

Representative Hall, Atlanta, Georgia**Tuesday, February 26, 2013****Twenty-Fourth Legislative Day**

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

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

E Alexander	Cooke	Greene	E McCall	Sims, B
Allison	Coomer	Gregory	Meadows	Smith, E
E Anderson	Cooper	Hamilton	Mitchell	Smith, L
Atwood	Dawkins-Haigler	Harbin	Morgan	Smith, R
Ballinger	Deffenbaugh	Harden	E Mosby	Spencer
Barr	Dempsey	Harrell	Murphy	Stephens, M
Battles	Dickerson	Hatchett	Neal	Stephens, R
Beasley-Teague	Dickey	Hawkins	Nimmer	E Stephenson
Bell	Dickson	E Henson	Nix	Stovall
Bennett	Dollar	Hightower	Oliver	Strickland
Bentley	Douglas	Hill	O'Neal	Talton
Benton	E Drenner	Hitchens	Pak	Tankersley
Beverly	Dudgeon	Holcomb	Parrish	Tanner
Black	Dukes	Holmes	Parsons	Taylor, D
Braddock	Dunahoo	Houston	Peake	Taylor, T
Broadrick	Duncan	Howard	Pezold	Teasley
Brockway	Dutton	Hugley	Powell, A	Thomas, A.M.
Brooks	Ehrhart	Jasperse	Powell, J	E Thomas, B
Bruce	England	Jones, J	Pruett	Turner
E Bryant	Epps, J	Jones, L	Quick	Watson, B
Buckner	Evans	Jones, S	Randall	Watson, S
Burns	Fleming	Jordan	Rice	Welch
Caldwell, J	E Floyd	E Kaiser	Riley	Weldon
Caldwell, M	Fludd	Kelley	Roberts	Wilkerson
Carson	E Frazier	Kendrick	Rogers, C	Wilkinson
Carter	Frye	Kidd	Rogers, T	Willard
Casas	Gardner	Lindsey	Rutledge	Williams, A
Chandler	Gasaway	Lumsden	Rynders	Williams, C
Channell	Geisinger	Mabra	Scott	Williams, E
Chapman	Glanton	Marin	Sharper	Williamson
Cheokas	Golick	Martin	Shaw	Yates
Clark, V	Gordon	Maxwell	Sheldon	Ralston, Speaker
Coleman	Gravley	Mayo		

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

Representatives Abrams of the 89th, Clark of the 98th, Epps of the 132nd, Fullerton of the 153rd, Holt of the 112th, Jackson of the 128th, Jacobs of the 80th, Kirby of the

114th, Morris of the 156th, Ramsey of the 72nd, Sims of the 169th, and Smyre of the 135th.

They wished to be recorded as present.

Prayer was offered by Reverend J. Craig Holmes, Senior Pastor, Gilead Baptist Church, Macon, Georgia.

The members pledged allegiance to the flag.

Representative Sims of the 123rd, Chairman of the Committee on Information and Audits, reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

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

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

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

HB 466. By Representatives Rogers of the 10th and Gasaway of the 28th:

A BILL to be entitled an Act to provide for a new charter for the City of Cornelia; to provide a general repealer; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 467. By Representative Epps of the 144th:

A BILL to be entitled an Act to provide a new charter for the Town of Danville; to provide for related matters; to repeal specific Acts; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 468. By Representatives Jacobs of the 80th, Holcomb of the 81st, Taylor of the 79th, Oliver of the 82nd and Morgan of the 39th:

A BILL to be entitled an Act to amend Code Section 20-2-73 of the Official Code of Georgia Annotated, relating to suspension and removal of local school board members under certain circumstances, so as to prohibit the use of public funds for litigation expenses relating to removal proceedings; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 469. By Representatives Smith of the 134th, Smyre of the 135th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of taxable net income, so as to provide that retirement income received as retirement benefits from military service shall not be subject to state income tax; to provide for conditions and limitations; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 470. By Representatives Randall of the 142nd, Dickey of the 140th, Peake of the 141st and Beverly of the 143rd:

A BILL to be entitled an Act to amend an Act providing for a Civil Service System and a Civil Service Board for Bibb County, approved March 9, 1955 (Ga. L. 1955, p. 682), as amended, particularly by an Act approved April 9, 1981 (Ga. L. 1981, p. 750), and an Act approved April 14, 1997 (Ga. L. 1997, p. 4099), so as to define a certain term; to provide for an award of an attorney's fee under certain conditions; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 471. By Representatives Meadows of the 5th and Jasperse of the 11th:

A BILL to be entitled an Act to authorize the governing authority of the City of Calhoun 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.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 472. By Representatives Meadows of the 5th and Jasperse of the 11th:

A BILL to be entitled an Act to authorize the governing authority of Gordon County 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.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 473. By Representatives Welch of the 110th and Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to provisions applicable to counties and municipal corporations, so as to add the option of fiscal year contracts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Planning & Community Affairs.

HB 474. By Representatives Willard of the 51st, Ehrhart of the 36th, Lindsey of the 54th, Weldon of the 3rd, Powell of the 171st and others:

A BILL to be entitled an Act to amend Code Section 44-10-29 of the Official Code of Georgia Annotated, relating to changes or uses not prohibited by historic preservation provisions, so as to clarify additional uses which are not prohibited by historic preservation laws; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 476. By Representatives Williams of the 168th and Stephens of the 164th:

A BILL to be entitled an Act to amend an Act entitled "An Act to create a new charter for the City of Hinesville in the County of Liberty," approved March 10, 1959 (Ga. L. 1959, p. 2604), as amended, so as to change the corporate limits of such municipality; to provide for related matters; to provide for a referendum; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 477. By Representatives Powell of the 171st, Maxwell of the 17th, Lindsey of the 54th and Golick of the 40th:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement benefits under the Employees' Retirement System of Georgia, so as to provide for the transfer of service credit from the Georgia Judicial Retirement System to the Employees' Retirement System of Georgia; to provide for the transfer of funds; to provide for the payment for creditable service in the Employees' Retirement System of Georgia for prior service as a member of the Georgia Judicial Retirement System; to provide for conditions and payment; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

HB 478. By Representatives Powell of the 171st, Neal of the 2nd, Greene of the 151st and Golick of the 40th:

A BILL to be entitled an Act to amend Code Section 42-9-43 of the Official Code of Georgia Annotated, relating to information to be considered by the State Board of Pardons and Paroles generally, so as to define terms applicable to issuing medical reprieves to entirely incapacitated persons suffering a progressively debilitating terminal illness; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 479. By Representatives Dudgeon of the 25th, Hamilton of the 24th, Tanner of the 9th, Duncan of the 26th and Hill of the 22nd:

A BILL to be entitled an Act to amend an Act to provide for the Board of Education of Forsyth County and to consolidate and restate provisions of law relating to the board, approved March 24, 1992 (Ga. L. 1992, p. 5052), as amended, particularly by an Act approved May 18, 2007 (Ga. L. 2007, p. 3783), so as to change the compensation of the chairperson and members of the board; to remove compensation for per diem expenses; 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.

HB 480. By Representatives Ballinger of the 23rd, Caldwell of the 131st, Pak of the 108th, Sheldon of the 104th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Code Section 17-8-54 of the Official Code of Georgia Annotated, relating to persons allowed to be present in a courtroom when a person under the age of 16 testifies concerning a sex offense, so as to add victim assistance personnel to the list of persons who may be present in a courtroom when a person under the age of 16 testifies concerning a sex offense; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 481. By Representatives Neal of the 2nd, Kirby of the 114th, Taylor of the 173rd, England of the 116th, Sheldon of the 104th and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to the parent and child relationship generally, so as to provide for a short title; to provide for definitions; to provide that it shall be unlawful for any person or entity to intentionally or knowingly create or attempt to create an in vitro human embryo by any means other than fertilization of a human egg by a human sperm; to provide that it shall be unlawful for any person or entity to intentionally or knowingly create or attempt to create an in vitro hybrid human-animal embryo; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 482. By Representatives Neal of the 2nd, Hill of the 22nd, Greene of the 151st, Dunahoo of the 30th, Kidd of the 145th and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board of Corrections and the Department of Corrections, so as to provide that employees of the Department of Corrections serving as certified peace officers may retain their weapons under certain circumstances; to authorize the Board of Corrections to promulgate rules and regulations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on State Properties.

HB 483. By Representatives Neal of the 2nd, Ramsey of the 72nd, Tankersley of the 160th, Abrams of the 89th, Weldon of the 3rd and others:

A BILL to be entitled an Act to amend Code Section 17-10-7 of the Official Code of Georgia Annotated, relating to punishment for repeat offenders, so as to change provisions relating to ineligibility for parole under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 484. By Representative Williamson of the 115th:

A BILL to be entitled an Act to amend an Act entitled "An Act to reincorporate the City of Monroe in the County of Walton," approved April 8, 1971 (Ga. L. 1971, p. 3221), as amended, so as to provide for the jurisdiction of the municipal court; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 485. By Representative Hatchett of the 150th:

A BILL to be entitled an Act to amend an Act to establish the City Court of Soperton (now known as the State Court of Treutlen), in and for the County of Treutlen, approved August 18, 1919 (Ga. L. 1919, p. 519), as amended, so as to change the salary of the judge and solicitor; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 486. By Representatives Taylor of the 79th, Jacobs of the 80th, Riley of the 50th, Wilkinson of the 52nd, Dudgeon of the 25th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize any municipality created on or after January 1, 2005, and any municipality which is contiguous to a municipality created on or after January 1, 2005, irrespective of whether such municipalities may be in different counties, to establish individually or collectively by local law an independent school system; to provide for related matters; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Education.

HR 487. By Representative Ralston of the 7th:

A RESOLUTION honoring the life of Trooper Clyde Arthur Wehunt and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

HR 502. By Representatives Tanner of the 9th, Jones of the 47th, O`Neal of the 146th, Abrams of the 89th, Lindsey of the 54th and others:

A RESOLUTION creating the Joint Study Committee on Mental Health and School Violence; and for other purposes.

Referred to the Committee on Health & Human Services.

HR 503. By Representative Kirby of the 114th:

A RESOLUTION honoring the life of Major W. David Gray and dedicating a road in his memory; and for other purposes.

Referred to the Committee on Transportation.

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

HB 486. By Representatives Roberts of the 155th, Nimmer of the 178th, Burns of the 159th, Watson of the 172nd, Shaw of the 176th 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 dimensions and weight of vehicles and loads, so as to provide for qualifications for the issuance of

annual commercial wrecker emergency tow permits; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

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

HB 18	HB 20
HB 454	HB 455
HB 456	HB 457
HB 458	HB 459
HB 460	HB 461
HB 462	HB 463
HB 464	HB 465
HB 475	HR 485
SB 83	SB 100

Representative Wilkinson of the 52nd District, Chairman of the Committee on Ethics, submitted the following report:

Mr. Speaker:

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

HB 310 Do Pass, by Substitute

Respectfully submitted,
/s/ Wilkinson of the 52nd
Chairman

Representative Cooper of the 43rd District, Chairman of the Committee on Health and Human Services, submitted the following report:

Mr. Speaker:

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

HB 192 Do Pass, by Substitute

Respectfully submitted,
/s/ Cooper of the 43rd
Chairman

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

Mr. Speaker:

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

HB 431	Do Pass
HB 440	Do Pass
HB 450	Do Pass

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

Representative Weldon of the 3rd District, Chairman of the Committee on Juvenile Justice, submitted the following report:

Mr. Speaker:

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

HB 21	Do Pass, by Substitute
HB 446	Do Pass

Respectfully submitted,
/s/ Weldon of the 3rd
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 232	Do Pass
HR 390	Do Pass

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

HOUSE RULES CALENDAR
TUESDAY, FEBRUARY 26, 2013

Mr. Speaker and Members of the House:

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

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

- HB 287 Secretary of State, Office of; Division of Archives and History; reassign to Board of Regents of University System of Georgia (Substitute)(GAff-Hatchett-150th)
- HB 320 Solid waste management; currently existing and compliant inert waste landfill operations from regulatory permitting; exempt (Substitute)(NR&E-Harden-148th)
- HB 338 Georgia Council for the Arts; role of arts in economic development and other vital functions to the state; clarify (Substitute)(ED&T-Wilkinson-52nd)

Modified Structured Rule

None

Structured Rule

- HB 266 Internal Revenue Code; certain provisions of federal law into Georgia law; incorporate (Substitute)(W&M-Peake-141st)

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 were taken up for consideration and read the third time:

HB 431. By Representative Dickey of the 140th:

A BILL to be entitled an Act to amend an Act incorporating the City of Culloden in the County of Monroe, approved October 24, 1887 (Ga. L. 1886-87, Vol. II, p. 655), as amended, particularly by an Act approved March 15, 1988 (Ga. L. 1988, p. 4086), and an Act approved April 4, 1990 (Ga. L. 1990, p. 5207), so as to provide for elections and terms of members of the city council; to change the election of councilmembers from district to at-large; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

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

HB 440. By Representatives Watson of the 172nd and Houston of the 170th:

A BILL to be entitled an Act to amend an Act providing for a new charter for the City of Ellenton, Georgia, approved April 17, 1975 (Ga. L. 1975, p. 3073), so as to change certain provisions relating to the election and powers of city councilmembers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

HB 450. By Representatives Ballinger of the 23rd, Hill of the 22nd, Caldwell of the 20th and Turner of the 21st:

A BILL to be entitled an Act to amend an Act creating the State Court of Cherokee County, approved April 15, 1996 (Ga. L. 1996, p. 4427), as amended, so as to authorize the court to charge a technology fee for each civil case filed and each criminal fine imposed; to specify the uses to which said technology fees may be put; to provide for automatic repeal; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

Y Abrams	Y Coomer	Y Hamilton	E McCall	Sims, C
E Alexander	Y Cooper	Y Harbin	Meadows	Y Smith, E
Y Allison	Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	E Mosby	Y Smyre
Y Barr	Y Dickey	E Henson	Y Murphy	Y Spencer
Y Battles	Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E Stephenson
Y Bennett	E Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Houston	Y Parrish	Y Tankersley
Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
E Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	E Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	E Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	E Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bills, the ayes were 154, nays 0.

The Bills, having received the requisite constitutional majority, were 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 Senate and House:

SB 61. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, so as to change the short title; to provide for definitions; to change the due date for monthly rental payments; to provide procedures for sending notice of default; to provide for print or electronic publication of notice of public sale of property; to provide for limitations on an owner's liability; to provide for towing of motor vehicles and watercraft; to provide for delay in filing an owner's lien if an occupant is deployed overseas by the armed services; to exempt certain rental agreements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

SB 70. By Senators Gooch of the 51st, Hill of the 32nd, Beach of the 21st, Mullis of the 53rd, Chance of the 16th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the Department of Transportation's power to contract generally, so as to change the type of projects eligible for design-build contracts and the procurement process for such contracts; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 72. By Senators Stone of the 23rd, Ligon, Jr. of the 3rd, Miller of the 49th and Bethel of the 54th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administrative provisions, so as to change certain provisions regarding the rate of interest to be paid for refunds and on past due taxes; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

SB 82. By Senators Gooch of the 51st, Miller of the 49th, Murphy of the 27th, Cowser of the 46th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to change designations from North Georgia College to the University of North Georgia; to designate the University of North

Georgia as the senior military college of Georgia; to repeal conflicting laws; and for other purposes.

- SB 120. By Senators Crosby of the 13th, Stone of the 23rd, Jackson of the 24th, Cowsert of the 46th and Bethel of the 54th:

A BILL to be entitled an Act to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to provide for prosecuting attorneys in probate courts in counties where there is no state court; to provide for the appointment, compensation, oath of office, duties, and authority of such prosecuting attorneys; to authorize the appointment of staff; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- SB 125. By Senators Stone of the 23rd and Gooch of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding the liability of owners and occupiers of land, so as to codify the duty of a possessor of land to a trespasser against harm; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 182. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Education of Hancock County, approved April 5, 1993 (Ga. L. 1993, p. 4524), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

- SB 183. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act creating a Board of County Commissioners of Hancock County, approved October 5, 1885 (Ga. L. 1884-85, p. 435), as amended, 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 repeal conflicting laws; and for other purposes.

- HB 57. By Representatives Ramsey of the 72nd, Golick of the 40th, Cooke of the 18th, Hightower of the 68th, Gravley of the 67th and others:

A BILL to be entitled an Act to amend Code Section 16-13-25 of the Official Code of Georgia Annotated, relating to Schedule I controlled substances, so as to expand the definition of Schedule I controlled substances; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

- HB 319. By Representatives Beasley-Teague of the 65th and Fludd of the 64th:

A BILL to be entitled an Act to authorize the City of Fairburn to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

- HB 321. By Representatives Beasley-Teague of the 65th and Fludd of the 64th:

A BILL to be entitled an Act to amend an Act establishing a charter for the City of Fairburn, approved August 3, 1925 (Ga. L. 1925, p. 1024), as amended, so as to remove the millage caps on ad valorem taxation of real and personal property; to repeal conflicting laws; and for other purposes.

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

- SB 61. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend Article 5 of Chapter 4 of Title 10 of the Official Code of Georgia Annotated, relating to self-service storage facilities, so as to change the short title; to provide for definitions; to change the due date for monthly rental payments; to provide procedures for sending notice of default; to provide for print or electronic publication of notice of public sale of property; to provide for limitations on an owner's liability; to provide for towing of motor vehicles and watercraft; to provide for delay in filing an owner's lien if an occupant is deployed overseas by the armed services; to exempt certain rental agreements; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

- SB 70. By Senators Gooch of the 51st, Hill of the 32nd, Beach of the 21st, Mullis of the 53rd, Chance of the 16th and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the Department of Transportation's power to contract generally, so as to change the type of projects eligible for design-build contracts and the procurement process for such contracts; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Transportation.

- SB 72. By Senators Stone of the 23rd, Ligon, Jr. of the 3rd, Miller of the 49th and Bethel of the 54th:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 48 of the Official Code of Georgia Annotated, relating to state administrative provisions, so as to change certain provisions regarding the rate of interest to be paid for refunds and on past due taxes; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

- SB 82. By Senators Gooch of the 51st, Miller of the 49th, Murphy of the 27th, Cowser of the 46th, Shafer of the 48th and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to change designations from North Georgia College to the University of North Georgia; to designate the University of North Georgia as the senior military college of Georgia; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Higher Education.

- SB 120. By Senators Crosby of the 13th, Stone of the 23rd, Jackson of the 24th, Cowser of the 46th and Bethel of the 54th:

A BILL to be entitled an Act to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to provide for prosecuting attorneys in probate courts in counties where there is no state court; to provide for the appointment, compensation, oath of office, duties, and authority of such prosecuting attorneys; to authorize the appointment of

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

Referred to the Committee on Judiciary.

SB 125. By Senators Stone of the 23rd and Gooch of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 3 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions regarding the liability of owners and occupiers of land, so as to codify the duty of a possessor of land to a trespasser against harm; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

SB 182. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act to reconstitute the Board of Education of Hancock County, approved April 5, 1993 (Ga. L. 1993, p. 4524), as amended, so as to change the description of the education districts; to provide for definitions and inclusions; to provide for the continuation in office of current members; to provide for the submission of this Act for preclearance pursuant to Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

SB 183. By Senator Lucas of the 26th:

A BILL to be entitled an Act to amend an Act creating a Board of County Commissioners of Hancock County, approved October 5, 1885 (Ga. L. 1884-85, p. 435), as amended, 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 repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

The Speaker Pro Tem assumed the Chair.

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

Representatives Stephens of the 164th, Sharper of the 177th, Weldon of the 3rd, Benton of the 31st, Frazier of the 126th, Smith of the 70th, Braddock of the 19th, and Glanton of the 75th.

Pursuant to HR 393, the House commended Ms. Lin Seahorn and invited her to appear before the House of Representatives.

Pursuant to HR 394, the House recognized Montlick & Associates and invited its team members to appear before the House of Representatives.

Pursuant to HR 395, the House commended Edward Earl Reed, Jr., and invited him to appear before the House of Representatives.

Pursuant to HR 43, the House congratulated the Jefferson High School Dragons on their Class AA Football State Championship win and invited the team and coaches to be recognized by the House of Representatives.

Pursuant to HR 233, the House recognized February 26, 2013, as Macon Day at the state capitol and invited citizens and public officials from Macon and Bibb County to be recognized by the House of Representatives.

The Speaker assumed the Chair.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Industry and Labor:

HB 393. By Representatives Hamilton of the 24th, Lindsey of the 54th, Carter of the 175th, Hatchett of the 150th, Kirby of the 114th and others:

A BILL to be entitled an Act to amend Chapter 14 of Title 34 of the O.C.G.A., relating to the Georgia Workforce Investment Board, so as to provide a short title; to provide definitions; to provide for powers and duties of the Georgia Workforce Investment Board; to provide for its meetings and chairperson; to provide for certain priorities of service; to provide for local workforce investment areas; to provide for local workforce investment boards and their composition, officers, meetings, powers, duties, and immunities; to provide for certification and funding and budgets; to provide for contracts and limitations with regard thereto; to provide for sanctions for nonperformance and lack of fiscal responsibility; to provide for the delivery of certain services and limitations thereon; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the House was postponed until tomorrow:

HB 287. By Representatives Hatchett of the 150th, Coomer of the 14th, Nimmer of the 178th, Ehrhart of the 36th, England of the 116th and others:

A BILL to be entitled an Act to reassign the Division of Archives and History of the Office of the Secretary of State and transfer governance thereof to the Board of Regents of the University System of Georgia; to amend Article 2 of Chapter 3 of Title 20 and Chapter 13 of Title 45 of the O.C.G.A., relating to the board of regents and University System of Georgia and the Secretary of State; to amend Code Section 9-11-29.1 of the O.C.G.A., relating to the retention of depositions and other discovery materials; to amend Code Section 45-11-1 of the O.C.G.A., relating to offenses involving public records, documents, and other items; to amend Article 5 of Chapter 18 of Title 50, relating to state records management; to amend various provisions of the O.C.G.A.; to provide for related matters; 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 House were taken up for consideration and read the third time:

HB 338. By Representatives Wilkinson of the 52nd, Stephens of the 164th, Abrams of the 89th, Parrish of the 158th, Carter of the 175th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Council for the Arts, so as to clarify the role of arts in economic development and other vital functions to the state; to provide for membership changes; to provide for meetings; to provide for responsibilities; 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 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Council for the Arts, so as to clarify the role of arts in economic development and other vital functions to the state; to provide for membership changes; to provide for meetings; to provide for responsibilities; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Council for the Arts, is amended by revising Code Section 50-12-20, relating to legislative findings and declaration of public policy, as follows:

"50-12-20.

The General Assembly finds that the general welfare of the people of ~~the~~ this state will be promoted by giving recognition to the arts as a vital part of our culture and heritage; ~~that with increasing leisure time, the practice and enjoyment of the arts are of increasing importance; and that many of our citizens lack the opportunity to view, enjoy, or participate in live theatrical performances, film making, photography, music, opera, dance, art exhibits, examples of fine architecture, and the performing and visual arts. The General Assembly finds that many of our citizens possess talents of an artistic and creative nature which are not currently utilized to the fullest extent; that broadened activity in the arts will increase employment in the state by encouraging additional cultural activity throughout the~~ this state, thus utilizing the talents and abilities of many more citizens; and that the standards of artistic performance will be further improved by continuing encouragement and support and economic development. The arts industry fuels cultural heritage tourism, the fastest growing segment of tourism; is a catalyst for community revitalization, boosting local economies; fuels arts education in our schools, which prepares students to be entrepreneurial, critical thinkers; and spurs innovation, helping industries to become more competitive in a global marketplace. The General Assembly, therefore, declares it to be the public policy of this state to encourage the development of the arts."

SECTION 2.

Said article is further amended by revising Code Section 50-12-21, relating to the creation of the council, as follows:

"50-12-21.

There is created an arts council to be known as the 'Georgia Council for the Arts,' hereinafter referred to as the council. The council is created as an advisory body."

SECTION 3.

Said article is further amended by revising Code Section 50-12-22, relating to appointment of members, terms, vacancies, expenses, removal, chairman, and meetings, as follows:

"50-12-22.

(a) ~~The council shall consist of two members from each congressional district and four members representing the state at large who shall be appointed by the Governor. All members shall have demonstrated an interest in the arts. Except for certain members who were appointed in 1979, the term of office of each member shall be three years. In 1979, eight members were appointed for terms of office of one year, eight members for~~

~~terms of two years, and eight members for terms of three years. The initial appointments were made so that no more than one member from each congressional district or two state at large members' terms of office would expire in any one year. Vacancies shall be filled for unexpired terms in the same manner as the original appointment. Membership on the council shall be limited to two successive three year terms, and a member may be reappointed after a lapse of one year. No member initially appointed to one year or two year terms of office shall be prohibited from serving two consecutive three year terms of office.~~ The council shall consist of nine members who shall be appointed by the Governor. Councilmembers shall serve two three-year terms. The Governor shall fill any vacancies for unexpired terms. In addition to the nine members appointed by the Governor pursuant to this subsection, the Governor shall appoint two ex officio members from the General Assembly.

(b) With regards to the composition of the council:

(1) The council shall be broadly representative of the major fields of the arts and related creative industries;

(2) The council should be a balanced representation of the entire state, accounting for, but not limited to, minority and ethnic groups, gender diversity, geographic diversity, large and small organizations, and the public and private sectors;

(3) Councilmembers shall be appointed from among private citizens who are widely known for their competence and experience in connection with the arts and related creative industries, as well as their knowledge of community and state interests; and

(4) Consideration shall be given to recommendations for membership made by persons or organizations involved in civic, educational, business, labor, professional, cultural, ethnic, and performing and creative arts fields, as well as those with knowledge of community and state interests.

~~(b)(c)~~ Members shall be entitled to reimbursement for expenses incurred in the work of the council when authorized in advance by the commissioner of economic development.

~~(e)(d)~~ Active and continuing participation by members of the council is needed. Any member who fails to attend three regularly scheduled, consecutive meetings may be removed by the council.

~~(d)(e)~~ A ~~chairman~~ chairperson shall be appointed annually by the Governor for a term ending on June 30 of the year following such appointment. The chairperson shall be a person widely recognized for his or her knowledge, experience, and interest in the arts industry, as well as his or her knowledge of community and state interests.

~~(e)(f)~~ The council shall meet annually, or more often, on upon the call of the ~~chairman~~ chairperson, but not less often than twice during each fiscal year. A majority of the members appointed to the council shall constitute a quorum."

SECTION 4.

Said article is further amended by revising Code Section 50-12-23, relating to powers and duties, as follows:

"50-12-23.

The council shall advise the Governor through the Department of Economic Development concerning methods and programs to:

- (1) Stimulate and encourage the study and development of the arts as well as public interest and participation therein;
- (2) Encourage public interest in the cultural heritage of this state;
- (3) Expand this state's cultural resources;
- (4) Encourage and assist freedom of artistic expression essential for the well-being of the arts;
- (5) Assist the communities and organizations within this state in originating and creating their own cultural and artistic programs; ~~and~~
- (6) ~~Survey public and private institutions engaged within this state in cultural activities, including, but not limited to, architecture, dance, folk arts and applied arts and crafts, literature, music, painting, photography, sculpture, and theater. Advance the arts in education, tourism, community development, and economic development in Georgia;~~
- (7) Assist local governments and communities within this state to plan, build, and connect the arts to their tourism, community, and economic development initiatives;
- (8) Establish standards and procedures and advisory committees as necessary to support the director and staff in furthering the objectives of the council's programs; and
- (9) Seek and receive the views of all levels of government and the private and nonprofit sectors with respect to state programs and policies for the promotion and assistance of the arts industry."

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 Abrams	E Coomer	Y Hamilton	E McCall	Y Sims, C
E Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	E Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland

Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
E Bryant	Y Evans	N Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	E Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 2.

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

HB 320. By Representatives Harden of the 148th, Smith of the 70th, Tankersley of the 160th, Riley of the 50th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, so as to categorically exempt currently existing and compliant inert waste landfill operations from regulatory permitting; to provide for additional permitting exemptions; to delete a cross-reference; to revise civil penalty provisions; to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general provisions regarding the Environmental Protection Division and Environmental Advisory Council, so as to update the effective date of rules and regulations for purposes of criminal law enforcement; 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 Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, so as to exempt certain compliant inert waste landfill operations from additional regulatory permitting; to provide for additional permitting exemptions; to delete a cross-reference; to amend Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general provisions regarding the Environmental Protection Division and Environmental Advisory Council, so as to update the effective date of rules and regulations for purposes of criminal law enforcement; 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.

Part 1 of Article 2 of Chapter 8 of Title 12 of the Official Code of Georgia Annotated, relating to solid waste management generally, is amended in Code Section 12-8-24, relating to permits for solid waste handling activities, by adding a new subsection to read as follows:

"(k) Any inert waste landfill operation which, as of January 1, 2014, has been certified by a professional engineer registered in accordance with Chapter 15 of Title 43 as being in full compliance with all permit by rule requirements established in the rules and regulations of the division as they existed on January 1, 2012, may continue to operate under such permit by rule requirements."

SECTION 2.

Said part is further amended by revising Code Section 12-8-27, which is reserved, as follows:

"12-8-27.

Any landfill receiving only inert waste and which has a total capacity of 250 cubic yards or less shall be exempt from all permitting requirements under this part so long as such landfill is at least 100 feet from any property line or enclosed structure. ~~Reserved.~~"

SECTION 3.

Said part is further amended in Code Section 12-8-27.1, relating to the solid waste trust fund, by revising subsection (a) as follows:

"(a) There shall be established the solid waste trust fund. The director shall serve as trustee of the solid waste trust fund. The moneys deposited in such fund pursuant to this Code section, ~~Code Section 12-8-27, and~~ Code Section Sections 12-8-30.6; and ~~Code Section~~ 12-8-40.1 may be expended by the director, with the approval of the board, for the following purposes:

- (1) To take whatever emergency action is necessary or appropriate to assure that the public health or safety is not threatened whenever there is a release or substantial threat of a release of contaminants from a disposal facility;
- (2) To take preventive or corrective actions where the release of contaminants presents an actual or potential threat to human health or the environment and where the owner or operator has not been identified or is unable or unwilling to perform corrective action, including but not limited to closure and postclosure care of a disposal facility and provisions for providing alternative water supplies;
- (3) To take such actions as may be necessary to monitor and provide postclosure care of any disposal facility, including preventive and corrective actions, without regard to the identity or solvency of the owner thereof, commencing five years after the date of completing closure; and
- (4) To take such actions as may be necessary to implement the provisions of a scrap tire management program in this state, particularly as may be related to the cleanup of scrap tire disposal piles and facilities, regulation of scrap tire carriers and other handlers, and disbursement of grants and loans to cities, counties, and other persons as may be necessary to implement fully the provisions of this part."

SECTION 4.

Code Section 12-2-2 of the Official Code of Georgia Annotated, relating to general provisions regarding the Environmental Protection Division and Environmental Advisory Council, is amended by revising paragraph (5) of subsection (c) as follows:

"(5) Notwithstanding any other law to the contrary, for purposes of establishing criminal violations of the standards, rules, and regulations promulgated by the Board of Natural Resources as provided in this title, the term 'standards, rules, and regulations' shall mean those standards, rules, and regulations of the Board of Natural Resources in force and effect on January 1, ~~1998~~ 2013."

SECTION 5.

This Act shall become effective on July 1, 2013.

SECTION 6.

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

Pursuant to Rule 133, Representative Harrell of the 106th was excused from voting on HB 320.

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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
E Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	N Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
N Anderson	Deffenbaugh	Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	N Mosby	Y Smyre
Y Barr	Y Dickey	N Henson	Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Stephenson
N Bennett	E Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
E Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	E Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 159, nays 8.

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

HB 266. By Representative Peake of the 141st:

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

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

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to clarify that any tax credits earned for qualified research expenses under Code Section 48-7-40.12 in any taxable year beginning before January 1, 2012, and any carryforward attributable thereto, are governed by such Code section in effect for the taxable year in which the credit was earned; to change the definition of energy used in agriculture; to provide for dealers to elect between manufacturing and agricultural exemptions; to place a good faith standard on a seller regarding exemptions from taxation; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by revising paragraph (14) of Code Section 48-1-2, relating to definitions regarding revenue and taxation, as follows:

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2011~~ 2012, the provisions of the United States Internal Revenue Code of 1986, as amended, provided for in federal law enacted on or before ~~January 1, 2012~~ January 3, 2013, except that Section 85(c), Section 108(i), Section 163(e)(5)(F) Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be treated as they were in effect before the 2008 enactment of federal Public Law 110-343, and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended, shall be treated as it was in effect before the 2009 enactment of federal Public Law 111-5, and except that Section 13(e)(4) of 2009

federal Public Law 111-92 shall be treated as if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall be \$250,000.00 for tax years beginning in 2010, ~~and shall be \$250,000.00 for tax years beginning in 2011,~~ shall be \$250,000.00 for tax years beginning in 2012, and shall be \$250,000.00 for tax years beginning in 2013, and except that the limitations provided in Section 179(b)(2) shall be \$800,000.00 for tax years beginning in 2010, ~~and shall be \$800,000.00 for tax years beginning in 2011,~~ shall be \$800,000.00 for tax years beginning in 2012, and shall be \$800,000.00 for tax years beginning in 2013, and provided that Section 1106 of federal Public Law 112-95 shall be treated as if it is in effect, except the phrase 'Code Section 48-2-35 (or, if later, November 15, 2013)' shall be substituted for the phrase 'section 6511(a) of such Code (or, if later, April 15, 2013),' and notwithstanding any other provision in this title, no interest shall be refunded with respect to any claim for refund filed pursuant to Section 1106 of federal Public Law 112-95. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to ~~January 1, 2012~~ January 3, 2013, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986, as amended. For taxable years beginning on or after January 1, ~~2011~~ 2012, provisions of the Internal Revenue Code of 1986, as amended, which were as of ~~January 1, 2012~~ January 3, 2013, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

SECTION 2.

Said title is further amended by revising Code Section 48-7-40.12, relating to tax credits for qualified research expenses, by adding a new subsection to read as follows:

"(f) Any credit earned under this Code section in any taxable year beginning before January 1, 2012, and any credit carryforward attributable thereto, shall be governed by this Code section as in effect for the taxable year in which such credit was earned, including, but not limited to, when determining whether such credit or any credit carryforward may be taken as a credit against the taxpayer's quarterly or monthly payments under Code Section 48-7-103."

SECTION 3.

Said title is further amended by revising paragraph (4) of subsection (a) and adding a new subsection to Code Section 48-8-3.3, relating to an exemption from state sales and use taxes for certain agricultural inputs and machinery, to read as follows:

"(4) 'Energy used in agriculture' means fuels used for agricultural purposes, including, but not limited to, purposes, other than fuels subject to prepaid state tax as defined in Code Section 48-8-2. The term includes, but is not limited to, off-road diesel, propane, butane, electricity, natural gas, wood, wood products, or wood by-products;

liquefied petroleum gas or other fuel used in structures in which broilers, pullets, or other poultry are raised, in which swine are raised, in which dairy animals are raised or milked or where dairy products are stored on a farm, in which agricultural products are stored, and in which plants, seedlings, nursery stock, or floral products are raised primarily for the purposes of making sales of such plants, seedlings, nursery stock, or floral products for resale; electricity or other fuel for the operation of an irrigation system which is used on a farm exclusively for the irrigation of agricultural products; and electricity or other fuel used in the drying, cooking, or further processing of raw agricultural products, including, but not limited to, food processing of raw agricultural products."

"(f) A dealer that performs both manufacturing and agricultural operations at a single place of business may avail itself of the exemptions under either Code Section 48-8-3.2 or this Code section, but not both, for that place of business in any one calendar year."

SECTION 4.

Said title is further amended by revising Code Section 48-8-38, relating to the burden of proof on the seller as to taxability, as follows:

"48-8-38.

(a) All gross sales of a retailer are subject to the tax imposed by this article until the contrary is established. The burden of proving that a sale of tangible personal property is not a sale at retail ~~is~~ shall be upon the person who makes the sale unless such person, in good faith, takes from the purchaser a certificate stating that the property is purchased for resale or is otherwise tax exempt.

(b) The certificate relieves the seller from the burden of proof as provided in subsection (a) of this Code section if the seller acquires from the purchaser a properly completed certificate taken in good faith. A properly completed certificate taken in good faith means a seller shall obtain a certificate:

(1) That is fully completed, including, but not limited to, the name, address, sales tax number, and signature of the taxpayer when required;

(2) In a form appropriate for the type of exemption claimed;

(3) Claiming an exemption that was statutorily available on the date of the transaction in the jurisdiction where the transaction is sourced;

(4) Claiming an exemption that could be applicable to the item being purchased; and

(5) Claiming an exemption that is reasonable for the purchaser's type of business.

(c) The certificate relieves the seller from the burden of proof on sales for resale as provided in subsection (a) of this Code section if the seller acquires from the purchaser a properly completed certificate, taken in good faith, from a purchaser who:

(1) Is engaged in the business of selling tangible personal property;

(2) Has a valid sales tax registration number at the time of purchase and has listed his or her sales tax number on the certificate; and

(3) At the time of purchasing the tangible personal property, the seller has no reason to believe that the purchaser does not intend to resell it in his or her regular course of business.

- ~~(e)(d)~~ The certificate shall include such information as is determined by the commissioner and is signed by the purchaser if it is a paper exemption certificate.
- ~~(d)~~ A purchaser claiming an exemption electronically shall use the standard form as adopted by the Streamlined Sales Tax Governing Board.
- (e) A seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred.
- ~~(f)~~ The department shall relieve a seller of the tax otherwise applicable if the seller obtains a fully completed exemption certificate approved by the Streamlined Sales Tax Governing Board, the department, or the Multistate Tax Commission or captures the relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale. If the seller has not obtained a fully completed exemption certificate or all relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale, the department shall provide the seller with 120 days subsequent to a request for substantiation to either:
- ~~(1)~~ Obtain a fully completed exemption certificate from the purchaser, taken in good faith which means that the seller obtain a certificate that claims an exemption that:
 - ~~(A)~~ Was statutorily available on the date of the transaction in the jurisdiction where the transaction is sourced;
 - ~~(B)~~ Could be applicable to the item being purchased; and
 - ~~(C)~~ Is reasonable for the purchaser's type of business; or
 - ~~(2)~~ Obtain other information establishing that the transaction was not subject to the tax.
- ~~(g)~~ The department shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate from a purchaser with which the seller has a recurring business relationship."

SECTION 5.

- (a) This section and Section 1 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Section 1 shall be applicable to all taxable years beginning on or after January 1, 2012, except the provisions in Section 1 relating to Section 1106 of federal Public Law 112-95 shall also apply to taxable years beginning before January 1, 2012.
- (b) Section 2 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2012.
- (c) Sections 3, 4, and 6 of this Act shall become effective upon its approval 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.

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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
E Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	E Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	E Thomas, B
E Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	E Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 1.

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

Representative Martin of the 49th moved that the following Bill of the House be withdrawn from the Committee on Judiciary and recommitted to the Committee on Banks & Banking:

HB 465. By Representatives Martin of the 49th, Morris of the 156th, Williamson of the 115th and Kelley of the 16th:

A BILL to be entitled an Act to amend Title 18 of the Official Code of Georgia Annotated, relating to debtor and creditor, so as to repeal Chapter 5, relating to debt adjustment; to enact a new Chapter 5, relating to debt management services; to repeal conflicting laws; and for other purposes.

The motion prevailed.

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

HR 504. By Representatives Neal of the 2nd and Deffenbaugh of the 1st:

A RESOLUTION recognizing the Gordon Lee Memorial High School Lady Trojan softball team and inviting them to be recognized by the House of Representatives; and for other purposes.

HR 505. By Representatives Willard of the 51st, Lindsey of the 54th, Wilkinson of the 52nd and Jacobs of the 80th:

A RESOLUTION recognizing and commending the Sandy Springs Bar Association and inviting members to be recognized by the House of Representatives; and for other purposes.

HR 506. By Representative Dollar of the 45th:

A RESOLUTION congratulating the Pope High School Wrestling team and inviting them to appear before the House of Representatives; and for other purposes.

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

HR 232. By Representatives Tanner of the 9th and Ralston of the 7th:

A RESOLUTION congratulating Bradley Weaver on winning the American Star in Agribusiness Award and inviting him to be recognized by the House of Representatives; and for other purposes.

HR 390. By Representatives Rogers of the 10th, Hawkins of the 27th and Allison of the 8th:

A RESOLUTION commending the White County Color and Honor Guard and inviting its members to be recognized by the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 507. By Representatives Tankersley of the 160th, Parrish of the 158th and Burns of the 159th:

A RESOLUTION recognizing and commending W. Scott Bohlke, M.D.; and for other purposes.

HR 508. By Representative Sims of the 169th:

A RESOLUTION congratulating Jessica Anne Coker and Jonathan Hugh Bagwell on the occasion of their wedding; and for other purposes.

HR 509. By Representatives Clark of the 98th, Clark of the 101st, Coleman of the 97th, Casas of the 107th, Chandler of the 105th and others:

A RESOLUTION recognizing and commending Emily Acevedo, Sycamore Elementary School's Teacher of the Year; and for other purposes.

HR 510. By Representatives Harden of the 148th, Smith of the 70th, Burns of the 159th, England of the 116th, Williams of the 119th and others:

A RESOLUTION honoring the life and memory of Mr. James Dillard McCall; and for other purposes.

The Speaker Pro Tem assumed the Chair.

Representative England of the 116th District, Chairman of the Committee on Appropriations, submitted the following report:

Mr. Speaker:

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

HB 45 Do Pass
HR 73 Do Pass

HB 127 Do Pass
HR 107 Do Pass, by Substitute

Respectfully submitted,
/s/ England of the 116th
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 Bills and Resolution of the House and has instructed me to report the same back to the House with the following recommendations:

HB 245	Do Pass	HB 284	Do Pass, by Substitute
HB 327	Do Pass, by Substitute	HB 337	Do Pass
HB 354	Do Pass, by Substitute	HR 218	Do Pass

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

Representative Burns of the 159th District, Chairman of the Committee on Game, Fish and Parks, submitted the following report:

Mr. Speaker:

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

HB 36	Do Pass
HB 189	Do Pass, by Substitute
HB 207	Do Pass, by Substitute

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

Representative Rogers of the 29th District, Chairman of the Committee on Higher Education, submitted the following report:

Mr. Speaker:

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

HB 131 Do Pass, by Substitute
 HB 324 Do Pass

Respectfully submitted,
 /s/ Rogers of the 29th
 Chairman

Representative Hamilton of the 24th District, Chairman of the Committee on Industry and Labor, submitted the following report:

Mr. Speaker:

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

HB 393 Do Pass, by Substitute

Respectfully submitted,
 /s/ Hamilton of the 24th
 Chairman

Representative Willard of the 51st District, Chairman of the Committee on Judiciary, submitted the following report:

Mr. Speaker:

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

HB 78	Do Pass, by Substitute	HB 94	Do Pass, by Substitute
HB 139	Do Pass, by Substitute	HB 150	Do Pass, by Substitute
HB 437	Do Pass	HB 441	Do Pass
HB 451	Do Pass, by Substitute		

Respectfully submitted,
 /s/ Willard of the 51st
 Chairman

Representative Powell of the 32nd District, Chairman of the Committee on Public Safety and Homeland Security, submitted the following report:

Mr. Speaker:

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

HB 366 Do Pass

Respectfully submitted,
/s/ Powell of the 32nd
Chairman

Representative Channell of the 120th District, Chairman of the Committee on Ways and Means, submitted the following report:

Mr. Speaker:

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

HB 34 Do Pass

Respectfully submitted,
/s/ Channell of the 120th
Chairman

Representative O'Neal of the 146th 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 Pro Tem 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.