS - SNAPFINGER ROAD

VTD: 089WB - WESLEY CHAPEL SOUTH

VTD: 089WD - WOODROW ROAD

District 006

DeKalb County

VTD: 089FM - FREEDOM MIDDLE

VTD: 089HA - HAMBRICK ELEM

VTD: 089IA - IDLEWOOD ELEM

VTD: 089MA - ELDRIDGE L MILL

VTD: 089NC - NORTH HAIRSTON

VTD: 089PC - PRINCETON ELEM

VTD: 089PE - PINE LAKE (PIN)

VTD: 089RC - REDAN ELEM

VTD: 089RE - ROCKBRIDGE ELEM

VTD: 089RF - ROCK CHAPEL ELEM

VTD: 089RH - REDAN-TROTTI

VTD: 089RI - ROCKBRIDGE ROAD

VTD: 089RL - ROCK CHAPEL ROAD

VTD: 089SD - STN MTN ELEMENTARY

VTD: 089SI - STN MTN MIDDLE

VTD: 089SJ - STONE MILL ELEM

VTD: 089SK - SHADOW ROCK ELEM

VTD: 089SO - SOUTH DESHON

VTD: 089SP - STN MTN CHAMPION

VTD: 089SQ - STONE MTN LIBRARY

VTD: 089ST - STEPHENSON MIDDLE

VTD: 089SU - SOUTH HAIRSTON

VTD: 089SV - STEPHENSON HIGH
VTD: 089WN - WYNBROOKE ELEM

District 007

DeKalb County

VTD: 089AA - ALLGOOD ELEMENTARY
VTD: 089AC - ATHERTON ELEMENTARY
VTD: 089BM - BETHUNE MIDDLE
VTD: 089CK - CLARKSTON (CLA)
VTD: 089CP - CROSSROADS
VTD: 089DE - DUNAIRE ELEM
VTD: 089GB - GLENHAVEN
VTD: 089IB - INDIAN CREEK ELEM
VTD: 089JB - JOLLY ELEM
VTD: 089LH - LITHONIA HIGH SCHOOL
VTD: 089MC - MARBUT ELEM
VTD: 089MI - MILLER GROVE MIDDLE SCHOOL

023214:

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 2000 2001 2003 2004 2005 2006 2007 2010 2011 2025

VTD: 089MM - MEMORIAL NORTH
VTD: 089MN - MEMORIAL SOUTH
VTD: 089PH - PANOLA
VTD: 089PI - PANOLA WAY ELEM
VTD: 089RG - ROWLAND ELEM
VTD: 089RJ - ROWLAND ROAD
VTD: 089RK - REDAN ROAD
VTD: 089RM - REDAN MIDDLE
VTD: 089SR - SNAPFINGER ROAD
VTD: 089WG - WOODRIDGE ELEM
VTD: 089WK - WHITE OAK
VTD: 089YA - YOUNG ROAD

Plan Name: deksup2re Plan Type: local User: Shantee Administrator: Dekalb

Redistricting Plan Components Report

District 008

DeKalb County

Tract: 211
Tract: 212.02
Tract: 212.04

BG: 1

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 1032 1033 1034

Tract: 212.07

Tract: 212.08

Tract: 212.09

Tract: 212.10

Tract: 212.11

Tract: 212.12

Tract: 212.13

Tract: 212.14

Tract: 213.01

Tract: 213.02

BG: 1

BG: 2

BG: 3

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3015
3016

BG: 4

Tract: 213.03

Tract: 213.04

Tract: 214.03

BG: 1

BG: 2

2003 2004 2009 2010 2011 2012 2013 2014 2015 2016 2017

BG: 3

Tract: 214.04

BG: 2

2012

Tract: 214.05

BG: 2

2003 2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014
2015 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026
2028 2029 2037 2038 2039 2040

Tract: 216.01

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1017 1999

Tract: 217.03

BG: 1

BG: 4

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

4012 4013 4014 4015 4016 4018 4019 4020 4021 4022 4023 4024
4025 4999

Tract: 217.04

BG: 2

BG: 3

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3023 3024 3025

BG: 9

Tract: 217.05

Tract: 217.06

Tract: 218.05

Tract: 218.06

Tract: 218.08

Tract: 218.09

Tract: 218.10

Tract: 218.11

Tract: 218.12

Tract: 219.02

Tract: 219.04

Tract: 219.06

Tract: 219.07

Tract: 219.08

Tract: 219.09

Tract: 220.01

BG: 1

BG: 4

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

Tract: 220.04

Tract: 220.05

Tract: 220.06

Tract: 220.07

BG: 1

1000 1001 1002 1003 1004 1005

BG: 2

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2012 2013 2014 2015 2018 2019 2020 2021

Tract: 220.08

BG: 1

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

BG: 2

Tract: 231.06

BG: 1

1006

Tract: 232.04

Tract: 232.06

BG: 2

2000 2001 2002 2003 2004 2005 2013 2014 2015 2016 2017 2018
2019 2020 2021 2022 2998 2999

BG: 4

4000 4001 4002 4003 4004 4005 4006

Tract: 232.08

Tract: 232.09

Tract: 232.10

Tract: 232.11

Tract: 232.12

Tract: 233.02

Tract: 233.03

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1018 1019 1999

BG: 4

4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4013 4015
4016 4017 4998

Tract: 233.05

Tract: 233.06

Tract: 233.07

Tract: 233.09

District 009

DeKalb County

Tract: 201

BG: 1

1013 1014 1022 1026 1027 1028 1029

Tract: 212.04

BG: 1

1028 1029 1030 1031

Tract: 213.02

BG: 3

3011 3012 3013 3014 3017 3018 3019 3020 3021 3022

Tract: 214.01

Tract: 214.03

BG: 2

2000 2001 2002 2005 2006 2007 2008 2018 2019 2020 2021 2022

Tract: 214.04

BG: 1

BG: 2

2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2010 2011
2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023 2024
2025 2026

Tract: 214.05

BG: 1

BG: 2

2000 2001 2002 2027 2030 2031 2032 2033 2034 2035 2036 2041
2042

Tract: 214.06

Tract: 215.01

Tract: 215.02

Tract: 216.01

BG: 1

1015 1016 1018 1019 1020 1021

BG: 2

BG: 3

BG: 4

Tract: 216.02

Tract: 216.03

Tract: 217.03

BG: 4

4017

Tract: 217.04

BG: 3

3013 3014 3015 3016 3017 3018 3019 3020 3021 3022

Tract: 220.01

BG: 4

4012 4013 4014 4015 4016 4017 4018 4019 4020 4021 4022 4023
4024 4025 4026 4027

Tract: 220.07

BG: 1

1006 1007

BG: 2

2016 2017

Tract: 220.08

BG: 1

1014

Tract: 221

Tract: 222

BG: 1

BG: 2

BG: 3

BG: 4

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 4035

Tract: 223.01

BG: 1

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

BG: 2

BG: 3

BG: 4

4000 4001 4002 4003 4004 4005 4006 4007 4008 4009 4010 4013

Tract: 223.02

Tract: 224.01

BG: 1

BG: 2

2000 2001 2002 2003 2004 2005 2006 2008

BG: 3

BG: 4

Tract: 224.02

Tract: 224.03

BG: 1

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
1012 1013 1014 1015 1016 1017 1019 1020 1021 1022 1023 1024
1025 1026 1027 1029 1030 1031 1032 1033 1034 1035 1036 1037

BG: 2

BG: 3

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
3012 3013 3014 3016 3017 3018 3019 3020

Tract: 225

BG: 1

1003 1004

Tract: 226

BG: 3

3013

Tract: 229

Tract: 230

Tract: 231.01

Tract: 231.02

Tract: 231.05

Tract: 231.06

BG: 1

1000 1001 1002 1003 1004 1005 1007 1008 1009 1010 1011 1012
1013

BG: 2

BG: 3

BG: 4

Tract: 231.07

Tract: 231.08

Tract: 232.03

Tract: 232.06

BG: 2

2006 2007 2008 2009 2010 2011 2012

BG: 3

BG: 4

4007 4008 4009 4010 4011 4012

Tract: 233.03

BG: 1

1020 1021 1022 1023 1024

BG: 2

BG: 3

BG: 4

4010 4011 4012 4014 4018 4019 4020 4021 4022 4023 4024 4025
4026 4027 4028 4029 4030 4031 4032 4033 4034 4035 4036 4037
4999

Tract: 233.10

Tract: 234.04

Tract: 234.05

Tract: 234.10

Tract: 234.11

Tract: 234.12

Tract: 234.13

Tract: 234.14

Tract: 234.15

Tract: 234.16

Tract: 234.17

Tract: 234.18

Tract: 235.01

Tract: 235.04

Tract: 235.05

Tract: 235.06

Tract: 235.07

Tract: 236.01

Tract: 236.02

Tract: 236.03

Tract: 237
Tract: 238.01
Tract: 238.02
Tract: 238.03

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

HB 1298. By Representatives Ashe of the 56th, Lindsey of the 54th, Abrams of the 84th, Gardner of the 57th, Long of the 61st and others:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Atlanta, approved April 15, 1996 (Ga. L. 1996, p. 4469), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3840), so as to modify provisions relating to the municipal court; to provide for the imposition, collection, and expenditure of an additional penalty in the municipal court for municipal detention and prison facilities; 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 1300. By Representative Pruett of the 144th:

A BILL to be entitled an Act to revise and restate the law relating to the Bleckley County board of education and school superintendent; to provide for the number of members of the board and the districts from which they are elected; to provide for eligibility, manner of election, and filling of vacancies; to provide for a chairperson and vice chairperson; to provide for reimbursement of expenses; to provide for appointment of the school superintendent; to provide for related matters; to provide for submission of this Act for preclearance under the Voting Rights Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To revise and restate the law relating to the Bleckley County board of education and school superintendent; to provide for the number of members of the board and the districts from which they are elected; to provide for eligibility, manner of election, and

filling of vacancies; to provide for a chairperson and vice chairperson; to provide for reimbursement of expenses; to provide for appointment of the school superintendent; to provide for related matters; to provide for submission of this Act for preclearance under the Voting Rights Act; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The purpose of this Act is to revise and restate the law relating to the Bleckley County board of education by virtue of the authority contained in Article VIII, Section V, Paragraph II of the Constitution of Georgia.

SECTION 2.

(a) At the general election in 2012 and quadrennially thereafter a total of three members of the Bleckley County board of education shall be elected. One member each shall be elected from School Board Districts 1, 2, and 3 for terms of four years. At the general election in 2014 and quadrennially thereafter two members of the board of education shall be elected. One member each shall be elected from School Board Districts 4 and 5 for terms of four years. A quorum of the board shall be three members.

(b) For the purpose of electing members of the board of education of Bleckley County, the Bleckley County School District is divided into five districts. Such districts shall be and correspond to those five numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: bleckleysb-2012 Plan Type: local Administrator: bleckley User: bak'.

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

(2) The separate numeric designations in a district description which are underneath a VTD heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of the Bleckley County School District 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 the Bleckley County School District 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 district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

SECTION 3.

(a) No person shall be a member of the board of education if he or she is ineligible for such office pursuant to the provisions of Code Sections 20-2-51 or 45-2-1 or any other provision contained in the O.C.G.A.

(b) In order to be elected as a member of the board from a district, a person must have resided in that district for at least six months prior to the date such person qualifies as a candidate for election from such district and must receive a majority of the votes cast for that office in that district only and not at large. Only electors who are residents of that district may vote for a member of the board from that district. At the time of qualifying for election as a member of the board from a district, each candidate for such office shall specify the district for which that person is a candidate. A person elected as a member of the board from a district must continue to reside in that district during that person's term of office or that office shall thereupon become vacant.

SECTION 4.

In the event a vacancy occurs in the membership of the board of education for any reason, such vacancy shall be filled as follows:

(1) If the vacancy occurs more than 90 days prior to the date of a general election preceding the general election at which a successor would be elected for a new full term of office, then such vacancy shall be filled for the unexpired term of office at a special election to be held on the same date as said general election preceding the general election at which a successor would be elected to a new full term of office; and in this case the remaining members of the board of education shall, by majority vote, select a qualified person to fill the vacancy until the person elected at such special election takes office; and

(2) If the vacancy does not occur more than 90 days prior to the date of a general election preceding the general election at which a successor would be elected for a new full term of office, then the remaining members of the board of education shall, by majority vote, select a qualified person to serve for the remainder of the unexpired term. The individual so selected must meet the residency requirements as specified in subsection (b) of Section 3 of this Act.

SECTION 5.

Members of the board of education shall be elected in nonpartisan elections as authorized by Code Section 21-2-139 of the O.C.G.A.

SECTION 6.

At the first meeting of the board of education in January of each year, the board shall elect a chairperson and a vice chairperson, each of whom shall be eligible to succeed himself or herself.

SECTION 7.

Each member of the board of education shall be entitled to reimbursement for actual expenses necessarily incurred in connection with travel outside of the county on official business of the board of education, including, but not limited to, attending training sessions or state-wide meetings; provided, however, that such travel is authorized by a majority vote of the members of the board of education prior thereto. All expenses shall be approved and verified prior to reimbursement in such manner as may be specified by the board. Each board member shall be entitled to participate in any school district group insurance plan to the extent authorized in Code Section 20-2-55 of the O.C.G.A.

SECTION 8.

The board shall appoint a superintendent of the Bleckley County School System as provided by Code Section 20-2-101 of the O.C.G.A. The superintendent shall possess the qualifications prescribed by the laws of this state for county school superintendents and shall be compensated in an amount to be determined by the board. The present superintendent shall remain in office until his or her successor is appointed.

SECTION 9.

The Board of Education of Bleckley County which existed 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 Education of Bleckley 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 existed immediately prior to January 1, 2013.

SECTION 10.

The Board of Education of Bleckley 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, no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval

SECTION 11.

The provisions of this Act relating to and necessary for the regular election in 2012 of members of the Board of Education of Bleckley 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 12.

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

Plan: bleckleysb-2012

Plan Type: local

Administrator: bleckley

User: bak

District 001

Bleckley County

VTD: 0231 - FAIRGROUND

790200:

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 1045 1048 1049 1050 1052
 1053 1054 1055 1056 1057 1058 1059 1060 1061 1062 1063 1064
 1065 1066 1067 1068 1069 1070 1071 1072 1073 1074 1075 1079
 1088 1143 1144 2000 2001 2002 2003 2041 2048 2049 2050 2051
 2052 2053 2054 2055 2058 2059 2060 2061 2062 2063 2064 2065
 2066 2067 2068 2069 2070 2071 2072

790300:

1007 1008 1009 1010 1011 1012 1013 1014 1015 1016 1017 1018
 1019 1020 1021 1022 1023 1024 1044 1045 1046 1047 1048 1049
 1050 1051 1052 1053 1054 1055 1056 1079 1080 1081 1082 1083
 1084 1085 1086 1087 1088 1096 1098 1100 1102 1103 1104 1105
 1106 1107 1108 1109 1110 1111 1112 1114 1115 1116 1117 1118
 1119 1120 1121 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 4017 4018 4048 4049 4050

District 002

Bleckley County

VTD: 0231 - FAIRGROUND

790100:

2073 2075 2076 2077 2079 2097

790200:

1043 1044 1046 1047 1051 1080 1086 1087 1089 1090 1091 1093
 1094 1095 1096 1097 1099 1100 1101 1102 1103 1104 1105 1106
 1110 1111 1112 1113 1114 1115 1116 1117 1118 1119 1120 1121
 1122 1123 1124 1125 1126 1127 1128 1129 1130 1131 1132 1133
 1134 1135 1136 1137 1138 1139 1140 1141 1142 1145 1146 1147

2004 2005 2006 2007 2008 2009 2010 2011 2012 2013 2014 2015
 2016 2017 2018 2019 2020 2021 2022 2023 2024 2025 2026 2027
 2028 2029 2030 2031 2032 2033 2034 2035 2036 2037 2038 2039
 2040 2042 2043 2044 2045 2046 2047 2056 2057

790300:

3000 3001 3002 3003 3004 3005 3006 3007 3008 3009 3010 3011
 3012 3013 3014 3016 3020 3021 3022 3023 3024 3025 3026 3027
 3028 3029 3030 3033 3034 3038 3063 3064 3065 3066 3067 3068
 3074 3075 3102 4000 4001 4002 4003 4004 4022 4023 4024

District 003

Bleckley County

VTD: 0231 - FAIRGROUND

790100:

2065 2066 2067 2068 2069 2070 2074 2078 2080 2081 2090 2095
 2096 2102 2103 2104 2105 2106 2114 2119

790300:

1004 3015 3017 3018 3019 3031 3032 3035 3036 3037 3039 3040
 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052
 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062 3069 3070
 3071 3072 3073 3076 3077 3078 3079 3080 3081 3082 3083 3084
 3085 3086 3087 3088 3089 3090 3091 3092 3093 3094 3095 3096
 3097 3098 3099 3100 3101 3103 3104 4005 4006 4007 4008 4009
 4010 4011 4012 4013 4014 4015 4016 4019 4020 4021 4025 4026
 4027 4028 4029 4030 4031 4032 4033 4034 4035 4036 4037 4038
 4039 4040 4041 4042 4043 4044 4045 4046 4047 4051

District 004

Bleckley County

VTD: 0231 - FAIRGROUND

790100:

2005 2006 2007 2009 2013 2014 2018 2019 2020 2021 2022 2023
 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034 2035
 2036 2037 2038 2039 2040 2041 2042 2043 2044 2045 2046 2047
 2048 2049 2050 2051 2052 2053 2054 2055 2056 2057 2058 2059
 2060 2061 2062 2063 2064 2082 2083 2084 2085 2086 2087 2088
 2089 2091 2092 2093 2094 2098 2099 2100 2101 2107 2108 2109
 2110 2111 2112 2113 2115 2116 2117 2118 2120 2121 2122 2123
 2124 2125 2126 2127 2128 2129 2130 2131 2132

790300:

1000 1001 1002 1003 1005 1006 1025 1026 1027 1028 1029 1030
 1031 1032 1033 1034 1035 1036 1037 1038 1039 1040 1041 1042
 1043 1057 1058 1059 1060 1061 1062 1063 1064 1065 1066 1067

1068 1069 1070 1071 1072 1073 1074 1075 1076 1077 1078 1089
 1090 1091 1092 1093 1094 1095 1097 1099 1101 1113 1122 1123

District 005

Bleckley County

VTD: 0231 - FAIRGROUND

790100:

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 1101 1102 1103 1104 1105 1106 1107
 1108 1109 1110 2000 2001 2002 2003 2004 2008 2010 2011 2012
 2015 2016 2017 2071 2072

790200:

1076 1077 1078 1081 1082 1083 1084 1085 1092 1098 1107 1108
 1109

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

HB 1304. By Representatives Carter of the 175th, Taylor of the 173rd, Black of the 174th, Houston of the 170th, Shaw of the 176th and others:

A BILL to be entitled an Act to provide the director of the pretrial release program for the Southern Judicial Circuit and such other members of the staff of such program as may be designated by the chief judge of such judicial circuit with arrest and certain other powers; 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.

SB 354. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Toombs County, approved February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006, p.

3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend an Act creating the Board of Commissioners of Toombs County, approved February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006, p. 3808), so as to reconstitute the board of commissioners; to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Board of Commissioners of Toombs County, approved February 13, 1959 (Ga. L. 1959, p. 2010), as amended, particularly by an Act approved March 23, 1977 (Ga. L. 1977, p. 3927), and an Act approved April 28, 2006 (Ga. L. 2006, p. 3808), is amended by striking Sections 1 through 3(A) and inserting in lieu thereof the following:

"SECTION 1.

The Board of Commissioners of Toombs County which existed on December 31, 2011, is continued in existence but on and after the effective date of this Act shall be constituted as provided in this Act. The Board of Commissioners of Toombs 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 existed immediately prior to the effective date of this Act.

SECTION 2.

(a) Those members of the Board of Commissioners of Toombs County who are serving as such on December 31, 2011, 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. On and after the effective date of this Act, the Board of Commissioners of Toombs County shall consist of four members who shall be elected from commissioner districts described in subsection (b) of this section and a chairperson who is elected at large as provided in subsection (c) of Section 3 of this Act.

(b) For purposes of electing members of the board of commissioners other than the chairperson, Toombs County is divided into four commissioner districts. One member of the board shall be elected from each such district. The four commissioner districts shall be and correspond to those four numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: toombsccR-2012 Plan Type: Local Administrator: Toombs User: Gina'.

(c) When used in such attachment, 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.

(d) Any part of Toombs County which is not included in any such district described in the 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. Any part of Toombs County which is described in the 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.

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

SECTION 3.

(a) No person shall be a member of the board if that person is ineligible for such office pursuant to Code Section 45-2-1 of the O.C.G.A. or any other general law applicable to that office.

(b) In order to be elected or appointed as a member of the board from a commissioner district, a person must have that person's legal residence in that district at the time of qualifying for election or at the time of appointment and, if elected, must receive the number of votes cast as required by general law for that office in that district only and not at large. Only electors who are residents of that commissioner district may vote for a member of the board for that district. At the time of qualifying for election as a member of the board from a commissioner district, each candidate for such office shall

specify the commissioner district for which that person is a candidate. A person elected or appointed as a member of the board from a commissioner district must continue to reside in that district during that person's term of office or that office shall become vacant.

(c) The chairperson of the board may reside anywhere within Toombs County and, if elected, must receive the number of votes cast for that office as required by general law in the entire county. The chairperson must continue to reside within the county during that person's term of office or that office shall become vacant.

SECTION 3A.

(a) The members of the reconstituted Board of Commissioners of Toombs County shall be elected as provided in this subsection. The first members from Commissioner Districts 1 and 4 shall be elected at the general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 4 in 2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. The first members from Commissioner Districts 2 and 3 and the at-large district shall be elected at the general election on the Tuesday next following the first Monday in November, 2012. Those members of the board elected thereto from Commissioner Districts 2 and 3 and the at-large district in 2012 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2016, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

(b) All members of the board who are elected thereto shall be nominated and elected in accordance with Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.'

(c) Commissioner Districts 1, 2, 3, and 4, as they existed on December 31, 2011, shall continue to be designated as Commissioner Districts 1, 2, 3, and 4, respectively, but as newly described under this Act, and on and after the effective date of this Act, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act."

SECTION 2.

The Board of Commissioners of Toombs County shall through its legal counsel cause this Act to be submitted for preclearance under the federal Voting Rights Act of 1965, as amended; and such submission shall be made to the United States Department of Justice

or filed with the appropriate court no later than 45 days after the date on which this Act is approved by the Governor or otherwise becomes law without such approval.

SECTION 3.

This Act shall become effective on July 1, 2012.

SECTION 4.

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

Plan: toombsccR-2012

Plan Type: Local

Administrator: Toombs

User: Gina

District 001

Toombs County

VTD: 27915361 - 15361 LYONS

970100:

1077 1078 1079 1080 1081 1082 1083 1084 1085 2018 2019 2020
 2023 2026 2027 2028 2029 2030 2031 2034 2035 2036 2037 2038
 2039 2040 2041 2045 2046 2047 3002 3003 3004 3005 3006 3007
 3008 3009 3010 3011 3012 3013 3014 3015 3016 3017 3018 3019
 3020 3021 3022 3023 3024 3025 3026 3027 3028 3029 3030 3031
 3032 3033 3034 3035 3036 3037 3038 3039 3040 3041 3042 3043
 3044 3045 3046 3048 3049 3050 3051 3052 3053

970200:

2045 2046 2047 2048 2070 2071 2072 2073 2074 2075 3042 3043
 3059 3060 3061 3062 3063 3064 3070

970500:

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 1037 1038 1039 1040
 2000 2001 2002 2003 2004 2005 2006 2007 2008 2009 2018 2019
 2020 2021 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032
 2033 2034 2056

VTD: 27915362 - 15362 SANTA CLAUS

970200:

3051 3057 3058

970400:

4000

970500:

2010 2011 2012

VTD: 279511 - 511 OLD HEALTH

970200:

1042 1043 1044 1045 1066 1067 1068 1071 1072 1073 1074 1075
 1076 1077 1078 1079 1080 1081 1082 1083 1084 1085 1086 3006
 3007 3008 3009 3010 3011 3017 3029 3030 3031 3032 3033 3034
 3035 3036 3037 3047 3048 3049 3050 3071 4000 4001 4002 4003
 4004 4005 4006 4007 4008 4009 4010 4011 4012 4013 4014 4015
 4016 4017 4018 4019 4020 4021 4022 5000 5001 5002 5003 5004
 5005 5006 5007 5008 5009 5010 5011 5012 5013 5014 5015 5016
 5017 5018 5019 5020 5021 5022 5023 5024 5025 5026 5027 5028
 5029 5030 5031 5032 5033 5034 5035 5036 5037 5038 5039 5040
 5041 5042 5043 5044 5045 5046 5047 5048 5049 5050 5051 5052
 5055 5056 5057 5058 5059 5062 5063 5064 5065 5066 5069 5070
 5071 5072

970300:

2006 2008 2012 2013 2014 2015 2016 2019 2020 2021 2022 2023
 2024 2025 2026 2027 2028 2031 2033 2034 2035 2036 2037 2038
 2039 2040 2041 2043 2044 2045 2046 2047 3067 3068

VTD: 279512 - 512 S.T.I.

970200:

3012 3013 3014 3015 3016 3052 3053 3054 3055 3056 5053 5054
 5060 5061 5067 5073

970400:

4001 4003 4004 4006 4007 4008 4009 4010 4020 4021 4022 4061
 4072 4078

970500:

2013 2017

VTD: 279514 - 514 S.T.I.A.L.C

970300:

1018 1026 1027 1028 1029 1030 1031 1033 1038 1039 1040 1041
 1042 1043 1044 1065 1072 1073 1074 2000 2001 2002 2003 2004
 2005 2007 2009 2010 2011 2017 2018 2029 2030 2032 2042

District 002

Toombs County

VTD: 2791823 - 1823 CENTER

970400:

3021 4054 4056 4059

VTD: 279511 - 511 OLD HEALTH

970300:

1002 1005 1006 1007 1013 1014 1025 1056 1057 1058

VTD: 279512 - 512 S.T.I.

970200:

5068

970400:

1000 1004 1008 1009 1010 1011 1012 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 2011 2015 2016
 2017 2018 3000 3001 3002 3003 3004 3005 3006 3007 3008 3009
 3022 3023 3024 4016 4017 4018 4019 4023 4024 4025 4026 4027
 4028 4029 4030 4031 4032 4033 4034 4035 4036 4037 4038 4039
 4040 4041 4042 4043 4044 4045 4046 4048 4049 4050 4060 4075
 4077

VTD: 279513 - 513 V.P.D.

VTD: 279514 - 514 S.T.I.A.L.C

970300:

1016 1017 1034 1035 1036 1037 1045 1046 1047 1048 1049 1050
 1051 1052 1053 1054 1055 1059 1060 1061 1062 1063 1064 1066
 1067 1068 1069 1070 1071 1075 1076 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 3027 3028
 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3042
 3043 3044 3045 3046 3055 3056 3057 3058 3059 3060 3062 3063
 3064 3065 3069 3070 3071 4013 4014 4015 4019 4020 4021 4025
 4026 4038 4039 4047 5022 5023 5024

District 003

Toombs County

VTD: 2791192 - 1192 BLUE RIDGE

VTD: 27915361 - 15361 LYONS

970100:

2017 2021 2022 2024 2025 2032 2033 2042 2043

970200:

1059 2000 2001 2007 2010 2011 2012 2018 2019 2020 2021 2022
 2023 2024 2025 2026 2027 2028 2029 2030 2031 2032 2033 2034
 2035 2036 2037 2038 2039 2040 2041 2042 2043 2044 2049 2050
 2051 2052 2053 2054 2055 2056 2057 2058 2059 2060 2061 2062
 2063 2064 2065 2066 2067 2068 2069 3024 3025 3026 3027 3028
 3038 3039 3040 3041 3044 3045 3046 3065 3066 3067 3068 3069
 3072 3073

VTD: 27915362 - 15362 SANTA CLAUS

970100:

1047 1048 1049 1050 1051 1052 1053 1054 1055 1056 1057 1073
 1074 1075 1076 1086 1087 2000 2001 2002 2003 2004 2005 2006
 2007 2008 2009 2010 2011 2012 2013 2014 2015 2016 2044 3000
 3001 3047 4008 4009 4021 4022 4023 4025 4027 4076 4077

970200:

1049 1050 1051 1052 1053 1054 1055 1056 1057 1058 1060 1061
1062 1087 1088 2002 2003 2004 2005 2006 2008 2009 2013 2014
2015 2016 2017

970500:

1032 1033 1034 1035 1036

VTD: 2791715 - 1715 NORMANTOWN

VTD: 2791770 - 1770 OHOOPEE

VTD: 27939 - 39 NEWBRANCH

VTD: 279511 - 511 OLD HEALTH

970200:

1037 1038 1039 1040 1041 1046 1047 1048 1063 1064 1065 1069
3000 3001 3002 3003 3004 3005 3018 3019 3020 3021 3022 3023

970300:

1000 1001 1003 1004 1008 1009 1010 1011 1012 1015 1019 1020
1021 1022 1023 1024 1032 1077

District 004

Toombs County

VTD: 2791403 - 1403 MARVIN

VTD: 2791521 - 1521 HARDEN

VTD: 27915362 - 15362 SANTA CLAUS

970100:

4024

970400:

4002 4005 4068 4069 4070 4071 4073 4074

970500:

2014 2015 2016 2022 2035 2036 2037 2038 2039 2040 2041 2042
2043 2044 2045 2046 2047 2048 2049 2050 2051 2052 2053 2054
2055 2057 2058 2059 2060 2061 2062 2065 2066 2067 2068 2069
2070 2071 2072 2073 2075 2076 2077 2078 3001 3002 3003 3004
3012

VTD: 2791823 - 1823 CENTER

970300:

3040 3041 3047 3048 3049 3050 3051 3052 3053 3054 3061 5019
5020 5021 5025 5026 5027 5028 5029 5030 5031 5032 5033 5034
5035 5036 5037 5038 5039 5040 5041 5042 5043 5044 5045 5046
5047 5048 5050 5051 5052 5053 5054 5055 5056 5057 5058 5059
5060 5062

970400:

4011 4012 4013 4014 4015 4047 4051 4052 4053 4055 4057 4062
4063 4064 4065 4066 4067 4076

970500:

3000 3005 3006 3007 3008 3009 3010 3011 3013 3014 3015 3016

3017 3018 3019 3020 3021 3022 3023 3024 3025 3026 3027 3028
 3029 3030 3031 3032 3033 3034 3035 3036 3037 3038 3039 3040
 3041 3042 3043 3044 3045 3046 3047 3048 3049 3050 3051 3052
 3053 3054 3055 3056 3057 3058 3059 3060 3061 3062 3063 3064
 3065 3066 3067 3068 3069 3070 3071 3072 3073 3074 3075 3076
 3077 3078 3079 3080 3081

970600:

2007 2008 2009 2010 2011 2012

VTD: 27943 - 43 CEDAR CROSSING

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

SB 462. By Senators Jeffares of the 17th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend an Act creating the Board of Elections and Registration of Rockdale County, approved March 29, 1995 (Ga. L. 1995, p. 3929), so as to revise procedures relating to appointment of the at-large member; to provide for related matters; to provide for submission for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to 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 523. By Senator Balfour of the 9th:

A BILL to be entitled an Act to amend an Act creating the Recorder's Court of Gwinnett County, approved March 27, 1972 (Ga. L. 1972, p. 3125), as amended, particularly by an Act approved March 5, 1987 (Ga. L. 1987, p. 3765), and an Act approved August 17, 2001 (Ga. L. 2001 Ex. Sess., p. 203), so as to provide for the appointment of the judges of such court; 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 Bill of the House was taken up for the purpose of considering the Senate action thereon:

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 following Senate substitute was read:

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 definitions and inclusions; to provide for the manner of election; to provide for qualifications; to provide for payment of expense allowance for attendance at meetings; 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.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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), is amended by striking Section 1 in its entirety and inserting in lieu thereof a new Section 1 to read as follows:

"SECTION 1.

(a) The Board of Education of Paulding County shall be composed of seven members. Any person, in order to be eligible for membership on the board, must be registered and eligible to vote for members of the General Assembly from Paulding County, must have resided in Paulding County for at least one year immediately preceding the date of election, and must reside in the education district from which such person offers as a candidate for at least six months immediately preceding the date of election. The

members of the board shall be elected by the qualified electors of the entire county. The at-large member shall be a resident of Paulding County and shall be elected by the qualified voters of the entire county and shall represent District 7 which shall be composed of the entire county.

(b) For the purpose of electing the six members of the board from education districts, Paulding County shall be divided into six education districts. One member of the board shall be elected from each such district. Those districts shall be and correspond to those six numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: pauldsbR-2012 Plan Type: Local Administrator: Paulding SB User: Gina'.

(c)(1) 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.

(2) Any part of Paulding County which is not included in any district described in subsection (b) 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.

(3) Any part of Paulding County which is described in subsection (b) 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.

Said Act is further amended by striking Section 2 in its entirety and inserting a new Section 2 to read as follows:

"SECTION 2.

(a) In the event that any member elected from a district ceases to be a resident of his or her respective education district during his or her term of office, a vacancy shall be created and shall be filled in the manner as provided in this Act. All members shall be nominated and elected in accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code,' as now or hereafter amended.

(b) The members of the board in office on the effective date of this section shall continue in office for the terms to which they were elected and until successors are elected and qualified as provided in this section.

(c) The members of the Board of Education of Paulding County from Education Districts 2, 5, and 6 shall be elected in the general election in November 2014. Such members shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(d) The members of the Board of Education of Paulding County from Education Districts 1, 3, and 4 shall be elected in the general election in November 2012. Such members shall take office on January 1 following their election for a term of four years and until their successors are elected and qualified.

(e) The member of the Board of Education of Paulding County from Education District 7 shall be elected in the general election in November 2012. Such member shall take office on January 1 following his or her election for a term of four years and until his or her successor is elected and qualified.

(f) Successors to members elected under subsections (c), (d), and (e) of this section shall be elected at the general election next preceding the expiration of such terms of office and shall take office on January 1 following their election for terms of four years and until their successors are elected and qualified.

(g) Education Districts 1, 2, 3, 4, 5, 6, and 7 as they exist immediately prior to the effective date of this section shall continue to be designated as Education Districts 1, 2, 3, 4, 5, 6, and 7, respectively, but as newly described under this Act, and, on and after the effective date of this section, such members of the board serving from former Education Districts 1, 2, 3, 4, 5, 6, and 7 shall be deemed to be serving from and representing Education Districts 1, 2, 3, 4, 5, 6, and 7, respectively, as newly described under this section."

SECTION 3.

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

SECTION 4.

If, as of the first date upon which candidates may begin qualifying for the general primary in 2012, implementation of this Act is not permissible under the federal Voting Rights Act of 1965, as amended, then as of such date, this Act shall be void and stand repealed in its entirety.

SECTION 5.

The provisions of this section and Section 2 of this Act, relating to and necessary for the regular election in 2012 of members of the Board of Education of Paulding County, shall

become effective upon its approval by the Governor or upon its becoming law without such approval; and this Act shall otherwise become effective January 1, 2013.

SECTION 6.

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

Plan: pauldsbR-2012
 Plan Type: Local
 Administrator: Paulding SB
 User: Gina

District 001

Paulding County

VTD: 22303 - MOSES MIDDLE SC

VTD: 22312 - EAST PAULDING HIGH

VTD: 22320 - C A ROBERTS ELEM

VTD: 22323 - EAST PAULDING

VTD: 22324 - DALLAS 1ST BAPTIST

120102:

1035 1036 1037 1038

120103:

1016 1017 1018 1019 1020

120301:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011

1012 1013 1014 1015 1016 1017 1060

VTD: 22326 - PICKETTS MILL

120102:

2034 2035 2036 2038 2041 2042 2043

District 002

Paulding County

VTD: 22301 - PAULDING CO HIGH

120501:

1038 1039 1040 1041

VTD: 22305 - HIRAM COMMUNITY

120202:

2048 2058 2059 2060 2068 2069 2070 2071 2072

120501:

2026 2027 2028 2029 2040 2041 2042 2043 2044 2045 2046 2047

2048 2049 2050 2051 2052 2056 2057 2058 2059 2060 2064 2065

2066 2067 2068 2069 2073 2074 2075 2076 2077 2078 2082 2083

2084 2085 2086 2087 2088 2089 2090 2091 2092

120503:

2000 2009 2010 2018

120603:

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 2000
 2001 2002 2003 2007

VTD: 22315 - DOBBINS MIDDLE

VTD: 22316 - PANTER ELEMENTARY

VTD: 22319 - HIRAM HIGH

120302:

2069

120501:

1004 1005 1006 1007 1008 1009 1010 1011 1014 1015 1016 1017
 1018 1019 1020 1021 1022 1023 1024 1025 1026 1027 1028 1029
 1030 1035 1036 1037 1042 1043 2079 2080 2081

120503:

1000 1001 1002 1003 1004 1005 1006 1007 1008 1009 1010 1011
 1012 1013 1014 1015 1018 1021 1022 1023 1024 1025 1026 1027
 1028 2001 2002 2003 2004 2005 2006 2007 2008 2011 2012 2013
 2014 2015 2016 2017 2019 2020 2021 2022 2023 2024 2025 2026
 2027 2029 2030 2031 2032

VTD: 22327 - AUSTIN MIDDLE SCHOOL

120602:

2009 2010 2011 2012 4008

District 003

Paulding County

VTD: 22301 - PAULDING CO HIGH

120302:

2042 2043 2044 2045 2046 2064 2065 2066 2067 2071 2072 2073
 2074 2075 2076 2077 2078 2079 2089 2090 2091 2092 3130 3131
 3133 3134 3135 3151 3152 3153 3154 3155 3156 3157 4043 4048
 4049 4050 4051 4052 4053 4057 4058 4059 4060 4061 4062 4063
 4064 4065 4066 4067

120501:

1031 1032 1033 1034

VTD: 22302 - DALLAS FIRST UM

120302:

2086 2087 2088 3036 3038 3045 3046 3047 3048 3049 3050 3051
 3052 3053 3058 3063 3064 3065 3088 3089 3090 3091 3092 3093
 3094 3095 3096 3097 3098 3099 3100 3101 3102 3103 3104 3105
 3106 3107 3108 3109 3110 3111 3112 3113 3114 3115 3116 3117
 3118 3119 3120 3121 3122 3123 3124 3125 3126 3127 3128 3129

3132 3136 3137 3138 3139 3140 3141 3143 3146 3147 4008 4009
 4010 4011 4012 4013 4014 4015 4016 4017 4019 4020 4021 4022
 4023 4024 4025 4026 4027 4028 4029 4030 4031 4032 4033 4034
 4035 4036 4037 4042 4054 4055 4056

120303:

1010 1011

VTD: 22304 - MCGARITY ELEM

VTD: 22305 - HIRAM COMMUNITY

120202:

2009 2044 2047 2049 2066 2067

VTD: 22318 - ALLGOOD

VTD: 22324 - DALLAS 1ST BAPTIST

120301:

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 1061 1062 1063 1064 1065 1066
 1067 2003 2010 2011 2012 2013 2014 2015 2016 2017 2018 2024

120302:

4038 4039 4040 4041 4044 4045 4046 4047

VTD: 22328 - HOPE CHURCH

District 004

Paulding County

VTD: 22306 - P B RITCH ELEM

VTD: 22307 - SOUTH PAULDING

120502:

4001 4002 4011

120605:

1006 1007 1008 1009 1019 1020 1021 1022 1031 1050

VTD: 22314 - NEBO ELEMENTARY

VTD: 22319 - HIRAM HIGH

120503:

1032

VTD: 22321 - BETHANY CHRIST CHURCH

VTD: 22327 - AUSTIN MIDDLE SCHOOL

120602:

1000 1001 1002 1003 1004 1005 1006 2001 2003 4000 4001 4002
 4003 4004 4005 4006 4007 4009

120605:

1024 1025 1026 1027 1028 1040 1041 1042 1064

District 005

Paulding County

VTD: 22302 - DALLAS FIRST UM

120302:

1008 1009 1011 3008 3009 3010 3012 3016 3017 3019 3022 3023
3025 3027 3028 3029 3030 3031 3032 3033 3037 3039 3040 3041
3042 3043 3044 3054 3055 3056 3057 3060 3061 3062 3068 3069
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VTD: 22307 - SOUTH PAULDING

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VTD: 22308 - UNION ELEMENTARY

VTD: 22309 - BEULAH LAND BAPTIST

VTD: 22313 - NORTHSIDE ELEMENTARY

VTD: 22317 - NEW GEORGIA BAPTIST

VTD: 22325 - POOLE ELEMENTARY

District 006

Paulding County

VTD: 22310 - MCCLURE MIDDLE

VTD: 22311 - SHELTON ELEMENTARY

VTD: 22322 - RUSSOM ELEMENTARY

VTD: 22326 - PICKETTS MILL

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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 substitute, the roll call was ordered and the vote was as follows:

Abdul-Salaam	Y Davis	Heckstall	Y Mayo	Y Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	E Henson	Y McCall	Y Sheldon

Y Amerson	E 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	E Smith, E
Y Atwood	Y Dobbs	Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	E Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Murphy	E Smith, T
Y Bell	E Dukes	Howard	E Neal, J	Smyre
Benfield	Y Dunahoo	Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	E Stephenson
Braddock	Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Y Evans	Jerguson	N Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fluid	Y Jones, J	Y Parsons	N Taylor, T
Y Buckner	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
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	E Weldon
Y Channell	Y Greene	Knight	E Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Rice	Willard
Y Clark, V	Harbin	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	E 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
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Martin	E Scott, M	Y Yates
Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bills, and on the agreement to the Senate substitute, the ayes were 134, nays 2.

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

Representatives Braddock of the 19th and Maddox of the 172nd 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.

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

Mr. Speaker:

The Senate has disagreed to the House substitute to the following bill of the Senate:

SB 110. By Senators Murphy of the 27th, Bulloch of the 11th, Miller of the 49th, Gooch of the 51st, Rogers of the 21st and others:

A BILL to be entitled an Act to amend Code Section 12-8-25.3 of the Official Code of Georgia Annotated, relating to further restrictions on municipal solid waste landfill sites within significant ground-water recharge areas or near military air space used as a bombing range and untreated municipal sewage sludge, so as to repeal certain provisions relating to restrictions on municipal solid waste landfill sites within significant ground-water recharge areas; to eliminate a reference to such provisions; to repeal conflicting laws; and for other purposes.

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

SB 527. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act to provide for the election of members of the board of education of Turner County, approved March 28, 1964 (Ga. L. 1964, p. 4862), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5349), so as to change the description of the education districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; 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 effective dates; to repeal conflicting laws; and for other purposes.

SB 528. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Turner County, approved August 18, 1927 (Ga. L. 1927, p. 702), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4992), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; 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 effective dates; to repeal conflicting laws; and for other purposes.

SB 529. By Senator Rogers of the 21st:

A BILL to be entitled an Act to provide for expanded powers and duties of the Cherokee County Development Authority; to provide a statement of authority;

to provide that such authority may acquire structures for use as an office, a warehouse, a regional commercial development, or a research and development facility; to repeal conflicting laws; and for other purposes.

SB 530. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to provide a new charter for the City of Mansfield; 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, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for an effective date; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

SB 532. By Senators Millar of the 40th, Carter of the 42nd, Thompson of the 5th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 533. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to provide for nonpartisan judicial elections in Floyd County; to provide that the judge of the Probate Court of Floyd County and the chief magistrate of Floyd County shall be elected in nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 297. By Representatives Maxwell of the 17th, Meadows of the 5th, Benton of the 31st, Brooks of the 63rd, Buckner of the 130th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that public retirement systems shall be prohibited from expending or obligating funds for certain purposes; to provide an effective date; to repeal conflicting laws; and for other purposes.

- HB 386. By Representatives Channell of the 116th, O'Neal of the 146th, Jones of the 46th and Peake of the 137th:

A BILL to be entitled an Act to amend Titles 48, 2, 28, 33, 36, 46, and 50 of the O.C.G.A., relating respectively, to revenue and taxation, agriculture, the General Assembly, insurance, local government, public utilities, and state government, so as to provide for comprehensive revision of the revenue structure of the State of Georgia; to implement the recommendations of the 2010 Special Council on Tax Reform and Fairness for Georgians as provided for and required by Chapter 12 of the Title 28 of the O.C.G.A.; to repeal Article 3 of Chapter 5 of Title 28, relating to fiscal bills generally; to amend certain titles of the O.C.G.A. so as to correct certain cross-references and make conforming changes; and for other purposes.

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

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

- HB 535. By Representatives Oliver of the 83rd, Yates of the 73rd, England of the 108th, Houston of the 170th and Heard of the 114th:

A BILL to be entitled an Act to amend Part 2 of Article 2 of Chapter 4 of Title 38 of the Official Code of Georgia Annotated, relating to war veterans homes, so as to authorize the Veterans Service Board to establish a fee for residency in a facility of the Georgia State War Veterans' Home; to provide for a waiver of fees based on economic need; to provide for rules and regulations; to authorize the acceptance of certain assignment of benefits; to repeal conflicting laws; and for other purposes.

- HB 835. By Representatives Roberts of the 154th, Sims of the 169th, Burns of the 157th, Benton of the 31st, Williams of the 165th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to weight and dimensions of vehicles and loads, so as to provide for a 5 percent variance of weight limitations for vehicles towing disabled, damaged, or wrecked commercial

vehicles; to provide for annual permits for commercial wreckers exceeding the maximum weight and dimensions for vehicles and loads allowed on the state highway system when conducting an emergency tow; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 985. By Representatives Powell of the 29th and Rice of the 51st:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to modify provisions relating to temporary license plates for motor vehicles; to provide for an extension of time for registration of motor vehicles under certain circumstances; to remove lamination requirements for motor vehicle decals; to provide for the furnishing of motor vehicle driver information to the Department of Revenue for the purpose of detecting fraud; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1132. By Representatives Dickey of the 136th, Harden of the 147th, Carter of the 175th, McCall of the 30th and Carson of the 43rd:

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

HB 1225. By Representative Powell of the 171st:

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

HB 1239. By Representative Dutton of the 166th:

A BILL to be entitled an Act to amend an Act providing for the election of members of the board of education of Tattnall County, approved February 29, 1968 (Ga. L. 1968, p. 2077), as amended, particularly by an Act approved April 11, 2002 (Ga. L. 2002, p. 3922), and by an Act approved May 30, 2003 (Ga. L. 2003, p. 3802), so as to change the description of the education

districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1240. By Representative Dutton of the 166th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Tattnall County, approved August 8, 1927 (Ga. L. 1927, p. 674), as amended, particularly by an Act approved April 11, 2002 (Ga. L. 2002, p. 3916), and by an Act approved May 30, 2003 (Ga. L. 2003, p. 3833), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

HB 1242. By Representatives Rogers of the 26th, Dunahoo of the 25th, Collins of the 27th and Benton of the 31st:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Hall County, approved March 21, 1935 (Ga. L. 1935, p. 661), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4941), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; 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 effective dates; to repeal conflicting laws; and for other purposes.

HB 1243. By Representative Dutton of the 166th:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Glennville, approved August 21, 1911 (Ga. L. 1911, p. 1228), as amended, particularly by an Act approved March 22, 1990 (Ga. L. 1990, p. 4466), an Act approved April 28, 2006 (Ga. L. 2006, p. 3756), and an Act approved May 11, 2009 (Ga. L. 2009, p. 4304), so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

HB 1244. By Representatives Setzler of the 35th, Ehrhart of the 36th, Wilkerson of the 33rd, Johnson of the 37th, Manning of the 32nd and others:

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Kennesaw, approved April 10, 1971 (Ga. L. 1971, p. 3620), as amended, particularly by home rule amendment filed in the office of Secretary of State September 22, 2009 (Ga. L. 2010, p. 4239), and as amended by an Act approved April 20, 2011 (Ga. L. 2011, p. 3645), so as to change the provisions relating to the corporate limits of the city; to repeal conflicting laws; and for other purposes.

HB 1245. By Representatives Powell of the 29th and Harden of the 28th:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for Franklin County and to provide for its powers and duties, approved May 1, 2008 (Ga. L. 2008, p. 3632), so as to stagger the terms of the members of the board; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1248. By Representatives Bryant of the 160th and Purcell of the 159th:

A BILL to be entitled an Act to provide for a homestead exemption from City of Garden City ad valorem taxes for municipal purposes in the amount of \$40,000.00 of the assessed value of the homestead for residents of that city; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1249. By Representative Reece of the 11th:

A BILL to be entitled an Act to provide a new charter for the Town of Lyerly; to provide for incorporation, boundaries, and powers of the town; to provide for a governing authority of such town 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 inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1250. By Representatives Meadows of the 5th and Dickson of the 6th:

A BILL to be entitled an Act to amend an Act to create the board of elections of Murray County, approved March 12, 1984 (Ga. L. 1984, p. 4009), so as to

create the Murray County Board of Elections and Registration; to change the manner of selection of members of the board of elections and registration; to provide for certain qualifications for members of the board; to provide for the certification of appointments; to provide for filling of vacancies; to provide for oaths of office; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1251. By Representative Pruett of the 144th:

A BILL to be entitled an Act to provide for the membership of the Dodge County - Eastman Development Authority; to provide a statement of authority; to provide for related matters; to repeal conflicting laws; to provide for an effective date; and for other purposes.

HB 1252. By Representative Pruett of the 144th:

A BILL to be entitled an Act to amend an Act creating the Heart of Georgia Regional Airport Authority, approved April 18, 1995 (Ga. L. 1995, p. 4448), as amended, particularly by an Act approved April 19, 2000 (Ga. L. 2000, p. 4294), so as to change the method of appointing the members of the authority; to repeal conflicting laws; to provide for an effective date; and for other purposes.

HB 1253. By Representatives Smith of the 168th, Sims of the 169th and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act providing for the election of members of the Board of Education of Jeff Davis County, approved March 27, 1972 (Ga. L. 1972, p. 2760), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 3902), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1254. By Representatives Smith of the 168th, Sims of the 169th and Roberts of the 154th:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Jeff Davis County, approved March 25, 1958 (Ga. L. 1958, p. 3288), as amended, particularly by an Act approved May 6, 2005 (Ga. L. 2005, p. 3896), so as to change the description of the commissioner districts;

to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for election and terms of office of subsequent members; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

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

HB 181. By Representatives Golick of the 34th, Coleman of the 97th, Casas of the 103rd, Lindsey of the 54th, Nix of the 69th and others:

A BILL to be entitled an Act to amend Article 33 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the scholarship program for special needs students, so as to provide for the waiver of one of the scholarship requirements under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 272. By Representatives Weldon of the 3rd, Lane of the 167th, Bryant of the 160th, Atwood of the 179th, Huckaby of the 113th and others:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court administration, so as to delete provisions relative to a rehearing on the order of an associate juvenile court judge; to repeal conflicting laws; and for other purposes.

HB 811. By Representatives Powell of the 171st, Meadows of the 5th, England of the 108th, Hamilton of the 23rd, Nix of the 69th and others:

A BILL to be entitled an Act to amend Part 1 of Article 4 of Chapter 12 of Title 45 of the Official Code of Georgia Annotated, relating to management of budgetary and financial affairs, so as to provide for automatic fee adjustments in cases where funds are not appropriated in certain amounts for specified purposes when certain fees are imposed for such purposes; to provide for definitions, procedures, conditions, and limitations; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to student health

in elementary and secondary education, so as to provide for the care of students with diabetes in school; to provide for legislative findings; to provide for definitions; to provide for the training of designated school personnel; to provide for the submission of a diabetes medical management plan by parents or guardians for a student; to delineate the functions that may be performed by school nurses or trained diabetes personnel; to authorize a student to perform independent monitoring and treatment; to provide for immunity from civil liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 963. By Representatives Randall of the 138th, Beverly of the 139th, Peake of the 137th, Epps of the 140th and Holmes of the 125th:

A BILL to be entitled an Act to amend an Act establishing the Board of Public Education for Bibb County, approved August 23, 1872 (Ga. L. 1872, p. 388), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

HR 1161. By Representatives Buckner of the 130th, Hugley of the 133rd, Smyre of the 132nd and Hooks of the 14th:

A RESOLUTION compensating Mr. James A. Cauley and providing for a state income tax exclusion with respect to such compensation; and for other purposes.

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

A RESOLUTION relative to adjournment; and for other purposes.

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

HR 1160. By Representatives Hugley of the 133rd, Smyre of the 132nd and Buckner of the 130th:

A RESOLUTION compensating Mr. Lathan Rydell Word; and for other purposes.

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

SB 527. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act to provide for the election of members of the board of education of Turner County, approved March 28, 1964 (Ga. L. 1964, p. 4862), as amended, particularly by an Act approved May 1, 2002 (Ga. L. 2002, p. 5349), so as to change the description of the education districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; 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 effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 528. By Senator Crosby of the 13th:

A BILL to be entitled an Act to amend an Act creating a board of commissioners of Turner County, approved August 18, 1927 (Ga. L. 1927, p. 702), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4992), so as to change the description of the commissioner districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for related matters; 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 effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 529. By Senator Rogers of the 21st:

A BILL to be entitled an Act to provide for expanded powers and duties of the Cherokee County Development Authority; to provide a statement of authority; to provide that such authority may acquire structures for use as an office, a warehouse, a regional commercial development, or a research and development facility; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 530. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to provide a new charter for the City of Mansfield; 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, method of filling vacancies, compensation, qualifications, prohibitions, and removal from office relative to members of such governing authority; to provide for definitions and construction; to provide for other matters relative to the foregoing; to provide for an effective date; to repeal a specific Act; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 532. By Senators Millar of the 40th, Carter of the 42nd, Thompson of the 5th and Ramsey, Sr. of the 43rd:

A BILL to be entitled an Act to amend an Act reincorporating the City of Doraville in the County of DeKalb, approved October 13, 1971 (Ga. L. 1971, Ex. Sess., p. 2154), as amended, so as to change the corporate limits; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 533. By Senator Loudermilk of the 52nd:

A BILL to be entitled an Act to provide for nonpartisan judicial elections in Floyd County; to provide that the judge of the Probate Court of Floyd County and the chief magistrate of Floyd County shall be elected in nonpartisan elections; to provide for submission of this Act under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

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

Representatives Manning of the 32nd, Maxwell of the 17th, Mayo of the 91st, Davis of the 109th, Harden of the 147th, Wilkerson of the 33rd, Holmes of the 125th, Neal of the 1st, Weldon of the 3rd, Powell of the 29th, and Dobbs of the 53rd.

Pursuant to HR 1979, the House commended Mr. Howard H. "Bo" Callaway and invited him to be recognized by the House of Representatives.

Pursuant to HR 1876, the House commended Sheriff Ronald Strength on the occasion of his retirement and invited him to be recognized by the House of Representatives.

Pursuant to HR 2016, the House commended William H. "Bill" Hecht and invited him to be recognized by the House of Representatives.

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

HR 2016. By Representatives Stephens of the 164th and Ehrhart of the 36th:

A RESOLUTION commending William H. "Bill" Hecht and inviting him to be recognized by the House of Representatives; and for other purposes.

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

HR 2016 Do Pass

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

HR 1876. By Representatives Howard of the 121st, Murphy of the 120th, Smith of the 122nd, Frazier of the 123rd and Sims of the 119th:

A RESOLUTION commending Sheriff Ronald Strength on the occasion of his retirement and inviting him to be recognized by the House of Representatives; and for other purposes.

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.

HR 2016. By Representatives Stephens of the 164th and Ehrhart of the 36th:

A RESOLUTION commending William H. "Bill" Hecht and inviting him to be recognized by the House of Representatives; and for other purposes.

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

SB 368. By Senators Carter of the 1st, Ligon, Jr. of the 3rd, Millar of the 40th and Jackson of the 2nd:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for continuing competency requirements as the board of nursing may require by rules or regulations as a requirement of renewal of licenses; 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 Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to provide for continuing competency requirements as the board of nursing may require by rules or regulations as a requirement of renewal of licenses; to provide for inactive licenses; to add mandatory reporting provisions for nurses; 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 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by revising Code Section 43-26-9, relating to the biennial renewal of licenses, voluntary surrender or failure to renew a license, and restoration and reissuance of a license, as follows:

"43-26-9.

(a) Licenses issued under this article shall be renewed biennially according to schedules and fees approved by the board.

(b) A renewed license shall be issued to a registered professional nurse or licensed undergraduate nurse who remits the required fee and complies with requirements established by the board.

(b.1) Beginning with the 2015 license renewal cycle, an applicant for license renewal shall also meet one of the following continuing competency requirements during the previous licensure period:

(1) Completion of 30 continuing education hours by a board approved provider;

(2) Maintenance of certification or recertification by a national certifying body recognized by the board;

(3) Completion of an accredited academic program of study in nursing or a related field recognized by the board;

(4) Verification of competency by a facility licensed under Title 31 or by a physician's office that is part of a health system and at least 500 hours practiced as evidenced by employer certification on a form approved by the board; or

(5) Other activities as prescribed and approved by the board that show competency in the nursing field.

Failure to meet the minimum continuing competency requirement for renewal of a license shall be grounds for denial of a renewal application. The board may waive or modify the continuing competency requirement stated by rule or regulation in cases of hardship, disability, illness, or under such other circumstances as the board, in its discretion, deems appropriate.

(c) The voluntary surrender of a license or the failure to renew a license by the end of an established penalty period shall have the same effect as a revocation of said license, subject to reinstatement at the discretion of the board. The board may restore and reissue a license and, as a condition thereof, may impose any disciplinary sanction provided by Code Section 43-1-19 or 43-26-11 or Code Section 43-1-19."

SECTION 2.

Said chapter is further amended by adding a new Code section to read as follows:

"43-26-9.1.

(a) A person who notifies the board on forms prescribed thereby may elect to place his or her license on an inactive status and shall, subject to rules of the board, be excused from payment of renewal fees until he or she notifies the board of his or her desire to resume active status.

(b) A person who has had his or her license on inactive status may have his or her license restored by submitting an application to the board on a form prescribed by the board and paying the required restoration fee. The board shall require evidence of competency to resume the practice of nursing as a registered professional nurse in order to restore the license to active status.

(c) A registered professional nurse or advanced practice registered nurse whose license is on inactive status shall not practice nursing as a registered professional nurse or an advanced practice registered nurse in this state.

(d) The board shall provide at least 180 days prior notice to a registered professional nurse or advanced practice registered nurse whose license will be in inactive status for a period of 60 months from the date the license was placed in inactive status to provide notice to such nurse that he or she may be subject to a requirement to complete a reinstatement program prior to restoration of his or her license. Such notice may be provided by electronic means or by United States mail to the last known e-mail or mailing address of such nurse."

SECTION 3.

Said chapter is further amended by adding a new article to read as follows:

"ARTICLE 343-26-50.As used in this article, the term:

(1) 'Board' means the Georgia Board of Nursing, with respect to registered professional nurses, and the Georgia Board of Examiners of Licensed Practical Nurses, with respect to licensed practical nurses.

(2) 'Nurse' means a registered professional nurse licensed pursuant to Article 1 of this chapter or a licensed practical nurse licensed pursuant to Article 2 of this chapter.

43-26-51.

A nurse shall report names of subject individuals to the applicable board if the nurse has reasonable cause to believe that any other nurse has violated any of the grounds for discipline provided for in Code Section 43-26-53. A nurse need not duplicate a report if he or she has reasonable cause to believe that such report has been made to the applicable board. A licensed health care professional shall not be required to report a nurse to the board under this Code section as a result of professional knowledge obtained in the course of the health care professional-patient relationship when the nurse is the patient.

43-26-52.

(a) Hospitals, nursing homes, temporary staffing agencies, and other employers of registered professional nurses, licensed practical nurses, or advanced practice registered nurses shall report to the applicable board, or ensure that such report has in fact been made to such board, the name of any licensee whose employment has been terminated or who has resigned in order to avoid termination for any reasons stipulated in Code Section 43-26-53.

(b) A state agency that licenses, registers, or certifies a hospital, nursing home, home health agency, or other type of health care facility, or surveys one of these facilities or agencies, shall report to the applicable board when such state agency has evidence that a nurse has violated Code Section 43-26-53 or ensure that such a report has in fact been made to such board.

(c) In the event a nurse enters a voluntary alternative to discipline program approved by the board, reporting to the applicable board shall not be required for such nurse by a person under this Code section. The applicable boards shall approve alternative to discipline programs for monitoring of nurses who agree to seek treatment for impairment by chemical dependency or mental illness that could lead to disciplinary action by the board.

(d) The applicable board shall inform, in the manner such board determines appropriate, nurses, facilities, agencies, and other persons of their duty to report under this article.

43-26-53.

(a) The following incidents shall be reported to the applicable board in the event any person is:

(1) Practicing nursing as a registered professional nurse or a licensed practical nurse, without a valid, current license, except as otherwise permitted under Code Section 43-26-12 or 43-26-41, as applicable;

(2) Practicing nursing as a registered professional nurse or a licensed practical nurse under cover of any diploma, license, or record illegally or fraudulently obtained, signed, or issued;

(3) Practicing nursing as a registered professional nurse or a licensed practical nurse during the time the license is suspended, revoked, surrendered, or administratively revoked for failure to renew;

(4) Using any words, abbreviations, figures, letters, title, sign, card, or device implying that such person is a registered professional nurse, advanced practice registered nurse, or licensed practical nurse unless such person is duly licensed or recognized by the applicable board so to practice under the provisions of this chapter;

(5) Fraudulently furnishing a license to practice nursing as a registered professional nurse or licensed practical nurse;

(6) Knowingly aiding or abetting any person to violate this chapter;

(7) While holding a license as a nurse, convicted of any felony, crime involving moral turpitude, or crime violating a federal or state law relating to controlled substances or dangerous drugs in the courts of this state, any other state, territory, or country, or in the courts of the United States, including but not limited to a plea of nolo contendere entered to the charge; or

(8) While holding a license as a nurse, displaying or has displayed an inability to practice nursing as a registered professional nurse, licensed undergraduate nurse, or licensed practical nurse with reasonable skill and safety due to use of alcohol, drugs, narcotics, or chemicals.

(b) Minor incidents, as defined by the applicable board, shall not be required to be reported pursuant to this article when the continuing practice by the subject nurse does not pose a risk of harm to a patient or others and can be addressed through corrective action by the nurse's employer. The applicable board shall adopt rules governing reporting of minor incidents. The applicable board may evaluate a complaint and determine that it is a minor incident under this Code section.

43-26-54.

The applicable board may seek an order from a court of competent jurisdiction for a report from any of the parties stipulated in Code Section 43-26-51 if one is not forthcoming voluntarily. The applicable board may seek a citation for civil contempt if a court order for a report is not obeyed by any of the parties stipulated in Code Section 43-26-51.

43-26-55.

(a) No nurse, hospital, nursing home, temporary staffing agency, employer, or other person required to report a nurse to the applicable board under this article, who, in good faith, either reports or fails to report, shall be subject to civil or criminal liability or discipline for unprofessional conduct for such action or inaction.

(b) A physician or other licensed health care professional who, at the request of the applicable board, examines a nurse shall be immune from suit for damages by the nurse examined if the examining physician or examining health care professional conducted the examination and made findings or diagnoses in good faith."

SECTION 4.

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y Mayo	E Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	Y Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	E Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	E Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	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
Y Channell	Y Greene	Y Knight	E 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	Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

SB 446. By Senators Mullis of the 53rd, Chance of the 16th, Gooch of the 51st, Miller of the 49th, Murphy of the 27th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 8, Title 25, and Title 34 of the Official Code of Georgia Annotated, relating to buildings generally, fire protection and safety, and labor and industrial relations, respectively, so as to transfer certain functions relating to elevators, dumbwaiters, escalators, manlifts, and moving walks, boilers and pressure vessels, amusement rides, carnival rides, and scaffolding and staging from the Department of Labor and Commissioner of Labor to the office of Safety Fire Commissioner and Safety Fire Commissioner; to make conforming amendments and correct cross-references relative to the foregoing; to provide for transfers of personnel, facilities, equipment, and appropriations; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 2 of Title 8, Title 25, and Title 34 of the Official Code of Georgia Annotated, relating to buildings generally, fire protection and safety, and labor and industrial relations, respectively, so as to transfer certain functions relating to elevators, dumbwaiters, escalators, manlifts, and moving walks, boilers and pressure vessels, amusement rides, carnival rides, and scaffolding and staging from the Department of Labor and Commissioner of Labor to the office of Safety Fire Commissioner and Safety Fire Commissioner; to remove bond requirements for certain personnel; to make conforming amendments and correct cross-references relative to the foregoing; to provide for transfers of personnel, facilities, equipment, and appropriations; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 25 of the Official Code of Georgia Annotated, relating to fire protection and safety, is amended by adding a new chapter to read as follows:

"CHAPTER 15
ARTICLE 1

25-15-1.

(a) The office of Safety Fire Commissioner shall succeed to all rules, regulations, policies, procedures, and administrative orders of the Department of Labor in effect on June 30, 2012, or scheduled to go into effect on or after July 1, 2012, and which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 and shall further succeed to any rights, privileges, entitlements, obligations, and duties of the Department of Labor in effect on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8. Such rules, regulations, policies, procedures, and administrative orders shall remain in effect until amended, repealed, superseded, or nullified by the office of Safety Fire Commissioner by proper authority or as otherwise provided by law.

(b) Any proceedings or other matters pending before the Department of Labor or Commissioner of Labor on June 30, 2012, which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall be transferred to the office of Safety Fire Commissioner on July 1, 2012.

(c) The rights, privileges, entitlements, obligations, and duties of parties to contracts, leases, agreements, and other transactions as identified by the Office of Planning and Budget entered into before July 1, 2012, by the Department of Labor which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 shall continue to exist; and none of these rights, privileges, entitlements, obligations, and duties are impaired or diminished by reason of the transfer of the functions to the office of Safety Fire Commissioner. In all such instances, the office of Safety Fire Commissioner shall be substituted for the Department of Labor, and the office of Safety Fire Commissioner shall succeed to the rights and duties under such contracts, leases, agreements, and other transactions.

(d) All persons employed by the Department of Labor in capacities which relate to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8 on June 30, 2012, shall, on July 1, 2012, become employees of the office of Safety Fire Commissioner in similar capacities, as determined by the Commissioner of Insurance. Such employees shall be subject to the employment practices and policies of the office of Safety Fire Commissioner on and after July 1, 2012, but the compensation and benefits of such transferred employees

shall not be reduced as a result of such transfer. Employees who are subject to the rules of the State Personnel Board and thereby under the State Personnel Administration and who are transferred to the office shall retain all existing rights under the State Personnel Administration. Accrued annual and sick leave possessed by the transferred employees on June 30, 2012, shall be retained by such employees as employees of the office of Safety Fire Commissioner.

(e) On July 1, 2012, the office of Safety Fire Commissioner shall receive custody of the state owned real property in the custody of the Department of Labor on June 30, 2012, and which pertains to the functions transferred to the office of Safety Fire Commissioner pursuant to this chapter and Part 6 of Article 1 of Chapter 2 of Title 8.

(f) The Safety Fire Commissioner shall provide a report to the House Committee on Governmental Affairs and the Senate Government Oversight Committee prior to the first day of the 2013 regular session of the Georgia General Assembly outlining the effects and results of this Code section and providing information on any problems or concerns with respect to the implementation of this Code section."

SECTION 2.

Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations,
is amended by revising Chapter 11, relating to regulation of boilers and pressure vessels, and redesignating it as a new article of Chapter 15 of Title 25 as follows:

"CHAPTER 11 ARTICLE 2

~~34-11-1.~~ 25-15-10.

This ~~chapter article~~ shall be known and may be cited as the 'Boiler and Pressure Vessel Safety Act' and, except as otherwise provided in this ~~chapter article~~, shall apply to all boilers and pressure vessels.

~~34-11-2.~~ 25-15-11.

As used in this ~~chapter article~~, the term:

(1) ~~Reserved.~~

(2) 'Boiler' means a closed vessel in which water or other liquid is heated, steam or vapor is generated, or steam is superheated or in which any combination of these functions is accomplished, under pressure or vacuum, for use externally to itself, by the direct application of energy from the combustion of fuels or from electricity, solar, or nuclear energy. The term 'boiler' shall include fired units for heating or vaporizing liquids other than water where these units are separate from processing systems and are complete within themselves. The term 'boiler' is further defined as follows:

(A) 'Heating boiler' means a steam or vapor boiler operating at pressures not exceeding 15 psig or a hot water boiler operating at pressures not exceeding 160 psig or temperatures not exceeding 250 degrees Fahrenheit.

(B) 'High pressure, high temperature water boiler' means a water boiler operating at pressures exceeding 160 psig or temperatures exceeding 250 degrees Fahrenheit.

(C) 'Power boiler' means a boiler in which steam or other vapor is generated at a pressure of more than 15 psig.

~~(3)~~(2) 'Certificate of inspection' means an inspection, the report of which is used by the chief inspector to determine whether or not a certificate as provided by subsection (c) of Code Section ~~34-11-15~~ 25-15-24 may be issued.

~~(4)~~(3) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

~~(5)~~ 'Department' means the ~~Department of Labor~~.

(4) 'Office' means the office of Safety Fire Commissioner.

~~(6)~~(5) 'Pressure vessel' means a vessel other than those vessels defined in paragraph ~~(2)~~(1) of this Code section in which the pressure is obtained from an external source or by the application of heat.

~~34-11-3.~~ 25-15-12.

The Commissioner shall be authorized to consult with persons knowledgeable in the areas of construction, use, or safety of boilers and pressure vessels and to create committees composed of such consultants to assist the Commissioner in carrying out his or her duties under this ~~chapter~~ article.

~~34-11-4.~~ 25-15-13.

(a)(1) The ~~Department of Labor~~ office shall formulate definitions, rules, and regulations for the safe construction, installation, inspection, maintenance, and repair of boilers and pressure vessels in this state.

(2) The definitions, rules, and regulations so formulated for new construction shall be based upon and at all times follow the generally accepted nation-wide engineering standards, formulas, and practices established and pertaining to boiler and pressure vessel construction and safety; and the ~~Department of Labor~~ office may adopt an existing published codification thereof, known as the Boiler and Pressure Vessel Code of the American Society of Mechanical Engineers, with the amendments and interpretations thereto made and approved by the council of the society, and may likewise adopt the amendments and interpretations subsequently made and published by the same authority. When so adopted, the same shall be deemed to be incorporated into and shall constitute a part of the whole of the definitions, rules, and regulations of the ~~Department of Labor~~ office. Amendments and interpretations to the code so adopted shall be effective immediately upon being promulgated, to the end that the definitions, rules, and regulations shall at all times follow the generally accepted nation-wide engineering standards.

(3) The ~~Department of Labor~~ office shall formulate the rules and regulations for the inspection, maintenance, and repair of boilers and pressure vessels which were in use in this state prior to the date upon which the first rules and regulations under this ~~chapter~~ article pertaining to existing installations become effective or during the 12 month period immediately thereafter. The rules and regulations so formulated shall be

based upon and at all times follow generally accepted nation-wide engineering standards and practices and may adopt sections of the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors or API 510 of the American Petroleum Institute, as applicable.

(b) The rules and regulations and any subsequent amendments thereto formulated by the ~~Department of Labor~~ office shall, immediately following a hearing upon not less than 20 days' notice as provided in this ~~chapter~~ article, be approved and published and when so promulgated shall have the force and effect of law, except that the rules applying to the construction of new boilers and pressure vessels shall not become mandatory until 12 months after their promulgation by the ~~Department of Labor~~ office. Notice of the hearing shall give the time and place of the hearing and shall state the matters to be considered at the hearing. Such notice shall be given to all persons directly affected by such hearing. In the event all persons directly affected are unknown, notice may be perfected by publication in a newspaper of general circulation in this state at least 20 days prior to such hearing.

(c) Subsequent amendments to the rules and regulations adopted by the ~~Department of Labor~~ office shall be permissive immediately and shall become mandatory 12 months after their promulgation.

~~34-11-5.~~ 25-15-14.

No boiler or pressure vessel which does not conform to the rules and regulations of the ~~Department of Labor~~ office governing new construction and installation shall be installed and operated in this state after 12 months from the date upon which the first rules and regulations under this ~~chapter~~ article pertaining to new construction and installation shall have become effective, unless the boiler or pressure vessel is of special design or construction and is not inconsistent with the spirit and safety objectives of such rules and regulations, in which case a special installation and operating permit may at its discretion be granted by the ~~Department of Labor~~ office.

~~34-11-6.~~ 25-15-15.

(a) The maximum allowable working pressure of a boiler carrying the ASME Code symbol or of a pressure vessel carrying the ASME or API-ASME symbol shall be determined by the applicable sections of the code under which it was constructed and stamped. Subject to the concurrence of the enforcement authority at the point of installation, such a boiler or pressure vessel may be rerated in accordance with the rules of a later edition of the ASME Code and in accordance with the rules of the National Board Inspection Code or API 510, as applicable.

(b) The maximum allowable working pressure of a boiler or pressure vessel which does not carry the ASME or the API-ASME Code symbol shall be computed in accordance with the Inspection Code of the National Board of Boiler and Pressure Vessel Inspectors.

(c) This ~~chapter~~ article shall not be construed as in any way preventing the use, sale, or reinstallation of a boiler or pressure vessel referred to in this Code section, provided it

has been made to conform to the rules and regulations of the ~~department~~ office governing existing installations and provided, further, that it has not been found upon inspection to be in an unsafe condition.

~~34-11-7. 25-15-16.~~

(a) This ~~chapter~~ article shall not apply to the following boilers and pressure vessels:

(1) Boilers and pressure vessels under federal control or under regulations of ~~Title 49 of the Code of Federal Regulations, Parts 192 and 193~~ 49 C.F.R. 192 and 193;

(2) Pressure vessels used for transportation and storage of compressed or liquefied gases when constructed in compliance with specifications of the United States Department of Transportation and when charged with gas or liquid, marked, maintained, and periodically requalified for use, as required by appropriate regulations of the United States Department of Transportation;

(3) Pressure vessels located on vehicles operating under the rules of other state or federal authorities and used for carrying passengers or freight;

(4) Air tanks installed on the right of way of railroads and used directly in the operation of trains;

(5) Pressure vessels that do not exceed:

(A) Five cubic feet in volume and 250 psig pressure; or

(B) One and one-half cubic feet in volume and 600 psig pressure; or

(C) An inside diameter of six inches with no limitation on pressure;

(6) Pressure vessels having an internal or external working pressure not exceeding 15 psig with no limit on size;

(7) Pressure vessels with a nominal water-containing capacity of 120 gallons or less for containing water under pressure, including those containing air, the compression of which serves only as a cushion;

(8) Pressure vessels containing water heated by steam or any other indirect means when none of the following limitations are exceeded:

(A) A heat input of 200,000 BTU per hour;

(B) A water temperature of 210 degrees Fahrenheit; and

(C) A nominal water-containing capacity of 120 gallons;

(9) Hot water supply boilers which are directly fired with oil, gas, or electricity when none of the following limitations are exceeded:

(A) Heat input of 200,000 BTU per hour;

(B) Water temperature of 210 degrees Fahrenheit; and

(C) Nominal water-containing capacity of 120 gallons.

These exempt hot water supply boilers shall be equipped with ASME-National Board approved safety relief valves;

(10) Pressure vessels in the care, custody, and control of research facilities and used solely for research purposes which require one or more details of noncode construction or which involve destruction or reduced life expectancy of those vessels;

(11) Pressure vessels or other structures or components that are not considered to be within the scope of ASME Code, Section VIII;

(12) Boilers and pressure vessels operated and maintained for the production and generation of electricity; provided, however, that any person, firm, partnership, or corporation operating such a boiler or pressure vessel has insurance or is self-insured and such boiler or pressure vessel is regularly inspected in accordance with the minimum requirements for safety as defined in the ASME Code by an inspector who has been issued a certificate of competency by the Commissioner in accordance with the provisions of Code Section ~~34-11-10~~ 25-15-19;

(13) Boilers and pressure vessels operated and maintained as a part of a manufacturing process; provided, however, that any person, firm, partnership, or corporation operating such a boiler or pressure vessel has insurance or is self-insured and such boiler or pressure vessel is regularly inspected in accordance with the minimum requirements for safety as defined in the ASME Code by an inspector who has been issued a certificate of competency by the Commissioner in accordance with the provisions of Code Section 25-15-19;

(14) Boilers and pressure vessels operated and maintained by a public utility; and

(15) Autoclaves used only for the sterilization of reusable medical or dental implements in the place of business of any professional licensed by the laws of this state.

(b) The following boilers and pressure vessels shall be exempt from the requirements of subsections (b), (c), and (d) of Code Section ~~34-11-14~~ 25-15-23 and Code Sections ~~34-11-15~~ 25-15-24 and ~~34-11-16~~ 25-15-26:

(1) Boilers or pressure vessels located on farms and used solely for agricultural or horticultural purposes;

(2) Heating boilers or pressure vessels which are located in private residences or in apartment houses of less than six family units;

(3) Any pressure vessel used as an external part of an electrical circuit breaker or transformer;

(4) Pressure vessels on remote oil or gas-producing lease locations that have fewer than ten buildings intended for human occupancy per 0.25 square mile and where the closest building is at least 220 yards from any vessel;

(5) Pressure vessels used for storage of liquid propane gas under the jurisdiction of the state fire marshal, except for pressure vessels used for storage of liquefied petroleum gas, 2,000 gallons or above, which have been modified or altered; and

(6) Air storage tanks not exceeding 16 cubic feet (120 gallons) in size and under 250 psig pressure.

~~34-11-8.~~ 25-15-17.

(a) The Commissioner may appoint to be chief inspector a citizen of this state or, if not available, a citizen of another state, who shall have had at the time of such appointment not less than five years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who shall have passed the same kind of examination as that prescribed under Code

Section ~~34-11-11~~ 25-15-20. Such chief inspector may be removed for cause after due investigation by ~~the board and its recommendation to~~ the Commissioner.

(b) The chief inspector, if authorized by the Commissioner, is charged, directed, and empowered:

- (1) To take action necessary for the enforcement of the laws of ~~the~~ this state governing the use of boilers and pressure vessels to which this ~~chapter~~ article applies and of the rules and regulations of the ~~department~~ office;
- (2) To keep a complete record of the name of each owner or user and his or her location and, except for pressure vessels covered by an owner or user inspection service, the type, dimensions, maximum allowable working pressure, age, and the last recorded inspection of all boilers and pressure vessels to which ~~the chapter~~ this article applies;
- (3) To publish in print or electronically and make available to anyone requesting them copies of the rules and regulations promulgated by the ~~department~~ office;
- (4) To issue or to suspend or revoke for cause inspection certificates as provided for in Code Section ~~34-11-15~~ 25-15-24; and
- (5) To cause the prosecution of all violators of the provisions of this ~~chapter~~ article.

~~34-11-9~~ 25-15-18.

The Commissioner may employ deputy inspectors who shall be responsible to the chief inspector and who shall have had at the time of appointment not less than three years' experience in the construction, installation, inspection, operation, maintenance, or repair of high pressure boilers and pressure vessels as a mechanical engineer, steam operating engineer, boilermaker, or boiler inspector and who shall have passed the examination provided for in Code Section ~~34-11-11~~ 25-15-20.

~~34-11-10~~ 25-15-19.

(a) In addition to the deputy inspectors authorized by Code Section ~~34-11-9~~ 25-15-18 the Commissioner shall, upon the request of any company licensed to insure and insuring in this state boilers and pressure vessels or upon the request of any company operating pressure vessels in this state for which the owner or user maintains a regularly established inspection service which is under the supervision of one or more technically competent individuals whose qualifications are satisfactory to the ~~department~~ office and causes ~~said~~ such pressure vessels to be regularly inspected and rated by such inspection service in accordance with applicable provisions of the rules and regulations adopted by the ~~department~~ office pursuant to Code Section ~~34-11-4~~ 25-15-13, issue to any inspectors of ~~said~~ such insurance company certificates of competency as special inspectors and to any inspectors of ~~said~~ such company operating pressure vessels certificates of competency as owner or user inspectors, provided that each such inspector before receiving his or her certificate of competency shall satisfactorily pass the examination provided for by Code Section ~~34-11-11~~ 25-15-20 or, in lieu of such examination, shall hold a commission or a certificate of competency as an inspector of boilers or pressure vessels for a state that has a standard of examination substantially

equal to that of this state or a commission as an inspector of boilers and pressure vessels issued by the National Board of Boiler and Pressure Vessel Inspectors. A certificate of competency as an owner or user inspector shall be issued to an inspector of a company operating pressure vessels in this state only if, in addition to meeting the requirements stated in this Code section, the inspector is employed full time by the company and is responsible for making inspections of pressure vessels used or to be used by such company and which are not for resale.

(b) Such special inspectors or owner or user inspectors shall receive no salary from nor shall any of their expenses be paid by the state, and the continuance of their certificates of competency shall be conditioned upon their continuing in the employ of the boiler insurance company duly authorized ~~as aforesaid~~ or in the employ of the company so operating pressure vessels in this state and upon their maintenance of the standards imposed by this ~~chapter~~ article.

(c) Such special inspectors or owner or user inspectors may inspect all boilers and pressure vessels insured or all pressure vessels operated by their respective companies; and, when so inspected, the owners and users of such boilers and pressure vessels shall be exempt from the payment to the state of the inspection fees as prescribed in rules and regulations promulgated by the Commissioner.

~~34-11-11.~~ 25-15-20.

The examination for chief, deputy, special, or owner or user inspectors shall be in writing and shall be held by the ~~board~~ office or by an examining board appointed in accordance with the requirements of the National Board of Boiler and Pressure Vessel Inspectors, with at least two members present at all times during the examination. Such examination shall be confined to questions the answers to which will aid in determining the fitness and competency of the applicant for the intended service and may be those prepared by the National Board of Boiler and Pressure Vessel Inspectors. In case an applicant fails to pass the examination, he or she may appeal to the ~~board~~ office for another examination which shall be given by the ~~board~~ office or the appointed examining board after 90 days. The record of an applicant's examination shall be accessible to ~~said~~ the applicant and his or her employer.

~~34-11-12.~~ 25-15-21.

(a) An inspector's certificate of competency may be suspended by the Commissioner after due investigation ~~and recommendation by the office~~ for the incompetence or untrustworthiness of the holder thereof or for willful falsification of any matter or statement contained in his or her application or in a report of any inspection made by him or her. Written notice of any such suspension shall be given by the Commissioner within not more than ten days thereof to the inspector and his or her employer. A person whose certificate of competency has been suspended shall be entitled to an appeal as provided in Code Section ~~34-11-19~~ 25-15-28 and to be present in person and to be represented by counsel at the hearing of the appeal.

(b) If the ~~department~~ office has reason to believe that an inspector is no longer qualified to hold his or her certificate of competency, the ~~department~~ office shall provide written notice to the inspector and his or her employer of the ~~department~~ office's determination and the right to an appeal as provided in Code Section ~~34-11-19~~ 25-15-28. If, as a result of such hearing, the inspector has been determined to be no longer qualified to hold his or her certificate of competency, the Commissioner shall thereupon revoke such certificate of competency forthwith.

(c) A person whose certificate of competency has been suspended shall be entitled to apply, after 90 days from the date of such suspension, for reinstatement of such certificate of competency.

~~34-11-13.~~ 25-15-22.

If a certificate of competency is lost or destroyed, a new certificate of competency shall be issued in its place without another examination.

~~34-11-14.~~ 25-15-23.

(a) The Commissioner, the chief inspector, or any deputy inspector shall have free access, during reasonable hours, to any premises in ~~the~~ this state where a boiler or pressure vessel is being constructed for use in, or is being installed in, this state for the purpose of ascertaining whether such boiler or pressure vessel is being constructed and installed in accordance with the provisions of this ~~chapter~~ article.

(b)(1) On and after January 1, 1986, each boiler and pressure vessel used or proposed to be used within this state, except for pressure vessels covered by an owner or user inspection service as described in subsection (d) of this Code section or except for boilers or pressure vessels exempt under Code Section ~~34-11-7~~ 25-15-16 (owners and users may request to waive this exemption), shall be thoroughly inspected as to their construction, installation, and condition as follows:

(A) Power boilers and high pressure, high temperature water boilers shall receive a certificate inspection annually which shall be an internal inspection where construction permits; otherwise, it shall be as complete an inspection as possible. Such boilers shall also be externally inspected while under pressure, if possible;

(B) Low pressure steam or vapor heating boilers shall receive a certificate inspection biennially with an internal inspection every four years where construction permits;

(C) Hot water heating and hot water supply boilers shall receive a certificate inspection biennially with an internal inspection at the discretion of the inspector;

(D) Pressure vessels subject to internal corrosion shall receive a certificate inspection triennially with an internal inspection at the discretion of the inspector. Pressure vessels not subject to internal corrosion shall receive a certificate of inspection at intervals set by the ~~board~~ office; and

(E) Nuclear vessels within the scope of this ~~chapter~~ article shall be inspected and reported in such form and with such appropriate information as the ~~board~~ office shall designate.

(2) A grace period of two months beyond the periods specified in subparagraphs (A) through (D) of this paragraph may elapse between certificate inspections.

(3) The ~~department~~ office may provide for longer periods between certificate inspection in its rules and regulations.

(4) Under the provisions of this ~~chapter~~ article, the ~~department~~ office is responsible for providing for the safety of life, limb, and property and therefore has jurisdiction over the interpretation and application of the inspection requirements as provided for in the rules and regulations which it has promulgated. The person conducting the inspection during construction and installation shall certify as to the minimum requirements for safety as defined in the ASME Code. Inspection requirements of operating equipment shall be in accordance with generally accepted practice and compatible with the actual service conditions, such as:

(A) Previous experience, based on records of inspection, performance, and maintenance;

(B) Location, with respect to personnel hazard;

(C) Quality of inspection and operating personnel;

(D) Provision for related safe operation controls; and

(E) Interrelation with other operations outside the scope of this ~~chapter~~ article.

Based upon documentation of such actual service conditions by the owner or user of the operating equipment, the ~~board~~ office may, in its discretion, permit variations in the inspection requirements.

(c) The inspections required in this ~~chapter~~ article shall be made by the chief inspector, by a deputy inspector, by a special inspector, or by an owner or user inspector provided for in this ~~chapter~~ article.

(d) Owner or user inspection of pressure vessels is permitted, provided the owner or user inspection service is regularly established and is under the supervision of one or more individuals whose qualifications are satisfactory to the ~~board~~ office and said owner or user causes the pressure vessels to be inspected in conformance with the National Board Inspection Code or API 510, as applicable.

(e) If, at the discretion of the inspector, a hydrostatic test shall be deemed necessary, it shall be made by the owner or user of the boiler or pressure vessel.

(f) All boilers, other than cast iron sectional boilers, and pressure vessels to be installed in this state after the 12 month period from the date upon which the rules and regulations of the ~~board~~ office shall become effective shall be inspected during construction as required by the applicable rules and regulations of the ~~board~~ office by an inspector authorized to inspect boilers and pressure vessels in this state or, if constructed outside of the state, by an inspector holding a commission issued by the National Board of Boiler and Pressure Vessel Inspectors.

~~34-11-15. 25-15-24.~~

(a) Each company employing special inspectors shall, within 30 days following each certificate inspection made by such inspectors, file a report of such inspection with the chief inspector upon appropriate forms as promulgated by the Commissioner. The filing

of reports of external inspections, other than certificate inspections, shall not be required except when such inspections disclose that the boiler or pressure vessel is in a dangerous condition.

(b) Each company operating pressure vessels covered by an owner or user inspection service meeting the requirements of subsection (a) of Code Section ~~34-11-10~~ 25-15-19 shall maintain in its files an inspection record which shall list, by number and such abbreviated description as may be necessary for identification, each pressure vessel covered by this ~~chapter~~ article, the date of the last inspection of each pressure vessel, and the approximate date for the next inspection. The inspection record shall be available for examination by the chief inspector or ~~his~~ the chief inspector's authorized representative during business hours.

(c) If the report filed pursuant to subsection (a) of this Code section shows that a boiler or pressure vessel is found to comply with the rules and regulations of the ~~department office~~, the chief inspector, or his or her duly authorized representative, shall issue to such owner or user an inspection certificate bearing the date of inspection and specifying the maximum pressure under which the boiler or pressure vessel may be operated. Such inspection certificate shall be valid for not more than 14 months from its date in the case of power boilers, 26 months in the case of heating and hot water supply boilers, and 38 months in the case of pressure vessels. In the case of those boilers and pressure vessels covered by subparagraphs (b)(1)(A) through (b)(1)(D) of Code Section ~~34-11-14~~ 25-15-23 for which the ~~department office~~ has established or extended the operating period between required inspections pursuant to the provisions of paragraphs (3) and (4) of subsection (b) of Code Section ~~34-11-14~~ 25-15-23, the certificate shall be valid for a period of not more than two months beyond the period set by the ~~department office~~. Certificates for boilers shall be posted under glass, or similarly protected, in the room containing the boiler. Pressure vessel certificates shall be posted in like manner, if convenient, or filed where they will be readily accessible for examination.

(d) No inspection certificate issued for an insured boiler or pressure vessel based upon a report of a special inspector shall be valid after the boiler or pressure vessel for which it was issued shall cease to be insured by a company duly authorized by this state to provide such insurance.

(e) The Commissioner or ~~his~~ the Commissioner's authorized representative may at any time suspend an inspection certificate after showing cause that the boiler or pressure vessel for which it was issued cannot be operated without menace to the public safety or when the boiler or pressure vessel is found not to comply with the rules and regulations adopted pursuant to this ~~chapter~~ article. Each suspension of an inspection certificate shall continue in effect until such boiler or pressure vessel shall have been made to conform to the rules and regulations of the ~~department office~~ and until ~~said~~ such inspection certificate shall have been reinstated.

(f) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a written order for the temporary cessation of operation of a boiler or pressure vessel if it has been determined after inspection to be hazardous or unsafe. Operations shall not

resume until such conditions are corrected to the satisfaction of the Commissioner or his or her authorized representative.

~~34-11-15.1.~~ 25-15-25.

(a) Boilers and pressure vessels, subject to operating certificate inspections by special, ~~or~~ owner, or user, inspectors, shall be inspected within 60 calendar days following the required reinspection date. Inspections not performed within this 60 calendar day period shall result in a civil penalty of \$500.00 for each boiler or pressure vessel not inspected.

(b)(1) Inspection fees due on boiler and pressure vessels subject to inspection by the chief or deputy inspectors or operating certificate fees due from inspections performed by special, or owner or user, inspectors shall be paid within 60 calendar days of completion of such inspections.

(2) Inspection fees or operating certificate fees unpaid within 60 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until all amounts due, including interest, are received by the Commissioner.

(c) The Commissioner may waive the collection of the penalties and interest assessed as provided in subsections (a) and (b) of this Code section when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the ~~department~~ office.

~~34-11-16.~~ 25-15-26.

~~After 12 months for power boilers, 24 months for low pressure steam heating, hot water heating, and hot water supply boilers, and 36 months for pressure vessels following July 1, 1984, it~~ It shall be unlawful for any person, firm, partnership, or corporation to operate in this state a boiler or pressure vessel, except a pressure vessel covered by owner or user inspection service as provided for in Code Section ~~34-11-15~~ 25-15-24, without a valid inspection certificate. The operation of a boiler or pressure vessel without such inspection certificate or at a pressure exceeding that specified in such inspection certificate or in violation of this ~~chapter~~ article shall constitute a misdemeanor.

~~34-11-17.~~ 25-15-27.

The owner or user of a boiler or pressure vessel required by this ~~chapter~~ article to be inspected by the chief inspector or ~~his~~ a deputy inspector shall pay directly to the chief inspector, upon completion of inspection, fees as prescribed in rules and regulations promulgated by the Commissioner; provided, however, that, with respect to pressure vessel certificates of inspection, such fees shall not exceed \$10.00 per annum. The chief inspector shall transfer all fees so received to the general fund of the state treasury. All funds so deposited in the state treasury are authorized to be appropriated by the General Assembly to the ~~Commissioner of Labor~~ Safety Fire Commissioner.

~~34-11-18.~~

~~The chief inspector shall furnish a bond in the sum of \$5,000.00 and each of the deputy inspectors employed and paid by the state shall furnish a bond in the sum of \$2,000.00 conditioned upon the faithful performance of their duties and upon a true account of moneys handled by them, respectively, and the payment thereof to the proper recipient.~~

~~34-11-19.~~ 25-15-28.

(a) Any person aggrieved by an order or an act of the Commissioner or the chief inspector under this ~~chapter~~ article may, within 15 days of notice thereof, request a hearing before an administrative law judge of the ~~department~~ office of State Administrative Hearings, as provided by Code Section 50-13-41.

(b) Any person aggrieved by a decision of an administrative law judge may file an appeal pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

~~34-11-20.~~ 25-15-29.

No county, municipality, or other political subdivision shall have the power to make any laws, ordinances, or resolutions providing for the construction, installation, inspection, maintenance, and repair of boilers and pressure vessels within the limits of such county, municipality, or other political subdivision; and any such laws, ordinances, or resolutions ~~heretofore made or passed~~ shall be void and of no effect.

~~34-11-21.~~ 25-15-30.

Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner with respect to any claim by any person, firm, or corporation relating in any way whatsoever to boilers and pressure vessels and any injury or damages arising therefrom.

~~34-11-22.~~

~~In the event any Code section, subsection, sentence, clause, or phrase of this chapter shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the other Code sections, subsections, sentences, clauses, or phrases of this chapter, which shall remain of full force and effect, as if the Code 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 chapter if it had known that such part or parts hereof would be declared or adjudged invalid or unconstitutional."~~

SECTION 3.

Said title is further amended by revising Chapter 12, relating to amusement ride safety, and redesignating it as a new article of Chapter 15 of Title 25 to read as follows:

"CHAPTER 12 ARTICLE 3

~~34-12-1.~~ 25-15-50.

This ~~chapter article~~ shall be known and may be cited as the 'Amusement Ride Safety Act.'

~~34-12-2.~~ 25-15-51.

As used in this ~~chapter article~~, the term:

~~(1)~~ Reserved.

~~(2)~~(1) 'Amusement ride' means any mechanical device, other than those regulated by the Consumer Products Safety Commission, which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term shall not include any such device which is not permanently fixed to a site.

~~(3)~~(2) 'Authorized person' means a competent person experienced and instructed in the work to be performed who has been given the responsibility to perform his or her duty by the owner or his or her representative.

~~(3.1)~~(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate to operate an amusement ride.

(4) 'Certificate of inspection' means a certificate issued by a licensed inspector that an amusement ride meets all relevant provisions of this ~~chapter article~~ and the standards and regulations adopted pursuant thereto.

(5) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

~~(6)~~ 'Department' means the Department of Labor, which is designated to enforce the provisions of this chapter and to formulate and enforce standards and regulations.

~~(7)~~(6) 'Licensed inspector' means a registered professional engineer or any other person who is found by the ~~department~~ office to possess the requisite training and experience to perform competently the inspections required by this ~~chapter article~~ and who is licensed by the ~~department~~ office to perform inspections of amusement rides.

~~(8)~~(7) 'Operator' means a person or persons actually engaged in or directly controlling the operation of an amusement ride.

(8) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce the provisions of this article and to formulate and enforce standards and regulations.

(9) 'Owner' means a person, including the state or any of its subdivisions, who owns an amusement ride or, in the event that the amusement ride is leased, the lessee.

(10) 'Permit' means a permit to operate an amusement ride issued to an owner by the ~~department~~ office.

(11) 'Permit fee' means the fee charged by the ~~department~~ office for a permit to operate an amusement ride.

(12) 'Standards and regulations' means those standards and regulations formulated and enforced by the ~~department~~ office.

~~34-12-3.~~ 25-15-52.

The Commissioner shall be authorized to consult with persons knowledgeable in the area of the amusement ride industry and to create committees composed of such consultants to assist the Commissioner in carrying out his or her duties under this ~~chapter~~ article.

~~34-12-4.~~

Reserved.

~~34-12-5.~~ 25-15-53.

(a) The ~~department~~ office shall formulate standards and regulations, or changes to such standards and regulations, for the safe assembly, disassembly, repair, maintenance, use, operation, and inspection of all amusement rides. The standards and regulations shall be reasonable and based upon generally accepted engineering standards, formulas, and practices pertinent to the industry. Formulation and promulgation of such standards and regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' It is recognized that risks presented to the general public by amusement rides which are frequently assembled and disassembled are different from those presented by amusement rides which are not frequently assembled and disassembled. Accordingly, the ~~department~~ office is authorized to formulate different standards and regulations with regard to such differing classes of amusement rides.

(b) The ~~department~~ office shall:

- (1) Enforce all standards and regulations;
- (2) License inspectors for authorization to inspect amusement rides;
- (3) Issue permits upon compliance with this ~~chapter~~ article and such standards and regulations adopted pursuant to this ~~chapter~~ article; and
- (4) Establish a fee schedule for the issuance of permits for amusement rides.

~~34-12-6.~~ 25-15-54.

The ~~department~~ office may license such private inspectors as may be necessary to carry out the provisions of this ~~chapter~~ article.

~~34-12-7.~~ 25-15-55.

(a) No amusement ride shall be operated, except for purposes of testing and inspection, until a permit for its operation has been issued by the ~~department~~ office. The owner of an amusement ride shall apply for a permit to the ~~department~~ office on a form furnished by the ~~department~~ office providing such information as the ~~department~~ office may require.

(b) No such application shall be complete without including a certificate of inspection from a licensed inspector that the amusement ride meets all relevant provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant thereto. The cost of obtaining the certificate of inspection from a licensed inspector shall be borne by the owner or operator.

~~34-12-8.~~ 25-15-56.

(a) All amusement rides shall be inspected annually, and may be inspected more frequently, by a licensed inspector at the owner's or operator's expense. If the amusement ride meets all relevant provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant to this ~~chapter~~ article, the licensed inspector shall provide to the owner or operator a certificate of inspection. All new amusement rides shall be inspected before commencing public operation.

(b) Amusement rides and attractions may be required to be inspected by an authorized person each time they are assembled or disassembled in accordance with regulations and standards established under this ~~chapter~~ article.

~~34-12-9.~~ 25-15-57.

The ~~department~~ office may waive the requirement of subsection (a) of Code Section ~~34-12-8~~ 25-15-56 if the owner of an amusement ride gives satisfactory proof to the ~~department~~ office that the amusement ride has passed an inspection conducted by a federal agency or by another state whose standards and regulations for the inspection of such an amusement ride are at least as stringent as those adopted pursuant to this ~~chapter~~ article.

~~34-12-10.~~ 25-15-58.

The ~~department~~ office shall issue a permit to operate an amusement ride to the owner thereof upon successful completion of a safety inspection of the amusement ride conducted by a licensed inspector and upon receiving an application for permit with a certificate of insurance. The permit shall be valid for the calendar year in which issued.

~~34-12-11.~~ 25-15-59.

The owner shall maintain up-to-date maintenance, inspection, and repair records between inspection periods for each amusement ride in accordance with such standards and regulations as are adopted pursuant to this ~~chapter~~ article. Such records shall contain a copy of all inspection reports commencing with the last annual inspection, a description of all maintenance performed, and a description of any mechanical or structural failures or operational breakdowns and the types of actions taken to rectify these conditions.

~~34-12-12.~~ 25-15-60.

No person shall be permitted to operate an amusement ride unless he or she is at least 16 years of age. An operator shall be in attendance at all times that an amusement ride is in operation and shall operate no more than one amusement ride at any given time.

~~34-12-13.~~ 25-15-61.

The owner of the amusement ride shall report to the ~~department~~ office any accident resulting in a fatality or an injury requiring immediate inpatient overnight hospitalization incurred during the operation of any amusement ride. The report shall

be in writing, shall describe the nature of the occurrence and injury, and shall be mailed by first-class mail no later than the close of the next business day following the accident. Accidents resulting in a fatality shall also be reported immediately to the ~~department~~ office in person or by phone in accordance with regulations adopted by the ~~department~~ office.

~~34-12-14.~~ 25-15-62.

- (a) No person shall operate an amusement ride unless at the time there is in existence:
- (1) A policy of insurance in an appropriate amount determined by regulation insuring the owner and operator (if an independent contractor) against liability for injury to persons arising out of the operation of the amusement ride;
 - (2) A bond in a like amount; provided, however, that the aggregate liability of the surety under such bond shall not exceed the face amount thereof; or
 - (3) Cash or other security acceptable to the ~~department~~ office.
- (b) Regulations under this ~~chapter~~ article shall permit appropriate deductibles or self-insured retention amounts to such policies of insurance. The policy or bond shall be procured from one or more insurers or sureties acceptable to the ~~department~~ office.

~~34-12-15.~~ 25-15-63.

If any person would incur practical difficulties or unnecessary hardships in complying with the standards and regulations adopted pursuant to this ~~chapter~~ article, or if any person is aggrieved by any order issued by the ~~department~~ office, the person may make a written application to the ~~department~~ office stating his or her grounds and applying for a variance. The ~~department~~ office may grant such a variance in the spirit of the provisions of this ~~chapter~~ article with due regard to ~~the~~ public safety. The granting or denial of a variance by the ~~department~~ office shall be in writing and shall describe the conditions under which the variance is granted or the reasons for denial. A record shall be kept of all variances granted by the ~~department~~ office and such record shall be open to inspection by the public.

~~34-12-16.~~ 25-15-64.

This ~~chapter~~ article shall not apply to any single-passenger coin operated amusement ride on a stationary foundation or to playground equipment such as swings, seesaws, slides, jungle gyms, rider propelled merry-go-rounds, moonwalks, and live rides.

~~34-12-17.~~ 25-15-65.

This ~~chapter~~ article shall not be construed so as to prevent the use of any existing amusement ride found to be in a safe condition and to be in conformance with the standards and regulations adopted pursuant to this ~~chapter~~ article. Owners of amusement rides in operation on or before the effective date of this ~~chapter~~ article shall comply with the provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant to this ~~chapter~~ article within six months after the adoption of ~~said~~ such standards and regulations.

~~34-12-18.~~ 25-15-66.

(a) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a written order for the temporary cessation of operation of an amusement ride if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner or ~~his~~ the Commissioner's authorized representative.

(b) In the event that an owner or operator knowingly allows the operation of an amusement ride after the issuing of a temporary cessation, the Commissioner or ~~his~~ the Commissioner's authorized representative may initiate in the superior court any action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General. An injunction, without bond, may be granted by the superior court to the Commissioner for the purpose of enforcing this ~~chapter~~ article.

(c)(1) Any person, firm, partnership, or corporation violating the provisions of this ~~chapter~~ article shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.

(2) In addition to the penalty provisions in paragraph (1) of this subsection, the Commissioner shall have the power, after notice and hearing, to levy civil penalties as prescribed in the rules and regulations of the ~~department~~ office in an amount not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to the requirements of this ~~chapter~~ article and the rules and regulations promulgated under this ~~chapter~~ article. The imposition of a penalty for a violation of this ~~chapter~~ article or the rules and regulations promulgated under this ~~chapter~~ article shall not excuse the violation or permit it to continue.

~~34-12-19.~~ 25-15-67.

The owner or operator of an amusement ride may deny entry to a person to an amusement ride if in the owner's or operator's opinion the entry may jeopardize the safety of such person or the safety of any other person. Nothing in this Code section ~~will~~ shall permit an owner or operator to deny an inspector access to an amusement ride when such inspector is acting within the scope of his or her duties under this ~~chapter~~ article.

~~34-12-20.~~ 25-15-68.

Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner with respect to any claim by any person, firm, or corporation relating in any way whatsoever to amusement rides and any injury or damages arising therefrom.

~~34-12-21.~~ 25-15-69.

No county, municipality, or other political subdivision shall have the power to pass ordinances, resolutions, or other requirements regulating the construction, installation, inspection, maintenance, repair, or operation of amusement rides within the limits of such county, municipality, or other political subdivision. Any such ordinances,

resolutions, or other requirements ~~heretofore passed~~ shall be void and of no effect; provided, however, that the provisions of this Code section shall not apply to local zoning ordinances or ordinances regulating location, siting requirements, or other development standards or conditions relative to amusement rides or their time of operation or noise levels generated. Nothing in this ~~chapter~~ article preempts the imposition of regulatory fees or occupation taxes imposed by counties and municipalities pursuant to Chapter 13 of Title 48."

SECTION 4.

Said title is further amended by revising Chapter 13, relating to carnival ride safety, and redesignating it as a new article of Chapter 15 of Title 25, as follows:

"~~CHAPTER 13~~ ARTICLE 4

~~34-13-1.~~ 25-15-80.

This ~~chapter~~ article shall be known and may be cited as the 'Carnival Ride Safety Act.'

~~34-13-2.~~ 25-15-81.

As used in this ~~chapter~~ article, the term:

(1) ~~Reserved.~~

(2)(1) 'Authorized person' means a competent person experienced and instructed in the work to be performed who has been given the responsibility to perform his or her duty by the owner or the owner's representative.

(3)(2) 'Carnival ride' means any mechanical device, other than amusement rides regulated under ~~Chapter 12 Article 3~~ of this ~~title chapter~~, known as the 'Amusement Ride Safety Act,' which carries or conveys passengers along, around, or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure, thrills, or excitement. Such term shall not include any such device which is permanently fixed to a site.

(3.1)(3) 'Certificate fee' means the fee charged by the ~~department~~ office for a certificate to operate a carnival ride.

(4) 'Certificate of inspection' means a certificate issued by a licensed inspector that a carnival ride meets all relevant provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant thereto.

(5) 'Commissioner' means the ~~Commissioner of Labor Safety Fire~~ Commissioner.

(6) ~~'Department' means the Department of Labor, which is designated to enforce the provisions of this chapter and to formulate and enforce standards and regulations.~~

(7)(6) 'Licensed inspector' means a registered professional engineer or any other person who is found by the ~~department~~ office to possess the requisite training and experience to perform competently the inspections required by this ~~chapter~~ article and who is licensed by the ~~department~~ office to perform inspections of carnival rides.

(7) 'Office' means the office of Safety Fire Commissioner, which is designated to enforce the provisions of this article and to formulate and enforce standards and regulations.

(8) 'Operator' means a person or persons actually engaged in or directly controlling the operation of a carnival ride.

(9) 'Owner' means a person, including the state or any of its subdivisions, who owns a carnival ride or, in the event that the carnival ride is leased, the lessee.

(10) 'Permit' means a permit to operate a carnival ride issued to an owner by the ~~department~~ office.

(11) 'Permit fee' means the fee charged by the ~~department~~ office for a permit to operate a carnival ride.

(12) 'Standards and regulations' means those standards and regulations formulated and enforced by the ~~department~~ office.

~~34-13-3.~~ 25-15-82.

The Commissioner shall be authorized to consult with persons knowledgeable in the area of the carnival ride industry and to create committees composed of such consultants to assist the Commissioner in carrying out his or her duties under this ~~chapter~~ article.

~~34-13-4.~~

~~Reserved.~~

~~34-13-5.~~ 25-15-83.

(a) The ~~department~~ office shall formulate standards and regulations, or changes to such standards and regulations, for the safe assembly, disassembly, repair, maintenance, use, operation, and inspection of all carnival rides. The standards and regulations shall be reasonable and based upon generally accepted engineering standards, formulas, and practices pertinent to the industry. Formulation and promulgation of such standards and regulations shall be subject to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' ~~No rule, regulation, or standard promulgated or adopted pursuant to this chapter article shall become effective prior to January 1, 1987.~~

(b) The ~~department~~ office shall:

(1) Enforce all standards and regulations;

(2) License inspectors for authorization to inspect carnival rides; and

(3) Issue permits upon compliance with this ~~chapter~~ article and such standards and regulations adopted pursuant to this ~~chapter~~ article.

(c) The owner or operator of a carnival ride required to be inspected shall pay fees as prescribed in rules and regulations promulgated by the Commissioner. The chief inspector shall transfer all fees so received to the general fund of the state treasury. All funds so deposited in the state treasury are authorized to be appropriated by the General Assembly to the ~~Commissioner of Labor~~ Safety Fire Commissioner.

~~34-13-6.~~ 25-15-84.

The ~~department office~~ may license such private inspectors as may be necessary to carry out the provisions of this ~~chapter~~ article.

~~34-13-7.~~ 25-15-85.

No carnival ride shall be operated in any calendar year, except for purposes of testing and inspection, until a permit for its operation has been issued by the ~~department office~~. The owner of a carnival ride shall apply for a permit to the ~~department office~~ on a form furnished by the ~~department office~~, providing such information as the ~~department office~~ may require.

~~34-13-8.~~ 25-15-86.

All carnival rides and attractions shall be inspected annually and may be inspected more frequently by ~~the Office of Safety Engineering of the department~~ a licensed inspector at the owner's or operator's expense. If the carnival ride meets all relevant provisions of this ~~chapter~~ article and the standards and regulations adopted pursuant to this ~~chapter~~ article, the licensed inspector shall provide to the owner or operator a certificate of inspection. All new carnival rides shall be inspected before commencing public operation.

~~34-13-9.~~ 25-15-87.

The ~~department office~~ may waive the requirement of Code Section ~~34-13-8~~ 25-15-86 if the owner of a carnival ride gives satisfactory proof to the ~~department office~~ that the carnival ride has passed an inspection conducted by a federal agency or by another state whose standards and regulations for the inspection of such a carnival ride are at least as stringent as those adopted pursuant to this ~~chapter~~ article.

~~34-13-10.~~ 25-15-88.

The ~~department office~~ shall issue a permit to operate a carnival ride to the owner thereof upon successful completion of a safety inspection by a licensed inspector, upon completion by the owner of the application for a permit, and upon presentation of a certificate of inspection or waiver thereof by the ~~department office~~. The permit shall be valid for the calendar year in which issued.

~~34-13-11.~~ 25-15-89.

The owner shall maintain up-to-date maintenance, inspection, and repair records between inspection periods for each carnival ride in accordance with such standards and regulations as are adopted pursuant to this ~~chapter~~ article. Such records shall contain a copy of all inspection reports commencing with the last annual inspection, a description of all maintenance performed, and a description of any mechanical or structural failures or operational breakdowns and the types of actions taken to rectify these conditions.

~~34-13-12.~~ 25-15-90.

(a) No person shall be permitted to operate a carnival ride unless he or she is at least 16 years of age. An operator shall be in attendance at all times that a carnival ride is in operation and shall operate no more than one carnival ride at any given time.

(b) No carnival ride shall be operated at standards below those recommended by the manufacturer of such carnival ride or below the standards adopted or variants approved by the ~~department~~ office, whichever is greater.

~~34-13-13.~~ 25-15-91.

The owner of the carnival ride shall report to the ~~department~~ office any accident incurred during the operation of any carnival ride resulting in a fatality or an injury requiring medical attention from a licensed medical facility. The report shall be in writing, shall describe the nature of the occurrence and injury, and shall be delivered in person or mailed by first-class mail no later than the close of the next business day following the accident. Accidents resulting in a fatality shall also be reported immediately to the ~~department~~ office in person or by phone in accordance with regulations adopted by the ~~department~~ office.

~~34-13-14.~~ 25-15-92.

(a) No person shall operate a carnival ride unless at the time there is in existence:

(1) A policy of insurance in an amount not less than \$1 million (if an independent contractor) against liability for injury to persons arising out of the operation of the carnival ride;

(2) A bond in a like amount; provided, however, that the aggregate liability of the surety under such bond shall not exceed the face amount thereof; or

(3) Cash or other security acceptable to the ~~department~~ office.

(b) Regulations under this ~~chapter~~ article shall permit appropriate deductibles or self-insured retention amounts to such policies of insurance. The policy or bond shall be procured from one or more insurers or sureties acceptable to the ~~department~~ office.

~~34-13-15.~~ 25-15-93.

If any person would incur practical difficulties or unnecessary hardships in complying with the standards and regulations adopted pursuant to this ~~chapter~~ article, or if any person is aggrieved by any order issued by the ~~department~~ office, the person may make a written application to the ~~department~~ office stating his or her grounds and applying for a variance. The ~~department~~ office may grant such a variance in the spirit of the provisions of this ~~chapter~~ article with due regard to ~~the~~ public safety. The granting or denial of a variance by the ~~department~~ office shall be in writing and shall describe the conditions under which the variance is granted or the reasons for denial. A record shall be kept of all variances granted by the ~~department~~ office and such record shall be open to inspection by the public.

~~34-13-16. 25-15-94.~~

~~This chapter article shall not apply to any single-passenger coin operated carnival ride on a stationary foundation or to playground equipment such as swings, seesaws, slides, jungle gyms, rider propelled merry-go-rounds, moonwalks, and live rides.~~

~~34-13-17. 25-15-95.~~

~~This chapter article shall not be construed so as to prevent the use of any existing carnival ride found to be in a safe condition and to be in conformance with the standards and regulations adopted pursuant to this chapter article. ~~Owners of carnival rides in operation on or before March 26, 1986, shall comply with the provisions of this chapter and the standards and regulations adopted pursuant to this chapter within six months after the adoption of said standards and regulations.~~~~

~~34-13-18. 25-15-96.~~

~~(a) The Commissioner or ~~his~~ the Commissioner's authorized representative may issue a written order for the temporary cessation of operation of a carnival ride if it has been determined after inspection to be hazardous or unsafe. Operations shall not resume until such conditions are corrected to the satisfaction of the Commissioner or ~~his~~ the Commissioner's authorized representative.~~

~~(b) In the event that an owner or operator knowingly allows the operations of a carnival ride after the issuing of a temporary cessation, the Commissioner or ~~his~~ the Commissioner's authorized representative may initiate in the superior court any action for an injunction or writ of mandamus upon the petition of the district attorney or Attorney General. An injunction, without bond, may be granted by the superior court to the Commissioner for the purpose of enforcing this chapter article.~~

~~(c)(1) Any person, firm, partnership, or corporation violating the provisions of this chapter article shall be guilty of a misdemeanor. Each day of violation shall constitute a separate offense.~~

~~(2) In addition to the penalty provisions in paragraph (1) of this subsection, the Commissioner shall have the power, after notice and hearing, to levy civil penalties as prescribed in the rules and regulations of the ~~department~~ office in an amount not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to the requirements of this chapter article and the rules and regulations promulgated under this chapter article. The imposition of a penalty for a violation of this chapter article or the rules and regulations promulgated under this chapter article shall not excuse the violation or permit it to continue.~~

~~34-13-19. 25-15-97.~~

~~The owner or operator of a carnival ride may deny entry to a person to a carnival ride if in the owner's or operator's opinion the entry may jeopardize the safety of such person or the safety of any other person. Nothing in this Code section ~~will~~ shall permit an owner or operator to deny an inspector access to a carnival ride when such inspector is acting within the scope of his or her duties under this chapter article.~~

~~34-13-20.~~ 25-15-98.

(a) The owner or operator of a carnival ride shall post a clearly visible sign at the location of each ride and at the location of tickets sales for each ride which states any age, weight, or height requirements of the ride which are necessary as a safeguard against injury.

(b) It shall be unlawful for any owner or operator to permit entry to a carnival ride to any person who does not meet the posted age, size, and weight requirements for such ride.

~~34-13-21.~~ 25-15-99.

The owner of any itinerant carnival ride which is located within ~~the~~ this state ~~must~~ shall continuously maintain in this state a registered agent of record, ~~which agent~~ who may be an individual who resides in the state and whose business address is identical with the address of the owner's required office.

~~34-13-22.~~ 25-15-100.

Neither this ~~chapter~~ article nor any provision of this ~~chapter~~ article shall be construed to place any liability on the State of Georgia, the ~~department~~ office, or the Commissioner with respect to any claim by any person, firm, or corporation relating in any way whatsoever to carnival rides and any injury or damages arising therefrom.

~~34-13-23.~~ 25-15-101.

No county, municipality, or other political subdivision shall have the power to pass ordinances, resolutions, or other requirements regulating the construction, installation, inspection, maintenance, repair, or operation of carnival rides within the limits of such county, municipality, or other political subdivision. Any such ordinances, resolutions, or other requirements ~~heretofore passed~~ shall be void and of no effect; provided, however, that the provisions of this Code section shall not apply to local zoning ordinances or ordinances regulating location, siting requirements, or other development standards or conditions relative to carnival rides or their time of operation or noise levels generated. Nothing in this ~~chapter~~ article preempts the imposition of regulatory fees or occupation taxes imposed by counties and municipalities pursuant to Chapter 13 of Title 48."

SECTION 5.

Said title is further amended by reserving the Chapter 11, Chapter 12, and Chapter 13 designations.

SECTION 6.

Said title is further amended by revising Code section 34-1-1, relating to requirements for scaffolding and staging design and inspection by the Commissioner, and redesignating it as a part of a new article of Chapter 15 of Title 25, as follows:

"ARTICLE 5

~~"34-1-1. 25-15-110.~~

- (a)(1) All scaffolding or staging that is swung or suspended from an overhead support or erected with stationary supports, ~~which scaffolding or staging~~ and is suspended or rises 30 feet or more above the ground; shall have a safety rail properly attached, bolted, braced, and otherwise secured; and the, ~~which~~ safety rail shall rise at least 34 inches above the floor or main portions of such scaffolding or staging and extend for the full length of such staging and along the ends thereof with only such openings as may be necessary for the delivery of materials being used on such scaffold or staging. Such scaffolding or staging shall also be so fastened as to prevent it from swaying from the building or structure. However, this paragraph shall not apply to any scaffolding or staging which is wholly within the interior of a building or other structure and which covers the entire floor space therein.
- (2) It shall be unlawful for any person to employ or direct others to perform labor of any kind in the erecting, demolishing, repairing, altering, cleaning, or painting of a building or other structure without first having furnished proper protection to such person so employed or directed, as provided in paragraph (1) of this subsection.
- (b) All scaffolding or staging shall be so constructed that it will bear at least four times the weight required to be hanging therefrom or placed thereon when in use.
- (c)(1) ~~The Commissioner of Labor~~ Safety Fire Commissioner, upon receipt of any complaint, shall make or cause to be made an immediate inspection of the scaffold, or mechanical device connected therewith, concerning which complaint has been made.
- (2) The Commissioner shall attach to every scaffold, staging, mechanism, or mechanical device inspected by him or her a certificate bearing ~~his~~ the Commissioner's name and the date of inspection, ~~on which~~ and the certificate ~~he~~ shall plainly state whether he or she has found the scaffolding, staging, or mechanical device 'safe' or 'unsafe.'
- (3) If the ~~Commissioner of Labor~~ Commissioner finds any scaffolding, staging, or mechanical device complained of to be unsafe, ~~he~~ the Commissioner shall at once notify in writing the person responsible for the erection and maintenance of the scaffolding, staging, or mechanical device that ~~he~~ the Commissioner has found it to be unsafe. Such notice may be served personally upon the person responsible under the law or may be perfected by affixing such notice in a conspicuous place on the scaffold, staging, or mechanical device found unsafe. The manner of service shall be within the discretion of the ~~Commissioner of Labor~~ Commissioner. The Commissioner shall then prohibit the use of such scaffolding, staging, or mechanical device by any person until all danger has been removed or until it has been made to comply with the terms of this Code section by alteration, reconstruction, demolition, or replacement, as the Commissioner may direct.
- (d) Any person who willfully, knowingly, and persistently continues the use of a scaffold, staging, or other mechanical device in violation of any provision of this Code section shall be guilty of a misdemeanor."

SECTION 7.

Said title is further amended by reserving the Code Section 34-1-1 designation.

SECTION 8.

Article 1 of Chapter 2 of Title 8 of the Official Code of Georgia Annotated, relating to buildings generally, is amended by revising Part 6, relating to elevators, dumbwaiters, escalators, manlifts and moving walks, as follows:

"Part 6

8-2-100.

As used in this part, the term:

(1) 'Alteration' means any change or addition to the equipment other than ordinary repairs or replacements.

(2) 'Commissioner' means the ~~Commissioner of Labor~~ Safety Fire Commissioner.

(3) ~~'Department' means the Department of Labor.~~

~~(4)~~(3) 'Dumbwaiter' means a hoisting and lowering mechanism which is equipped with a car which moves in guides in a substantially vertical direction, the floor area of which does not exceed nine square feet, the total inside height of which, whether or not provided with fixed or removable shelves, does not exceed four feet, the capacity of which does not exceed 500 pounds, and the use of which is exclusively for carrying materials. Such term includes a power dumbwaiter and a hand dumbwaiter.

~~(5)~~(4)(A) 'Elevator' means a hoisting and lowering mechanism designed to carry passengers or authorized personnel and equipped with a car which moves in fixed guides and serves two or more fixed landings.

(B) Except as specifically provided in subsection (a) of Code Section 8-2-102, 'elevator' also means a freight elevator, gravity elevator, hand elevator, inclined elevator, multideck elevator, observation elevator, passenger elevator, power elevator, electric elevator, hydraulic elevator, direct-plunger hydraulic elevator, electrohydraulic elevator, maintained pressure hydraulic elevator, roped-hydraulic elevator, private residence elevator, and sidewalk elevator.

~~(6)~~(5) 'Enforcement authority' means the Commissioner, officers, and inspectors of the ~~department~~ office authorized to enforce the provisions of this part and local inspectors authorized to enforce the provisions of this part.

~~(7)~~(6) 'Escalator' means a power driven, inclined, continuous stairway used for raising or lowering passengers.

~~(8)~~(7) 'Hand dumbwaiter' means a dumbwaiter driven by manual power, serving more than two consecutive stories, whose capacity exceeds 20 pounds and whose car platform area exceeds two square feet.

~~(9)~~(8) 'Hand elevator' means an elevator utilizing manual power to move the car.

~~(10)~~(9) 'Hoistway' means a shaftway or an opening through a building or structure for the travel of elevators, dumbwaiters, or material lifts, extending from the pit floor to the roof or floor above.

~~(11)~~(10) 'Manlift' means a device consisting of a power driven endless belt moving in one direction only which is provided with steps or platforms and handholds attached to it for the transportation of personnel from floor to floor.

~~(12)~~(11) 'Moving walk' means a type of passenger-carrying device on which passengers stand or walk and in which the passenger-carrying surface remains parallel to its direction of motion and is uninterrupted.

(12) 'Office' means the office of Safety Fire Commissioner.

(13) 'Power dumbwaiter' means a dumbwaiter driven by the application of energy other than hand or gravity.

(14) 'Power freight elevator' means an elevator used primarily for carrying freight, utilizing energy other than gravity or hand to move the car and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.

(15) 'Power passenger elevator' means an elevator used primarily to carry persons other than the operator and persons necessary for loading and unloading and utilizing energy other than gravity or hand to move the car.

8-2-101.

~~(a) Prior to January 1, 1986, the owner or lessee of every existing elevator, escalator, manlift, moving walk, and dumbwaiter shall register with the department or local enforcement authority each such elevator, escalator, manlift, moving walk, or dumbwaiter owned or operated by him, giving type, rated load and speed, name of manufacturer, its location and the purpose for which it is used, and such other information as the department or local enforcement authority may require. Such registration shall be made on a form to be furnished by the department or local enforcement authority on request. All elevators, escalators, manlifts, moving walks, and dumbwaiters erected or placed in service after January 1, 1986, shall be inspected before being placed in service and shall be registered within 15 days after they are completed and placed in service.~~

(b) Every elevator, dumbwaiter, manlift, moving walk, and escalator shall be maintained by the owner or lessee in a safe operating condition and in conformity with the rules and regulations specified by subsection (b) of Code Section 8-2-104.

(c) Before any alteration can be made to any elevator, escalator, manlift, moving walk, or dumbwaiter already placed in service, the owner or lessee shall be required to notify the enforcement authority of any such alteration. The enforcement authority shall be authorized to conduct an inspection after any such alteration.

8-2-102.

(a)(1) Power passenger elevators, power freight elevators, escalators, manlifts, and moving walks shall be inspected once during each six-month period.

(2) Hand elevators and power and hand dumbwaiters shall be inspected once during each 12 month period.

(b) Inspections and installations shall be made in accordance with the standards set forth in Part 'X' of ANSI A17.1-1984, the American National Standard Practice for Inspection of Elevators, Escalators and Moving Walks Inspector's Manual ANSI A17.2, the Safety Standards for Manlifts ANSI A90.1-1976, the Safety Standard for Construction Hoists ANSI A10.4-1981 and ANSI A10.5-1981, the Safety Standard for Conveyors and Related Equipment ANSI B20.1-1984, or the latest revised rules and regulations adopted by the Commissioner. Any inspections performed under these codes shall cover the hoistway, associated equipment rooms, and access thereto, and shall include lobby smoke detectors.

(c) A report of any inspection required by this Code section shall be filed with the ~~department~~ office if the inspection is made by a state enforcement authority or with the local governing authority if the inspection is made by a local enforcement authority. Copies of the reports for new installations shall also be filed with the state fire marshal for his or her information. Such reports shall be made within ten days after the inspection has been completed, on forms prescribed by the Commissioner or the local enforcement authority, and shall indicate whether the elevator, escalator, manlift, moving walk, or dumbwaiter is safe and whether it meets the applicable rules and regulations prescribed pursuant to subsection (b) of Code Section 8-2-104. After any such report is filed, the enforcement authority may require additional inspections to assure that any such elevator, escalator, manlift, moving walk, or dumbwaiter meets such rules and regulations.

(d) If any inspection report indicates that an elevator, escalator, manlift, moving walk, or dumbwaiter is in an unsafe condition which if continually operated may endanger lives or property, then the enforcement authority may, at its discretion, require the owner or lessee to discontinue the use thereof until it has been made safe and in conformity with the rules and regulations specified in subsection (b) of Code Section 8-2-104.

(e) Elevator contractors who perform installations, alterations, repairs, or modifications on elevators, escalators, power freight elevators, moving walks, manlifts, or dumbwaiters, including the hoistways and machine rooms, shall be exempt from the requirements of Code ~~Section~~ Sections 43-14-8 and ~~Code Section~~ 43-14-8.1.

(f) Private residence elevators shall be exempt from mandatory periodic inspections but shall be required to have an initial construction inspection as provided in the rules and regulations of the Commissioner. At the request of the owner or user of a private residence elevator, an inspection may be performed by the ~~department~~ office and an inspection report issued. The ~~department~~ office shall charge the person requesting the report a fee as set by the Commissioner to cover actual expenses of the inspection.

8-2-103.

(a) An operating report shall be issued by the enforcement authority if the inspection report indicates that the elevator, escalator, manlift, moving walk, or dumbwaiter complies with the applicable rules and regulations prescribed pursuant to subsection (b)

of Code Section 8-2-104 and upon payment of a permit fee. Such permits shall be valid for a period of 12 months.

(b) No elevator, escalator, manlift, moving walk, or dumbwaiter shall be operated by the owner or lessee thereof unless a valid operating permit, or a limited operating permit when permitted by the rules and regulations of the Commissioner, has been issued.

(c) The operating permit shall indicate whether it is issued for an elevator, escalator, manlift, moving walk, or dumbwaiter, state the rated load and speed and, in the case of an elevator, state whether the usage is for passengers or freight. The operating permit shall be posted either conspicuously in the car of an elevator or on the premises. The operating permit for an escalator, manlift, moving walk, or a dumbwaiter shall be posted on the premises.

(d) If the enforcement authority has reason to believe that any owner or lessee to whom an operating permit has been issued is not complying with the applicable rules and regulations specified in subsection (b) of Code Section 8-2-104, it shall so notify such owner or lessee and shall give notice of a date for a hearing thereon to such owner or lessee. If, after such hearing, it shall find that such owner or lessee is not complying with such rules and regulations, it shall revoke such permit and require the owner or lessee to discontinue the use of such elevator, escalator, manlift, moving walk, or power dumbwaiter.

8-2-104.

(a) The Commissioner shall be authorized to employ inspectors to carry out the provisions of this part. The Commissioner shall also be authorized to certify other qualified persons to carry out the provisions of this part, including technically competent individuals of any company licensed to insure and insuring elevators in this state and technically competent individuals of a regularly established elevator inspection service. The Commissioner shall prescribe the qualifications, authority, functions, and duties of such inspectors.

(b)(1)(A) The Commissioner shall by rules and regulations prescribe various inspection fees and operating permit fees necessary to enable the state and local enforcement authorities to carry out the provisions of this part.

(B) The owners and users of elevators, dumbwaiters, escalators, manlifts, and moving walks which are inspected by certified inspectors in private business or with private corporations shall be exempt from the payment to the state or local enforcement authorities of the inspection fees provided in subparagraph (A) of this paragraph.

(2) Elevators, dumbwaiters, escalators, manlifts, and moving walks subject to operating permit inspections by private inspectors shall be inspected within 60 calendar days following the required reinspection date. Inspections not performed within this 60 calendar day period shall result in a civil penalty of \$500.00 for each elevator, dumbwaiter, escalator, manlift, or moving walk not inspected.

(3) Inspection fees due on elevators, dumbwaiters, escalators, manlifts, and moving walks subject to inspection by the chief or deputy inspectors or operating permit fees due from inspections performed by private inspectors shall be paid within 60 calendar days of completion of such inspections. Inspection fees or operating fees unpaid within 60 calendar days shall bear interest at the rate of 1.5 percent per month or any fraction of a month. Interest shall continue to accrue until all amounts due, including interest, are received by the Commissioner.

(4) The Commissioner may waive the collection of the penalties and interest assessed in paragraphs (2) and (3) of this subsection when it is reasonably determined that the delays in inspection or payment were unavoidable or due to the action or inaction of the ~~department~~ office.

(c) The American National Standard Safety Code for elevators, dumbwaiters, escalators, and moving walks ANSI A17.1-1984 and the Safety Standards for Manlifts ANSI A90.1-1976 are adopted as rules and regulations of the ~~Department of Labor~~ office for the purposes of this part until otherwise amended by rules and regulations of the Commissioner.

(d) In addition to the rules and regulations adopted pursuant to subsections (b) and (c) of this Code section, the Commissioner shall be authorized to adopt such rules and regulations as may be reasonably necessary to carry out the provisions of this part.

(e) The Commissioner shall also have the power in any particular case to grant exceptions and variations from the literal requirements of the rules and regulations adopted pursuant to subsection (c) of this Code section. Such exceptions and variations shall be granted only in any particular case where it is clearly evident that they are necessary to prevent undue hardship or where the existing conditions prevent compliance with the literal requirements of the rules and regulations. In no case shall any exception or variation be granted unless, in the opinion of the Commissioner, reasonable safety will be secured thereby.

8-2-105.

(a) The governing body of any municipality or county which adopts at least the minimum rules and regulations relative to inspections and safety standards for elevators, escalators, manlifts, moving walks, and dumbwaiters as provided in subsection (b) of Code Section 8-2-102 and subsection (c) of Code Section 8-2-104 shall have the power:

(1) To adopt by ordinance or resolution any reasonable provisions for the enforcement of such local standards adopted applicable to elevators, escalators, manlifts, moving walks, and dumbwaiters, including procedural requirements, provisions for hearings, provisions for appeals from decisions of local inspectors, and any other provisions or procedures necessary to the proper administration and enforcement of the requirements of such local standards;

(2) To provide for inspection of buildings or similar structures to ensure compliance with the local standards;

(3) To employ inspectors, including chief and deputy inspectors, and any other personnel necessary for the proper enforcement of such standards, provided that such inspectors meet the minimum qualifications of state inspectors and are certified by the Commissioner pursuant to subsection (a) of Code Section 8-2-104;

(4) To contract with other municipalities or counties adopting at least state minimum standards, or with the state, to administer such standards and to provide inspection and enforcement personnel and services necessary to ensure compliance with the standards; and

(5) To contract with any other county or municipality whereby the parties agree that the inspectors of each contracting party may have jurisdiction to enforce the local standards within the boundaries of the other contracting party.

(b) When a local enforcement authority conducts an inspection or issues an operating permit as provided in this part, any inspection fee or operating permit fee due shall be paid to the municipality or county employing the enforcement authority.

8-2-106.

(a) The owner or lessee shall report, by telephone, to the enforcement authority on the same day or by noon on the next work day, excluding state holidays and weekends, all elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving personal injury or death. The owner or lessee shall also provide a written report of this accident within seven days.

(b) The owner or lessee shall report, in writing, to the enforcement authority within seven days, excluding state holidays and weekends, all elevator, escalator, manlift, moving walk, or power dumbwaiter related accidents involving structural damage to the elevator, escalator, manlift, moving walk, or power dumbwaiter.

(c) Any elevator, escalator, manlift, moving walk, or power dumbwaiter involved in an accident described in subsection (a) or (b) of this Code section shall be removed from service at the time of the accident. The equipment shall not be repaired, altered, or placed back in service until inspected by a certified inspector for the enforcement authority.

8-2-107.

(a) The installation, alteration, maintenance, and operation of the facilities and equipment regulated by or pursuant to the provisions of this part affect the public interest, and such regulation is necessary for the protection of the public health, safety, and welfare. Therefore, violations of this part or of rules and regulations adopted by or pursuant to this part are a public nuisance, harmful to the public health, safety, and welfare; and, in addition to other remedies provided by law, the actions of the Commissioner, the ~~department~~ office, or any local enforcement authority under this part shall be enforceable by injunction properly applied for by the Commissioner or any other enforcement authority in any court of Georgia having jurisdiction over the defendant.

(b)(1) Any person, firm, partnership, or corporation which violates this part shall be guilty of a misdemeanor. Each day on which a violation occurs shall constitute a separate offense.

(2) In addition to the penalty provisions in subsection (a) of this Code section and paragraph (1) of this subsection, the Commissioner shall have the power, after notice and hearing, to levy civil penalties as prescribed in the rules and regulations of the ~~department~~ office in an amount not to exceed \$5,000.00 upon any person, firm, partnership, or corporation failing to adhere to the requirements of this part and the rules and regulations promulgated under this part. The imposition of a penalty for a violation of this part or the rules and regulations promulgated under this part shall not excuse the violation or permit it to continue.

8-2-108.

(a) Any person aggrieved by an order or an act of an inspector under this chapter may, within 15 days of notice thereof, appeal from such order or act to the Commissioner who shall, within 30 days thereafter, issue an appropriate order either approving or disapproving said order or act. A copy of such order by the Commissioner shall be given to all interested parties.

(b) This part, as it applies to the Commissioner and the ~~department~~ office, shall be governed by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

8-2-109.

~~(a) For the purpose of assisting the Commissioner in the adoption of rules and regulations and in carrying out the provisions of this part, the Commissioner shall consult with the Governor's Employment and Training Council provided for in Code Section 34-14-1.~~

~~(b) The Commissioner shall be authorized to consult with persons knowledgeable in the areas of construction, use, or safety of conveyances or facilities covered by this part and to create committees composed of such consultants and members of the Governor's Employment and Training Council to assist the Commissioner in carrying out his or her duties under this part.~~

8-2-109.1.

(a) This part shall not apply to elevators located on vehicles operating under the rules of other state or federal authorities and used for carrying passengers or freight.

(b) This part shall not apply to any single-seat, single-passenger chairlift located in a building owned and operated by an incorporated or unincorporated nonprofit organization organized and operated exclusively for educational, religious, charitable, or other eleemosynary purposes.

(c) Any county, municipality, or other political subdivision which adopts the minimum rules and regulations as provided in Code Section 8-2-105 shall be audited on a semiannual basis for compliance by the ~~Department of Labor~~ office; and any laws, ordinances, or resolutions in conflict with this part shall be void and of no effect."

SECTION 9.

Code Section 8-2-31, relating to effect of part relative to state building, plumbing, and electrical codes, is amended by revising paragraph (2) of subsection (c) as follows:

"(2) ~~Chapter 11 of Title 34~~ Article 2 of Chapter 15 of Title 25, the 'Boiler Vessel Safety Act';"

SECTION 10.

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

SECTION 11.

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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	Y Horne	Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E 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	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	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
Y Channell	Y Greene	Y Knight	E 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	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 163, nays 1.

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

SB 365. By Senator Hamrick of the 30th:

A BILL to be entitled an Act to amend Article 3 of Chapter 19 of Title 15 of the Official Code of Georgia Annotated, relating to the regulation of the practice of law, so as to define a term; to provide for a private cause of action; to amend Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mortgages, conveyances to secure debt, and liens, so as to change provisions relating to collected funds; to provide for penalties; to require an attorney to attest that a borrower knowingly, intentionally, and willingly executed such form; to provide that mortgages shall be voidable if a waiver of borrower's rights and attorney attestation is not completed for a residential real property mortgage; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 44-14-13 of the Official Code of Georgia Annotated, relating to disbursement of settlement proceeds, so as to change the definition of "settlement agent"; to change provisions relating to the applicability of the Code section and the availability of damages for violating the Code section; to provide for criminal penalties; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 44-14-13 of the Official Code of Georgia Annotated, relating to disbursement of settlement proceeds, is amended by revising paragraph (10) of subsection (a) and subsections (b) and (e) and by adding two new subsections (f) and (g) to read as follows:

"(10) 'Settlement agent' means the ~~person~~ lender or an active member of the State Bar of Georgia responsible for conducting the settlement and disbursement of the settlement proceeds ~~and includes any individual, corporation, partnership, or other entity conducting the settlement and disbursement of the loan funds.~~"

"(b) This Code section ~~applies~~ shall apply only to transactions involving purchase money loans made by a lender, or ~~loans made to refinance, directly or indirectly, a purchase money loan made by another lender~~ refinance loans made by the current or a new lender, which loans will be secured by deeds to secure debt or mortgages on real estate within the State of Georgia containing not more than four residential dwelling units, whether or not such deeds to secure debt or mortgages have a first-priority status."

"(e) Any party violating this Code section shall be liable to any other party suffering a loss due to such violation for such other party's actual damages plus reasonable attorneys' fees. In addition, any party violating this Code section shall pay to the ~~borrower~~ party suffering the loss an amount of money equal to \$1,000.00 or double the amount of interest payable on the loan for the first 60 days after the loan closing, whichever is greater.

(f) Any individual, corporation, partnership, or other entity conducting the settlement and disbursement of loan funds, when he, she, or it is not the settlement agent, shall be guilty of a misdemeanor.

(g) Nothing contained in this Code section shall prevent a real estate broker or real estate salesperson from exercising the rights and providing the duties and services specified by Chapter 40 of Title 43."

SECTION 2.

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

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

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

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

Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Oliver	N Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
N Brooks	N Evans	Y Jerguson	N Parent	Y Taylor, D
N Bruce	Y Floyd	N Johnson	Y Parrish	N Taylor, R
Y Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	E Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	N Waites
Y Carson	Y Geisinger	N Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Weldon
Y Channell	Y Greene	Y Knight	E Randall	N 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	N 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	N 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	Y Scott, M	Y Yates
Crawford	N Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 129, nays 29.

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

Representatives Evans of the 40th and Houston of the 170th stated that they inadvertently voted "nay" on the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Clark of the 98th stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Meadows of the 5th stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 371. By Senators Tippins of the 37th, Rogers of the 21st, Mullis of the 53rd, Hill of the 32nd, Williams of the 19th and others:

A BILL to be entitled an Act to amend Code Section 6-3-20, relating to the power of local governments to acquire, construct, maintain, and control airports and landing fields, so as to provide for local governments' ability to accept community improvement district funds to use for improvements to airports and landing fields within the district; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

Abdul-Salaam	Y Davis	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	N Sheldon
Y Amerson	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	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
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	N Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	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
Y Channell	Y Greene	Knight	E Randall	Y Wilkerson
Y Cheokas	Y Hamilton	Y Lane	Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
N 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	Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 157, nays 3.

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

Representative Fullerton of the 151st 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.

SB 367. By Senators Bulloch of the 11th, Ginn of the 47th, Wilkinson of the 50th, Miller of the 49th, Heath of the 31st and others:

A BILL to be entitled an Act to amend Code Section 2-2-9.1 of the Official Code of Georgia Annotated, relating to administrative authority of the Commissioner of Agriculture, hearings, penalties, and judicial review, so as to authorize the Commissioner to require persons incurring civil penalties to obtain a surety bond; to repeal conflicting laws; and for other purposes.

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

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

Abdul-Salaam	Y Davis	Y Heckstall	Y 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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	N 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	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	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	Y 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	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	Weldon
Y Channell	Y Greene	Y Knight	E 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	N Rogers, C	Y Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Fullerton of the 151st 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.

SB 383. By Senators Hamrick of the 30th, McKoon of the 29th, Stone of the 23rd, Carter of the 42nd and Bethel of the 54th:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 9 of the Official Code of Georgia Annotated, relating to general provisions for arbitration, so as to repeal Part 2, relating to international transactions; to provide for a short title; to provide for a statement of purpose; to provide for applicability; to provide for definitions; to provide for procedure; to provide for court intervention; to provide for an arbitration agreement; to provide for selection and disqualification of arbitrators; to provide for challenges to arbitrator selection and substitution of arbitrators; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

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

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

Abdul-Salaam	N 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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	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	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	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	Y Taylor, R
Y Bryant	Y Fludd	Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley

Y Burns	Fullerton	E Jordan	Y Powell, A	Y Thomas
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
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	E 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	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 159, nays 3.

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

Representative Fullerton of the 151st 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 Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

SB 225. By Senators Miller of the 49th, Bethel of the 54th, Crosby of the 13th, Cowsert of the 46th, McKoon of the 29th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related criminal offenses, so as to provide for a new offense of transmitting a false report of a crime; to provide for penalties; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related criminal offenses, so as to provide for a new offense of transmitting a false report of a crime; to provide for a

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

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related criminal offenses, is amended by adding a new Code section to read as follows:

"16-10-26.1.

(a) As used in this Code section, the term 'serious violent felony' shall have the same meaning as set forth in Code Section 17-10-6.1.

(b) A person who knowingly and intentionally transmits a false claim by means of a written, electronic, or other transmission, through any medium, stating that he or she has committed a serious violent felony and the false claim is made with the intent to cause a law enforcement agency or official to initiate an investigation to determine whether such serious violent felony has been committed by such person shall be guilty of the misdemeanor offense of transmitting a false report of a crime."

SECTION 2.

This Act shall become effective on July 1, 2012, and shall apply to offenses committed on or after such date.

SECTION 3.

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

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

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

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

Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
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	Floyd	Y Johnson	Y Parrish	Y 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	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	N Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	N Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	E 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	Scott, M	Y Yates
Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 5.

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

Representative Byrd of the 20th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

Representatives Dawkins-Haigler of the 93rd and Fullerton of the 151st stated that they had been called from the floor of the House during the preceding roll call. They wished to be recorded as voting "aye" thereon.

Representative Welch of the 110th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 356. By Senators Murphy of the 27th, Cowser of the 46th, Hamrick of the 30th, Mullis of the 53rd, Miller of the 49th and others:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of superior court judges for each judicial circuit, so as to provide for an additional judge of the Bell-Forsyth Judicial Circuit; to provide for the initial appointment of such judge by the Governor; to provide for the election and term of office of such judge; to provide for additional court reporters and personnel and the compensation of such reporters and

personnel; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

**A BILL TO BE ENTITLED
AN ACT**

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to provide for an additional judge of the courts of the Bell-Forsyth and Piedmont judicial circuits; to provide for the initial appointment of such judges by the Governor; to provide for the election and terms of office of such judges; to provide for the compensation, salary, and expense allowance of such judges to be paid by the State of Georgia and the counties comprising the judicial circuits; to provide for jurors; to authorize the judges of the circuits to divide and allocate the work and duties thereof and provide for the duties of the chief judges and presiding judges; to provide for powers, duties, and responsibilities of judges of said circuits; to provide for additional court reporters and personnel and the compensation of such reporters and personnel; to declare inherent authority; to amend an Act entitled "An Act to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior court, so as to provide for an additional judge of the superior courts of Cobb, Cordele, Dublin, Enotah, and Gwinnett judicial circuits," approved May 29, 2007 (Ga. L. 2007, p. 695), so as to provide for the selection of the chief judge of the Gwinnett Judicial Circuit; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**PART I
SECTION 1-1.**

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by revising paragraphs (5.1) and (32) of Code Section 15-6-2, relating to the number of superior court judges for each judicial circuit, as follows:

- "(5.1) Bell-Forsyth Circuit ~~2~~ 3"
- "(32) Piedmont Circuit..... ~~3~~ 4"

**PART II
SECTION 2-1.**

A new judge of the superior court is added to the Bell-Forsyth Judicial Circuit, thereby increasing to three the number of judges of said circuit.

SECTION 2-2.

The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall be appointed by the Governor for a term beginning January 1, 2013, and expiring December 31, 2014, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2014, for a term of four years beginning on January 1, 2015, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 2-3.

The additional judge of the superior court of the Bell-Forsyth Judicial Circuit shall have and may exercise all powers, duties, dignities, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of said court may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 2-4.

The chief judge of the Bell-Forsyth Judicial Circuit shall be the judge who has the most experience as a sitting judge of a superior court in the State of Georgia. The three judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall equally share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement between the judges as to the operation of the superior court, the majority shall rule, or failing a majority, the decision of the chief judge shall control.

SECTION 2-5.

The qualifications of such additional judge and his or her successors shall be the same as are now provided by law for all other superior court judges. The additional judge's compensation, salary, and expense allowance from the State of Georgia and from Forsyth County shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by Forsyth County of the salary of the judges of the superior court of the Bell-Forsyth Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 2-6.

All writs, processes, orders, subpoenas, and any other official papers issuing out of the superior court of the Bell-Forsyth Judicial Circuit may bear teste in the name of any judge of said circuit and, when issued by and in the name of any of said judges of said

circuit, shall be fully valid and may be held and determined before any judge of said circuit. All writs and processes in the superior court of the Bell-Forsyth Judicial Circuit shall be returnable to the terms of said superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said courts shall be held in the same manner as though there were but one judge.

SECTION 2-7.

The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior court of said circuit; and any such judge of the superior court of said circuit shall have full power and authority to choose jurors for service in said court so as to have jurors for the trial of cases before each of said judges separately or before each of them at the same time.

SECTION 2-8.

The three judges of the superior court of the Bell-Forsyth Judicial Circuit shall be authorized to employ an additional court reporter for such duties and for such compensation as such judges see fit, up to and including, but not exceeding, the remuneration of the present court reporters of the Bell-Forsyth Judicial Circuit as the same is now fixed or may hereafter be fixed. The additional judge shall be authorized to employ other court personnel on the same basis as other judges of the Bell-Forsyth Judicial Circuit.

SECTION 2-9.

The governing authority of the county comprising the Bell-Forsyth Judicial Circuit is authorized to provide suitable courtrooms, jury rooms, and chambers for the judges of the superior court of the Bell-Forsyth Judicial Circuit upon the recommendation of said judges.

PART III

SECTION 3-1.

A new judge of the superior court is added to the Piedmont Judicial Circuit, thereby increasing to four the number of judges of said circuit.

SECTION 3-2.

The additional judge of the superior court of the Piedmont Judicial Circuit shall be appointed by the Governor for a term beginning January 1, 2013, and expiring December 31, 2014, and until his or her successor is elected and qualified. His or her successor shall be elected in the manner provided by law for the election of judges of the superior courts of this state at the nonpartisan judicial election in 2014, for a term of four years beginning on January 1, 2015, and until his or her successor is elected and qualified. Future successors shall be elected at the nonpartisan judicial election each four years after

such election for terms of four years and until their successors are elected and qualified. They shall take office on the first day of January following the date of the election.

SECTION 3-3.

The additional judge of the superior court of the Piedmont Judicial Circuit of Georgia shall have and may exercise all powers, duties, dignity, jurisdiction, privileges, and immunities of the present judges of the superior courts of this state. Any of the judges of the Piedmont Judicial Circuit may preside over any cause, whether in their own or in other circuits, and perform any official act as judge thereof, including sitting on appellate courts as provided by law.

SECTION 3-4.

The qualifications of such additional judge and his or her successors and his or her compensation, salary, and expense allowance from the State of Georgia and from the counties of the superior court of the Piedmont Judicial Circuit shall be the same as are now provided by law for all other superior court judges. The provisions, if any, enacted for the supplementation by the counties of said circuit of the salary of the judges of the superior court of the Piedmont Judicial Circuit shall also be applicable to the additional judge provided for by this Act.

SECTION 3-5.

All writs and processes in the superior court of the Piedmont Judicial Circuit shall be returnable to the terms of said superior court as they are now fixed and provided by law, or as they may hereafter be fixed or determined by law, and all terms of said court shall be held in the same manner as though there were but one judge, it being the intent and purpose of this Act to provide four judges equal in jurisdiction and authority to attend and perform the functions, powers, and duties of the judges of said superior court and to direct and conduct all hearings and trials in said court.

SECTION 3-6.

Upon and after qualification of the additional judge of the superior court of the Piedmont Judicial Circuit, the judges of said court may adopt, promulgate, amend, and enforce such rules of practice and procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall share, divide, and allocate the work and duties to be performed by each. In the event of a disagreement among the judges as to the operation of the superior court, the majority shall rule, or failing a majority, the decision of the senior judge in point of service, who shall be known as the chief judge, shall control.

SECTION 3-7.

The choosing of all jurors, whether grand or trial, may be by any of the judges of the superior court of the circuit; and any such judge shall have full power and authority to

choose jurors for service in said court so as to have jurors for the trial of cases before any of said judges separately or before each of them at the same time.

SECTION 3-8.

The judges of the Piedmont Judicial Circuit shall be authorized and empowered to appoint an additional court reporter for such circuit, whose compensation shall be as now or hereafter provided by law.

SECTION 3-9.

All writs, processes, orders, subpoenas, and any other official paper issuing out of the superior courts of the Piedmont Judicial Circuit may bear teste in the name of any judge of the Piedmont Judicial Circuit and, when issued by and in the name of any judge of said circuit, shall be fully valid and may be heard and determined before the same or any other judge of said circuit. Any judge of said circuit may preside over any case therein and perform any official act as judge thereof.

SECTION 3-10.

Upon request of any judge of the circuit, the governing authorities of the counties comprising the Piedmont Judicial Circuit shall be authorized to furnish the judges of said circuit with suitable courtrooms and facilities, office space, telephones, furniture, office equipment, supplies, and such personnel as may be considered necessary by the court to the proper function of the court. All of the expenditures authorized in this Act shall be expenses of the court and payable out of the county treasury as such.

PART IV

SECTION 4-1.

An Act entitled "An Act to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of judges of superior court, so as to provide for an additional judge of the superior courts of Cobb, Cordele, Dublin, Enotah, and Gwinnett judicial circuits," approved May 29, 2007 (Ga. L. 2007, p. 695), is amended by revising Sections 6-5 and 6-6 as follows:

"SECTION 6-5.

Upon and after qualification of the additional judge of the superior court of the Gwinnett Judicial Circuit, the ten judges of said court shall be authorized to adopt, promulgate, amend, and enforce such rules of procedure in consonance with the Constitution and laws of the State of Georgia as they deem suitable and proper for the effective transaction of the business of the court; and, in transacting the business of the court and in performing their duties and responsibilities, they shall divide and allocate the work and duties to be performed by each. In the event of a disagreement between or among said judges affecting the duties and responsibilities of the judges of the superior

court of the Gwinnett Judicial Circuit, the decision of the chief judge of the circuit shall be controlling.

SECTION 6-6.

The chief judge of the Gwinnett Judicial Circuit shall be elected from among the judges by a 50 percent vote of the total number of judges voting. In the event no person obtains at least 50 percent of the vote after three ballots, the chief judge shall be the eligible judge having the most seniority. The term for a chief judge shall be two years, and a person may be elected to successive terms. The chief judge shall be vested with the power to make all appointments whenever the law provides for the superior court judge to make appointments, except as herein provided."

PART V SECTION 5-1.

Nothing in this Act shall be deemed to limit or restrict the inherent powers, duties, and responsibilities of superior court judges provided by the Constitution and statutes of the State of Georgia.

SECTION 5-2.

- (a) For purposes of making the initial appointments of the judges to fill the superior court judgeships created by this Act, this Act shall become effective upon its approval by the Governor or its becoming law without such approval.
- (b) For all other purposes, this Act shall become effective on January 1, 2013.

SECTION 5-3.

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

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

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

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

Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	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	Y 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	Fullerton	Y Jordan	N 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	Weldon
Y Channell	Y Greene	Y Knight	E 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	Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Fullerton of the 151st 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.

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

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y 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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y 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
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	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	Y 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	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E 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	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	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Fullerton of the 151st 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.

SB 319. By Senators Jeffares of the 17th, Tolleson of the 20th, Chance of the 16th, Tippins of the 37th and Bulloch of the 11th:

A BILL to be entitled an Act to amend Code Section 12-3-10 of the Official Code of Georgia Annotated, relating to the ordering of persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and to prohibited acts generally, so as to revise certain provisions relating to the use of boats in the waters of state parks, historic areas, and recreational areas; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 12 of the Official Code of Georgia Annotated, relating to conservation, so as to revise certain provisions relating to the use of boats in the waters of state parks, historic areas, and recreational areas; to revise certain provisions relating to the use of live-aboard boats at marinas or docking stations; to amend Chapter 1 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to waters of the state, ports, and watercraft, so as to revise certain provisions relating to boats considered public nuisances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 12 of the Official Code of Georgia Annotated, relating to conservation, is amended in Code Section 12-3-10, relating to the ordering of persons to leave parks, historic sites, or recreational areas upon their refusal to observe rules and to prohibited acts generally, by revising subsections (e), (g), (h), and (i) as follows:

"(e) ~~It~~ With the exceptions of law enforcement and official use by the department, it shall be unlawful for any person to have or use a privately owned boat on any of the following state park lakes: have or use a boat on the waters of any park, historic site, or recreational area in violation of any prohibition or restriction posted therein by the department. The posting of signs at entrances of a park, historic site, or recreational area designating any prohibitions of, or restrictions on the use of, boats on the waters of that park, historic area, or recreational area shall constitute sufficient notice for the entire park, historic area, or recreational area.

~~(1) A. H. Stephens Federal Lake and Lake Liberty; or~~

~~(2) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from May 1 through Labor Day of each year."~~

~~"(g) It shall be unlawful for any person to have or use a boat, other than one on official business, with other than paddles or a portable bow or stern mounted electric trolling motor on any of the following state park lakes:~~

- ~~(1) Black Rock Mountain Lake;~~
- ~~(2) James H. 'Sloppy' Floyd Lake;~~
- ~~(3) A. H. Stephens Lake Buncombe;~~
- ~~(4) Franklin D. Roosevelt Lake Franklin or Lake Delano;~~
- ~~(5) John D. Tanner Lake (the 12 acre lake);~~
- ~~(5.1) John D. Tanner Lake (the 24 acre lake), provided that this prohibition shall apply only from the day after Labor Day each year through April 30 of the following year;~~
- ~~(6) Sweetwater Creek Lake;~~
- ~~(7) Hard Labor Creek Lake (the 37 acre lake);~~
- ~~(8) Fort Mountain Lake;~~
- ~~(9) Vogel Lake; or~~
- ~~(10) Unicoi Lake. Reserved.~~

~~(h) It shall be unlawful for any person to use a boat, other than one on official business, with a motor which is neither an electric trolling motor nor ten horsepower or less on the following state park lakes:~~

- ~~(1) Fort Yargo Lake;~~
- ~~(2) Hamburg Lake;~~
- ~~(3) Hard Labor Creek Lake (the 275 acre lake);~~
- ~~(4) High Falls Lake;~~
- ~~(5) Indian Springs Lake;~~
- ~~(6) Kolomoki Mounds Lake;~~
- ~~(7) Stephen C. Foster Lake;~~
- ~~(8) Laura S. Walker Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset);~~
- ~~(9) Little Ocmulgee Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset);~~
~~and~~
- ~~(10) Magnolia Springs Lake (between 7:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and 11:00 A.M. eastern standard time or eastern daylight time, whichever is applicable, and between 6:00 P.M. eastern standard time or 7:00 P.M. eastern daylight time, whichever is applicable, and sunset).~~
Reserved.

~~(i) It shall be unlawful for any person to fish in waters of any park, historic site, or recreational area, except for boat fishing between the hours of 7:00 A.M. and sunset and bank or wade fishing between the hours of 7:00 A.M. and 10:00 P.M., unless~~

otherwise prohibited. It shall also be unlawful to fish in waters of any park, historic site, or recreational area which have been closed and posted by the department for fisheries management purposes."

SECTION 2.

Said title is further amended by revising paragraph (8) of Code Section 12-5-282, relating to definitions, as follows:

"(8) 'Live-aboard' means a floating vessel or other ~~water-craft~~ watercraft capable of safe, mechanically propelled navigation under average Georgia coastal wind and current conditions which is ~~moored to a dock, tree, or piling or anchored in the estuarine waters of the state and is~~ utilized as a human or animal abode and is located at a marina or a mooring area established by the department. ~~Live-aboards include but are not limited to monohulls, multihulls, houseboats, floating homes, and other floating structures which are used for human or animal habitation."~~

SECTION 3.

Said title is further amended by revising paragraph (8) of subsection (b) of Code Section 12-5-288, relating to activities and structures considered to be contrary to the public interest for purposes of issuing permits allowing alteration of coastal marshlands, as follows:

"(8) Occupying a live-aboard for more than ~~30~~ 90 days during any calendar year; provided, however, that the commissioner may grant extensions of time beyond ~~30~~ 90 days to persons making a request in writing stating the reasons for such extension. Owners of docks where live-aboards are moored as well as owners and occupants of live-aboards are responsible under this part."

SECTION 4.

Chapter 1 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to waters of the state, ports, and watercraft, is amended by revising paragraph (3) of Code Section 52-1-3, relating to definitions relative to the protection of tidewaters, as follows:

"(3) 'Structure' means any structure located upon any tidewaters of this state, whether such structure is floating upon such tidewaters and is made fast by the use of lines, cables, anchors, or pilings, or any combination thereof, or is built upon pilings embedded in the beds of such tidewaters when such structure is being or has been used or is capable of being used as a place of habitation, dwelling, sojournment, or residence for any length of time; is not being used or is not capable of being used as a means of transportation upon such tidewaters; and is not owned, occupied, or possessed pursuant to a permit issued by the commissioner pursuant to Code Section 52-1-10. Such structures may include, but are not limited to, vessels not being used in navigation; provided, however, that structures do not include ~~vessels which are capable of navigation and are tied up at marinas~~ live-aboards, as defined in Code Section 12-5-282. Structures shall also not include fishing camps, bait shops,

restaurants, or other commercial establishments permitted under Part 4 of Article 4 of Chapter 5 of Title 12, the 'Coastal Marshlands Protection Act of 1970,' as amended, which do not discharge sewage into the waters of the state and are operated in conformance with the zoning ordinances, if any, of the municipality or county in which they are located."

SECTION 5.

Said chapter is further amended by revising paragraph (4) of Code Section 52-1-32, relating to definitions relative to right of passage, as follows:

"(4) 'Structure' means any structure located upon any navigable stream or river of this state, whether such structure is floating upon such navigable stream or river and is made fast by the use of lines, cables, anchors, or pilings, or any combination thereof, or is built upon pilings embedded in the beds of such navigable stream or river when such structure is being, has been, or is capable of being used as a place of habitation, dwelling, sojournment, or residence for any length of time; is not being used or is not capable of being used as a means of transportation upon such navigable stream or river; and is not owned, occupied, or possessed pursuant to a permit issued by the commissioner pursuant to Code Section 52-1-39. Such structures may include, but are not limited to, vessels not being used in navigation; provided, however, that structures do not include ~~vessels which are capable of navigation and are tied up at marinas~~ live-aboards, as defined in Code Section 12-5-282. Structures shall also not include fishing camps, bait shops, restaurants, or other commercial establishments permitted under Part 4 of Article 4 of Chapter 5 of Title 12, the 'Coastal Marshlands Protection Act of 1970,' as amended, which do not discharge sewage into the waters of the state and are operated in conformance with the zoning ordinances, if any, of the municipality or county in which they are located."

SECTION 6.

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

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

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

Abdul-Salaam	Y Davis	Y Heckstall	Y 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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	N Horne	Y Mosby	Y Smith, R

E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	N Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Jackson	Y Nix	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	N Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y 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	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	Y Glick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	Y Greene	Y Knight	E 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	N Rogers, C	Y Williams, E
Y Cooke	Harrell	Y Manning	Y Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 4.

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

Representatives Fullerton of the 151st and Stephens of the 164th 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.

Representative Dunahoo of the 25th stated that he inadvertently voted "nay" on the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 143. By Senators Henson of the 41st and Shafer of the 48th:

A BILL to be entitled an Act to amend Chapter 24A of Title 43 of the Official Code of Georgia Annotated, relating to massage therapy practice, so as to provide that an applicant for a license by endorsement shall provide certain information; to repeal certain obsolete provisions; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as to revise various provisions relating to the licensure of certain professions; to provide that an applicant for a license by endorsement for massage therapy practice shall provide certain information; to repeal certain obsolete provisions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions, is amended by revising Code Section 43-24A-8, relating to licensure of massage therapists, applications, and requirements, as follows:

43-24A-8.

(a) No person may practice massage therapy in this state who is not a licensed massage therapist or the holder of a valid provisional permit issued by the division director pursuant to this chapter.

(b) ~~Prior to July 1, 2007, any applicant for a license as a massage therapist must submit a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:~~

~~(1) The applicant is at least 18 years of age;~~

~~(2) The applicant is of good moral character. For purposes of this paragraph, 'good moral character' means professional integrity and a lack of any conviction for acts involving moral turpitude where the underlying conduct relates to the applicant's fitness to practice massage therapy;~~

~~(3) The applicant agrees to provide the board with any and all information necessary to perform a criminal background check and expressly consents and authorizes the board or its representative to perform such a check; and~~

~~(4) The applicant has met at least one of the following requirements:~~

~~(A) He or she has completed successfully a board recognized educational program with a minimum of 500 hours of course and clinical work;~~

~~(B) He or she has passed satisfactorily the National Certification Examination for Therapeutic Massage and Bodywork, an equivalent test approved by the board, or an examination administered by another state or jurisdiction whose license requirements meet or exceed those of this state;~~

~~(C) He or she meets the qualifications necessary to sit for the National Certification Examination for Therapeutic Massage and Bodywork or has substantially similar qualifications as determined by the board;~~

~~(D) He or she holds a license as a massage therapist in another state or jurisdiction whose license requirements meet or exceed the licensing requirements of this state;~~

- ~~(E) He or she has practiced massage therapy for at least ten hours per week on average for at least ten years prior to the date of application and has completed at least 100 hours of formal training in massage therapy as determined by the board;~~
- ~~(F) He or she has practiced massage therapy for at least five years prior to the date of application and has completed a minimum of 200 hours of formal training in massage therapy as determined by the board;~~
- ~~(G) He or she has, to the satisfaction of the board, training in another state or jurisdiction that meets or exceeds the requirements for licensing in this state;~~
- ~~(H) He or she has been a member, as a massage therapist, for a period of one year prior to his or her application for licensure of a professional massage therapy association established before 2002 which holds its members to a published code of ethics; or~~
- ~~(I) He or she has been legally practicing massage therapy in this state for compensation prior to July 1, 2005.~~
- (e) On and after July 1, 2007, any Any applicant for a license as a massage therapist must submit a completed application upon a form and in such manner as the board prescribes, accompanied by applicable fees, and evidence satisfactory to the board that:
- (1) The applicant is at least 18 years of age;
 - (2) The applicant has a high school diploma or its recognized equivalent;
 - (3) The applicant is a citizen of the United States or a permanent resident of the United States;
 - (4) The applicant is of good moral character. For purposes of this paragraph, 'good moral character' means professional integrity and a lack of any conviction for acts involving moral turpitude where the underlying conduct relates to the applicant's fitness to practice massage therapy;
 - (5) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by examination agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check ~~The applicant agrees to provide the board with any and all information necessary to perform a criminal background check and expressly consents and authorizes the board or its representative to perform such a check;~~
 - (6) The applicant has completed successfully a board recognized educational program consisting of a minimum of 500 hours of course and clinical work; and
 - (7) The applicant has passed satisfactorily the National Certification Examination for Therapeutic Massage and Bodywork, an equivalent test approved by the board, or an examination administered by another state or jurisdiction whose license requirements meet or exceed those of this state."

SECTION 2.

Said title is further amended by revising paragraph (3) of Code Section 43-24A-13, relating to license by endorsement, as follows:

"(3) The applicant has satisfactory results from a fingerprint record check report conducted by the Georgia Crime Information Center and the Federal Bureau of Investigation, as determined by the board. Application for a license under this Code section shall constitute express consent and authorization for the board or its representative to perform a criminal background check. Each applicant who submits an application to the board for licensure by endorsement agrees to provide the board with any and all information necessary to run a criminal background check, including, but not limited to, classifiable sets of fingerprints. The applicant shall be responsible for all fees associated with the performance of such background check. The applicant agrees to provide the board with any and all information necessary to perform a criminal background check and expressly consents and authorizes the board or its representative to perform such a check; and"

SECTION 3.

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

SECTION 4.

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

The following amendment was read and adopted:

Representative Atwood of the 179th et al. offer the following amendment:

Amend the House Committee on Regulated Industries substitute to SB 143 (LC 36 2171S) by deleting "the licensure of certain professions;" on line 2 and inserting in lieu thereof "massage therapists;" and by adding after "information;" on line 4 the following:
to provide for a criminal background check of applicants for a license as a massage therapist; to change certain provisions relating to provisional permits;

By inserting between lines 79 and 80 the following:

SECTION 2.

Said title is further amended by revising Code Section 43-24A-9, relating to provisional permits, as follows:

"43-24A-9.

~~(a) A provisional permit to practice as a provisionally permitted massage therapist may be issued for a two-year period by the board to the following applicants:~~

~~(1) An applicant licensed in another state with like or similar requirements for licensure; or~~

- ~~(2) An applicant who is not the holder of any massage therapy license.~~
- ~~(b) Such permit shall authorize the applicant to work under the supervision of a licensed massage therapist as provided by the board.~~
- ~~(c) The applicant, by submitting an application for a provisional permit, agrees to provide the board with any and all information necessary to perform a criminal background check and expressly consents and authorizes the board or its representative to perform such a check.~~
- (a) A provisional permit to practice as a provisionally permitted massage therapist shall, upon proper application, be issued for a six-month period to an applicant who meets the following criteria:
- (1) Holds a valid license as a massage therapist in another state;
 - (2) Is not a resident of this state;
 - (3) Has not had a license or permit to practice as a massage therapist voided, revoked, suspended, or annulled by this state or another state; and
 - (4) Has not been convicted of a felony in the courts of this state, any other state, territory, or country, or in the courts of the United States, including, but not limited to, a plea of nolo contendere entered to such charge or the affording of first offender treatment to any such charge.
- (b) A provisional permit shall require the applicant to work under the supervision of a licensed massage therapist as provided by the board. The board shall be authorized to promulgate rules and regulations regarding the requirements for such supervision and the enforcement thereof.
- (c) A provisional permit may be voided if the board determines that the person holding such permit no longer meets one or more of the criteria set forth in subsection (a) of this Code section.
- ~~(d) Such~~ A provisional permit issued pursuant to subsection (a) of this Code section shall have the same force and effect as a permanent license until the time of its expiration.
- ~~(e) The~~ A provisional permit issued pursuant to subsection (a) of this Code section shall expire on the same date as a permanent license that is issued to persons who have issued under this chapter to a holder of a provisional permit who has passed the examination pursuant to Code Section 43-24A-8."

By redesignating Sections 2 through 4 as Sections 3 through 5, respectively.

The Committee substitute, as amended, was adopted.

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

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

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

On the passage of the Bill, by substitute, as amended, the ayes were 109, nays 52.

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

Representative Rice of the 51st stated that he inadvertently voted "aye" on the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Fullerton of the 151st 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.

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 43-50-44 of the Official Code of Georgia Annotated, relating to exemptions from licensing and registration for veterinary medicine or veterinary technology, so as to provide an additional exemption; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-50-44 of the Official Code of Georgia Annotated, relating to exemptions from licensing and registration for veterinary medicine or veterinary technology, is amended by striking the word "or" at the end of paragraph (19), by striking the period at the end of paragraph (20) and inserting "; or" in lieu thereof, and by adding a new paragraph to read as follows:

"(21) Any person lawfully engaged in the art or profession of farriery."

SECTION 2.

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

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

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

Y Abdul-Salaam	Y Davis	Y Heckstall	Y 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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	Horne	Y Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer

Y Benton	Y Dutton	Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	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	Y 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	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E Randall	Y Wilkerson
Y Cheokas	Y Hamilton	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	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

Representative Fullerton of the 151st 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.

SB 289. By Senators Rogers of the 21st, Millar of the 40th, Williams of the 19th and Albers of the 56th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to require students to take one course containing online learning; to provide for the online administration of end-of-course assessments; to require local school systems to provide opportunities for participation in part-time and full-time virtual instruction programs; to establish a list of providers; to provide requirements for providers; to provide for a report by the Department of Education on digital learning methods; to provide for blended learning courses in charter schools which include online instruction; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to maximize the number of students taking at least one course containing online learning prior to graduation; to provide for the online administration of end-of-course assessments; to revise provisions relating to the Georgia Virtual School; to require local school systems to provide opportunities for participation in part-time and full-time virtual instruction programs; to establish a list of providers; to provide requirements for providers; to provide for a report by the Department of Education on digital learning methods; to revise provisions relating to textbooks; to repeal a provision relating to electronic devices in schools; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended in Part 2 of Article 6, relating to competencies and core curriculum under the "Quality Basic Education Act," by adding a new Code section to read as follows:

"20-2-140.1.

The State Board of Education shall establish rules and regulations to maximize the number of students, beginning with students entering ninth grade in the 2014-2015 school year, who complete prior to graduation at least one course containing online learning. This shall be met through an online course offered by the Georgia Virtual School established pursuant to Code Section 20-2-319.1, through an online dual enrollment course offered by a postsecondary institution, or through a provider approved pursuant to subsection (c) of Code Section 20-2-319.3. This shall also include enrollment in a full-time or part-time virtual instruction program pursuant to Code Section 20-2-319.3."

SECTION 2.

Said chapter is further amended in Code Section 20-2-160, relating to determination of enrollment by institutional program and determination of funds to be appropriated to local school systems, by revising subsection (a) as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May

1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; ~~a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319.1;~~ or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in a dual credit course pursuant to Code Section 20-2-159.5 shall be counted for the high school program or other appropriate program for each segment in which the student is attending such dual credit course. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 3.

Said chapter is further amended in Code Section 20-2-281, relating to assessment of effectiveness of educational programs, by revising subsection (h) as follows:

"(h) The State Board of Education, through the Department of Education, shall administer the end-of-course assessments for core subject areas as defined by state board policy. The state board shall promulgate a schedule for the development and administration of all end-of-course tests ~~by December 1, 2000.~~ By the 2015-2016 school year, the State Board of Education shall make all end-of-course assessments available online and shall establish rules and regulations to maximize the number of students and school systems utilizing such online assessments."

SECTION 4.

Said chapter is further amended by revising Code Section 20-2-319.1, relating to the Georgia Virtual School, as follows:

"20-2-319.1.

(a) The State Board of Education is authorized to establish the Georgia Virtual School whereby students may enroll in state funded courses via the Internet or in any other manner not involving on-site interaction with a teacher. Any Georgia student who is age 21 or younger shall be eligible to enroll in the Georgia Virtual School, at no cost to the student, ~~provided that public school students shall be given priority.~~ The State Board of Education is authorized to promulgate rules and regulations pertaining to the Georgia Virtual School. Such rules and regulations, if established, shall include, at a minimum, a process for students to enroll in Georgia Virtual School courses, ~~including provisions allowing for students to participate in such courses in excess of any maximum number of courses allowed per year at a tuition rate to be established by the State Board of Education,~~ and a process whereby a student's grade in the course is reported on the student's transcript. All teachers who provide instruction through the Georgia Virtual School shall be certified by the Professional Standards Commission. A local school system shall not prohibit any student from taking a course through the Georgia Virtual School, regardless of whether the school in which the student is enrolled offers the same course.

(b)(1) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. ~~The amount of funds requested by the state board for this account shall be the amount that the participating students would have earned under this article if those students had been in equivalent general education programs in a local school system for that portion of the instructional day in which the students were actually enrolled in a Georgia Virtual School course.~~ The department shall use funds from this grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs of tuition, materials, and fees directly related to the approved courses taken by the students through the Georgia Virtual School associated with the maintenance of the Georgia Virtual School, such as new course development, credit recovery, blended learning training, and operating a clearinghouse.

(2) The local school system shall pay to the department costs for tuition, materials, and fees directly related to the approved course taken by a student in its school system through the Georgia Virtual School; provided, however, that in no event shall the amount of tuition charged to the local school system exceed \$250.00 per student per semester course.

(c) The Georgia Virtual School shall not be considered a school for purposes of Article 2 of Chapter 14 of this title."

SECTION 5.

Said chapter is further amended in Part 14 of Article 6, relating to other educational programs under the "Quality Basic Education Act," by adding new Code sections to read as follows:

"20-2-319.3.

(a) Beginning with the 2013-2014 school year, each local school system shall provide opportunities to all students in grades three through 12 enrolled in public schools within its boundaries for participation in part-time and full-time virtual instruction program options. Written notice of such opportunities, including an open enrollment period for full-time students of at least 90 days and not ending earlier than 30 days prior to the first day of the school year, shall be provided directly to parents of all students. The purpose of the program shall be to make quality virtual instruction available to students using online and distance learning technology in the nontraditional classroom. The program shall provide at least three options for:

(1) Full-time virtual instruction for students enrolled in grades three through 12; and

(2) Part-time virtual instruction for students enrolled in grades three through 12.

A virtual instruction program conducted by a local school system shall include specific provision for at least two full-time options and one part-time option for students enrolled in dropout prevention and academic intervention programs or Department of Juvenile Justice education programs under Code Section 20-2-133.

(b) To provide students with the option of participating in virtual instruction programs as required by subsection (a) of this Code section, a local school system may apply one or all of the following mechanisms:

(1) Facilitate enrollment in the Georgia Virtual School established pursuant to Code Section 20-2-319.1;

(2) Enter into a contract with an approved provider under subsection (c) of this Code section for the provision of a full-time program under paragraph (1) of subsection (a) of this Code section or a part-time program under paragraph (2) of subsection (a) of this Code section; or

(3) Enter into an agreement with another local school system or systems to allow the participation of its students in an approved virtual instruction program provided by such other local school system or systems. The agreement shall indicate a process for the transfer of funds.

Contracts and agreements entered into pursuant to paragraph (2) or (3) of this subsection may include multidistrict contractual arrangements that may be executed by a regional educational service agency for its member school systems.

(c) The department shall annually provide local school systems with a list of providers approved to offer virtual instruction programs. To be approved by the department, a provider shall document that it:

(1) Possesses prior, successful experience offering online courses to elementary, middle, or high school students, as demonstrated through quantified student performance improvements for each subject area and grade level provided for consideration as instructional program options;

(2) Assures instructional and curricular quality through a detailed curriculum and student performance accountability plan that addresses every subject and grade level intended for provision within local school system contracts, including:

(A) Courses and programs that meet the nationally recognized standards for K-12 online learning;

(B) Instructional content and services that align with and measure student attainment of proficiency in the state-approved curriculum; and

(C) Mechanisms that determine and ensure that a student has satisfied requirements for grade level promotion and high school graduation with a standard diploma, as appropriate; and

(3) Publishes, in accordance with disclosure requirements adopted by the State Board of Education, for the general public, as part of its application as a provider, and in all contracts negotiated pursuant to this Code section:

(A) Information and data about each full-time and part-time program regarding its curriculum;

(B) School policies and procedures;

(C) Certification status of all administrative and instructional personnel;

(D) Teacher-student ratios;

(E) Student completion and promotion rates; and

(F) Student, educator, and school performance accountability outcomes.

(d) An approved provider shall retain its approved status for a period of five years after the date of the department's approval pursuant to subsection (c) of this Code section as long as the provider continues to comply with all requirements of this Code section; provided, however, that each provider approved by the department for the 2013-2014 school year shall reapply for approval to provide a part-time program for students in grades three through 12.

(e) Each contract with an approved provider shall at a minimum set forth a detailed curriculum plan that illustrates how students will be provided services for, and be measured for attainment of, proficiency in state curriculum requirements for each grade level and subject.

20-2-319.4.

No later than December 1, 2012, the Department of Education shall submit a report to the Governor, the President of the Senate, and the Speaker of the House of Representatives which identifies and explains the best methods and strategies for enabling the department to assist local boards of education in acquiring digital learning at as reasonable prices as possible by providing a plan under which local boards may voluntarily pool their bids for such purchases. The report shall identify criteria that will enable local boards to differentiate between the level of service as well as pricing based upon such factors as the level of student support, the frequency of teacher-student communications, instructional accountability standards, and academic integrity. The report shall also examine ways to increase student access to digital learning."

SECTION 6.

Said chapter is further amended in Code Section 20-2-1013, relating to the free textbook system, care and protection of textbooks, library books, and media materials, and reimbursement by pupils or parents, by revising subsection (b) as follows:

"(b) All hardbound or softbound textbooks, library books, and media materials purchased by local units of administration with state Quality Basic Education Program funds or any other means of acquisition shall remain the property of the local unit purchasing or acquiring them. Assistive technology devices and digital versions of textbooks that are acquired may remain the property of the student; provided, however, that this shall not be construed to violate any contracts or copyright laws. Each local unit of administration shall establish such policies as it deems necessary for the care and protection of its textbooks, library books, and media materials as a condition to receiving all or part of the state contributed Quality Basic Education Program funds allotted to the local unit. Such policies may include any of the following sanctions against a pupil who fails or refuses to pay for a lost or damaged textbook, library book, or media material at the replacement cost:

- (1) Refusal to issue any additional textbooks, library books, or media materials until restitution is made; or
- (2) Withholding of all grade cards, diplomas, or certificates of progress until restitution is made.

No local unit of administration shall require any pupil or parent to purchase any textbook, library book, or media material except in cases where the pupil damages, loses, or defaces such item either through willful intent or neglect."

SECTION 7.

Said chapter is further amended by revising Code Section 20-2-1015, relating to the electronic format version requirement, as follows:

"20-2-1015.

The publisher of a textbook recommended by the State Board of Education shall provide an electronic format version of such textbook, which may include a digital version."

SECTION 8.

Said chapter is further amended by repealing and reserving Code Section 20-2-1183, relating to possession of electronic communication devices in school.

SECTION 9.

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	N McBrayer	Shaw
Y Allison	Y Dempsey	N Henson	N McCall	Y Sheldon
Y Amerson	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	N Dickey	Y Hill	Y Meadows	Sims, C
N Ashe	Y Dickson	N Holcomb	Y Mitchell	E Smith, E
Y Atwood	N 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	N Mosby	Y Smith, R
E Beasley-Teague	Y Dudgeon	Y Houston	N Murphy	Y Smith, T
N Bell	Y Dukes	N Howard	Y Neal, J	Y Smyre
N Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
N Benton	Y Dutton	Y Hugley	N Nimmer	N Stephens, M
N Beverly	Y Ehrhart	Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	N 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	N Parent	Y Taylor, D
N Bruce	N Floyd	Y Johnson	Y Parrish	Y Taylor, R
N Bryant	N Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	N Frazier	N Jones, S	Y Peake	Y Teasley
N Burns	Y Fullerton	N Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	N Pruett	Y Watson
Y Carter	Y Golick	Y Kidd	Y Purcell	N Welch
Y Casas	Y Gordon	N Kirby	Y Ramsey	Weldon
Y Channell	N Greene	Y Knight	E 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	Harbin	Y Long	Y Riley	N Williams, A
Y Coleman	Y Harden, B	E Maddox, B	N Roberts	Y Williams, C
Y Collins	Y Harden, M	Y Maddox, G	N Rogers, C	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	N Williams, R
Y Coomer	Y Hatchett	Y Marin	N Rynders	N Williamson
Y Cooper	Y Hatfield	Martin	Y Scott, M	Y Yates
Crawford	Y Heard	Y Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 125, nays 38.

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

Representatives Abdul-Salaam of the 74th, Dawkins-Haigler of the 93rd, Spencer of the 180th, and Stephenson of the 92nd 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 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

The following Resolutions of the House were read and adopted:

HR 2018. By Representatives Morgan of the 39th, Evans of the 40th, Wilkerson of the 33rd, Johnson of the 37th and Setzler of the 35th:

A RESOLUTION recognizing and commending Mr. Clarence Webb on the occasion of his retirement; and for other purposes.

HR 2019. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Charles Wang; and for other purposes.

HR 2020. By Representative Dollar of the 45th:

A RESOLUTION recognizing and commending Lisa Wang; and for other purposes.

HR 2021. By Representatives Wilkerson of the 33rd, Morgan of the 39th, Evans of the 40th, Johnson of the 37th, Jones of the 44th and others:

A RESOLUTION honoring the life and memory of Reverend Dwight C. Graves; and for other purposes.

HR 2022. By Representatives Holcomb of the 82nd and Parent of the 81st:

A RESOLUTION recognizing and commending Simola Nayak on winning the Georgia Association of Educators State Spelling Bee; and for other purposes.

HR 2023. By Representatives Taylor of the 173rd, Carter of the 175th, Black of the 174th and McBrayer of the 153rd:

A RESOLUTION recognizing and commending Mrs. Carolyn Henry; and for other purposes.

HR 2024. By Representatives Rogers of the 26th, Dunahoo of the 25th and Collins of the 27th:

A RESOLUTION recognizing and commending Georgia Women of Achievement and 2012 honoree Ms. Beulah Rucker Oliver; and for other purposes.

HR 2025. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Waites of the 60th, Scott of the 76th, Baker of the 78th and others:

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

HR 2026. By Representatives Gardner of the 57th, Ashe of the 56th, Thomas of the 100th, Drenner of the 86th, Benfield of the 85th and others:

A RESOLUTION recognizing and commending the Georgia Conservation Voters and Mayor Kasim Reed; and for other purposes.

HR 2027. By Representatives Gardner of the 57th, Ashe of the 56th, Buckner of the 130th, Randall of the 138th, Manning of the 32nd and others:

A RESOLUTION recognizing the week of May 13 through 19, 2012, as National Women's Health Week in Georgia; and for other purposes.

HR 2028. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Waites of the 60th, Scott of the 76th, Baker of the 78th and others:

A RESOLUTION recognizing and commending Mr. Leonardo "Leo" Lucier, Sr., on his outstanding public service; and for other purposes.

HR 2029. By Representatives Abdul-Salaam of the 74th, Jordan of the 77th, Waites of the 60th, Scott of the 76th, Baker of the 78th and others:

A RESOLUTION recognizing and commending Mr. Larry W. Bussey; and for other purposes.

HR 2030. By Representatives Clark of the 104th, Harrell of the 106th, Clark of the 98th, Brockway of the 101st, Coleman of the 97th and others:

A RESOLUTION recognizing the second Wednesday of April of 2012 as Button Gwinnett Day at the capitol; and for other purposes.

HR 2031. By Representatives Abdul-Salaam of the 74th, Heckstall of the 62nd, Brooks of the 63rd, Jordan of the 77th and Scott of the 76th:

A RESOLUTION honoring the life and memory of Mr. Leonardo "Little Leo" Lucier, Jr.; and for other purposes.

HR 2032. By Representatives Williams of the 89th, Bruce of the 64th, Heard of the 114th, Waites of the 60th, Mayo of the 91st and others:

A RESOLUTION recognizing and commending Sister Madeline McCrary; and for other purposes.

HR 2033. By Representatives Abrams of the 84th, Kendrick of the 94th, Wilkerson of the 33rd, Manning of the 32nd and Hanner of the 148th:

A RESOLUTION commending Advancement Via Individual Determination (AVID) and recognizing March 28, 2012, as AVID Day at the capitol; and for other purposes.

HR 2034. By Representatives Parrish of the 156th, Stephens of the 164th, Channell of the 116th, Smyre of the 132nd and Wilkinson of the 52nd:

A RESOLUTION recognizing and commending Mr. Randy Cardoza on his outstanding public service; and for other purposes.

HR 2035. By Representatives Powell of the 29th, Ralston of the 7th, Jasperse of the 12th, Williams of the 4th, Rogers of the 10th and others:

A RESOLUTION honoring the life and memory of Congressman Edgar Lanier Jenkins; and for other purposes.

HR 2036. By Representatives Welch of the 110th and Yates of the 73rd:

A RESOLUTION honoring the life and memory of Mr. Emmitt Wilson Henley, Jr.; and for other purposes.

HR 2037. By Representative Parrish of the 156th:

A RESOLUTION recognizing and commending Mrs. Jean Anderson Morgan; and for other purposes.

HR 2038. By Representative Jasperse of the 12th:

A RESOLUTION recognizing and commending Allen Bufford; and for other purposes

HR 2039. By Representative Allison of the 8th:

A RESOLUTION commending Jeannie Bradley, Towns County High School's 2012 STAR Student; and for other purposes.

HR 2040. By Representative Allison of the 8th:

A RESOLUTION commending Mrs. Sabrina Garrett, Towns County High School's 2012 STAR Teacher; and for other purposes.

HR 2041. By Representatives Williamson of the 111th, Kirby of the 107th, Spencer of the 180th, Hudson of the 124th and Dickey of the 136th:

A RESOLUTION recognizing and commending Cody Thomas; and for other purposes.

HR 2042. By Representatives Williamson of the 111th, Jones of the 46th, Lindsey of the 54th, O'Neal of the 146th and Dickey of the 136th:

A RESOLUTION recognizing and commending Lee Talbot Williamson; and for other purposes.

HR 2043. By Representatives Jackson of the 142nd, Frazier of the 123rd and Williams of the 89th:

A RESOLUTION honoring the life and memory of Sergeant David Alexander Holmes; and for other purposes.

HR 2044. By Representative Fludd of the 66th:

A RESOLUTION recognizing and commending Ms. Ann Louise Houston on the occasion of her 80th birthday; and for other purposes.

HR 2045. By Representatives Braddock of the 19th and Maxwell of the 17th:

A RESOLUTION recognizing and commending the Hiram High School team of pre-engineering students for winning the Real World Design Challenge; and for other purposes.

HR 2046. By Representative Allison of the 8th:

A RESOLUTION commending the Blairsville Scottish Festival and Highland Games; and for other purposes.

HR 2047. By Representatives Abdul-Salaam of the 74th, Heckstall of the 62nd, Brooks of the 63rd, Jordan of the 77th and Scott of the 76th:

A RESOLUTION recognizing and commending Miss Sadie Thomas on the occasion of her 101st birthday; and for other purposes.

HR 2048. By Representatives Abdul-Salaam of the 74th, Waites of the 60th, Scott of the 76th, Jordan of the 77th and Heckstall of the 62nd:

A RESOLUTION recognizing and commending the Clayton County Parks and Recreation Department; and for other purposes

HR 2049. By Representatives Weldon of the 3rd and Neal of the 1st:

A RESOLUTION recognizing and commending the Heritage High School wrestling team on winning the 2012 Georgia AAA State Traditional Championship; and for other purposes.

HR 2050. By Representative Ralston of the 7th:

A RESOLUTION recognizing and commending Lieutenant Colonel Robert Marvin Bridges; and for other purposes.

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

Mr. Speaker:

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

HB 250. By Representatives Weldon of the 3rd, Maxwell of the 17th, Benton of the 31st, Epps of the 140th, Greene of the 149th and others:

A BILL to be entitled an Act to amend Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to the Georgia Judicial Retirement System, so as to provide that a member who rejected survivor's benefits may elect such benefits by paying the actuarial cost; to provide for a revised survivor's benefit option for persons who become members on or after July 1, 2012; to provide for options; to provide for the event of death or divorce; to provide for the death of an active member; to provide for the payment of the remainder of a member's accumulated contributions; to provide conditions for

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

HB 548. By Representative Martin of the 47th:

A BILL to be entitled an Act to amend Code Section 34-9-1 of the Official Code of Georgia Annotated, relating to definitions relative to workers' compensation, so as to provide that individuals who are parties to a franchise agreement shall not be considered employees; to repeal conflicting laws; and for other purposes.

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

SB 385. By Senators Shafer of the 48th, Goggans of the 7th, Bethel of the 54th and McKoon of the 29th:

A BILL to be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the confidentiality of certain records of the Commissioner of Insurance; to provide for exceptions; to provide for certain premium taxes and the rate and manner of collection; to revise certain provisions regarding reinsurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for the confidentiality of certain records of the Commissioner of Insurance to extend to state, federal, or international regulatory law enforcement; to provide for exceptions; to provide for certain premium taxes and the rate and manner of collection to include state participation in certain agreements with other states; to revise certain provisions regarding reinsurance; to revise certain provisions regarding reinsurance credits applicable to an assuming insurer licensed in its state of domicile or of certain alien assuming insurers; to provide that certain notices of insurance cancellation may be delivered with the monthly bill for such insurance; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by revising subsections (g) and (i) of Code Section 33-2-14, relating to preparation of written reports of examinations generally, certification of reports, admissibility in evidence, notice and hearing on reports, and use of examination documents, as follows:

"(g) Notwithstanding the provisions of Article 4 of Chapter 18 of Title 50, relating to the inspection of public records, all work papers, analysis, recorded information, documents, copies information received from another state, and any other materials created, produced, or obtained by or disclosed to the Commissioner or any other person in the course of an examination made under this chapter or in the course of analysis by the Commissioner of the financial condition or market conduct of a company must be given confidential treatment and are not subject to subpoena and may not be made public by the Commissioner or any other person. Access may be granted to authorized representatives of the National Association of Insurance Commissioners. Such representatives must agree in writing prior to receiving the information to treat such information confidentially as required by this Code section, unless the prior written consent of the company to which it pertains has been obtained."

"(i) Nothing contained in this Code section shall prevent or be construed as prohibiting the Commissioner from disclosing the ~~contents of an examination report, preliminary examination report, or results or any matter relating thereto to the insurance department of this or any other state or country or to work papers, analysis, information, or a document described in subsection (g) of this Code section to state, federal, or international regulatory agencies or state, federal, or international law enforcement officials of this or any other state or agency of the federal government at any time authorities~~ so long as such ~~agency or office receiving the report or matter relating thereto~~ recipient agrees in writing to treat such report confidentially and in a manner consistent with this title."

SECTION 2.

Said title is further amended by revising subsection (b) of Code Section 33-5-31, relating to payment by broker of tax for privilege of doing business and computation and allocation of tax, as follows:

"(b) If this state participates in a cooperative agreement, compact, or reciprocal agreement with other states pursuant to Code Sections 33-5-40 through 33-5-44 and a surplus line policy covers risks or exposures located or to be performed both in and out of this state, the sum payable shall be computed based on an amount equal to 4 percent of that portion of the gross premiums allocated to this state plus an amount equal to the portion of premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks, or exposures located or to be performed outside this state."

SECTION 3.

Said title is further amended by revising subsection (b) of Code Section 33-5-33, relating to filing of report by persons procuring insurance with unauthorized insurers and levy, collection, and disposition of tax by persons procuring such insurance, and adding a new subsection to read as follows:

"(b) ~~For~~ If this state participates in a cooperative agreement, compact, or reciprocal agreement with other states pursuant to Code Sections 33-5-40 through 33-5-44, then for the general support of the government of this state, there is levied and there shall be collected from every such insured in this state for the privilege of so insuring his property or interests, a tax at the rate of 4 percent of the gross premium paid for any such insurance covering risks or exposures located or to be performed both in and out of this state, after deduction of return premiums, if any. The sum payable shall be computed based upon an amount equal to 4 percent of that portion of the gross premiums allocated to this state plus an amount equal to the portion of premiums allocated to other states or territories on the basis of the tax rates and fees applicable to properties, risks, or exposures located or to be performed outside this state. Such tax shall be paid to the Commissioner coincidentally with the filing of the report provided for in subsection (a) of this Code section.

(b.1) If this state does not participate in a cooperative agreement, compact, or reciprocal agreement with other states pursuant to Code Sections 33-5-40 through 33-5-44, then for the general support of the government of this state, there is levied and there shall be collected from every such insured in this state for the privilege of so insuring his or her property or interests both in and out of this state, a tax at the rate of 4 percent of the gross premium paid for any such insurance, after deduction of return premiums, if any. Such tax shall be paid to the Commissioner coincidentally with the filing of the report provided for in subsection (a) of this Code section."

SECTION 4.

Said title is further amended by revising Code Section 33-5-41, relating to Governor authorized to enter into cooperative agreement, compact, or reciprocal agreement for collection of insurance premium taxes, as follows:

"33-5-41.

The Governor, on behalf of the state, advised by and in consultation with the Commissioner of Insurance, is authorized to enter into a cooperative agreement, compact, or reciprocal agreement with another state or states for the purpose of the collection of insurance premium taxes imposed by Code ~~Section~~ Sections 33-5-31 and 33-5-33."

SECTION 5.

Said title is further amended by revising Code Section 33-7-14, relating to reinsurance of risks, as follows:

"33-7-14.

(a) Credit for reinsurance shall be allowed a domestic ceding insurer as either an asset or a deduction from liability on account of reinsurance ceded only when the reinsurer meets the requirements of paragraph (1), (2), (3), (4), ~~or (5), or (6)~~ of this subsection. Credit shall be allowed under paragraph (1), (2), or (3) of this subsection only with respect to cessions of those kinds of classes of business for which the assuming insurer is licensed or otherwise permitted to write or assume in its state of domicile, or in the case of a United States branch of an alien assuming insurer, in the state through which it is entered and licensed to transact insurance or reinsurance. If meeting the requirements of paragraph (3) or (4) of this subsection, the requirements of paragraph ~~(6)~~ (7) of this subsection ~~must~~ shall also be met:

(1) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is licensed to transact insurance or reinsurance in this state;

(2) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is accredited as a reinsurer by the Commissioner in this state. ~~An accredited In order to be eligible for accreditation, a reinsurer is one which shall:~~

(A) ~~Files~~ File with the Commissioner evidence of its submission to this state's jurisdiction;

(B) ~~Submits~~ Submit to this state's authority to examine its books and records;

(C) ~~Is~~ Be licensed to transact insurance or reinsurance in at least one state, or in the case of a United States branch of an alien assuming insurer, is ~~be~~ entered through and licensed to transact insurance or reinsurance in at least one state; ~~and~~

(D) ~~Files~~ File annually with the Commissioner a copy of its annual statement filed with the insurance department of its state of domicile and a copy of its most recent audited financial statement; and:

(i) ~~Maintains a surplus with regard to policyholders in an amount which is not less than \$20 million and whose accreditation has not been denied by the Commissioner within 90 days of its submission; or~~

(ii) ~~Maintains a surplus with regard to policyholders in an amount less than \$20 million and whose accreditation has been approved by the Commissioner.~~

~~No credit shall be allowed a domestic ceding insurer if the assuming insurer's accreditation has been revoked by the Commissioner after notice and hearing;~~

(E) Demonstrate to the satisfaction of the Commissioner that it has adequate financial capacity to meet its reinsurance obligations and is otherwise qualified to assume reinsurance from domestic insurers. An assuming insurer is deemed to meet this requirement as of the time of its application if it maintains a surplus as regards policyholders in an amount of not less than \$20 million and its accreditation has not been denied by the Commissioner within 90 days after the submission of its application;

(3) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which is domiciled and licensed in, or, in the case of a United States branch of an alien assuming insurer, is entered through a state which employs standards regarding

credit for reinsurance substantially similar to those applicable under this Code section and the assuming insurer or United States branch of an alien assuming insurer:

(A) Maintains a surplus with regard to policyholders in an amount not less than \$20 million; and

(B) Submits to the authority of this state to examine its books and records. Subparagraph (A) of this paragraph shall not apply to reinsurance ceded and assumed pursuant to pooling arrangements among insurers in the same holding company system;

(4)(A) Credit shall be allowed when the reinsurance is ceded to an assuming insurer which maintains a trust fund in a qualified United States financial institution, as defined in ~~paragraph (2) of subsection (c) of this Code section~~, for the payment of the valid claims of its United States ~~policyholders and~~ ceding insurers, their assigns, and successors in interest. The assuming insurer shall report annually to the Commissioner information substantially the same as that required to be reported on the National Association of Insurance Commissioners Annual Statement form by licensed insurers to enable the Commissioner to determine the sufficiency of the trust fund. In the case of a single assuming insurer, the trust shall consist of a trustee account representing the assuming insurer's liabilities attributable to business written in the United States and, in addition, the assuming insurer shall maintain a trustee surplus of not less than \$20 million; provided, however, that, at any time after the assuming insurer has permanently discontinued underwriting new business secured by trust for at least three full years, the commissioner with principal regulatory oversight of the trust may authorize a reduction of the required trustee surplus, but only after a finding, based upon an assessment of the risk, that the new required surplus level is adequate for the protection of United States ceding insurers, policyholders, and claimants in light of reasonably foreseeable adverse loss development. The risk assessment may involve an actuarial review, including an independent analysis of reserves and cash flows, and shall consider all material risk factors, including, when applicable, the lines of business involved, the stability of the incurred loss estimates and the effect of the surplus requirements on the assuming insurer's liquidity or solvency. The minimum required trustee surplus may not be reduced to an amount less than 30 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers covered by the trust. In the case of a group including incorporated and individual unincorporated underwriters, the trust shall consist of a trustee account ~~representing the group's~~ in an amount not less than the respective underwriters' liabilities attributable to business written in the United States and, in addition, the group shall maintain a trustee surplus of which \$100 million shall be held jointly for the benefit of United States ceding insurers of any member of the group for all years of account; the incorporated members of the group shall not be engaged in any business other than underwriting as a member of the group and shall be subject to the same level of solvency regulation and control by the group's domiciliary regulator as are the unincorporated members; and, within 90 days after its financial

statements are due to be filed with the group's domiciliary regulator, the group shall ~~make available~~ provide to the Commissioner an annual certification of the solvency of each underwriter by the group's domiciliary regulator or, if a certification is unavailable, financial statements prepared by and its independent public accountants of each member of the group.

(B) In the case of a group of incorporated insurers under common administration which complies with the filing requirements contained in subparagraph (A) of this paragraph and which has continuously transacted an insurance business outside the United States for at least three years immediately prior to making application for accreditation, and submits to this state's authority to examine its books and records and bears the expense of the examination, and which has aggregate policyholders' surplus of \$10 billion; the trust shall be in an amount equal to the group's several liabilities attributable to business ceded by the United States ceding insurers to any member of the group pursuant to reinsurance contracts issued in the name of such group; plus the group shall maintain a joint trusted surplus of which \$100 million shall be held jointly for the benefit of United States ceding insurers of any member of the group as additional security for any such liabilities, and within 90 days after its financial statements are due to be filed with the group's domiciliary regulator, each member of the group shall make available to the Commissioner an annual certification of the member's solvency by the member's domiciliary regulator and financial statements prepared by its independent public accountant.

(C) ~~Such trust shall be established in a form~~ Credit for reinsurance shall not be granted under this paragraph unless the form of the trust and any amendments to the trust have been approved by the Commissioner commissioner of the state where the trust is domiciled or the commissioner of another state, who, pursuant to the terms of the trust agreement, has accepted principal regulatory oversight of the trust. The form of the trust and any trust amendments also shall be filed with the commissioner of every state in which the ceding insurer beneficiaries of the trust are domiciled. The trust ~~instruments~~ instrument shall provide that contested claims shall be valid and enforceable upon the final order of any court of competent jurisdiction in the United States. The trust shall vest legal title to its assets in the trustees of the trust for its United States ~~policyholders and~~ ceding insurers, their assigns, and successors in interest. The trust and the assuming insurer shall be subject to examination as determined by the Commissioner. The trust must remain in effect for as long as the assuming insurer shall have outstanding obligations due under the reinsurance agreements subject to the trust.

(D) No later than February 28 of each year the trustees of the trust shall report to the Commissioner in writing setting forth the balance of the trust and listing the trust's investments as of the end of the preceding year and shall certify the date of termination of the trust, if so planned, or certify that the trust shall not expire prior to the next following December 31;

(5) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (1), (2), (3), or (4) of this subsection ~~but only~~

with respect to the insurance of risks located in jurisdictions where such reinsurance is required by applicable law or regulation of that jurisdiction; and if such assuming insurer has been certified by the Commissioner as a reinsurer in this state and secures its obligations in accordance with the requirements of this subsection.

(A) In order to be eligible for certification, the assuming insurer shall meet the following requirements:

(i) The assuming insurer shall be domiciled and licensed to transact insurance or reinsurance in a qualified jurisdiction, as determined by the Commissioner pursuant to subparagraph (C) of this paragraph;

(ii) The assuming insurer shall maintain minimum capital and surplus, or its equivalent, in an amount to be determined by the Commissioner pursuant to regulation;

(iii) The assuming insurer shall maintain financial strength ratings from two or more rating agencies deemed acceptable by the Commissioner pursuant to regulation;

(iv) The assuming insurer shall agree to submit to the jurisdiction of this state, appoint the Commissioner as its agent for service of process in this state, and agree to provide security for 100 percent of the assuming insurer's liabilities attributable to reinsurance ceded by United States ceding insurers if it resists enforcement of a final United States judgment;

(v) The assuming insurer shall agree to meet applicable information filing requirements as determined by the Commissioner, both with respect to an initial application for certification and on an ongoing basis; and

(vi) The assuming insurer shall satisfy any other requirements for certification deemed relevant by the Commissioner.

(B) An association including incorporated and individual unincorporated underwriters may be a certified reinsurer. In order to be eligible for certification, in addition to satisfying requirements of subparagraph (A) of this paragraph:

(i) The association shall satisfy its minimum capital and surplus requirements through the capital and surplus equivalents, net of liabilities, of the association and its members, which shall include a joint central fund that may be applied to any unsatisfied obligation of the association of any of its members, in an amount determined by the Commissioner to provide adequate protection;

(ii) The incorporated members of the association shall not be engaged in any business other than underwriting as a member of the association and shall be subject to the same level of regulation and solvency control by the association's domiciliary regulator as are the unincorporated members; and

(iii) Within 90 days after its financial statements are due to be filed with the association's domiciliary regulator, the association shall provide to the Commissioner an annual certification by the association's domiciliary regulator of the solvency of each underwriter member; or if a certification is unavailable, financial statements, prepared by independent public accountants, of each underwriter member of the association.

(C) The Commissioner shall create and publish a list of qualified jurisdictions under which an assuming insurer licensed and domiciled in such jurisdiction is eligible to be considered for certification by the Commissioner as a certified reinsurer.

(i) In order to determine whether the domiciliary jurisdiction of a non-United States assuming insurer is eligible to be recognized as a qualified jurisdiction, the Commissioner shall evaluate the appropriateness and effectiveness of the reinsurance supervisory system of the jurisdiction, both initially and on an ongoing basis, and consider the rights, benefits, and the extent of reciprocal recognition afforded by the non-United States jurisdiction to reinsurers licensed and domiciled in the United States. A qualified jurisdiction shall agree to share information and cooperate with the Commissioner with respect to all certified reinsurers domiciled within that jurisdiction. A jurisdiction may not be recognized as a qualified jurisdiction if the Commissioner has determined that the jurisdiction does not adequately and promptly enforce final United States judgments and arbitration awards. Additional factors may be considered in the discretion of the Commissioner.

(ii) A list of qualified jurisdictions shall be published through the National Association of Insurance Commissioners (NAIC) Committee Process. The Commissioner shall consider this list in determining qualified jurisdictions. If the Commissioner approves a jurisdiction as qualified that does not appear on the list of qualified jurisdictions, the Commissioner shall provide thoroughly documented justification in accordance with criteria to be developed under regulations.

(iii) United States jurisdictions that meet the requirement for accreditation under the NAIC financial standards and accreditation program shall be recognized as qualified jurisdictions.

(iv) If a certified reinsurer's domiciliary jurisdiction ceases to be a qualified jurisdiction, the Commissioner has the discretion to suspend the reinsurer's certification indefinitely, in lieu of revocation.

(D) The Commissioner shall assign a rating to each certified reinsurer, giving due consideration to the financial strength ratings that have been assigned by rating agencies deemed acceptable to the Commissioner pursuant to regulation. The Commissioner shall publish a list of all certified reinsurers and their ratings.

(E) A certified reinsurer shall secure obligations assumed from United States ceding insurers under this subparagraph at a level consistent with its rating, as specified in regulations promulgated by the Commissioner.

(i) In order for a domestic ceding insurer to qualify for full financial statement credit for reinsurance ceded to a certified reinsurer, the certified reinsurer shall maintain security in a form acceptable to the Commissioner and consistent with the provisions of subsection (b) of this Code section, or in a multibeneficiary trust in accordance with paragraph (4) of this subsection, except as otherwise provided in this paragraph.

(ii) If a certified reinsurer maintains a trust to fully secure its obligations subject to paragraph (4) of this subsection, and chooses to secure its obligations incurred as a certified reinsurer in the form of a multibeneficiary trust, the certified reinsurer shall maintain separate trust accounts for its obligations incurred under reinsurance agreements issued or renewed as a certified reinsurer with reduced security as permitted by this subsection or comparable laws of other United States jurisdictions and for its obligations subject to paragraph (4) of this subsection. It shall be a condition to the grant of certification under this paragraph that the certified reinsurer shall have bound itself, by the language of the trust and agreement with the commissioner with principal regulatory oversight of each such trust account, to fund, upon termination of any such trust account, out of the remaining surplus of such trust any deficiency of any other such trust account.

(iii) The minimum trusteed surplus requirements provided in paragraph (4) of this subsection are not applicable with respect to a multibeneficiary trust maintained by a certified reinsurer for the purpose of securing obligations incurred under this subsection, except that such trust shall maintain a minimum trusteed surplus of \$10 million.

(iv) With respect to obligations incurred by a certified reinsurer under this subparagraph, if the security is insufficient, the Commissioner shall reduce the allowable credit by an amount proportionate to the deficiency, and shall have the discretion to impose further reductions in allowable credit upon finding that there is a material risk that the certified reinsurer's obligations will not be paid in full when due.

(v) For purposes of this subparagraph, a certified reinsurer whose certification has been terminated for any reason shall be treated as a certified reinsurer required to secure 100 percent of its obligations:

(I) As used in this subparagraph, the term 'terminated' refers to revocation, suspension, voluntary surrender, and inactive status.

(II) If the Commissioner continues to assign a higher rating as permitted by other provisions of this paragraph, this requirement shall not apply to a certified reinsurer in inactive status or to a reinsurer whose certification has been suspended.

(F) If an applicant for certification has been certified as a reinsurer in an NAIC accredited jurisdiction, the Commissioner shall have the discretion to defer to that jurisdiction's certification, and shall have the discretion to defer to the rating assigned by that jurisdiction, and such assuming insurer shall be considered to be a certified reinsurer in this state.

(G) A certified reinsurer that ceases to assume new business in this state may request to maintain its certification in inactive status in order to continue to qualify for a reduction in security for its in-force business. An inactive certified reinsurer shall continue to comply with all applicable requirements of this paragraph, and the Commissioner shall assign a rating that takes into account, if relevant, the reasons why the reinsurer is not assuming new business;

(6) Credit shall be allowed when the reinsurance is ceded to an assuming insurer not meeting the requirements of paragraph (1), (2), (3), (4) or (5) of this subsection, but only as to the insurance of risks located in jurisdictions where the reinsurance is required by applicable law or regulation of that jurisdiction;

~~(6)~~(7) If the assuming insurer is not licensed, or accredited, or certified to transact insurance or reinsurance in this state, the credit permitted by paragraphs (3) and (4) of this subsection shall not be allowed unless the assuming insurer agrees in the reinsurance agreements:

(A) That, in the event of the failure of the assuming insurer to perform its obligations under the terms of the reinsurance agreement, the assuming insurer, at the request of the ceding insurer, shall submit to the jurisdiction of any court of competent jurisdiction in any state of the United States, ~~will~~ shall comply with all requirements necessary to give the court jurisdiction, and ~~will~~ shall abide by the final decision of ~~such~~ the court or of any appellate court in the event of an appeal; and

(B) To designate the Commissioner or a designated attorney as its true and lawful attorney upon whom may be served any lawful process in any action, suit, or proceeding instituted by or on behalf of the ceding ~~company~~ insurer.

This paragraph is not intended to conflict with or override the obligation of the parties to a reinsurance agreement to arbitrate their disputes, if this obligation is created in the agreement;

(8) If the assuming insurer does not meet the requirements of paragraph (1), (2), or (3) of this subsection, the credit permitted by paragraph (4) or (6) of this subsection shall not be allowed unless the assuming insurer agrees in the trust agreements to the following conditions:

(A) Notwithstanding any other provisions in the trust instrument, if the trust fund is inadequate because it contains an amount less than the amount required by subparagraphs (A) and (B) of paragraph (4) of this subsection, as applicable, or if the grantor of the trust has been declared insolvent or placed into receivership, rehabilitation, liquidation, or similar proceedings under the laws of its state or country of domicile, the trustee shall comply with an order of the commissioner with regulatory oversight over the trust or with an order of a court of competent jurisdiction directing the trustee to transfer to the commissioner with regulatory oversight all of the assets of the trust fund;

(B) The assets shall be distributed by and claims shall be filed with and valued by the commissioner with regulatory oversight in accordance with the laws of the state in which the trust is domiciled that are applicable to the liquidation of domestic insurance companies;

(C) If the commissioner with regulatory oversight determines that the assets of the trust fund or any part thereof are not necessary to satisfy the claims of the United States ceding insurers of the grantor of the trust, the assets or part thereof shall be returned by the commissioner with regulatory oversight to the trustee for distribution in accordance with the trust agreement; and

(D) The grantor shall waive any right otherwise available to it under United States law that is inconsistent with this provision.

(9) If an accredited or certified reinsurer ceases to meet the requirements for accreditation or certification, the Commissioner may suspend or revoke the reinsurer's accreditation or certification.

(A) The Commissioner shall give the reinsurer notice and opportunity for hearing. The suspension or revocation shall not take effect until after the Commissioner's order on hearing, unless:

(i) The reinsurer waives its right to hearing;

(ii) The Commissioner's order is based on regulatory action by the reinsurer's domiciliary jurisdiction or the voluntary surrender or termination of the reinsurer's eligibility to transact insurance or reinsurance business in its domiciliary jurisdiction or in the primary certifying state of the reinsurer under subparagraph (F) of paragraph (5) of this subsection; or

(iii) The Commissioner finds that an emergency requires immediate action and a court of competent jurisdiction has not stayed the Commissioner's action.

(B) While a reinsurer's accreditation or certification is suspended, no reinsurance contract issued or renewed after the effective date of the suspension qualifies for credit except to the extent that the reinsurer's obligations under the contract are secured in accordance with subsection (b) of this Code section. If a reinsurer's accreditation or certification is revoked, no credit for reinsurance may be granted after the effective date of the revocation except to the extent that the reinsurer's obligations under the contract are secured in accordance with subparagraph (E) of paragraph (5) of this subsection or subsection (b) of this Code section.

(10) Concentration Risk:

(A) A ceding insurer shall take steps to manage its reinsurance recoverable proportionate to its own book of business. A domestic ceding insurer shall notify the Commissioner within 30 days after reinsurance recoverables from any single assuming insurers, or group of affiliated assuming insurers, exceeds 50 percent of the domestic ceding insurer's last reported surplus to policyholders, or after it is determined that reinsurance recoverables from any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(B) A ceding insurer shall take steps to diversify its reinsurance program. A domestic ceding insurer shall notify the Commissioner within 30 days after ceding to any single assuming insurer, or group of affiliated assuming insurers, more than 20 percent of the ceding insurer's gross written premium in the prior calendar year, or after it has determined that the reinsurance ceded to any single assuming insurer, or group of affiliated assuming insurers, is likely to exceed this limit. The notification shall demonstrate that the exposure is safely managed by the domestic ceding insurer.

(b) ~~A~~ An asset or a reduction from liability for the reinsurance ceded by a domestic insurer to an assuming insurer not meeting the requirements of subsection (a) of this Code section shall be allowed in an amount not exceeding the liabilities carried by the ceding insurer and such reduction shall be in the amount of funds held by or on behalf of the ceding insurer, including funds held in trust for the ceding insurer, under a reinsurance contract with such assuming insurer as security for the payment of obligations thereunder, if such security is held in the United States subject to withdrawal solely by, and under the exclusive control of, the ceding insurer; or, in the case of a trust, held in a qualified United States financial institution, as defined in paragraph (2) of subsection (c) of this Code section. This security may be in the form of:

(1) Cash;

(2) Securities listed by the Securities Valuation Office of the National Association of Insurance Commissioners, including those deemed exempt from filing as defined by the Purposes and Procedures Manual of the Securities Validation Office, and qualifying as admitted assets;

(3) Clean, irrevocable, unconditional letters of credit, issued or confirmed by a qualified United States institution, as defined in paragraph (1) of subsection (c) of this Code section, no later than December 31 of the year for which filing is being made, and in the possession of, or in the trust for, the ceding ~~company~~ insurer on or before the filing date of its annual statement. Letters of credit meeting applicable standards of issuer acceptability as of the dates of their issuance or confirmation shall, notwithstanding the issuing or confirming institution's subsequent failure to meet applicable standards of issuer acceptability, continue to be acceptable as security until their expiration, extension, renewal, modification, or amendment, whichever first occurs; or

(4) Any other form of security acceptable to the Commissioner.

(c)(1) For purposes of paragraph (3) of subsection (b) of this Code section, 'qualified United States financial institution' means an institution that:

(A) Is organized or, in the case of a United States office of a foreign banking organization, licensed under the laws of the United States or any state thereof;

(B) Is regulated, supervised, and examined by the United States federal or state authorities having regulatory authority over banks and trust companies; and

(C) Has been determined by either the Commissioner or the Securities Valuation Office of the National Association of Insurance Commissioners to meet such standards of financial condition and standing as are considered necessary and appropriate to regulate the quality of financial institutions whose letters of credit will be acceptable to the Commissioner.

(2) A 'qualified United States financial institution' means, for the purposes of those provisions of this Code section specifying those institutions that are eligible to act as a fiduciary of a trust, an institution that:

- (A) Is organized or, in the case of a United States branch or agency office of a foreign banking organization, licensed under the laws of the United States or any state thereof and has been granted authority to operate with fiduciary powers; and
- (B) Is regulated, supervised, and examined by federal or state authorities having regulatory authority over banks and trust companies."

SECTION 6.

Said title is further amended by revising paragraph (1) of subsection (c) of Code Section 33-24-45, relating to cancellation or nonrenewal of automobile or motorcycle policies and procedure for review by Commissioner, as follows:

"(1) The named insured failed to discharge when due any of his obligations in connection with the payment of premiums on such policy or any installment of premiums or the renewal of premiums, whether payable directly to the insurer or indirectly to the agent. Notwithstanding the provisions of subsection (d) of Code Section 33-24-44, such notice of cancellation issued to an insured, who is paying on a monthly basis, may be included with the bill issued to the insured, provided that the bill is mailed to the insured at least ten days prior to the due date;"

SECTION 7.

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

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	Y Holt	Morris	Y Smith, L
Y Battles	Y Drenner	Y Horne	Mosby	Y Smith, R
Beasley-Teague	E Dudgeon	Y Houston	Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Stephenson
Y Braddock	Epps, C	E 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	E Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley

Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E Randall	Y Wilkerson
Y Cheokas	E Hamilton	Y Lane	Y 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	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	Marin	Y Rynders	Y Williamson
Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 152, nays 0.

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

Representatives Beasley-Teague of the 65th, Dawkins-Haigler of the 93rd, McBrayer of the 153rd, Mosby of the 90th, and Stephenson of the 92nd 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.

Due to a mechanical malfunction, the votes of Representatives Hill of the 21st and Murphy of the 120th were not recorded on the preceding roll call. They wished to be recorded as voting "aye" thereon.

SB 357. By Senators Wilkinson of the 50th, Bulloch of the 11th, Heath of the 31st, Miller of the 49th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 14 of Title 2 of the Official Code of Georgia Annotated, relating to timber products generally, so as to repeal the "Georgia Treated Timber Products Act of 1973"; 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	Dawkins-Haigler	Y Hembree	McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Amerson	E 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	E 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	Mosby	Y Smith, R
E Beasley-Teague	E Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Stephenson
Y Braddock	Epps, C	E 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	E Johnson	Y Parrish	Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E Randall	Y Wilkerson
Y Cheokas	E 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
Cooper	Y Hatfield	Y Martin	Y 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.

Representatives Dawkins-Haigler of the 93rd, McBrayer of the 153rd, Mosby of the 90th, and Stephenson of the 92nd 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.

SB 337. By Senators Goggans of the 7th, Unterman of the 45th, Cowser of the 46th and Williams of the 19th:

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.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to provide that exemptions from certain unfair trade practices for certain wellness and health improvement programs and incentives include insurers issuing life plans; 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 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, is amended by revising Code Section 33-24-59.13, relating to exemptions from certain unfair trade practices for certain wellness and health improvement programs and incentives, as follows:

"33-24-59.13.

(a) An insurer issuing life, comprehensive, major medical group, or individual health insurance benefit plans may, in keeping with federal requirements, offer wellness or health improvement programs, including voluntary wellness or health improvement programs that provide for rewards or incentives, including, but not limited to, merchandise, gift cards, debit cards, premium discounts, credits or rebates, contributions towards a member's health savings account, modifications to copayment, deductible, or coinsurance amounts, cash value, or any combination of these incentives, to encourage participation in such wellness or health improvement programs and to reward insureds for participation in such programs.

(b) The offering of such rewards or incentives to insureds under such wellness or health improvement programs shall not be considered an unfair trade practice under Code Section 33-6-4 if such programs are filed with the Commissioner and made a part of the life or health insurance master policy and certificates or the individual life or health insurance evidence of coverage as a policy amendment, endorsement, rider, or other form of policy material as agreed upon by the Commissioner. The Commissioner shall be authorized to develop an automatic or expedited approval process for review of such wellness or health improvement programs, including those programs already approved under the laws and regulations of other states."

SECTION 2.

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

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

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

Y Abdul-Salaam	Y Davis	Heckstall	Y Mayo	E Setzler
Y Abrams	Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Amerson	E 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	E 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	Mosby	Y Smith, R
E Beasley-Teague	E Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Stephenson
Y Braddock	Y Epps, C	E 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	Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E Randall	Y Wilkerson
Y Cheokas	E Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	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
Cooper	Y Hatfield	Y Martin	Y 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.

Representatives Dawkins-Haigler of the 93rd, Long of the 61st, and Mosby of the 90th 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.

Representative Stephenson of the 92nd stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

SB 464. By Senators Ligon, Jr. of the 3rd and Jackson of the 2nd:

A BILL to be entitled an Act to amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to crabs, so as to limit the number of commercial crabbing licenses issued; to provide for the requirement of a court document when transferring a commercial crabbing licenses upon a death; to provide for the sale of commercial crabbing licenses in certain instances; to provide for specific penalties for the unlawful taking of crabs from the traps of another; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide for new fishing license requirements; to create a one-day salt-water shore fishing license; to limit the number of commercial crabbing licenses issued; to provide for the requirement of a court document when transferring a commercial crabbing licenses upon a death; to provide for the sale of commercial crabbing licenses in certain instances; to provide for specific penalties for the unlawful taking of crabs from the traps of another; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1A.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended in Code Section 27-2-23, relating to licenses, permits, tags, and stamp fees, by adding a new subparagraph in paragraph (4) to read as follows:

<u>"(I) Salt-water shore fishing license</u>	<u>One-day</u>	<u>5.00"</u>
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SECTION 1B.

Said title is further amended by revising subsection (e) of Code Section 27-4-150, relating to taking, possessing, and dealing in crabs and peelers, as follows:

~~"(e)(1) The department shall begin issuing commercial crabbing licenses on April 1, 1995; provided, however, that until July 1, 1998, only a person who was in possession of a valid 1994 1995 license year commercial fishing license, who was listed as an owner or a captain on a valid 1993 1994 or 1994 1995 nontrawler commercial fishing boat license, and who can provide evidence satisfactory to the department that he or she commercially sold crabs ex vessel during either the 1993 1994 or 1994 1995 license years shall be eligible to be issued a commercial crabbing license; provided, further, that the department may, in its discretion, issue a commercial crabbing license to a person who produces documentation satisfactory to the department that he or she, because of hardship, was unable to obtain a commercial fishing license during the 1994 1995 licensing year. A license issued pursuant to this paragraph shall be nontransferable and shall be issued annually for the fee specified in Code Section 27-2-23.~~

(2) Except as provided in Code Section 27-4-133, from April 1, 1995, only a person in possession of a valid commercial crabbing license may operate a commercial fishing boat for the purpose of commercial crabbing activities as provided for in subsections (b) and (c) of this Code section. Such license shall be distinct from and in addition to the commercial fishing boat license required by Code Section 27-2-8.

~~(3) On and after July 1, 1998, only those persons who were in possession of a commercial crabbing license and were listed as the owner or captain on a nontrawler commercial fishing boat license in two of the three license years from the 1995 1996 license year through the 1997 1998 license year and can provide evidence satisfactory to the department that he or she sold crabs ex vessel during the time he or she was so licensed shall be eligible to be issued a commercial crabbing license. Any person desiring a commercial crabbing license for the 1998 1999 license year must make application not later than August 31, 1998.~~

~~(4)~~(2) On and after May 1, 2013, the The total number of new commercial erab crabbing licenses issued for license years after the 1998 1999 license year shall not exceed the number of such licenses issued for the 1998 1999 license year shall not exceed 100. Those commercial crabbing licenses issued prior to May 1, 2013, shall remain active until such time the license is not renewed. Any license which is not renewed by May 1 of any license year ~~subsequent to the 1998 1999 license year~~ shall revert to the department for reissue by lottery devised and operated by the department. No person may hold more than one license at any time.

~~(5)~~(3) Commercial erab crabbing licenses may not be sold for consideration and may not be transferred to another person; provided, however, that such licenses may only be transferred: to any person not holding a current commercial crabbing license unless otherwise prohibited by law or regulation.

(4) Commercial crabbing licenses may be transferred

~~(A) Without payment of the license fee to the licensee's spouse, children, lineal descendants, siblings, or parents lineal ancestors if the licensee dies or is permanently and totally disabled. An instrument of the court declaring the rightful heir or recipient may be required for transfers upon a death. For purposes of this Code section, a permanent, total disability shall be a physical or mental impairment of a total and permanent nature which prevents gainful employment and which is certified as such by the United States Department of Veterans Affairs, the Social Security Administration, Medicaid, medicare, the Railroad Retirement System, or a unit of federal, state, or local government recognized by the board by rule or regulation. The transferee of a license so transferred shall engage in commercial crabbing as evidenced by his or her commercial crab harvest records within two years after such transfer or the license shall revert to the department for reissue as provided in paragraph (4)(2) of this subsection; or.~~

~~(B) With payment to the department of the license fee to any person who is the bona fide purchaser of the nontrawler boat or vessel the licensee used for crabbing and designated for such purpose as provided in subsection (e) of Code Section 27-4-151.~~

~~(6) Any person receiving a commercial crab crabbing license by transfer as provided in subparagraphs (A) and (B) of paragraph(5) of this subsection shall register such transfer with the department and pay to the department the license fee, if so required, within 30 days following the date of the transfer."~~

SECTION 2.

Said title is further amended by revising subsection (d) and paragraph (3) of subsection (g)

of Code Section 27-4-151, relating to the use of crab traps, as follows:

"(d)(1) When the float of a commercial crab trap has been identified as provided in this Code section, it shall be unlawful for any person, other than the licensed commercial crab fisherman or a sole individual licensed as required in subsection (b) of Code Section 27-4-150 and carrying on his or her person written permission from the licensed commercial crab fisherman if the department has been previously notified in writing of such permission, to pull such trap or to take crabs from such trap or intentionally to damage, destroy, remove from the water any crab trap or float thereof, or to use such a float for any purpose. It shall also be unlawful for any person to use such a float for any purpose other than to mark a submerged crab trap. For purposes of determining the number of crab traps a person is employing, it shall be conclusively presumed that a crab trap is tethered to each such float.

(2) In addition to the penalty provided by Code Section 27-1-38, any person convicted of violating the provisions of this subsection shall be penalized as follows:

(A) On a first offense, his or her crabbing license shall be suspended for a period of three months, during which time the person shall be ineligible to apply for a new license and upon the completion of which he or she may renew the license;

(B) On a second offense, his or her crabbing license shall be suspended for a period of six months, during which time the person shall be ineligible to apply for a new license and upon the completion of which he or she may renew the license; and

(C) On a third or any subsequent offense, his or her crabbing license shall be permanently revoked and the person shall be prohibited from purchasing a license in the future."

"(3) Any person violating the provisions of paragraph (1) or (2) of this subsection shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be punished by a fine of not more than \$2,000.00 or incarceration for not longer than one year or both. In addition to such criminal penalty, any person found guilty of employing more than the permitted number of crab traps shall pay a civil fine of \$100.00 for each excess trap. In addition to such criminal and civil penalties, the license of any person found guilty of employing more than 50 excess crab traps shall be suspended for one year, during which time the person shall be ineligible to apply for a new license and upon the completion of which he or she may renew the license. Upon a second or subsequent such offense, the person's license shall be revoked for one year, and at the end of that time such person must apply for a new license as if he or she had never before been in possession of a license; provided, however, that such individual shall not be eligible to receive a license through transfer pursuant to paragraph ~~(5)~~ (3) or (4) of subsection (e) of Code Section 27-4-150."

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	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	E Dickerson	Y Hightower	McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Y Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E Smith, E
Y Atwood	Y Dobbs	Y Holmes	Y Morgan	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	E Dudgeon	Y Houston	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley

Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
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	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Y Weldon
Y Channell	Y Greene	Y Knight	E Randall	Y Wilkerson
Y Cheokas	E Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	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	Y 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 159, nays 2.

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

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

By unanimous consent, the following Bill of the Senate, having been previously postponed, was again 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.

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

HOUSE SUPPLEMENTAL RULES CALENDAR
MONDAY, MARCH 26, 2012

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 38th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

HR 1731 House Comprehensive Motor Vehicle and Traffic Reform Study Committee; create (JudyNC-Rice-51st)

Modified Open Rule

SB 117 Levy/Sale of Property; increase the amount of certain exemptions (Judy-Jacobs-80th) Stone-23rd
 SB 268 Board of Education of Jones County; provide that future elections for members shall be conducted on a nonpartisan basis (IGC-Holmes-125th) Staton-18th

Modified Structured Rule

SB 236 Drivers' Licenses; persons convicted under the influence; allow certain drivers with suspended licenses; limited driving permits (Substitute)(JudyNC-Ramsey-72nd) Cowsert-46th
 SB 302 Georgia Higher Education Facilities Authority; increase the amount of bonding authority (HEd-Rogers-26th) Staton-18th

Structured Rule

SB 402 "Employees' Retirement System of Georgia Enhanced Investment Authority Act"; define certain terms relating to certain types of investments (Substitute)(Ret-Maxwell-17th) Golden-8th
 SR 843 Bert Ward Memorial Bridge; Catoosa County; dedicate (Substitute)(Trans-Roberts-154th) Mullis-53rd

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

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

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

HR 1731. By Representatives Rice of the 51st, Golick of the 34th, Powell of the 29th, Setzler of the 35th, Harden of the 28th and others:

A RESOLUTION creating the House Comprehensive Motor Vehicle and Traffic Reform Study Committee; and for other purposes.

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

On the adoption of the Resolution, 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	E Dickerson	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	E Smith, E
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	E Dudgeon	Y Houston	Y Murphy	Y Smith, T
Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y 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	Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	E Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	E Greene	Y Knight	E Randall	Y Wilkerson
Y Cheokas	E Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	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	Y Marin	Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, the ayes were 154, nays 0.

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

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 268. By Senators Staton of the 18th and Grant of the 25th:

A BILL to be entitled an Act to amend an Act creating a Board of Education of Jones County, approved March 21, 1984 (Ga. L. 1984, p. 4459), as amended, particularly by an Act approved May 30, 2003 (Ga. L. 2003, p. 3836), so as to provide that future elections for board of education members shall be conducted on a nonpartisan basis; to provide for applicability; to provide for related matters; to provide for submission for preclearance pursuant to 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.

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
N Allison	Y Dempsey	Y Henson	Y McCall	Sheldon
Y Amerson	E Dickerson	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	E Smith, E
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	E Dudgeon	Y Houston	N Murphy	Smith, T
Y Bell	Dukes	N Howard	N Neal, J	Y Smyre
Y Benfield	N Dunahoo	Y Hudson	Neal, Y	N Spencer
N Benton	N Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Beverly	Y Ehrhart	Y Jackson	Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Y Stephenson
N Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
N Brockway	Y Epps, J	N Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	N Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	N Teasley
Y Burns	Y Fullerton	N Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	Y Powell, J	Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	E Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	N Kirby	Ramsey	N Weldon

Y Channell	E Greene	Y Knight	E 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	Long	Y Riley	Y Williams, A
Y Coleman	Y Harden, B	E Maddox, B	Y Roberts	Y Williams, C
N Collins	N Harden, M	Maddox, G	N Rogers, C	Y Williams, E
N Cooke	N Harrell	Y Manning	N Rogers, T	Y Williams, R
Coomer	Y Hatchett	Y Marin	N Rynders	N Williamson
Y Cooper	N Hatfield	N Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	N Maxwell	N Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 120, nays 30.

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

Representatives Long of the 61st and Waites of the 60th 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 Dollar of the 45th and Welch of the 110th stated that they inadvertently voted "aye" on the preceding roll call. They wished to be recorded as voting "nay" thereon.

SR 843. By Senator Mullis of the 53rd:

A RESOLUTION honoring the life of Mr. Bert Ward and dedicating a bridge in his memory; and for other purposes.

The following Committee substitute was read and adopted:

A RESOLUTION

Dedicating certain portions of the state highway system; repealing certain resolutions; repealing conflicting laws; and for other purposes.

PART I

WHEREAS, Mr. Bert Ward was born on May 30, 1922, in Catoosa County, Georgia, was educated in the Catoosa County public school system, and graduated from Ringgold High School; and

WHEREAS, Mr. Ward served as a guardian of this nation's freedom and liberty with the United States Navy, valiantly and courageously protecting his fellow Americans during World War II on the *USS Gillis* and the *USS Williamson* in the Pacific; and

WHEREAS, he sustained injuries during his service when his ship was torpedoed by Japanese submarines in the North Pacific; and

WHEREAS, upon returning home after the war, Mr. Ward continued his public service as Catoosa County Tax Commissioner, diligently and conscientiously devoting innumerable hours of his time, talents, and energy toward the betterment of his community and state for 19 years; and

WHEREAS, he was elected to represent Catoosa County as a State Representative in the Georgia General Assembly in 1967 and 1968; and

WHEREAS, Mr. Ward served as a judge in Catoosa County for several years before he was elected to serve on the Board of Commissioners of Catoosa County; and

WHEREAS, as a member of the Board of Commissioners, Mr. Ward was instrumental in establishing procedures, policies, and rules and regulations of the board and helped in the establishment of the county's 911 emergency response system and the naming of the Catoosa Parkway; and

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

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

PART II

WHEREAS, the Rev. Martin Luther King, Jr., stands as one of the most prominent Georgians of the 20th Century; and

WHEREAS, Rev. King attended public school in Georgia, graduating from high school at the age of 15, and received his bachelor's degree in 1948 from Morehouse College; and

WHEREAS, after three years of theological study at Crozer Theological Seminary in Pennsylvania, where he was elected president of the senior class, he was awarded a divinity degree in 1951, and, with a fellowship won at Crozer, he enrolled in graduate studies at Boston University, completing his residence for the doctorate in 1953 and receiving his doctoral degree in 1955; and

WHEREAS, in 1957, he was elected president of the Southern Christian Leadership Conference, and, in the 11 years between 1957 and 1968, he traveled over 6 million miles

and spoke over 2,500 times in support of civil rights and wrote five books as well as numerous articles; and

WHEREAS, he led a massive protest in Birmingham, Alabama, that caught the attention of the entire world, providing what he called a coalition of conscience and inspiring his "Letter from a Birmingham Jail," a manifesto of the Civil Rights Movement in the United States; and

WHEREAS, he also planned and participated in numerous protests and demonstrations for the cause of civil rights including the peaceful march on Washington, D.C., of 250,000 people to whom he delivered his famous "I Have a Dream" address at the Lincoln Memorial; and

WHEREAS, he was awarded five honorary degrees; was named Man of the Year by *Time* magazine in 1963; and, at the age of 35, was the youngest man to have been awarded the Nobel Peace Prize; and

WHEREAS, through his tireless work on behalf of civil rights for all people, he became not only the symbolic leader of African Americans in the United States but also a world figure in the fight for justice for all; and

WHEREAS, it is fitting and proper to dedicate the entire length of Snapfinger Road in DeKalb County from its intersection with Wesley Chapel Road to the Henry County line as the Martin Luther King, Jr. Parkway as an appropriate tribute to this outstanding Georgian.

PART III

WHEREAS, Roy Parrish was born in Walker County, Georgia, on November 29, 1933, one of four children born to Roy E. Parrish, Sr., and the former Annie May Autry; the Parrish family and the Autry family were pioneers to Walker County and have made this county their homes since the eighteenth century; and

WHEREAS, Mr. Parrish was educated in the City of Chickamauga School System and graduated from Gordon Lee High School in 1953; he started to work for the Chickamauga Telephone Company while still in high school, and he remained in their employ for 19 years, the last several as general manager; and

WHEREAS, he also served two years on active duty with the United States Army in Korea; and

WHEREAS, he was elected Sole Commissioner of Walker County in the Democratic Primary of 1972 and took office January 1, 1973; he went on to serve six, four-year terms; and

WHEREAS, some of his major accomplishments include building the first sanitary landfill in 1973 and operating it for 23 years; building and paving the county roads; passing the first Local Option Sales Tax Referendum in 1977 that rolled back county property tax and for the first time offered property tax relief to the local community; building the civic center, pavilion, and the 911 Center; building a tunnel from the courthouse to the jail for security; and building and operating an animal shelter, 16 fire stations, and 126 bridges; and

WHEREAS, Mr. Parrish worked with Georgia Department of Transportation and the United States Department of the Interior as well as the National Park Service and Congressman Buddy Darden to get a better corridor through or around the Chickamauga Battlefield and was largely responsible for getting the western route through Walker County established as the relocated Highway 27 around the Chickamauga National Park; and

WHEREAS, he has been married to the former Cora Ann Kell, also a native of Walker County, for more than 50 years, and they have two children, two grandchildren, and two great-grandchildren; they live in the City of Chickamauga where they are active members of the Elizabeth Lee United Methodist Church; and

WHEREAS, he retired, undefeated, from public office in 1996 and now enjoys the freedom of retirement; he and Cora Ann spend time traveling, enjoying their family, gardening, and working in their church where Roy has recruited many of his friends; and

WHEREAS, it is only fitting and proper that a lasting tribute to this life of public service be established.

PART IV

WHEREAS, Dr. Johnny M. Hunt has demonstrated his commitment to teaching the Gospel, witnessing Christ through word and deed, and addressing the physical, psychological, intellectual, and spiritual needs of others; and

WHEREAS, Dr. Hunt was born on July 17, 1952, in Lumberton, North Carolina, and is a graduate of Gardner-Webb College and Southeastern Baptist Theological Seminary; and

WHEREAS, he has served as pastor of Longleaf Baptist Church in Wilmington, North Carolina; Falls Baptist Church in Wake Forest, North Carolina; and Lavonia Baptist Church in Mooresboro, North Carolina; and

WHEREAS, Dr. Hunt was called by the Lord in 1986 to lead the congregation of First Baptist Church of Woodstock as the church's senior pastor; and

WHEREAS, his vision and direction have helped First Baptist Church of Woodstock grow in size and influence, uplifting the community like the light of Bethlehem and serving as a spiritual leader and place for fellowship; and

WHEREAS, Dr. Hunt has served as president of the Southern Baptist Convention and president of the Pastors' Conference of the Southern Baptist Convention; and

WHEREAS, whether the task is preparing a sermon, visiting the sick, counseling the troubled, baptizing a new believer, or acting as a theologian, educator, administrator, or humanitarian, Dr. Hunt serves as a shining example of God's righteous path; and

WHEREAS, the unmatched spiritual assistance offered by Dr. Hunt is a source of strength and direction for persons in all walks of life and from all economic strata; and

WHEREAS, it is abundantly fitting and proper that this enduring example of God's message of peace and love be recognized.

PART V

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

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

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

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

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

PART VI

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Lance Corporal William Taylor Richards; and

WHEREAS, Lance Corporal Richards served as a guardian of this nation's freedom and liberty with the United States Marines Corps; and

WHEREAS, he was born on January 31, 1990, in Trenton, Georgia, and graduated from Dade County High School, where he was known as a talented musician; and

WHEREAS, Lance Corporal Richards was stationed in the Helmand province of Afghanistan when he was killed while serving in support of Operation Enduring Freedom; and

WHEREAS, Lance Corporal Williams was awarded a Rifle Expert Medal, an Afghanistan Campaign Medal, a National Defense Service Medal, a Global War Service Medal, a War on Terrorism Medal, and a Purple Heart; and

WHEREAS, he leaves behind many who will cherish his memory, including his wife Emily and his beautiful daughter Kayden Leigh; and

WHEREAS, it is only fitting and proper that a lasting memorial to Lance Corporal Richards' life of service to his country be established.

PART VII

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

WHEREAS, Mr. Long diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service to the City of Woodstock as a city council member, a member of the Planning Commission, a city judge, and mayor over the course of 40 years; and

WHEREAS, first elected to serve the public in 1966 as a member of the Woodstock City Council, Mr. Long is one of Woodstock's most distinguished citizens and dedicated servants; and

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

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

PART VIII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. Preston B. Lewis, Jr.; and

WHEREAS, a graduate of Waynesboro High School, Mr. Lewis served as a guardian of this nation's freedom and liberty with the United States Army, valiantly and courageously protecting America during the Korean War; and

WHEREAS, he trained at the United States Navy Submarine School, received a Bronze Star, and attained the rank of captain; and

WHEREAS, Mr. Lewis graduated from the University of Georgia with a bachelor's degree in business administration and a law degree before he joined his father's legal practice, Lewis & Lewis, where he practiced law for 30 years; and

WHEREAS, he served as juvenile court judge for more than 30 years and served the people of Georgia as a member of the Georgia House of Representatives for six terms and the Georgia Senate for one term; and

WHEREAS, a community leader, Mr. Lewis was a Rotarian and served as president of the Waynesboro Shrine Club and as a member of the Waynesboro Masonic Lodge, the American Legion, and First United Methodist Church; and

WHEREAS, he left behind many who will cherish his memory, including his wife of 58 years, Katherine Honey Hill; four children, Preston Brooks Lewis III, Clifford Ellis Lewis, Julian Carlton Lewis, and Katherine Virginia Lewis Jones; and 11 grandchildren; and

WHEREAS, it is only fitting and proper that a lasting memorial to Mr. Lewis' life of service to this state be established.

PART IX

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Deputy James D. Paugh on October 23, 2011; and

WHEREAS, Deputy Paugh was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, known by friends and family as "J.D.," Deputy Paugh was a dedicated deputy with the Richmond County Sheriff's Office for 17 years; and

WHEREAS, Deputy Paugh's life was tragically cut short after stopping behind a vehicle on Interstate Route 520 in Augusta-Richmond County when the occupant of the vehicle opened fire upon him; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and his efficient and effective commitment to excellence was continually recognized by his peers; and

WHEREAS, a native of Augusta, Georgia, Deputy Paugh was the beloved son of Wayne and Anita Paugh and father of Brandon; and

WHEREAS, Deputy Paugh was a dedicated public servant who will long be remembered for his courage and selflessness, and he will be missed by all who had the great fortune of knowing him.

PART X

WHEREAS, Mr. John S. Gibson played a vital role in leadership and demonstrated deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mr. Gibson was born in Folkston, Georgia, one of 11 beloved children of William Owen and Julia Ann Gibson; and

WHEREAS, a graduate of Georgia State Normal College and Business Institute, Mr. Gibson was admitted to the bar in 1922 and had a reputation as an aggressive trial lawyer who was well known for his colorful and humorous arguments; and

WHEREAS, Mr. Gibson served as solicitor-general for the City of Douglas and the Waycross Circuit Court before serving as a United States Congressman for the Eighth District of Georgia; and

WHEREAS, he represented the people of Georgia for three terms and is credited with playing a decisive role in the passage of the Servicemen's Readjustment Act of 1944, better known as the G.I. Bill; and

WHEREAS, he was a person of magnanimous strengths with an unimpeachable reputation for integrity, intelligence, fairness, and kindness; and

WHEREAS, Mr. Gibson served with honor and distinction for the State of Georgia and this nation, and his vision and unyielding commitment set the standard for public service; and

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

PART XI

WHEREAS, written and composed by Ricky Fitzpatrick, "Highway 98" describes the joy of traveling down one of Georgia's great highways; and

WHEREAS, the lyrics tell of local landmarks from Commerce to Danielsville to the farms and barns of Midway and beyond; and

WHEREAS, a long, straight, and picturesque road, Highway 98 is surrounded by pastures and wide open spaces; and

WHEREAS, the feeling of freedom and nostalgia for a simpler time that one gets when driving down Highway 98 is depicted perfectly in the lyrics of Fitzpatrick's "Highway 98"; and

WHEREAS, it is abundantly fitting and proper that "Highway 98" be recognized for its promotion of Georgia and its tribute to one of this state's great roads.

PART XII

WHEREAS, Mrs. Ruth B. Crawford has long been recognized by the citizens of this state for the vital role that she has played in leadership and her deep personal commitment to the welfare of the citizens of Georgia; and

WHEREAS, Mrs. Crawford earned a bachelor's degree from Paine College and a master's degree from Indiana University and dedicated 38 years to uplifting the lives of students through her work in the field of education; and

WHEREAS, upon her retirement from the Richmond County School System in 1977, Mrs. Crawford founded the Shiloh Comprehensive Community Center, where she served for 30 years as founding executive administrator; and

WHEREAS, her contributions to education and her community have been recognized with numerous honors and accolades, including the Jefferson Award for Outstanding Service from WJBF-TV, Humanitarian of the Year Award from University Hospital, Good Samaritan Award from the St. Joseph Foundation, Anna Eleanor Roosevelt Award from Alpha Kappa Alpha Sorority, and a Women of Distinction Award from the Girl Scouts of America; and

WHEREAS, a resident of Augusta, Georgia, Mrs. Crawford is a long-time supporter of Paine College, serves as a charter member of the Presidents Club, has been selected as one of the Distinguished Alumni, and assisted in designing the school flag; and

WHEREAS, Mrs. Crawford has lived on State Route 4 in Richmond County for over 45 years, where she has attended Williams Memorial CME Church and dedicated her time to improving the lives of others in the community; and

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

PART XIII

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Deputy James D. Paugh on October 23, 2011; and

WHEREAS, Deputy Paugh was highly regarded by the citizens of his community and state and by local government officials as a person of unquestioned integrity and dedication to the sound principles of law enforcement; and

WHEREAS, known by friends and family as "J.D.," Deputy Paugh was a dedicated member of the Richmond County Sheriff's Office for 17 years; and

WHEREAS, Deputy Paugh's life was cut tragically short while protecting the public near the interchange of U.S. Route 78/State Route 10 with Interstate Route 520 in Augusta-Richmond County; and

WHEREAS, he exhibited extraordinary devotion to duty, outstanding loyalty, fine leadership, and meticulous attention to detail in all his duties, and his efficient and effective commitment to excellence was continually recognized by his peers; and

WHEREAS, Deputy Paugh was a dedicated public servant who will long be remembered for his courage and selflessness, and he will be missed by all who had the great fortune of knowing him.

PART XIV

WHEREAS, the State of Georgia mourns the loss of one of its most distinguished citizens with the passing of Mr. John B. Box on February 12, 2012; and

WHEREAS, Mr. Box was a well known and beloved resident of Greene County, Georgia, where he owned The Richland Bar for nearly 30 years; and

WHEREAS, a talented artist, Mr. Box sung professionally for over three decades and served as the headlining artist for such stars as Frank Sinatra, Tony Bennett, Perry Como, and Al Martino; and

WHEREAS, known as the Golden Voice of Greensboro, Mr. Box performed the National Anthem at numerous local sporting events and public gatherings; and

WHEREAS, a man of deep and abiding faith, Mr. Box was a long-time member of First United Methodist Church, where he contributed to the chorus; and

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

PART XV

WHEREAS, Harold Shedd is highly regarded by the citizens of Haralson County and the State of Georgia as a giant and a visionary in the music industry; and

WHEREAS, he was born on November 8, 1931, and began work in Bremen as a member of a local band; and

WHEREAS, he worked in radio for 14 years as a disk jockey, engineer, sales manager, and, finally, station owner and, in 1972, he sold radio station WWCC and moved to Nashville, Tennessee where, by 1979, he was co-owner of the Music Mill recording studio, which during its heyday was known as one of the top ten recording studios in Nashville; and

WHEREAS, he was instrumental in discovering the group Alabama and signing them to RCA and producing 21 consecutive number one hits for the band, a record that stands to this day; and

WHEREAS, he also produced albums for Roger Miller, Mel Tillis, Louise Mandrell, Dobie Gray, K. T. Oslin, Glen Campbell, and Willie Nelson; and

WHEREAS, his collaboration with Reba McIntire led to her first gold record; and

WHEREAS, in 1988, he joined Mercury Polygram Records Nashville where, over the next six years, he oversaw the signing of Kentucky Headhunters, Shania Twain, Billy Ray Cyrus, Toby Keith, and Kathy Mattea; and

WHEREAS, in 1989, he was inducted into the Georgia Music Hall of Fame; and

WHEREAS, he is still the all-time, number one country independent record producer; and

WHEREAS, it is fitting and proper to dedicate United States Highway 27 in Haralson County from the Polk County line to the Carroll County line as the Harold Shedd Highway as an appropriate tribute to this outstanding Georgian.

PART XVI

WHEREAS, on December 17, 2005, the State of Georgia lost one of its finest and most outstanding citizens with the passing of Mr. Charles N. "Judy" Poag; and

WHEREAS, Charles Poag graduated from Murray County High School in 1951, and he treasured the Cleveland Indian's baseball jacket he earned while pitching for the Cleveland farm club; and

WHEREAS, after obtaining a degree from Lincoln Memorial College in 1955, he returned to Murray County High School where he made headlines in the early years of his teaching and coaching career by being the first coach to take the girls team to the state playoffs; and

WHEREAS, Charles Poag's prominent political career began in 1960 when he was the youngest sheriff ever elected in Georgia, serving 16 years in office; and

WHEREAS, he also worked as a police officer for the Chatsworth Police Department for five years and as a state investigator for the State of Georgia in addition to being a member of the Georgia House of Representatives for ten years, prodigiously serving the State of Georgia and its citizens with an unwavering commitment to honor and integrity; and

WHEREAS, he dedicated his life to helping others, especially the senior citizens of Murray County, for whom he was the driving force that led to the building of the senior citizens center in Chatsworth appropriately named the "Charles Judy Poag Senior Citizen Center"; and

WHEREAS, he was a loving husband, father, and grandfather, and his passing left an unfillable void in the hearts and lives of his family, friends, and associates.

PART XVII

WHEREAS, Lieutenant Kelso C. Horne served as a guardian of this nation's freedom and liberty as a second lieutenant in the 82nd Airborne Division during World War II; and

WHEREAS, Lieutenant Horne was a resident of Dublin, Georgia, and graced the cover of *LIFE* magazine on August 14, 1944, as a representation of the one of thousands of men who were fighting to win the battle for France; and

WHEREAS, at 2:06 A.M. on June 6, 1944, Lieutenant Horne leapt from his transport plane and parachuted into Normandy; and

WHEREAS, after weeks of fighting to gain ground against the enemy, Lieutenant Horne was at the head of an infantry column that was advancing on a German-held town when he was stopped by a staff car and asked to be photographed; and

WHEREAS, Lieutenant Horne was injured by shellfire in July 1944, and as he healed from his injuries in England he saw his photo on the cover of *LIFE* magazine; and

WHEREAS, after he returned home from the war, Lieutenant Horne continued to serve his country with the United States Postal Service; and

WHEREAS, it is only fitting and proper that a lasting tribute to Lieutenant Horne's memory and life of service to his country be established.

PART XVIII

WHEREAS, Hugh Carroll Butler was born on September 1, 1934, in Ramhurst, Georgia, and passed away on December 22, 2010; and

WHEREAS, he lived in Port Wentworth, Georgia, for 48 years after moving to the area with his wife while serving in the United States Air Force; and

WHEREAS, he was a member of the city council of Port Wentworth for 20 years; and

WHEREAS, he served for many years as the chairman of the Good Samaritan Committee of Port Wentworth, which was formed to help travelers in need of assistance and to deliver baskets of food to needy families during the Christmas season; and

WHEREAS, Carroll was a member of the Lions Club for over 25 years and served as its president on several occasions; and

WHEREAS, he was an active member of the First Baptist Church of Port Wentworth for 45 years, serving as a deacon and Sunday school director; and

WHEREAS, he and his wife of nearly 55 years, Carolyn Scott Butler, were blessed with two children, four grandchildren, and two great-grandchildren; and

WHEREAS, it is only fitting and proper that the life well lived of Hugh Carroll Butler, with his devotion to his family, his church, his community, and his country, be memorialized with a lasting monument.

PART XIX

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

WHEREAS, Mr. Wetherington diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service to the Columbus Police Department, the State Board of Pardons and Paroles, and the Department of Corrections; and

WHEREAS, he earned a bachelor's degree from Columbus State University and a master's degree from Georgia State University; and

WHEREAS, he served as a guardian of this nation's freedom and liberty with the United States Army; and

WHEREAS, Mr. Wetherington served as president of the Georgia Association of Chiefs of Police, an organization which recognized him as Police Chief of the Year in 1994; and

WHEREAS, his significant organizational and leadership talents, his remarkable patience and diplomacy, his keen sense of vision, and his sensitivity to the needs of the citizens of this state earned him the respect and admiration of his colleagues and associates; and

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

PART XX

WHEREAS, Mrs. Glenda and Dr. John Covington have been residents of Paulding County, Georgia, since 1958; and

WHEREAS, in addition to establishing a thriving and caring medical practice in Paulding County, Dr. Covington opened a local branch of Citizens Bank and a savings and loan bank; and

WHEREAS, Dr. Covington served as Paulding County's medical examiner for several years, is a founding member of the county chapter of the Jaycees, and built the medical arts clinic/hospital in the 1960's; and

WHEREAS, he has been recognized with numerous honors and accolades, including Jaycees 1970's Citizen of the Year and the 2010 Chamber of Commerce Citizen of the Year; and

WHEREAS, Dr. and Mrs. Covington's six remarkable children inspired them to ensure all children of Paulding County had access to a safe place to play, and they were instrumental in the building of the recreation center in Dallas; and

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

PART XXI

WHEREAS, the freedoms that we as Americans enjoy are guarded by the men and women who proudly serve in our country's armed forces; and

WHEREAS, Sergeant Major James E. Jones, a citizen of the town of Alapaha in Berrien County, went missing in action and was presumably killed on October 6, 1966, while on an intelligence gathering mission in Laos with the United States Army's Fifth Special Forces; and

WHEREAS, Sergeant Major Jones was serving his second tour of duty in Southeast Asia at the time he was declared missing in action; and

WHEREAS, it is only fitting and proper that this American hero be honored by dedicating a bridge in his honor.

PART XXII

WHEREAS, the State of Georgia contains countless historical sites and geographical regions which are rich in educational and recreational features; and

WHEREAS, the Metro Atlanta Region contains many features which reach back to Georgia's diverse and fascinating heritage, including the cultural and historical development along this historic trail; and

WHEREAS, the Pulitzer Prize winning author of *Gone With the Wind*, Margaret Mitchell, whose novel continues to sell in record numbers after 75 years in print, attracts visitors internationally and domestically to the area, providing an economic impact to the State of Georgia; and

WHEREAS, *Gone With the Wind* continues to promote diversity through Margaret Mitchell's support of Morehouse College for more than 60 years, as well as her work in helping to integrate the Atlanta Police Department and establishing both Caucasian and African-American clinics at Grady Hospital in Atlanta; and

WHEREAS, the designated sites, while being individually significant, would provide a stronger and more lasting impact on tourism as a legislated partnership in the form of a Gone With the Wind Trail; and

WHEREAS, it is important in preserving representations of this past and heritage, and in promoting future economic growth, that this site and region be identified, marketed, promoted, and managed; and

WHEREAS, the designation of the Georgia Gone With the Wind Trail serves to enhance visibility and recognition for our state both nationally and internationally.

PART XXIII

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

WHEREAS, a graduate of Columbus High School and the University of North Carolina at Chapel Hill, Mr. Flournoy is the founder and CEO of Flournoy Development Company, Flournoy Construction Company, and Flournoy Properties; and

WHEREAS, his companies have been involved in residential, industrial, and commercial construction in the Southeast for 44 years and never failed to complete a contract; and

WHEREAS, Mr. Flournoy served as a guardian of this nation's freedom and liberty with the United States Marine Corps as a fighter pilot during the Vietnam War and has been decorated with 15 air medals and the Navy Distinguished Flying Cross; and

WHEREAS, he has earned the highest civilian award for support of the infantry, the Order of St. Maurice from the Infantry Commandant, and the Nobel Patron of Armor from the Armor Commandant for his support of all Armor soldiers; and

WHEREAS, Mr. Flournoy has diligently and conscientiously devoted innumerable hours of his time, talents, and energy toward the betterment of his community and state as evidenced dramatically by his superlative service for 44 years with the Boys and Girls Club; and

WHEREAS, it is abundantly fitting and proper that the outstanding contributions of this remarkable and distinguished Georgian be appropriately recognized.

PART XXIV

WHEREAS, Mr. Thomas R. "Tommie" Irvin was a seventh generation Georgian who attended high school in Habersham County, where he was a talented athlete and member of the football, basketball, and baseball teams; and

WHEREAS, Mr. Irvin served as a guardian of this nation's freedom and liberty with the United States military during World War II, achieved the rank of sergeant in Company K 245th infantry Regiment 63rd Division, and was decorated with a bronze star, good conduct medal, World War II victory medal, and occupation medal; and

WHEREAS, upon his return from the war, Mr. Irvin found his passion in car racing and raced on the famed Daytona Beach road course and Soldiers Field in Chicago before becoming the 16th member of NASCAR in the late 1940s; and

WHEREAS, an inductee in the Georgia Racing Hall of Fame, he won his biggest race in 1955 at Lakewood Speedway in Atlanta and opened the Banks County Speedway, which became the starting place for many young drivers who later became famous; and

WHEREAS, a passionate coon hunter, Mr. Irvin won the World Championship for coon hunting in 1973, and he raised many Redbone Coonhounds that became show and hunting champions; and

WHEREAS, Mr. Irvin was a dedicated public servant, devoting his time and energy to the Georgia Department of Agriculture for 34 years before his retirement from his position as head of the Equine Division; and

WHEREAS, he was united in love and marriage to his wife, Sara Alice, and he was blessed with four children, Yvonne, Bruce, Bobby, and Danny; seven grandchildren; and seven great-grandchildren; and

WHEREAS, it is only fitting and proper that the life and memory of Mr. Irvin be appropriately recognized.

PART XXV

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

- (1) The bridge on Catoosa Parkway over Tiger Creek in Catoosa County is dedicated as the Bert Ward Memorial Bridge;
- (2) The entire length of Snapfinger Road in DeKalb County from its intersection with Wesley Chapel Road to the Henry County line is dedicated as the Martin Luther King, Jr. Parkway;
- (3) This body desires to honor Roy Parrish by renaming the portion of US 27/SR 1 from the city limits of Fort Oglethorpe south to Shields Crossing as the Roy Parrish Parkway;
- (4) The portion of State Route 92 in Cherokee County from Neese Road to Trickum Road is dedicated as the Johnny Hunt Highway;
- (5) This body hereby joins in honoring veterans of the Korean War and dedicates Interstate 59 in Dade County from the Alabama state line to the interchange with I-24 as the Korean War Veterans Memorial Highway;
- (6) This body hereby joins in honoring the life and memory of Marine Lance Corporal William Taylor Richards and dedicates the portion of Highway 11 in Dade County from the Alabama state line to the Tennessee state line as the Lance Corporal William Taylor Richards Memorial Highway;
- (7) The interchange at Interstate 575 and Ridgewalk Parkway in the City of Woodstock is dedicated as the William G. Long Interchange at Ridgewalk Parkway;

- (8) This body hereby joins in honoring the life and memory of Mr. Preston B. Lewis, Jr., and dedicates the portion of U.S. Highway 25N from Waynesboro to Walnut Branch as the Preston B. Lewis, Jr., Memorial Highway;
- (9) The portion of Interstate Route 520 in Richmond County from Exit 2 (Wrightsboro Road) to Exit 3 (Gordon Highway) is dedicated as the Deputy James D. Paugh Memorial Highway;
- (10) That US 441 in Coffee County from the Douglas city limits to the Atkinson County line is dedicated as the John S. Gibson Memorial Highway;
- (11) That this body hereby joins in recognizing Ricky Fitzpatrick's "Highway 98" and dedicates State Route 98 from Commerce to Ila as the "Highway 98" by Ricky Fitzpatrick Highway;
- (12) That the portion of State Route 4 in Richmond County from Martin Luther King, Jr. Boulevard to Laney Walker Boulevard is dedicated as the Ruth B. Crawford Highway;
- (13) That the interchange of U.S. Route 78/State Route 10 with Interstate Route 520 in Augusta-Richmond County is dedicated as the Deputy James D. Paugh Memorial Interchange;
- (14) That the bridge on SR 12/US 278 over Richland Creek in Greene County is dedicated as the John B. Box Memorial Bridge;
- (15) That United States Highway 27 in Haralson County from the Polk County line to the Carroll County line is dedicated as the Harold Shedd Highway;
- (16) That the portion of SR 2/US 411 in Murray County between the Eton city line and Cohutta Springs Road is dedicated as the Charles N. "Judy" Poag Memorial Highway;
- (17) That this body hereby joins in honoring the life and memory of Lieutenant Kelso C. Horne and dedicates the portion of U.S. Route 441/State Route 117 in Laurens County from State Route 19 to U.S. Route 80 as the Kelso Horne Memorial Highway;
- (18) That the bridge on SR 25 over the Norfolk Southern railroad tracks in the city limits of Port Wentworth in Chatham County is dedicated as the Hugh Carroll Butler Memorial Bridge;
- (19) That the interchange at Interstate 85 and J.R. Allen Parkway in Muscogee County is dedicated as the Jim Wetherington Interchange;
- (20) That Highway 92N in Paulding County from its intersection with U.S. 278 to GA 120 is dedicated as the Mrs. Glenda and Dr. John Covington Highway;
- (21) That the bridge over the Alapaha River on U.S. Highway 82 East in Berrien County be dedicated as the Sergeant Major James E. Jones Memorial Bridge;
- (22) That the appropriate public roads and highways identified within Marietta, Atlanta, and Jonesboro by the Georgia Gone With the Wind Trail Committee with input from the appropriate county and municipal governing authorities be designated as the Georgia Gone With the Wind Trail;
- (23) That the interchange of Interstate 185/State Route 411 with State Route 520/State Route 1 in Muscogee County is dedicated as the John Flournoy Interchange;

- (24) That this body hereby joins in honoring the life and memory of Mr. Thomas R. "Tommie" Irvin and dedicates the intersection of Highway 441 and Apple Pie Ridge Road in Banks County as the Tommie Irvin Memorial Intersection;
- (25) That Part XVI and the sixteenth undesignated paragraph of Part XIX of Senate Resolution 1075 (Ga. L. 2010, p. 362) are hereby repealed;
- (26) That Part V and the fifth undesignated paragraph of Part XXVIII of House Resolution 507 (Ga. L. 2011, p. 900) are hereby repealed;
- (27) The Department of Transportation is authorized and directed to erect and maintain appropriate signs dedicating the road facilities named in this resolution; and
- (28) The Secretary of the Senate is authorized and directed to transmit appropriate copies of this resolution to the Department of Transportation, the family of Mr. Bert Ward, the family of Rev. Martin Luther King, Jr., the family of Roy Parrish, Jr., the family of Dr. Johnny M. Hunt, and the family of Marine Lance Corporal William Tyler Richards, the Honorable William G. Long, the family of Mr. Preston B. Lewis, Jr., the family of Mr. John S. Gibson, Ricky Fitzpartick, Mrs. Ruth B. Crawford, the family of Deputy James D. Paugh, the family of Mr. John B. Box, Harold Shedd, the family of Mr. Charles N. "Judy" Poag, the family of Lieutenant Kelso C. Horne, the family of Mr. Hugh Carroll Butler, Mr. Jim Wetherington, Mrs. Glenda and Dr. John Covington, the family of Sergeant Major James E. Jones, Mr. John Flournoy, and the family of Mr. Thomas R. "Tommie" Irwin.

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

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

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

Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y Pruett	Y Watson
Y Carter	E Golick	Y Kidd	Y Purcell	Y Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	E Greene	Y Knight	E Randall	Y Wilkerson
Y Cheokas	E Hamilton	Y Lane	Y Reece	Y Wilkinson
Y Clark, J	Y Hanner	Y Lindsey	Y Rice	Y Willard
Y Clark, V	Y Harbin	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	Y Marin	Y Rynders	Y Williamson
Y Cooper	Y Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the adoption of the Resolution, by substitute, the ayes were 154, nays 0.

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

Representative Long of the 61st stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

SB 302. By Senators Staton of the 18th, Carter of the 1st, Hill of the 4th and Cowser of the 46th:

A BILL to be entitled an Act to amend Chapter 16 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Higher Education Facilities Authority, so as to increase the amount of bonding authority; 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	E Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	Y McBrayer	Y Shaw
N Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	E Dickerson	Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E Smith, E
Y Atwood	Y Dobbs	Holmes	Y Morgan	Y Smith, K
Y Baker	Y Dollar	N Holt	Y Morris	Y Smith, L
Y Battles	Y Drenner	N Horne	Y Mosby	Y Smith, R
E Beasley-Teague	E Dudgeon	Y Houston	Y Murphy	Smith, T
Y Bell	Dukes	Y Howard	Y Neal, J	Y Smyre

Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	N Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	E Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Pak	Y Tankersley
Y Brooks	Y Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	N Teasley
Y Burns	Y Fullerton	Y 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	Watson
Y Carter	E Golick	Y Kidd	Y Purcell	N Welch
Y Casas	Y Gordon	Y Kirby	Ramsey	Y Weldon
Y Channell	E Greene	Y Knight	E 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	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	N Williams, E
Y Cooke	Y Harrell	Y Manning	Y Rogers, T	Y Williams, R
Y Coomer	Y Hatchett	Y Marin	Y Rynders	Y Williamson
Cooper	N Hatfield	Y Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

On the passage of the Bill, the ayes were 146, nays 10.

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

Representative Pak of the 102nd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "nay" thereon.

Representative Watson of the 163rd stated that he had been called from the floor of the House during the preceding roll call. He wished to be recorded as voting "aye" thereon.

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

SB 236. By Senators Cowsert of the 46th, Crosby of the 13th, Williams of the 19th and Goggans of the 7th:

A BILL to be entitled an Act to amend Article 3 of Chapter 5 of Title 40 of the O.C.G.A., relating to cancellation, suspension, and revocation of drivers' licenses, so as to provide for matters relative to drivers' licenses of persons convicted of driving under the influence; to amend Article 7 of Chapter 8 of Title 42 of the O.C.G.A., relating to ignition interlock devices as probation condition, so as to provide the courts with more authority with regard to the

availability of ignition interlock device limited driving permits or probationary licenses and habitual violator probationary licenses for drivers convicted of a second DUI; to provide a court the ability to issue a certificate for such permits and licenses; to change provisions relating to proof of compliance with Code Section 42-8-111; and for other purposes.

The following Committee substitute was read:

**A BILL TO BE ENTITLED
AN ACT**

To amend Code Section 20-2-142 and Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to prescribed courses and the development and dissemination of instructional materials on the effect of alcohol and drivers' licenses, respectively, so as to provide for matters relative to drivers' licenses of persons convicted of driving under the influence and the effect of driving under the influence; to provide for a voluntary parent or guardian participation component in the alcohol and drug course required for obtaining a driver's license for a person under 18 years of age; to provide for a free motor vehicle report under certain circumstances; to provide for matters relative to drivers' licenses of persons convicted of driving under the influence; to allow certain drivers with suspended licenses to be issued limited driving permits; to provide for the issuance of a limited driving permit to a person convicted of driving under the influence subject to certain conditions; to amend Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as probation condition, so as to provide the courts with more authority with regard to the availability of ignition interlock device limited driving permits or probationary licenses and habitual violator probationary licenses for drivers convicted of a second DUI; to provide a court the ability to issue a certificate for such permits and licenses; to change provisions relating to proof of compliance with Code Section 42-8-111; to provide for revocation of probation under certain circumstances; 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.

Code Section 20-2-142 of the Official Code of Georgia Annotated, relating to prescribed courses and the development and dissemination of instructional materials on the effect of alcohol, is amended by revising subsection (b) as follows:

"(b)(1) The State Board of Education and the Board of Driver Services shall jointly establish an alcohol and drug course for the purpose of informing the young people of this state of the dangers involved in consuming alcohol or certain drugs in connection with the operation of a motor vehicle. The course shall be designed to generate greater interest in highway safety and accident prevention. The state board and the

Board of Driver Services shall jointly, by rules or regulations, determine the contents of the course and its duration. The commissioner of driver services shall make available officers, employees, officials, agents, contractors, or other appropriate representatives as determined by the commissioner of driver services to teach the alcohol and drug course. The alcohol and drug course shall be offered periodically but not less than once annually in the public schools of this state to students in grades nine and above in the manner prescribed by the state board.

(2) The alcohol and drug course required by this subsection shall make available as a part of such course a voluntary parent or guardian participation component which substantially complies with the following requirements:

(A) A joint session with the parent or guardian and child which provides opportunities for parents or guardians to voluntarily participate in the guidance and delivery of the antidrug and antialcohol instruction; and

(B) A separate voluntary component solely for parental or guardian instruction that provides drug prevention strategies, legal accountability information, an opportunity for parent or guardian questions, and any other information that would offer parents or guardians a framework for the protection of their children from alcohol and other drug use.

~~(2)~~(3) All schools with grade nine or above which receive funds in any manner from the state shall make available to eligible students and their parents or guardians the alcohol and drug course provided in paragraph (1) of this subsection.

~~(3)~~(4) The commissioner of driver services shall make the alcohol and drug course, and instructors where necessary, available to the private schools in this state. In addition, the commissioner of driver services shall offer the alcohol and drug course periodically at various locations in the this state in the manner provided by the Board of Driver Services. The commissioner shall also be authorized to offer such course electronically online or in such other manner as determined appropriate by the commissioner."

SECTION 2.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to drivers' licenses, is amended by adding a new subsection to Code Section 40-5-25, relating to driver's license application fees, to read as follows:

"(f) The General Assembly finds that it is in the best interests of this state to encourage alcohol and drug education to inform young people of the dangers involved in consuming alcohol or certain drugs while operating a motor vehicle. The General Assembly further finds that parental or guardian involvement in an alcohol and drug awareness program will assist in reducing the number of young persons involved in driving under the influence of drugs or alcohol. To promote these purposes, where a parent or guardian successfully participates in the parent-guardian component of the alcohol and drug course required by subsection (a) of Code Section 40-5-22 as prescribed in subsection (b) of Code Section 20-2-142, each parent or guardian shall be entitled to a one-time three-year online motor vehicle report."

SECTION 3.

Said chapter is further amended by revising subsections (b), (b.1), and (c) of Code Section 40-5-57.1, relating to suspensions of licenses of persons under age 21, as follows:

"(b) A person whose driver's license has been suspended under subsection (a) of this Code section shall:

(1) Subject to the requirements of subsection (c) of this Code section and except as otherwise provided by paragraph (2) of this subsection:

(A) Upon a first such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after six months; and

(B) Upon a second or subsequent such suspension, be eligible to apply for license reinstatement and, subject to payment of required fees, have his or her driver's license reinstated after 12 months; or

~~(2)(A) If the driver's license was suspended upon conviction for violation of Code Section 40-6-391, be subject to the provisions of Code Section 40-5-63.~~

~~(B) If such driver was convicted of driving under the influence of alcohol or of having an unlawful alcohol concentration and is otherwise subject to the provisions of paragraph (1) of subsection (a) of Code Section 40-5-63, then such person shall not be eligible for a limited driving permit under Code Section 40-5-64, and:~~

~~(i) If the driver's alcohol concentration at the time of the offense was less than 0.08 grams, he or she shall not be eligible for license reinstatement until the end of six months; or~~

~~(ii) If the driver's alcohol concentration at the time of the offense was 0.08 grams or more, he or she shall not be eligible for license reinstatement until the end of 12 months.~~

(2)(A) Upon the first conviction of a violation of Code Section 40-6-391, with no arrest and conviction of and no plea of nolo contendere accepted to such offense within the previous five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of six months unless the driver's blood alcohol concentration at the time of the offense was 0.08 grams or more or the person has previously been subject to a suspension pursuant to paragraph (1) of this subsection, in which case the period of suspension shall be for 12 months.

(B) Upon the second conviction of a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, have his or her license suspended for a period of 18 months.

(C) Upon the third conviction of any such offense within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, be considered a habitual violator, and such person's license shall be revoked as provided for in Code Section 40-5-58.

(b.1) In any case where a person's driver's license was administratively suspended as a result of ~~the offense~~ a violation of Code Section 40-6-391 for which the person's driver's license has been suspended pursuant to this Code section, the administrative license suspension period and the license suspension period provided by this Code section may run concurrently, and any completed portion of such administrative license suspension period shall apply toward completion of the license suspension period provided by this Code section.

(c)(1) Any driver's license suspended under subsection (a) of this Code section for commission of any offense other than violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a defensive driving program approved by the department and pays the applicable reinstatement fee. Any driver's license suspended under subsection (a) of this Code section for commission of a violation of Code Section 40-6-391 shall not become valid and shall remain suspended until such person submits proof of completion of a DUI Drug or Alcohol Use Risk Reduction Program and pays the applicable reinstatement fee.

(2) The reinstatement fee for a first such ~~conviction~~ suspension shall be \$210.00 or \$200.00 if paid by mail. The reinstatement fee for a second or subsequent such ~~conviction~~ suspension shall be \$310.00 or \$300.00 if paid by mail."

SECTION 4.

Said chapter is further amended by revising Code Section 40-5-63.1, relating to clinical evaluations and treatment, as follows:

"40-5-63.1.

In addition to any and all other conditions of license reinstatement, issuance, or restoration under Code Section 40-5-57.1, 40-5-58, 40-5-62, or 40-5-63, any person with two or more convictions for violating Code Section 40-6-391 within ten years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, shall be required to undergo a clinical evaluation and, if recommended as a part of such evaluation, shall complete a substance abuse treatment program prior to such license reinstatement, issuance, or restoration; provided, however, that such evaluation and treatment shall be at such person's expense except as otherwise provided by Code Section 37-7-120. Acceptable proof of completion of such a program shall be submitted to the department prior to license reinstatement, issuance, or restoration. For purposes of this Code section, a plea of nolo contendere to a charge of violating Code Section 40-6-391 and all prior accepted pleas of nolo contendere within ten years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a plea of nolo contendere is accepted, shall be considered and counted as convictions."

SECTION 5.

Said chapter is further amended by revising subsections (a), (c), (c.1), and (e) of Code Section 40-5-64, relating to the issuance of limited driving permits for certain offenders, as follows:

"(a) To whom issued.

(1) Notwithstanding any contrary provision of Code Section 40-5-57 or 40-5-63 or any other Code section of this chapter, any person who has not been previously convicted or adjudicated delinquent for a violation of Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of nolo contendere were accepted to the date of the current arrest for which a conviction is obtained or a plea of nolo contendere is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with paragraph (2) of subsection (a.1) of Code Section 40-5-22, subsection (d) of Code Section 40-5-57, paragraph (1) of subsection (a) of Code Section 40-5-63, paragraph (1) of subsection (a) of Code Section 40-5-67.2, or subsection (a) of Code Section 40-5-57.1, when the person is 18 years of age or over ~~older~~ and his or her license was suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and the sentencing judge, in his or her discretion, decides it is reasonable to issue a limited driving permit.

(2) Any person whose driver's license has been suspended ~~and who is subject to a court order for installation and use of an ignition interlock device as a condition of probation pursuant to the provisions Article 7 of Chapter 8 of Title 42~~ as a result of a second conviction for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, may apply for a limited driving permit after serving at least 120 days of the suspension required for such conviction and providing a certificate of eligibility from a drug court program in the court in which he or she was convicted of the offense for which such suspension was imposed or proof of enrollment in clinical treatment as provided in Code Section 40-5-63.1.

(3) To the extent a person is subject to more than one suspension for which a permit may be issued, the department shall not issue such permit unless the suspensions are for a conviction for driving under the influence in violation of Code Section 40-6-391 imposed pursuant to Code Section 40-5-63 and an administrative suspension imposed pursuant to paragraph (1) of subsection (a) of Code Section 40-5-67.2 arising from the same incident."

"(c) Standards for approval. The department shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. Except as otherwise provided by subsection (c.1) of this Code section, for the purposes of this Code section, 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

(1) Going to his or her place of employment ~~or performing the normal duties of his or her occupation;~~

- (2) Receiving scheduled medical care or obtaining prescription drugs;
- (3) Attending a college or school at which he or she is regularly enrolled as a student;
- (4) Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; ~~or~~
- (5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;
- (6) Attending court, reporting to a probation office or officer, or performing community service; or
- (7) Transporting an immediate family member who does not hold a valid driver's license for work, medical care, or prescriptions or to school.

(c.1)(1) **Exception to standards for approval.** The provisions of paragraphs (2), (3), (4), and (5) of subsection (c) of this Code section shall not apply and shall not be considered for purposes of granting a limited driving permit or imposing conditions thereon under this Code section in the case of a driver's license suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22.

(2) An ignition interlock device limited driving permit shall be restricted to allow the holder thereof to drive solely for the following purposes:

- (A) Going to his or her place of employment;
- (B) Attending a college or school at which he or she is regularly enrolled as a student;
- (C) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and
- (D) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider."

"(e) **Fees, duration, renewal, and replacement of permit.**

(1) A permit issued pursuant to this Code section shall be \$25.00 and shall become invalid upon the driver's eighteenth birthday in the case of a suspension under paragraph (2) of subsection (a.1) of Code Section 40-5-22, upon the expiration of one year following issuance thereof in the case of a suspension for an offense listed in Code Section 40-5-54 or a suspension under Code Section 40-5-57; or a suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-63 for a violation of Code Section 40-6-391, or upon the expiration of 30 days in the case of an administrative license suspension in accordance with paragraph (1) of subsection (a) of Code Section 40-5-67.2, or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42; except that such limited driving permit shall expire upon any earlier reinstatement of the driver's license. A person may apply to the department for a limited driving permit immediately following such

conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to the department if the department has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, the department may issue such person a limited driving permit. Permits issued pursuant to this Code section are renewable upon payment of a renewal fee of \$5.00. Permits may be renewed until the person has his or her license reinstated for the violation that was the basis of the issuance of the permit. Upon payment of a fee in an amount the same as that provided by Code Section 40-5-25 for issuance of a Class C driver's license, a person may be issued a replacement for a lost or destroyed limited driving permit issued to him or her.

(2) An ignition interlock device limited driving permit shall be valid for a period of eight months. Upon successful completion of eight months of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of six months as provided in paragraph (1) of this subsection."

SECTION 6.

Article 7 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to ignition interlock devices as probation condition, is amended by revising subsections (a), (b), and (c) of Code Section 42-8-111, relating to court ordered installation of ignition interlock devices, as follows:

"(a) ~~In addition to any other provision of probation, upon~~ Upon a second or subsequent conviction of a resident of this state for violating Code Section 40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained to the date of the current arrest for which a conviction is obtained, for which such person is granted probation, the court shall ~~order as conditions of probation that issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license, subject to the following conditions:~~

(1) Such person shall have installed and shall maintain in each motor vehicle registered in such person's name ~~throughout the applicable six month period prescribed by subsection (b) of Code Section 42-8-112~~ for a period of not less than eight months a functioning, certified ignition interlock device, ~~unless the court exempts the person from the requirements of this paragraph based upon the court's determination that such requirements would subject the person to undue financial hardship; and~~

(2) Such person shall have installed and shall maintain in any other motor vehicle to be driven by such person ~~during the applicable six month period prescribed by subsection (b) of Code Section 42-8-112~~ for a period of not less than eight months a functioning, certified ignition interlock device, and such person shall not ~~during such six month period~~ drive any motor vehicle whatsoever that is not so equipped during

such period. Upon successful completion of eight months of monitoring of such ignition interlock device, the restriction for maintaining and using such ignition interlock device shall be removed, and the permit may be renewed for additional periods of six months as provided in paragraph (1) of subsection (e) of Code Section 40-5-64; and

(3) Such person shall participate in a substance abuse treatment program as defined in paragraph (16.2) of Code Section 40-5-1 or a drug court program in compliance with Code Section 15-1-15 for a period of not less than 120 days.

For the purposes of this subsection, a plea of nolo contendere shall constitute a conviction; and a conviction of any offense under the law of another state or territory substantially conforming to any offense under Code Section 40-6-391 shall be deemed a conviction of violating said Code section.

~~(b) Any resident of this state who is ordered to use an ignition interlock device, as a condition of probation, shall complete the DUI Alcohol or Drug Use Risk Reduction Program and submit to the court or probation department a certificate of completion of the DUI Alcohol or Drug Use Risk Reduction Program and certification of installation of a certified ignition interlock device to the extent required by subsection (a) of this Code section. The court may, in its discretion, decline to issue a certificate of eligibility for an ignition interlock device limited driving permit or probationary license for any reason or exempt a person from any or all ignition interlock device requirements upon a determination that such requirements would subject such person to undue financial hardship. Notwithstanding any contrary provision of Code Section 40-13-32 or 40-13-33, a determination of financial hardship may be made at the time of conviction or any time thereafter.~~

(c) In the case of any person subject to the provisions of subsection (a) of this Code section, the court shall include in the record of conviction or violation submitted to the Department of Driver Services ~~notice of the requirement for, and the period of the requirement for, the use of a certified ignition interlock device~~ a copy of the certificate of eligibility for an ignition interlock device limited driving permit or probationary license issued by the court or documentation of the court's decision to decline to issue such certificate. Such ~~notice~~ certificate shall specify any exemption from the installation requirements of paragraph (1) of subsection (a) of this Code section and any vehicles subject to the installation requirements of paragraph (2) of ~~said~~ such subsection. The records of the Department of Driver Services shall contain a record reflecting ~~mandatory use of such device~~ certificate, and the person's driver's license ~~or,~~ limited driving permit, or probationary license shall contain a notation that the person may only operate a motor vehicle equipped with a functioning, certified ignition interlock device."

SECTION 7.

Said article is further amended by revising subsections (a) and (b) of Code Section 42-8-112, relating to proof of compliance required for reinstatement of certain drivers' licenses and for obtaining probationary license, as follows:

~~"(a)(1) In any case where the court grants a certificate of eligibility for an ignition interlock device limited driving permit or probationary license pursuant to Code Section 42-8-111 to a person whose driver's license is suspended pursuant to subparagraph (b)(2)(C) of Code Section 40-5-57.1 or paragraph (2) of subsection (a) of Code Section 40-5-63, the Department of Driver Services shall not issue an ignition interlock device limited driving permit until after the expiration of 120 days from the date of the conviction for which such certificate was granted. In any case where the court imposes the use of an ignition interlock device as a condition of probation on a resident of this state whose driving privilege is not suspended or revoked, the court shall require the person to surrender his or her driver's license to the court immediately and provide proof of compliance with such order to the court or the probation officer and obtain an ignition interlock device restricted driving license within 30 days. Upon expiration of the period of time for which such person is required to use an ignition interlock device, the person may apply for and receive a regular driver's license upon payment of the fee provided for in Code Section 40-5-25. If such person fails to provide proof of installation to the extent required by subsection (a) of Code Section 42-8-111 and receipt of the restricted driving license within such period, absent a finding by the court of good cause for that failure, which finding is entered in the court's record, the court shall revoke or terminate the probation.~~

(2) The Department of Driver Services shall condition issuance of an ignition interlock device limited driving permit for such person upon receipt of acceptable documentation of the following:

(A) That the person to whom such permit is to be issued has completed a DUI Alcohol or Drug Use Risk Reduction Program;

(B) That such person has completed a clinical evaluation as defined in Code Section 40-5-1 and enrolled in a substance abuse treatment program approved by the Department of Human Services or is enrolled in a drug court program;

(C) That such person has installed an ignition interlock device in any vehicle that he or she will be operating; and

(D) A certificate of eligibility for an ignition interlock device limited driving permit or probationary license from the court that sentenced such person for the conviction that resulted in the suspension or revocation of his or her driver's license for which he or she is applying for a limited driving permit or probationary license.

~~(b)(1) In any case where the court grants a certificate of eligibility for an ignition interlock device limited driving permit or probationary license pursuant to Code Section 42-8-111 to a person whose driver's license is revoked as a habitual violator pursuant to Code Section 40-5-58, the Department of Driver Services shall not issue a habitual violator probationary license until after the expiration of two years from the date of the conviction for which such certificate was granted. In any case where the court imposes the use of an ignition interlock device as a condition of probation on a resident of this state whose driving privilege is suspended or revoked, the court shall require the person to provide proof of compliance with such order to the court or the~~

~~probation officer and the Department of Driver Services not later than ten days after the date on which such person first becomes eligible to apply for an ignition interlock device limited driving permit in accordance with paragraph (2) of this subsection or a habitual violator's probationary license in accordance with paragraph (3) of this subsection, whichever is applicable. If such person fails to provide proof of installation to the extent required by subsection (a) of Code Section 42-8-111 within the period required by this subsection, absent a finding by the court of good cause for that failure, which finding is entered on the court's record, the court shall revoke or terminate the probation if such is still applicable.~~

~~(2) The Department of Driver Services shall condition issuance of a habitual violator probationary license for such person upon receipt of acceptable documentation of the following: If the person subject to court ordered use of an ignition interlock device as a condition of probation is authorized under Code Section 40-5-63 or 40-5-67.2 to apply for reinstatement of his or her driver's license during the period of suspension, such person shall, prior to applying for reinstatement of the license, have an ignition interlock device installed and shall maintain such ignition interlock device in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period of six months running concurrently with that of an ignition interlock device limited driving permit, which permit shall not be issued until such person submits to the department proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program, proof of having undergone any clinical evaluation and of having enrolled in any substance abuse treatment program required by Code Section 40-5-63.1, and proof of installation of an ignition interlock device on a vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111. Such a person may apply for and be issued an ignition interlock device limited driving permit at the end of 12 months after the suspension of the driver's license. At the expiration of such six month ignition interlock device limited driving permit, the driver may, if otherwise qualified, apply for reinstatement of a regular driver's license upon payment of the fee provided in Code Section 40-5-25.~~

~~(A) That the person to whom such license is to be issued has completed a DUI Alcohol or Drug Use Risk Reduction Program;~~

~~(B) That such person has completed a clinical evaluation as defined in Code Section 40-5-1 and enrolled in a substance abuse treatment program approved by the Department of Human Services or is enrolled in a drug court program;~~

~~(C) That such person has installed an ignition interlock device in any vehicle that he or she will be operating; and~~

~~(D) A certificate of eligibility for an ignition interlock device limited driving permit or probationary license from the court that sentenced such person for the conviction that resulted in the suspension or revocation of his or her driver's license for which he or she is applying for a limited driving permit or probationary license.~~

~~(3) If the person subject to court ordered use of an ignition interlock device as a condition of probation is authorized under Code Section 40-5-58 or under Code Section 40-5-67.2 to obtain a habitual violator's probationary license, such person~~

~~shall, if such person is a habitual violator as a result of two or more convictions for driving under the influence of alcohol or drugs, have an ignition interlock device installed and maintained in a motor vehicle or vehicles to the extent required by subsection (a) of Code Section 42-8-111 for a period of six months following issuance of the probationary license, and such person shall not during such six-month period drive any motor vehicle that is not so equipped, all as conditions of such probationary license. Following expiration of such six-month period with no violation of the conditions of the probationary license, the person may apply for a habitual violator probationary license without such ignition interlock device condition.~~

(4) In any case where installation of an ignition interlock device is required, failure to show proof of such device shall be grounds for refusal of reinstatement of such license or issuance of such habitual violator's probationary license or the immediate suspension or revocation of such license.

(4) Any limited driving permit or probationary license issued to such person shall bear a restriction reflecting that the person may only operate a motor vehicle equipped with a functional ignition interlock device. No person whose limited driving permit or probationary license contains such restriction shall operate a motor vehicle that is not equipped with a functional ignition interlock device.

(5)(A) Any person who has been issued an ignition interlock device limited driving permit or a habitual violator probationary license bearing an ignition interlock device condition shall maintain such ignition interlock device in any motor vehicle he or she operates to the extent required by the certificate of eligibility for such permit or probationary license issued to such person by the court in which he or she was convicted for not less than eight months.

(B) Upon the expiration of such eight-month ignition interlock device limited driving permit or habitual violator probationary license, the driver may, if otherwise qualified, apply for renewal of such permit or probationary license without such ignition interlock device restriction."

SECTION 8.

Said article is further amended by revising subsection (a) of Code Section 42-8-113, relating to renting, leasing, or lending motor vehicle to a probationer under this article prohibited, as follows:

"(a) No person shall knowingly rent, lease, or lend a motor vehicle to a person known to have had his or her driving privilege restricted ~~as a condition of probation~~ as provided in this article, unless the vehicle is equipped with a functioning, certified ignition interlock device. Any person whose driving privilege is restricted ~~as a condition of probation~~ as provided in this article shall notify any other person who rents, leases, or loans a motor vehicle to him or her of such driving restriction."

SECTION 9.

Said article is further amended by revising Code Section 42-8-117, relating to revocation of driving privilege for violation of probation, as follows:

"42-8-117.

(a)(1) In the event the sentencing court ~~finds~~ revokes a person's probation after finding that a such person has violated the terms of ~~probation imposed~~ the certificate of eligibility for an ignition interlock device limited driving permit or probationary license issued pursuant to subsection (a) of Code Section 42-8-111, the Department of Driver Services shall revoke that person's driving privilege for one year from the date the court revokes that person's probation. The court shall report such probation revocation to the Department of Driver Services by court order.

(2) This subsection shall not apply to any person whose limited driving permit has been revoked under subsection (d) of Code Section 42-8-112.

(b) In the event the sentencing court ~~finds~~ revokes a person's probation after finding that a such person has twice violated the terms of ~~probation imposed~~ the certificate of eligibility for an ignition interlock device limited driving permit or probationary license issued pursuant to subsection (a) of Code Section 42-8-111 during the same period of probation, the Department of Driver Services shall revoke that person's driving privilege for five years from the date the court revokes that person's probation for a second time. The court shall report such probation revocation to the Department of Driver Services by court order."

SECTION 10.

This Act shall become effective on January 1, 2013.

SECTION 11.

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

The following amendment was read and adopted:

Representative Ramsey of the 72nd offers the following amendment:

Amend the House Committee on Judiciary, Non-civil substitute to SB 236 (LC 29 5116ERS) by inserting "to provide for approval of out-of-state driver educational courses for certain children whose parents are in the active military service of the United States;" after "influence;" on line 5.

By inserting between lines 58 and 59 the following:

is amended by revising paragraph (2) of subsection (a.2) of Code Section 40-5-22, relating to persons not to be licensed and school attendance requirements, as follows:

"(2) The commissioner shall by rule or regulation establish standards for approval of any driver education course for purposes of subparagraph (A) of paragraph (1) of this subsection, provided that such course shall be designed to educate young drivers about safe driving practices and the traffic laws of this state and to train young drivers in the safe operation of motor vehicles, and provided, further, that the commissioner shall provide for the approval of courses from other states to satisfy the requirements

of this paragraph for any child moving into this state within nine months of his or her sixteenth birthday when the child's parent is in the active military service of the United States."

SECTION 2A.

Said chapter

By inserting "further" before "amended" on line 59.

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	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	E Dickerson	Y Hightower	Y McKillip	Y Sims, B
Y Anderson	Y Dickey	Y Hill	Y Meadows	Sims, C
Y Ashe	Y Dickson	Y Holcomb	Y Mitchell	E 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	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Y Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Y Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E 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	Y Taylor, R
Y Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
Y Burns	Y Fullerton	Y Jordan	Y Powell, A	Y Thomas
Y Byrd	Y Gardner	Y Kaiser	Y Powell, J	Y Waites
Y Carson	Y Geisinger	Y Kendrick	Y 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	E Greene	Y Knight	E 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	Y 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 170, nays 0.

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

SB 117. By Senators Stone of the 23rd, Davis of the 22nd, Ligon, Jr. of the 3rd, Seabaugh of the 28th, Carter of the 42nd and others:

A BILL to be entitled an Act to amend Chapter 13 of Title 44 of the Official Code of Georgia Annotated, relating to exemptions from levy and sale of property, so as to increase the amount of certain exemptions; 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	Setzler
Y Abrams	Y Dawkins-Haigler	Y Hembree	McBrayer	Y Shaw
Y Allison	Y Dempsey	Y Henson	Y McCall	Y Sheldon
Y Amerson	E 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	E 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	Y Murphy	Y Smith, T
Y Bell	Y Dukes	Y Howard	Y Neal, J	Smyre
Y Benfield	Y Dunahoo	Y Hudson	Neal, Y	Y Spencer
Y Benton	Y Dutton	Y Hugley	Y Nimmer	Y Stephens, M
Y Beverly	Ehrhart	Y Jackson	Y Nix	Y Stephens, R
Y Black	Y England	Y Jacobs	Y Oliver	Y Stephenson
Y Braddock	Y Epps, C	E James	Y O'Neal	Y Talton
Y Brockway	Y Epps, J	Y Jasperse	Y Pak	Y Tankersley
Y Brooks	Evans	Y Jerguson	Y Parent	Y Taylor, D
Y Bruce	Y Floyd	Y Johnson	Y Parrish	Y Taylor, R
Bryant	Y Fludd	Y Jones, J	Y Parsons	Y Taylor, T
Y Buckner	Y Frazier	Y Jones, S	Y Peake	Y Teasley
N Burns	Y Fullerton	Y 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	Y Welch
Y Casas	Y Gordon	Y Kirby	Y Ramsey	Weldon
Y Channell	E Greene	Y Knight	E 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	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	Martin	Y Scott, M	Y Yates
Y Crawford	Y Heard	Y Maxwell	Y Scott, S	Ralston, Speaker

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

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

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

Mr. Speaker:

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

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

A BILL to be entitled an Act to amend an Act entitled "Macon Water Commissioners - Pension Plan," approved December 30, 1953 (Ga. L. 1953, p. 2831), as amended, particularly by an Act approved March 24, 1994 (Ga. L. 1994, p. 3947), an Act approved April 4, 1996 (Ga. L. 1996, p. 4042), an Act approved May 17, 2004 (Ga. L. 2004, p. 4384), and an Act approved May 5, 2006 (Ga. L. 2006, p. 4392), so as to change the normal retirement age for certain employees; to change the definition of the term "disability"; to provide the actuarial equivalent basis which is stated in the document; to provide for certain limitations on compensation and benefits; to provide for related matters; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 1227. By Representatives Rogers of the 26th, Collins of the 27th, Benton of the 31st and Dunahoo of the 25th:

A BILL to be entitled an Act to provide a new charter for the City of Gainesville; to provide for reincorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for other matters relative to the foregoing; to provide for submission under the federal Voting Rights Act of 1965, as amended; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

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

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

A BILL to be entitled an Act to provide a new charter for the City of Milner; to provide for reincorporation, boundaries, and powers of the city; to provide for general powers and limitations on powers; to provide for a governing authority of such city and the powers, duties, authority, election, terms, method of filling vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, suspension, and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for organization and procedures; to provide for ordinances; to provide for the office of mayor and mayor pro tempore and certain duties and powers relative thereto; to repeal a specific Act; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

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

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

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Douglasville, approved April 16, 1999 (Ga. L. 1999, p. 4559), as amended, so as to change the description of the election districts; to provide

for definitions and inclusions; to provide for manner of election; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

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

HB 1268. By Representative Smith of the 168th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the election of members of the Board of Education of Bacon County,"

approved February 20, 1976 (Ga. L. 1976, p. 2713), as amended, particularly by an Act approved May 16, 2007 (Ga. L. 2007, p. 3707), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 1269. By Representative Smith of the 168th:

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

HB 1270. By Representative Jackson of the 142nd:

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

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

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

Department of Justice for preclearance; to provide for contingent repeal; to repeal conflicting laws; and for other purposes.

HB 1273. By Representative Jackson of the 142nd:

A BILL to be entitled an Act to amend an Act providing for the election of the chairperson and the members of the Board of Education of Jefferson County, approved March 20, 1990 (Ga. L. 1990, p. 4224), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1277. By Representatives Channell of the 116th and Anderson of the 117th:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Washington, Georgia, approved February 14, 1958 (Ga. L. 1958, p. 2139), as amended, so as to change the description of the council districts; to define certain terms and provide for certain inclusions; to provide for continuation in office of current members; to provide for the submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

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

Mr. Speaker:

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

SB 431 Do Pass, by Substitute

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

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 402. By Senators Golden of the 8th, Millar of the 40th, Stoner of the 6th, Rogers of the 21st, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to provide a short title; to define certain terms relating to certain types of investments; to provide that the provisions of this Act shall be applicable only to the Employees' Retirement System of Georgia; to provide that the Teachers Retirement System of Georgia (T.R.S.) shall be exempt from the provisions of this Act; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure exempting legal authority, so as to exempt certain public records from public inspection; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," so as to provide a short title; to define certain terms and limitations relating to certain types of investments; to provide that the provisions of this Act shall be applicable only to certain retirement systems and certain other large retirement systems; to provide that the Teachers Retirement System of Georgia (T.R.S.) shall be exempt from the provisions of this Act; to provide that certain public retirement systems other than the Teachers Retirement System of Georgia may invest retirement system assets in certain types of alternative investments, private placements, and other private investments; to provide that such investments may be made up to a certain amount; to shield information related to such investment from public scrutiny; to provide that the director of certain retirement systems shall provide an annual report to the Governor and the chairpersons of the Senate and House of Representatives standing committees on retirement; to provide for the contents of such report; to provide for a code of ethics; to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure exempting legal authority, so as to exempt certain public records from public inspection; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Employees' Retirement System of Georgia Enhanced Investment Authority Act."

SECTION 2.

Article 7 of Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Investment Authority Law," is amended by revising subsection (c) of Code Section 47-20-82, relating to investing funds, eligibility, and investment limitations, as follows:

"(c) Any investment limitation based upon the amount of the fund's assets shall relate to such assets on the basis of the assets' aggregate historical cost. For purposes of any investment made in alternative investments pursuant to Code Section 47-7-127 or 47-20-87, aggregate historical cost shall include all contractually committed, unpaid amounts."

SECTION 3.

Said article is further amended by adding a new Code section to read as follows:

"47-20-87.

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

(1) 'Alternative investments' means the following investments:

(A) Privately placed investment pools, including, without limitation, private investment funds, such as:

(i) Leveraged buyout funds;

(ii) Mezzanine funds;

(iii) Workout funds;

(iv) Debt funds;

(v) Venture capital funds;

(vi) Merchant banking funds; and

(vii) Funds of funds and secondary funds

that include investments in privately placed investment pools described in this subparagraph, in each case whether structured as a partnership, limited liability company, trust, corporation, joint venture, or other entity or investment vehicle of any type; organized or operating in one of the states or territories of the United States or outside the United States; such pool will invest in the United States or outside the United States or any combination thereof; or such pool makes investments of the type described in subparagraph (B) of this paragraph or other investments of any type or any combination thereof;

(B) Private placements and other private investments, including without limitation:

(i) Leveraged buyouts;

(ii) Venture capital investment;

(iii) Equity investments, including, without limitation, preferred and common stock;

(iv) Warrants;

(v) Options;

(vi) Private investments in public securities;

(vii) Recapitalizations;

(viii) Privatizations;

(ix) Mezzanine debt investments;

(x) Distressed debt and equity investments, including, without limitation, cases in which the investor may take control of the issuer;

(xi) Other debt investments, whether secured or unsecured, senior or subordinated, recourse or nonrecourse, convertible, or otherwise;

(xii) Convertible securities;

(xiii) Receivables;

(xiv) Interests, as such term is referred to in 11 U.S.C. Sections 501 and 502;

(xv) Claims, as such term is defined in 11 U.S.C. Section 101(5);

(xvi) Debt and equity derivative instruments of all types; and

(xvii) All other debt and equity private placements of all types, in each case whether

issued by a partnership, limited liability company, trust, corporation, joint venture, or other entity or vehicle of any type or whether the issuer is organized or does business in one of the states or territories of the United States or outside the United States; and

(C) Any distribution in kind received by an eligible large retirement system in connection with any investment described in subparagraphs (A) and (B) of this paragraph.

(2) 'Eligible large retirement system' means a large retirement system as defined in subsection (a) of Code Section 47-20-84; provided, however, that such term shall not include the Teachers Retirement System of Georgia.

(b) In addition to the eligible investments authorized by Code Section 47-20-82, and without applicability of any restrictions set forth in Code Sections 47-20-83 and 47-20-84, an eligible large retirement system is authorized to invest in alternative investments in accordance with the provisions of this Code section. Further, when provisions of Code Section 47-20-83 or 47-20-84 or any provisions of this article other than this Code section limit a particular form of investment to a certain percentage of retirement system assets, the denominator will include alternative investments with all other investments, but the numerator for any such calculation shall not include any alternative investments, even if any such alternative investment is of a like kind as the investments that are included in the numerator.

(c) An alternative investment shall not exceed in any case 20 percent of the aggregate amount of:

(1) The capital to be invested in the applicable private pool, including all parallel pools and other related investment vehicles established as part of the investment program of the applicable private pool; and

(2) The securities being issued in the applicable private placement, in each case determined at the time such alternative investment is initially either made or committed to be made, as applicable, but taking into consideration any investments that have previously been or are concurrently being made or committed to be made.

Each alternative investment by an eligible large retirement system shall have previously been or shall be concurrently made or committed to be made by at least four other

investors not affiliated with the issuer. At the time of initial investment, such investors shall not include any trustee of the eligible large retirement system making the investment or any public official as defined in paragraph (9) of Code Section 45-10-20. Such four other investors shall be investing on substantially the same terms and conditions as those applicable to the investment by the eligible large retirement system to the extent such other investors are similarly situated with the eligible large retirement system. Alternative investments shall only be made in private pools and issuers that have at least \$100 million in assets, including committed capital, at the time the investment is initially made or committed to be made by an eligible large retirement system.

(d) Alternative investments by an eligible large retirement system shall not in the aggregate exceed 5 percent of the eligible large retirement system assets at any time. The board of trustees of an eligible large retirement system shall have the discretion to designate whether any investment that is permitted to be made as an alternative investment pursuant to this Code section and that is also permitted to be made as an investment pursuant to Code Section 47-20-83 shall be treated for purposes of the 5 percent limitation and otherwise as an alternative investment made pursuant to this Code section or as an investment made pursuant to Code Section 47-20-83. If the eligible large retirement system is not in compliance with the limitations imposed by this subsection, it shall make a good faith effort to come into compliance within two years and in any event as soon as practicable thereafter; provided, however, that during any period of noncompliance, the eligible large retirement system shall not increase the percentage of its assets committed to be invested in alternative investments but shall be permitted during such period to continue to make investments as required by the then existing commitments of the eligible large retirement system to alternative investments made before the period of noncompliance.

(e) The provisions of this subsection shall apply only to the Employees' Retirement System of Georgia. New commitments to alternative investments shall not in the aggregate exceed 1 percent of the retirement system assets in any calendar year until the first occurrence that 4 1/2 percent of the retirement system assets are invested in alternative investments, at which time there shall be no limit on the percentage of commitments that may be made in any calendar year, subject to compliance with the other provisions of this Code section.

(f)(1) For purposes of this subsection, the term 'information' shall include, without limitation, preinvestment and postinvestment diligence information, including reviews and analyses prepared or provided by the issuer of a potential or actual alternative investment or prepared by or for an eligible large retirement system or otherwise relating to a potential or actual alternative investment.

(2) In addition to those records that are exempted from being open to inspection by the general public under Code Section 47-1-14 and except as otherwise provided in this subsection, an eligible large retirement system may in its discretion treat as confidential and withhold from public inspection and disclosure all information prepared or provided by the issuer of a potential or actual alternative investment or

prepared by or for an eligible large retirement system or otherwise relating to a potential or actual alternative investment and held by an eligible large retirement system and may agree in making an alternative investment to treat such information as confidential and withhold it from public inspection and disclosure.

(3) Notwithstanding the provisions of paragraphs (1) and (2) of this subsection, any public retirement system created by this title, other than by Chapter 5 of this title, shall make publicly available the following information, but only to the extent the following information is otherwise available or maintained by said retirement system in the normal course and only after a period of one year from the date such records were created:

(A) The name of any alternative investment in which the retirement system has invested; excluding, in the case of an alternative investment in a privately placed investment pool, any information concerning the investments made by such privately placed investment pool;

(B) The date the retirement system first invested in an alternative investment;

(C) The aggregate amount of money, expressed in dollars, the retirement system has invested in alternative investments as of the end of any fiscal quarter;

(D) The aggregate amount of money and the value of any in kind or other distribution, in each case, expressed in dollars, the retirement system received from alternative investments;

(E) The internal rate of return or the result under any other such standard used by the retirement system in connection with alternative investments for the asset class and for the period for which the return or standard was calculated; and

(F) The remaining cost of alternative investments in which the retirement system has invested as of the end of any fiscal quarter.

(4) The provisions of this Code section shall not restrict access to information and records under process of law or by officers otherwise entitled to them for official purposes, but such information and records shall have the same confidential status under process or with such officers as it does in the hands of an eligible large retirement system, and such officers shall respect such confidentiality to the extent consistent with their separate powers and duties.

(5) On the second Monday in March of each year, the director of any public retirement system created by this title, other than by Chapter 5 of this title, shall provide a report to the Governor and the chairpersons of the House and Senate standing committees on retirement detailing the performance of any investments made pursuant to this Code section, including, without limitation, a clear statement of the aggregate loss or profit on such investments for the preceding year. Such report shall also be posted on the retirement system's official website. This paragraph shall not be construed so as to require the disclosure of any information otherwise protected by this subsection.

(g) Unless the information has been publicly released, preinvestment and postinvestment diligence information, including reviews and analyses, prepared or maintained by the eligible large retirement system or by an alternative investment firm

shall be confidential and exempted from being open to inspection by the general public pursuant to Article 4 of Chapter 18 of Title 50, except to the extent it is subject to disclosure from the requirements of subsection (f) of this Code section.

(h) The respective boards of trustees of eligible large retirement systems making investments authorized by this Code section shall adopt a code of ethics for the consideration of and investment in and disposition of alternative investments.

(i) Funds invested pursuant to this Code section and any return on such investment shall remain funds of the retirement system."

SECTION 4.

Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of records is not required and disclosure of exempting legal authority, is amended in subsection (a) by striking "or" at the end of paragraph (22), by replacing the period with "; or" at the end of paragraph (23), and by adding a new paragraph to read as follows:

"(24) Records that are expressly exempt from public inspection pursuant to Code Section 47-20-87."

SECTION 5.

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

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

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

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

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

On the passage of the Bill, by substitute, the ayes were 104, nays 53.

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

Representative Clark of the 104th stated that she had been called from the floor of the House during the preceding roll call. She wished to be recorded as voting "nay" thereon.

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.

The following messages were received from the Senate through Mr. Ewing, the Secretary thereof:

Mr. Speaker:

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

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

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

HB 956. By Representative Rice of the 51st:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Berkeley Lake, approved April 9, 1999 (Ga. L. 1999, p. 3636), as amended, so as to change the corporate limits of the city; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend an Act providing for the Board of Education of Bartow County, approved March 30, 1987 (Ga. L. 1987, p. 4915), as amended, particularly by an Act approved April 18, 2002 (Ga. L. 2002, p. 3999), so as to change the description of the education districts; to provide for definitions and inclusions; to provide for continuation in office of current members; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 481. By Representatives Benton of the 31st, Mills of the 25th, Sheldon of the 105th and England of the 108th:

A BILL to be entitled an Act to amend an Act to provide for the creation of one or more community improvement districts in the Town of Braselton, approved May 29, 2007 (Ga. L. 2007, p. 4100), so as to correct the initial terms of office for board members; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 692. By Representative Mitchell of the 88th:

A BILL to be entitled an Act to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the automatic decrease in the salary of a teacher or other certificated professional personnel for any salary increase or bonus provided

based, in whole or in part, on the results of standardized test scores which were falsified or known or caused to be falsified by such teacher or professional; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 728. By Representative Jasperse of the 12th:

A BILL to be entitled an Act to provide for legislative findings; to amend Code Section 44-5-60 of the Official Code of Georgia Annotated, relating to covenants running with the land, the effect of zoning laws, covenants and scenic easements for use of the public, and the renewal of certain covenants, so as to clarify provisions relating to covenants; to provide for legislative findings; to provide for covenants adopted prior to the adoption of zoning laws; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

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

HB 1023. By Representative Crawford of the 16th:

A BILL to be entitled an Act to amend an Act providing a new Board of Education for Polk County, approved March 28, 1985 (Ga. L. 1985, p. 4985), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4852), so as to reconstitute the Board of Education of Polk County; to provide for seven members of such board; to revise the districts for the election of members of the board of education; to provide for definitions and inclusions; to provide for elections; to provide for related matters; to provide for submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for effective dates; to repeal conflicting laws; and for other purposes.

HB 1025. By Representatives Oliver of the 83rd, Mosby of the 90th, Stephenson of the 92nd, Dawkins-Haigler of the 93rd, Benfield of the 85th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of DeKalb County, formerly known as the Civil and Criminal Court of DeKalb County, approved February 14, 1951 (Ga. L. 1951, p. 2401), as amended, particularly by an Act approved May 28, 2010 (Ga. L. 2010, p. 3677), so as to

change certain fees; to provide for certain fees; to provide for related matters; to provide for applicability and an effective date; to repeal conflicting laws; and for other purposes.

HB 1097. By Representative Battles of the 15th:

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

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

A BILL to be entitled an Act to amend an Act relative to the Board of Commissioners of Haralson County, approved August 24, 2001 (Ga. L. 2001, Ex. Sess., p. 247), as amended, so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for continuation in office for current members; to provide for the submission of this Act pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

A BILL to be entitled an Act to amend an Act providing for the Magistrate Court of Cobb County, approved March 24, 1988 (Ga. L. 1988, p. 4451), as amended, so as to provide for the collection of law library fees; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1218. By Representatives Benfield of the 85th, Drenner of the 86th, Henson of the 87th, Holcomb of the 82nd, Gardner of the 57th and others:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Avondale Estates, approved April 23, 1999 (Ga. L. 1999, p. 4886), so

as to change the corporate limits of the city by annexing certain territory to the city; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 1219. By Representatives Benfield of the 85th, Drenner of the 86th, Henson of the 87th, Holcomb of the 82nd, Gardner of the 57th and others:

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Decatur, approved April 13, 2001 (Ga. L. 2001, p. 4351), so as to change the corporate limits of the city by annexing certain territory into the city; to provide for a description of the property annexed; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 480. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3804), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 481. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4166), 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 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.

SB 531. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend an Act establishing the Municipal Court of Columbus, Georgia, approved August 12, 1915 (Ga. L. 1915, p. 63), as amended, particularly by an Act approved March 29, 1983 (Ga. L. 1983, p. 4443), so as to provide that future elections for the judge of such court shall be nonpartisan elections; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Mr. Speaker:

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

SB 534. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act incorporating the City of McDonough, approved April 16, 1981 (Ga. L. 1981, p. 3387), as amended, so as 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 other matters relative to the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 537. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

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

HB 685. By Representatives Maddox of the 172nd, Black of the 174th, Atwood of the 179th, Shaw of the 176th, Taylor of the 173rd and others:

A BILL to be entitled an Act to amend Title 4 of the Official Code of Georgia Annotated, relating to animals, so as to extensively revise provisions relating to dogs and especially provisions relating to dangerous and vicious dogs; to define and redefine terms; to provide for liability for injuries and damage caused by dogs; to amend Chapter 2 of Title 51 of the Official Code of Georgia Annotated, relating to imputable negligence, so as to provide for a conforming amendment; to state legislative intent; to provide for other related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

By unanimous consent, the rules were temporarily suspended in order that the following Bills of the Senate could be introduced, read the first time and referred to the Committee, pursuant to authority granted to the Speaker:

SB 480. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act completely revising the laws relative to the governing authority of Chatham County, approved March 29, 1984 (Ga. L. 1984, p. 5050), as amended, particularly by an Act approved May 17, 2004 (Ga. L. 2004, p. 3804), so as to change the description of the commissioner districts; to provide for definitions and inclusions; to provide for the continuance in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 481. By Senator Jackson of the 2nd:

A BILL to be entitled an Act to amend an Act relating to the school system of the City of Savannah and Chatham County, approved March 21, 1968 (Ga. L. 1968, p. 2636), as amended, particularly by an Act approved April 25, 2002 (Ga. L. 2002, p. 4166), 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 pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 531. By Senator McKoon of the 29th:

A BILL to be entitled an Act to amend an Act establishing the Municipal Court of Columbus, Georgia, approved August 12, 1915 (Ga. L. 1915, p. 63), as amended, particularly by an Act approved March 29, 1983 (Ga. L. 1983, p. 4443), so as to provide that future elections for the judge of such court shall be nonpartisan elections; to provide for submission of this Act for preclearance under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

SB 534. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act incorporating the City of McDonough, approved April 16, 1981 (Ga. L. 1981, p. 3387), as amended, so as 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 other matters relative to the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 537. By Senator Jeffares of the 17th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide a new charter for the City of McDonough," enacted during the 2012 regular session of the General Assembly and printed in the 2012 Georgia Laws, so as to amend the powers of the mayor; to provide for a city administrator; to provide for powers and duties of the city administrator; to provide for an acting city administrator; to provide for emergencies; to provide for removal; to provide for vacancies; to provide for a referendum; to provide for a contingent effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Mr. Speaker:

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

SB 113 Do Pass, by Substitute
SR 673 Do Pass

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

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

Mr. Speaker:

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

SB 37 Do Pass, by Substitute
SR 84 Do Pass, by Substitute
SR 873 Do Pass, by Substitute

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

Representative Horne of the 71st moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

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