

Representative Hall, Atlanta, Georgia

Monday, March 4, 2013

Twenty-Eighth Legislative Day

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

Prayer was offered by Reverend Dr. Victor J. Belton, Senior Pastor, Peace Lutheran Church, Decatur, Georgia.

The members pledged allegiance to the flag.

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

The Journal was confirmed.

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

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 522. By Representatives Rutledge of the 109th, Douglas of the 78th, Scott of the 76th, Stephenson of the 90th and Knight of the 130th:

A BILL to be entitled an Act to amend an Act creating the Henry County Water and Sewerage Authority, approved March 28, 1961 (Ga. L. 1961, p. 2588), as amended, so as to change the name of the authority; to change the provisions relating to powers of the authority; to establish the power of the authority to implement programs and regulations for water quality protection, watershed protection, and water conservation; to establish the power of the authority to enter into intergovernmental agreements with respect to water and sewer services; to provide for related matters; to provide for severability; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HB 523. By Representatives Clark of the 98th, Randall of the 142nd, Barr of the 103rd, Lindsey of the 54th, Gasaway of the 28th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions pertaining to torts, so as to establish immunity from liability for injury or death related to skydiving; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Judiciary.

HB 524. By Representative Brockway of the 102nd:

A BILL to be entitled an Act to amend Code Section 19-8-23 of the Official Code of Georgia Annotated, relating to adoption records, and Code Section 31-10-14 of the Official Code of Georgia Annotated, relating to issuance of a new birth certificate following adoption, legitimation, or paternity determination, so as to provide for the issuance of a copy of an original birth certificate to certain adult persons who were adopted; to conform a provision sealing records relating to adoptions; to provide for a fee and a waiting period; to provide for the form of such copy; to provide for a contact preference form to indicate a birth parent's desire or lack of desire to be contacted; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Juvenile Justice.

HR 551. By Representatives Dawkins-Haigler of the 91st, Williams of the 168th, Brooks of the 55th, Stephens of the 165th, Gordon of the 163rd and others:

A RESOLUTION creating the House Study Committee on the Preservation of Sapelo Island; and for other purposes.

Referred to the Committee on Natural Resources & Environment.

HR 552. By Representatives Chandler of the 105th, Coleman of the 97th, Casas of the 107th, Pak of the 108th, Hill of the 22nd and others:

A RESOLUTION requesting the implementation of comprehensive school counseling programs for Georgia students; and for other purposes.

Referred to the Committee on Education.

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

HB 536. By Representatives Sims of the 169th and Carson of the 46th:

A BILL to be entitled an Act to amend Code Section 36-15-11 of the Official Code of Georgia Annotated, relating to receipt and disbursement of funds for county law libraries by counties having population of 950,000 or more, so as to repeal and reserve such Code section; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 537. By Representatives Sims of the 169th and Carson of the 46th:

A BILL to be entitled an Act to amend Code Section 20-2-51 of the Official Code of Georgia Annotated, relating to election of local board of education members, persons ineligible to be members or superintendent, ineligibility for local boards of education, and ineligibility for other elective offices, so as to repeal a population provision prohibiting certain members of county boards of education from holding other offices; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 538. By Representatives Sims of the 169th and Carson of the 46th:

A BILL to be entitled an Act to amend Code Section 31-3-2 of the Official Code of Georgia Annotated, relating to composition of county boards of

health, so as to repeal a provision based upon population relative to the superintendent of the largest municipal school system in certain counties serving on the county board of health ex officio; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 539. By Representatives Sims of the 169th and Carson of the 46th:

A BILL to be entitled an Act to amend Code Section 20-8-1 of the Official Code of Georgia Annotated, relating to definitions relative to campus police officers, so as to repeal a portion of a definition based upon population classification; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 540. By Representatives Sims of the 169th and Carson of the 46th:

A BILL to be entitled an Act to repeal an Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469); to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination.

HB 541. By Representatives Jones of the 47th, Lindsey of the 54th, Geisinger of the 48th, Riley of the 50th, Wilkinson of the 52nd and others:

A BILL to be entitled an Act to repeal an Act to provide in all counties of 500,000 or more population according to the United States Census of 1960 or any future United States Census that the pension board of the board of education in such counties shall recompute the pension paid to those teachers and employees who had retired as a matter of right prior to April 1, 1955, and who had been awarded a basic pension for 20 years of service, approved March 21, 1963 (Ga. L. 1963, p. 2469); to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

HR 603. By Representatives Dempsey of the 13th, Cooper of the 43rd and Watson of the 166th:

A RESOLUTION directing the Department of Community Health to collect and report certain data relating to bariatric surgical procedures; and for other purposes.

Referred to the Committee on Health & Human Services.

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

HB 510	HB 511
HB 514	HB 515
HB 516	HB 517
HB 518	HB 519
HB 520	HB 521
HR 528	HR 529
HR 530	HR 531
HR 532	HR 547
HR 549	HR 550
SB 10	SB 128
SB 140	SB 142
SB 199	SR 413

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 224	Do Pass, by Substitute	HB 435	Do Pass
HB 444	Do Pass	HB 471	Do Pass
HB 472	Do Pass		

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

Representative Golick of the 40th District, Chairman of the Committee on Judiciary Non-Civil, submitted the following report:

Mr. Speaker:

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

HB 407 Do Pass, by Substitute
HB 480 Do Pass

Respectfully submitted,
/s/ Golick of the 40th
Chairman

Representative Smith of the 70th District, Chairman of the Committee on Natural Resources and Environment, submitted the following report:

Mr. Speaker:

Your Committee on Natural Resources and Environment 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 402 Do Pass, by Substitute

Respectfully submitted,
/s/ Smith of the 70th
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 465 Do Pass
HR 553 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 Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 196 Do Pass, by Substitute
HB 501 Do Pass

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

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

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

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

Representatives Dollar of the 45th, Epps of the 132nd, Floyd of the 99th, Morris of the 156th, Mosby of the 83rd, Smith of the 41st, Smyre of the 135th, and Weldon of the 3rd.

They wished to be recorded as present.

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

HOUSE RULES CALENDAR
MONDAY, MARCH 4, 2013

Mr. Speaker and Members of the House:

The Committee on Rules has fixed the calendar for this 28th Legislative Day as enumerated below:

DEBATE CALENDAR

Open Rule

None

Modified Open Rule

HB 36	Game and fish; definition of "game fish"; revise (GF&P-Watson-166th)
HB 94	Damages; reduction of earnings to present value; change provisions (Substitute)(Judy-Welch-110th)
HB 139	Sheriffs; general qualification requirements; revise (Substitute)(Judy-Hamilton-24th)
HB 192	Podiatry; podiatric medicine includes the diagnosis and treatment of cosmetic conditions regarding the human foot and leg; provide (Substitute)(H&HS-Kidd-145th)
HB 207	Licenses; issuance of a special turkey-hunting permit for young and mobility impaired hunters; authorize (Substitute)(GF&P-Shaw-176th)
HB 229	Insurance; removing the insurer annual publication requirement; provide (Substitute)(Ins-Teasley-37th)
HB 256	Tobacco; regulation of cigar wraps; provide (JuvJ-Harbin-122nd)
HB 268	Agricultural products dealers; cotton and eggs from definition of "agricultural products"; remove (Substitute)(A&CA-Harden-148th)
HB 271	Individual's criminal history record information; revise definitions (Substitute)(JudyNC-Neal-2nd)
HB 297	State wild flower; designate the native azalea (A&CA-Buckner-137th)
HB 332	Georgia Board of Nursing; reconstitute; provisions (Substitute)(H&HS-Williamson-115th)

- HB 337 Elementary and secondary education; public and private schools to stock supply of auto-injectable epinephrine; authorize (Ed-Fleming-121st)
- HB 345 Teachers Retirement System of Georgia; clarify and consolidate the definitions of the term "teacher" (Ret-Benton-31st)

Modified Structured Rule

- HB 45 Public property; writing off small amounts due to the state; change certain provisions (App-Ehrhart-36th)
- HB 124 Local elections; votes cast for disapproval of Sunday alcohol sales by retailers shall not nullify prior election results; provide (Substitute)(RegI-Harrell-106th)
- HB 125 Lawful presence; certain affidavit for persons under 18 years of age to be executed after attaining the age of 18; provide (Substitute)(JudyNC-Hightower-68th)
- HB 131 HOPE; dual credit courses; treated the same as advanced placement and international baccalaureate courses for determining eligibility; provide (Substitute)(HEd-Clark-101st)
- HB 146 Criminal procedure; the issuance of arrest and search warrants by video conference; change provisions (JudyNC-Weldon-3rd)
- HB 199 Georgia Environmental Finance Authority; expand Georgia Reservoir Fund (Substitute)(NR&E-Lindsey-54th)
- HB 296 Motor vehicles; authorized to receive registration records; add certain persons (Substitute)(GAff-Powell-32nd)
- HB 310 Elections; ethics in government; revise definitions; provisions (Substitute)(Eth-Wilkinson-52nd)
- HB 317 Medical Practice Act of the State of Georgia; administrative medicine licenses; provide (H&HS-Cooper-43rd)
- HB 350 Group-care facility operators; persons otherwise issued licenses as provided by law; provide exceptions (Substitute)(JudyNC-Peake-141st)
- HB 354 Early Care and Learning, Department of; provide certain information to owners of early care and education programs; require (Substitute)(Ed-Clark-101st)

Pursuant to Rule 33.3, debate shall be limited to no longer than one hour each on HB 361 and HB 362. Time to be allocated at the discretion of the Speaker.

- HB 361 Labor organizations membership; provide for definitions; provisions (Substitute)(I&L-Lindsey-54th)
- HB 362 Public works contracts; governmental entities and Department of Administrative Services; provide certain contracting and bidding requirements (I&L-Lindsey-54th)

HB 365 Safety belts; definition of the term "passenger vehicle" to which the safety belt law applies; modify (Substitute)(MotV-Hitchens-161st)

Structured Rule

HB 34 Income tax credit; clean energy property; include certain commercial geothermal heat pumps (W&M-Parsons-44th)

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

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

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

HB 224. By Representatives Sims of the 169th and Roberts of the 155th:

A BILL to be entitled an Act to reestablish the Board of Commissioners of Coffee County; to supersede the laws pertaining to the governing authority of Coffee County; to provide for the powers of the board of commissioners, the composition of the board of commissioners, election districts, qualifications of commissioners, terms of office for commissioners, filling vacancies, meetings, a quorum, the responsibilities of the chairperson, a vice chairperson, and the vice chairperson's responsibilities; to provide for oaths, bonds, budgets, audits, a county manager, a clerk, minutes, and compensation and expenses of commissioners; to provide for submission for approval pursuant to the federal Voting Rights Act of 1965; to provide for the repeal of existing enabling legislation and other conflicting laws; to provide for related matters; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED AN ACT

To reestablish the Board of Commissioners of Coffee County; to supersede the laws pertaining to the governing authority of Coffee County; to provide for the powers of the board of commissioners, the composition of the board of commissioners, election districts, qualifications of commissioners, terms of office for commissioners, filling vacancies, meetings, a quorum, the responsibilities of the chairperson, a vice chairperson,

and the vice chairperson's responsibilities; to provide for oaths, bonds, budgets, audits, a county administrator, a clerk, minutes, and compensation and expenses of commissioners; to provide for submission for approval pursuant to the federal Voting Rights Act of 1965; to provide for severability; to provide for an effective date; to provide for the repeal of existing enabling legislation and other conflicting laws; to provide for related matters; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The laws pertaining to the governing authority of Coffee County shall be superseded by this Act to reestablish the Board of Commissioners of Coffee County as follows:

"SECTION 1.

Board established.

The Board of Commissioners of Coffee County ('the board') which existed on January 1, 2013, is continued in existence as the governing authority of Coffee County but on and after July 1, 2013, shall be constituted as provided in this Act. The Board of Commissioners of Coffee County so continued and constituted shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to January 1, 2013.

SECTION 2.

Duties and responsibilities.

The board shall have the power and authority to fix and establish by appropriate resolution entered on its minutes policies, rules, and regulations governing all matters reserved to the jurisdiction of the board. Such policies, rules, and regulations, when so adopted with proper entry thereof made on the minutes of the board, shall be conclusive and binding. The board shall exercise only those administrative powers which are necessarily and properly incident to its functions as a policy-making or rule-making body or which are necessary to compel enforcement of its adopted resolutions. The following powers are vested in the board and reserved to its exclusive jurisdiction:

- (1) To levy taxes;
- (2) To fix fees;
- (3) To make appropriations;
- (4) To fix rates and charges for services provided by the county;
- (5) To authorize the incurring of indebtedness;
- (6) To order work done where the cost is to be assessed against benefited property and to fix the basis for such assessment;
- (7) To authorize and provide for the execution of contracts;

- (8) To establish, alter, open, close, build, repair, or abolish public roads and bridges, according to law; provided, however, that the chairperson shall have the authority to adopt subdivision plats when the requirement established by the board for subdivisions is met;
- (9) To accept for the county the provisions of any optional statute where the statute permits its acceptance by the governing authority of the county;
- (10) To exercise all powers, duties, and authority in respect to zoning and planning;
- (11) To create and change the boundaries of special taxing districts authorized by law;
- (12) To fix the bonds of county officers where same are not fixed by statute;
- (13) To enact any ordinances or other legislation which the county may be given authority to enact;
- (14) To determine the priority of capital improvements;
- (15) To call elections for the voting of bonds or other matters as authorized by law;
- (16) To appoint retained legal counsel and an independent county auditor and provide for their compensation;
- (17) To appoint and employ a county administrator for the purpose of administering the day-to-day routine operations of the county and to provide for his or her compensation;
- (18) To appoint members of the Coffee County Board of Elections and Registration as provided by a separate Act to create a board of elections and registration for Coffee County and any amendments thereto;
- (19) To appoint and employ an emergency management director as determined necessary by the board and to provide for his or her compensation;
- (20) To appoint, select, and employ officers, agents, and employees and to fix their compensation unless hired by the county administrator;
- (21) To exercise all of the power and authority which is or may be vested in the board by the Constitution or laws of this state; and
- (22) To exercise all power and authority formerly vested in the board.

SECTION 3.

Election of board members and districts established.

(a) Those members of the Board of Commissioners of Coffee County who are serving as such on December 31, 2012, and any person selected to fill a vacancy in any such office shall continue to serve as such members until the regular expiration of their respective terms of office and upon the election and qualification of their respective successors. On and after the effective date of this Act, the Board of Commissioners of Coffee County shall consist of five members all of whom shall be elected from commissioner districts described in subsection (b) of this section.

(b) For purposes of electing members of the board of commissioners, Coffee County is divided into five commissioner districts. One member of the board shall be elected from each such district. The five commissioner districts shall be and correspond to

those five numbered districts described in and attached to and made a part of this Act and further identified as 'Plan: coffeecs-2012 Plan Type: local Administrator: coffee User: bak'.

(c) When used in such attachment, the terms 'VTD' shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. The separate numeric designations in a district description which are underneath a 'VTD' heading shall mean and describe individual Blocks within a VTD as provided in the report of the Bureau of the Census for the United States decennial census of 2010 for the State of Georgia. Any part of Coffee County which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Any part of Coffee County which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2010 for the State of Georgia. Except as otherwise provided in the description of any commissioner district, whenever the description of such district refers to a named city, it shall mean the geographical boundaries of that city as shown on the census map for the United States decennial census of 2010 for the State of Georgia.

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

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

(f) The members of the reconstituted board shall be elected as provided in this subsection. The first members of the board elected under this Act shall be elected at the November general election on the Tuesday next following the first Monday in November, 2014. Those members of the board elected thereto from Commissioner Districts 1 and 3 in November, 2014 shall take office the first day of January immediately following that election and shall serve for initial terms of office which expire December 31, 2018, and upon the election and qualification of their respective successors. Those members of the board elected thereto from Commissioner Districts 2, 4, and 5 in November, 2016 shall take office the first day of January immediately

following that election and shall serve for initial terms of office which expire December 31, 2020, and upon the election and qualification of their respective successors. Those and all future successors to members of the board whose terms of office are to expire shall be elected at the time of the state-wide general election immediately preceding the expiration of such terms, shall take office the first day of January immediately following that election, and shall serve for terms of office of four years each. Members of the board shall serve for the terms of office specified therefor in this subsection and until their respective successors are elected and qualified.

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

(h) Commissioner Districts 1 through 5, as they existed on January 1, 2013, shall continue to be designated as Commissioner Districts 1 through 5, respectively, but as newly described under this Act, and on and after January 1, 2013, such members of the board serving from those former commissioner districts shall be deemed to be serving from and representing their respective districts as newly described under this Act.

SECTION 4. Vacancies.

When a vacancy occurs on the board under the laws of this state and the unexpired term of office exceeds six months in duration, it shall be the duty of the election superintendent of the county to call a special election to elect a successor and fill the vacancy in not less than 30 nor more than 60 days. The election shall be held as provided by the Georgia Election Code, and the cost of the election shall be defrayed by proper county authorities. If the unexpired term to be filled is six months or less in duration in the case of the term of a board member, the chairperson shall nominate and the board shall approve a successor to fill the unexpired term, and in the case of the term of the chairperson, the remaining members of the board shall elect a successor to fill the unexpired term of the chairperson. Persons elected or appointed to fill a vacancy in office shall serve out the unexpired term and until a successor is elected and qualified.

SECTION 5. Meetings.

(a) The board shall hold a minimum of one regular meeting per month for the transaction of business as may legitimately come before it. The board may convene in special meetings on the call of the chairperson, as the business of the board may require. The board members may at any time convene a special meeting of the board upon call by any one of them as the business of the board may require, provided the chairperson is unable or fails to call such meeting upon request.

(b) The chairperson and any two board members shall constitute a quorum. In the absence of the chairperson, three board members shall constitute a quorum. Unless

expressed otherwise in any law, rule, or ordinance, a decision of the board may be made by majority vote of a quorum of the board.

(c) The board shall cause minutes of its meetings to be kept in accordance with the laws of this state.

SECTION 6. Chairperson.

(a) The board shall elect one of the board members to serve as chairperson. The chairperson shall be the official head of the board. The chairperson shall serve for a term of one year from January 1 through December 31 of each year.

(b) No person shall serve as chairperson or vice chairperson unless he or she has satisfactorily completed all annual training and education requirements.

(c) The chairperson shall cause an agenda to be established for and preside at all meetings of the board unless absent. The chairperson shall have all the rights, powers, duties, and responsibilities of a member of the board, including the right and power to make motions and nominations and the right to vote on matters before the board. The chairperson may serve as a member of boards, commissions, and committees required by law or requested by the board and shall perform such other duties as may be required by law.

SECTION 7. Vice chairperson.

The board shall elect one of the board members to serve as vice chairperson in the same manner and for the same term as the chairperson. The vice chairperson shall cause an agenda to be established for and preside at all meetings at which the chairperson is absent. In such event, the vice chairperson shall retain all of his or her rights, duties, powers, and responsibilities as a member of the board of commissioners, including the right to make motions and to vote on matters before the board.

SECTION 8. Oath, surety bond, conflicts of interest.

(a) Before entering upon the discharge of their duties, the chairperson and other board members shall subscribe to an oath for the true and faithful performance of their duties and that they are not the holders of any unaccounted for public funds.

(b) The chairperson shall give a satisfactory surety bond, as determined by the judge of the Probate Court of Coffee County, and payable to the judge of the Probate Court of Coffee County and filed in the office of the judge of the Probate Court of Coffee County, in the sum of \$50,000.00, conditioned upon the faithful performance of the duties of the office. Each board member shall give like bond in the sum of \$25,000.00. The costs of such bonds shall be paid from county funds.

(c) No county official or employee shall employ an immediate family member in a position that is directly supervised by him or her. As used in this subsection, the term 'immediate family member' means a spouse, child, sibling, or parent or the spouse of a child, sibling, or parent.

SECTION 9.

County budget and audits.

(a) The board shall adopt and operate under annual budgets in accordance with the laws of this state.

(b) The board shall provide for and cause to be made annual audits in accordance with the laws of this state.

SECTION 10.

County administrator.

(a) The board shall create in and for Coffee County the office of county administrator and vest in such office powers, duties, and responsibilities of an administrative nature in accordance with the laws of this state. The county administrator shall be the chief executive officer of Coffee County and shall be responsible to the board for the proper and efficient administration of all affairs of the county, except as otherwise provided by law. It shall be the duty of the county administrator to:

(1) See that all laws and ordinances of the county are enforced;

(2) Exercise control over all departments or divisions of the county which the board has exercised prior to the effective date of this Act or that may be created, except as otherwise provided in this Act;

(3) Keep the board fully advised as to the financial condition and needs of the county;

(4) Supervise and direct the official conduct of all appointed county officers and department heads, except as may be otherwise provided in this Act;

(5) Establish and alter the internal organization of the county government after consultation with the board;

(6) Attend all meetings of the board with the right to take part in the discussions, provided that the county administrator shall have no vote on any matter or issue before the board;

(7) Supervise the performance of all contracts made by any person for work done for Coffee County and supervise and regulate all purchases of materials and supplies for Coffee County within such limitations and under such rules, regulations, and delegations of authority as may be imposed by the board in the county purchasing ordinance, by resolution, or by contract;

(8) Confer with and advise all other elected or appointed officials of Coffee County who are not under the immediate control of the board but who receive financial support from the board;

- (9) Exercise the authority to countersign with the chairperson or, in his or her absence, the vice chairperson, all payroll checks for employees of Coffee County and such other financial instruments as the board may by resolution delegate to the county administrator; and
- (10) Perform such other duties as may be required of him or her by the board.
- (b) The county administrator shall have authority to appoint and fix the compensation of the appointed officers and employees of Coffee County subject to the following limitations and requirements:
- (1) The person appointed as an officer or employee shall have the qualifications necessary for the office or position; and
 - (2) The compensation fixed by the county administrator shall be within the approved county budget.
- (c) The county administrator shall have authority to appoint a deputy or other assistants and department directors and execute employment agreements with them in his or her discretion in accordance with guidelines set by the board and subject to the approval of the county attorney.
- (d) The county administrator shall have authority to discharge any employee consistent with merit system rules and regulations, if applicable, and authority to discharge the deputy county administrator or any department director following consultation with the board and the county attorney.
- (e) The provisions of this section shall not apply to:
- (1) The county attorney, retained legal counsel, and the external county auditor; provided, however, that the county administrator may fix the compensation of the county attorney in consultation with the board;
 - (2) Members of boards, commissions, and authorities, and positions of employment in connection therewith, when such boards, commissions, and authorities were created by state law or appointed by the board; or
 - (3) Elected county officers of Coffee County and employees under their supervision and control; provided, however, that the board by majority vote may approve or reject the salary recommended for each such employee.
- (f) The county administrator, before entering upon the discharge of his or her duties, shall execute a bond with a solvent surety company licensed to do business in the county in an amount to be approved by the board but no less than \$100,000.00 payable to the county conditioned on the faithful performance of his or her duties and to secure against corruption, malfeasance, misappropriations, or unlawful expenditures. The premium on said bond shall be paid by the county. The bond shall be delivered to the board within five days of the county administrator's assuming his or her duties and, upon receipt, shall be filed by the county clerk with the Probate Court of Coffee County.
- (g) Before entering upon his or her duties, the county administrator shall take and subscribe an oath administered by the judge of the probate court for the faithful performance of his or her duties under this Act which shall be duly entered upon the minutes of the board.

(h) The county administrator shall not engage in or be concerned with local partisan politics or any local political campaign. The county administrator shall not contribute to any local campaign fund or solicit funds for local political purposes from any other person. He or she shall not be eligible for election as a member of the board of commissioners of the county for a period of one year after termination of his or her service as county administrator.

SECTION 11.

County clerk.

The board shall appoint a clerk in and for Coffee County consistent with the laws of this state. The clerk shall be a resident of Coffee County. Before entering upon the discharge of his or her duties, the clerk shall give a satisfactory surety bond, as determined by the judge of the Probate Court of Coffee County, and payable to the judge of the Probate Court of Coffee County and filed in the office of the judge of the Probate Court of Coffee County, in the sum of \$50,000.00, conditioned upon the faithful performance of his or her duties as clerk and to account for any and all funds, property, or effects which may come into his or her hands as clerk or otherwise. The costs of such bond shall be paid from county funds.

SECTION 12.

Salaries, compensation, and expenses.

Salaries, compensation, expenses, and expenses in the nature of compensation to which members of the board serving on the effective date of this Act are currently entitled shall continue in full force and effect. Salaries, compensation, expenses, and expenses in the nature of compensation to which members of the board are thereafter entitled shall be fixed pursuant to the laws of this state."

SECTION 2.

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

SECTION 3.

This Act shall become effective on the first day of the month following the month in which it is approved by the Governor or in which it becomes law without such approval.

SECTION 4.

In the event any provision of this Act is unconstitutional or cannot be implemented under federal law, the remaining provisions of this Act shall remain valid and of full force and effect.

SECTION 5.

The Act establishing the office of Commissioner of Roads and Revenues in the County of Coffee, approved March 26, 1937 (Ga. L. 1937, p. 1294), and all amendments thereto, and any Act establishing the Board of Commissioners of Coffee County prior to 1937, and all amendments thereto, and an Act Replacing the Office of Commissioner, approved February 21, 1951 (Ga. L. 1951, p. 1294) and all amendments thereto, and all other laws and parts of laws in conflict with this Act are repealed.

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

HB 435. By Representatives Willard of the 51st, Lindsey of the 54th, Jones of the 47th, Geisinger of the 48th, Martin of the 49th and others:

A BILL to be entitled an Act to amend an Act creating the State Court of Fulton County, approved March 24, 1976 (Ga. L. 1976, p. 3023), as amended, particularly by an Act approved April 6, 1981 (Ga. L. 1981, p. 3537), so as to change the compensation of the chief judge of the court; to provide for duties of the chief judge; 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 444. By Representatives Willard of the 51st, Geisinger of the 48th, Jones of the 47th, Lindsey of the 54th, Rice of the 95th and others:

A BILL to be entitled an Act to amend an Act to supplement the salaries of the judges of the Superior Court of Fulton County, approved March 8, 1945 (Ga. L. 1945, p. 1076), as amended, particularly by an Act approved May 29, 2007 (Ga. L. 2007, p. 4092), so as to increase the amount of such supplement for the judges of the superior court; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

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

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

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

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

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

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	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
E Anderson	Y Deffenbaugh	Y Harrell	E Morgan	N Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Mosby	Smyre
Y Barr	Y Dickey	N Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Stephens, M
Y Beasley-Teague	Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	Y Douglas	Y Hitchens	Y Nix	E Stephenson
E 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
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Teasley
Y Brooks	Epps, C	Y Jasperse	Y Powell, J	Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	E Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT

Y Burns	Floyd	Y Jordan	Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E Rogers, C	Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
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	Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bills, the ayes were 143, nays 11.

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 122. By Senators Hill of the 6th, Chance of the 16th, Staton of the 18th, Shafer of the 48th, Carter of the 42nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers' licenses, so as to authorize the issuance of a temporary driving permit to a noncitizen applicant whose Georgia driver's license has expired, or will expire, who has filed a request for an extension to remain lawfully within the United States; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

SB 136. By Senators Miller of the 49th, Unterman of the 45th, Murphy of the 27th, Sims of the 12th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Title 27 and Chapter 7 of Title 52 of the O.C.G.A., relating to game and fish and to registration, operation, and sale of watercraft, respectively, so as to provide greater public protection for hunting and boating; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

SB 201. By Senator Gooch of the 51st:

A BILL to be entitled an Act to provide a homestead exemption from White County school district ad valorem taxes for educational purposes in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or older and whose income, excluding certain retirement income, does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 340. By Representative Houston of the 170th:

A BILL to be entitled an Act to amend an Act to provide a new charter for the City of Enigma, approved April 9, 1993 (Ga. L. 1993, p. 5205), so as to provide for four-year terms for the mayor and city council; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

HR 548. By Representative O'Neal of the 146th:

A RESOLUTION relative to adjournment; and for other purposes.

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

SB 122. By Senators Hill of the 6th, Chance of the 16th, Staton of the 18th, Shafer of the 48th, Carter of the 42nd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers' licenses, so as to authorize the issuance of a temporary driving permit to a noncitizen applicant whose Georgia driver's license has expired, or will expire, who has filed a request for an extension to remain lawfully within the United States; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Motor Vehicles.

SB 136. By Senators Miller of the 49th, Unterman of the 45th, Murphy of the 27th, Sims of the 12th, Tolleson of the 20th and others:

A BILL to be entitled an Act to amend Title 27 and Chapter 7 of Title 52 of the O.C.G.A., relating to game and fish and to registration, operation, and sale of watercraft, respectively, so as to provide greater public protection for hunting and boating; 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 Game, Fish, & Parks.

SB 201. By Senator Gooch of the 51st:

A BILL to be entitled an Act to provide a homestead exemption from White County school district ad valorem taxes for educational purposes in the amount of \$100,000.00 of the assessed value of the homestead for residents of that school district who are 70 years of age or older and whose income, excluding certain retirement income, does not exceed \$25,000.00; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Committee on Intragovernmental Coordination - Local.

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

Representatives Neal of the 2nd, Tankersley of the 160th, Kirby of the 114th, Dempsey of the 13th, and Fullerton of the 153rd.

Pursuant to HR 505, the House recognized and commended the Sandy Springs Bar Association and invited members to be recognized by the House of Representatives.

Pursuant to HR 192, the House commended the Sandy Creek High School football team on their 2012 GHSA Class AAAA State Championship and invited them to be recognized by the House of Representatives.

Pursuant to HR 514, the House recognized and honored 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 invited them to appear before the House of Representatives.

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

HB 272. By Representatives Peake of the 141st, Lindsey of the 54th, Dudgeon of the 25th, Williamson of the 115th, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Code Section 48-7-40.30 of the Official Code of Georgia Annotated, relating to an income tax credit for certain qualified investments for a limited period of time, so as to extend such income tax credit; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

By order of the Committee on Rules, the following Bill of the House was withdrawn from the General Calendar and recommitted to the Committee on Human Relations & Aging:

HB 290. By Representatives Dempsey of the 13th, Benton of the 31st, Clark of the 101st, Brockway of the 102nd, Kaiser of the 59th and others:

A BILL to be entitled an Act to amend Chapter 1 of Title 34 of the Official Code of Georgia Annotated, relating to general provisions relative to labor and industrial relations, so as to allow employees to use sick leave for the care of immediate family members; to provide for definitions; to provide for conditions to take leave; to provide that retaliatory actions are unlawful; to provide for related matters; to repeal conflicting laws; and for other purposes.

Under the general order of business, established by the Committee on Rules, the following Bill of the House, having been postponed from the previous legislative day, was taken up for consideration and read the third time:

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.

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
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
E Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatcher	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Mosby	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	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E 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	Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, B
Y Bryant	E Evans	E Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Floyd	Y 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	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E Rogers, C	Y Weldon
Y Casas	Y Gardner	Kirby	E Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

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

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

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 34. By Representatives Parsons of the 44th and Smith of the 134th:

A BILL to be entitled an Act to amend Code Section 48-7-29.14 of the Official Code of Georgia Annotated, relating to the income tax credit for clean energy property, so as to include certain commercial geothermal heat pumps with the definition of the term 'clean energy property'; to provide for related matters; to repeal conflicting laws; and for other purposes.

Pursuant to Rule 133, Representative Pezold of the 133rd was excused from voting on HB 34.

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:

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

On the passage of the Bill, the ayes were 153, nays 0.

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

HB 310. By Representative Wilkinson of the 52nd:

A BILL to be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to revise definitions; to provide for the method of filing certain disclosure reports; to provide for the method of notifying candidates of late fees due; to eliminate the grace period on certain reports; to provide for the notice of dissolution of a campaign or committee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to revise definitions; to provide for the method of filing certain disclosure reports; to provide for the method of notifying candidates of late fees due; to eliminate the grace period on certain reports; to provide for the notice of dissolution of a campaign or committee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, is amended by revising paragraphs (18) and (22) of Code Section 21-5-3, relating to definitions, as follows:

"(18) 'Ordinary and necessary expenses' shall include, but shall not be limited to, expenditures made during the reporting period for qualifying fees, office costs and rent, lodging, equipment, travel, advertising, postage, staff salaries, consultants, files storage, polling, special events, volunteers, reimbursements to volunteers, repayment of any loans received except as restricted under subsection (i) of Code Section 21-5-41, contributions to nonprofit organizations, ~~and~~ flowers for special occasions, which shall include, but are not limited to, birthdays and funerals, attorney fees connected to and in the furtherance of the campaign, and all other expenditures contemplated in Code Section 21-5-33."

"(22) 'Public officer' means:

(A) Every constitutional officer;

- (B) Every elected state official;
- (C) The executive head of every state department or agency, whether elected or appointed;
- (D) Each member of the General Assembly;
- (E) The executive director of each state board, commission, council, or authority and the members thereof;
- (F) Every elected county official and every elected member of a local board of education; and
- (G) Every elected municipal official."

SECTION 2.

Said chapter is further amended by revising Code Section 21-5-34, relating to disclosure reports, as follows:

"21-5-34.

(a)(1)(A) The candidate or the chairperson or treasurer of each campaign committee organized to bring about the nomination or election of a candidate for any office and the chairperson or treasurer of every campaign committee designed to bring about the recall of a public officer or to oppose the recall of a public officer or designed to bring about the approval or rejection by the voters of any proposed constitutional amendment, state-wide proposed question, or state-wide referendum shall electronically sign and file with the commission the required campaign contribution disclosure reports.

(B) The chairperson or treasurer of each independent committee shall file the required disclosure reports with the commission.

(2)(A) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of any proposed question which is to appear on the ballot in this state or in a county or a municipal election in this state shall register with the commission and file campaign contribution disclosure reports as prescribed by this chapter; provided, however, that such reports shall only be required if such campaign committee has received contributions which total more than \$500.00 or if such campaign committee has made expenditures which total more than \$500.00. All advertising pertaining to referendums shall identify the principal officer of such campaign committee by listing or stating the name and title of the principal officer.

(B) If a campaign committee is required to file a report under subparagraph (A) of this paragraph, such report shall be electronically filed with the commission. Any such report shall be filed 15 days prior to the date of the election; and a final report shall be filed prior to December 31 of the election year.

(b)(1) All reports shall list the following:

(A) As to any contribution of more than \$100.00, its amount and date of receipt, the election for which the contribution has been accepted and allocated, along with the name and mailing address of the contributor, and, if the contributor is an individual, that individual's occupation and the name of his or her employer. Such

contributions shall include, but shall not be limited to, the purchase of tickets for events such as dinners, luncheons, rallies, and similar fundraising events coordinated for the purpose of raising campaign contributions for the reporting person;

(B) As to any expenditure of more than \$100.00, its amount and date of expenditure, the name and mailing address of the recipient receiving the expenditure, and, if that recipient is an individual, that individual's occupation and the name of his or her employer and the general purpose of the expenditure;

(C) When a contribution consists of a loan, advance, or other extension of credit, the report shall also contain the name of the lending institution or party making the advance or extension of credit and the names, mailing addresses, occupations, and places of employment of all persons having any liability for repayment of the loan, advance, or extension of credit; and, if any such persons shall have a fiduciary relationship to the lending institution or party making the advance or extension of credit, the report shall specify such relationship;

(D) Total contributions received and total expenditures shall be reported for an election cycle as follows:

(i) The first report of an election cycle shall list the cash on hand brought forward from the previous election cycle, if any, and the total contributions received during the period covered by the report;

(ii) Subsequent reports shall list the total contributions received during the period covered by the report and the cumulative total of contributions received during the election cycle;

(iii) The first report of an election cycle shall list the total expenditures made during the period covered by the report;

(iv) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the election cycle, and net balance on hand; and

(v) If a public officer seeks reelection to the same public office, or if the public officer is a member of the General Assembly seeking reelection in another district as a result of redistricting, the net balance on hand at the end of the current election cycle shall be carried forward to the first report of the applicable new election cycle;

(E) The corporate, labor union, or other affiliation of any political action committee or independent committee making a contribution of more than \$100.00;

(F) Any investment made with funds of a campaign committee, independent committee, or political action committee and held outside such committee's official depository account during each reporting period for which an investment exists or a transaction applying to an identifiable investment is made. The report shall identify the name of the entity or person with whom such investment was made, the initial and any subsequent amount of such investment if such investment was made during the reporting period, and any profit or loss from the sale of such investment occurred during such reporting period; and

(G) Total debt owed on the last day of the reporting period.

(2) Each report shall be in such form as will allow for the separate identification of a contribution or contributions which are less than \$100.00 but which become reportable due to the receipt of an additional contribution or contributions which when combined with such previously received contribution or contributions cumulatively equal or exceed \$100.00.

(c) Candidates or campaign committees which accept contributions, make expenditures designed to bring about the nomination or election of a candidate, or have filed a declaration of intention to accept campaign contributions pursuant to subsection (g) of Code Section 21-5-30 shall file campaign contribution disclosure reports in compliance with the following schedule:

(1) In each nonelection year on June 30 and December 31;

(2) In each election year:

(A) On March 31, June 30, September 30, October 25, and December 31;

(B) Six days before any run-off primary or election in which the candidate is listed on the ballot; and

(C) During the period of time between the last report due prior to the date of any election for which the candidate is qualified and the date of such election, all contributions of \$1,000.00 or more shall be reported within two business days of receipt to the commission and also reported on the next succeeding regularly scheduled campaign contribution disclosure report;

(3) If the candidate is a candidate in a special primary or special primary runoff, 15 days prior to the special primary and six days prior to the special primary runoff; and

(4) If the candidate is a candidate in a special election or special election runoff, 15 days prior to the special election and six days prior to the special election runoff.

All persons or entities required to file reports shall have a five-day grace period in filing the required reports, except that the grace period shall be two days for required reports prior to run-off primaries or run-off elections, and no grace period shall apply to contributions required to be reported within two business days. Reports required to be filed within two business days of a contribution shall be reported by facsimile or electronic filing transmission to the commission. Any facsimile filing shall also have an identical electronic filing within five business days following the transmission of such facsimile filing. Each report required in the election year shall contain cumulative totals of all contributions which have been received and all expenditures which have been made in support of the campaign in question and which are required, or previously have been required, to be reported.

(d) In the event any candidate covered by this chapter has no opposition in either a primary or a general election and receives no contribution of more than \$100.00, such candidate shall only be required to make the initial and final report as required under this chapter.

(e) Any person who makes contributions to, accepts contributions for, or makes expenditures on behalf of candidates, and any independent committee, shall file a registration with the commission in the same manner as is required of campaign

committees prior to accepting or making contributions or expenditures. Such persons, other than independent committees, shall also file campaign contribution disclosure reports with the commission at the same times as required of the candidates they are supporting. The following persons shall be exempt from the foregoing registration and reporting requirements:

- (1) Individuals making aggregate contributions of \$25,000.00 or less directly to candidates or the candidates' campaign committees in one calendar year;
- (2) Persons other than individuals making aggregate contributions and expenditures to or on behalf of candidates of \$25,000.00 or less in one calendar year; and
- (3) Contributors who make contributions to only one candidate during one calendar year.

(f)(1) Any independent committee which accepts contributions or makes expenditures for the purpose of affecting the outcome of an election or advocates the election or defeat of any candidate shall register with the commission prior to accepting contributions or making expenditures and shall file disclosure reports with the commission as follows:

- (A) On the first day of each of the two calendar months preceding any such election;
- (B) Two weeks prior to the date of such election; and
- (C) Within the two-week period prior to the date of such election the independent committee shall report within two business days any contributions or expenditure of more than \$1,000.00.

The independent committee shall file a final report prior to December 31 of the election year and shall file supplemental reports on June 30 and December 31 of each year that such independent committee continues to accept contributions or make expenditures.

(2) Reports filed by independent committees shall list the following:

- (A) The amount and date of receipt, along with the name, mailing address, occupation, and employer of any person making a contribution of more than \$100.00;
- (B) The name, mailing address, occupation, and employer of any person to whom an expenditure or provision of goods or services of the value of more than \$100.00 is made and the amount, date, and general purpose thereof, including the name of the candidate or candidates, if any, on behalf of whom, or in support of or in opposition to whom, the expenditure or provision was made;
- (C) Total expenditures made as follows:
 - (i) Expenditures shall be reported for the applicable reporting year;
 - (ii) The first report of a reporting year shall list the total expenditures made during the period covered by the report; and
 - (iii) Subsequent reports shall list the total expenditures made during the period covered by the report, the cumulative total of expenditures made during the reporting year, and net balance on hand; and

(D) The corporate, labor union, or other affiliation of any political action committee, candidate, campaign committee, or independent committee making a contribution of the value of more than \$100.00.

(3) Whenever any independent committee makes an expenditure for the purpose of financing any communication intended to affect the outcome of an election, such communication shall clearly state that it has been financed by such independent committee.

(g) Any campaign committee which accepts contributions or makes expenditures designed to bring about the recall of a public officer or to oppose the recall of a public officer shall file campaign contribution disclosure reports with the commission as follows:

(1) An initial report shall be filed within 15 days after the date when the official recall petition forms were issued to the sponsors;

(2) A second report shall be filed 45 days after the filing of the initial report;

(3) A third report shall be filed within 20 days after the election superintendent certifies legal sufficiency or insufficiency of a recall petition; and

(4) A final report shall be filed prior to December 31 of the year in which the recall election is held or, in any case where such recall election is not held, a final report shall be filed prior to December 31 of any year in which such campaign committee accepts such contributions or makes such expenditures.

(h) Any campaign committee which accepts contributions or makes expenditures designed to bring about the approval or rejection by the voters of a proposed constitutional amendment or a state-wide referendum shall file a campaign contribution disclosure report with the commission 75, 45, and 15 days prior to the date of the election and shall file a final report prior to December 31 of the election year.

(i)(1) Any person elected to a public office who is required to file campaign contribution disclosure reports pursuant to this article shall, upon leaving public office with excess contributions, be required to file supplemental campaign contribution disclosure reports on June 30 and December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33.

(2) Any person who is an unsuccessful candidate in an election and who is required to file campaign contribution disclosure reports pursuant to this article shall for the remainder of the election cycle file such reports at the same times as a successful candidate and thereafter, upon having excess contributions from such campaign, be required to file a supplemental campaign contribution disclosure report no later than December 31 of each year until such contributions are expended in a campaign for elective office or used as provided in subsection (b) of Code Section 21-5-33. Any unsuccessful candidate in an election who is required to file campaign contribution disclosure reports pursuant to this article and who receives contributions following such election to retire debts incurred in such campaign for elective office shall be required to file a supplemental campaign contribution disclosure report no later than

December 31 of each year until such unpaid expenditures from such campaign are satisfied.

(j) Notwithstanding any other provision of this chapter to the contrary, soil and water conservation district supervisors elected pursuant to Article 2 of Chapter 6 of Title 2, the 'Soil and Water Conservation Districts Law,' shall not be required to file campaign contribution disclosure reports under this Code section.

(k)(1) In addition to other penalties provided under this chapter, a late fee of \$125.00 shall be imposed for each report that is filed late, and notice of such late fee shall be sent to the candidate and the candidate's committee ~~by registered or in the same manner by which the penalized report was filed with the commission.~~ However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail or statutory overnight delivery, return receipt requested, and the commission shall utilize certified mail, return receipt requested, to notify the candidate and the candidate's committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such report if the report has not been filed by such date; ~~provided, however, that a 15-day extension period shall be granted on the final report.~~ A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such report if such report has not been filed. Campaign committee funds shall not be used to pay such penalty. Notice by electronic means does not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph.

(2) The commission shall retain \$25.00 of the first late fee received for processing pursuant to the provisions of Code Section 45-12-92.1.

(l) It shall be the duty of the commission when it receives for filing any disclosure report or statement or other document that may be filed by mail to maintain with the filed document a copy of the postal markings or statutory overnight delivery service markings of any envelope, package, or wrapping in which the document was delivered for filing if mailed or sent after the date such filing was due.

(m) Except as provided for electronic filing, the mailing of such reports by United States mail with adequate postage affixed within the required filing time as determined by the official United States postage date cancellation shall be prima-facie evidence of filing.

~~(m)~~(n) Any person or entity which is required to be registered with the commission shall file a termination statement together with its final campaign contribution disclosure report as required by this Code section within ten days of the dissolution of a campaign or committee. The termination statement shall identify the person responsible for maintaining campaign records as required by this chapter.

~~(n)~~(o) The commission shall not require the reporting of any more information in a campaign contribution disclosure report than is expressly required to be disclosed by this Code section."

SECTION 3.

Said chapter is further amended by revising paragraph (1) of subsection (f) of Code Section 21-5-50, relating to filing by public officers, filing by candidates for public office, filing by elected officials and members of the General Assembly, electronic filing, and transfer of filings from the Secretary of State to the commission, as follows:

"(f)(1) In addition to other penalties provided in this chapter, a late fee of \$125.00 shall be imposed for each financial disclosure statement that is filed late, and notice of such late fee shall be sent to the board member, candidate, and the candidate's committee ~~by registered or~~ in the same manner in which the penalized report was filed with the commission. However, if the report in question was not filed or was filed with the commission in a manner other than electronic filing or certified mail or statutory overnight delivery, return receipt requested, and the commission shall use certified mail, return receipt requested, to notify the candidate and the candidate's committee of the late fee due. The notice shall include the schedule of increasing late fees for late filings and the dates upon which such late fees shall be increased. In addition, a late fee of \$250.00 shall be imposed on the fifteenth day after the due date for such statement if such statement has not been filed. A late fee of \$1,000.00 shall be imposed on the forty-fifth day after the due date for such statement if the statement has not been filed. Campaign committee funds shall not be used to pay such penalty. Notice by electronic means shall not satisfy the requirements of this paragraph; and any increased late fees shall be stayed until at least ten days after proper notice has been given as specified in this paragraph."

SECTION 4.

Said chapter is further amended by adding a new Code section to Article 3 to read as follows:

"21-5-52.

The mailing of the notarized financial disclosure statement by United States mail with adequate postage affixed within the required filing time as determined by the official United States postage date cancellation shall be prima-facie evidence of filing when the disclosure statement is not filed electronically."

SECTION 5.

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

SECTION 6.

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

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
E Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	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	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruet	Y Thomas, B
Y Bryant	E Evans	E Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	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	E Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	E Rogers, T	Y Wilkerson
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	Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Grayley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 164, nays 0.

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

HB 317. By Representatives Cooper of the 43rd, Watson of the 166th, Rynders of the 152nd, Jones of the 53rd and Sims of the 123rd:

A BILL to be entitled an Act to amend Article 2 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the "Medical Practice Act of the State of Georgia," so as to provide for administrative medicine

licenses; to provide for definitions; to provide for requirements; to provide for board rules; to provide for educational certificates for out-of-state physicians to participate in educational training in this state that requires patient care; 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
Y Allison	E 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	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	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	E Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	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	E Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	E Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 165, nays 0.

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

HB 45. By Representative Ehrhart of the 36th:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to public property, so as to change certain provisions relating to writing off small amounts due to the state; to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to extend automatic repeals of certain provisions relating to nonlapsing revenue of institutions in the University System of Georgia and the Technical College System of Georgia; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	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	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	E 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	E 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	E Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	E 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 Cooke

Y Greene
Y Gregory

Y Maxwell
Y Mayo

Y Sheldon
Y Sims, B

Y Yates
Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 0.

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

HB 139. By Representatives Hamilton of the 24th, Carter of the 175th, Powell of the 32nd, Talton of the 147th, Jasperse of the 11th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding sheriffs, so as to revise the general qualification requirements for sheriffs; 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 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding sheriffs, so as to revise the general qualification requirements for sheriffs; 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 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding sheriffs, is amended by revising subsection (c) of Code Section 15-16-1, relating to general qualification requirements for sheriffs, as follows:

"(c) **Qualifications.**

- (1) No person shall be eligible to hold the office of sheriff unless such person:
 - (A) At the time of qualifying as a candidate for the office of sheriff is a citizen of the United States;
 - (B) Has been a resident of the county in which he or she seeks the office of sheriff for at least two years immediately preceding the date of qualifying for election to the office;
 - (C) At the time of qualifying as a candidate for the office of sheriff is a registered voter;
 - (D) At the time of qualifying as a candidate for the office of sheriff has attained the age of at least 25 years;

- (E) At the time of qualifying as a candidate for the office of sheriff has obtained a high school diploma or its recognized equivalent in educational training as established by the Georgia Peace Officer Standards and Training Council;
- (F) Has not been convicted of a felony offense or any offense involving moral turpitude contrary to the laws of this state, any other state, or the United States; provided, however, that a plea of nolo contendere to a felony offense or any offense involving moral turpitude contrary to the laws of this state shall have the same effect as a plea of guilty, thereby disqualifying such a person from holding the office of sheriff;
- (G) Is fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record, which fingerprints are to be taken under the direction of the judge of the probate court of the county in which such person is qualifying and must be taken on or before, but no later than, the close of business on the third business day following the close of such qualification ~~for election to the office of sheriff period~~;
- (H) At the time of qualifying as a candidate for the office of sheriff, files with the officer before whom such person is qualifying ~~gives~~ a complete written history of his or her places of residence for a period of six years immediately preceding his or her qualification date, giving the house number or RFD number, street, city, county, and state;
- (I) At the time of qualifying as a candidate for the office of sheriff, files with the officer before whom such person is qualifying ~~gives~~ a complete written history of his or her places of employment for a period of six years immediately preceding his or her qualification date, giving the period of time employed and the name and address of his or her employer; and
- (J) Is a registered peace officer as provided in Code Section 35-8-10 or is a certified peace officer as defined in Chapter 8 of Title 35. Any person who is not a registered or certified peace officer at the time such person assumes the office of sheriff shall be required to complete satisfactorily the requirements for certification as a peace officer as provided in Chapter 8 of Title 35 within six months after such person takes office; provided, however, that an extension of the time to complete such requirements may be granted by the Georgia Peace Officer Standards and Training Council upon the presentation of evidence by a sheriff that he or she was unable to complete the basic training course and certification requirements due to illness, injury, military service, or other reasons deemed sufficient by such council. The Georgia Peace Officer Standards and Training Council shall make every effort to ensure that space is available for newly elected sheriffs who are not certified or registered peace officers to attend the course as soon as possible after such persons take office. Such council shall notify the appropriate judge of the probate court whenever a newly elected sheriff who is not certified fails to become certified as a peace officer pursuant to the requirements of this subparagraph.
- (2) Each person offering his or her candidacy for the office of sheriff shall, ~~within 60 days prior to or~~ at the time such person qualifies;

~~(A) File with the officer before whom such person has qualified to seek the office of sheriff a certified copy of his or her birth certificate and a certified copy of his or her high school diploma or certified proof of its recognized equivalent in education training as established by the Georgia Peace Officer Standards and Training Council; and~~

~~(B) Swear swear or affirm before the officer before whom such person has qualified to seek the office of sheriff that he or she meets all of the qualifications required by this subsection, except as otherwise provided in subparagraph (J) of paragraph (1) of this subsection, and that he or she has complied or will comply with the requirements of subparagraph (G) of paragraph (1) of this subsection no later than the close of business on the third business day following the close of such qualification for election to the office of sheriff period.~~

(3) Each person offering his or her candidacy for the office of sheriff shall file an affidavit with the election superintendent of the county by the close of business on the third business day following the close of the qualification period stating:

(A) That such person is a high school graduate or has obtained the recognized equivalent in education training as established by the Georgia Peace Officer Standards and Training Council; and

(B) When and from what school such person graduated from high school or obtained such recognized equivalent in education training.

In addition, such person shall also file a certified copy of his or her birth certificate with the election superintendent of the county. Any elector of the county shall have until two weeks after the deadline for qualifying to file a challenge to such person's qualifications pursuant to Code Section 21-2-6.

~~(3)~~(4) Each person offering to run for the office of sheriff and who is otherwise qualified shall be allowed, six months prior to qualifying and at his or her own expense, to attend the basic mandate course for peace officers. The Georgia Peace Officer Standards and Training Council shall work to ensure that space is available for such individuals to attend the course."

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
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R

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

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

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

HB 36. By Representatives Watson of the 166th, Burns of the 159th, Stephens of the 164th, Bryant of the 162nd, Dutton of the 157th and others:

A BILL to be entitled an Act to amend Code Section 27-1-2 of the Official Code of Georgia Annotated, relating to game and fish definitions, so as to revise the definition of "game fish"; 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	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	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	Dollar	Y Hill	Y Nimmer	Y 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	E 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	E 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
Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 168, nays 0.

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

HB 271. By Representatives Neal of the 2nd, Lindsey of the 54th, Meadows of the 5th, Oliver of the 82nd, Abrams of the 89th and others:

A BILL to be entitled an Act to amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of individual's criminal history record information, definitions, and privacy considerations, so as to revise definitions; to clarify provisions relating to record restriction involving certain felony offenses; to change provisions relating to the application of the Code section to arrests occurring prior to July 1, 2013; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of individual's criminal history record information, definitions, and privacy considerations, so as to clarify provisions relating to record restriction involving certain felony offenses; to change provisions relating to the application of the Code section to arrests occurring prior to July 1, 2013; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 35-3-37 of the Official Code of Georgia Annotated, relating to review of individual's criminal history record information, definitions, and privacy considerations, is amended by revising paragraph (1) of subsection (j) and subsection (n) as follows:

"(j)(1) When an individual had a felony charge dismissed or nolle prossed or was found not guilty of felony charges such charge but was convicted of a misdemeanor offense ~~or offenses arising out of the same underlying transaction or occurrence~~ that was not a lesser included offense of the felony charge, such individual may petition the superior court in the county where the arrest occurred to restrict access to criminal history record information for ~~such~~ the felony charges charge within four years of the arrest. Such court shall maintain jurisdiction over the case for this limited purpose and duration. Such petition shall be served on the arresting law enforcement agency and the prosecuting attorney. If a hearing is requested, such hearing shall be held within 90 days of the filing of the petition. The court shall hear evidence and shall grant an order restricting such criminal history record information if the court determines ~~the charges in question did not arise out of the same underlying transaction or occurrence~~ that the misdemeanor conviction was not a lesser included offense of the felony charge and that the harm otherwise resulting to the individual is clearly outweighed by the public interest in the criminal history record information being publicly available."

"(n)(1) Except as provided in subsection (j) of this Code section, as ~~As~~ to arrests occurring before July 1, 2013, an individual may, in writing, request the arresting law enforcement agency to restrict the criminal history record information of an arrest, including any fingerprints or photographs taken in conjunction with such arrest. Reasonable fees shall be charged by the arresting law enforcement agency and the center for the actual costs of restricting such records, provided that such fee shall not exceed \$50.00.

(2) Within 30 days of receipt of such written request, the arresting law enforcement agency shall provide a copy of the request to the prosecuting attorney. Within 90

days of receiving the request, the prosecuting attorney shall review the request to determine if ~~he or she agrees to~~ the request meets the criteria set forth in subsection (h) of this Code section for record restriction, and the prosecuting attorney shall notify the arresting law enforcement agency of his or her decision within such 90 day period. If the prosecuting attorney denies such request, he or she shall cite with specificity the reason for such denial in writing and attach to such denial any relevant documentation in his or her possession used to make such denial. There shall be a presumption that the prosecuting attorney does not object to the request to restrict the criminal history record information if he or she fails to respond to the request for a determination within the 90 day period set forth in this paragraph. The arresting law enforcement agency shall inform the individual of the prosecuting attorney's decision, and, if record restriction is approved by the prosecuting attorney, the arresting law enforcement agency shall restrict the criminal history record information within 30 days of receipt of the prosecuting attorney's decision.

(3) If a prosecuting attorney declines an individual's request to restrict access to criminal history record information, such individual may file a civil action in the superior court where the entity is located. A copy of the civil action shall be served on the entity and prosecuting attorney for the jurisdiction where the civil action is filed, and they may become parties to the action. A decision of the prosecuting attorney to decline a request to restrict access to criminal history record information shall not be upheld if unless the individual it is determined demonstrates by clear and convincing evidence that the arrest is eligible for record restriction pursuant to subsection (h) of this Code section and the harm otherwise resulting to the privacy of the individual clearly outweighs the public interest in the criminal history record information being publicly available.

(4) To restrict criminal history record information at the center, an individual shall submit a prosecuting attorney's approved record restriction request or a court order issued pursuant to paragraph (3) of this subsection to the center. The center shall restrict access to such criminal history record information within 30 days ~~from~~ of receiving such information."

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
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	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	Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	E 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	E 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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 168, nays 0.

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

HB 345. By Representative Benton of the 31st:

A BILL to be entitled an Act to amend Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to the Teachers Retirement System of Georgia, so as to clarify and consolidate the definitions of the term "teacher"; to repeal an obsolete provision; 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
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Stephens, M
Y Beasley-Teague	Dollar	Hill	Y Nimmer	Y 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	Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Y Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	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	Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E 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	Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 164, nays 0.

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

HB 146. By Representatives Weldon of the 3rd, Willard of the 51st and Mabra of the 63rd:

A BILL to be entitled an Act to amend Title 17 of the Official Code of Georgia Annotated, relating to criminal procedure, so as to change provisions relating to the issuance of arrest and search warrants by video conference; 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
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Dollar	Y Hill	Y Nimmer	Y 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	Y Tankersley
Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	E Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Jones, L	Y Quick	Y Turner
Y Buckner	Y Fleming	Y Jones, S	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	E Rogers, C	Y Weldon
Y Casas	Y Gardner	Y Kirby	Y Rogers, T	Y Wilkerson
Y Chandler	Y Gasaway	Y Knight	Y Rutledge	Y Wilkinson
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 1.

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

HB 199. By Representatives Lindsey of the 54th and Smith of the 70th:

A BILL to be entitled an Act to amend Part 2 of Article 1 of Chapter 23 of Title 50 of the O.C.G.A., relating to the water supply division of the Georgia Environmental Finance Authority, so as to expand the Georgia Reservoir Fund; to amend Article 6 of Chapter 5 of Title 12 of the O.C.G.A., relating to water supply, so as to revise a definition and correct a cross-reference; to amend Code Section 36-91-100 of the O.C.G.A., relating to definitions

relative to local public works bidding, so as to revise a definition; to amend Part 1 of Article 1 of Chapter 23 of Title 50 of the O.C.G.A., relating to general provisions relative to the Georgia Environmental Finance Authority, so as to revise definitions and correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the water supply division of the Georgia Environmental Finance Authority, so as to expand the Georgia Reservoir Fund; to amend Article 6 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water supply, so as to revise a definition and correct a cross-reference; to amend Code Section 36-91-100 of the Official Code of Georgia Annotated, relating to definitions relative to local public works bidding, so as to revise a definition; to amend Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Environmental Finance Authority, so as to revise definitions and correct cross-references; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to the water supply division of the Georgia Environmental Finance Authority, is amended in Code Section 50-23-28, relating to the establishment and operation of the Georgia Reservoir Fund, by revising subsection (a) as follows:

"(a) There shall be established the Georgia Reservoir and Water Supply Fund, to consist of proceeds of bonds issued under this article for purposes of this part, any moneys paid to the authority under intergovernmental contracts for purposes of this part, voluntary contributions to such fund, and any federal moneys deposited in such fund. Moneys which are restricted as to their usage, including, but not limited to, restrictions on the kinds of projects for which the moneys may be expended or loaned, on the entity that may receive grants or loans of such moneys, on the manner in which such moneys may be expended or loaned, and any other condition, limitation, or restriction, may nevertheless be deposited in the fund so long as any such restriction shall not prevent the moneys so deposited from being expended, loaned, or otherwise used in a manner that is consistent with the purposes of this part. All balances in the fund shall be deposited in interest-bearing accounts."

SECTION 2.

Said part is further amended in Code Section 50-23-28.1, relating to authority of the water supply division to make loans and grants to local governments for reservoir expansion, by revising subsection (a) as follows:

"(a) The division may make loans and grants to a local government to pay all or any part of the cost of expanding and increasing the capacity of existing reservoirs; or assets reasonable or necessary to develop any water supply system comprised of new or existing reservoirs, or any means or combination of means of providing or enhancing water supply. Such loans and grants shall be made as provided in Code Section 50-23-6. The criteria used in consideration for requests for assistance shall include, but not be limited to:

- (1) The effect of recurring drought on the region;
- (2) Interconnectivity of the requesting entity's water supply system with one or more surrounding local governments; ~~and~~
- (3) The long-term cost-saving risk and benefit to taxpayers that may be associated with full-scale project implementation; and
- (4) Unique regional conditions."

SECTION 3.

Said part is further amended in Code Section 50-23-28.2, relating to participation in certain water projects by the water supply division, by revising paragraph (4) of subsection (d) as follows:

"(4) For any project for which participation or a lead local authority role is determined by the division to be feasible and appropriate, the division may perform management, technical, consultative, training, educational, and other project development and promotion activities, subject to availability of funds from the Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28, approval by the executive director of the authority, and the requirement that the fund be fully compensated by any private owner of the project for such expenditures; and"

SECTION 4.

Article 6 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water supply, is amended in Code Section 12-5-471, relating to definitions relative to water supply, by revising paragraph (10) as follows:

"(10) 'Project' means and includes the acquisition of real property for water reservoirs or any water supply system; the construction and reconstruction or improvement of water reservoirs or any water supply system; the acquisition of real or personal property surrounding water reservoirs or any water supply system or portion thereof, including any interest in such property; the acquisition of real or personal property or any interest therein for mitigation of any alteration of environmental resources by the construction of a water reservoir or water supply system; assets reasonable or necessary to develop any water supply system comprised of new or existing reservoirs, or any means or combination of means of providing or enhancing water

supply; and all necessary and usual water facilities useful for obtaining one or more sources of water supply, the treatment of water, and the distribution and sale of water to users and consumers, including counties and municipalities for the purpose of resale, inside and outside the territorial boundaries of the users and consumers, and the operation, maintenance, additions, improvements, and extensions of such facilities so as to assure an adequate water utility system deemed to be necessary or convenient for the efficient operation of such type of undertaking, including, but not limited to, the development or expansion of water facilities or systems so as to facilitate transitioning households and businesses served by private wells, septic tanks, and other nonreturning water systems to public water or sewerage systems, thereby promoting water conservation, all for the essential public purpose of providing water facilities and services to meet public health and environmental standards and to aid the development of trade, commerce, industry, agriculture, and employment opportunities."

SECTION 5.

Said article is further amended in Code Section 12-5-474, relating to deposit of funds received for operation of water supply projects, by revising subsection (b) as follows:

"(b) All those funds generated by the operation of the projects and paid to the division shall be deposited in the Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28."

SECTION 6.

Code Section 36-91-100 of the Official Code of Georgia Annotated, relating to definitions relative to local public works bidding, is amended by revising paragraph (1) as follows:

"(1) 'Affected local government' means any county, municipality, or consolidated government in which water storage, supply, monitoring, distribution, conservation, or maintenance facilities of a project are located or proposed to be located, which will receive for local use water or services from such project, or which, under a service delivery agreement entered into pursuant to Article 2 of Chapter 70 of this title, provides or is authorized to provide within an area water facilities or services similar to water facilities and services proposed to be provided by a project in such area."

SECTION 7.

Part 1 of Article 1 of Chapter 23 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to the Georgia Environmental Finance Authority, is amended in Code Section 50-23-4, relating to definitions relative to the Georgia Environmental Finance Authority, by revising paragraph (5) as follows:

"(5) 'Environmental facilities' means any projects, structures, systems, and other real or personal property acquired, rehabilitated, constructed, or planned:

(A) For the purposes of supplying, distributing, ~~and~~ monitoring, or treating water and diverting, channeling, or controlling water flow and head, including, but not

limited to, surface or ground water, canals, reservoirs, channels, basins, dams, aqueducts, standpipes, penstocks, conduits, pipelines, mains, pumping stations, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification or filtration plants or other treatment plants and works, connections, water meters, mechanical equipment, electric generating equipment, rights of flowage or division and other plant structures, equipment, conveyances, real or personal property or rights therein and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the collection, conveyance, distribution, pumping, treatment, storing, conservation, or disposing of water;

(B) For the purposes of collecting, treating, or disposing of sewage, including, but not limited to, main, trunk, intercepting, connecting, lateral, outlet, or other sewers, outfall, pumping stations, treatment and disposal plants, ground water recharge basins, backflow prevention devices, sludge dewatering or disposal equipment and facilities, clarifiers, filters, phosphorus removal equipment and other plants, soil absorption systems, innovative systems or equipment, structures, equipment, vehicles, conveyances, real or personal property or rights therein, and appurtenances thereto necessary or useful and convenient for the collection, conveyance, pumping, treatment, neutralization, storing, and disposing of sewage;

(C) For the purposes of collecting, treating, recycling, composting, or disposing of solid waste, including, but not limited to, trucks, dumpsters, intermediate reception stations or facilities, transfer stations, incinerators, shredders, treatment plants, landfills, landfill equipment, barrels, binders, barges, alternative technologies and other plant structures, equipment, conveyances, improvements, real or personal property or rights therein, and appurtenances, furnishings, accessories, and devices thereto necessary or useful and convenient for the collection, treatment, or disposal of solid waste; or

(D) For the purposes of carrying out a community land conservation project or a state land conservation project pursuant to Chapter 22 of Title 36."

SECTION 8.

Said part is further amended in Code Section 50-23-5, relating to the purpose, powers, and duties of the Georgia Environmental Finance Authority, by revising paragraphs (30) and (31.1) of subsection (b) as follows:

"(30) To administer funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to Title VI of the Federal Water Pollution Control Act and Title XIV of the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of providing assistance to municipalities or counties or any combination thereof or to any public authority or, if authorized by law, any private agency, commission, or institution for construction of treatment works as that term is defined in Section 212 of the federal Clean Water Act of 1977, P.L. 95-217, which are publicly owned. The authority may also administer funds granted to the state by the administrator of the federal Environmental Protection

Agency pursuant to Title XIV of the federal Safe Drinking Water Act, as now or hereafter amended, for the purpose of providing assistance to municipalities or counties or any combination thereof or any public or, if authorized by law, any private authority, agency, commission, or institution for the construction of public drinking water works as such term is defined in Section 1401 of the federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339. The authority may also administer funds granted to the state by the administrator of the federal Environmental Protection Agency pursuant to 33 U.S.C.A. Section 1381, et seq., for the purpose of providing financial assistance for any eligible water pollution control project. The authority shall deposit any such funds received from the administrator of the federal Environmental Protection Agency into a separate water pollution control revolving fund or a drinking water revolving fund transferred to the authority from the Environmental Protection Division of the Department of Natural Resources or hereafter established; provided, however, that where appropriate, the authority may deposit funds received from the administrator of the federal Environmental Protection Agency into the Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28. The forms and administration of such funds shall be established by the authority in accordance with federal requirements;"

"(31.1) To fund, or partially fund, the Georgia Reservoir and Water Supply Fund established by Code Section 50-23-28. Proceeds of any bonds authorized by the General Assembly for the purposes of said Code section, and any repayment of such proceeds after their expenditure, may be deposited in such fund;"

SECTION 9.

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

SECTION 10.

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:

Abrams	Y Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R

Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	Riley	Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E 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	Williams, A
Y Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 0.

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

HB 296. By Representatives Powell of the 32nd, Ramsey of the 72nd, Talton of the 147th, Jackson of the 128th and Atwood of the 179th:

A BILL to be entitled an Act to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to add certain persons to those authorized to receive motor vehicle registration records; to add certain persons to the list of persons authorized to receive motor vehicle certificate of title records; to provide for the Department of Revenue to establish certain procedures and to promulgate rules and regulations; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to add certain persons to those authorized to receive motor vehicle registration records; to add certain persons to the list of persons authorized to receive motor vehicle certificate of title records; to provide for the Department of Revenue to establish certain procedures and to promulgate rules and regulations; to provide for related matters; to provide for effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising subsections (c) and (d) of Code Section 40-2-130, relating to records of certificates of registration, as follows:

"(c) The motor vehicle registration records which the commissioner is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (d) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

- (1) Any licensed dealer of new or used motor vehicles;
- (2) Any tax collector, tax receiver, or tax commissioner;
- (3) The director of the Environmental Protection Division of the Department of Natural Resources or his or her designee;
- (4) Any private person who has met the requirements of Code Section 40-2-25, provided that the information shall be used for the sole purpose of effectuating the registration or renewal of motor vehicles by electronic or similar means and that the private person requesting the information has entered into an agreement to provide electronic services to the commissioner or a county tag agent; provided, further, that the information made available pursuant to this paragraph for such purpose shall be limited to the vehicle identification number, the license tag number, the date of expiration of registration, and the amount of tax owed; ~~and~~
- (5) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and
- (6) An individual licensed by or registered with the Georgia Board of Private Detective and Security Agencies and authorized to conduct investigations under the provisions of Chapter 38 of Title 43 for the use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency, or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court. The commissioner is authorized and directed to establish procedures and safeguards, which may include registration, and promulgate rules and regulations to effectuate the purposes of this

paragraph. Such regulations may include the ability to deny such disclosure or suspend or terminate such access where deemed appropriate by the commissioner or his or her designee.

(d) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1) through ~~(5)~~ (6) of subsection (c) of this Code section shall be limited to the natural person's name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates. Information may be provided by means designated by the commissioner, including through mail, electronic transmission, or the use of a provider authorized by the commissioner."

SECTION 2.

Said title is further amended by revising subsections (d) and (f) of Code Section 40-3-23, relating to issuance of certificates of title, as follows:

"(d) The motor vehicle records which the commissioner or the commissioner's duly authorized county tag agent is required to maintain under this Code section or any other provision are exempt from the provisions of any law of this state requiring that such records be open for public inspection; provided, however, that, subject to subsection (f) of this Code section, the records may be disclosed for use as provided in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, and by the following:

- (1) Any licensed dealer of new or used motor vehicles;
- (2) Any tax collector, tax receiver, or tax commissioner; ~~and~~
- (3) A person or entity authorized by the commissioner for use in providing notice to the owners of towed or impounded vehicles; and
- (4) An individual licensed by or registered with the Georgia Board of Private Detective and Security Agencies and authorized to conduct investigations under the provisions of Chapter 38 of Title 43 for the use in connection with any civil, criminal, administrative, or arbitral proceeding in any federal, state, or local court or agency, or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a federal, state, or local court. The commissioner is authorized and directed to establish procedures and safeguards, which may include registration, and promulgate rules and regulations to effectuate the purposes of this paragraph. Such regulations may include the ability to deny such disclosure or suspend or terminate such access where deemed appropriate by the commissioner or his or her designee."

"(f) Except as otherwise required in the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, personal information furnished under paragraphs (1), ~~(2)~~,

~~and (3)~~ through (4) of subsection (d) of this Code section shall be limited to the natural person's name, address, and driver identification number. The personal information obtained by a business under this Code section shall not be resold or redisclosed for any purposes other than those permitted under the federal Driver's Privacy Protection Act of 1994, 18 U.S.C. Chapter 123, without the written consent of the individual. Furnishing of information to a business under this Code section shall be pursuant to a contract entered into by such business and the state which specifies the consideration to be paid by such business to the state for such information and the frequency of updates. Information may be provided by means designated by the commissioner, including through mail, electronic transmission, or the use of a provider authorized by the commissioner."

SECTION 3.

For purposes of proposing rules and regulations, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. For all other purposes, this Act shall become effective on September 1, 2013.

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	Coomer	Y Hamilton	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
N Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
N Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
N Barr	Y Dickey	Y Henson	E Murphy	N Spencer
Y Battles	Dickson	N Hightower	Y Neal	Y Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	Y Douglas	Y Hitchens	N Nix	Y Stephenson
N Bennett	Y Drenner	Y Holcomb	Oliver	Y Stovall
Y Bentley	N Dudgeon	N Holmes	Y O'Neal	Y Strickland
Benton	N Dukes	N Holt	Pak	Y Talton
N Beverly	N Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	N Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	N Pezold	Y Taylor, T
Brockway	Y England	Y Jacobs	Y Powell, A	N Teasley
N Brooks	Y Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Bryant	E Evans	Y Jones, L	N Quick	Turner
Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT

Y Burns	Y Floyd	Y Jordan	Y Randall	Y Waites
N Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	N Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E Rogers, C	Y Weldon
N Casas	Gardner	Y Kirby	N 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	N Scott	Y Williams, A
Y Cheokas	Y Golick	Y Mabra	N Setzler	Y Williams, C
N Clark, J	Y Gordon	Marin	Y Sharper	Y Williams, E
Y Clark, V	N Gravley	Martin	Y Shaw	N Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 125, nays 37.

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

HB 354. By Representatives Clark of the 101st, Coleman of the 97th, Tankersley of the 160th, Kaiser of the 59th, Morgan of the 39th and others:

A BILL to be entitled an Act to amend Title 20 of the O.C.G.A., relating to education, so as to revise terminology relating to early care and learning; to require the Department of Early Care and Learning to provide certain information to owners of early care and education programs; to authorize the department to administer certain programs; to expand the purposes of the "Georgia Professional Standards Act;"; to authorize the Professional Standards Commission to perform certain functions and services with respect to early care and education program personnel if funding is available; to provide for statutory construction; to amend various other titles of the O.C.G.A., for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to revise terminology relating to early care and learning; to require the Department of Early Care and Learning to provide certain information to owners of early care and education programs; to authorize the department to administer certain programs; to provide for contested cases; to amend various other titles of the Official Code of Georgia

Annotated for purposes of conformity; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 20 of the Official Code of Georgia Annotated, relating to education, is amended by revising Code Section 20-1A-2, relating to definitions relative to early care and learning, as follows:

"20-1A-2.

As used in this chapter, the term:

(1) 'Board' means the Board of Early Care and Learning.

(2) 'Child care learning center' means ~~a day care center that participates in Georgia's Pre-K Program~~ any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of Code Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only.

(3) 'Commissioner' means the commissioner of ~~the Department of Early Care and Learning~~ early care and learning.

(4) ~~'Day care center' means any place operated by a person, society, agency, corporation, institution, or group wherein are received for pay for group care for less than 24 hours per day, without transfer of legal custody, 19 or more children under 18 years of age; provided, however, that this term shall not include a private school which provides kindergarten through grade 12 education, meets the requirements of Code Section 20-2-690, and is accredited by one or more of the entities listed in subparagraph (A) of paragraph (6) of Code Section 20-3-519 and which provides care before, after, or both before and after the customary school day to its students as an auxiliary service to such students during the regular school year only.~~

(5)(4) 'Department' means the Department of Early Care and Learning.

(6)(5) 'Early care and education programs' include all family day-care homes, group day-care homes, ~~day-care centers,~~ and child care learning centers, regardless of whether such homes or centers offer education.

(7)(6) 'Early childhood' means the period of childhood from birth to age six.

(8)(7) 'Family day-care home' means a private residence operated by any person who receives therein for pay for supervision and care fewer than 24 hours per day, without transfer of legal custody, at least three but not more than six children under ~~18~~ 13 years of age who are not related to such person and whose parents or guardians are not residents in the same private residence; provided, however, that the total number

of unrelated children cared for in such home, for pay and not for pay, may not exceed six children under 13 years of age at one time.

~~(9)~~(8) 'Group day-care home' means any place operated by any person or group wherein are received for pay not less than seven nor more than 18 children under 18 years of age for care and supervision for less than 24 hours per day."

SECTION 2.

Said title is further amended by revising paragraph (2) of subsection (d) of Code Section 20-1A-3, relating to the commissioner and the board of the Department of Early Care and Learning, as follows:

"(2) Functions transferred to the department from the Department of Human Resources (now known as the Department of Human Services) relating to day-care centers (now known as child care learning centers), group day-care homes, family day-care homes, and other functions as agreed upon by the department and the Department of Human Resources (now known as the Department of Human Services) in accordance with Code Section 20-1A-8;"

SECTION 3.

Said title is further amended by revising Code Section 20-1A-4, relating to the powers and duties of the Department of Early Care and Learning, as follows:

"20-1A-4.

The Department of Early Care and Learning shall have the following powers and duties:

- (1) To administer such programs and services as may be necessary for the operation and management of voluntary pre-kindergarten, which shall be known as 'Georgia's Pre-K Program';
- (2) To administer such programs and services as may be necessary for the operation and management of preschool and child development programs, such as Even Start and child care regulation and food programs;
- (3) To act as the agent of the federal government in conformity with this chapter and the administration of any federal funds granted to the state to aid in the furtherance of any functions of the department;
- (4) To assist local units of administration in this state so as to assure the proliferation of services under this chapter;
- (5) To regulate early care and education programs in accordance with this chapter;
- (6) To perform the functions set out in Code Section 20-1A-64, relating to improvement of the quality, availability, and affordability of child care in this state;
- (7) To serve as the Head Start state collaboration office;
- (8) To establish and collect annual fees for licensure, registration, or commission of early care and education programs. Such fees so established shall be reasonable and shall be determined in such a manner that the total amount of fees established shall help defray the direct and indirect costs to the department in performing such function. The department shall remit all fees collected to the general fund of the state;

(9) To recommend in writing to the owner of any early care and learning program licensed by the department that such program carry liability insurance coverage sufficient to protect its clients. Any such program which after receiving such recommendation is not covered by liability insurance shall post that fact in a conspicuous place in the program and shall notify the parent or guardian of each child under the care of the program in writing. Such notice shall be in at least 1/2 inch letters. Each such parent or guardian must acknowledge receipt of such notice in writing and a copy of such acknowledgment shall be maintained on file at the program at all times while the child attends the program and for 12 months after the child's last date of attendance. Failure to do so may subject the owner of the program to a civil fine of \$1,000.00 for each such infraction;

(10) To administer any programs assigned to it administratively by the Governor pursuant to his or her powers or any programs for which the Governor designates the department as the lead agency in the state for a federal program;

~~(9)~~(11) To perform any other functions as agreed upon between the department and the Department of Human Resources (now known as the Department of Human Services), pursuant to Code Section 20-1A-8;

~~(40)~~(12) To perform any other functions as agreed upon between the department and the Department of Education, in accordance with Code Section 20-1A-17; and

~~(44)~~(13) To exercise the powers reasonably necessary to accomplish the purposes of this chapter, including, but not limited to, contracting for services."

SECTION 4.

Said title is further amended by revising Code Section 20-1A-9, relating to authority to license and regulate day-care centers, group day-care homes, and family day-care homes transferred to the Department of Early Care and Learning, as follows:

"20-1A-9.

The department shall succeed to all rights and responsibilities relating to licensure and regulation of day-care centers (now known as child care learning centers), group day-care homes, and family day-care homes, including such rules, regulations, policies, procedures, and pending and finalized administrative orders of the Department of Human Resources (now known as the Department of Human Services), the Georgia Child Care Council, and the Office of State Administrative Hearings, where applicable, which are in effect on September 30, 2004, and which relate to the functions transferred to the department pursuant to Code Section 20-1A-8. Such rights, responsibilities, licenses issued pursuant to previous law, procedures, and orders shall remain in effect until amended, repealed, superseded, or nullified by the commissioner. Such rules, regulations, and policies shall remain in effect until amended, repealed, superseded, or nullified by the board."

SECTION 5.

Said title is further amended by revising subsections (b), (i), (k)(2), (m), and (v) of Code Section 20-1A-10, relating to regulation of early care and education programs, as follows:

"(b) ~~Day care centers and child~~ Child care learning centers operated as part of a local church ministry or a nonprofit religious school or a nonprofit religious charitable organization may notify the department annually and be commissioned in lieu of being licensed upon request for commission. Commissioned ~~day care centers and~~ child care learning centers shall operate in accordance with the same procedures, standards, rules, and regulations which are established by the board for the operation of licensed ~~day care centers and~~ child care learning centers. Any ~~day care center or~~ child care learning center operated as part of a local church ministry or a nonprofit religious school or a nonprofit religious charitable organization may elect to apply for a commission as provided for in subsection (c) of this Code section."

"(i) Group day-care homes, ~~day care centers,~~ and child care learning centers shall provide a minimum of 35 square feet of usable space consisting of indoor play areas, rest areas, and dining facilities for each child present in the facility. ~~Day care centers and child~~ Child care learning centers will be allowed to designate in writing to the department two one-hour periods daily during which 25 square feet of usable space per child for children aged three years and older may be provided. Notwithstanding the limitation to 18 children prescribed in Code Section 20-1A-2, group day-care homes will be allowed to designate in writing to the department two one-hour periods daily during which 25 square feet of usable space per child for children aged three years and older may be provided. Notwithstanding the limitation to six children prescribed in Code Section 20-1A-2, a family day-care home operator may care for two additional children aged three years and older for two designated one-hour periods daily. Notwithstanding the provisions of this subsection, all other applicable rules and regulations shall apply."

"(2) On and after May 12, 2010, the following annual fees shall apply to applications for licensure, registration, or commission as a ~~day care center,~~ child care learning center, group day-care home, or family day-care home:

(A) Capacity of fewer than 25 children.....	\$ 50.00
(B) Capacity of 26 to 50 children.....	100.00
(C) Capacity of 51 to 100 children.....	150.00
(D) Capacity of 101 to 200 children.....	200.00
(E) Capacity of more than 200 children	250.00"

"(m) The department shall refuse to issue a license, registration, or commission upon a showing of:

- (1) Noncompliance with the rules and regulations for ~~day care centers,~~ family day-care homes, group day-care homes, or child care learning centers which are designated in writing to the facilities as being related to children's health and safety;
- (2) Flagrant and continued operation of an unlicensed, unregistered, or uncommissioned facility in contravention of the law;

(3) Prior license, registration, or commission denial or revocation within one year of application; or

(4) Failure to pay the annual fee for licensure, registration, or commission of early care and education programs."

"(v) The term '~~licensed day-care-center~~ child care learning center' shall include a ~~commissioned day-care-center and~~ commissioned child care learning center and any references in this Code to a licensed ~~day-care-center~~ child care learning center, including criminal, administrative, and civil provisions applicable to licensed ~~day-care centers~~ child care learning centers, shall include and apply to ~~commissioned day-care centers and~~ commissioned child care learning centers unless otherwise provided in this Code section."

SECTION 6.

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

"20-1A-10.1.

A determination by the department regarding payments and eligibility pursuant to any federal program or grant shall be preceded by notice and opportunity for a hearing and shall constitute a contested case within the meaning of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'"

SECTION 7.

Said title is further amended by revising paragraph (1) of Code Section 20-1A-30, relating to definitions for background checks for early care and education programs, as follows:

"(1) 'Center' means a ~~day-care-center~~, group day-care home, family day-care home, or child care learning center which is required to be licensed, commissioned, or registered under Article 1 of this chapter."

SECTION 8.

Said title is further amended by revising paragraph (7) of subsection (a) of Code Section 20-1A-61, relating to the Child Care Council, as follows:

"(7) One member shall represent licensed or commissioned church or synagogue-~~day-care-centers~~ child care learning centers;"

SECTION 9.

Code Section 36-87-2 of the Official Code of Georgia Annotated, relating to the authority of counties and municipal corporations to participate in programs, is amended by revising subsection (c) as follows:

"(c) State agencies rating applications from counties and municipal corporations for federal funding of the construction of ~~day-care facilities~~ child care learning centers shall, to the extent allowed under applicable federal laws or regulations, give priority to those ~~day-care-centers~~ child care learning centers located in or adjacent to industrial parks."

SECTION 10.

Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to the State Sexual Offender Registry, is amended by revising paragraphs (6) and (10.1) of subsection (a) as follows:

"(6) 'Child care facility' means all public and private pre-kindergarten facilities, ~~day-care centers~~, child care learning centers, preschool facilities, and long-term care facilities for children."

"~~(10.1)~~(6.1) '~~Day-care center~~ Child care learning center' shall have the same meaning as set forth in paragraph ~~(4)~~(2) of Code Section 20-1A-2."

SECTION 11.

Code Section 49-5-12 of the Official Code of Georgia Annotated, relating to licensing and inspection of child welfare agencies, is amended by repealing subsection (t) in its entirety.

SECTION 12.

The following Code sections of the Official Code of Georgia Annotated are amended by replacing "day-care center", "day-care centers", and "Day-care centers" wherever any of these terms occur with "child care learning center", "child care learning centers", and "Child care learning centers", respectively:

- (1) Code Section 16-12-1.1, relating to child, family, or group-care facility operators prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations;
- (2) Code Section 20-2-771, relating to immunization of students;
- (3) Code Section 25-2-13, relating to buildings presenting special hazards to persons or property; requirements as to construction, maintenance, and use generally; effect of rules, regulations, and fire safety standards issued before April 1, 1968; and power of local governing authorities;
- (4) Code Section 31-41-3, relating to definitions relative to lead poisoning prevention;
- (5) Code Section 33-2-8.1, relating to purpose of Code section; preparation by Commissioner of supplemental report on property and casualty insurance; contents of report; and request for information;
- (6) Code Section 42-1-17, relating to definitions; residency restrictions for sexual offenders; and penalties;
- (7) Code Section 45-18-70, relating to the establishment and operation of a Capitol Hill day-care center; and
- (8) Code Section 49-5-13, relating to private day-care centers not required to meet federal adult-child ratio.

SECTION 13.

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	Smith, E
N Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
N Barr	Y Dickey	Y Henson	E Murphy	N Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
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	Y Tankersley
Y Black	N Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Jackson	N Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Y Jones, L	Y Quick	N 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
N Caldwell, M	Y Frazier	N Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Fullerton	Y Kidd	E 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
N 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	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 153, nays 16.

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

HB 365. By Representatives Hitchens of the 161st, Wilkinson of the 52nd, Atwood of the 179th, Lumsden of the 12th, Watson of the 166th and others:

A BILL to be entitled an Act to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to modify the definition of the term "passenger vehicle" to which the safety belt law applies; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to modify the definition of the term "passenger vehicle" to which the seat safety belt law applies; 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.

Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, is amended by revising subsection (a) as follows:

"(a) As used in this Code section, the term 'passenger vehicle' means every motor vehicle, including, but not limited to, pickup trucks, vans, and sport utility vehicles, designed to carry ~~ten~~ 15 passengers or fewer and used for the transportation of persons; provided, however, that such term shall not include motorcycles; motor driven cycles; or off-road vehicles or pickup trucks being used by an owner, driver, or occupant 18 years of age or older in connection with agricultural pursuits that are usual and normal to the user's farming operation; and provided, further, that such term shall not include motor vehicles designed to carry 11 to 15 passengers which were manufactured prior to July 1, 2013, and which as of such date did not have manufacturer installed seat safety belts."

SECTION 2.

This Act shall become effective on July 1, 2013, and shall apply to offenses occurring on or after that date.

SECTION 3.

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

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

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

Y Abrams	Y Coomer	Y Hamilton	N McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
N Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
N 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	Y 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	N Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	N Pezold	Y Taylor, T
N Brockway	Y England	Y Jacobs	Y Powell, A	N Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Y Jones, L	Y Quick	N 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
N Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	N Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E 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	N Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	N Grayley	Y Martin	Y Shaw	Y Williamson
Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 156, nays 16.

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

HB 350. By Representatives Peake of the 141st, Hitchens of the 161st, Hatchett of the 150th, Ramsey of the 72nd, Coomer of the 14th and others:

A BILL to be entitled an Act to amend Code Section 16-12-1.1 of the O.C.G.A., relating to child, family, or group-care facility operators prohibited from employing or allowing to reside or be domiciled persons with certain

past criminal violations, so as to provide for exceptions for persons otherwise issued licenses as provided by law; to amend Chapter 1A of Title 20 of the O.C.G.A., relating to early care and learning; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 16-12-1.1 of the Official Code of Georgia Annotated, relating to child, family, or group-care facility operators prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations, so as to provide for exceptions for persons otherwise issued licenses as provided by law; to amend Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, so as to require certain employees to have fingerprint records checks prior to employment; to revise certain definitions; to change certain provisions relating to records check requirements for applicants and notification to such applicants; to change certain provisions relating to requirements of individuals residing in family day-care homes; to remove preliminary records checks of employees and require state and national fingerprint determinations, except in limited circumstances; to provide that directors convicted of certain criminal acts lose the ability to serve as directors; to provide for criminal background checks for current directors, employees, and certain other persons; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-12-1.1 of the Official Code of Georgia Annotated, relating to child, family, or group-care facility operators prohibited from employing or allowing to reside or be domiciled persons with certain past criminal violations, is amended by revising subsection (b) as follows:

"(b) Unless otherwise authorized as provided in Code Section 20-1A-43, it shall be unlawful for any operator of a facility to knowingly have any person reside at, be domiciled at, or be employed at any such facility if such person has been convicted of or has entered a plea of guilty or nolo contendere to or has been adjudicated a delinquent for:

(1) A violation of Code Section 16-4-1, relating to criminal attempt, when the crime attempted is any of the crimes specified in paragraphs (2) through (10) of this subsection;

- (2) A violation of Code Section 16-5-23.1, relating to battery, when the victim at the time of such offense was a minor;
- (3) A violation of any provision of Chapter 6 of this title, relating to sexual offenses, when the victim at the time of such offense was a minor;
- (4) A violation of Code Section 16-12-1, relating to contributing to the delinquency of a minor;
- (5) A violation of Code Section 16-5-1, relating to murder;
- (6) A violation of Code Section 16-5-2, relating to voluntary manslaughter;
- (7) A violation of Code Section 16-6-2, relating to aggravated sodomy;
- (8) A violation of Code Section 16-6-3, relating to rape;
- (9) A violation of Code Section 16-6-22.2, relating to aggravated sexual battery; or
- (10) A violation of Code Section 16-8-41, relating to armed robbery, if committed with a firearm."

SECTION 2.

Chapter 1A of Title 20 of the Official Code of Georgia Annotated, relating to early care and learning, is amended by revising Article 2, relating to background checks, as follows:

"ARTICLE 2

20-1A-30.

As used in this article, the term:

- (1) 'Center' means a day-care center, group day-care home, family day-care home, or child care learning center which is allowed to operate or is required to be licensed, commissioned, or registered under Article 1 of this chapter.
- (2) 'Conviction' means a finding or verdict of guilty or a plea of guilty regardless of whether an appeal of the conviction has been sought.
- (3) 'Crime' means:
 - (A) Any ~~any~~ felony;
 - (B) A a violation of Code Section 16-5-23, relating to simple battery, when the victim is a minor;
 - (C) A violation of Code Section 16-5-23.1, relating to battery, when the victim is a minor;
 - (D) A a violation of Code Section 16-12-1, relating to contributing to the delinquency of a minor;
 - (E) A a violation of Chapter 6 of Title 16, relating to sexual offenses;
 - (F) A a violation of Code Section 16-4-1, relating to criminal attempt when the crime attempted is any of the crimes specified by this paragraph; or
 - (G) Any ~~any~~ other offenses committed in another jurisdiction which, if committed in this state, would be one of the enumerated crimes listed in this paragraph.
- (4) 'Criminal record' means:
 - (A) Conviction of a crime;
 - (B) Arrest, charge, and sentencing for a crime where:

- (i) A plea of nolo contendere was entered to the charge;
- (ii) First offender treatment without adjudication of guilt pursuant to the charge was granted; provided, however, that this division shall not apply to a violation of Chapter 13 of Title 16, relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or
- (iii) Adjudication or sentence was otherwise withheld or not entered on the charge; provided, however, that this division shall not apply to a violation of Chapter 13 of Title 16, relating to controlled substances, or any other offense committed in another jurisdiction which, if it were committed in this state, would be a violation of Chapter 13 of Title 16 if such violation or offense constituted only simple possession; or

(C) Arrest and being charged for a crime if the charge is pending, unless the time for prosecuting such crime has expired pursuant to Chapter 3 of Title 17.

(5) ~~'Director' means the chief administrative or executive officer of~~ on-site manager of a facility designated by the legal owner who is responsible for the supervision, operation, and maintenance of the center and meets the minimum qualifications as determined by the department.

~~(6) 'Emergency temporary employee' means an employee other than a director whose duties involve personal contact between that person and any child being cared for at the facility and who is hired on an expedited basis to avoid noncompliance with staffing standards for centers required by law, rule, or regulation.~~

~~(7)~~(6) 'Employee' means any person, other than a director, who is 17 years of age or older and is employed by a center to perform at any of the center's facilities any duties which involve personal contact between that person and any child being cared for at the facility and also includes any adult person who resides at the facility or who, with or without compensation, performs duties for the center which involve personal contact between that person and any child being cared for by the center.

~~(8)~~(7) 'Employment history' means a record of where a person has worked for the past ten years.

~~(9)~~(8) 'Facility' means a center's real property at which children are received for care.

(9) 'Fingerprint' means an inked fingerprint card or an electronic image of a person's fingerprint.

(10) 'Fingerprint records check determination' means a satisfactory or unsatisfactory determination by the department based upon a records check comparison of GCIC information with fingerprints and other information in a records check application fingerprint-based national criminal history record information.

(11) 'GCIC' means the Georgia Crime Information Center established under Article 2 of Chapter 3 of Title 35.

(12) 'GCIC information' means criminal history record information, as defined in Code Section 35-3-30.

(13) 'License' means the document issued by the department to authorize the center to which it is issued to operate a facility.

~~(14) 'National fingerprint records check determination' means a satisfactory or unsatisfactory determination by the department in accordance with applicable law based upon a report from the Federal Bureau of Investigation after a search of bureau records and fingerprints.~~

~~(15) 'Preliminary records check application' means an application for a preliminary records check determination on forms provided by the department.~~

~~(16)~~(14) 'Preliminary records check determination' means a satisfactory or unsatisfactory determination by the ~~department~~ director based only upon a comparison of GCIC information obtained solely from a law enforcement agency within the state with other than fingerprint information regarding the person upon whom the records check is being performed for purposes of this article.

(15) 'Provisional employee' means an individual other than a director whose duties involve personal contact between that person and any child being cared for at the facility and who is hired for a limited period of employment.

~~(17)~~(16) 'Records check application' means ~~two sets of classifiable fingerprints, a records search fee to be established by the board by rule and regulation, payable in such form as the department may direct to cover the cost of a fingerprint records check under this article, and an affidavit by the applicant disclosing the nature and date of any arrest, charge, or conviction of the applicant for the violation of any law, except for motor vehicle parking violations, whether or not the violation occurred in this state, and such additional information as the department may require~~ a document created by the department to be completed, notarized, and submitted to the department by every actual and potential director and employee that indicates such director's name, center type, and such other information as the department deems appropriate and which authorizes the department to receive and render a fingerprint records check determination pursuant to any criminal history record information pertaining to such individual from any local, state, or national criminal justice or law enforcement agency.

~~(18)~~(17) 'Satisfactory determination' means a written ~~determination~~ declaration that a person for whom a preliminary or fingerprint records check determination was performed was found to have no criminal record.

~~(19) 'State fingerprint records check determination' means a satisfactory or unsatisfactory determination by the department in accordance with applicable law based upon a records check comparison of GCIC information with fingerprints and other information in a records check application.~~

~~(20)~~(18) 'Unsatisfactory determination' means a written ~~determination~~ declaration that a person for whom a preliminary or fingerprint records check determination was performed ~~has~~ was found to have a criminal record.

20-1A-31.

(a) Each center shall be required to obtain a separate license for each facility and shall have a separate director for each facility.

(b) An applicant for a new license shall apply for a separate license for each new facility in this state owned or operated by that applicant and shall have a separate director for each such facility.

20-1A-32.

Effective January 1, 2014, accompanying ~~Accompanying~~ any application for a new license for a facility, the applicant shall furnish to the department a records check application for the director and ~~a satisfactory preliminary records check for each employee of such facility.~~ In lieu of such records check applications, the license applicant may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the director or employee received a satisfactory state and national fingerprint records check determinations ~~and each employee received a satisfactory preliminary records check determination,~~ or that any director or employee other than the director whose preliminary fingerprint records check revealed a criminal record of any kind has either subsequently received a satisfactory state and national fingerprint records check determination ~~determination~~ or has had the unsatisfactory determination reversed in accordance with Code Section 20-1A-43. ~~The department may either perform preliminary records checks under agreement with GCIC or contract with GCIC and appropriate law enforcement agencies which have access to GCIC information to have those agencies perform for the department a preliminary records check for each preliminary records check application submitted thereto by the department.~~ Either the department or the appropriate law enforcement agencies may charge reasonable and additional processing fees for performing preliminary fingerprint records checks as required by statute, regulation, or policy or by GCIC.

20-1A-33.

After being furnished the required records check application under Code Section 20-1A-32, the department shall notify ~~in writing~~ the license applicant and the fingerprint records check applicant in writing as to ~~each person for whom an application was received regarding~~ whether the department's determination as to ~~that person's state fingerprint records check was a~~ director or employee is satisfactory or unsatisfactory. If the preliminary fingerprint records check determination was satisfactory as to the director and each employee of an a license applicant's facility ~~and the state fingerprint records check was satisfactory as to the director,~~ that applicant may be issued a license for that facility if the applicant otherwise qualifies for a license under Article 1 of this chapter. ~~If the state or national fingerprint records check determination was unsatisfactory as to the director of an applicant's facility, the applicant shall designate another director for that facility after receiving notification of the determination and proceed under Code Section 20-1A-32 and this Code section to obtain state and national fingerprint records checks for that newly designated director.~~ If the

~~preliminary fingerprint records check for a director or any employee other than the director revealed a criminal record of any kind, such director or employee shall not be allowed to work in the center while any child is present until he or she either has obtained a satisfactory state and national fingerprint records check determinations determination or has had the unsatisfactory determination reversed in accordance with Code Section 20-1A-43. The department shall revoke the license of a center if the center fails to comply with the requirements of this Code section. If the determination was unsatisfactory as to any employee of an applicant's facility, the applicant shall, after receiving notification of that determination, take such steps as are necessary so that such person is no longer an employee. Any employee other than the director who receives a satisfactory preliminary records check shall not be required to obtain a fingerprint records check unless such an employee has been designated as a director or as permitted by the provisions of subsection (c) of Code Section 20-1A-39.~~

20-1A-34.

(a) The department shall transmit to GCIC both sets of fingerprints and the records search fee from each fingerprint records check application. Upon receipt thereof, GCIC shall promptly transmit one set of fingerprints to the Federal Bureau of Investigation for a search of bureau records and an appropriate report and shall retain the other set and promptly conduct a search of its records and records to which it has access. Within ten days after receiving fingerprints acceptable to GCIC, the application, and fee, GCIC shall notify the department in writing of any derogatory finding, including but not limited to any criminal record, of the state fingerprint records check or if there is no such finding. After a search of Federal Bureau of Investigation records and fingerprints and upon receipt of the bureau's report, the department shall make a national fingerprint records check determination.

(b) Every potential employee of the department who may have any reason to be present at a center while any child is present for care must receive a satisfactory fingerprint records check determination or have had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43 prior to employment. Every current employee of the department who may have any reason to be present at a center while any child is present for care must receive a satisfactory fingerprint records check determination or have had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43 by January 1, 2014. Every employee of the department shall undergo additional fingerprint records checks such that the time between such additional fingerprint records checks and that employee's previous fingerprint records check shall not exceed five years. The department shall maintain documentation in the appropriate personnel file indicating that such person has obtained such current satisfactory fingerprint records check determination or has had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43.

20-1A-35.

~~After receiving a Federal Bureau of Investigation report regarding a national fingerprint records check under Code Section 20-1A-34, the department shall make a determination based thereon and notify in writing the license applicant as to whether that records check was satisfactory or unsatisfactory. If the national fingerprint records check determination was unsatisfactory as to the director of an applicant's facility, after receiving notification of that determination, that applicant shall designate another director for such facility for which director the applicant has not received or made an unsatisfactory preliminary or fingerprint records check determination and proceed under the requirements of Code Sections 20-1A-32 through 20-1A-34 and this Code section to obtain state and national fingerprint records check determinations for the newly designated director. The director may begin working upon the receipt of a satisfactory state fingerprint records check determination pending the receipt of the national fingerprint records check determination from the department. The department may revoke the license of that facility if the facility fails to comply with the requirements of this Code section and Code Section 20-1A-33 to receive satisfactory state and national fingerprint determinations on the director or to comply with Code Section 20-1A-33 regarding employees other than the director. Where there is need for a provisional employee to work at a center's facility, such center may utilize an individual as a provisional employee only after the director reviews a preliminary records check and makes a satisfactory determination in accordance with this article. No such provisional employee shall be present in the facility while any child is present for care until such satisfactory preliminary records check determination has been made based upon GCIC information obtained from local law enforcement within the prior ten days. The board shall be authorized to define and enforce by regulations, including, but not limited to, the length of time a provisional employee may be present at a facility without a fingerprint records check determination. The department may revoke the license of a center if the center fails to comply with the requirements of this Code section and employs a person with an unsatisfactory preliminary records check determination.~~

20-1A-36.

No facility operated as an early care and education program or similar facility or any operator of such a facility shall employ any person who has been convicted of or who has entered a plea of guilty or nolo contendere to any offense specified in Code Section 16-12-1.1 or allow any such person to reside at or be domiciled at such facility in violation of Code Section 16-12-1.1. The department shall either deny the issuance of or revoke the license, commission, or registration of any such facility violating the provisions of this Code section. The powers and duties set forth in this Code section are cumulative and not intended to limit the powers and duties set forth throughout this article.

20-1A-37.

~~(a) Notwithstanding any other provision of this article, an individual who resides in a family day-care home, as defined by Code Section 20-1A-2, shall not be required to provide fingerprints for routine fingerprints records checks if the operator of the family day care home provides the department with an affidavit stating that such individual is not present in the home at the same time as the children who are received for pay for supervision and care. However, all persons residing in a family day care home are required to obtain satisfactory preliminary records checks and submit them a fingerprint records check application to the department. If the fingerprint records check determination is unsatisfactory, the department shall notify the provider and the employee of such determination in writing and no such employee shall be allowed to reside at the day-care home or be present at the day-care home when any child is present for care until he or she either has obtained a satisfactory fingerprint records check determination or has had the unsatisfactory determination reversed in accordance with Code Section 20-1A-43.~~

~~(b) As an alternative to the requirements set out in this article pertaining to obtaining preliminary criminal records check determinations through the department for employees of centers and adults residing in a family day care home, but not including directors of centers, centers may obtain GCIC information through local law enforcement agencies. The center shall be responsible for reviewing the GCIC information obtained for the potential employee or adult residing in the family day care home and making a written determination that the individual does not have a criminal record as defined in this article. This written determination, together with all supporting documentation received from any law enforcement agency, must be maintained in the center's file and available for inspection by the department. This satisfactory determination must be made before the employee begins any duties for the center. However, where there is an urgent need for an emergency temporary employee to work at a center's facility in order to avoid immediate noncompliance with staffing requirements, such center may utilize the applicant as an emergency temporary employee after applying for the preliminary records check through the local law enforcement agency and completing the affidavit. In such emergency situations, the director of the center must complete an affidavit, with all supporting documentation attached thereto, stating that the GCIC information has been requested through an identified local law enforcement agency and that the results were not immediately available to the center prior to assigning the employee to work with children at the center's facility in order to avoid immediate noncompliance with staffing ratios. The affidavit with supporting documentation must be maintained in the center's file on the individual and available to the department for inspection. The director shall review the GCIC information upon receipt, but in no case shall an emergency temporary employee be permitted to continue working for more than three days without having a satisfactory determination made by the director and entered into the center's file on the employee with all supporting documentation. The department shall promulgate rules and regulations limiting the extent to which centers are authorized to use emergency~~

~~temporary employees in accordance with this subsection. Employees, emergency temporary employees, and other adults required to have records checks who are utilized by centers are subject to all other requirements set forth in this article. Where the department has reason to question the validity of the GCIC information or the satisfactory determination made by the center, the department may require the employee, emergency temporary employee, or other adult to submit a preliminary criminal records check application through the department together with appropriate fees.~~

20-1A-38.

(a) ~~If the director of a facility which has been issued a license ceases to be the director of that facility, the licensee shall thereupon designate a new director. After such change, the licensee of that facility shall notify the department in writing of such change and of any additional information the department may require regarding the newly designated director of that facility, including a fingerprint records check application. Such information shall include but not be limited to any information the licensee may have regarding preliminary or any fingerprint records check determinations regarding that director. After receiving a change of director notification, the department shall make a written determination from the information furnished with such notification and the department's own records as to whether satisfactory or unsatisfactory preliminary or state and national fingerprint records check determinations have ever been made for the newly designated director. If the department determines that such newly designated director within 12 months prior thereto has had a satisfactory state and national fingerprint records check determinations determination or an unsatisfactory determination reversed pursuant to Code Section 20-1A-43 within the prior 12 months, such determinations determination shall be deemed to be satisfactory state and national fingerprint records check determinations as to that director for purposes of this article. The license of that facility shall not be adversely affected by that change in director, and the licensee shall be so notified.~~

(b) ~~If the department determines under subsection (a) of this Code section that there has ever been an unsatisfactory preliminary or state or national fingerprint records check determination of the newly designated director which has not been legally reversed, the center and that director shall be so notified. The license for that director's facility shall be indefinitely suspended or revoked unless the unsatisfactory determination as to that director is reversed in accordance with Code Section 20-1A-43 or the center designates another director for whom it has not received or made an unsatisfactory preliminary or state or national fingerprint records check determination and proceeds pursuant to the provisions of this Code section relating to a change of director.~~

(c) ~~If the department determines under subsection (a) of this Code section that there have been no state and national satisfactory or legally reversed fingerprint records check determinations regarding the newly designated director within the immediately~~

preceding 12 months, the department shall so notify the center. ~~The center shall furnish to the department the fingerprint records check application of the newly designated director after the date the notification is sent by the department. Upon such notification, the newly designated director shall follow the procedures for new directors as outlined in Code Section 20-1A-39, or the license of that facility shall be indefinitely suspended or revoked. If that fingerprint records check application is so received, unless the department has within the immediately preceding 12 months made a satisfactory state fingerprint records check determination regarding the newly designated director, the department shall perform a state fingerprint records check determination of the newly designated director, and the applicant and that director shall be so notified. If that determination is unsatisfactory, the provisions of subsection (b) of this Code section regarding procedures after notification shall apply. If that determination is satisfactory, the department shall perform a national fingerprint records check determination for that director as provided in Code Sections 20-1A-34 and 20-1A-35. The director may begin working upon the receipt of a satisfactory state fingerprint records check determination pending the receipt of the national fingerprint records check determination from the department. If that determination is satisfactory, the center and director for whom the determination was made shall be so notified after the department makes its determination, and the license for the facility at which that person is the newly designated director shall not be adversely affected by that change of director. If that determination is unsatisfactory, the provisions of subsection (b) of this Code section shall apply.~~

20-1A-39.

(a) Before a person may become an employee ~~other than a director~~ of any center after that center has received a license, that center shall require that person to obtain a satisfactory preliminary fingerprint records check determination. The potential employee may submit evidence, satisfactory to the department, that within the immediately preceding 12 months the employee received a satisfactory fingerprint records check determination, or that any employee whose fingerprint records check revealed a criminal record of any kind has either subsequently received a satisfactory fingerprint records check determination or has had the unsatisfactory determination reversed in accordance with Code Section 20-1A-43. The center shall maintain documentation in the employee's personnel file, which is available to the department upon request, which reflects that a satisfactory ~~preliminary criminal fingerprint records check determination~~ was received before the employee ~~began~~ begins working with children. If the preliminary fingerprint records check determination for any potential employee ~~other than the director~~ reveals a criminal record of any kind, such potential employee shall not be allowed to begin working until ~~either~~ such potential employee has either obtained a satisfactory state and national fingerprint records check determinations determination or has had the unsatisfactory ~~preliminary or fingerprint records check determination~~ reversed in accordance with Code Section 20-1A-43. If ~~either the preliminary or state or national fingerprint records check~~ check determination is

unsatisfactory, the center shall, after receiving notification of ~~the~~ such unsatisfactory determination, take such steps as are necessary so that such person is no longer an employee. ~~Any potential employee other than the director who receives a satisfactory preliminary records check determination shall not be required to obtain a fingerprint records check determination except as permitted in accordance with subsection (c) of this Code section.~~

(b) By no later than January 1, 2017, every current employee and director of any center shall obtain either a satisfactory fingerprint records check determination or shall have had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43. The center shall maintain such documentation in the appropriate personnel file, which is available to the department immediately upon request. If the fingerprint records check determination is unsatisfactory, the center shall, after receiving notification of the determination, take such steps as are necessary so that such person is no longer an employee or director. The department shall revoke the license of a center if the center fails to comply with the requirements of this Code section.

(c) Effective January 1, 2019, every employee and director of any center shall undergo additional fingerprint records checks such that the time between such additional fingerprint records checks and that employee's or director's previous fingerprint records check shall not exceed five years. The center shall maintain documentation in the appropriate personnel file, which is available to the department immediately upon request, indicating that such person has obtained such current satisfactory fingerprint records check determination or has had an unsatisfactory fingerprint records check determination reversed in accordance with Code Section 20-1A-43. The department shall revoke the license of a center if the center fails to comply with the requirements of this Code section.

(d) A license is shall be subject to suspension or revocation and the department may refuse to issue a license if a director or employee does not undergo the ~~records and fingerprint checks~~ records check determination applicable to that director or employee and receive ~~satisfactory~~ acceptable determinations.

~~(e)~~(e) After the issuance of a license, the department may require a additional fingerprint records check determinations on any director or employee ~~to confirm identification for records search purposes~~, when the department has reason to believe the director or employee has a criminal record that renders the director or employee ineligible to have contact with children in the center, or during the course of a child abuse investigation involving the director or employee.

~~(f)~~(f) No center may hire any person as an employee unless there is on file in the center an employment history and a satisfactory ~~preliminary~~ fingerprint records check determination or, ~~if the preliminary records check determination revealed a criminal record of any kind as to such person, either satisfactory state and satisfactory national records check determinations for that person or proof that an unsatisfactory determination has been reversed in accordance with Code Section 20-1A-43.~~

(e)(g) A licensee or director of a facility having an employee whom ~~that~~ such licensee or director knows or should reasonably know to have a criminal record that renders the employee ineligible to have contact with children in the center shall be guilty of a misdemeanor.

20-1A-40.

(a) GCIC and law enforcement agencies which have access to GCIC information shall cooperate with the department in performing preliminary and fingerprint records ~~checks~~ check determinations required under this article and shall provide such information so required for such records checks notwithstanding any other law to the contrary and may charge reasonable fees therefor.

(b) Any person who knowingly and under false pretenses requests, obtains, or attempts to obtain GCIC information otherwise authorized to be obtained pursuant to this article, or who knowingly communicates or attempts to communicate such information obtained pursuant to this article to any person or entity except in accordance with this article, or who knowingly uses or attempts to use such information obtained pursuant to this article for any purpose other than as authorized by this article shall be fined not more than \$5,000.00, imprisoned for not more than two years, or both.

20-1A-41.

(a) Neither GCIC, the department, any law enforcement agency, nor the employees of any such entities shall be responsible for the accuracy of information nor have any liability for defamation, invasion of privacy, negligence, or any other claim in connection with any dissemination of information or determination based thereon pursuant to this article.

(b) A center, its director, and its employees shall have no liability for defamation, invasion of privacy, or any other claim based upon good faith action thereby pursuant to the requirements of this article.

20-1A-42.

The requirements of this article are supplemental to any requirements for a license imposed by Article 1 of this chapter.

20-1A-43.

A determination by the department regarding preliminary or fingerprint records checks under this article, or any action by the department revoking, suspending, or refusing to grant or renew a license based upon such determination, shall constitute a contested case for purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' except that any hearing required to be held pursuant thereto may be held reasonably expeditiously after such determination or action by the department. It is expressly provided that upon motion from any party, the hearing officer may, in his or her discretion, consider matters in mitigation of any conviction, provided that the hearing officer examines the circumstances of the case and makes an independent finding that

no physical harm was done to a victim and also examines the character and employment history since the conviction and determines that there is no propensity for cruel behavior or behavior involving moral turpitude on the part of the person making a motion for an exception to sanctions normally imposed. If the hearing officer deems a hearing to be appropriate, he or she ~~will~~ shall also notify at least 30 days prior to such hearing the office of the prosecuting attorney who initiated the prosecution of the case in question in order to allow ~~the~~ such prosecutor to object to a possible determination that the conviction would not be a bar for the grant or continuation of a license or employment as contemplated within this chapter. If objections are made, the hearing officer ~~will~~ shall take such objections into consideration in considering the case.

20-1A-44.

The board is authorized to provide by regulation for the administration of this article."

SECTION 3.

This Act shall become effective for purposes of promulgating rules and regulations on July 1, 2013. For all other purposes, 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	N McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
N Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	N Spencer
Y Battles	Y Dickson	N Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	N Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	N Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	N Duncan	Y Howard	Y Parsons	Y Tanner
N Braddock	N Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	N Pezold	Y Taylor, T
Y Brockway	Y England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Y Jones, L	N Quick	N Turner

Y Buckner	Y Fleming	Y Jones, S	Y Ramsey	VACANT
Y Burns	Y Floyd	Jordan	Y Randall	Y Waites
Y Caldwell, J	Y Fludd	Y Kaiser	Y Rice	Y Watson, B
N Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	N Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	E Rogers, C	Y Weldon
N 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
Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	N Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
N Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 154, nays 18.

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

The Speaker announced the House in recess until 1:45 o'clock, this afternoon.

AFTERNOON SESSION

The Speaker called the House to order.

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

HR 465. By Representatives Tankersley of the 160th, Parrish of the 158th and Burns of the 159th:

A RESOLUTION commending the Georgia Southern University ROTC Program's 2013 Ranger Challenge Team on their victory at the Regional Ranger Challenge competition and inviting them to be recognized by the House of Representatives; and for other purposes.

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 were read and adopted:

HR 571. By Representatives Beasley-Teague of the 65th, Brooks of the 55th, Thomas of the 56th, Bennett of the 94th and Stovall of the 74th:

A RESOLUTION recognizing and commending Yvonne T. Robinson on her significant achievements; and for other purposes.

HR 572. By Representatives Nix of the 69th, Epps of the 132nd and Pezold of the 133rd:

A RESOLUTION honoring the life and memory of Mr. Walter Johnson Lukken; and for other purposes.

HR 573. By Representative Coomer of the 14th:

A RESOLUTION recognizing and commending The Yanmar America Corporation for its superior efforts during a natural disaster; and for other purposes.

- HR 574. By Representatives Coleman of the 97th and Clark of the 101st:
A RESOLUTION recognizing and commending the Junior Leagues of Georgia State Public Affairs Committee; and for other purposes.
- HR 575. By Representatives Coleman of the 97th and Clark of the 101st:
A RESOLUTION recognizing and commending James Randolph Sandlin; and for other purposes.
- HR 576. By Representatives Coleman of the 97th and Clark of the 101st:
A RESOLUTION recognizing and commending Gerald David Sandlin; and for other purposes.
- HR 577. By Representatives Coleman of the 97th and Clark of the 101st:
A RESOLUTION recognizing and commending Jonathan Broniec; and for other purposes.
- HR 578. By Representatives Coleman of the 97th and Clark of the 101st:
A RESOLUTION recognizing and commending William Harrison Kahrs; and for other purposes.
- HR 579. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:
A RESOLUTION recognizing and commending Charles Thomas Hanson III; and for other purposes.
- HR 580. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:
A RESOLUTION recognizing and commending Aaron Tyler Long; and for other purposes.
- HR 581. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Nathan Frederick Kirksey; and for other purposes.

HR 582. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending James Brandon Johnson; and for other purposes.

HR 583. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Andrew Howard Maxwell; and for other purposes.

HR 584. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Joshua Clay Schindler; and for other purposes.

HR 585. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Robert James Harris, Jr.; and for other purposes.

HR 586. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Jeremy Ellis Milton; and for other purposes.

HR 587. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Christian Jacob Russel Goerner; and for other purposes.

HR 588. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Timothy Edward Williams; and for other purposes.

HR 589. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Heath William Brickell; and for other purposes.

HR 590. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Samuel Burney Hay IV; and for other purposes.

HR 591. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Noah Austin Green; and for other purposes.

HR 592. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Trevor William Casey; and for other purposes.

HR 593. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Bentley Nathan Butler; and for other purposes.

HR 594. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Pierce Steven Burton; and for other purposes.

HR 595. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Travis Lamar Ransom; and for other purposes.

HR 596. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Gabriel S. Yarbrough; and for other purposes.

HR 597. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Adam James Walden; and for other purposes.

HR 598. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Michael Robert Johnson-Weeks; and for other purposes.

HR 599. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Russell Camp Coleman III; and for other purposes.

HR 600. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Jamieson Scott Pruitt; and for other purposes.

HR 601. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION commending and recognizing Giselle Osborn on earning the Girl Scouts of America Gold Award; and for other purposes.

HR 602. By Representatives Dickerson of the 113th, Stephenson of the 90th, Dawkins-Haigler of the 91st, Anderson of the 92nd and Kendrick of the 93rd:

A RESOLUTION recognizing and commending Bryan Christopher Ashmore; 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 94. By Representatives Welch of the 110th, Lindsey of the 54th and Willard of the 51st:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for damages, so as to change provisions relating to the reduction of earnings to present value; to provide for determining the present value of certain future damages; 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 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for damages, so as to change provisions relating to the reduction of earnings to present value; to provide for determining the present value of certain future damages; 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 12 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions for damages, is amended by revising Code Section 51-12-13, relating to reduction of earnings to present value, as follows:

"51-12-13.

~~(a) It shall be lawful for the trier of fact, in determining the present value of any future earnings, annuity, or amounts, to reduce the same to the present value upon the basis of interest calculated at 5 percent per annum~~ In determining the present value of future medical expenses, living expenses, lost wages, or other economic damages, the trier of fact may reduce the same to the present value based on a discount rate of 5 percent or any other discount rate as the trier of fact may deem appropriate.

(b) This Code section shall not be construed to provide for the introduction of evidence showing the cost of any specific private investment product, including, but not limited to, an annuity."

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	Sims, C
Y Alexander	Y Cooper	Y Harbin	Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	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	Y 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	Houston	Y Parrish	Y Tankersley

Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	E 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	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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 0.

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

HB 207. By Representatives Shaw of the 176th, Roberts of the 155th, Tankersley of the 160th, Williams of the 168th, Nimmer of the 178th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps for hunting, trapping, or fishing, so as to provide a definition; to authorize issuance of a special turkey-hunting permit for young and mobility impaired hunters; to amend Code Section 27-3-15 of the Official Code of Georgia Annotated, relating to seasons and bag limits for wildlife, so as to provide for an extended turkey season for young and mobility impaired hunters; 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 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps for hunting, trapping, or fishing, so as to

authorize issuance of a special turkey-hunting permit for certain young and mobility impaired hunters; 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 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps for hunting, trapping, or fishing, is amended by adding a new Code section to read as follows:

"27-2-4.4.

(a) As used in this Code section, the term 'mobility impaired person' means any person who has been verified by a doctor of medicine currently licensed to practice by the Georgia Composite Medical Board, the State Board of Examiners in Osteopathy, or an equivalent body of another state to have any one of the following permanent conditions:

- (1) Dependence upon a wheelchair or similar device for ambulation;
- (2) Hemiplegia;
- (3) Monoplegia;
- (4) Paraplegia; or
- (5) Single-leg amputation above the knee.

(b) The commissioner may issue special authorization to hunt turkeys during an extended open season to:

- (1) Any person who is 16 years of age or younger; or
- (2) Any mobility impaired person.

(c) Any such special authorization shall be for the weekend prior to the first weekend of the open turkey season, as established by the department, and shall not be valid for subsequent seasons unless reauthorization is approved.

(d) Such special authorization shall be subject to all other provisions of this title, and the commissioner may impose any additional terms and conditions deemed necessary to implement the provisions of this Code section."

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	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M

Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	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	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	Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 0.

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

HB 256. By Representatives Harbin of the 122nd, Willard of the 51st, Powell of the 32nd, Pruett of the 149th and Abrams of the 89th:

A BILL to be entitled an Act to amend Article 7 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to sale or distribution to, or possession by, minors of cigarettes and tobacco related objects, so as to provide definitions; to provide for the regulation of cigar wraps; 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	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	Y England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	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
E Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Cheokas	Y Golick	Y Mabra	Y Setzler	Y Williams, C
Y Clark, J	Y Gordon	Y Marin	Y Sharper	Y Williams, E
Y Clark, V	Y Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	N Gregory	Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 166, nays 1.

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

HB 268. By Representatives Harden of the 148th, England of the 116th, Jasperse of the 11th, Burns of the 159th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 9 of Title 2 of the O.C.G.A., relating to dealers in agricultural products generally, so as to remove cotton and eggs from the definition of "agricultural products"; to establish a fee for licensing of dealers in agricultural products; to modify bond requirements for dealers in agricultural products; to amend Article 2 of

Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to grain dealers, so as to expand the definition of "grain"; to modify bond requirements for grain dealers; to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to eliminate obsolete registration and licensing requirements for pecan dealers and processors; 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 9 of Title 2 of the Official Code of Georgia Annotated, relating to dealers in agricultural products generally, so as to remove eggs from the definition of "agricultural products"; to establish a fee for licensing of dealers in agricultural products; to modify bond requirements for dealers in agricultural products; to provide for an exemption; to amend Article 2 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to grain dealers, so as to expand the definition of "grain"; to modify bond requirements for grain dealers; to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to eliminate obsolete registration and licensing requirements for pecan dealers and processors; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to dealers in agricultural products generally, is amended by revising Code Section 2-9-1, relating to definitions, as follows:

"2-9-1.

As used in this article, the term:

(1) 'Agricultural products' includes fruits, vegetables, ~~eggs~~, pecans, and cotton but does not include dairy products, tobacco, grains, eggs, and other basic farm crops.

(2) 'Dealer in agricultural products' means any person, association, itinerant dealer, partnership, or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any agricultural products purchased from the producer or his or her agent or representative or received on consignment from the producer or his or her agent or representative or received to be handled on a net return basis from the producer. The term 'dealer in agricultural products' also includes any person buying, selling, processing, or shelling pecan nuts, including any and every kind and variety of pecan nuts.

(3) 'Net return basis' means a purchase for sale of agricultural products from a producer or shipper at a price which is not fixed or stated at the time the agricultural

products are shipped from the point of origin. The term includes all purchases made 'at the market price,' 'at net worth,' and on similar terms indicating that the buyer is the final arbiter of the price to be paid.

(4) 'On consignment' means any receiving or sale of agricultural products for the account of a person, other than the seller, wherein the seller acts as the agent for the owner.

(5) 'Producer' means any producer of agricultural products."

SECTION 2.

Said article is further amended by revising Code Section 2-9-4, relating to issuance of license, to read as follows:

"2-9-4.

Unless the Commissioner refuses the application on one or more of the grounds provided in Code Section 2-9-7, he or she shall issue to such applicant, upon the execution and delivery of a bond as provided in Code Section 2-9-5, a state license entitling the applicant to conduct business as a dealer in agricultural products. ~~No fee for such license shall be charged~~ An annual fee not to exceed \$400.00 shall be required before a license is issued. Such license shall be valid until revoked or suspended as provided in this article, or until the annual license renewal fee is unpaid."

SECTION 3.

Said article is further amended by revising Code Section 2-9-5, relating to bond requirements, to read as follows:

"2-9-5.

Before any license is issued the applicant shall make and deliver to the Commissioner a surety bond executed by a surety corporation authorized to transact business in this state and approved by the Commissioner. Any and all bond applications shall be accompanied by a certificate of 'good standing' issued by the Commissioner of Insurance. If any company issuing a bond shall be removed from doing business in this state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner of Agriculture within 30 days. The bond shall be ~~in such amount as the Commissioner may determine, not exceeding an amount~~ equal to the maximum amount of products purchased from or sold for Georgia producers or estimated to be purchased or sold in any month by the applicant; provided, however, that the minimum amount of such bond shall be \$10,000.00 and the maximum amount of such bond shall be \$230,000.00; provided, further, that ~~or~~ in the case of ~~otton~~ pecans, such bond shall not ~~to~~ exceed \$150,000.00 \$500,000.00. Such bond shall be upon a form prescribed or approved by the Commissioner and shall be conditioned to secure the faithful accounting for and payment to producers or their agents or representatives of the proceeds of all agricultural products handled or sold by such dealer. However, in lieu of a surety bond, the Commissioner may accept a cash bond, which shall in all respects be subject to the same claims and actions as would exist against a surety bond. Whenever the Commissioner shall determine that a previously approved bond has for any cause

become insufficient, the Commissioner may require an additional bond or bonds to be given, conforming with the requirements of this Code section. Unless the additional bond or bonds are given within the time fixed by written demand therefor, or if the bond of a dealer is canceled, the license of such person shall be immediately revoked by operation of law without notice or hearing and such person shall be ineligible to reapply for such license for a period of four years after such revocation."

SECTION 4.

Said article is further amended by revising Code Section 2-9-15, relating to applicability of article, as follows:

"2-9-15.

(a) This article shall not apply to:

- (1) Farmers or groups of farmers in the sale of agricultural products grown by themselves;
- (2) Persons who buy for cash, paying at the time of purchase in United States currency, certified check, cashier's check, or the equivalent; or
- (3) Holders of food sales establishment licenses issued pursuant to Article 2 of Chapter 2 of Title 26, the 'Georgia Food Act,' who conduct no business at the wholesale level and who have fewer than ten employees.

(b) No warehouse that is in full compliance with the provisions of Article 1 of Chapter 4 of Title 10 shall be required to obtain a license or maintain a surety bond under this article."

SECTION 5.

Article 2 of Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to grain dealers, is amended by revising Code Section 2-9-30, relating to definitions, to read as follows:

"2-9-30.

As used in this article, the term:

- (1) 'Grain' means all products commonly classified as grain, including, but not limited to, wheat, corn, oats, barley, rye, field peas, soybeans, clover, and grain sorghum. The term does not include grain which has been produced or packaged for purchase or distribution as seed.
- (2) 'Grain dealer' means any person, association, itinerant dealer, partnership, or corporation engaged in the business of buying, receiving, selling, exchanging, negotiating, or soliciting the sale, resale, exchange, or transfer of any grain purchased from the producer or his or her agent or representative, received on consignment from the producer or his or her agent or representative, or received to be handled on a net return basis from the producer.
- (3) 'On consignment' means any receipt or sale of grain for the account of a person other than the seller in which the seller acts as the agent for the owner.
- (4) 'Producer' means any producer of grain."

SECTION 6.

Said article is further amended by revising subsection (a) of Code Section 2-9-34, relating to bond requirements, to read as follows:

"2-9-34.

(a) Before any license is issued, the applicant shall make and deliver to the Commissioner a surety bond in the amount of 20 percent of the average of the highest dollar volume of grain purchases from producers made in any single month for each of the three preceding calendar years or such shorter period of years as the applicant has done business as a grain dealer, provided that the minimum amount of such bond shall be \$20,000.00 and the maximum amount of such bond shall be ~~\$150,000.00~~ \$300,000.00. If a licensed grain dealer operates his or her grain-dealing activities at more than one physical location, he or she shall furnish a surety bond for each location of grain-dealing activities, each bond to be computed as stated in this Code section and each bond to be subject to the minimum and maximum amounts stated in this Code section. The bonds shall be executed by a surety corporation authorized to transact business in this state and approved by the Commissioner. Any and all bond applications shall be accompanied by a certificate of 'good standing' issued by the Commissioner of Insurance. If any company issuing a bond shall be removed from doing business in this state, it shall be the duty of the Commissioner of Insurance to notify the Commissioner of Agriculture within 30 days. Such bonds shall be upon forms prescribed by the Commissioner and shall be conditioned to secure the faithful accounting for and payment to the producers or their agents or representatives of the proceeds of all grain handled or sold by such dealer. Whenever the Commissioner shall determine that a previously approved bond has for any cause become insufficient, the Commissioner may require an additional bond or bonds to be given, conforming with the requirements of this Code section. Unless the additional bond or bonds are given within the time fixed by written demand therefor, or if the bond of a dealer is canceled, the license of such person shall be immediately revoked by operation of law without notice or hearing."

SECTION 7.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by repealing Chapter 31, relating to pecan dealers and processors, and designating said chapter as reserved.

SECTION 8.

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	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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
E 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	Yates
Y Cooke	N Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 167, nays 1.

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

HB 332. By Representatives Williamson of the 115th, Hamilton of the 24th, Cooper of the 43rd, Watson of the 166th, Williams of the 119th and others:

A BILL to be entitled an Act to amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to reconstitute the Georgia Board of Nursing; to provide for membership; to provide for appointment of members; to define a certain term; to repeal the Georgia Board of Examiners of Licensed Practical Nurses; to provide effective dates; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, so as to reconstitute the Georgia Board of Nursing; to provide for membership; to provide for appointment of members; to define a certain term; to repeal the Georgia Board of Examiners of Licensed Practical Nurses; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 26 of Title 43 of the Official Code of Georgia Annotated, relating to nurses, is amended by revising Code Section 43-26-4, relating to the Georgia Board of Nursing, membership, meetings, and officers, as follows:

"43-26-4.

(a) ~~The Georgia Board of Nursing existing immediately prior to April 4, 1990~~ July 1, 2014, is continued in existence and shall ~~continue to consist of eight members to be appointed by the Governor with the confirmation of the Senate~~ be constituted as provided in this Code section. Those persons serving as members of the board immediately prior to July 1, 2014, shall continue to serve out their respective terms of office and until their successors are appointed. Members shall serve three-year terms and until their successors are duly appointed and qualified. ~~Those persons serving as members of the board immediately prior to April 4, 1990, shall continue to serve out their respective terms of office and until their respective successors are appointed and qualified.~~ No member shall be appointed to more than two consecutive full terms, and for purposes of this limitation, an appointment to fill a vacancy for an unexpired term of two or more years shall constitute an appointment for a full term.

(b) A vacancy on the board for any reason other than expiration of the term shall be filled for the remainder of the unexpired term by appointment of the Governor with the confirmation of the Senate. In the event a board member changes employment which causes a conflict with this Code section, the position of the member making such change shall be immediately vacant and a new member appointed to fill the vacancy.

(c) ~~Each of seven members appointed to the board shall be a registered professional nurse; shall have practiced nursing as a registered professional nurse for at least five years since graduation and immediately prior to appointment; shall be engaged in paid employment in clinical, educational, or administrative positions, or any combination thereof; shall be a citizen of the United States; and a resident of Georgia. The eighth member shall be a consumer member appointed by the Governor. The 13 members of the board shall be appointed by the Governor with the confirmation of the Senate and shall consist of two registered nursing educators, one practical nursing educator, two~~

registered nurses employed in nursing service administration, one registered nurse employed in nursing home administration or nursing service administration, two advanced practice registered nurses, one additional registered nurse, three licensed practical nurses, and one consumer member.

~~(d) No fewer than two members of the board shall hold master's or doctoral degrees or both. No fewer than two members of the board shall be currently employed in nursing service administration. No fewer than two members of the board shall be currently employed in professional nursing education. No two members of the board shall be employed by the same private school, school within the University System of Georgia, private employer, agency of state government, or another public employer. In the event a board member changes employment which causes a conflict with this subsection, the position of the member making such change shall be immediately vacant and a new member appointed to fill the vacancy.~~

(e) The board shall meet annually and shall elect from its members a president, vice president, and other officers as deemed necessary. All officers shall serve for terms of one year and until their successors have been elected. The board may hold such other meetings during the year as necessary to transact its business."

SECTION 2.

Said chapter is further amended by revising Code Section 43-26-5, relating to general powers of the Georgia Board of Nursing, as follows:

"43-26-5.

(a) The board shall:

- (1) Be responsible for the enforcement of the provisions of this ~~article~~ chapter and shall be specifically granted all of the necessary duties, powers, and authority to carry out this responsibility;
- (2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the administration and enforcement of this ~~article~~ chapter in the protection of public health, safety, and welfare;
- (3) Enforce qualifications for licensure under this article or Article 2 of this chapter;
- (4) Develop and enforce reasonable and uniform standards for nursing education and nursing practice;
- (5) Periodically evaluate nursing education programs and approve such programs as meet the board's requirements;
- (6) Deny or withdraw approval from noncompliant nursing education programs;
- (7) License duly qualified applicants under this article or Article 2 of this chapter by examination, endorsement, or reinstatement;
- (8) Be authorized to issue temporary permits;
- (9) Renew licenses of registered professional nurses ~~and~~, licensed undergraduate nurses, and licensed practical nurses in accordance with this article or Article 2 of this chapter;
- (10) Be authorized to set standards for competency of licensees under this article or Article 2 of this chapter continuing in or returning to practice;

- (11) Set standards for and regulate advanced nursing practice;
 - (12) Be authorized to enact rules and regulations for registered professional nurses in their performing acts under a nurse protocol as authorized in Code Section 43-34-23 and enact rules and regulations for advanced practice registered nurses in performing acts as authorized in Code Section 43-34-25;
 - (13) Implement the disciplinary process;
 - (14) Be authorized to issue orders when a license under this article or Article 2 of this chapter is surrendered to the board while a complaint, investigation, or disciplinary action against such license is pending;
 - (15) Issue a limited license to practice nursing or licensed practical nursing subject to such terms and conditions as the board may impose;
 - (16) Provide consultation and conduct conferences, forums, studies, and research on nursing education and nursing practice;
 - (17) Approve the selection of a qualified person to serve as executive director;
 - (18) Be authorized to appoint standing or ad hoc committees as necessary to inform and make recommendations to the board about issues and concerns and to facilitate communication amongst the board, licensees under this article or Article 2 of this chapter, and the community;
 - (19) Maintain membership in the national organization which develops and regulates the nursing licensing examination and the practical nursing licensing examination;
 - (20) Be authorized to collect data regarding existing nursing and licensed practical nursing resources in Georgia and coordinate planning for nursing education and nursing practice;
 - (21) Determine fees; and
 - (22) Adopt a seal which shall be in the care of the executive director and shall be affixed only in such a manner as prescribed by the board.
- (b) The board shall be the sole professional licensing board for determining if a registered professional nurse, licensed practical nurse, or any other person has engaged illegally in the practice of nursing. If a registered professional nurse or licensed practical nurse is charged with the unauthorized practice of any other health profession by any other board, such board shall notify the Georgia Board of Nursing before conducting any hearing. Nothing contained in this ~~article~~ chapter shall be construed to limit any powers of any other board.
- (c) Chapter 1 of this title is expressly adopted and incorporated by reference into this ~~article~~ chapter as if all the provisions of such chapter were included in this ~~article~~ chapter."

SECTION 3.

Said chapter is further amended by revising paragraphs (2) and (3) of Code Section 43-26-32, relating to definitions, as follows:

- "(2) 'Board' means the Georgia Board of ~~Examiners of Licensed Practical Nurses Nursing~~ created in Code Section ~~43-26-34~~ 43-26-4.

~~(3) 'Consumer member' means a United States citizen and Georgia resident who is knowledgeable about consumer health concerns, does not derive that person's primary livelihood from the practice of nursing, and shall neither be nor ever have been a health care provider or enrolled in any health related educational program. Reserved."~~

SECTION 4.

Said chapter is further amended by revising Code Section 43-26-34, relating to the board of examiners created, appointment of members, terms, filling of vacancies, meetings, and reimbursement of expenses, as follows:

"43-26-34.

~~(a) The Georgia Board of Examiners of Licensed Practical Nurses shall consist of seven members appointed by the Governor. The members in office on July 1, 1992, shall serve out the remainder of their respective terms and until their successors are appointed and qualified. Members shall serve a three year term and until their successors are duly appointed and qualified. No member shall be appointed to more than two consecutive full terms and, for the purpose of this limitation, an appointment to fill a vacancy for an unexpired term which exceeds two full years shall constitute an appointment for a full term.~~

~~(b) A vacancy on the board for any reason other than expiration of the term shall be filled for the remainder of the unexpired term by appointment of the Governor. Vacancies shall be filled in a timely manner.~~

~~(c) Each of the seven members appointed to the board shall be a citizen of the United States and a resident of Georgia. One member shall be a registered professional nurse who is currently engaged in practical nurse education and has been a graduate of an accredited or approved school of nursing for a minimum of five years. One member shall be a nurse currently serving in an administrative position in a hospital or nursing home and who is a graduate of an accredited or approved nursing program. One member shall be a consumer. The remaining four members shall be licensed practical nurses and graduates of an accredited or approved school of practical nursing. All members except the consumer shall have a current license in good standing, at least three years' experience in nursing, and shall be currently employed in the health care delivery system. In order to have equal representation of the board members, consideration in selection should be given for geographical location and areas of specialty.~~

~~(d) No two members of the current board shall be employed by the same private school, school within the Technical College System of Georgia, private employer, agency of state government, or other public employer. In the event a board member changes employment which causes a conflict defined by this subsection, the position of the member making the change shall be immediately vacant and a new member appointed to fill the vacancy.~~

~~(e) The board shall meet a minimum of six times a year and may have called meetings upon notice issued by its chairman.~~

~~(f) The members of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2. Reserved.~~"

SECTION 5.

Said chapter is further amended by amending Code Section 43-26-35, relating to the duties of the Georgia Board of Examiners of Licensed Practical Nurses, as follows:

"43-26-35.

The board shall:

- ~~(1) Be responsible for the enforcement of the provisions of this article and shall be specifically granted all of the necessary duties, powers, and authority to carry out this responsibility;~~
- ~~(2) Be authorized to draft, adopt, amend, repeal, and enforce such rules as it deems necessary for the administration and enforcement of this article in the protection of the public health, safety, and welfare;~~
- ~~(3) License duly qualified applicants by examination, endorsement, or reinstatement;~~
- ~~(4) Enforce qualifications for licensure;~~
- ~~(5) Be authorized to set standards for competency of licensees continuing in or returning to practice;~~
- ~~(6) Be authorized to enact rules and regulations for licensed practical nurses as they apply to the practice of practical nursing;~~
- ~~(7) Be authorized to issue temporary permits;~~
- ~~(8) Renew licenses of licensed practical nurses in accordance with this article;~~
- ~~(9) Develop and enforce reasonable and uniform standards for practical nurse education and practical nurse practice;~~
- ~~(10) Periodically evaluate practical nurse education programs and approve such programs as meeting the board's requirements;~~
- ~~(11) Deny or withdraw approval from noncompliant practical nurse education programs;~~
- ~~(12) Implement the disciplinary process;~~
- ~~(13) Be authorized to issue orders when a license is surrendered to the board while a complaint, investigation, or disciplinary act against such license is pending;~~
- ~~(14) Issue a limited license to practice practical nursing subject to such terms and conditions as the board may impose;~~
- ~~(15) Provide consultation and conduct conferences, forums, studies, and research on practical nurse education and practical nurse practice;~~
- ~~(16) Be authorized to appoint standing or ad hoc committees as necessary to inform and make recommendations to the board about issues and concerns and to facilitate communication among the board, licensees, and the community;~~
- ~~(17) Maintain membership in the national organization which develops and regulates the practical nursing licensing examination;~~
- ~~(18) Be authorized to collect data regarding existing licensed practical nursing resources in Georgia and coordinate planning for practical nursing education and practical nursing practice;~~

~~(19) Determine fees; and~~

~~(20) Adopt a seal which shall be in the care of the executive director and shall be affixed only in such a manner as prescribed by the board. Reserved.~~"

SECTION 6.

Said chapter is further amended by revising paragraph (1) of subsection (b) of Code Section 43-26-36, relating to application for licensure, examination, and temporary permits, as follows:

"(1) The board may issue a temporary permit to applicants for licensure by examination pursuant to paragraph ~~(7)~~ (8) of subsection (a) of Code Section ~~43-26-35~~ 43-26-5. A temporary permit issued to an applicant for licensure by examination shall be valid from the date of issuance until the first examination scheduled for the applicant is graded and a license is issued. If the applicant does not appear for the examination, the temporary permit is shall automatically become invalid the day of the examination. If the applicant fails the examination, the permit shall automatically become invalid when the examination is graded and may not be reissued."

SECTION 7.

For purposes of making initial appointments to the reconstituted Georgia Board of Nursing, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval. For all other purposes, this Act shall become effective on July 1, 2014.

SECTION 8.

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	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	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	Y 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
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley

Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	Lindsey	Y Rynders	Y Willard
E Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	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	Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 166, nays 0.

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

HB 337. By Representatives Fleming of the 121st, Carter of the 175th, Cooper of the 43rd, Coleman of the 97th and Frye of the 118th:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the O.C.G.A., relating to student health in elementary and secondary education, so as to authorize public and private schools to stock a supply of auto-injectable epinephrine; to provide for definitions; to provide for requirements and reporting; to provide for arrangements with manufacturers; to provide for rules and regulations; to provide for limited liability; to amend Chapter 4 of Title 26 of the Official Code of Georgia Annotated, relating to pharmacists and pharmacies, so as to authorize licensed health practitioners to prescribe auto-injectable epinephrine for schools; to authorize pharmacists to fill such prescriptions; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The following amendment was read and adopted:

Representative Fleming of the 121st offers the following amendment:

Amend HB 337 by replacing "shall" on line 27 with "may" and by replacing "who shall" on line 28 with "to".

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

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

Y Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	E Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	Lindsey	Y Rynders	Y Willard
E 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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, as amended, the ayes were 169, nays 0.

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

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 Bills of the House and has instructed me to report the same back to the House with the following recommendations:

HB 211	Do Pass, by Substitute
HB 272	Do Pass, by Substitute
HB 399	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 125. By Representatives Hightower of the 68th, Golick of the 40th and Jasperse of the 11th:

A BILL to be entitled an Act to amend Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, so as to provide for a certain affidavit for persons under 18 years of age to be executed after attaining the age of 18; to provide requirements for the submission of documents; to provide that certain documents may be submitted by facsimile; to provide exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security and immigration compliance, so as to modify provisions relating to penalties for the failure of a public employer to utilize the federal work authorization program and modify provisions relating to requiring private employers to utilize the

federal work authorization program; to provide legislative intent relative thereto; to amend Code Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of the federal work authorization program, so as to modify provisions relating to private businesses participating in the employment eligibility verification system prior to the issuance of a business license or other document and provisions related to evidence of state licensure, annual reporting, and violations; to amend Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on immigration sanctuary policies by local governmental entities, so as to correct a cross-reference; to amend Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, so as to modify provisions relating to the "Secure and Verifiable Identity Document Act" and the provision of public benefits to illegal aliens and to add new provisions relating to requiring agencies to submit annual immigration compliance reports; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security and immigration compliance, is amended by revising Code Section 13-10-90, relating to definitions pertaining to security and immigration compliance, as follows:

"13-10-90.

As used in this article, the term:

- (1) 'Commissioner' means the Commissioner of Labor.
- (2) 'Contractor' means a person or entity that enters into a contract for the physical performance of services ~~with a public employer.~~
- (3) 'Federal work authorization program' means any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify employment eligibility information of newly hired employees, commonly known as E-Verify, or any subsequent replacement program.
- (4) 'Physical performance of services' means ~~the building, altering, repairing, improving, or demolishing of any public structure or building or other public improvements of any kind to public real property within this state, including the construction, reconstruction, or maintenance of all or part of a public road; or any other performance of labor or services for a public employer within this state under a contract or other~~ using a bidding process or by contract wherein the labor or services exceed \$2,499.99.
- (5) 'Public employer' means every department, agency, or instrumentality of ~~the~~ this state or a political subdivision of ~~the~~ this state ~~with more than one employee.~~

(6) 'Subcontractor' means a person or entity having privity of contract with a contractor, subcontractor, or sub-subcontractor and includes a contract employee or staffing agency.

(7) 'Sub-subcontractor' means a person or entity having privity of contract with a subcontractor or privity of contract with another person or entity contracting with a subcontractor or sub-subcontractor."

SECTION 2.

It is the intent of the General Assembly that all public employers and contractors at every tier and level use the federal work authorization program on all projects, jobs, and work resulting from any bid or contract and that every public employer and contractor working for a public employer take all possible steps to ensure that a legal and eligible workforce is utilized in accordance with federal immigration and employment.

SECTION 3.

Article 3 of Chapter 10 of Title 13 of the Official Code of Georgia Annotated, relating to security and immigration compliance, is amended by revising paragraph (1) of subsection (b) and subparagraph (b)(7)(A) of Code Section 13-10-91, relating to verification of new employee eligibility, applicability, and rules and regulations, as follows:

"(b)(1) A public employer shall not enter into a contract ~~pursuant to this chapter~~ for the physical performance of services unless the contractor registers and participates in the federal work authorization program. Before a bid for any such service is considered by a public employer, the bid shall include a signed, notarized affidavit from the contractor attesting to the following:

- (A) The affiant has registered with, is authorized to use, and uses the federal work authorization program;
- (B) The user identification number and date of authorization for the affiant;
- (C) The affiant will continue to use the federal work authorization program throughout the contract period; and
- (D) The affiant will contract for the physical performance of services in satisfaction of such contract only with subcontractors who present an affidavit to the contractor with the same information required by subparagraphs (A), (B), and (C) of this paragraph.

An affidavit required by this subsection shall be considered an open public record once a public employer has entered into a contract for physical performance of services; provided, however, that any information protected from public disclosure by federal law or by Article 4 of Chapter 18 of Title 50 shall be redacted. Affidavits shall be maintained by the public employer for five years from the date of receipt."

~~"(7)(A) Not later than December 31 of each year, a public employer shall submit a compliance report to the state auditor certifying compliance with the provisions of this subsection. Such compliance report shall contain the public employer's federal work authorization program verification user number and date of authorization and the legal name, address, and federal work authorization program user number of the~~

~~contractor and the date of the contract between the contractor and public employer.~~
Public employers subject to the requirements of this subsection shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this subsection. Subject to available funding, the state auditor shall conduct annual compliance audits on a minimum of at least one-half of the reporting agencies and publish the results of such audits annually on the ~~department's~~ Department of Audits and Accounts' website on or before September 30."

SECTION 4.

Code Section 36-60-6 of the Official Code of Georgia Annotated, relating to utilization of the federal work authorization program, issuance of a business or similar license, evidence of state licensure, annual reporting, form affidavit, violations, and investigations, is amended by revising subsections (d), (e), and (f) as follows:

"(d)(1) Before any county or municipal corporation issues ~~or renews~~ a business license, occupational tax certificate, or other document required to operate a business to any person, the person shall provide evidence that he or she is authorized to use the federal work authorization program or evidence that the provisions of this Code section do not apply. Evidence of such use shall be in the form of an affidavit as provided by the Attorney General in subsection (f) of this Code section attesting that he or she utilizes the federal work authorization program in accordance with federal regulations or that he or she employs fewer than 11 employees or otherwise does not fall within the requirements of this Code section. Whether an employer is exempt from using the federal work authorization program as required by this Code section shall be determined by the number of employees employed by such employer on January 1 of the year during which the affidavit is submitted. The affidavit shall include the employer's federally assigned employment eligibility verification system user number and the date of authority for use. The requirements of this subsection shall be effective on January 1, 2012, as to employers with 500 or more employees, on July 1, 2012, as to employers with 100 or more employees but fewer than 500 employees, and on July 1, 2013, as to employers with more than ten employees but fewer than 100 employees.

(2) Upon satisfying the requirements of paragraph (1) of this subsection, for all subsequent renewals of a business license, occupation tax certificate, or other document, the person shall submit to the county or municipality his or her federal work authorization user number or assert that he or she is exempt from this requirement, provided that the federal work authorization user number provided for the renewal is the same federal work authorization user number as provided in the affidavit under paragraph (1) of this subsection. If the federal work authorization user number is different than the federal work authorization user number provided in the affidavit under paragraph (1) of this subsection, then the person shall be subject to the requirements of subsection (g) of this Code section.

(e) ~~Beginning December 31, 2012, and annually thereafter, any county or municipal corporation issuing or renewing a business license, occupational tax certificate, or other document required to operate a business shall provide to the Department of Audits and Accounts a report demonstrating that such county or municipality is acting in compliance with the provisions of this Code section. This annual report shall identify each license or certificate issued by the agency in the preceding 12 months and include the name of the person and business issued a license or other document and his or her federally assigned employment eligibility verification system user number as provided in the affidavit submitted at the time of application. Counties and municipal corporations subject to the requirements of this Code section shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this Code section.~~ Subject to funding, the Department of Audits and Accounts shall annually conduct an audit of no fewer than 20 percent of such reporting agencies.

(f) In order to assist private businesses and counties and municipal corporations in complying with the provisions of this Code section, the Attorney General shall provide a standardized form affidavit which ~~may~~ shall be used as acceptable evidence demonstrating use of the federal employment eligibility verification system or that the provisions of subsection (b) of this Code section do not apply to the applicant. The form affidavit shall be posted by the Attorney General on the Department of Law's official website no later than January 1, 2012."

SECTION 5.

Code Section 36-80-23 of the Official Code of Georgia Annotated, relating to prohibition on immigration sanctuary policies by local governmental entities, is amended by revising subsection (c) as follows:

"(c) Any local governing body that acts in violation of this Code section shall be subject to the withholding of state funding or state administered federal funding other than funds to provide services specified in subsection ~~(e)~~ (d) of Code Section 50-36-1."

SECTION 6.

Chapter 36 of Title 50 of the Official Code of Georgia Annotated, relating to verification of lawful presence within the United States, is amended by revising Code Section 50-36-1, relating to verification requirements, procedures, and conditions, exceptions, regulations, and criminal and other penalties for violations, as follows:

"50-36-1.

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

- (1) 'Agency head' means a director, commissioner, chairperson, mayor, councilmember, board member, sheriff, or other executive official, whether appointed or elected, responsible for establishing policy for a public employer.
- (2) 'Agency or political subdivision' means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(3) 'Applicant' means any natural person, 18 years of age or older, who has made application for access to public benefits on behalf of an individual, business, corporation, partnership, or other private entity.

(4)(A) 'Public benefit' means a federal benefit as defined in 8 U.S.C. Section 1611, a state, or local benefit as defined in 8 U.S.C. Section 1621, a benefit identified as a public benefit by the Attorney General of Georgia, or a public benefit which shall include the following:

- (i)(A) Adult education;
- (ii)(B) Authorization to conduct a commercial enterprise or business;
- (iii)(C) Business certificate, license, or registration;
- (iv)(D) Business loan;
- (v)(E) Cash allowance;
- (vi)(F) Disability assistance or insurance;
- (vii)(G) Down payment assistance;
- (viii)(H) Energy assistance;
- (ix)(I) Food stamps;
- (x)(J) Gaming license;
- (K) Grants;
- (xi)(L) Health benefits;
- (M) Homestead exemption;
- (xii)(N) Housing allowance, grant, guarantee, or loan;
- (xiii)(O) Loan guarantee;
- (xiv)(P) Medicaid;
- (xv)(Q) Occupational license;
- (xvi)(R) Professional license;
- (S) Public and assisted housing;
- (xvii)(T) Registration of a regulated business;
- (xviii)(U) Rent assistance or subsidy;
- (V) Retirement benefits;
- (xix)(W) State grant or loan;
- (xx)(X) State issued driver's license and identification card;
- (xxi)(Y) Tax certificate required to conduct a commercial business;
- (Z) Tax credit;
- (xxii)(AA) Temporary assistance for needy families (TANF);
- (xxiii)(BB) Unemployment insurance; and
- (xxiv)(CC) Welfare to work.

(B) ~~Each year before August 1, the Attorney General shall prepare a detailed report indicating any 'public benefit' that may be administered in this state as defined in 8 U.S.C. Sections 1611 and 1621 and whether such benefit is subject to SAVE verification pursuant to this Code section. Such report shall provide the description of the benefit and shall be updated annually and distributed to the members of the General Assembly and be posted to the Attorney General's website.~~

(5) 'SAVE program' means the federal Systematic Alien Verification for Entitlements program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security for the same purpose.

(b) Except as provided in subsection (d) of this Code section or where exempted by federal law, every agency or political subdivision shall verify the lawful presence in the United States under federal immigration law of any applicant for public benefits.

(c) This Code section shall be enforced without regard to race, religion, gender, ethnicity, or national origin.

(d) Verification of lawful presence in the United States under federal immigration law under this Code section shall not be required:

(1) For any purpose for which lawful presence in the United States under federal immigration law is not required by law, ordinance, or regulation;

(2) For assistance for health care items and services that are necessary for the treatment of an emergency medical condition, as defined in 42 U.S.C. Section 1396b(v)(3), of the alien involved and are not related to an organ transplant procedure;

(3) For short-term, noncash, in-kind emergency disaster relief;

(4) For public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of symptoms of communicable diseases whether or not such symptoms are caused by a communicable disease;

(5) For programs, services, or assistance such as soup kitchens, crisis counseling and intervention, and short-term shelter specified by the United States Attorney General, in the United States Attorney General's sole and unreviewable discretion after consultation with appropriate federal agencies and departments, which:

(A) Deliver in-kind services at the community level, including through public or private nonprofit agencies;

(B) Do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and

(C) Are necessary for the protection of life or safety;

(6) For prenatal care; or

(7) For postsecondary education, whereby the Board of Regents of the University System of Georgia or the State Board of the Technical College System of Georgia shall set forth, or cause to be set forth, policies regarding postsecondary benefits that comply with all federal law including but not limited to public benefits as described in 8 U.S.C. Section 1611, 1621, or 1623.

(e) All policies of agencies or political subdivisions regarding public benefits for postsecondary education shall comply with federal law as provided in 8 U.S.C. Section 1623.

~~(e)~~(f)(1) An agency or political subdivision providing or administering a public benefit shall require every applicant for such benefit to:

(A) Provide at least one secure and verifiable document, as defined in Code Section 50-36-2, or a copy or facsimile of such document. Any document required by this subparagraph may be submitted by or on behalf of the applicant at any time within nine months prior to the date of application so long as the document remains valid through the licensing or approval period or such other period for which the applicant is applying to receive a public benefit; and

(B) Execute a signed and sworn affidavit verifying the applicant's lawful presence in the United States ~~and stating~~ under federal immigration law; provided, however, that if the applicant is under the age of 18 years at the time of the application, he or she shall execute the affidavit required by this subparagraph within 30 days after his or her eighteenth birthday. Such affidavit shall affirm that:

(i) The applicant is a United States citizen or legal permanent resident 18 years of age or older; or

(ii) The applicant is a qualified alien or nonimmigrant under the federal Immigration and Nationality Act, Title 8 U.S.C., 18 years of age or older lawfully present in the United States and ~~providing~~ provide the applicant's alien number issued by the Department of Homeland Security or other federal immigration agency.

(2) The state auditor shall create affidavits for use under this subsection and shall keep a current version of such affidavits on the Department of Audits and Accounts' official website.

(3) Documents ~~and copies of documents~~ required by this ~~Code section~~ subsection may be submitted in person, by mail, or electronically, provided the submission complies with Chapter 12 of Title 10. Copies of documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this paragraph, electronic submission shall include a submission via facsimile, Internet, electronic texting, or any other electronically assisted transmitted method approved by the agency or political subdivision.

(4) The requirements of this subsection shall not apply to any applicant applying for or renewing an application for a public benefit within the same agency or political subdivision if the applicant has previously complied with the requirements of this subsection by submission of a sworn affidavit and a secure and verifiable document, as defined in Code Section 50-36-2, establishing that such applicant is a United States citizen.

~~(f)(g)~~ For any applicant who has executed an affidavit that he or she is an alien lawfully present in the United States, eligibility for public benefits shall be made through the ~~Systematic Alien Verification of Entitlement (SAVE) program operated by the United States Department of Homeland Security or a successor program designated by the United States Department of Homeland Security~~ SAVE program. Until such eligibility verification is made, the affidavit may be presumed to be proof of lawful presence in the United States under federal immigration law for the purposes of this Code section.

~~(g)~~(h) Any person who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in an affidavit executed pursuant to this Code section shall be guilty of a violation of Code Section 16-10-20.

~~(h)~~(i) Verification of citizenship through means required by federal law shall satisfy the requirements of this Code section.

~~(i)~~(j) It shall be unlawful for any agency or political subdivision to provide or administer any public benefit in violation of this Code section. ~~On or before January 1 of each year, each agency or political subdivision which administers any public benefit shall provide an annual report to the Department of Community Affairs that identifies each public benefit, as defined in subparagraph (a)(3)(A) of this Code section, administered by the agency or political subdivision and a listing of each public benefit for which SAVE authorization for verification has not been received.~~ Agencies and political subdivisions subject to the requirements of this subsection shall provide an annual report to the Department of Audits and Accounts pursuant to Code Section 50-36-4 as proof of compliance with this subsection. Any agency failing to provide a report as required by this subsection shall not be entitled to any assistance, funds, or grants from the Department of Community Affairs.

~~(j)~~(k) Any and all errors and significant delays by the SAVE program shall be reported to the United States Department of Homeland Security.

~~(k)~~(l) Notwithstanding subsection ~~(g)~~ (h) of this Code section, any applicant for public benefits shall not be guilty of any crime for executing an affidavit attesting to his or her lawful presence in the United States under federal immigration law that contains a false statement if ~~said~~ such affidavit is not required by this Code section.

~~(l)~~(m) In the event a legal action is filed against any agency or political subdivision alleging improper denial of a public benefit arising out of an effort to comply with this Code section, the Attorney General shall be served with a copy of the proceeding and shall be entitled to be heard.

~~(m)~~(n) Compliance with this Code section by an agency or political subdivision shall include taking all reasonable, necessary steps required by a federal agency to receive authorization to utilize the SAVE program or any successor program designated by the United States Department of Homeland Security or other federal agency, including providing copies of statutory authorization for the agency or political subdivision to provide public benefits and other affidavits, letters of memorandum of understanding, or other required documents or information needed to receive authority to utilize the SAVE program or any successor program for each public benefit provided by such agency or political subdivision. An agency or political subdivision that takes all reasonable, necessary steps and submits all requested documents and information as required in this subsection but either has not been given access to use such programs by such federal agencies or has not completed the process of obtaining access to use such programs shall not be liable for failing to use the SAVE program or any such successor program to verify eligibility for public benefits.

~~(n)~~(o) In the case of noncompliance with the provisions of this Code section by an agency or political subdivision, the appropriations committee of each house of the

General Assembly may consider such noncompliance in setting the budget and appropriations.

~~(e)~~(p) No employer, agency, or political subdivision shall be subject to lawsuit or liability arising from any act to comply with the requirements of this chapter; provided, however, that the intentional and knowing failure of any agency head to abide by the provisions of this chapter shall:

(1) Be a violation of the code of ethics for government service established in Code Section 45-10-1 and subject such agency head to the penalties provided for in Code Section 45-10-28, including removal from office and a fine not to exceed \$10,000.00; and

(2) Be a high and aggravated misdemeanor offense where such agency head acts to willfully violate the provisions of this Code section or acts so as to intentionally and deliberately interfere with the implementation of the requirements of this Code section.

The Attorney General shall have the authority to conduct a criminal and civil investigation of an alleged violation of this chapter by an agency or agency head and to bring a prosecution or civil action against an agency or agency head for all cases of violations under this chapter. In the event that an order is entered against an employer, the state shall be awarded attorney's fees and expenses of litigation incurred in bringing such an action and investigating such violation."

SECTION 7.

Said chapter is further amended by revising Code Section 50-36-2, relating to secure and verifiable identification documents, as follows:

"50-36-2.

(a) This Code section shall be known and may be cited as the 'Secure and Verifiable Identity Document Act.'

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

(1) 'Agency or political subdivision' means any department, agency, authority, commission, or government entity of this state or any subdivision of this state.

(2) 'Public official' means an elected or appointed official or an employee or an agent of an agency or political subdivision.

(3)(A) 'Secure and verifiable document' means a document issued by a state or federal jurisdiction or recognized by the United States government and that is verifiable by federal or state law enforcement, intelligence, or homeland security agencies.

(B) The term 'secure and verifiable document' shall not include any foreign passport unless the passport is submitted with a valid United States Homeland Security Form I-94, I-94A, or I-94W, or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law; a birth certificate issued by a foreign country unless accompanied by a passport submitted with appropriate immigration documents including a visa and a valid United States Homeland Security Form I-94, I-94A, I-

94W, or I-551 stamp or other federal document specifying an alien's lawful immigration status, or other proof of lawful presence in the United States under federal immigration law; or Secure and verifiable document shall not mean a Matricula Consular de Alta Seguridad, matricula consular card, consular matriculation card, consular identification card, or similar identification card issued by a foreign government regardless of the holder's immigration status. Only those documents approved and posted by the Attorney General pursuant to subsection (f) (g) of this Code section shall be considered secure and verifiable documents.

(c) Unless required by federal law, on or after January 1, 2012, no agency or political subdivision shall accept, rely upon, or utilize an identification document for any official purpose that requires the presentation of identification by such agency or political subdivision or by federal or state law unless it is a secure and verifiable document.

(d) Copies of secure and verifiable documents submitted in person, by mail, or electronically shall satisfy the requirements of this Code section. For purposes of this subsection, electronic submission shall include, but shall not be limited to, submission via facsimile, Internet, or any other electronically assisted transmitted method approved by the agency or political subdivision.

~~(d)~~(e) Any person acting in willful violation of this Code section by knowingly accepting identification documents that are not secure and verifiable documents shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by imprisonment not to exceed 12 months, a fine not to exceed \$1,000.00, or both.

~~(e)~~(f) This Code section shall not apply to:

- (1) A person reporting a crime;
- (2) An agency official accepting a crime report, conducting a criminal investigation, or assisting a foreign national to obtain a temporary protective order;
- (3) A person providing services to infants, children, or victims of a crime;
- (4) A person providing emergency medical service;
- (5) A peace officer in the performance of the officer's official duties and within the scope of his or her employment;
- (6) Instances when a federal law mandates acceptance of a document;
- (7) A court, court official, or traffic violation bureau for the purpose of enforcing a citation, accusation, or indictment;
- (8) Paragraph (2) of subsection (a) of Code Section 40-5-21 or paragraph (2) of subsection (a) of Code Section 40-5-21.1; or
- (9) An attorney or his or her employees for the purpose of representing a criminal defendant.

~~(f)~~(g) Not later than August 1, 2011, the Attorney General shall provide and make public on the Department of Law's website a list of acceptable secure and verifiable documents. The list shall be reviewed and updated annually by the Attorney General."

SECTION 8.

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

"50-36-4.

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

(1) 'Agency or political subdivision' means any department, agency, authority, commission, or governmental entity of this state or any subdivision of this state.

(2) 'Annual reporting period' means from December 1 of the preceding year through November 30 of the year in which the report is due.

(3) 'Contractor' shall have the same meaning as set forth in Code Section 13-10-90.

(4) 'Department' means the Department of Audits and Accounts.

(5) 'Physical performance of services' shall have the same meaning as set forth in Code Section 13-10-90.

(6) 'Public employer' shall have the same meaning as set forth in Code Section 13-10-90.

(b) Each agency or political subdivision subject to any of the requirements provided in Code Sections 13-10-91, 36-60-6, and 50-36-1 shall submit an annual immigration compliance report to the department by December 31 that includes the information required under subsection (d) of this Code section for the annual reporting period. If an agency or political subdivision is exempt from any, but not all, of the provisions of subsection (d) of this Code section, it shall still be required to submit the annual report but shall indicate in the report which requirements from which it is exempt.

(c) The department shall create an immigration compliance reporting system and shall provide technical support for the submission of such reports. The department shall further provide annual notification of such reports with submission instructions to all agencies and political subdivisions subject to such requirements. The department shall be authorized to implement policy as is needed to carry out the requirements of this subsection.

(d) The immigration compliance report provided for in subsection (b) of this Code section shall contain the following:

(1) The agency or political subdivision's federal work authorization program verification user number and date of authorization;

(2) The legal name, address, and federal work authorization program user number of every contractor that has entered into a contract for the physical performance of services with a public employer as required under Code Section 13-10-91 during the annual reporting period;

(3) The date of the contract for the physical performance of services between the contractor and public employer as required under Code Section 13-10-91;

(4) A listing of each license or certificate issued by a county or municipal corporation to private employers that are required to utilize the federal work authorization program under the provisions of Code Section 36-60-6 during the annual reporting period, including the name of the person and business issued a license and his or her federally assigned employment eligibility verification system user number as provided in the private employer affidavit submitted at the time of application; and

(5)(A) A listing of each public benefit administered by the agency or political subdivision and a listing of each public benefit for which SAVE program authorization for verification has not been received.

(B) As used in this paragraph, the terms 'public benefit' and 'SAVE program' shall have the same meaning as set forth in Code Section 50-36-1."

SECTION 9.

This Act shall become effective on July 1, 2013.

SECTION 10.

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

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

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

N Abrams	Y Coomer	Y Hamilton	Y McCall	Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y 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	N Henson	E Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	Y Douglas	Y Hitchens	Y Nix	N Stephenson
N Bennett	N Drenner	N Holcomb	N Oliver	N Stovall
N Bentley	Y Dudgeon	Y Holmes	Y O'Neal	Y Strickland
Y Benton	Dukes	Y Holt	Y Pak	Y Talton
N Beverly	Y Dunahoo	Y Houston	Parrish	Y Tankersley
Y Black	Y Duncan	N Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
N Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	N Thomas, B
N Bryant	E Evans	N Jones, L	Y Quick	Y Turner
N Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	N Jordan	N Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	E Rice	Y Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	N Fullerton	N 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
Y Channell	N Geisinger	Y Lindsey	Y Rynders	Y Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	Y Williams, A
Y Cheokas	Y Golick	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	Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 116, nays 49.

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

HB 124. By Representatives Harrell of the 106th, Taylor of the 79th, Powell of the 32nd, Fludd of the 64th, Cooke of the 18th and others:

A BILL to be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to provide that an election in which the votes cast are for disapproval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall not nullify the prior election results for approval of Sunday package sales by retailers of malt beverages and wine; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, so as to make certain changes relating to requirements governing the sale of distilled spirits and other alcoholic beverages by retailers; to provide that an election in which the votes cast are for disapproval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall not nullify the prior election results for approval of Sunday package sales by retailers of malt beverages and wine; to change and provide for further clarification of the definition of the term "retailer"; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 3 of the Official Code of Georgia Annotated, relating to alcoholic beverages, is amended by revising paragraph (2) of subsection (q) of Code Section 3-3-7, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, as follows:

"(2) Any governing authority desiring to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours

of 12:30 P.M. and 11:30 P.M., pursuant to paragraph (1) of this subsection, shall so provide by proper resolution or ordinance specifying the hours during such period when such package sales may occur. Upon receipt of the resolution or ordinance, the election superintendent shall issue the call for an election for the purpose of submitting the question of Sunday package sales by retailers of malt beverages, wine, and distilled spirits to the electors of that county or municipality for approval or rejection. The election superintendent shall issue the call and shall conduct the election on a date and in the manner authorized under Code Section 21-2-540. The election superintendent shall cause the date and purpose of the election to be published once a week for four weeks immediately preceding the date of the election in the official organ of the county. The ballot shall have written or printed thereon the words:

' () YES Shall the governing authority of (name of county or municipality) be authorized to permit and regulate package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M.?'
() NO

All persons desiring to vote for approval of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'Yes,' and all persons desiring to vote for rejection of package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M. shall vote 'No.' If more than one-half of the votes cast on the question are for approval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., the resolution or ordinance approving such Sunday package sales by retailers of malt beverages, wine, and distilled spirits shall become effective upon the date so specified in that resolution or ordinance. If more than one-half of the votes cast on the question are for disapproval of Sunday package sales by retailers of malt beverages, wine, and distilled spirits on Sundays between the hours of 12:30 P.M. and 11:30 P.M., such rejection shall not nullify the prior election results for approval of Sunday package sales by retailers of malt beverages and wine on Sundays between the hours of 12:30 P.M. and 11:30 P.M. pursuant to subsection (p) of this Code section. The expense of the election shall be borne by the county or municipality in which the election is held. The election superintendent shall canvass the returns, declare the result of the election, and certify the result to the Secretary of State."

SECTION 2.

Said title is further amended by revising paragraph (19) of and by adding a new paragraph to Code Section 3-1-2, relating to definitions relative to alcoholic beverages generally, as follows:

"(19) 'Retailer' or 'retail dealer' means, except as to distilled spirits, any person who sells alcoholic beverages, either in unbroken packages or for consumption on the premises, at retail only to consumers and not for resale. With respect to distilled

spirits, the term ~~means any person who sells distilled spirits in unbroken packages at retail only to consumers and not for resale.~~ shall have the same meaning as the term 'retail package liquor store.'

(19.1) 'Retail package liquor store' means a retail business establishment owned by an individual, partnership, corporation, association, or other business entity:

(A) Primarily engaged in the retail sale of distilled spirits, malt beverages, and wine in unbroken packages, not for consumption on the premises, except as authorized under this chapter; and

(B) Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine."

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 124.

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	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	E Murphy	Y Spencer
Battles	Y Dickson	Y Hightower	N Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Stephens, R
Y Bell	Y Douglas	Y Hitchens	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	N Taylor, D
Y Broadrick	Y Ehrhart	Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	E Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S

Y Carson	Y Frye	Y Kendrick	Y Roberts	N 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
N Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
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	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 4.

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

HB 131. By Representatives Clark of the 101st, Coleman of the 97th, Kaiser of the 59th, Jones of the 47th, Taylor of the 173rd and others:

A BILL to be entitled an Act to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs, so as to define a certain term; to provide that dual credit courses shall be treated in the same manner as advanced placement and international baccalaureate courses for purposes of determining eligibility for the HOPE scholarship; 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 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs, so as to define a certain term; to provide that dual credit courses shall be treated in the same manner as advanced placement and international baccalaureate courses for purposes of determining eligibility for the HOPE scholarship; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs, is amended by revising Code Section 20-2-157, relating

to uniform reporting system for certain purposes and academic eligibility requirements to receive HOPE scholarship, as follows:

"20-2-157.

(a) It is the intent of the General Assembly to establish a uniform reporting system to be used as one of the criteria to determine eligibility of students seeking educational scholarships, grants, or loan assistance administered by the Georgia Student Finance Commission pursuant to Article 7 of Chapter 3 of this title.

(a.1) As used in this Code section, the term 'dual credit course' shall have the same meaning as in Code Section 20-2-159.5.

(b) Each school system and private school shall adopt the reporting system described in this subsection for purposes of identifying and qualifying graduating seniors for the HOPE scholarship program and other programs identified in this Code section:

(1) Each school system and private school shall transmit, in a manner and at times prescribed by the Georgia Student Finance Commission, an electronic transcript of courses and course grades for each graduating senior that reflects the complete high school academic record of the student, including scores on any state tests required for graduation, the grading scales used by the school system or private school for the time periods referenced by the transcripts, and any other pertinent information as determined by the Georgia Student Finance Commission. Each grade reported by a school system or private school to the commission for the purpose of calculating the grade point average for HOPE scholarship eligibility shall be the actual grade earned by the student, with no weighting or addition of points by the local school system or private school;

(2) The Georgia Student Finance Commission shall calculate a grade point average for the purpose of determining eligibility for the HOPE scholarship from these electronic transcripts and shall notify students of their eligibility and high schools as to the eligibility of students;

(3) For students otherwise qualified and enrolling as freshmen students in eligible public or private postsecondary institutions for the first time on May 1, 2007, or thereafter, except as otherwise provided in paragraph (3.1) of this subsection, the Georgia Student Finance Commission shall calculate grade point averages for determining eligibility for the HOPE scholarship and other scholarships referenced in this Code section as follows:

(A) For students receiving a college preparatory diploma, each grade for a student in attempted coursework in English, mathematics, science, social studies, and foreign language that would, if successfully completed, satisfy a core graduation requirement for the college preparatory curriculum shall be equated to a grade on a 4.0 scale, such that a grade of 'A' = 4.0, a grade of 'B' = 3.0, a grade of 'C' = 2.0, a grade of 'D' = 1.0, and a grade of 'F' = 0; or

(B) For students receiving a career/technical diploma, each grade for a student in attempted coursework in English, mathematics, science, and social studies that would, if successfully completed, satisfy a core graduation requirement for the career/technical curriculum shall be equated to a grade on a 4.0 scale, such that a

grade of 'A' = 4.0, a grade of 'B' = 3.0, a grade of 'C' = 2.0, a grade of 'D' = 1.0, and a grade of 'F' = 0.

Grades for coursework that is classified as advanced placement, a dual credit course, or international baccalaureate shall be weighted uniformly by the Georgia Student Finance Commission in calculating the overall grade point averages for students, provided that the weighting of such course grades is uniformly applied to all students in ~~the~~ this state taking the specified coursework. The sum of the equated grades shall be divided by the number of course grades, adjusted for term length, to yield a grade point average on a 4.0 scale;

(3.1) For students otherwise qualified and enrolling in the ninth grade for the first time during the 2008-2009 school year and thereafter, the Georgia Student Finance Commission shall calculate grade point averages for determining eligibility for the HOPE scholarship and other scholarships referenced in this Code section by equating each grade for a student in attempted coursework in English, mathematics, science, social studies, and foreign language during the student's ninth, tenth, eleventh, or twelfth grade year to a grade on a 4.0 scale, such that a grade of 'A' = 4.0, a grade of 'B' = 3.0, a grade of 'C' = 2.0, a grade of 'D' = 1.0, and a grade of 'F' = 0. Grades for coursework that is classified as advanced placement, a dual credit course, or international baccalaureate shall be weighted uniformly by the Georgia Student Finance Commission in calculating the overall grade point averages for students, provided that the weighting of such course grades is uniformly applied to all students in ~~the~~ this state taking the specified coursework. Any student earning grades reported for purposes of this paragraph for coursework provided for by an individualized education program may petition the Georgia Student Finance Commission for a special weighting of such grades or a waiver of the grade point average requirement for HOPE scholarship eligibility. The sum of the equated grades shall be divided by the number of course grades, adjusted for term length, to yield a grade point average on a 4.0 scale; and

(4) Qualification for the HOPE scholarship shall be determined from the grade point average calculated either as set out in paragraph (3) of this subsection or as set out in paragraph (3.1) of this subsection for students enrolling in the ninth grade for the first time in a Georgia public school during the 2008-2009 school year and thereafter. Beginning May 1, 2007, students with grade point averages equal to or in excess of 3.0 on the 4.0 scale with a college preparatory diploma shall meet achievement standards for the HOPE scholarship; students receiving a career/technical diploma shall meet achievement standards for the HOPE scholarship with a grade point average equal to or in excess of 3.2 on a 4.0 scale. For students enrolling in the ninth grade for the first time in a Georgia public school during the 2008-2009 school year and thereafter, such students with grade point averages equal to or in excess of 3.0 on a 4.0 scale shall meet achievement standards for the HOPE scholarship. This paragraph shall apply regardless of when a student graduated from high school and regardless of such student's eligibility status prior to May 1, 2007.

(c)(1) Beginning with the school year beginning after May 1, 2011, each school system and private school shall adopt the reporting system described in this subsection for purposes of determining potential eligibility for freshman, sophomore, and junior high school students for the HOPE scholarship program and other programs identified in this Code section.

(2) Each school system and private school shall transmit to the Georgia Student Finance Commission, in such manner and at such times as the commission may prescribe, an electronic transcript of courses and course grades for each freshman, sophomore, and junior high school student that reflects the complete high school academic record of the student, including scores on any state tests required for graduation, the grading scales used by the school system or private school for the time periods referenced by the transcripts, and any other pertinent information as determined by the Georgia Student Finance Commission. Each grade reported by a school system or private school to the commission for the purpose of calculating the grade point average for potential HOPE scholarship eligibility shall be the actual grade earned by the student with no weighting or addition of points by the school system or private school.

(3) The Georgia Student Finance Commission shall calculate a grade point average for the purpose of determining eligibility for the HOPE scholarship from these electronic transcripts and shall notify students of their potential eligibility and high schools as to the potential eligibility of students.

(d) Beginning with students graduating from high school on or after May 1, 2015, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least two courses prior to graduating from high school from the following categories:

(1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;

(2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;

(3) Advanced placement courses in core subjects;

(3.1) Dual credit courses in core subjects;

(4) International baccalaureate courses in core subjects;

(5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or

(6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(e) Beginning with students graduating from high school on or after May 1, 2016, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least three courses prior to graduating from high school from the following categories:

- (1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;
- (2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;
- (3) Advanced placement courses in core subjects;
- (3.1) Dual credit courses in core subjects;
- (4) International baccalaureate courses in core ~~courses~~ subjects;
- (5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or
- (6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection.

(f) Beginning with students graduating from high school on or after May 1, 2017, in order to be eligible to receive a HOPE scholarship, a student shall receive credit in at least four courses prior to graduating from high school from the following categories:

- (1) Advanced math, such as Advanced Algebra and Trigonometry, Math III, or an equivalent or higher course;
- (2) Advanced science, such as Chemistry, Physics, Biology II, or an equivalent or higher course;
- (3) Advanced placement courses in core subjects;
- (3.1) Dual credit courses in core subjects;
- (4) International baccalaureate courses in core ~~courses~~ subjects;
- (5) Courses taken at a unit of the University System of Georgia in core subjects where such courses are not remedial and developmental courses, as defined in Code Section 20-3-519; or
- (6) Advanced foreign language courses.

Students may take one or more courses in each category; provided, however, that a course may only be counted one time. The Georgia Student Finance Commission shall be authorized to promulgate rules and regulations necessary to carry out the intent of this subsection."

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	E Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	E 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	Y 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	E 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
N 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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 169, nays 1.

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

HB 192. By Representatives Kidd of the 145th and Sharper of the 177th:

A BILL to be entitled an Act to amend Code Section 43-35-3 of the Official Code of Georgia Annotated, relating to definitions regarding podiatry practice, so as to provide that podiatric medicine includes the diagnosis and treatment of cosmetic conditions regarding the human foot and leg; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 43-35-3 of the Official Code of Georgia Annotated, relating to definitions regarding podiatry practice, so as to provide that podiatric medicine includes the diagnosis and treatment of cosmetic conditions regarding the human foot and leg; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 43-35-3 of the Official Code of Georgia Annotated, relating to definitions regarding podiatry practice, is amended by revising subparagraph (A) of paragraph (5) as follows:

"(A) Charging a fee or other compensation, either directly or indirectly, for any history or physical examination of a patient in a person's office or in a hospital, clinic, or other similar facility prior to, incident to, and necessary for the diagnosis and treatment, by primary medical care, surgical or other means, of diseases, ailments, injuries, cosmetic conditions, or abnormal conditions of the human foot and leg. As used in this subparagraph, the term 'cosmetic' means a surgical or medical procedure intended to enhance the physical appearance or function of the foot, ankle, or leg, including, but not limited to, skin problems such as blemishes, spider veins, and scar revisions;"

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	E Coomer	Y Hamilton	Y McCall	Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	E Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	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	Y 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	N Houston	Y Parrish	Y Tankersley
Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E Evans	Y Jones, L	N 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	E Rice	Y Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	N Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Y Weldon
Y Casas	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	N Gravley	Y Martin	Y Shaw	Y Williamson
Y Coleman	Y Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 161, nays 4.

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

HB 361. By Representatives Lindsey of the 54th, Hamilton of the 24th and Fleming of the 121st:

A BILL to be entitled an Act to amend Article 2 of Chapter 6 of Title 34 of the O.C.G.A., relating to membership in labor organizations, so as to provide for definitions; to provide for statement of rights under federal law; to provide for certain contract and agreement employment rights; to provide for policy concerning passage of laws, ordinances, or contracts that waive or restrict federal labor laws; to provide for changes to agreements and contracts permitting labor organizations to deduct fees from employees' earnings; to amend Code Section 16-7-21 of the O.C.G.A., relating to criminal trespass, so as to provide for both criminal trespass and criminal conspiracy; to provide for punishment and fines; to provide for related matters; to provide for severability; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to membership in labor organizations, so as to provide for definitions; to provide for a statement of rights under federal law; to provide for certain contract and agreement employment rights; to provide for policy concerning passage of laws, ordinances, or contracts that waive or restrict federal labor laws; to provide for changes to agreements and contracts permitting labor organizations to deduct fees from employees' earnings; to provide for related matters; to provide for severability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to membership in labor organizations, is amended in Code Section 34-6-20, relating to definitions, as follows:

"34-6-20.

As used in this article, the term:

(1) 'Employee' includes any employee and shall not be limited to the employees of a particular employer.

(2) 'Employer' includes any person acting in the interest of an employer, directly or indirectly, but shall not include the United States, a state or any political subdivision thereof, any person subject to the Railway Labor Act, as amended, any person employed by a transit authority subject to the provisions and requirements of Section 13(c) of the Federal Transit Act, 49 U.S.C. Section 5333(b), any labor organization (other than when acting as an employer), or anyone acting in the capacity of officer or agent of such labor organization.

(3) 'Employment' means employment by an employer.

(4) 'Federal labor laws' means the National Labor Relations Act and the Labor Management Relations Act, as amended by federal administrative regulations relating to labor and management or employee and employer issues, and the United States Constitution as amended and as construed by the federal courts.

(5) 'Governmental body' means the State of Georgia or any local government or its subdivisions, including but not limited to cities, municipalities, counties, and any public body, agency, board, commission or other governmental, quasi-governmental, or quasi-public body, or like capacity of local government or its subdivision.

~~(4)~~(6) 'Labor organization' means any organization of any kind or any agency or employee representation committee or plan in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work."

SECTION 2.

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

"34-6-20.1.

The rights protected under federal labor laws include, but are not limited to:

- (1) An employer's or employee's right to express views in favor of or contrary to unionization and any other labor relations issues to the full extent allowed by the First Amendment of the United States Constitution and Section 8(c) of the National Labor Relations Act;
- (2) An employee's right to participate in, and an employer's right to demand, a secret ballot election under federal law, including, without limitation, the full procedural protections afforded by such laws for defining the unit, conducting the election campaign and election, and making any challenges or objections thereto; and
- (3) An employer's right to:
 - (A) Oppose the recognition of a labor organization based solely on reviewing authorization cards absent a secret ballot election conducted in accordance with federal labor laws;
 - (B) Refuse to release sensitive and private employee information beyond the requirements of federal labor laws;
 - (C) Maintain the confidentiality of employee information to the maximum extent allowed by federal labor laws; and
 - (D) Restrict access to its property or business to the maximum extent allowed by federal labor laws."

SECTION 3.

Said article is further amended by revising Code Section 34-6-21, relating to membership in or resignation from a labor organization as a condition of employment, as follows:

"34-6-21.

- (a) No individual shall be required as a condition of employment or continuance of employment to be or remain a member or an affiliate of a labor organization or to resign from or to refrain from membership in or affiliation with a labor organization.
- (b) No governmental body may pass any law, ordinance, or regulation or impose any contractual, zoning, permitting, licensing, or other condition that requires any employer or employee to waive statutory rights under federal labor laws.
- (c) No governmental body may pass any law, ordinance, or regulation that would require, in whole or in part, an employer or multiple employer association to accept or otherwise agree to any provisions that are mandatory or nonmandatory subjects of collective bargaining under federal labor laws, including, but not limited to, any limitations on an employer's or multiple employer association's right to engage in collective bargaining with a labor organization, to lock out employees, or to operate during a work stoppage; provided, however, that the foregoing shall not invalidate or otherwise restrict the application of federal labor laws.
- (d) No employer or labor organization shall be forced to enter into any agreement, contract, understanding, or practice, written or oral, implied or expressed, that subverts the established process by which employees may make informed and free decisions

regarding representation and collective bargaining rights provided for by federal labor laws."

SECTION 4.

Said article is further amended by revising Code Section 34-6-25, relating to deductions from employees' earnings of fees of labor organizations, as follows:

"34-6-25.

(a) No employer shall deduct from the wages or other earnings of any employee any fee, assessment, or other sum of money whatsoever to be held for or to be paid over to a labor organization except on the individual order or request of the employee, which shall not be irrevocable for a period of more than one year written authorization of the employee. Such authorization may be revoked at any time at the request of the employee.

(b) Nothing in this Code section shall be construed to impair any contract, agreement, or collective bargaining agreement in existence prior to the effective date of this Code section.

(c) This Code section shall not apply to any collective bargaining agreement entered into pursuant to the Railway Labor Act, as amended, or to any professional association whose membership is exclusively composed of educators, law enforcement officers, or firefighters not engaged or engaging in contracting or collective bargaining."

SECTION 5.

Said article is further amended by revising Code Section 34-6-26, relating to contracts allowing deductions from employees' earnings of fees of labor organizations, as follows:

"34-6-26.

(a) It shall be unlawful for any employer to contract with any labor organization and for any labor organization to contract with any employer for the deduction of any fee, assessment, or other sum of money whatsoever from the wages or other earnings of an employee to be held for or to be paid over to a labor organization except upon the condition to be embodied in said such contract that such deduction will be made only on the individual order or request of the employee, which shall not be irrevocable for a period of more than one year written authorization of the employee. Such authorization may be revoked at any time at the request of the employee.

(b) Nothing in this Code section shall be construed to impair any contract, agreement, or collective bargaining agreement in existence prior to the effective date of this Code section."

SECTION 6.

This Act shall be severable as provided by Code Section 1-1-3 of Official Code of Georgia Annotated.

SECTION 7.

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

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

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

N Abrams	E Coomer	Y Hamilton	Y McCall	Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	E 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	N Henson	N Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Stephens, R
N Bell	N Douglas	N Hitchens	Y Nix	N Stephenson
N 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
N Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	N Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	N Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Powell, A	Y Teasley
N Brooks	N Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Y Jones, J	Y Pruett	Thomas, B
N Bryant	E Evans	N Jones, L	Y Quick	Y Turner
N Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	N Jordan	N Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	E Rice	E Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	N 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
Y Channell	Y Geisinger	Y Lindsey	Y Rynders	Willard
Y Chapman	Y Glanton	Y Lumsden	N Scott	N Williams, A
Y Cheokas	Y Golick	N Mabra	Y Setzler	Y 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	N Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 110, nays 57.

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

House of Representatives
Coverdell Legislative Office Building, Room 404
Atlanta, Georgia 30334

March 4, 2013

Dear Rep. Barbara Sims,

I was called out on a medical emergency here at the Capitol.

I wish to be on record as voting in favor (yes) on HB 361.

/s/ Ben Watson
Rep. Ben Watson, MD

The Speaker Pro Tem assumed the Chair.

Representative Hatchett of the 150th District, Vice-Chairman of the Committee on Economic Development and Tourism, submitted the following report:

Mr. Speaker:

Your Committee on Economic Development and Tourism 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 318 Do Pass, by Substitute

Respectfully submitted,
/s/ Hatchett of the 150th
Vice-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 362. By Representatives Lindsey of the 54th, Hamilton of the 24th and Fleming of the 121st:

A BILL to be entitled an Act to amend Part 1 of Article 1 of Chapter 10 of Title 13, Code Section 36-91-21, and Part 1 of Article 3 of Chapter 5 of Title 50 of the Official Code of Georgia Annotated, relating to bonds for public works contracts, competitive award requirements, and general authority, duties, and procedure relative to state purchasing, respectively, so as to provide for certain contracting and bidding requirements for governmental entities and the Department of Administrative Services relative to public works construction contracts; to provide for related matters; to provide for an

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

Pursuant to Rule 133, Representative Quick of the 117th was excused from voting on HB 362.

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	E Coomer	Y Hamilton	Y McCall	Y Sims, C
N Alexander	Y Cooper	Y Harbin	Y Meadows	N Smith, E
Y Allison	E 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	N Henson	N Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	N Stephens, M
N Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
N Bell	N Douglas	Y Hitchens	Y Nix	N Stephenson
N 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
N Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	N Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	N Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	N Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Powell, A	Y Teasley
N Brooks	N Epps, C	Y Jasperse	Y Powell, J	N Thomas, A.M.
N Bruce	Y Epps, J	Jones, J	Y Pruett	Thomas, B
N Bryant	E Evans	N Jones, L	Quick	Y Turner
N Buckner	Y Fleming	N Jones, S	Y Ramsey	VACANT
Y Burns	N Floyd	N Jordan	N Randall	N Waites
Y Caldwell, J	N Fludd	N Kaiser	Y Rice	E Watson, B
Y Caldwell, M	N Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	N Frye	N Kendrick	Y Roberts	Y Welch
Y Carter	N Fullerton	N 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
Y 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	Y Williams, C
Y Clark, J	N Gordon	N Marin	N Sharper	N Williams, E
Y Clark, V	Y Gravelly	Y Martin	Y Shaw	Y Williamson
Y Coleman	N Greene	Y Maxwell	Y Sheldon	Y Yates
Y Cooke	Y Gregory	N Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 110, nays 59.

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

House of Representatives
Coverdell Legislative Office Building, Room 404
Atlanta, Georgia 30334

March 4, 2013

Dear Rep. Barbara Sims,

I was called out on a medical emergency here at the Capitol.

I wish to be on record as voting in favor (yes) on HB 362.

/s/ Ben Watson

Rep. Ben Watson, MD

The Speaker assumed the Chair.

HB 297. By Representatives Buckner of the 137th, Smith of the 134th, Pezold of the 133rd and Teasley of the 37th:

A BILL to be entitled an Act to amend Code Section 50-3-54 of the Official Code of Georgia Annotated, relating to the state wild flower, so as to designate the native azalea as the state wild flower; 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	E Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Ehrhart	Y Jackson	Y Pezold	Y Taylor, T

Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	E 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
Y Cooke	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, the ayes were 172, nays 0.

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

House of Representatives
Coverdell Legislative Office Building, Room 404
Atlanta, Georgia 30334

March 4, 2013

Dear Rep. Barbara Sims,

I was called out on a medical emergency here at the Capitol.

I wish to be on record as voting in favor (yes) on HB 297.

/s/ Ben Watson

Rep. Ben Watson, MD

HB 229. By Representatives Teasley of the 37th, Shaw of the 176th, Golick of the 40th, Taylor of the 173rd, Carson of the 46th and others:

A BILL to be entitled an Act to amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for transaction of insurance, so as to provide for removing the insurer annual publication requirement; to provide that the Commissioner shall provide on the department's website a financial summary position of

each insurer; to provide for changes to the submission of reports by property and casualty insurers; to provide for related matters; to repeal conflicting laws; and for other purposes.

The following Committee substitute was read and adopted:

A BILL TO BE ENTITLED
AN ACT

To amend Chapter 3 of Title 33 of the Official Code of Georgia Annotated, relating to authorization and general requirements for transaction of insurance, so as to provide for changes to the submission of reports by property and casualty insurers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Said chapter is further amended by revising Code Section 33-3-21.1, relating to submission of reports by property and casualty insurers, types of insurance to which requirement applies, contents of report, date due, and publication, as follows:

"33-3-21.1.

(a) ~~As part of the annual report of the affairs and operations of an insurer under Code Section 33-3-21, By rule or regulation, the Commissioner may require~~ each insurer licensed to write property and casualty insurance ~~shall be required~~ by the Commissioner to submit a report on a form furnished by the Commissioner showing its direct writings in this state.

(b) The report ~~required~~ permitted by subsection (a) of this Code section ~~shall~~ may include but not be limited to the following types of insurance written by such insurer:

- (1) Motor vehicle bodily injury liability insurance, including medical pay insurance;
- (2) Products liability insurance;
- (3) Medical malpractice insurance;
- (4) Architect and engineer malpractice insurance;
- (5) Attorney malpractice insurance;
- (6) Motor vehicle personal injury protection insurance;
- (7) Motor vehicle property liability insurance;
- (8) Uninsured motorist insurance;
- (9) Underinsured motorist insurance; and
- (10) Commercial casualty or property insurance as defined in paragraph (1) of Code Section 33-7-3 or Code Section 33-7-6.

(c) Additionally, the report shall include the following information:

- (1) Direct premiums written;
- (2) Direct premiums earned;

(3) Net investment income, including net realized capital gains and losses, using appropriate estimates where necessary;

(4) Incurred claims, developed as a sum of, and with figures provided for, the following:

(A) Dollar amount of claims closed with payment; plus

(B) Reserves for reported claims at the end of the current year; minus

(C) Reserves for reported claims at the end of the previous year; plus

(D) Reserves for incurred but not reported claims at the end of the current year; minus

(E) Reserves for incurred but not reported claims at the end of the previous year; plus

(F) Reserves for loss adjustment expense at the end of the current year; minus

(G) Reserves for loss adjustment expense at the end of the previous year;

(5) Actual incurred expenses allocated separately to loss adjustment, commissions, other acquisition costs, general office expenses, taxes, licenses, fees, and all other expenses;

(6) Net underwriting gain or loss; and

(7) Net operation gain or loss, including net investment income.

~~(d) The annual report shall be due by March 1 of each year, beginning in 1987, and shall cover the prior calendar year.~~

~~(e)(d) It shall be the duty of the Commissioner annually to compile and review all such reports submitted by insurers pursuant to this Code section. The reports shall be published and made available to the public. Any reports provided under this Code section shall be made available to the public for inspection.~~

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	E Coomer	Y Hamilton	Y McCall	Y Sims, C
Y Alexander	Y Cooper	Y Harbin	Y Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Dollar	Y Hill	Y Nimmer	Y 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	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D
Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Y Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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	E Watson, B
Y Caldwell, M	Y Frazier	Y Kelley	Y Riley	Y Watson, S
Y Carson	Y Frye	Y Kendrick	Y Roberts	Y Welch
Y Carter	Y Fullerton	Y Kidd	Y Rogers, C	Weldon
Y Casas	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	Y Gregory	Y Mayo	Y Sims, B	Ralston, Speaker

On the passage of the Bill, by substitute, the ayes were 170, nays 0.

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

House of Representatives
Coverdell Legislative Office Building, Room 404
Atlanta, Georgia 30334

March 4, 2013

Dear Rep. Barbara Sims,

I was called out on a medical emergency here at the Capitol.

I wish to be on record as voting in favor (yes) on HB 229.

/s/ Ben Watson

Rep. Ben Watson, MD

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

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

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

Representative Dempsey of the 13th moved that the following Bill of the House be withdrawn from the Committee on Insurance and recommitted to the Committee on Health & Human Services:

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.

The motion prevailed.

Representative Weldon of the 3rd moved that the following Bill of the House be withdrawn from the Committee on Ways & Means and recommitted to the Committee on Judiciary:

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.

The motion prevailed.

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

HB 266. By Representative Peake of the 141st:

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

The following Senate substitute was read:

A BILL TO BE ENTITLED
AN ACT

To amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby incorporate certain provisions of the federal law into Georgia law; to clarify that any tax credits earned for qualified research expenses under Code Section 48-7-40.12 in any taxable year beginning before January 1, 2012, and any carryforward attributable thereto, are governed by such Code section in effect for the taxable year in which the credit was earned; to change the definition of energy used in agriculture; to provide for dealers to elect between manufacturing and agricultural exemptions; to place a good faith standard on a seller regarding exemptions from taxation; to revise provisions of law regarding state and local title ad valorem tax fees; to revise definitions regarding such fees; to revise the time for submitting such fees and penalties for failure to submit such fees timely; to provide for the payment of such fees over time in certain circumstances; to clarify the provisions of law regarding rental and leased motor vehicles; to provide for alternative state and local title ad valorem tax fee payments for motor vehicles that are directly financed by dealers of used motor vehicles;

to extend the period of time which a loaner vehicle may be removed from inventory; to provide for a title ad valorem tax fee for rental and leased vehicles; to clarify the provisions of law regarding the application of title ad valorem tax fees to certain title transactions; to provide for motor vehicles titled in other states but based in this state; to exclude the application of certain sales and use taxes to motor vehicle sales and leases; to provide for related matters; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means for taxable years beginning on or after January 1, ~~2011~~ 2012, the provisions of the United States Internal Revenue Code of 1986, as amended, provided for in federal law enacted on or before ~~January 1, 2012~~ January 3, 2013, except that Section 85(c), Section 108(i), Section 163(e)(5)(F) Section 164(a)(6), Section 164(b)(6), Section 168(b)(3)(I), Section 168(e)(3)(B)(vii), Section 168(e)(3)(E)(ix), Section 168(e)(8), Section 168(k) (but not excepting Section 168(k)(2)(A)(i), Section 168(k)(2)(D)(i), and Section 168(k)(2)(E)), Section 168(m), Section 168(n), Section 172(b)(1)(H), Section 172(b)(1)(J), Section 172(j), Section 179(f), Section 199, Section 810(b)(4), Section 1400L, Section 1400N(d)(1), Section 1400N(f), Section 1400N(j), Section 1400N(k), and Section 1400N(o) of the Internal Revenue Code of 1986, as amended, shall be treated as if they were not in effect, and except that Section 168(e)(7), Section 172(b)(1)(F), Section 172(i)(1), and Section 1221 of the Internal Revenue Code of 1986, as amended, shall be treated as they were in effect before the 2008 enactment of federal Public Law 110-343, and except that Section 163(i)(1) of the Internal Revenue Code of 1986, as amended, shall be treated as it was in effect before the 2009 enactment of federal Public Law 111-5, and except that Section 13(e)(4) of 2009 federal Public Law 111-92 shall be treated as if it was not in effect, and except that the limitations provided in Section 179(b)(1) shall be \$250,000.00 for tax years beginning in 2010, ~~and shall be \$250,000.00 for tax years beginning in 2011, shall be \$250,000.00 for tax years beginning in 2012, and shall be \$250,000.00 for tax years beginning in 2013,~~ and except that the limitations provided in Section 179(b)(2) shall be \$800,000.00 for tax years beginning in 2010, ~~and shall be \$800,000.00 for tax years beginning in 2011, shall be \$800,000.00 for tax years beginning in 2012, and shall be \$800,000.00 for tax years beginning in 2013,~~ and provided that Section 1106 of federal Public Law 112-95 shall be treated as if it is in effect, except the phrase 'Code Section 48-2-35 (or, if later, November 15, 2013)' shall be substituted for the phrase 'section 6511(a) of such Code (or, if later, April 15, 2013),' and notwithstanding any other provision in this title, no interest shall be refunded with

respect to any claim for refund filed pursuant to Section 1106 of federal Public Law 112-95. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to ~~January 1, 2012~~ January 3, 2013, the term means the provisions of the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986, as amended. For taxable years beginning on or after January 1, ~~2011~~ 2012, provisions of the Internal Revenue Code of 1986, as amended, which were as of ~~January 1, 2012~~ January 3, 2013, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes."

SECTION 2.

Said title is further amended by revising Code Section 48-5C-1, relating to definitions, exemption from taxation, allocation and disbursement of proceeds collected by tag agents, fair market value of vehicle appealable, and reports, as follows:

"48-5C-1.

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

(1) 'Dealer of used motor vehicles that directly finances the sale of a used motor vehicle' means a used car dealer that sells used motor vehicles under or subject to a retail installment contract and holds the retail installment contract or sells it to a related finance company and not to third party.

~~(1)~~(2) 'Fair market value of the motor vehicle' means:

(A) ~~The~~ For a used motor vehicle, the average of the current fair market value and the current wholesale value of a motor vehicle for a vehicle listed in the current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner and based upon a nationally recognized motor vehicle industry pricing guide for fair market and wholesale mark values in determining the taxable value of a motor vehicle under Code Section 48-5-442, and, in the case of a used car dealer, less any reduction for the trade-in value of another motor vehicle;

(B) For a used motor vehicle which is not so listed in such current motor vehicle ad valorem assessment manual, the value from the bill of sale or the value from a reputable used car market guide designated by the commissioner, whichever is greater, and, in the case of a used car dealer, less any reduction for the trade-in value of another motor vehicle; or

(C) ~~The fair market value determined by the state revenue commissioner from the bill of sale of a new motor vehicle for which there is no value under subparagraph (A) of this paragraph, less any rebate and before any reduction for the trade-in value of another motor vehicle.~~ For a new motor vehicle, the greater of the retail selling price or, in the case of a lease of a new motor vehicle, the agreed upon value of the vehicle pursuant to the lease agreement or the average of the current fair market value and the current wholesale value of a motor vehicle for a vehicle listed in the

current motor vehicle ad valorem assessment manual utilized by the state revenue commissioner in determining the taxable value of a motor vehicle under Code Section 48-5-442, less any reduction for the trade-in value of another motor vehicle and any rebate or any cash discounts provided by the selling dealer and taken at the time of sale. The retail selling price or agreed upon value shall include any charges for labor, freight, delivery, dealer fees, and similar charges and dealer add-ons and mark-ups, but shall not include any extended warranty or maintenance agreement itemized on the dealer's invoice to the customer or any finance, insurance, and interest charges for deferred payments billed separately.

~~(2)~~(3) 'Immediate family member' means spouse, parent, child, sibling, grandparent, or grandchild.

~~(3)~~(4) 'Loaner vehicle' means a motor vehicle owned by a dealer which is withdrawn temporarily from dealer inventory for exclusive use as a courtesy vehicle loaned at no charge for a period not to exceed 30 days within a ~~calendar year~~ 366 day period to any one customer whose motor vehicle is being serviced by such dealer.

~~(4)~~(5) 'Rental charge' means the total value received by a rental motor vehicle concern for the rental or lease for 31 or fewer consecutive days of a rental motor vehicle, including the total cash and nonmonetary consideration for the rental or lease, including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver but excluding all charges for motor fuel taxes or sales and use taxes.

~~(5)~~(6) 'Rental motor vehicle' means a motor vehicle designed to carry ~~ten~~ 15 or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver.

~~(6)~~(7) 'Rental motor vehicle concern' means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

~~(7)~~(8) 'Trade-in value' means the value of the motor vehicle as stated in the bill of sale for a vehicle which has been traded in to the dealer in a transaction involving the purchase of another vehicle from the dealer.

(b)(1)(A) Except as otherwise provided in this subsection, any motor vehicle for which a title is issued in this state on or after March 1, 2013, shall be exempt from sales and use taxes to the extent provided under paragraph ~~(92)~~ (95) of Code Section 48-8-3 and shall not be subject to the ad valorem tax as otherwise required under Chapter 5 of ~~Title 48~~ this title. Any such motor vehicle shall be titled as otherwise required under Title 40 but shall be subject to a state title fee and a local title fee which shall be alternative ad valorem taxes as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution. Motor vehicles registered under the International Registration Plan shall not be subject to state and local title ad valorem tax fees but shall continue to be subject to apportioned ad valorem taxation under Article 10 of Chapter 5 of this title.

(B)(i) As used in this subparagraph, the term:

(I) 'Local base amount' means \$1 billion.

(II) 'Local current collection amount' means the total amount of sales and use taxes on the sale of motor vehicles under Chapter 8 of this title and motor vehicle local ad valorem tax proceeds collected under this Code section and Chapter 5 of this title which were collected during the calendar year which immediately precedes the tax year in which the title ad valorem tax adjustments are required to be made under this subparagraph.

(III) 'Local target collection amount' means an amount equal to the local base amount added to the product of 2 percent of the local base amount multiplied by the number of years since 2012 with a maximum amount of \$1.2 billion.

(IV) 'State base amount' means \$535 million.

(V) 'State current collection amount' means the total amount of sales and use taxes on the sale of motor vehicles under Chapter 8 of this title and motor vehicle state ad valorem tax proceeds collected under this Code section and Chapter 5 of this title which were collected during the calendar year which immediately precedes the tax year in which the state and local title ad valorem tax rate is to be reviewed for adjustment under division (xiv) of this subparagraph. Notwithstanding the other provisions of this subdivision to the contrary, the term 'state current collection amount' for the 2014 calendar year for the purposes of the 2015 review under division (xiv) of this subparagraph shall be adjusted so that such amount is equal to the amount of motor vehicle state ad valorem tax proceeds that would have been collected under this Code section in 2014 if the combined state and local title ad valorem tax rate was 7 percent of the fair market value of the motor vehicle less any trade-in value plus the total amount of motor vehicle state ad valorem tax proceeds collected under Chapter 5 of this title during 2014.

(VI) 'State target collection amount' means an amount equal to the state base amount added to the product of 2 percent of the state base amount multiplied by the number of years since 2012.

(ii) The combined state and local title ad valorem tax shall be at a rate equal to:

(I) For the period commencing March 1, 2013, through December 31, 2013, 6.5 percent of the fair market value of the motor vehicle ~~less any trade-in value~~;

(II) For the 2014 tax year, 6.75 percent of the fair market value of the motor vehicle ~~less any trade-in value~~; and

(III) Except as provided in division (xiv) of this subparagraph, for the 2015 and subsequent tax years, 7 percent of the fair market value of the motor vehicle ~~less any trade-in value~~.

(iii) For the period commencing March 1, 2013, through December 31, 2013, the state title ad valorem tax shall be at a rate equal to 57 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 43 percent of the tax rate specified in division (ii) of this subparagraph.

(iv) For the 2014 tax year, the state title ad valorem tax shall be at a rate equal to 55 percent of the tax rate specified in division (ii) of this subparagraph, and the

local title ad valorem tax shall be at a rate equal to 45 percent of the tax rate specified in division (ii) of this subparagraph.

(v) For the 2015 tax year, the state title ad valorem tax shall be at a rate equal to 55 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 45 percent of the tax rate specified in division (ii) of this subparagraph.

(vi) For the 2016 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 53.5 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 46.5 percent of the tax rate specified in division (ii) of this subparagraph.

(vii) For the 2017 tax year, except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 44 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 56 percent of the tax rate specified in division (ii) of this subparagraph.

(viii) For the 2018 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 40 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 60 percent of the tax rate specified in division (ii) of this subparagraph.

(ix) For the 2019 tax year, except as otherwise provided in divisions (xiii) and (xiv) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 36 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 64 percent of the tax rate specified in division (ii) of this subparagraph.

(x) For the 2020 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 34 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 66 percent of the tax rate specified in division (ii) of this subparagraph.

(xi) For the 2021 tax year, except as otherwise provided in division (xiii) of this subparagraph, the state title ad valorem tax shall be at a rate equal to 30 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 70 percent of the tax rate specified in division (ii) of this subparagraph.

(xii) For the 2022 and all subsequent tax years, except as otherwise provided in division (xiii) of this subparagraph for tax years 2022, 2023, and 2024 and except as otherwise provided in division (xiv) of this subparagraph for tax year 2023, the state title ad valorem tax shall be at a rate equal to 28 percent of the tax rate specified in division (ii) of this subparagraph, and the local title ad valorem tax shall be at a rate equal to 72 percent of the tax rate specified in division (ii) of this subparagraph.

(xiii) Beginning in 2016, by not later than January 15 of each tax year through the 2022 tax year, the state revenue commissioner shall determine the local target collection amount and the local current collection amount for the preceding calendar year. If such local current collection amount is equal to or within 1 percent of the local target collection amount, then the state title ad valorem tax rate and the local title ad valorem tax rate for such tax year shall remain at the rate specified in this subparagraph for that year. If the local current collection amount is more than 1 percent greater than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be reduced automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current collection amount would have produced an amount equal to the local target collection amount, and the state title ad valorem tax rate for such tax year shall be increased by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph. If the local current collection amount is more than 1 percent less than the local target collection amount, then the local title ad valorem tax rate for such tax year shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the local current collection amount would have produced an amount equal to the local target collection amount, and the state title ad valorem tax rate for such tax year shall be reduced by an equal amount to maintain the combined state and local title ad valorem tax rate at the rate specified in division (ii) of this subparagraph. In the event of an adjustment of such ad valorem tax rates, by not later than January 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted rate amounts. The effective date of such adjusted rate amounts shall be January 1 of such tax year.

(xiv) In tax years 2015, 2018, and 2022, by not later than July 1 of each such tax year, the state revenue commissioner shall determine the state target collection amount and the state current collection amount for the preceding calendar year. If such state current collection amount is greater than, equal to, or within 1 percent of the state target collection amount after making the adjustment, if any, required in division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall remain at the rate specified in such division. If the state current collection amount is more than 1 percent less than the state target collection amount after making the adjustment, if any, required by division (xiii) of this subparagraph, then the combined state and local title ad valorem tax rate provided in division (ii) of this subparagraph shall be increased automatically by operation of this division by such percentage amount as may be necessary so that, if such rate had been in effect for the calendar year under review, the state current collection amount would have produced an amount equal to the state target collection amount, and the state title ad valorem tax rate

and the local title ad valorem tax rate for the tax year in which such increase in the combined state and local title ad valorem tax rate shall become effective shall be adjusted from the rates specified in this subparagraph or division (xiii) of this subparagraph for such tax year such that the proceeds from such increase in the combined state and local title ad valorem tax rate shall be allocated in full to the state. In the event of an adjustment of the combined state and local title ad valorem tax rate, by not later than August 31 of such tax year, the state revenue commissioner shall notify the tax commissioner of each county in this state of the adjusted combined state and local title ad valorem tax rate for the next calendar year. The effective date of such adjusted combined state and local title ad valorem tax rate shall be January 1 of the next calendar year. Notwithstanding the provisions of this division, the combined state and local title ad valorem tax rate shall not exceed 9 percent.

(xv) The state revenue commissioner shall promulgate such rules and regulations as may be necessary and appropriate to implement and administer this Code section, including, but not limited to, rules and regulations regarding appropriate public notification of any changes in rate amounts and the effective date of such changes and rules and regulations regarding appropriate enforcement and compliance procedures and methods for the implementation and operation of this Code section.

(C) The application for title and the state and local title ad valorem tax fees provided for in subparagraph (A) of this paragraph shall be paid to the tag agent in the county ~~in which the purchaser registers such motor vehicle~~ where the motor vehicle is to be registered and shall be paid at the time ~~the purchaser applies for a title and registers such motor vehicle~~ the application for a certificate of title is submitted or, in the case of an electronic title transaction, at the time when the electronic title transaction is finalized. In an electronic title transaction, the state and local title ad valorem tax fees shall be remitted electronically directly to the county tag agent. A dealer of new or used motor vehicles may accept such application for title and state and local title ad valorem tax fees on behalf of the purchaser of a new or used motor vehicle for the purpose of ~~delivering~~ submitting or, in the case of an electronic title application, finalizing such title application and remitting state and local title ad valorem tax fees ~~to the county tag agent to obtain a tag and title for the purchaser of such motor vehicle.~~

(D) There shall be a penalty imposed on any person who, in the determination of the commissioner, falsifies any information in any bill of sale used for purposes of determining the fair market value of the motor vehicle. Such penalty shall not exceed \$2,500.00 as a state penalty and shall not exceed \$2,500.00 as a local penalty as determined by the commissioner. Such determination shall be made within 60 days of the commissioner receiving information of a possible violation of this paragraph.

(E) Except in the case in which an extension of the registration period has been granted by the county tag agent under Code Section 40-2-20, a A dealer of new or

used motor vehicles that accepts an application for title and state and local title ad valorem tax fees from a purchaser of a new or used motor vehicle and does not ~~transmit~~ submit or, in the case of an electronic title transaction, finalize such application for title and remit such state and local title ad valorem tax fees to the county tag agent within ~~40~~ 30 days following the date of purchase shall be liable to the county tag agent for an amount equal to 5 percent of the amount of such state and local title ad valorem tax fees. An additional penalty equal to 10 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such payment is not transmitted within 60 days following the date of purchase. An additional 5 percent penalty equal to 15 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such payment is not transmitted within 90 days following the date of purchase, and an additional penalty equal to 20 percent of the amount of such state and local title ad valorem tax fees shall be imposed if such payment is not transmitted within 120 days following the date of purchase. An additional penalty equal to 25 percent of the amount of such state and local title ad valorem tax fees shall be imposed for each subsequent month 30 day period in which the payment is not transmitted.

(F) A dealer of new or used motor vehicles that accepts an application for title and state and local title ad valorem tax fees from a purchaser of a new or used motor vehicle and converts such fees to his or her own use shall be guilty of theft by conversion and, upon conviction, shall be punished as provided in Code Section 16-8-12.

(G)(i) During the period from March 1, 2013, until June 30, 2013, a dealer of used motor vehicles that directly finances the sale of a used motor vehicle shall pay the full amount of the state and local title ad valorem tax fees due at the time of the sale of the motor vehicle.

(ii) On and after July 1, 2013, a dealer of used motor vehicles that directly finances the sale of a used motor vehicle shall either pay the full amount of the state and local title ad valorem tax fees due at the time of the sale of the motor vehicle or may elect to register with the department and pay in accordance with division (iii) of this subparagraph.

(iii) If a dealer of used motor vehicles under this subparagraph chooses to participate in the provisions of this division, such dealer shall register annually with the department and pay an administrative fee of \$100.00. Used motor vehicles sold and directly financed by dealers who register and pay the administrative fee under this division shall be subject to a state and local title ad valorem tax fee at a rate equal to 2 percent less than the rate specified in division (b)(1)(B)(ii) of this Code section.

(2) A person or entity acquiring a salvage title pursuant to subsection (b) of Code Section 40-3-36 shall not be subject to the fee specified in paragraph (1) of this subsection but shall be subject to a state title ad valorem tax fee in an amount equal to 1 percent of the fair market value of the motor vehicle. Such state title ad valorem tax

fee shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(c)(1) The amount of proceeds collected by tag agents each month as state and local title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest pursuant to subsection (b) of this Code section shall be allocated and disbursed as provided in this subsection.

(2) For the 2013 tax year and in each subsequent tax year, the amount of such funds shall be disbursed within ~~30~~ 20 days following the end of each calendar month as follows:

(A) State title ad valorem tax fees, state salvage title ad valorem tax fees, administrative fees, penalties, and interest shall be remitted to the state revenue commissioner who shall deposit such proceeds in the general fund of the state less an amount to be retained by the tag agent not to exceed 1 percent of the total amount otherwise required to be remitted under this subparagraph to defray the cost of administration. Such retained amount shall be remitted to the collecting county's general fund. Failure by the tag agent to disburse within such ~~30~~ 20 day period shall result in a forfeiture of such administrative fee plus interest on such amount at the rate specified in Code Section 48-2-40; and

(B) Local title ad valorem tax fees, administrative fees, penalties, and interest shall be designated as local government ad valorem tax funds. The tag agent shall then distribute the proceeds as specified in paragraph (3) of this subsection.

(3) The local title ad valorem tax fee proceeds required under this subsection shall be distributed as follows:

(A) The tag agent of the county shall within ~~30~~ 20 days following the end of each calendar month allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county an amount of those proceeds necessary to offset any reduction in ad valorem tax on motor vehicles collected under Chapter 5 of ~~Title 48~~ this title in the taxing jurisdiction of each governing authority and school district from the amount of ad valorem taxes on motor vehicles collected under Chapter 5 of ~~Title 48~~ this title in each such governing authority and school district during the same calendar month of 2012. This reduction shall be calculated by subtracting the amount of ad valorem tax on motor vehicles collected under Chapter 5 of ~~Title 48~~ this title in each such taxing jurisdiction from the amount of ad valorem tax on motor vehicles collected under Chapter 5 of ~~Title 48~~ this title in that taxing jurisdiction in the same calendar month of 2012. In the event that the local title ad valorem tax fee proceeds are insufficient to fully offset such reduction in ad valorem taxes on motor vehicles, the tag agent shall allocate a proportionate amount of the proceeds to each governing authority and to the board of education of each such school district, and any remaining shortfall shall be paid from the following month's local title ad valorem tax fee proceeds. In the event that a shortfall remains, the tag agent shall continue to

first allocate local title ad valorem tax fee proceeds to offset such shortfalls until the shortfall has been fully repaid; and

(B) Of the proceeds remaining following the allocation and distribution under subparagraph (A) of this paragraph, the tag agent shall allocate and distribute to the county governing authority and to municipal governing authorities, the board of education of the county school district, and the board of education of any independent school district located in such county the remaining amount of those proceeds in the manner provided in this subparagraph. Such proceeds shall be deposited in the general fund of such governing authority or board of education and shall not be subject to any use or expenditure requirements provided for under any of the following described local sales and use taxes but shall be authorized to be expended in the same manner as authorized for the ad valorem tax revenues on motor vehicles under Chapter 5 of ~~Title 48~~ this title which would otherwise have been collected for such governing authority or board of education. Of such remaining proceeds:

(i) An amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district and the board of education of each independent school district located in such county in the same manner as required for any local sales and use tax for educational purposes levied pursuant to Part 2 of Article 3 of Chapter 8 of ~~Title 48~~ this title currently in effect. If such tax is not currently in effect, such proceeds shall be distributed to such board or boards of education in the same manner as if such tax were in effect;

(ii)(I) Except as otherwise provided in this division, an amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of ~~Title 48~~ this title currently in effect.

(II) If such tax were never in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(III) If such tax is currently in effect as well as a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment, an amount equal to one-third of such proceeds shall be distributed in the same manner as required under subdivision (I) of this division and an amount equal to one-third of such proceeds shall be distributed to the board of education of the county school district.

(IV) If such tax is not currently in effect and a local option sales and use tax for educational purposes levied pursuant to a local constitutional amendment is currently in effect, such proceeds shall be distributed to the board of education of the county school district and the board of education of any independent school

district in the same manner as required under that local constitutional amendment.

(V) If such tax is not currently in effect and a homestead option sales and use tax under Article 2A of Chapter 8 of ~~Title 48~~ this title is in effect, such proceeds shall be distributed to the governing authority of the county, each qualified municipality, and each existing municipality in the same proportion as otherwise required under Code Section 48-8-104; and

(iii)(I) An amount equal to one-third of such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as specified under an intergovernmental agreement or as otherwise required under the county special purpose local option sales and use tax under Part 1 of Article 3 of Chapter 8 of ~~Title 48~~ this title currently in effect; provided, however, that this subdivision shall not apply if subdivision (III) of division (ii) of this subparagraph is applicable.

(II) If such tax were in effect but expired and is not currently in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county in the same manner as if such tax were still in effect according to the intergovernmental agreement or as otherwise required under the county special purpose local sales and use tax under Part 1 of Article 3 of Chapter 8 of ~~Title 48~~ this title for the 12 month period commencing at the expiration of such tax. If such tax is not renewed prior to the expiration of such 12 month period, such amount shall be distributed in accordance with subdivision (I) of division (ii) of this subparagraph; provided, however, that if a tax under Article 2 of Chapter 8 of ~~Title 48~~ this title is not in effect, such amount shall be distributed in accordance with subdivision (II) of division (ii) of this subparagraph.

(III) If such tax is not currently in effect in a county in which a tax is levied for purposes of a metropolitan area system of public transportation, as authorized by the amendment to the Constitution set out at Ga. L. 1964, p. 1008; the continuation of such amendment under Article XI, Section I, Paragraph IV(d) of the Constitution; and the laws enacted pursuant to such constitutional amendment, such proceeds shall be distributed to the governing body of the authority created by local Act to operate such metropolitan area system of public transportation.

(IV) If such tax were never in effect, such proceeds shall be distributed in the same manner as specified under the distribution certificate for the joint county and municipal sales and use tax under Article 2 of Chapter 8 of ~~Title 48~~ this title currently in effect; provided, however, that if such tax under such article is not in effect, such proceeds shall be distributed to the governing authority of the county and the governing authority of each qualified municipality located in such county on a pro rata basis according to the ratio of the population that each such municipality bears to the population of the entire county.

(d)(1)(A) Upon the death of an owner of a motor vehicle which has not become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members of such owner who receive such motor vehicle pursuant to a will or under the rules of inheritance shall, subsequent to the transfer of title of such motor vehicle, continue to be subject to ad valorem tax under Chapter 5 of ~~Title 48~~ this title and shall not be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section unless the immediate family member or immediate family members make an affirmative written election to become subject to paragraph (1) of subsection (b) of this Code section. In the event of such election, such transfer shall be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section.

(B) Upon the death of an owner of a motor vehicle which has become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members of such owner who receive such motor vehicle pursuant to a will or under the rules of inheritance shall be subject to a state title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle. Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(2)(A) Upon the transfer from an immediate family member of a motor vehicle which has not become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member or immediate family members who receive such motor vehicle shall, subsequent to the transfer of title of such motor vehicle, continue to be subject to ad valorem tax under Chapter 5 of ~~Title 48~~ this title and shall not be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section unless the immediate family member or immediate family members make an affirmative written election to become subject to paragraph (1) of subsection (b) of this Code section. In the event of such election, such transfer shall be subject to the state and local title ad valorem tax fees provided for in paragraph (1) of subsection (b) of this Code section.

(B) Upon the transfer from an immediate family member of a motor vehicle which has become subject to paragraph (1) of subsection (b) of this Code section, the immediate family member who receives such motor vehicle shall transfer title of such motor vehicle to such recipient family member and shall be subject to a state title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle and a local title ad valorem tax fee in an amount equal to one-quarter of 1 percent of the fair market value of the motor vehicle. Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(C) Any title transfer under this paragraph shall be accompanied by an affidavit of the transferor and transferee that such persons are immediate family members to one

another. There shall be a penalty imposed on any person who, in the determination of the state revenue commissioner, falsifies any material information in such affidavit. Such penalty shall not exceed \$2,500.00 as a state penalty and shall not exceed \$2,500.00 as a local penalty as determined by the state revenue commissioner. Such determination shall be made within 60 days of the state revenue commissioner receiving information of a possible violation of this paragraph.

(3) Any individual who:

(A) Is required by law to register a motor vehicle or motor vehicles in this state which were registered in the state in which such person formerly resided; and

(B) Is required to file an application for a certificate of title under Code Section 40-3-21 or 40-3-32

shall only be required to pay state and local title ad valorem tax fees in the amount of 50 percent of the amount which would otherwise be due and payable under this subsection at the time of filing the application for a certificate of title, and the remaining 50 percent shall be paid within 12 months.

(4) The state and local title ad valorem tax fees provided for under this Code section shall not apply to corrected titles, replacement titles under Code Section 40-3-31, or titles reissued to the same owner pursuant to Code Sections 40-3-50 through 40-3-56.

(5) Any motor vehicle subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section shall continue to be subject to the title, license plate, revalidation decal, and registration requirements and applicable fees as otherwise provided in Title 40 in the same manner as motor vehicles which are not subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section.

(6) Motor vehicles owned or leased by or to the state or any county, consolidated government, municipality, county or independent school district, or other government entity in this state shall not be subject to the state and local title ad valorem tax fees provided for under paragraph (1) of subsection (b) of this Code section; provided, however, that such other government entity shall not qualify for the exclusion under this paragraph unless it is exempt from ad valorem tax and sales and use tax pursuant to general law.

(7)(A) Any motor vehicle which is exempt from sales and use tax pursuant to paragraph (30) of Code Section 48-8-3 shall be exempt from state and local title ad valorem tax fees under this subsection.

(B) Any motor vehicle which is exempt from ad valorem taxation pursuant to Code Section 48-5-478, 48-5-478.1, 48-5-478.2, or 48-5-478.3 shall be exempt from state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section.

(8) There shall be a penalty imposed on the transfer of all or any part of the interest in a business entity that includes primarily as an asset of such business entity one or more motor vehicles, when, in the determination of the state revenue commissioner, such transfer is done to evade the payment of state and local title ad valorem tax fees

under this subsection. Such penalty shall not exceed \$2,500.00 as a state penalty per motor vehicle and shall not exceed \$2,500.00 as a local penalty per motor vehicle, as determined by the state revenue commissioner, plus the amount of the state and local title ad valorem tax fees. Such determination shall be made within 60 days of the state revenue commissioner receiving information that a transfer may be in violation of this paragraph.

(9) Any owner of any motor vehicle who fails to submit within 30 days of the date such owner is required by law to register such vehicle in this state an application for a first certificate of title under Code Section 40-3-21 or a certificate of title under Code Section 40-3-32 shall be required to pay a penalty in the amount of 10 percent of the state title ad valorem tax fees and 10 percent of the local title ad valorem tax fees required under this Code section, ~~plus and, if such state and local title ad valorem tax fees and the penalty are not paid within 60 days following the date such owner is required by law to register such vehicle,~~ interest at the rate of 1.0 percent per month shall be imposed on the state and local title ad valorem tax fees due under this Code section, unless a temporary permit has been issued by the tax commissioner. The tax commissioner shall grant a temporary permit in the event the failure to timely apply for a first certificate of title is due to the failure of a lienholder to comply with Code Section 40-3-56, regarding release of a security interest or lien, and no penalty or interest shall be assessed. Such penalty and interest shall be in addition to the penalty and fee required under Code Section 40-3-21 or 40-3-32, as applicable. ~~A new or used motor vehicle dealer shall be responsible for remitting state and local title ad valorem tax fees in the same manner as otherwise required of an owner under this paragraph and shall be subject to the same penalties and interest as an owner for noncompliance with the requirements of this paragraph.~~

(10) The owner of any motor vehicle ~~purchased in this state~~ for which a title was issued in this state on or after January 1, 2012, and prior to March 1, 2013, shall be authorized to opt in to the provisions of this subsection at any time prior to ~~January 1~~ February 28, 2014, upon compliance with the following requirements:

(A)(i) The total amount of Georgia state and local title ad valorem tax fees which would be due from March 1, 2013, to December 31, 2013, if such vehicle had been titled in 2013 shall be determined; and

(ii) The total amount of Georgia state and local sales and use tax and Georgia state and local ad valorem tax under Chapter 5 of ~~Title 48~~ this title which were due and paid in 2012 for that motor vehicle and, if applicable, the total amount of such taxes which were due and paid for that motor vehicle in 2013 and 2014 shall be determined; and

(B)(i) If the amount derived under division (i) of subparagraph (A) of this paragraph is greater than the amount derived under division (ii) subparagraph (A) of this paragraph, the owner shall remit the difference to the tag agent. Such remittance shall be deemed local title ad valorem tax fee proceeds; or

(ii) If the amount derived under division (i) of subparagraph (A) of this paragraph is less than the amount derived under division (ii) of subparagraph (A) of this paragraph, no additional amount shall be due and payable by the owner.

Upon certification by the tag agent of compliance with the requirements of this paragraph, such motor vehicle shall not be subject to ad valorem tax as otherwise required under Chapter 5 of ~~Title 48~~ this title in the same manner as otherwise provided in paragraph (1) of subsection (b) of this Code section.

(11)(A) In the case of rental motor vehicles owned by a rental motor vehicle concern, the state title ad valorem tax fee shall be in an amount equal to ~~.75~~ .625 percent of the fair market value of the motor vehicle, and the local title ad valorem tax fee shall be in an amount equal to ~~.75~~ .625 percent of the fair market value of the motor vehicle, but only if in the immediately prior calendar year the average amount of sales and use tax attributable to the rental charge of each such rental motor vehicle was at least \$400.00 as certified by the state revenue commissioner. If, in the immediately prior calendar year, the average amount of sales and use tax attributable to the rental charge of each such rental motor vehicle was not at least \$400.00, this paragraph shall not apply and such vehicles shall be subject to the state and local title ad valorem tax fees prescribed in division (b)(1)(B)(ii) of this Code section.

(B) Such title ad valorem tax fees shall be an alternative ad valorem tax as authorized by Article VII, Section I, Paragraph III(b)(3) of the Georgia Constitution.

(12) A loaner vehicle shall not be subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section for a period of time not to exceed ~~six months in a calendar year~~ 366 days commencing on the date such loaner vehicle is withdrawn temporarily from inventory. Immediately upon the expiration of such ~~six month~~ 366 day period, if the dealer does not return the loaner vehicle to inventory for resale, the dealer shall be responsible for remitting state and local title ad valorem tax fees in the same manner as otherwise required of an owner under paragraph (9) of this subsection and shall be subject to the same penalties and interest as an owner for noncompliance with the requirements of paragraph (9) of this subsection.

(13) Any motor vehicle which is donated to a nonprofit organization exempt from taxation under Section 501(c)(3) of the Internal Revenue Code for the purpose of being transferred to another person shall, when titled in the name of such nonprofit organization, not be subject to state and local title ad valorem tax fees under paragraph (1) of subsection (b) of this Code section but shall be subject to state and local title ad valorem tax fees otherwise applicable to salvage titles under paragraph (2) of subsection (b) of this Code section.

(14)(A) A lessor of motor vehicles that leases motor vehicles for more than 31 consecutive days to lessees residing in this state shall register with the department. The department shall collect an annual fee of \$100.00 for such registrations. Failure of a lessor to register under this subparagraph shall subject such lessor to a civil penalty of \$2,500.00.

(B) A lessee residing in this state who leases a motor vehicle under this paragraph shall register such motor vehicle with the tag agent in such lessee's county of residence within 30 days of the commencement of the lease of such motor vehicle or beginning residence in this state, whichever is later.

(C) A lessor that leases a motor vehicle under this paragraph to a lessee residing in this state shall apply for a certificate of title in this state within 30 days of the commencement of the lease of such motor vehicle.

(15) There shall be no liability for any additional state or local title ad valorem tax fees in any of the following title transactions:

(A) The addition or substitution of lienholders on a motor vehicle title so long as the owner of the motor vehicle remains the same;

(B) The acquisition of a bonded title by a person or entity pursuant to Code Section 40-3-28 if the title is to be issued in the name of such person or entity;

(C) The acquisition of a title to a motor vehicle by a person or entity as a result of the foreclosure of a mechanic's lien pursuant to Code Section 40-3-54 if such title is to be issued in the name of such lienholder;

(D) The acquisition of a title to an abandoned motor vehicle by a person or entity pursuant to Chapter 11 of this title if such person or entity is a manufacturer or dealer of motor vehicles and the title is to be issued in the name of such person or entity;

(E) The obtaining of a title to a stolen motor vehicle by a person or entity pursuant to Code Section 40-3-43;

(F) The obtaining of a title by and in the name of a motor vehicle manufacturer, licensed distributor, licensed dealer, or licensed rebuilder for the purpose of sale or resale or to obtain a corrected title, provided that the manufacturer, distributor, dealer, or rebuilder shall submit an affidavit in a form promulgated by the commissioner attesting that the transfer of title is for the purpose of accomplishing a sale or resale or to correct a title only;

(G) The obtaining of a title by and in the name of the holder of a security interest when a motor vehicle has been repossessed after default in accordance with Part 6 of Article 9 of Title 11 if such title is to be issued in the name of such security interest holder;

(H) The obtaining of a title by a person or entity for purposes of correcting a title, changing an odometer reading, or removing an odometer discrepancy legend, provided that, subject to subparagraph (F) of this paragraph, title is not being transferred to another person or entity; and

(I) The obtaining of a title by a person who pays state and local title ad valorem tax fees on a motor vehicle and subsequently moves out of this state but returns and applies to retitle such vehicle in this state.

(16) It shall be unlawful for a person to fail to obtain a title for and register a motor vehicle in accordance with the provisions of this chapter. Any person who knowingly and willfully fails to obtain a title for or register a motor vehicle in accordance with the provisions of this chapter shall be guilty of a misdemeanor.

(17) Any person who purchases a 1963 through 1985 model year motor vehicle for which such person obtains a title shall be subject to this Code section, but the state title ad valorem tax fee shall be in an amount equal to .50 percent of the fair market value of such motor vehicle, and the local title ad valorem tax fee shall be in an amount equal to .50 percent of the fair market value of such motor vehicle.

(e) The fair market value of any motor vehicle subject to this Code section shall be appealable in the same manner as otherwise authorized for a motor vehicle subject to ad valorem taxation under Code Section 48-5-450; provided, however, that the person appealing the fair market value shall first pay the full amount of the state and local title ad valorem tax prior to filing any appeal. If the appeal is successful, the amount of the tax owed shall be recalculated and, if the amount paid by the person appealing the determination of fair market value is greater than the recalculated tax owed, the person shall be promptly given a refund of the difference.

(f) Beginning in 2014, on or before January 31 of each year, the department shall provide a report to the chairpersons of the House Committee on Ways and Means and the Senate Finance Committee showing the state and local title ad valorem tax fee revenues collected pursuant to this chapter and the motor vehicle ad valorem tax proceeds collected pursuant to Chapter 5 of this title during the preceding calendar year."

SECTION 3.

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

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

SECTION 4.

Said title is further amended by revising paragraph (95) of Code Section 48-8-3, relating to exemptions from state sales and use taxes, as follows:

"(95) The sale or purchase of any motor vehicle titled in this state on or after March 1, 2013, pursuant to Code Section 48-5C-1. ~~This~~ Except as otherwise provided in this paragraph, this exemption shall not apply to leases or rentals of motor vehicles for periods of 31 or fewer consecutive days or to those sales and use taxes collected pursuant to subsection (d) of Code Section 48-8-241. Lease payments for a motor vehicle that is leased for more than 31 consecutive days for which a state and local title ad valorem tax is paid shall be exempt from sales and use taxes as provided for in this paragraph. No sales and use taxes shall be imposed upon state and local title ad valorem tax fees imposed pursuant to Chapter 5C of this title as a part of the purchase

price of a motor vehicle or any portion of a lease or rental payment that is attributable to payment of state and local title ad valorem tax fees under Chapter 5C of this title."

SECTION 5.

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

"(4) 'Energy used in agriculture' means fuels used for agricultural ~~purposes, including, but~~ purposes, other than fuels subject to prepaid state tax as defined in Code Section 48-8-2. The term includes, but is not limited to, off-road diesel, propane, butane, electricity, natural gas, wood, wood products, or wood by-products; liquefied petroleum gas or other fuel used in structures in which broilers, pullets, or other poultry are raised, in which swine are raised, in which dairy animals are raised or milked or where dairy products are stored on a farm, in which agricultural products are stored, and in which plants, seedlings, nursery stock, or floral products are raised primarily for the purposes of making sales of such plants, seedlings, nursery stock, or floral products for resale; electricity or other fuel for the operation of an irrigation system which is used on a farm exclusively for the irrigation of agricultural products; and electricity or other fuel used in the drying, cooking, or further processing of raw agricultural products, including, but not limited to, food processing of raw agricultural products."

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

SECTION 6.

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

"48-8-38.

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

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

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

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

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

- (4) Claiming an exemption that could be applicable to the item being purchased; and
 (5) Claiming an exemption that is reasonable for the purchaser's type of business.
- (c) The certificate relieves the seller from the burden of proof on sales for resale as provided in subsection (a) of this Code section if the seller acquires from the purchaser a properly completed certificate, taken in good faith, from a purchaser who:
- (1) Is engaged in the business of selling tangible personal property;
 (2) Has a valid sales tax registration number at the time of purchase and has listed his or her sales tax number on the certificate; and
 (3) At the time of purchasing the tangible personal property, the seller has no reason to believe that the purchaser does not intend to resell it in his or her regular course of business.
- ~~(e)(d) The certificate shall include such information as is determined by the commissioner and is signed by the purchaser if it is a paper exemption certificate.~~
- ~~(d) A purchaser claiming an exemption electronically shall use the standard form as adopted by the Streamlined Sales Tax Governing Board.~~
- (e) A seller shall obtain the same information for proof of a claimed exemption regardless of the medium in which the transaction occurred.
- ~~(f) The department shall relieve a seller of the tax otherwise applicable if the seller obtains a fully completed exemption certificate approved by the Streamlined Sales Tax Governing Board, the department, or the Multistate Tax Commission or captures the relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale. If the seller has not obtained a fully completed exemption certificate or all relevant data elements required under the Streamlined Sales and Use Tax Agreement within 90 days subsequent to the date of sale, the department shall provide the seller with 120 days subsequent to a request for substantiation to either:~~
- ~~(1) Obtain a fully completed exemption certificate from the purchaser, taken in good faith which means that the seller obtain a certificate that claims an exemption that:~~
- ~~(A) Was statutorily available on the date of the transaction in the jurisdiction where the transaction is sourced;~~
~~(B) Could be applicable to the item being purchased; and~~
~~(C) Is reasonable for the purchaser's type of business; or~~
- ~~(2) Obtain other information establishing that the transaction was not subject to the tax.~~
- ~~(g) The department shall relieve a seller of the tax otherwise applicable if the seller obtains a blanket exemption certificate from a purchaser with which the seller has a recurring business relationship."~~

SECTION 7.

- (a) This section and Section 1 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and Section 1 shall be applicable to all taxable years beginning on or after January 1, 2012, except the

provisions in Section 1 relating to Section 1106 of federal Public Law 112-95 shall also apply to taxable years beginning before January 1, 2012.

(b) Section 3 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 2012.

(c) The remaining sections of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 8.

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

The following amendment was read and adopted:

Representatives O'Neal of the 146th and Peake of the 141st offer the following amendment:

Amend HB 266 (LC 28 6655S) by striking " to provide for alternative state and local title ad valorem tax fee payments for motor vehicles that are directly financed by dealers of used motor vehicles;" on lines 13 through 15; by striking lines 72 through 75; by striking "~~(1)~~(2)" on line 76 and inserting in lieu thereof "(1)"; by striking "~~(2)~~(3)" on line 104 and inserting in lieu thereof "(2)"; by striking "~~(3)~~(4)" on line 106 and inserting in lieu thereof "(3)"; by striking "~~(4)~~(5)" on line 110 and inserting in lieu thereof "(4)"; by striking "~~(5)~~(6)" on line 116 and inserting in lieu thereof "(5)"; by striking "~~(6)~~(7)" on line 119 and inserting in lieu thereof "(6)"; by striking "~~(7)~~(8)" on line 122 and inserting in lieu thereof "(7)"; and by striking lines 321 through 335.

Representative Peake of the 141st moved that the House agree to the Senate substitute, as amended by the House, to HB 266.

On the motion, 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	Meadows	Y Smith, E
Y Allison	E Dawkins-Haigler	Y Harden	Y Mitchell	Y Smith, L
Y Anderson	Y Deffenbaugh	Y Harrell	Y Morgan	Y Smith, M
Y Atwood	Y Dempsey	Y Hatchett	Y Morris	Y Smith, R
Y Ballinger	Y Dickerson	Y Hawkins	Y Mosby	Y Smyre
Y Barr	Y Dickey	Y Henson	Y Murphy	Y Spencer
Y Battles	Y Dickson	Y Hightower	Y Neal	Y Stephens, M
Y Beasley-Teague	Y Dollar	Y Hill	Y Nimmer	Y Stephens, R
Y Bell	Y Douglas	Y Hitchens	Y Nix	Y Stephenson
Y Bennett	Y Drenner	Y Holcomb	Y Oliver	Y Stovall
Y Bentley	Y Dudgeon	Holmes	Y O'Neal	Y Strickland
Y Benton	Y Dukes	Y Holt	Y Pak	Y Talton
Y Beverly	Y Dunahoo	Y Houston	Y Parrish	Y Tankersley
Y Black	Y Duncan	Y Howard	Y Parsons	Y Tanner
Y Braddock	Y Dutton	Y Hugley	Y Peake	Y Taylor, D

Y Broadrick	Y Ehrhart	Y Jackson	Y Pezold	Y Taylor, T
Y Brockway	E England	Y Jacobs	Y Powell, A	Y Teasley
Y Brooks	Y Epps, C	Jasperse	Y Powell, J	Y Thomas, A.M.
Y Bruce	Y Epps, J	Y Jones, J	Y Pruett	Y Thomas, B
Y Bryant	E 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
Chapman	Y Glanton	Y Lumsden	Y Scott	Y Williams, A
Y Cheokas	Y Glick	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	Y Sims, B	Ralston, Speaker

On the motion, the ayes were 170, nays 0.

The motion prevailed.

Representative Peake of the 141st asked unanimous consent that HB 266 be immediately transmitted to the Senate.

It was so ordered.

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

Mr. Speaker:

The Senate has disagreed to the House amendment to the Senate substitute to 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.

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

HR 549 Do Pass

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

Representative Benton of the 31st District, Chairman of the Committee on Human Relations and Aging, submitted the following report:

Mr. Speaker:

Your Committee on Human Relations and Aging 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 290 Do Pass, by Substitute
HB 398 Do Pass, by Substitute

Respectfully submitted,
/s/ Benton of the 31st
Chairman

Representative Battles of the 15th District, Chairman of the Committee on Retirement, submitted the following report:

Mr. Speaker:

Your Committee on Retirement 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 238 Do Pass, by Substitute

Respectfully submitted,
/s/ Battles of the 15th
Chairman

Representative O'Neal of the 146th moved that the House stand in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.

The Speaker announced the House in recess until 5:00 o'clock, P.M., at which time the House will stand adjourned until 10:00 o'clock, tomorrow morning.