

**Representative Hall, Atlanta, Georgia**

**Friday, March 1, 2013**

**Twenty-Seventh Legislative Day**

The House met pursuant to adjournment at 9:00 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:

Alexander	Coomer	Hamilton	McCall	Smith, L
E Allison	Cooper	Harbin	Meadows	Smith, M
Anderson	Dawkins-Haigler	Harden	Mitchell	Smith, R
Atwood	Deffenbaugh	Harrell	Mosby	Spencer
Ballinger	Dempsey	Hatchett	E Murphy	Stephens, M
Barr	Dickey	Hawkins	Neal	E Stephens, R
Battles	Dickson	E Henson	Nimmer	E Stephenson
Beasley-Teague	Douglas	Hightower	Nix	Stovall
Bell	Drenner	Hill	Oliver	Strickland
E Bennett	Dudgeon	Hitchens	Pak	Talton
Bentley	Dukes	Holcomb	Parrish	E Tankersley
Benton	Dunahoo	Holmes	Parsons	Tanner
E Black	E Duncan	Holt	Peake	Taylor, D
Braddock	Dutton	Houston	Pezold	Taylor, T
Broadrick	E Ehrhart	Hugley	Powell, A	Teasley
Brockway	England	Jackson	E Powell, J	Thomas, A.M.
Brooks	Epps, J	Jasperse	Pruett	Thomas, B
Bryant	Evans	Jones, J	Quick	Turner
Buckner	Fleming	Jones, L	Ramsey	Waites
Burns	Floyd	Jones, S	Rice	Watson, B
Caldwell, J	Fludd	Jordan	Riley	Watson, S
Caldwell, M	Frazier	Kaiser	Roberts	Welch
E Carson	Frye	Kelley	Rogers, C	Weldon
Carter	Gardner	Kidd	Rogers, T	E Wilkerson
Casas	Gasaway	Kirby	Rutledge	Wilkinson
Chandler	Geisinger	Lindsey	Rynders	Willard
Chapman	Glanton	Lumsden	Scott	Williams, A
Cheokas	Golick	Mabra	Sharper	Williams, C
Clark, J	Gordon	Marin	Shaw	Williams, E
Clark, V	Gravley	Martin	Sheldon	Williamson
Coleman	Greene	Maxwell	E Sims, B	Yates
Cooke	Gregory	Mayo	Smith, E	Ralston, Speaker

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

Representatives Abrams of the 89th, Beverly of the 143rd, Channell of the 120th, Dickerson of the 113th, Fullerton of the 153rd, Howard of the 124th, Kendrick of the 93rd, Morgan of the 39th, Morris of the 156th, Randall of the 142nd, Sims of the 169th, and Smyre of the 135th.

They wished to be recorded as present.

Prayer was offered by Pastor Jeff Crook, Blackshear Place Baptist Church, Flowery Branch, Georgia.

The members pledged allegiance to the flag.

Representative Williams of the 119th, Vice-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.

The following communication was received:

House of Representatives  
State Capitol, Room 228  
Atlanta, Georgia 30334

March 1, 2013

Dear Mr. Clerk,

Please have the House Journal show me as excused on February 19, 2013.

Thank you,

/s/ Tom McCall

TM/ph

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 510. By Representatives Talton of the 147th, Neal of the 2nd, Randall of the 142nd and Harrell of the 106th:

A BILL to be entitled an Act to amend Article 3 of Chapter 6 of Title 17 of the Official Code of Georgia Annotated, relating to proceedings for forfeiture of bonds or recognizances, so as to relieve a surety from liability under certain circumstances; to change certain provisions relating to remission of forfeiture; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary Non-Civil.

HB 511. By Representatives Dempsey of the 13th, Watson of the 166th, Cooper of the 43rd, Sims of the 123rd, Clark of the 101st and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to the state employees' health insurance plan, so as to provide for a pilot program to provide coverage for bariatric surgical procedures for the treatment and management of obesity and related conditions; to provide for eligibility; to provide for requirements; to provide for a review panel; to provide for an evaluation report on the pilot program; to provide for automatic repeal; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

HB 514. By Representatives Randall of the 142nd, Peake of the 141st, Dickey of the 140th and Epps of the 144th:

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for the restructuring of the City of Macon, the City of Payne City, and Bibb County," approved April 20, 2012 (Ga. L. 2012, p. 5595), so as to change provisions relative to initial budgets; to provide for the first 12 month budget; to provide for the terms of certain boards, commissions, and authorities; to provide for transition of membership and appointing authority; to provide for

membership on the transition task force; to provide for a change in an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 515. By Representatives Geisinger of the 48th, Powell of the 32nd, McCall of the 33rd, Riley of the 50th and Taylor of the 79th:

A BILL to be entitled an Act to amend Code Section 12-5-584 of the Official Code of Georgia Annotated, relating to water supply and water conservation management plan and interbasin transfers relative to the Metropolitan North Georgia Water Planning District, so as to provide an exemption to the prohibition on interbasin transfers from certain rivers; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HB 516. By Representative Coomer of the 14th:

A BILL to be entitled an Act to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that an election to participate in the Regents Retirement Plan in lieu of the Teachers Retirement System of Georgia shall be revocable at will; to provide that persons who made an irrevocable election for such participation may nonetheless elect to participate in the Teachers Retirement System of Georgia; to provide for creditable service; to provide for application and transfer of funds; 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 517. By Representatives Williams of the 119th, Quick of the 117th, Frye of the 118th, Tankersley of the 160th, Williamson of the 115th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 3 of the Official Code of Georgia Annotated, relating to the regulation of alcoholic beverages generally, so as to provide for local control of distance requirements for grocery stores and other licensees for the retail sale of wine and malt beverages for consumption off the premises only such that grocery stores and other licensees shall be allowed to open in locations near college campuses such as downtown areas, if so permitted by the local governing authority; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Regulated Industries.

HB 518. By Representatives Strickland of the 111th, Hitchens of the 161st, Neal of the 2nd, Welch of the 110th, Tanner of the 9th and others:

A BILL to be entitled an Act to amend Code Section 40-6-163 of the Official Code of Georgia Annotated, relating to the duty of a driver of a vehicle meeting or overtaking a school bus, reporting of violations, and enforcement, so as to require additional activation of amber flasher lights on a school bus before and after a school bus stop; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Public Safety & Homeland Security.

HR 528. By Representatives Harbin of the 122nd, Kaiser of the 59th, Williams of the 119th, Stephens of the 164th, Sims of the 123rd and others:

A RESOLUTION creating the Joint Georgia Music Industry Study Committee; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

HR 529. By Representatives Harbin of the 122nd, Kaiser of the 59th, Williams of the 119th, Stephens of the 164th, Sims of the 123rd and others:

A RESOLUTION creating the House Georgia Music Industry Study Committee; and for other purposes.

Referred to the Committee on Economic Development & Tourism.

HR 530. By Representatives Randall of the 142nd, Peake of the 141st, Beverly of the 143rd and Epps of the 144th:

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

Referred to the Committee on Transportation.

HR 531. By Representatives Roberts of the 155th, England of the 116th, Burns of the 159th and McCall of the 33rd:

A RESOLUTION proposing an amendment to the Constitution so as to provide that funds derived from sales and use and motor fuel taxes with respect to jet fuel and aviation gasoline shall be allocated for activities incident to providing and maintaining an adequate system of public-use airports in this state; to authorize the General Assembly to specify and direct the use of such funds by general law; to provide for submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Ways & Means.

HR 532. By Representatives Powell of the 32nd, McCall of the 33rd, Gasaway of the 28th, Fleming of the 121st, Harbin of the 122nd and others:

A RESOLUTION requesting that the United States Army Corps of Engineers (USACE) utilize adaptive management techniques to control lake levels and river flows within the Savannah River Basin; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 547. By Representatives Wilkerson of the 38th, Thomas of the 100th, Abrams of the 89th, Kaiser of the 59th, Fludd of the 64th and others:

A RESOLUTION creating the House Student Scholarship Organization Study Committee; and for other purposes.

Referred to the Committee on Higher Education.

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

HB 519. By Representatives Jasperse of the 11th, Lindsey of the 54th, Battles of the 15th, Casas of the 107th, Peake of the 141st and others:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local school superintendents, so as to change certain provisions relating to appointment of local school superintendents; to authorize the General Assembly to provide by local law for the election of local school superintendents as an alternative to appointment of local school superintendents; to provide for terms, qualifications, suspension and removal from office, and filling of vacancies; to provide for non-impairment of certain contracts; to provide an effective

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

Referred to the Committee on Education.

HB 520. By Representatives Weldon of the 3rd and Willard of the 51st:

A BILL to be entitled an Act to amend Code Section 48-8-89 of the Official Code of Georgia Annotated, relating to distribution and use of proceeds, certificate specifying percentage of proceeds for each political subdivision, determination of proceeds for absent municipalities, procedure for filing certificates, effect of failure to file, and renegotiation of certificate, so as to extend temporarily the time for filing certificates providing for the distribution of local option sales and use tax proceeds; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Ways & Means.

HB 521. By Representatives Williams of the 87th, Brooks of the 55th, Jones of the 62nd, Mayo of the 84th, Bryant of the 162nd and others:

A BILL to be entitled an Act to amend Chapter 11 of Title 40 of the Official Code of Georgia Annotated, relating to abandoned motor vehicles, so as to provide for notice to owners of motor vehicles removed from private property; to provide for the classification of personal property left within a motor vehicle that is no longer abandoned; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

HR 549. By Representatives Rynders of the 152nd, England of the 116th, Meadows of the 5th, Jones of the 47th and O`Neal of the 146th:

A RESOLUTION creating the House Study Committee on Professional Licensing Boards; and for other purposes.

Referred to the Committee on Appropriations.

HR 550. By Representatives Jasperse of the 11th, Lindsey of the 54th, Battles of the 15th, Casas of the 107th, Peake of the 141st and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for the election of local school superintendents as an alternative to appointment of local school superintendents; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Committee on Education.

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

HB 500	HB 501
HB 502	HB 503
HB 504	HB 505
HB 506	HB 507
HB 508	HB 509
HB 512	HB 513
HR 512	HR 527
SB 115	SB 134
SB 137	SB 139

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

HB 372      Do Pass, by Substitute

Respectfully submitted,  
/s/ England of the 116th  
Chairman

Representative Carter of the 175th 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 of the House and has instructed me to report the same back to the House with the following recommendation:

HB 41      Do Pass, by Substitute

Respectfully submitted,  
/s/ Carter of the 175th  
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 171	Do Pass	HB 346	Do Pass
HB 347	Do Pass	HB 442	Do Pass
HB 452	Do Pass		

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

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

HR 192	Do Pass
HR 505	Do Pass
HR 514	Do Pass

Representative Roberts of the 155th District, Chairman of the Committee on Transportation, submitted the following report:

Mr. Speaker:

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

HR 411 Do Pass, by Substitute

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

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

HOUSE RULES CALENDAR  
FRIDAY, MARCH 1, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 27th Legislative Day as enumerated below:

DEBATE CALENDAR

**Open Rule**

None

**Modified Open Rule**

- HB 71 Georgia Municipal Employees Benefit System; total percentage of investments permissible in real estate investments; increase (Ret-Riley-50th)
- HB 253 Athens-Clarke County; provide future nonpartisan elections for office of probate judge (IGC-Quick-117th)
- HB 284 Return to Play Act of 2013; enact (Substitute)(Ed-Pruett-149th)
- HB 298 Agricultural Commodity Commission for Georgia Grown Products; create (Substitute)(A&CA-Dickey-140th)
- HB 437 Atlanta Judicial Circuit; provide for selection of chief judge (Judy-Willard-51st)
- HB 441 Fulton County Superior Court; administrator shall have oversight of budget; provide (Judy-Willard-51st)

**Modified Structured Rule**

- HB 21 Adoption; postadoption contact agreements; provide (Substitute)(JuvJ-Oliver-82nd)
- HB 99 Malt beverages; amount produced by a person in his or her private residence; change (Substitute)(RegI-Spencer-180th)

- HB 349 Criminal cases; provide state with more direct appeal rights  
(Substitute)(JudyNC-Golick-40th)
- HB 446 Guardian and ward; proposed ward who resided in another state prior to  
submission of guardianship or conservatorship petition for such proposed  
ward; provide certain additional notice requirements (JuvJ-Peake-141st)

### Structured Rule

- HB 127 Public officers; automatic fee adjustment in cases where funds are not  
appropriated in certain amounts for specified purposes; provide (App-  
Powell-171st)

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

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

Representative Gardner of the 57th moved that the following Bill of the House be  
removed from the Local Calendar and voted on separately:

- HB 347. By Representatives Riley of the 50th, Wilkinson of the 52nd, Willard of the  
51st, Geisinger of the 48th, Jones of the 47th and others:

A BILL to be entitled an Act to amend an Act to create a board of elections  
and registration for Fulton County, Georgia, approved March 30, 1989 (Ga.  
L. 1989, p. 4577), so as to revise the manner of appointment of the members  
of the board; to provide for related matters; to repeal conflicting laws; and for  
other purposes.

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

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

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

On the motion, the ayes were 54, nays 96.

The motion was lost.

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

HB 171. By Representatives Riley of the 50th, Wilkinson of the 52nd, Willard of the 51st, Geisinger of the 48th, Jones of the 47th and others:

A BILL to be entitled an Act to amend an Act creating the Board of Commissioners of Fulton County, approved December 3, 1880 (Ga. L. 1880-81, p. 508), as amended, particularly by an Act approved April 12, 1982 (Ga. L. 1982, p. 4148), an Act approved March 28, 1990 (Ga. L. 1990, p. 4531), and an Act approved April 9, 1993 (Ga. L. 1993, p. 5241), so as to change the description of the commissioner districts; to provide for the continuation in office of current members; to provide for qualifications and the manner of election and terms of office; to provide for the filling of vacancies; to provide for the powers and duties of the chairperson; to provide for a quorum; 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.

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:

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

On the passage of the Bill, the ayes were 99, nays 54.

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

Representative Beasley-Teague of the 65th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 346. By Representatives Geisinger of the 48th, Jones of the 47th, Lindsey of the 54th, Willard of the 51st, Riley of the 50th and others:

A BILL to be entitled an Act to amend an Act providing for the consolidation of the offices of tax receiver of Fulton County and tax collector of Fulton County into the office of tax commissioner of Fulton County, approved February 21, 1951 (Ga. L. 1951, p. 3006), as amended, particularly by an Act approved May 9, 2002 (Ga. L. 2002, p. 5680), so as to provide for a citation of authority; to provide for the appointment of the tax commissioner of Fulton County; to limit certain compensation of the tax commissioner; 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.

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

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

On the motion, the ayes were 57, nays 98.

The motion was lost.

Representative Williams of the 87th moved that the House reconsider its action in failing to remove HB 346 from the Local Calendar to be voted on separately.

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

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

On the motion, the ayes were 51, nays 102.

The motion was lost.

Representative Beasley-Teague of the 65th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 442. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Martin of the 49th, Rice of the 95th and others:

A BILL to be entitled an Act to provide for the administration of the budget of the State Court of Fulton County; to provide that the court administrator shall have oversight of the budget; to provide that the court administrator, with the approval of the chief judge, is authorized to make changes to line item appropriations; to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

On the motion, the ayes were 56, nays 100.

The motion was lost.

Representative Beasley-Teague of the 65th moved that the following Bill of the House be removed from the Local Calendar and voted on separately:

HB 452. By Representatives Jones of the 47th and Hill of the 22nd:

A BILL to be entitled an Act to amend an Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), 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.

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

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

N Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
N Clark, V	N Gravley	N Martin	N Shaw	N Williamson
N Coleman	Greene	N Maxwell	N Sheldon	N Yates
N Cooke	N Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the motion, the ayes were 52, nays 103.

The motion was lost.

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

HB 346. By Representatives Geisinger of the 48th, Jones of the 47th, Lindsey of the 54th, Willard of the 51st, Riley of the 50th and others:

A BILL to be entitled an Act to amend an Act providing for the consolidation of the offices of tax receiver of Fulton County and tax collector of Fulton County into the office of tax commissioner of Fulton County, approved February 21, 1951 (Ga. L. 1951, p. 3006), as amended, particularly by an Act approved May 9, 2002 (Ga. L. 2002, p. 5680), so as to provide for a citation of authority; to provide for the appointment of the tax commissioner of Fulton County; to limit certain compensation of the tax commissioner; 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.

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

HB 347. By Representatives Riley of the 50th, Wilkinson of the 52nd, Willard of the 51st, Geisinger of the 48th, Jones of the 47th and others:

A BILL to be entitled an Act to amend an Act to create a board of elections and registration for Fulton County, Georgia, approved March 30, 1989 (Ga. L. 1989, p. 4577), so as to revise the manner of appointment of the members of the board; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HB 442. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Martin of the 49th, Rice of the 95th and others:

A BILL to be entitled an Act to provide for the administration of the budget of the State Court of Fulton County; to provide that the court administrator shall have oversight of the budget; to provide that the court administrator, with the approval of the chief judge, is authorized to make changes to line item appropriations; to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County; 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 452. By Representatives Jones of the 47th and Hill of the 22nd:

A BILL to be entitled an Act to amend an Act to incorporate the City of Milton in Fulton County, Georgia, approved March 29, 2006 (Ga. L. 2006, p. 3554), 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.

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:

N Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
E Allison	N Dawkins-Haigler	Y Harden	N Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	N Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	N Dickerson	N Hawkins	N Mosby	N Smyre
Y Barr	Y Dickey	N Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Neal	N Stephens, M
N Beasley-Teague	Dollar	Y Hill	Y Nimmer	E Stephens, R
N Bell	N Douglas	Y Hitchens	Y Nix	N Stephenson
E Bennett	N Drenner	N Holcomb	N Oliver	N Stovall
N Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	N Dukes	Y Holt	Y Pak	Y Talton
Beverly	Dunahoo	Y Houston	Y Parrish	E Tankersley
Y Black	E Duncan	N Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	N Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	N Jackson	Y Pezold	Y Taylor, T

Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
N Brooks	N Epps, C	Y Jasperse	E Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	N Thomas, B
N Bryant	N Evans	N Jones, L	Y Quick	Y Turner
N Buckner	Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	N Jordan	Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	Rice	Y Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
E Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	N Gardner	Y Kirby	Y Rogers, T	N Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	N Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	Y Golick	N Mabra	Y Setzler	Williams, C
Y Clark, J	N Gordon	N Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	N Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bills, the ayes were 100, nays 56.

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 10. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to registered professional nurses, so as to provide for continuing competency requirements as a requirement for license renewal; to provide for inactive licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 128. By Senators Millar of the 40th and Unterman of the 45th:

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

- SB 140. By Senators Murphy of the 27th, Miller of the 49th, Mullis of the 53rd, Ginn of the 47th and Gooch of the 51st:

A BILL to be entitled an Act to amend Code Section 33-7-6 of the Official Code of Georgia Annotated, relating to property insurance, contract requirements, rules and regulations, and exemptions, so as to include contracts, agreements, and instruments for the repair of certain wear and tear of a motor vehicle to include rips, burns, tears, holes, and punctures to interior fabric or carpet, cosmetic repair to aluminum or painted wheels, and exterior reconditioning of foggy or yellowed headlights within the definition of property insurance in a manner similar to vehicle service agreements or extended warranty agreements; to provide for related matters; to repeal conflicting laws; and for other purposes.

- SB 142. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to salary, retirement, death, and disability benefits under the Georgia Judicial Retirement System, so as to provide that the board of trustees shall have the authority to determine the time and circumstances of paying benefits to the extent necessary to preserve the retirement system's status as a qualified plan under federal law; to provide that a prohibition against a person receiving a pension from accepting public employment shall apply to persons who become members on or after July 1, 2014, without regard to age; to require notice to the board of trustees of such employment; to provide for penalties; to repeal conflicting laws; and for other purposes.

- SB 199. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend an Act providing for a seven-member Board of Education of McDuffie County, approved March 27, 1972 (Ga. L. 1972, p. 2538), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3708), 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 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 376. By Representative Harden of the 148th:

A BILL to be entitled an Act to authorize the governing authority of the City of Hawkinsville 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 415. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act providing for a new charter for the county-wide government of Columbus, Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to make certain stylistic changes to said charter; to repeal conflicting laws; and for other purposes.

HB 416. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act providing for a new charter for the county-wide government of Columbus, Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as change certain provisions relating to the personnel review board; to repeal conflicting laws; and for other purposes.

HB 417. By Representatives Smyre of the 135th, Smith of the 134th, Hugley of the 136th, Buckner of the 137th and Pezold of the 133rd:

A BILL to be entitled an Act to amend an Act providing for a new charter for the county-wide government of Columbus, Georgia, approved April 5, 1993 (Ga. L. 1993, p. 4978), as amended, so as to make certain stylistic changes to said charter; to repeal conflicting laws; and for other purposes.

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

- SR 413. By Senators Orrock of the 36th, Unterman of the 45th, Hufstetler of the 52nd and Ligon, Jr. of the 3rd:

A RESOLUTION urging adult citizens of Georgia to strongly consider preparing an advance directive for health care that appoints their health care agent and states their treatment preferences; and for other purposes.

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

- SB 10. By Senator Carter of the 1st:

A BILL to be entitled an Act to amend Article 1 of Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to registered professional nurses, so as to provide for continuing competency requirements as a requirement for license renewal; to provide for inactive licenses; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Health & Human Services.

- SB 128. By Senators Millar of the 40th and Unterman of the 45th:

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

Referred to the Committee on Regulated Industries.

- SB 140. By Senators Murphy of the 27th, Miller of the 49th, Mullis of the 53rd, Ginn of the 47th and Gooch of the 51st:

A BILL to be entitled an Act to amend Code Section 33-7-6 of the Official Code of Georgia Annotated, relating to property insurance, contract requirements, rules and regulations, and exemptions, so as to include contracts, agreements, and instruments for the repair of certain wear and tear of a motor vehicle to include rips, burns, tears, holes, and punctures to interior fabric or carpet, cosmetic repair to aluminum or painted wheels, and exterior reconditioning of foggy or yellowed headlights within the definition of property insurance in a manner similar to vehicle service agreements or extended warranty agreements; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Insurance.

SB 142. By Senator Millar of the 40th:

A BILL to be entitled an Act to amend Article 6 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to salary, retirement, death, and disability benefits under the Georgia Judicial Retirement System, so as to provide that the board of trustees shall have the authority to determine the time and circumstances of paying benefits to the extent necessary to preserve the retirement system's status as a qualified plan under federal law; to provide that a prohibition against a person receiving a pension from accepting public employment shall apply to persons who become members on or after July 1, 2014, without regard to age; to require notice to the board of trustees of such employment; to provide for penalties; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Retirement.

SB 199. By Senator Stone of the 23rd:

A BILL to be entitled an Act to amend an Act providing for a seven-member Board of Education of McDuffie County, approved March 27, 1972 (Ga. L. 1972, p. 2538), as amended, particularly by an Act approved April 2, 2002 (Ga. L. 2002, p. 3708), 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 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.

SR 413. By Senators Orrock of the 36th, Unterman of the 45th, Hufstetler of the 52nd and Ligon, Jr. of the 3rd:

A RESOLUTION urging adult citizens of Georgia to strongly consider preparing an advance directive for health care that appoints their health care agent and states their treatment preferences; and for other purposes.

Referred to the Committee on Health & Human Services.

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

Representatives McCall of the 33rd, Lindsey of the 54th, Brooks of the 55th, and Bruce of the 61st.

Pursuant to HR 499, the House recognized and commended Mr. John G. R. Bankhead, the GBI's Director of Public Affairs, on the occasion of his retirement and his contributions to the law enforcement profession in Georgia.

Pursuant to HR 495, the House recognized and commended the State YMCA of Georgia's Center for Civic Engagement.

By unanimous consent, the following Bill of the House was postponed until the next legislative day:

HB 127. By Representatives Powell of the 171st, Meadows of the 5th, England of the 116th, Hamilton of the 24th, Nix of the 69th and others:

A BILL to be entitled an Act to amend Titles 45, 12, and 15 of the Official Code of Georgia Annotated, relating to public officers and employees, conservation and natural resources, and courts, respectively, 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 for corresponding changes; to provide an effective date; to repeal conflicting laws; and for other purposes.

By unanimous consent, the following Bill of the House, having been previously postponed, was again postponed until the next legislative day:

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.

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 403 Do Pass, by Substitute

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

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

HB 446. By Representatives Peake of the 141st, Lindsey of the 54th, Willard of the 51st, England of the 116th, Cooper of the 43rd and others:

A BILL to be entitled an Act to amend Title 29 of the Official Code of Georgia Annotated, relating to guardian and ward, so as to provide for certain additional notice requirements for a proposed ward who resided in another state prior to the submission of a guardianship or conservatorship petition for such proposed ward; to require disclosure in petitions; 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	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	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
E Bennett	Y 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	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E 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	E Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y 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	Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
E Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
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	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	Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 162, nays 0.

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

HB 298. By Representatives Dickey of the 140th, Harden of the 148th, Watson of the 172nd, Epps of the 144th, Shaw of the 176th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodities promotion, so as to create the Agricultural Commodity Commission for Georgia Grown Products; to provide for the operation and function of the commodity commission; to amend Code Section 2-8-10 of the Official Code of Georgia Annotated, relating to nonapplicability of Article 2 of Chapter 8 of Title 2 of the Official Code of Georgia Annotated, so as to exclude the Agricultural Commodity Commission for Georgia Grown Products from the provisions of such article; 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 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodities promotion, so as to create the Agricultural Commodity

Commission for Georgia Grown Products; to provide for the operation and function of the commodity commission; to increase the membership for the Agricultural Commodity Commission for Cotton; to exclude the Agricultural Commodity Commission for Georgia Grown Products from general provisions relating to agricultural commodities promotion; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

**SECTION 1.**

Chapter 8 of Title 2 of the Official Code of Georgia Annotated, relating to agricultural commodities promotion, is amended by adding a new article to read as follows:

"ARTICLE 4

2-8-90.

As used in this article, the term:

(1) 'Advertising and sales promotion' means, in addition to the ordinarily accepted meaning thereof, trade promotion and activities for the prevention, modification, or removal of trade barriers which restrict the normal flow of Georgia grown products to market and may include the presentation of facts to and negotiations with state, federal, or foreign governmental agencies on matters which affect the marketing of Georgia grown products.

(2) 'Commission' means the Agricultural Commodity Commission for Georgia Grown Products created under this article.

(3) 'Georgia grown products' means any agricultural, horticultural, floricultural, silvicultural, or vegetable products commercially produced in this state.

(4) 'Person' means an individual, firm, corporation, association, or any other business unit or any combination thereof and includes any state agency which engages in any of the commercial activities regulated pursuant to this article.

(5) 'Producer' means any person engaged within this state in the business of producing or causing to be produced for market Georgia grown products.

(6) 'Processor' means any person engaged within this state in the operation of receiving, grading, packing, canning, extracting, preserving, grinding, crushing, milling, or changing the form of a Georgia grown product for the purpose of preparing for market or marketing such product or engaged in any other activities performed for the purpose of preparing for market or marketing such product.

2-8-91.

The Commissioner shall be authorized to exercise supervisory jurisdiction over the administration and enforcement of this article. In the performance of this duty, the Commissioner is authorized to utilize the personnel and facilities of the department.

2-8-92.

There is created the Agricultural Commodity Commission for Georgia Grown Products.

2-8-93.

(a) The commission shall be composed of:

(1) The Commissioner of Agriculture, ex officio;

(2) The president of the Georgia Farm Bureau, ex officio;

(3) One member elected by the Senate Agriculture and Consumer Affairs Committee with a quorum present and a majority of those present concurring, who shall be a producer or processor and shall not be a member of the General Assembly;

(4) One member elected by the House of Representatives Committee on Agriculture and Consumer Affairs who shall be a producer or processor and shall not be a member of the General Assembly; and

(5) Five additional members, all of whom shall be appointed by the members of the commission specified in paragraphs (1) through (4) of this subsection.

(b) The initial two members elected by the agriculture and consumer affairs committees of the General Assembly shall be elected and qualified to take office for a term ending upon the election of their successors during the regular 2016 session of the General Assembly. Their successors shall be elected during the 2016 regular session of the General Assembly; and thereafter future successors shall be elected during each regular session of the General Assembly convening in even-numbered years. Such members shall serve from the date of their election until their successors are elected and qualified. Such members shall be entitled to vote on matters pertaining to the organization of the commission and upon the selection and nomination of the appointive members of the commission, but shall not be entitled to vote upon any matter pertaining to the policy provisions of the commission, nor shall they be entitled to vote upon the expenditure of any funds of the commission.

(c) For purposes of the appointment of additional members of the commission as provided in this Code section, a list of nominees shall be requested from producers and processors. Initial appointments shall be made for three members for a term of three years each from the effective date of their appointment and until their successors are appointed and qualified and two members for a term of two years each from the effective date of their appointment and until their successors are appointed and qualified. Thereafter, successors shall be appointed for a term of three years each from the effective date of their appointment and until their successors are appointed and qualified. Vacancies shall be filled by appointment in like manner, for the unexpired term, except that vacancies in the office of a member elected by a legislative committee shall be filled for the unexpired term by the legislative committee which made the previous appointment. Any appointive member shall be eligible for reappointment.

(d)(1) The members who are state officers shall be compensated as provided by law. Each such member shall be reimbursed by his or her respective department or from the funds of the commission for actual and necessary expenses incurred in the performance of his or her duties.

(2) The two members elected by the agriculture and consumer affairs committees of the General Assembly, as provided by subsection (a) of this Code section, shall be entitled to receive, for attending meetings of the commission, the same expenses and travel allowances which members of the General Assembly receive for attending meetings of legislative interim committees. Such expenses and allowances shall be paid from funds appropriated or otherwise available to the legislative branch of state government.

(3) The appointive members of the commission shall receive compensation and reimbursement of expenses as shall be provided by the commission, and such funds shall be payable from the funds of the commission.

(e) Each member of the commission shall be a public officer and shall take an oath of office faithfully to perform his or her duties. The fact of a member's appointment shall be certified to the Secretary of State, who shall issue the appropriate commission under the seal of his or her office.

2-8-94.

The commission, with its name annexed thereto, shall be a public corporation and an instrumentality of the State of Georgia. By that name, style, and title, the commission may contract and be contracted with, implead and be impleaded, and complain and defend in all courts.

2-8-95.

(a) The commission is authorized to accept donations, gifts, grants, and other funds or property and to use the same for commission purposes. The commission may exercise the powers and authority conferred by law upon corporations.

(b) Funds received by the Commissioner under this article shall be held in trust for the commission. Such funds shall be deposited, accounted for, and disbursed in the same manner as the funds of this state but shall not be required to be deposited in the state treasury and appropriated therefrom as are other state funds. It is the express intent and purpose of this article to authorize the receipt, collection, and disbursement by the Commissioner of such funds as trust funds of the commission without complying with the requirement applicable to funds collected for the use and benefit of the state.

(c) The Commissioner is authorized and it shall be his or her duty to receive, collect, and disburse the funds of the commission qualifying and operating under this article. The Commissioner shall disburse funds of the commission only upon the written authorization of the commission.

(d) Any person who handles funds under this article shall be bonded with good and sufficient surety in an amount determined by the Commissioner for the accounting of any and all funds coming into his or her hands.

2-8-96.

The members and employees of the commission and the Commissioner shall be immune from liability to the same extent as the state and state officers and employees under Article 2 of Chapter 21 of Title 50, 'The Georgia Tort Claims Act.'

2-8-97.

(a) The Commissioner, upon the approval and request of the commission, is authorized to issue, administer, and enforce the provisions of marketing orders.

(b)(1) Whenever the Commissioner has reason to believe that the issuance of a marketing order or amendments to an existing marketing order will tend to effectuate the declared policy of this article with respect to any Georgia grown product, he or she shall, either upon his or her own motion, upon the motion of the commission, upon the application of any producer, or any organization of such persons, give due notice of and an opportunity for a public hearing upon a proposed marketing order or amendments to an existing marketing order.

(2) Notice of any hearing called for such purpose shall be given by the Commissioner or the commission by publishing a notice of such hearing for a period of not less than five days in a newspaper of general circulation published in the capital of this state and in such other newspapers as the Commissioner may prescribe. No such public hearing shall be held prior to five days after the last day of such period of publication. Such notice of hearing shall in all respects comply with the requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(3) The hearing shall be public and all testimony shall be received under oath. A full and complete record of the proceedings at such hearing shall be made and maintained. The hearing shall, in all respects, be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' The hearing may be conducted by the commission, by a member of the commission, or by the Commissioner, as may be designated by the commission in each instance, but no decision shall be made based on hearings conducted other than by the commission itself, at which a majority of the members thereof are present, until the members of the commission have been afforded an opportunity to review the hearing record. Where the commission conducts hearings, its recommendation shall be based on the findings reached after a review of the record of the hearing.

2-8-98.

If, upon the basis of the record of testimony and evidence received at the hearing provided for in Code Section 2-8-97, the commission determines that the issuance of a marketing order or amendment will tend to effectuate the intent and purpose of this article, it may recommend the promulgation of a marketing order containing any one or more of the following provisions, but no others:

(1) Provisions for the establishment of plans for advertising and sales promotion to maintain present markets or to create new or larger markets for Georgia grown products in this state or for the prevention, modification, or removal of trade barriers

which obstruct the normal flow of Georgia grown products to market. The commission is authorized to prepare, issue, administer, and enforce plans for promoting the sale of Georgia grown products, provided that any such plan shall be directed toward promoting and increasing the sale, use, and utilization of Georgia grown products only, without reference to any other brand or trade name; provided, further, that no advertising or sales promotion program shall be issued by the commission which makes use of false or unwarranted claims on behalf of or disparages the quality, value, sale, or use of any other commodity;

(2) Provisions for carrying on research studies in promoting the production, marketing, sale, use and utilization, and improvement of Georgia grown products or any combination thereof and for the expenditure of moneys for such purposes; and

(3) Provisions establishing or providing authority for establishing an educational program designed to acquaint producers or the general public about Georgia grown products.

2-8-99.

(a)(1) Upon the recommendation of not fewer than three of the appointive members of the commission, the Commissioner or the commission may make effective minor amendments to a marketing order. The Commissioner or the commission may require a public hearing upon minor amendments if in the Commissioner's or the commission's opinion the substance of such minor amendments so warrants.

(2) In making effective major amendments to a marketing order, the Commissioner or the commission shall follow the same procedures prescribed in this article for the institution of a marketing order. For the purpose of this article, a major amendment to a marketing order shall include, but shall not be limited to, any amendment which adds to or deletes from any such marketing order any of the following types of regulations or authorizations:

(A) Authority for the establishment of plans for advertising and sales promotion of Georgia grown products;

(B) Authority to increase an assessment rate beyond the maximum rate authorized by the marketing order in effect;

(C) Extension of the termination date of any marketing order; or

(D) Authority for carrying out research studies in the production or distribution of Georgia grown products.

(3) Modification of any provisions of any marketing order in effect, for the purpose of clarifying the meaning or application of such provisions or of modifying administrative procedures for carrying out such provisions, are declared not to be a major amendment of such marketing order.

(b) Upon the issuance of any order making effective a marketing order or any suspension, amendment, or termination thereof, a notice thereof shall be posted on a public bulletin board maintained at the Department of Agriculture; and a copy of such notice shall be published as the Commissioner or the commission may prescribe. No marketing order nor any suspension, amendment, or termination thereof shall become

effective until the termination of a period of five days from the date of such posting and publication.

(c) The Commissioner or the commission shall have the power, consistent with this article and in accordance with marketing orders and amendments made effective under this article, to establish such general rules and regulations for uniform application to all marketing orders issued pursuant to this article as may be necessary to facilitate the administration and enforcement of such marketing orders. The provisions of subsection (b) of this Code section relative to posting, publication, and time of taking effect shall be applicable to any such general rule or regulation established pursuant to this subsection and applicable to marketing orders generally. Such notice shall be furnished by the Commissioner or the commission for each marketing order in active operation.

(d) Upon the recommendation of the commission, the Commissioner shall have the power, consistent with this article, to establish administrative rules and regulations for each marketing order issued and made effective as may be necessary to facilitate the supervision, administration, and enforcement of each such order. The provisions of subsection (b) of this Code section relative to posting, publication, mailing of notice, and time of taking effect shall be applicable to any such administrative rules and regulations.

(e) Unless extended as provided in this article, all marketing orders issued under the authority of this article shall terminate at the expiration of one year from the date of the issuance of the original marketing order or, if such marketing order has been extended, at the expiration of one year after the date of any such extension.

#### 2-8-100.

(a) For the purpose of providing funds to defray the necessary expenses incurred by the commission in the formulation, issuance, administration, and enforcement of any marketing order which authorizes the carrying out of advertising and sales promotion plans, such order shall provide for the levying of assessments upon producers or processors utilizing the Georgia grown trademark. Such orders shall be in sufficient amounts to defray the expenses of such activities. Each such order shall indicate the maximum rate of any such assessment. The commission shall adopt budgets to cover such expenses and establish the assessment rate necessary to provide sufficient funds. If the commission finds that each such budget and assessment rate is proper and equitable and will provide sufficient moneys to defray such expenses, they may approve such budget and approve and levy such assessment.

(b) The commission may prescribe such rules as may be necessary and reasonable for the orderly collection of assessments and may take all legal action necessary to enforce payment of such assessments.

#### 2-8-101.

Marketing orders issued by the commission may be limited in their application by prescribing the marketing areas or portions of this state in which a particular order shall

be effective, provided that no marketing order shall be issued by the commission unless it embraces all persons of a like class.

2-8-102.

(a) Any moneys collected by the commission or the Commissioner pursuant to this article shall be deposited in a bank or other depository approved by the commission and shall be disbursed by the Commissioner only for the necessary expenses incurred by the commission and the Commissioner, as approved by the commission. Funds so collected shall be deposited and disbursed in conformity with appropriate rules and regulations prescribed by the Commissioner. All such expenditures by the Commissioner shall be audited at least annually by the state auditor and a copy of such audit shall be delivered within 30 days after the completion thereof to the Governor, the Commissioner, and the commission. If ever the commission is abolished by law, any funds remaining in its hands at such time shall be used to pay the existing obligations of the commission and the expenses incurred in winding up the affairs of the commission. Any excess remaining shall escheat to the state and shall be paid by the Commissioner into the state treasury as unclaimed trust funds.

(b) Moneys deposited by the Commissioner pursuant to this Code section which the commission determines are available for investment may be invested or reinvested by the Commissioner as provided for funds of this state or of any retirement system created by law, provided that all moneys invested shall be invested in those areas of production that will provide a return at the highest bank interest rate available. It shall be the duty of the commission to annually review these investments and determine that such investments comply with this Code section.

2-8-103.

(a) The Attorney General of this state shall represent the commission in legal matters and shall be the attorney for the commission.

(b) The Attorney General shall, upon complaint by the commission, bring an action in the superior court in the name of the commission for civil penalties or for injunctive relief, including specific performance of any obligation imposed by a marketing order or any rule or regulation issued under this article, or both, against any person violating any provisions of this article or of any marketing order or any rule or regulation duly issued by the commission under this article. It shall not be necessary in such event to allege or prove lack of an adequate remedy at law.

2-8-104.

Any person who violates any provision of this article or any provision of any marketing order duly issued by the commission under this article shall be guilty of a misdemeanor.

2-8-105.

The commission is empowered to make all necessary rules and regulations for the purpose of carrying out the purposes of this article. The promulgation, adoption, and

amendment of rules and regulations by the commission shall be subject to the requirements of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

### SECTION 2.

Said chapter is further amended by revising Code Section 2-8-10, relating to nonapplicability of Article 2 of Chapter 8 of Title 2, as follows:

"2-8-10.

This article shall not apply to the Agricultural Commodity Commission for Peanuts provided for in Article 3 of this chapter, except as provided in Code Section 2-8-13; nor shall this article apply to the Agricultural Commodity Commission for Equines provided for in Article 4 5 of this chapter; nor shall this article apply to the Agricultural Commodity Commission for Georgia Grown Products provided for in Article 4 of this chapter."

### SECTION 3.

Said chapter is further amended in Code Section 2-8-14, relating to the composition and membership of agricultural commodity commissions, by revising paragraph (5) of subsection (a) as follows:

"(5) Five additional members, who shall be producers of the affected agricultural commodity, to be appointed by the ex officio members of the commission; provided, however, that for the Agricultural Commodity Commission for Cotton, the number of additional members appointed pursuant to this paragraph shall be seven. ~~for the~~ For purposes of the appointment of such ~~five~~ additional members, the two members elected by each of the agriculture committees of the General Assembly, who shall serve as members of each commission, shall be deemed to be ex officio members."

### 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E 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	E Murphy	Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson

E Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E 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	E Powell, J	Thomas, A.M.
Bruce	Y Epps, J	Y Jones, J	Pruett	Y Thomas, B
Y 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	Y 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	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	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	E Sims, B	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.

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

Mr. Speaker:

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

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.

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 284. By Representatives Pruett of the 149th, Kaiser of the 59th, Mitchell of the 88th, Cooper of the 43rd, Coleman of the 97th and others:

A BILL to be entitled an Act to amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to enact the "Return to Play Act of 2013"; to require public and private schools which provide youth athletic activities to provide information to parents on the nature and risk of concussion and head injury and to establish concussion management and return to play policies; to require public recreation leagues to provide information to parents on the nature and risk of concussion and head injury; to provide for definitions; to provide for the endorsement of concussion recognition education courses; to provide for limited liability; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED  
AN ACT

To amend Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," so as to enact the "Return to Play Act of 2013"; to require public and private schools which provide youth athletic activities to provide information to parents on the nature and risk of concussion and head injury and to establish concussion management and return to play policies; to require public recreation facilities to provide information to parents on the nature and risk of concussion and head injury; to provide for definitions; to provide for the endorsement of concussion recognition education courses; to provide for limited liability; 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.**

This Act shall be known and may be referred to as the "Return to Play Act of 2013."

**SECTION 2.**

Part 15 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to miscellaneous provisions under the "Quality Basic Education Act," is amended by adding a new Code section to read as follows:

"20-2-324.1.

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

(1) 'Health care provider' means a licensed physician or another licensed individual under the supervision of a licensed physician, such as a nurse practitioner, physician assistant, or certified athletic trainer who has received training in concussion evaluation and management.

(2) 'Public recreation facility' means a public facility that conducts an organized youth athletic activity in which a participation fee and registration are required.

(3) 'Youth athlete' means a participant in a youth athletic activity who is seven years of age or older and under 19 years of age.

(4) 'Youth athletic activity' means an organized athletic activity in which the majority of the participants are youth athletes and are engaging in an organized athletic game or competition against another team, club, or entity or in practice or preparation for an organized game or competition against another team, club, or entity. This term shall not include college or university activities or an activity which is entered into for instructional purposes only, an athletic activity that is incidental to a nonathletic program, youth athletic activities offered through a church or synagogue, or a lesson; provided, however, that colleges, universities, churches, and synagogues, and any other entities that conduct youth athletic activities but are not subject to this Code section are strongly encouraged to establish and implement a concussion management and return to play policy.

(b) Each local board of education, administration of a nonpublic school, and governing body of a charter school shall adopt and implement a concussion management and return to play policy comprising not less than the following components:

(1) Prior to the beginning of each athletic season of a youth athletic activity, provide an information sheet to all youth athletes' parents or legal guardians which informs them of the nature and risk of concussion and head injury;

(2) If a youth athlete participating in a youth athletic activity exhibits symptoms of having a concussion, that athlete shall be removed from the game, competition, tryout, or practice and be evaluated by a health care provider; and

(3) If a youth athlete is deemed by a health care provider to have sustained a concussion, the coach or other designated personnel shall not permit the youth athlete to return to play until the youth athlete receives clearance from a health care provider for a full or graduated return to play.

(c) Each public recreation facility shall, at the time of registration for a youth athletic activity, provide an information sheet to all youth athletes' parents or legal guardians which informs them of the nature and risk of concussion and head injury; provided, however, that public recreation facilities are strongly encouraged to establish and implement a concussion management and return to play policy.

(d) The Department of Public Health shall endorse one or more concussion recognition education courses to inform Georgia citizens of the nature and risk of concussions in youth athletics, at least one of which shall be available online. Such course or courses may include education and training materials made available, at no charge, by the federal Centers for Disease Control and Prevention or other training materials substantively and substantially similar to such materials.

(e) This Code section shall not create any liability for, or create a cause of action against, a local board of education, the governing body of a nonpublic school, the governing body of a charter school, or a public recreation facility or the officers, employees, volunteers, or other designated personnel of any such entities for any act or omission to act related to the removal or nonremoval of a youth athlete from a game, competition, tryout, or practice pursuant to this Code section; provided, however, that for purposes of this subsection, other designated personnel shall not include health care providers unless they are acting in a volunteer capacity."

### SECTION 3.

This Act shall become effective on January 1, 2014.

### 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E 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	E Murphy	N Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	N Holt	Y Pak	Y Talton
Y Beverly	N Dunahoo	Y Houston	Y Parrish	E Tankersley
Y Black	E Duncan	Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E 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	E Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y 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	Y 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	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
N Cooke	N Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 7.

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

HB 253. By Representatives Quick of the 117th, Williams of the 119th and Frye of the 118th:

A BILL to be entitled an Act to provide that future elections for the office of probate judge of Athens-Clarke County shall be nonpartisan elections held at the time of certain general primary elections; to provide for submission of this Act 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 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 Abrams	N Coomer	Y Hamilton	McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
E Allison	N Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	N Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	N Hawkins	N Mosby	N Smyre
N Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Bell	Y Douglas	Y Hitchens	N Nix	N Stephenson
N Bennett	N Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	N Pak	Y Talton
Beverly	N Dunahoo	Y Houston	Y Parrish	E Tankersley

Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	Y Dutton	Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	N Teasley
Y Brooks	Y Epps, C	N Jasperse	E Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	N Jordan	N Randall	Y Waites
Y Caldwell, J	Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	N Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	N Rogers, T	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	N 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	E Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 134, nays 24.

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

HB 71. By Representatives Riley of the 50th, Maxwell of the 17th, Greene of the 151st, Tankersley of the 160th, Holmes of the 129th and others:

A BILL to be entitled an Act to amend Code Section 47-20-83 of the Official Code of Georgia Annotated, relating to certificated or uncertificated forms of investment and real estate investments, so as to increase the total percentage of investments permissible in real estate investments for the Georgia Municipal Employees Benefit System and any association of like political subdivisions which contracts with its members; 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 Abrams	Y Coomer	Y Hamilton	McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	N Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	E 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	E Murphy	Y Spencer

Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
Y Bennett	N 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
Beverly	Y Dunahoo	Y Houston	Y Parrish	E Tankersley
Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
N Brooks	Y Epps, C	Y Jasperse	E Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	N Jordan	Y Randall	Y Waites
Y Caldwell, J	N Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E 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	E Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 150, nays 13.

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

HB 349. By Representatives Golick of the 40th, Hatchett of the 150th, Coomer of the 14th, Pak of the 108th, Oliver of the 82nd and others:

A BILL to be entitled an Act to amend Chapter 7 of Title 5 of the O.C.G.A., relating to appeal or certiorari by the state in criminal cases, so as to provide the state with more direct appeal rights; to amend Part 1 of Article 2 of Chapter 13 of Title 16, Title 17, Article 3A of Chapter 5 of Title 40, and Title 42 of the O.C.G.A., relating to schedules, offenses, and penalties for controlled substances, criminal procedure, suspension of driver's license for certain drug offenses, and penal institutions, respectively, so as to enact provisions recommended by the Governor's Special Council on Criminal Justice Reform in Georgia; to amend Article 2 of Chapter 8 of Title 24 of the O.C.G.A., relating to admissions and confessions; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read:

A BILL TO BE ENTITLED  
AN ACT

To amend Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, so as to provide the state with more direct appeal rights; to provide the state with cross appeal rights; to provide for cross-references; to provide for liberal construction of the chapter; to amend Part 1 of Article 2 of Chapter 13 of Title 16, Title 17, Article 3A of Chapter 5 of Title 40, and Title 42 of the Official Code of Georgia Annotated, relating to schedules, offenses, and penalties for controlled substances, criminal procedure, suspension of driver's license for certain drug offenses, and penal institutions, respectively, so as to enact provisions recommended by the Governor's Special Council on Criminal Justice Reform in Georgia; to change provisions relating to sentencing for trafficking in certain drugs; to provide for definitions; to change provisions relating to sentencing serious violent offenders, certain sexual offenders, and repeat offenders; to create the Georgia Council on Criminal Justice Reform and provide for its members, chairperson, other officers, committees, staff, and funding; to allow a drug court or mental health court division judge to order the Department of Driver's Services to change a defendant's driving privileges for participants in their court programs under certain circumstances; to delete definitions; to change terms of a probated sentence; to amend Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated, relating to admissions and confessions, so as to expand the admissibility of hearsay relative to testimony as to a child's description of sexual contact or physical abuse; 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.**

Chapter 7 of Title 5 of the Official Code of Georgia Annotated, relating to appeal or certiorari by the state in criminal cases, is amended by revising Code Section 5-7-1, relating to orders, decisions, or judgments appealable and defendant's right to cross appeal, as follows:

"5-7-1.

(a) An appeal may be taken by and on behalf of the State of Georgia from the superior courts, state courts, ~~City Court of Atlanta~~, and juvenile courts and such other courts from which a direct appeal is authorized to the Court of Appeals of Georgia and the Supreme Court of Georgia in criminal cases and adjudication of delinquency cases in the following instances:

- (1) From an order, decision, or judgment setting aside or dismissing any indictment, accusation, or a petition alleging that a child has committed a delinquent act, or any count thereof;
- (2) From an order, decision, or judgment arresting judgment of conviction or adjudication of delinquency upon legal grounds;

(3) From an order, decision, or judgment sustaining a plea or motion in bar, when the defendant has not been put in jeopardy;

(4) From an order, decision, or judgment suppressing or excluding evidence illegally seized or excluding the results of any test for alcohol or drugs in the case of motions made and ruled upon prior to the impaneling of a jury or the defendant being put in jeopardy, whichever occurs first;

(5) From an order, decision, or judgment excluding evidence in the case of any motion filed at least 30 days prior to trial and ruled on prior to the impaneling of a jury or the defendant being put in jeopardy, whichever occurs first, if:

(A) Notwithstanding the provisions of Code Section 5-6-38, the notice of appeal filed pursuant to this paragraph is filed within 48 hours of such order, decision, or judgment; and

(B) In the case of an appeal by the prosecuting attorney, the prosecuting attorney certifies to the trial court that such appeal is not taken for purpose of delay and that the evidence is a substantial proof of a material fact in the proceeding;

~~(5)~~(6) From an order, decision, or judgment of a court where the court does not have jurisdiction or the order is otherwise void under the Constitution or laws of this state;

~~(6)~~(7) From an order, decision, or judgment of a superior court transferring a case to the juvenile court pursuant to subparagraph (b)(2)(B) of Code Section 15-11-28 or subsection (b) of Code Section 17-7-50.1;

~~(7)~~(8) From an order, decision, or judgment of a court granting a motion for new trial or an extraordinary motion for new trial;

~~(8)~~(9) From an order, decision, or judgment denying a motion by the state to recuse or disqualify a judge made and ruled upon prior to the defendant being put in jeopardy; or

~~(9)~~(10) From an order, decision, or judgment issued pursuant to subsection (c) of Code Section 17-10-6.2.

(b) In any instance in which any appeal is taken by and on behalf of the State of Georgia in a criminal case, the defendant shall have the right to cross appeal. Such cross appeal shall be subject to the same rules of practice and procedure as provided for in civil cases under Code Section 5-6-38.

(c) In any instance in which the defendant in a criminal cases applies for and is granted an interlocutory appeal as provided Code Section 5-6-34 or an appeal is taken pursuant to Code Section 17-10-35.1, the state shall have the right to cross appeal on any matter ruled on prior to the impaneling of a jury or the defendant being put in jeopardy. Such cross appeal shall be subject to the same rules of practice and procedure as provided for in civil cases under Code Section 5-6-38. The state shall not be required to obtain a certificate of immediate review for such cross appeal."

## SECTION 2.

Said chapter is further amended by revising subsection (b) of Code Section 5-7-2, relating to certification required for immediate review of nonfinal orders, decisions, or judgments, as follows:

"(b) A certificate of immediate review shall not be required from an:

- (1) Order, decision, or judgment suppressing or excluding ~~illegally seized~~ evidence as set forth in paragraph (4) or (5) of subsection (a) of Code Section 5-7-1; or
- (2) Order, decision, or judgment described in paragraph (1) or (7) of subsection (a) of Code Section 5-7-1."

### SECTION 3.

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

"5-7-6.

This chapter shall be liberally construed to effectuate the purposes stated in this chapter."

### SECTION 4.

Part 1 of Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to schedules, offenses, and penalties for controlled substances, is amended by revising Code Section 16-13-31, relating to trafficking in cocaine, illegal drugs, marijuana, or methamphetamine and penalties, as follows:

"16-13-31.

(a)(1) Any person who ~~knowingly~~ sells, manufactures, delivers, or brings into this state or who is ~~knowingly~~ in possession of 28 grams or more of cocaine or of any mixture with a purity of 10 percent or more of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine and, upon conviction thereof, shall be punished as follows:

(A) If the quantity of the cocaine or the mixture involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of \$200,000.00;

(B) If the quantity of the cocaine or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$300,000.00; and

(C) If the quantity of the cocaine or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$1 million.

(2) Any person who ~~knowingly~~ sells, manufactures, delivers, or brings into this state or who is ~~knowingly~~ in possession of any mixture with a purity of less than 10 percent of cocaine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in cocaine if the total weight of the mixture multiplied by the percentage of cocaine contained in the mixture exceeds any of the quantities of cocaine specified in paragraph (1) of this subsection. Upon conviction thereof, such person shall be punished as provided in paragraph (1) of this subsection depending upon the quantity of cocaine such person is charged with ~~knowingly~~ selling, manufacturing, delivering, or bringing into this state or ~~knowingly~~ possessing.

(b) Any person who ~~knowingly~~ sells, manufactures, delivers, brings into this state, or has possession of 4 four grams or more of any morphine or opium or any salt, isomer,

or salt of an isomer thereof, including heroin, as described in Schedules I and II, or 4 ~~four~~ grams or more of any mixture containing any such substance in violation of this article commits the felony offense of trafficking in illegal drugs and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of such substances involved is 4 ~~four~~ grams or more, but less than 14 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of \$50,000.00;

(2) If the quantity of such substances involved is 14 grams or more, but less than 28 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of \$100,000.00; and

(3) If the quantity of such substances involved is 28 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$500,000.00.

(c) Any person who ~~knowingly~~ sells, manufactures, grows, delivers, brings into this state, or has possession of a quantity of marijuana exceeding ~~10~~ ten pounds commits the offense of trafficking in marijuana and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of marijuana involved is in excess of ~~10~~ ten pounds, but less than 2,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of \$100,000.00;

(2) If the quantity of marijuana involved is 2,000 pounds or more, but less than 10,000 pounds, the person shall be sentenced to a mandatory minimum term of imprisonment of seven years and shall pay a fine of \$250,000.00; and

(3) If the quantity of marijuana involved is 10,000 pounds or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$1 million.

(d) Any person who ~~knowingly~~ sells, manufactures, delivers, or brings into this state 200 grams or more of methaqualone or of any mixture containing methaqualone, as described in paragraph (6) of Code Section 16-13-25, in violation of this article commits the felony offense of trafficking in methaqualone and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of the methaqualone or the mixture involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years and shall pay a fine of \$50,000.00; and

(2) If the quantity of the methaqualone or the mixture involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$250,000.00.

(e) Any person who ~~knowingly~~ sells, delivers, or brings into this state or has possession of 28 grams or more of methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking in methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of \$200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$300,000.00; and

(3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$1 million.

(f) Any person who knowingly manufactures methamphetamine, amphetamine, or any mixture containing either methamphetamine or amphetamine, as described in Schedule II, in violation of this article commits the felony offense of trafficking methamphetamine or amphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years and shall pay a fine of \$200,000.00;

(2) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of 15 years and shall pay a fine of \$300,000.00; and

(3) If the quantity of methamphetamine, amphetamine, or a mixture containing either substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of 25 years and shall pay a fine of \$1 million.

~~(g)(1) Except as provided in paragraph (2) of this subsection and notwithstanding Code Section 16-13-2, with respect to any person who is found to have violated this Code section, adjudication of guilt or imposition of sentence shall not be suspended, probated, deferred, or withheld prior to serving the mandatory minimum term of imprisonment prescribed by this Code section.~~

~~(2)~~ The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.

(2)(A) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in subparagraph (B) of this paragraph if the judge concludes that:

- (i) The defendant was not a leader of the criminal conduct;
- (ii) The defendant did not use a weapon during the crime;
- (iii) The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;
- (iv) The defendant has no prior felony conviction; and
- (v) The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.

(B) The sentencing departure ranges pursuant to subparagraph (A) of this paragraph shall be as follows:

- (i) Any person convicted of violating paragraph (1) of subsection (b) or (d) of this Code section, two years and six months to five years imprisonment and a fine of not less than \$25,000.00 nor more than \$50,000.00;
- (ii) Any person convicted of violating paragraph (1) of subsection (c) of this Code section, two years and six months to five years imprisonment and a fine of not less than \$50,000.00 nor more than \$100,000.00;
- (iii) Any person convicted of violating paragraph (2) of subsection (c) of this Code section, three years and six months to seven years imprisonment and a fine of not less than \$125,000.00 nor more than \$250,000.00;
- (iv) Any person convicted of violating subparagraph (a)(1)(A), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(A) of this Code section, or paragraph (1) of subsection (e) or (f) of this Code section, five to ten years imprisonment and a fine of not less than \$100,000.00 nor more than \$200,000.00;
- (v) Any person convicted of violating paragraph (2) of subsection (b) of this Code section, five to ten years imprisonment and a fine of not less than \$50,000.00 nor more than \$100,000.00;
- (vi) Any person convicted of violating subparagraph (a)(1)(B), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(B) of this Code section, or paragraph (2) of subsection (e) or (f) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than \$150,000.00 nor more than \$300,000.00;
- (vii) Any person convicted of violating paragraph (3) of subsection (c) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than \$500,000.00 nor more than \$1 million;
- (viii) Any person convicted of violating paragraph (2) of subsection (d) of this Code section, seven years and six months to 15 years imprisonment and a fine of not less than \$125,000.00 nor more than \$250,000.00;
- (ix) Any person convicted of violating paragraph (3) of subsection (b) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than \$250,000.00 nor more than \$500,000.00; and

(x) Any person convicted of violating subparagraph (a)(1)(C), paragraph (2) of subsection (a), relating to the quantity of drugs specified in subparagraph (a)(1)(C) of this Code section, or paragraph (3) of subsection (e) or (f) of this Code section, 12 years and six months to 25 years imprisonment and a fine of not less than \$500,000.00 nor more than \$1 million.

(C) If a judge reduces the mandatory minimum sentence pursuant to this paragraph, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Code Section 5-7-1.

(D) As used in this paragraph, the term:

(i) 'Leader' means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.

(ii) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(h) Any person who violates any provision of this Code section shall be punished as provided for in the applicable mandatory minimum punishment and for not more than 30 years of imprisonment and by a fine not to exceed \$1 million.

(i) Notwithstanding Code Section 16-13-2, any sentence imposed pursuant to this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program."

## SECTION 5.

Said part is further amended by revising Code Section 16-13-31.1, relating to trafficking in ecstasy and penalties, as follows:

"16-13-31.1.

(a) Any person who knowingly sells, manufactures, delivers, brings into this state, or has possession of 28 grams or more of 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine, or any mixture containing 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine as described in Schedule I, in violation of this article commits the felony offense of trafficking in 3, 4-methylenedioxyamphetamine or 3, 4-methylenedioxymethamphetamine and, upon conviction thereof, shall be punished as follows:

(1) If the quantity of such substance involved is 28 grams or more, but less than 200 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of three years but not more than 30 years and shall pay a fine of not less than \$25,000.00 nor more than \$250,000.00;

(2) If the quantity of such substance involved is 200 grams or more, but less than 400 grams, the person shall be sentenced to a mandatory minimum term of imprisonment of five years but not more than 30 years and shall pay a fine of not less than \$50,000.00 nor more than \$250,000.00; and

(3) If the quantity of such substance involved is 400 grams or more, the person shall be sentenced to a mandatory minimum term of imprisonment of ten years but not more than 30 years and shall pay a fine of not less than \$100,000.00 nor more than \$250,000.00.

(b)(1) In the court's discretion, the judge may depart from the mandatory minimum sentence specified for a person who is convicted of a violation of this Code section as set forth in paragraph (2) of this subsection if the judge concludes that:

(A) The defendant was not a leader of the criminal conduct;

(B) The defendant did not use a weapon during the crime;

(C) The criminal conduct did not result in a death or serious bodily injury to a person other than to a person who is a party to the crime;

(D) The defendant has no prior felony conviction; and

(E) The interests of justice will not be served by the imposition of the prescribed mandatory minimum sentence.

(2) The sentencing departure ranges pursuant to paragraph (1) of this subsection shall be as follows:

(A) Any person convicted of violating paragraph (1) of subsection (a) of this Code section, one year and six months to 30 years imprisonment and a fine of not less than \$12,500.00 nor more than \$250,000.00;

(B) Any person convicted of violating paragraph (2) of subsection (a) of this Code section, two years and six months to 30 years imprisonment and a fine of not less than \$25,000.00 nor more than \$250,000.00; and

(C) Any person convicted of violating paragraph (3) of subsection (a) of this Code section, five to 30 years imprisonment and a fine of not less than \$50,000.00 nor more than \$250,000.00;

(3) If a judge reduces the mandatory minimum sentence pursuant to this subsection, the judge shall specify on the record the circumstances for the reduction and the interests served by such departure. Any such order shall be appealable by the State of Georgia pursuant to Code Section 5-7-1.

(4) As used in this subsection, the term:

(A) 'Leader' means a person who planned and organized others and acted as a guiding force in order to achieve a common goal.

(B) 'Weapon' shall have the same meaning as set forth in Code Section 16-11-127.1.

(c) The district attorney may move the sentencing court to impose a reduced or suspended sentence upon any person who is convicted of a violation of this Code section who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals. Upon good cause shown, the motion may be filed and heard in camera. The judge hearing the

motion may impose a reduced or suspended sentence if he or she finds that the defendant has rendered such substantial assistance.

(d) Notwithstanding Code Section 16-13-2, any sentence imposed pursuant to this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program."

### SECTION 6.

Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, is amended by revising paragraph (2) of subsection (a), subparagraphs (a)(5)(A) and (a)(5)(C), and adding a new paragraph to subsection (a) of Code Section 17-10-1, relating to fixing of sentence, to read as follows:

"(2) Active probation supervision shall terminate in all cases no later than two years from the commencement of active probation supervision unless specially extended or reinstated by the sentencing court upon notice and hearing and for good cause shown; provided, however, that in those cases involving the collection of fines, restitution, or other funds, the period of active probation supervision shall remain in effect for so long as any such obligation is outstanding, or until termination of the sentence, whichever first occurs, and for those cases involving a conviction under Chapter 15 of Title 16, the 'Georgia Street Gang Terrorism and Prevention Act,' the period of active probation supervision shall remain in effect until the termination of the sentence, but shall not exceed five years unless as otherwise provided in this paragraph. Active probation supervision shall not be required for defendants sentenced to probation while the defendant is in the legal custody of the Department of Corrections or the State Board of Pardons and Paroles. ~~As used in this paragraph, the term: 'active probation supervision' shall have the same meaning as the term 'active supervision' as set forth in Code Section 42-1-1."~~

"(A) ~~Where~~ When a defendant has been sentenced to probation, the court shall retain jurisdiction throughout the period of the probated sentence as provided for in subsection (g) of Code Section 42-8-34. Without limiting the generality of the foregoing, the court may shorten the period of active probation supervision or ~~administrative unsupervised probation supervision~~ on motion of the defendant or on its own motion, or upon the request of a probation supervisor, if the court determines that probation is no longer necessary or appropriate for the ends of justice, the protection of society, and the rehabilitation of the defendant. Prior to entering any order for shortening a period of probation, the court shall afford notice to the victim or victims of all sex related offenses or violent offenses resulting in serious bodily injury or death and, upon request of the victim or victims so notified,

shall afford notice and an opportunity for hearing to the defendant and the prosecuting attorney."

~~"(C) As used in this paragraph, the terms 'active probation supervision' and 'administrative probation supervision' shall have the same meanings as the terms 'active supervision' and 'administrative supervision,' respectively, as set forth in Code Section 42-1-1."~~

"(7) As used in this subsection, the term:

(A) 'Active probation supervision' means the period of a probated sentence in which a probationer actively reports to his or her probation supervisor or is otherwise under the direct supervision of a probation supervisor.

(B) 'Unsupervised probation' means the period of a probated sentence that follows active probation supervision in which:

(i) All of the conditions and limitations imposed by the court remain intact;

(ii) A probationer may have reduced reporting requirements; and

(iii) A probation supervisor shall not actively supervise such probationer."

#### SECTION 7.

Said title is further amended by revising subsection (b) and adding two new subsections to Code Section 17-10-6.1, relating to punishment for serious violent offenders, to read as follows:

~~"(b)(1) Notwithstanding any other provisions of law to the contrary Except as provided in subsection (e) of this Code section, any person convicted of the serious violent felony of kidnapping involving a victim who is 14 years of age or older or armed robbery shall be sentenced to a mandatory minimum term of imprisonment of ten years, and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court and shall not be reduced by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.~~

~~(2) Notwithstanding any other provisions of law to the contrary Except as provided in subsection (e) of this Code section, the sentence of any person convicted of the serious violent felony of:~~

~~(A) Kidnapping involving a victim who is less than 14 years of age;~~

~~(B) Rape;~~

~~(C) Aggravated child molestation, as defined in subsection (c) of Code Section 16-6-4, unless subject to the provisions of paragraph (2) of subsection (d) of Code Section 16-6-4;~~

~~(D) Aggravated sodomy, as defined in Code Section 16-6-2; or~~

~~(E) Aggravated sexual battery, as defined in Code Section 16-6-22.2~~

~~shall, unless sentenced to life imprisonment, be a split sentence which shall include a mandatory minimum term of imprisonment of 25 years, followed by probation for life. No, and no portion of the mandatory minimum sentence imposed shall be suspended, stayed, probated, deferred, or withheld by the sentencing court or reduced~~

~~by any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles.~~

(3) No person convicted of a serious violent felony shall be sentenced as a first offender pursuant to Article 3 of Chapter 8 of Title 42, relating to probation for first offenders, or any other provision of Georgia law relating to the sentencing of first offenders. The State of Georgia shall have the right to appeal any sentence which is imposed by the superior court which does not conform to the provisions of this subsection in the same manner as is provided for other appeals by the state in accordance with Chapter 7 of Title 5, relating to appeals or certiorari by the state."

"(e) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a serious violent felony when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

(f) Any sentence imposed pursuant to this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the period of incarceration ordered by the sentencing court or any form of pardon, parole, or commutation of sentence by the State Board of Pardons and Paroles; provided, however, that during the final year of incarceration, a defendant so sentenced shall be eligible to be considered for participation in a Department of Corrections administered transitional center or work release program."

### SECTION 8.

Said title is further amended by revising subsection (c) of Code Section 17-10-6.2, relating to punishment for sexual offenders, as follows:

"(c)(1) In the court's discretion, the court may deviate from the mandatory minimum sentence as set forth in subsection (b) of this Code section, or any portion thereof, when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum or provided that:

(A) The defendant has no prior conviction of an offense prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16, nor a prior conviction for any offense under federal law or the laws of another state or territory of the United States which consists of the same or similar elements of offenses prohibited by Chapter 6 of Title 16 or Part 2 of Article 3 of Chapter 12 of Title 16;

(B) The defendant did not use a deadly weapon or any object, device, or instrument which when used offensively against a person would be likely to or actually did result in serious bodily injury during the commission of the offense;

(C) The court has not found evidence of a relevant similar transaction;

(D) The victim did not suffer any intentional physical harm during the commission of the offense;

(E) The offense did not involve the transportation of the victim; and

(F) The victim was not physically restrained during the commission of the offense.

(2) If the court deviates in sentencing pursuant to this subsection, the judge shall issue a written order setting forth the judge's reasons. Any such order shall be appealable by the defendant pursuant to Code Section 5-6-34, or by the State of Georgia pursuant to Code Section 5-7-1, unless the sentence imposed was pursuant to an agreement by the prosecuting attorney and the defendant."

#### **SECTION 9.**

Said title is further amended by revising subsection (b) of Code Section 17-10-7, relating to punishment for repeat offenders, as follows:

"(b)(1) As used in this subsection, the term 'serious violent felony' means a serious violent felony as defined in subsection (a) of Code Section 17-10-6.1.

(2) Any Except as provided in subsection (e) of Code Section 17-10-6.1, any person who has been convicted of a serious violent felony in this state or who has been convicted under the laws of any other state or of the United States of a crime which if committed in this state would be a serious violent felony and who after such first conviction subsequently commits and is convicted of a serious violent felony for which such person is not sentenced to death shall be sentenced to imprisonment for life without parole. Any such sentence of life without parole shall not be suspended, stayed, probated, deferred, or withheld, and any such person sentenced pursuant to this paragraph shall not be eligible for any form of pardon, parole, or early release administered by the State Board of Pardons and Paroles or for any earned time, early release, work release, leave, or any other sentence-reducing measures under programs administered by the Department of Corrections, the effect of which would be to reduce the sentence of life imprisonment without possibility of parole, except as may be authorized by any existing or future provisions of the Constitution."

#### **SECTION 10.**

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

#### "CHAPTER 19

17-19-1.

(a) There is created the Georgia Council on Criminal Justice Reform for the purpose of conducting periodic comprehensive reviews of criminal laws, criminal procedure, sentencing laws, adult correctional issues, juvenile justice issues, enhancement of probation and parole supervision, better management of the prison population and of the population in the custody of the Department of Juvenile Justice, and other issues related to criminal and accountability courts. The Georgia Council on Criminal Justice Reform shall be responsible for establishing performance measures that track the implementation of criminal justice and juvenile justice reforms through the analysis of data collected under law and shall propose additional reforms to further the reduction of recidivism, the lowering of state expenses, and the maintenance of an effective and efficient Code that will promote public safety.

(b) As used in this chapter, the term 'council' means the Georgia Council on Criminal Justice Reform.

17-19-2.

(a) The Governor shall appoint all 15 members of the council which shall be composed of one member of the Senate, one member of the House of Representatives, one member who shall be either a Justice of the Supreme Court or a Judge of the Court of Appeals, one superior court judge, one juvenile court judge, one district attorney, one criminal defense attorney, one sheriff, the executive counsel to the Governor or his or her designee, the director of the Governor's Office for Children and Families or his or her designee, and five other members as determined by the Governor.

(b) Each member of the council shall be appointed to serve for a term of four years or until his or her successor is duly appointed, except the members of the General Assembly, who shall serve until completion of their current terms of office. A member may be appointed to succeed himself or herself on the council. If a member of the council is an elected or appointed official, the member, or his or her designee, shall be removed from the council if the member no longer serves as such elected or appointed official.

(c) The Governor shall designate the chairperson of the council. The council may elect other officers as it deems necessary. The chairperson of the council may designate and appoint committees from among the membership of the council as well as appoint other persons to perform such functions as he or she may determine to be necessary as relevant to and consistent with this chapter. The chairperson shall only vote to break a tie.

(d) The council shall be attached for administrative purposes only to the Governor's Office for Children and Families. The Governor's Office for Children and Families and the Criminal Justice Coordinating Council shall provide staff support for the council. The Governor's Office for Children and Families and the Criminal Justice Coordinating Council shall use any funds specifically appropriated to it to support the work of the council.

17-19-3.

(a) The council may conduct meetings at such places and times as it deems necessary or convenient to enable it to exercise fully and effectively its powers, perform its duties, and accomplish the objectives and purposes of this chapter. The council shall hold meetings at the call of the chairperson. The council shall meet not less than twice every year.

(b) A quorum for transacting business shall be a majority of the members of the council.

(c) Any legislative members of the council shall receive the allowances provided for in Code Section 28-1-8. Citizen members shall receive a daily expense allowance in the amount specified in subsection (b) of Code Section 45-7-21 as well as the mileage or transportation allowance authorized for state employees. Members of the council who

are state officials, other than legislative members, or state employees shall receive no compensation for their services on the council, but they shall be reimbursed for expenses incurred by them in the performance of their duties as members of the council in the same manner as they are reimbursed for expenses in their capacities as state officials or state employees. The funds necessary for the reimbursement of the expenses of state officials, other than legislative members, and state employees shall come from funds appropriated to or otherwise available to their respective departments. All other funds necessary to carry out the provisions of this chapter shall come from funds appropriated to the Senate and the House of Representatives.

17-19-4.

(a) The council shall have the following duties:

(1) To periodically, and at least every two years, review the conditions, needs, issues, and problems related to criminal justice; issue a report on the same to the executive counsel of the Governor, the Office of Planning and Budget, and the chairpersons of the House Committee on Appropriations, the Senate Appropriations Committee, the House Committee on Judiciary, and the Senate Judiciary Committee; and recommend any action or proposed legislation which the council deems necessary or appropriate. Nothing contained in the council's report shall be considered to authorize or require a change in any law without action by the General Assembly;

(2) To evaluate and consider the best practices, experiences, and results of legislation in other states with regard to children, adults, and families involved in the juvenile or superior court or equivalent systems; and

(3) To identify and recommend whether and when any state law should be modified to conform, whenever desirable, to federal legislation.

(b) The council shall have the following powers:

(1) To evaluate how the laws and programs affecting the criminal justice system in this state are working;

(2) To request and receive data from and review the records of appropriate state agencies and courts to the greatest extent allowed by state and federal law;

(3) To accept public or private grants, devises, and bequests;

(4) To authorize entering into contracts or agreements through the council's chairperson necessary or incidental to the performance of its duties;

(5) To establish rules and procedures for conducting the business of the council; and

(6) To conduct studies, hold public meetings, collect data, or take any other action the council deems necessary to fulfill its responsibilities.

(c) The council shall be authorized to retain the services of attorneys, consultants, subject matter experts, economists, budget analysts, data analysts, statisticians, and other individuals or organizations as determined appropriate by the council.

17-19-5.

This chapter shall be repealed effective June 30, 2018, unless continued in effect by the General Assembly prior to that date."

**SECTION 11.**

Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated, relating to admissions and confessions, is amended by revising Code Section 24-8-820, relating to testimony as to child's description of sexual contact or physical abuse, as follows:

"24-8-820.

A statement made by a child under the age of ~~14~~ 16 years describing any act of sexual contact or physical abuse performed with or on the child by another ~~shall be or with or on another in the presence of the child shall be~~ admissible in evidence by the testimony of the person or persons to whom made if ~~the child is available to testify in the proceedings and the court finds that the circumstances of the statement provide sufficient indicia of reliability~~ the prosecuting attorney provides notice to the accused prior to trial of the state's intention to use such out-of-court statement and such child testifies at the trial, unless the accused forfeits or waives the child's testimony as provided in this title, and, at the time of the testimony regarding the out-of-court statements, the witness is subject to cross-examination regarding the out-of-court statements."

**SECTION 12.**

Article 3A of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to suspension of driver's license for certain drug offenses, is amended by revising subsections (a), (b), and (e) of Code Section 40-5-75, relating to suspension of license by operation of law, as follows:

"(a) ~~The~~ Except as provided in Code Section 40-5-76, the driver's license of any person convicted of any violation of Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' including, but not limited to, possession, distribution, manufacture, cultivation, sale, transfer of, trafficking in, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, transfer or traffic in a controlled substance or marijuana, or the law of any other jurisdiction, shall by operation of law be suspended, and such suspension shall be subject to the following terms and conditions:

(1) Upon the first conviction of any such offense, 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, the period of suspension shall be for not less than 180 days. At the end of 180 days, the person may apply to the department for reinstatement of his or her driver's license. Such license shall be reinstated only if the person submits proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and pays to the ~~Department of Driver Services~~ department a restoration fee of \$210.00 or \$200.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere by a person to a charge of any drug related offense listed in this subsection shall, except as provided in subsection (c) of this Code section, constitute a conviction;

(2) Upon the second 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, the period of suspension shall be for three years, provided that after one year from the date of the conviction, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the ~~Department of Driver Services~~ department a restoration fee of \$310.00 or \$300.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction; and

(3) Upon the third or subsequent 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, such person's license shall be suspended for a period of five years. At the end of two years, the person may apply to the department for a three-year driving permit upon compliance with the following conditions:

(A) Such person has not been convicted or pleaded nolo contendere to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for such permit;

(B) Such person submits proof of completion of a licensed drug treatment program. Such proof shall be submitted within two years of the license suspension and prior to the issuance of the permit. Such licensed drug treatment program shall be paid for by the offender. The offender shall pay a permit fee of \$25.00 to the department;

(C) Such person submits proof of financial responsibility as provided in Chapter 9 of this title; and

(D) Refusal to issue such permit would cause extreme hardship to the applicant. For the purposes of this subparagraph, the term 'extreme hardship' means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:

(i) Going to his or her place of employment or performing the normal duties of his or her occupation;

(ii) Receiving scheduled medical care or obtaining prescription drugs;

(iii) Attending a college or school at which he or she is regularly enrolled as a student; or

(iv) 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.

At the end of five years from the date on which the license was suspended, the person may apply to the department for reinstatement of his or her driver's license by submitting proof of completion of a DUI Alcohol or Drug Use Risk Reduction Program and paying to the ~~Department of Driver Services~~ department a restoration fee of \$410.00 or \$400.00 when such reinstatement is processed by mail. For purposes of this paragraph, a plea of nolo contendere and all previous pleas of nolo contendere within such five-year period of time shall constitute a conviction."

"(b) ~~Whenever~~ Except as provided in Code Section 40-5-76, whenever a person is convicted of possession, distribution, manufacture, cultivation, sale, transfer of, the attempt or conspiracy to possess, distribute, manufacture, cultivate, sell, or transfer a controlled substance or marijuana, or driving or being in actual physical control of any moving vehicle while under the influence of such substance in violation of subsection (b) of Code Section 16-13-2, subsection (a), (b), or (j) of Code Section 16-13-30, or Code Section 16-13-33; paragraph (2), (4), or (6) of subsection (a) of Code Section 40-6-391; or the law of any other jurisdiction, the court in which such conviction is had shall require the surrender to it of any driver's license then held by the person so convicted, and the court shall thereupon forward such license and a copy of its order to the department within ten days after the conviction. The periods of suspension provided for in this Code section shall begin on the date of surrender of the driver's license or on the date that the department processes the conviction or citation, whichever shall first occur."

"(e) Notwithstanding any other provision of this Code section or any other provision of this chapter, any person whose license is suspended pursuant to this Code section shall not be eligible for early reinstatement of his or her license and shall not be eligible for a limited driving permit, but such person's license shall be reinstated only as provided in this Code section or Code Section 40-5-76."

### SECTION 13.

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

"40-5-76.

A judge presiding in a drug court division or mental health court division may order the department to restore a defendant's driver's license that has been or should be suspended pursuant to Code Section 40-5-75, suspend such license, or issue a defendant a limited driving permit in accordance with the provisions set forth in subsections (c) and (d) of Code Section 40-5-64 or with whatever conditions the court determines to be appropriate under the circumstances as a reward or sanction to the defendant's behavior in such court division. The court shall determine what fees, if any, shall be paid to the department for such reward or sanction, provided that such fee shall not be greater than the fee normally imposed for such services."

### SECTION 14.

Title 42 of the Official Code of Georgia Annotated, relating to penal institutions, is amended in Code Section 42-1-1, relating to definitions, by deleting paragraphs (1) and (2) and renumbering paragraphs (3) through (9) as paragraphs (1) through (7), respectively.

### SECTION 15.

Said title is further amended in subsection (a) of Code Section 42-8-35, relating to terms and conditions of probation, by deleting "and" at the end of paragraph (15), by replacing

the period with "; and" at the end of paragraph (16), and by adding a new paragraph (17) to read as follows:

"(17) Pay for the cost of drug screening. The Department of Corrections shall assess and collect fees from the probationer for such screening at levels set by regulation of the Department of Corrections."

#### **SECTION 16.**

This Act shall become effective on July 1, 2013, and shall apply to offenses which occur on or after that date. Any offense occurring before July 1, 2013, shall be governed by the statute in effect at the time of such offense.

#### **SECTION 17.**

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

The following amendments were read and adopted:

Representative Golick of the 40th et al. offer the following amendment:

*Amend HB 349 (LC 29 5525S) by inserting after the second semicolon on line 10 the following:*

to clarify provisions relating to the weight or quantity of controlled substances and marijuana;

*By inserting after the first semicolon on line 19 the following:*

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;

*By replacing lines 44 and 45 with the following:*

(5) From an order, decision, or judgment excluding any other evidence to be used by the state at trial on any motion filed by the state or defendant at least 30 days prior to trial and ruled on prior to the impaneling of a jury or the

*By replacing "48 hours" with "two days" on line 48.*

*By replacing line 201 with the following:*

(ii) The defendant did not possess or use a weapon during the crime;

*By inserting between lines 252 and 253 the following:*

(3) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of

this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

*By replacing line 290 with the following:*

(B) The defendant did not possess or use a weapon during the crime;

*By replacing line 322 with the following:*

(d) In the court's discretion, the judge may depart from the mandatory minimum sentence specified in this Code section for a person who is convicted of a violation of this Code section when the prosecuting attorney and the defendant have agreed to a sentence that is below such mandatory minimum.

(e) Notwithstanding Code Section 16-13-2, any sentence imposed pursuant to this Code

*By inserting between lines 329 and 330 the following:*

#### **SECTION 5A.**

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

"16-13-54.1.

When an offense in this part measures a controlled substance or marijuana by weight or quantity, the defendant's knowledge of such weight or quantity shall not be an essential element of the offense, and the state shall not have the burden of proving that a defendant knew the weight or quantity of the controlled substance or marijuana in order to be convicted of an offense."

*By inserting between lines 679 and 680 the following:*

#### **SECTION 15A.**

Said title is further amended in Code Section 42-9-43, relating to information to be considered by the State Board of Pardons and Paroles generally, by redesignating subsections (b) through (e) as subsections (c) through (f), respectively, and by adding a new subsection (b) to read as follows:

"(b)(1) As used in this subsection, the term:

(A) 'Debilitating terminal illness' means a disease that cannot be cured or adequately treated and that is reasonably expected to result in death within six months.

(B) 'Entirely incapacitated' means an offender who:

(i) Requires assistance in order to perform two or more necessary daily life functions or who is completely immobile; and

(ii) Has such limited physical or mental ability, strength, or capacity that he or she poses an extremely low risk of physical threat to others or to the community.

(C) 'Necessary daily life function' means eating, breathing, dressing, grooming, toileting, walking, or bathing.

(2) The board may issue a medical reprieve to an entirely incapacitated person suffering a progressively debilitating terminal illness in accordance with Article IV, Section II, Paragraph II of the Constitution."

Representative Golick of the 40th et al. offer the following amendment:

*Amend HB 349 (LC 29 5525S) by deleting "to amend Article 2 of Chapter 8 of Title 24 of the Official Code of Georgia Annotated, relating to admissions and confessions, so as to expand the admissibility of hearsay relative to testimony as to a child's description of sexual contact or physical abuse;" from lines 16 through 19.*

*By deleting lines 557 through 571 and renumbering Sections 13 through 17 as Sections 12 through 16, 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:

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y 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	E Tankersley
Y Black	E Duncan	Y Howard	Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E 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	E Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, B
Y 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	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E 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	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	Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, as amended, the ayes were 163, nays 0.

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

HB 437. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Martin of the 49th, Rice of the 95th and others:

A BILL to be entitled an Act to provide for the selection of the chief judge of the Atlanta Judicial Circuit; to provide for terms; to provide for powers and duties; 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	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	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y 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	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E 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	E Powell, J	Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, B
Y 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	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E 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	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	Williamson
Y Coleman	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

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

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

HB 99. By Representatives Spencer of the 180th, Kidd of the 145th, Harrell of the 106th, Cooke of the 18th, Powell of the 32nd and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions regarding malt beverages, so as to change the amount of malt beverages that may be produced by a person in his or her private residence; to provide that malt beverages so produced may be transported and delivered for use at home-brew special events; to provide for the issuance of home-brew special event permits; to provide for rules and regulations to be adopted by the state revenue commissioner governing home-brew special events; to prohibit sales and limit consumption of malt beverages produced in a private residence; 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 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions regarding malt beverages, so as to change the amount of malt beverages that may be produced by a person in his or her private residence; to provide that malt beverages so produced may be transported and delivered for use at home-brew special events if certain requirements are met; to provide for the issuance of home-brew special event permits; to provide for ordinances or resolutions to be adopted by local governing authorities governing home-brew special events; to prohibit sales and limit consumption of malt beverages produced in a private residence; to amend Code Section 40-6-253 of the Official Code of Georgia Annotated, relating to the consumption

of alcoholic beverage or possession of open container of alcoholic beverage in the passenger area of a motor vehicle, so as to provide that a sealed container of home-brew shall not constitute an open alcoholic beverage container; 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 5 of Title 3 of the Official Code of Georgia Annotated, relating to general provisions regarding malt beverages, is amended by revising Code Section 3-5-4, relating to production of malt beverages by a head of household for consumption within own household, as follows:

"3-5-4.

~~(a) A head of a household may produce 50 gallons of malt beverages in any one calendar year to be consumed within his or her own household without any requirement to be licensed for such purpose. No malt beverages produced under this subsection shall be sold or offered for sale. Malt beverages so produced shall not be subject to any excise tax imposed by this chapter.~~

~~(b) For purposes of this Code section, a single person who is not a dependent of another person for purposes of Georgia income taxation shall be considered a head of a household.~~

(a)(1) Malt beverages may be produced by a person in his or her private residence subject to the limitations provided in this Code section.

(2) The total quantity of malt beverages that may be produced in any private residence shall be as follows:

(A) Not more than 100 gallons per calendar year if there is only one person of legal drinking age living in such residence; or

(B) Not more than 200 gallons per calendar year if there are two or more persons of legal drinking age living in such residence;

provided, however, that no more than 50 gallons shall be produced in a 90 day period.

(b) Except as provided for in subsection (d) of this Code section, malt beverages produced in compliance with this Code section may only be consumed at the residence where produced and only by persons of legal drinking age.

(c) Malt beverages produced under the provisions of this Code section may be removed from the residence where produced for transportation and delivery by the producer for use at home-brew special events in a quantity not to exceed 25 gallons, provided that such malt beverages are securely sealed in one or more containers and clearly labeled with the following information:

(1) The name of the producer;

(2) The address of the residence at which it was produced;

(3) The name and address of the home-brew special event to which it is being transported; and

(4) The permit number under which the home-brew special event is being held.

If transported in a motor vehicle, the securely sealed containers shall be placed in a locked glove compartment, a locked trunk, or the area behind the last upright seat of a motor vehicle that is not equipped with a trunk.

(d)(1) Notwithstanding any other provision of this title to the contrary, in all counties and municipalities in which the sale of malt beverages is lawful, the local governing authority may issue a home-brew special event permit for the holding of home-brew special events, including contests, tastings, and judgments at locations not otherwise licensed under this title. The local governing authority shall specify by ordinance or resolution the events that shall qualify as home-brew special events. A home-brew special event permit shall cost \$50.00 and shall be valid for not more than six events per calendar year.

(2) Consumption of malt beverages at home-brew special events shall be limited solely to malt beverages produced pursuant to this Code section, and such malt beverages shall only be consumed by the participants in and judges of the home-brew special events.

(3) Any local governing authority that issues home-brew special event permits shall adopt ordinances or resolutions governing home-brew special events.

(e) Malt beverages produced pursuant to this Code section shall not be sold, offered for sale, or made available for consumption by the general public."

## **SECTION 2.**

Code Section 40-6-253 of the Official Code of Georgia Annotated, relating to the consumption of alcoholic beverage or possession of open container of alcoholic beverage in the passenger area of a motor vehicle, is amended by revising paragraph (2) of subsection (a) as follows:

"(2) 'Open alcoholic beverage container' means any bottle, can, or other receptacle that:

- (A) Contains any amount of alcoholic beverage; and
- (B)(i) Is open or has a broken seal; or
- (ii) The contents of which are partially removed.

A ~~bottle of wine~~ container that has been sealed or resealed pursuant to Code Section 3-5-4 or 3-6-4 shall not constitute an open alcoholic beverage container for purposes of this Code section."

## **SECTION 3.**

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

Pursuant to Rule 133, Representative Cheokas of the 138th was excused from voting on HB 99.

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
Y Alexander	Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	N Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	N Nix	Y Stephenson
Y Bennett	Y 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	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	N Jackson	Y Pezold	Y Taylor, T
Y Brockway	England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Epps, C	Y Jasperse	E Powell, J	Y Thomas, A.M.
Y Bruce	Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y 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	Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
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
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Grayley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 151, nays 4.

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

HB 21. By Representative Oliver of the 82nd:

A BILL to be entitled an Act to amend Article 1 of Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions relative to adoption, so as to provide for postadoption contact agreements; to provide for procedure; to provide for jurisdiction; to provide for modification

of such agreements; 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 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions relative to adoption, so as to provide for postadoption contact agreements; to provide for procedure; to provide for jurisdiction; to provide for modification of such agreements; 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 8 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions relative to adoption, is amended by adding a new Code section to read as follows:

"19-8-27.

(a) As used in this Code section, the term 'birth relative' means:

(1) A parent, grandparent, brother, sister, half-brother, or half-sister who is related by blood or marriage to a child who is being adopted or who has been adopted; or

(2) A grandparent, brother, sister, half-brother, or half-sister who is related by adoption to a child who is being adopted or who has been adopted.

(b)(1) An adopting parent or parents and birth relatives or an adopting parent or parents, birth relatives, and a child who is 14 years of age or older who is being adopted or who has been adopted may voluntarily enter into a written postadoption contact agreement to permit continuing contact between such birth relatives and such child. A child who is 14 years of age or older shall be considered a party to a postadoption contact agreement.

(2) A postadoption contact agreement may provide for privileges regarding a child who is being adopted or who has been adopted, including, but not limited to, visitation with such child, contact with such child, sharing of information about such child, or sharing of information about birth relatives.

(3) In order to be an enforceable postadoption contact agreement, such agreement shall be in writing and signed by all of the parties to such agreement acknowledging their consent to its terms and conditions.

(4) Enforcement, modification, or termination of a postadoption contact agreement shall be under the continuing jurisdiction of the court that granted the petition of adoption; provided, however, that the parties to a postadoption contact agreement may

expressly waive the right to enforce, modify, or terminate such agreement under this Code section.

(5) Any party to the postadoption contact agreement may, at any time, file the original postadoption contact agreement with the court that has or had jurisdiction over the adoption if such agreement provides for the court to enforce such agreement or such agreement is silent as to the issue of enforcement.

(c) A postadoption contact agreement shall contain the following warnings in at least 14 point boldface type:

(1) After the entry of a decree for adoption, an adoption cannot be set aside due to the failure of an adopting parent, a birth parent, a birth relative, or the child to follow the terms of this agreement or a later change to this agreement; and

(2) A disagreement between the parties or litigation brought to enforce, terminate, or modify this agreement shall not affect the validity of the adoption and shall not serve as a basis for orders affecting the custody of the child.

(d)(1) As used in this subsection, the term 'parties' means the individuals who signed the postadoption contact agreement currently in effect, including the child if he or she is 14 years of age or older at the time of the action regarding such agreement, but such term shall exclude any third-party beneficiary to such agreement.

(2) A postadoption contact agreement may always be modified or terminated if the parties have voluntarily signed a written modified postadoption contact agreement or termination of a postadoption contact agreement. A modified postadoption contact agreement may be filed with the court if such agreement provides for the court to enforce such agreement.

(e) With respect to postadoption contact agreements that provide for court enforcement or termination or are silent as to such matters, any party, as defined in paragraph (1) of subsection (d) of this Code section, may file a petition to enforce or terminate such agreement with the court that granted the petition of adoption, and the court shall enforce the terms of such agreement or terminate such agreement if such court finds by a preponderance of the evidence that the enforcement or termination is necessary to serve the best interests of the child.

(f) With respect to postadoption contact agreements that provide for court modification or are silent as to modification, only the adopting parent or parents may file a petition seeking modification. Such petition shall be filed with the court that granted the petition of adoption, and the court shall modify such agreement if such court finds by a preponderance of the evidence that the modification is necessary to serve the best interests of the child and there has been a substantial change of circumstances since the current postadoption contact agreement was executed.

(g) A court may require the party seeking modification, termination, or enforcement of a postadoption contact agreement to participate in mediation or other appropriate alternative dispute resolution.

(h) All reasonable costs and expenses of mediation, alternative dispute resolution, and litigation shall be borne by the party, other than the child, filing the action to enforce, modify, or terminate a postadoption contact agreement when no party has been found

by the court as failing to comply with an existing postadoption contact agreement. Otherwise, a party, other than the child, found by the court as failing to comply without good cause with an existing postadoption contact agreement shall bear all the costs and expenses of mediation, alternative dispute resolution, and litigation of the other party.

(i) A court shall not set aside a decree of adoption, rescind a surrender, or modify an order to terminate parental rights or any other prior court order because of the failure of an adoptive parent, a birth relative, or the child to comply with any or all of the original terms of, or subsequent modifications to, a postadoption contact agreement."

## 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	N Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Beverly	Y Dunahoo	Y Houston	Y Parrish	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	N Peake	Y Taylor, D
Y Broadrick	E Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Thomas, A.M.
Y Bruce	N Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y 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	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
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	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

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

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

HB 441. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Martin of the 49th, Rice of the 95th and others:

A BILL to be entitled an Act to provide for the administration of the budget of the Superior Court of Fulton County; to provide that the court administrator shall have oversight of the budget; to provide that the court administrator, with the approval of the chief judge, is authorized to make changes to line item appropriations; to provide that any unexpended funds at the end of the fiscal year shall lapse to the general fund of Fulton County; 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 Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	E Tankersley
Y Black	E Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Thomas, A.M.
Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	Y Evans	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	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
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	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 158, nays 0.

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

The following Resolution of the House was read:

HR 548. By Representative O`Neal of the 146th

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent resolution of the General Assembly, the meeting dates and dates of adjournment for the 2013 regular session of the General Assembly for the period of Tuesday, March 5, 2013, through Wednesday, March 20, 2013, shall be as follows:

- Tuesday, March 5 .....in session for legislative day 29
- Wednesday, March 6 .....in adjournment
- Thursday, March 7 .....in session for legislative day 30
- Friday, March 8 through Sunday, March 10 .....in adjournment
- Monday, March 11 .....in session for legislative day 31
- Tuesday, March 12 .....in session for legislative day 32
- Wednesday, March 13 .....in session for legislative day 33
- Thursday, March 14 .....in session for legislative day 34
- Friday, March 15 through Tuesday, March 19 .....in adjournment
- Wednesday, March 20 .....in session for legislative day 35

BE IT FURTHER RESOLVED that on and after March 20, 2013, the periods of adjournment of the 2013 regular session, if any, shall be as specified by subsequent resolution of the General Assembly; provided that unless otherwise specified by

subsequent resolution the General Assembly shall be in adjournment on each Saturday and Sunday.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
E Allison	Y Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Deffenbaugh	Y Harrell	E Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	E Stephens, R
Y Bell	Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y 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	E Tankersley
Y Black	E Duncan	Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	E Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	E Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	Y Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Jordan	Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	E Watson, S
Y Carson	Y Frye	Y Kendrick	E Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
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	Williamson
Y Coleman	Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	E Sims, B	Ralston, Speaker

On the adoption of the Resolution, the ayes were 156, nays 0.

The Resolution was adopted.

By unanimous consent, HR 548 was ordered immediately transmitted to the Senate.

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

HR 553. By Representatives Teasley of the 37th, Roberts of the 155th, Rice of the 95th, Duncan of the 26th, Brockway of the 102nd and others:

A RESOLUTION commending Chipper Jones, recognizing March 5, 2013, as Chipper Jones Day at the capitol, and inviting him 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 192. By Representatives Fludd of the 64th and Mabra of the 63rd:

A RESOLUTION commending the Sandy Creek High School football team on their 2012 GHSA Class AAAA State Championship 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 514. By Representatives Stephens of the 164th, Stephens of the 165th, Gordon of the 163rd, Hitchens of the 161st and Watson of the 166th:

A RESOLUTION recognizing and honoring the members of the St. Patrick's Day Parade Committee, Chairman Brendan T. Sheehan and the Grand Marshal of the 2013 St. Patrick's Day Parade, James A. Ray on the upcoming occasion of the 2013 St. Patrick's Day Parade in Savannah, Georgia and inviting them to appear before the House of Representatives; and for other purposes.

The following Resolutions of the House were read and adopted:

HR 554. By Representatives Lindsey of the 54th, Jones of the 47th, Talton of the 147th, Holcomb of the 81st, Chandler of the 105th and others:

A RESOLUTION commending the Governor's Honors Program and recognizing March 1, 2013, as GHP Legislative Appreciation Day at the capitol; and for other purposes.

HR 555. By Representative Kelley of the 16th:

A RESOLUTION recognizing Colt Chambers; and for other purposes.

HR 556. By Representative Kelley of the 16th:

A RESOLUTION recognizing March 16, 2013 as Welsh Heritage Day in Georgia; and for other purposes.

HR 557. By Representative Buckner of the 137th:

A RESOLUTION honoring and celebrating the 90th birthday of Mrs. Alice Neisler; and for other purposes.

HR 558. By Representatives Pruett of the 149th, England of the 116th, McCall of the 33rd, Setzler of the 35th, Hitchens of the 161st and others:

A RESOLUTION commending school districts participating in the Farm to School 5 Million Meals Campaign; and for other purposes.

HR 559. By Representative Neal of the 2nd:

A RESOLUTION recognizing and commending the Gordon Lee High School wrestling team on their outstanding 2012 season; and for other purposes.

HR 560. By Representative Floyd of the 99th:

A RESOLUTION recognizing and commending Sam Clark; and for other purposes.

HR 561. By Representative Hill of the 22nd:

A RESOLUTION recognizing March 13, 2013, as Civil Air Patrol Day at the capitol and commending the volunteers of the Civil Air Patrol for their service to the citizens of Georgia; and for other purposes.

HR 562. By Representatives Evans of the 42nd and Golick of the 40th:

A RESOLUTION congratulating Ms. Angie Bolton, the recipient of the 2013 Mrs. Lyndon B. Johnson Volunteer of the Year award; and for other purposes.

HR 563. By Representatives Hitchens of the 161st, Powell of the 32nd, Tanner of the 9th, Lumsden of the 12th, Talton of the 147th and others:

A RESOLUTION recognizing and commending Dr. Archie Rainey, Director of Georgia's Law Enforcement Command College at Columbus State University; and for other purposes.

HR 564. By Representatives Hitchens of the 161st, Powell of the 32nd, Tanner of the 9th, Lumsden of the 12th, Talton of the 147th and others:

A RESOLUTION recognizing and commending Deputy Jason Michael Ross; and for other purposes.

HR 565. By Representatives Lindsey of the 54th, Golick of the 40th and Wilkinson of the 52nd:

A RESOLUTION recognizing and commending Matthew P. Hennessy; and for other purposes.

HR 566. By Representatives Wilkinson of the 52nd, Lindsey of the 54th, Bruce of the 61st, Abrams of the 89th, Jordan of the 77th and others:

A RESOLUTION recognizing and commending Steve Holman on his outstanding achievements; and for other purposes.

HR 567. By Representatives Scott of the 76th, Stovall of the 74th, Douglas of the 78th, Jordan of the 77th and Waites of the 60th:

A RESOLUTION commending Mr. Glen Perdew, Thurgood Marshall Elementary School's 2012-2013 Teacher of the Year; and for other purposes.

HR 568. By Representatives Scott of the 76th, Jordan of the 77th, Douglas of the 78th and Waites of the 60th:

A RESOLUTION commending Mrs. LaTashia Robinson, Fairview Elementary School's 2012-2013 Teacher of the Year; and for other purposes.

HR 569. By Representatives Scott of the 76th, Waites of the 60th, Jordan of the 77th and Douglas of the 78th:

A RESOLUTION honoring the life and memory of Mr. Roosevelt Curry, Jr.; and for other purposes.

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

HB 490 Do Pass

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

Representative Parsons of the 44th District, Chairman of the Committee on Energy, Utilities, and Telecommunications, submitted the following report:

Mr. Speaker:

Your Committee on Energy, Utilities, and Telecommunications 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 176 Do Pass, by Substitute

Respectfully submitted,  
/s/ Parsons of the 44th  
Chairman

Representative Rice of the 95th District, Chairman of the Committee on Motor Vehicles, submitted the following report:

Mr. Speaker:

Your Committee on Motor Vehicles 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 463      Do Pass

Respectfully submitted,  
/s/ Rice of the 95th  
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 497      Do Pass

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

Representative Rogers of the 10th District, Vice-Chairman of the Committee on State Planning and Community Affairs, submitted the following report:

Mr. Speaker:

Your Committee on State Planning and Community Affairs 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 473      Do Pass

Respectfully submitted,  
/s/ Rogers of the 10th  
Vice-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, A.M. Monday, March 4, 2013.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned, pursuant to the adjournment Resolution previously adopted by the House and Senate, until 10:00 o'clock, A.M. Monday, March 4, 2013.